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Oct 11 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Brooks P. Goldsmith, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF PERRY GUSTUS PHILLIPS,

APPELLANT

APPELLATE CASE NO. 2022-001804

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Perry Gustus Phillips respectfully requests a **fourth and final thirty (30) day extension from October 11, 2023, until November 13, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.
2. Counsel for Perry Gustus Phillips respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Rayshon Smith v. The State with the Supreme Court on October 5, 2023. Counsel filed the Brief of Appellant in the case of The State v. Delmar Racory Sanders with this Court on September 29, 2023. Counsel filed a Petition for Certiorari in the United States Supreme Court in the case of South Carolina v. Mary Ann German on September 25, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Henry Pinckney v. The State with the Supreme Court on September 20, 2023. On September 12, 2023, Counsel argued the death penalty case of Marion Lindsey v. The State in the Supreme Court.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

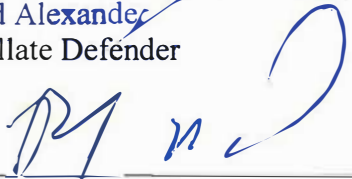
5. On October 3, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from October 11, 2023 until November 13, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

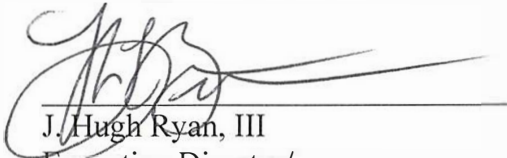
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 11th day of October, 2023.

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APPELLANT

APPELLATE CASE NO. 2022-001804

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Deborah R.J. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 11th day of October, 2023.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: dshupe@scag.gov; [Sally Ellison](#)
Cc: [Alexander, David](#)
Subject: 2022-001804 In The Matter of Perry Gustus Phillips - Fourth Motion for Extension
Date: Wednesday, October 11, 2023 9:06:00 AM
Attachments: [2022-001804 In The Matter of Perry Gustus Phillips - Fourth Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Fourth Moton for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, October 11, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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