

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Oct 19 2023

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2023-000384

Derrick Burnside #382831,

Petitioner,

v.

State of South Carolina,

Respondent.

MOTION FOR EXTENSION OF TIME

This matter is before the Court on the undersigned Counsel's Motion for Extension of Time to file the Petition for Writ of Certiorari and accompanying Appendix in the above-captioned case.

The Petition for Writ of Certiorari and Appendix is due on **October 25, 2023**.

I, Dayne C. Phillips, Esq., respectfully request a **five (5) day extension** of time to serve and file the Petition for Writ of Certiorari and Appendix. This is Counsel's **final** request for an extension of time and is not intended for purposes of delay as it is reasonable and necessary due to Counsel's work schedule and the existence of *extraordinary circumstances* due to a recent medical emergency with Counsel's infant son who had tested positive for RSV. Counsel's then ten-week-old son was in the children's hospital for 16 days (from September 17, 2023, to October

3, 2023). Specifically, Counsel's son was in the Pediatric Intensive Care Unit for ten (10) days and was intubated for six (6) days before being transferred to the standard pediatric care unit. Notably, Counsel and his wife stayed in the hospital with his son and has been diligently working to catch-up on his work and communications with his clients.

Furthermore, Counsel is representing two Applicant's in post-conviction relief hearings that are scheduled on October 23, 2023, and October 26, 2023, in Lexington County Court of Common Pleas. Counsel has a prison visit scheduled with an Applicant at the Allendale Correctional Institution on October 24. Counsel is also representing four defendants in Lexington County Magistrate Court and one defendant in Richland County Magistrate Court on October 25.

I notified Assistant Attorney General Suzanne Shaw of this request via email, and she consented to this request.

THEREFORE, Petitioner respectfully requests a **five (5) day** extension for the service and filing of the Petition for Writ of Certiorari and Appendix in this case.

Respectfully Submitted,



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October 19, 2023