

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County

Brian M. Gibbons, Circuit Court Judge

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**RECEIVED**

**Nov 22 2023**

S.C. SUPREME COURT

CALVIN L. PHILLIPS, III,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2023-000640

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for Petitioner respectfully requests an extension of thirty (30) days in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Petitioner 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 her caseload, counsel hopes that no further extension requests will be required.


3. Counsel filed the initial brief of appellant and record on appeal in the case of State v. Jarius Sanders with the Court of Appeals on November 13, 2023. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Joshua Wyte Kelley with the Court of Appeals on November 13, 2023. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Romane Clare with the Court of Appeals on November 6, 2023. Counsel filed the petition for rehearing in the case of State v. Ricky Manigo Dawson with the Court of Appeals on November 3, 2023. Counsel filed the petition for rehearing in the case of State v. Kristy O. Davis with the Court of Appeals on November 1, 2023. From October 9, 2023 through October 11, 2023, counsel attended the Annual Public Defender Conference in Myrtle Beach. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Erick Eton Hewins v. State with the Supreme Court on October 6, 2023. Counsel had an oral argument in the case of State v. Ricky Manigo Dawson in the Court of Appeals on September 12, 2023. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lance Miller v. State with the Supreme Court on August 30, 2023. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Jerel Marquis Heriot v. State with the Supreme Court on August 23, 2023.

4. Counsel makes this request in good faith and not for purpose of delay.

5. On October 31, 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 November 30, 2023.


WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Wanda H. Carter  
Deputy Chief Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 22nd day of November, 2023.