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Jun 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PHILLIP R. LAWSON,

APPELLANT

APPELLATE CASE NO. 2023-001190

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

Counsel for Phillip R. Lawson respectfully requests a **fifth and final fifteen (15) day extension from June 3, 2024, until June 18, 2024**, 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 fifth 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 Phillip R. Lawson respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel**

recently missed a week of work because he contracted Covid. Since returning to work from Covid, counsel argued a case of first impression in the Supreme Court and filed two briefs in this Court. Counsel also has an orthopedic condition for which he will undergo a medical procedure on June 4, 2024. On the same day the brief in this case is due, counsel is arguing the case of State v. Ricky Brown in this Court, which is a case counsel did not brief and inherited from a prior appellate defender, which greatly increases the time needed to prepare for argument. 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 is filing the Brief of Appellant in the case of The State v. Tommy Long in this Court today, June 3, 2024. Counsel filed the Brief of Appellant in the case of The State v. Carlos A. Cesmas-Gomez with this Court on May 29, 2024. Counsel argued in the case of In the Matter of the Care and Treatment of Ronald Gregg at the South Carolina Supreme Court on May 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Adam D. Lawless in this Court on April 26, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Tyreek Hayes v. The State with the Supreme Court on April 17, 2024. Counsel filed the Brief of Appellant in the case of In the Matter of Christopher T. Wilder with this Court on April 3, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Daryl L. Sutton v. The State with the Supreme Court on April 1, 2024. Counsel filed the Brief of Appellant in the case of The State v. Thomas S. McFadden with this Court on March 14, 2024. Counsel filed the Brief of Petitioner in the case of The State v. Rashawn Vertez Carter with the Supreme Court on February 20, 2024. Along with Chief Appellate Defender Robert M. Dudek and co-counsel Lara M. Caudy, Counsel filed

the Reply in Support of Petition for a Writ of Certiorari in the case of The State of South Carolina v. Timothy Ray Jones, Jr. with the United States Supreme Court on February 2, 2024. Counsel filed the Brief of Appellant in the case of In the Matter of the Care and Treatment of Merrilld Stewart with this Court on February 1, 2024.

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 May 30, 2024, 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 June 30, 2024.

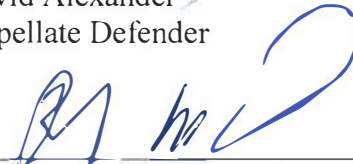
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WHEREFORE, the undersigned counsel would respectfully request a **fifth and final fifteen (15) day extension from June 3, 2024, until June 18, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case 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 3rd day of June, 2024.

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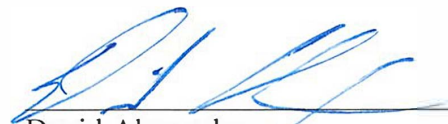
PHILLIP R. LAWSON,

APPELLANT

APPELLATE CASE NO. 2023-001190

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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 3rd day of June, 2024.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [Mark Farthing](#); [Caroline Collins](#)
Cc: [Alexander, David](#)
Subject: 2023-001190 The State v. Phillip R. Lawson - Fifth Motion for Extension
Date: Monday, June 3, 2024 10:24:00 AM
Attachments: [2023-001190 The State v. Phillip R. Lawson - Fifth Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Fifth Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, June 3, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
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Appellate Division
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