

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County

C. Victor Pyle, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM JOSEPH PHILLIPS,

APPELLANT

Appellate Case No. 2013-001339

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

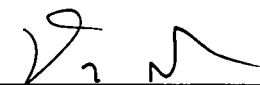
The undersigned counsel respectfully requests a sixty (60) day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed on December 2, 2013.
2. The undersigned counsel was appointed to this matter on October 23, 2013. The undersigned counsel is involved in a civil trial that began on October 21, 2013, and is ongoing. The current status of this trial reflects that the plaintiff is still presenting its case and will likely close after Thanksgiving. The defense is not expected to rest until early January 2014.
3. This request is made in good faith, and not for purposes of delay.

4. I have spoken with Don Zelenka, counsel for the state, and he has no objections to this extension request or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a sixty (60) day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Attorneys for Appellant William Joseph Phillips

November 20, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

C. Victor Pyle, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

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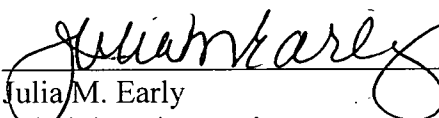
Appellate Case No. 2013-001339

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **PETITION FOR EXTENSION TO FILE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

Counsel Served: Donald J. Zelenka, Esquire
State of South Carolina, Office of the Attorney General
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1000 Assembly Street, Room 519
Columbia, SC 29201



Julia M. Early
Administrative Assistant

November 20, 2013

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November 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: The State v. William Joseph Phillips
Appellate Case No. 2013-001339
Our File No.: 38769.01521

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Petition for Extension to File Initial Brief of Appellant and Designation of Matter, together with Proof of Service in the above-referenced action. We would appreciate your filing the original and returning a filed copy to us in the envelope provided.

By copy of this letter to counsel of record, we are serving them with copies of the same.

Very truly yours,



David L. Paavola

DLP:jme

Enclosures

cc: Donald J. Zelenka, Esquire
Robert Dudek, Esquire
William Joseph Phillips

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