

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Chesterfield County

J. Michael Baxley, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

THOMAS STEWART,

APPELLANT

Appellate Case No. 2012-213655  
\_\_\_\_\_

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 represents the defendant in a civil trial that began on October 21, 2013, and is ongoing. The plaintiff in this trial is still presenting its case and the defendant is not expected to begin its case until the week of December 2, 2013. Currently, the case is expected to conclude the first week of January, 2014.
3. This request is made in good faith, and not for purposes of delay.

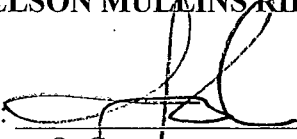
RECEIVED  
NOV 21 2013  
SC Court of Appeals

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.

Respectfully submitted,

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

By:   
Jarrett O. Coco  
SC Bar No. 100577  
E-Mail: jarrett.coco@nelsonmullins.com  
1320 Main Street / 17<sup>th</sup> Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

**SOUTH CAROLINA COMMISSION ON INDIGENT  
DEFENSE**

Robert M. Dudek  
E-Mail: RDudek@sccid.sc.gov  
1330 Lady Street, Suite 401  
PO Box 11589  
(803) 734-1330

**Attorneys for Appellant William Joseph Phillips**

November 21, 2013

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chesterfield County

J. Michael Baxley, Circuit Court Judge

RECEIVED

NOV 21 2013

THE STATE,

RESPONDENT, **COURT OF Appeals**

V.

THOMAS STEWART,

APPELLANT

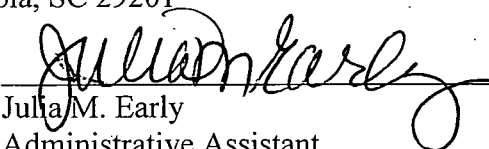
Appellate Case No. 2012-213655

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  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

  
\_\_\_\_\_  
Julia M. Early  
Administrative Assistant

November 21, 2013

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.256.7500  
www.nelsonmullins.com

Jarrett O. Coco  
Tel: 803.255.5536  
jarrett.coco@nelsonmullins.com

November 21, 2013

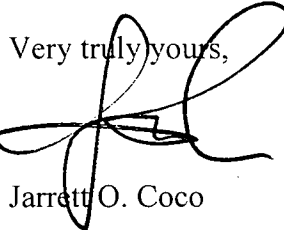
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: The State v. Thomas Stewart  
Appellate Case No. 2012-213655  
Our File No.: 38769.01518

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,  
  
Jarrett O. Coco

JOC:jme  
Enclosures  
cc: Donald J. Zelenka, Esquire  
Robert Dudek, Esquire  
Thomas Stewart

**RECEIVED**

NOV 21 2013

**SC Court of Appeals**