

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APR 14 2014

Appeal from Greenville County

SC Court of Appeals

The Honorable C. Victor Pyle, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

WILLIAM JOSEPH PHILLIPS,

APPELLANT,

Appellate Case No.: 2012-001339.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter due to be filed on April 16, 2014. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a return and memorandum of law in support of motion for summary judgment in a federal habeas matter (*Claude V. Jones*); reviewed and filed a final brief of respondent in this Court in a non-capital murder direct appeal matter (*Lauri D. Hollis*); prepared and filed a reply to a

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response to motion for summary judgment in another federal habeas matter (*Brandon Pinkard*); prepared and filed a response in opposition to motion for summary judgment in another federal habeas matter (*James Madison Compton*); prepared and filed another return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Shante Daniels*); prepared and filed a motion to supplement the return in another federal habeas action (*Ricky Brannon*); and, prepared and filed with this Court an Initial Brief of Respondent in another non-capital murder direct appeal (*Ron Santa McCray*). Counsel has also recently been appointed co-counsel in the capital death penalty post-conviction relief action of *Andres Antonio Torres* and has been preparing for a merits hearing to begin in Spartanburg, SC on April 14, 2014. Preparation for this matter has included numerous meetings with co-counsel, depositions and interviews, and travel to Spartanburg, SC on April 9, 2014 and April 11, 2014.

2. Due to these circumstances, particularly the above listed capital case, which has required substantial time in preparation, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal. However, counsel has reviewed the transcript and prepared an initial draft.

3. This is the second request for an extension of time in which to file a response. Opposing counsel, Mr. David L. Paavola, consents to this request.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

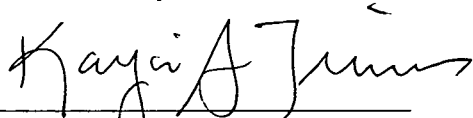
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General

BY: 

KAYCIE S. TIMMONS
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(803) 734-0265

April 14, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

The Honorable Victor C. Pyle, Jr., Circuit Court Judge

THE STATE,

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V.

WILLIAM JOSEPH PHILLIPS,

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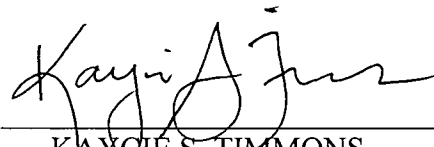
PROOF OF SERVICE

I, Kaycie S. Timmons, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

David Lee Paavola, Esq.
Nelson Mullins Riley & Scarborough LLP
Meridian, 17th Floor
1320 Main Street
Columbia, S.C.

Robert M. Dudek, Chief Appellate Defender
Lara M. Caudy, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 14th day of April, 2014.



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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

April 14, 2014

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. William Joseph Phillips
Appeal from Greenville County
Appellate Case No. 2013-001339

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Second Extension of Time to file the Initial Brief of Respondent and Designation of Matter, dated today, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Kaycie S. Timmons
Assistant Attorney General

KST/mv

cc: Robert M. Dudek, Chief Appellate Defender
Lara M. Caudy, Appellate Defender
David L. Paavola, Esq.