

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

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

THE STATE,

RESPONDENT,

v.

WILLIAM JOSEPH PHILLIPS,

APPELLANT,

Appellate Case No.: 2012-001339.

RECEIVED

MAY 16 2014

SC Court of Appeals

**MOTION FOR THIRD 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 today, May 16, 2014. This is Respondent's third 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 response to petitioner's motions for discovery, expansion of the record, and for an evidentiary hearing in the previously mentioned federal habeas matter (*Ricky Brannon*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal

habeas matter (*Heather Kamp*); prepared and filed a response to a motion to amend a petition for writ of habeas corpus in another federal habeas action (*Claude Jones, Jr*); and, reviewed and filed the Final Brief of Respondent in another non-capital murder direct appeal matter (*Brenda Bratschi*). Counsel has also recently been appointed co-counsel in the capital death penalty post-conviction relief action of *Andres Antonio Torres*. Preparation for this included numerous meetings with co-counsel, depositions and interviews. Counsel also participated in a hearing on this matter, which began on April 14, 2014 and lasted three days, continued into the full week of April 21, 2014, and resumed for additional testimony on April 30, 2014. The State was granted a thirty day (30) extension in order to locate an expert in genetic issues as the applicant had offered an amendment on April 7, 2014, claiming several genetic conditions. Undersigned counsel, with lead counsel, has been attempting to secure an expert. Counsel has also been preparing an initial brief of respondent in another non-capital murder direct appeal matter currently on a second extension (*Rajerick Knight*) and a return and memorandum of law in support of summary judgment in another federal habeas action due (*Brenda Nesbitt*) due for filing on May 19, 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. Though counsel has reviewed the transcript and prepared an initial draft, counsel would request additional time to finalize her arguments.

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

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.

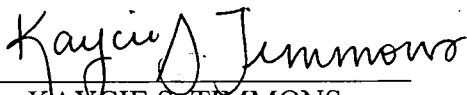
Respectfully submitted,

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

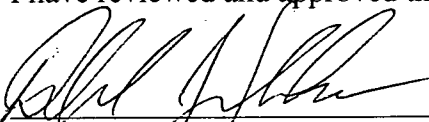
BY: 
KAYCIE S. TIMMONS
S.C. Bar No. 100237

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-0265

May 16, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
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THE STATE,

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PROOF OF SERVICE

I, Kaycie S. Timmons, certify that I have served Respondent's Motion for a Third 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
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

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This 16th day of May, 2014.

Kaycie S. Timmons

KAYCIE S. TIMMONS
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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 16, 2014

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 Third 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
David L. Paavola, Esq.

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