

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from York County  
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2013-001953

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RECEIVED

JUL 27 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

JULIA B. PHILLIPS,

Appellant.

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

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Respondent's Initial Brief is due today, July 27, 2015. The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case until August 26, 2015. In support of this motion, counsel would respectfully show the Court that Respondent has not been able to complete the Initial Brief of Respondent due to the following:

1. The attorney for the Respondent has had a number of State and Federal matters to attend to;
  - (A) Kiev Malik Smith v. Warden (Murder, ABWIK, Burglary 1<sup>st</sup>, Kidnapping (2 Counts) [Federal Habeas Return] **filed Friday, July 24, 2014 in U.S. District Court** (53 pages)[no further extensions allowed];
  - (B) Adam Bickham v. Warden (CSC 2<sup>nd</sup> w/minor 2 counts & CSC 1<sup>st</sup> w/minor 1 count)[Federal Habeas Return] **filed today, July 27, 2015 in United States District Court** [no further extensions allowed];

- (C) Jose Herrera v. McFadden (Murder)[Federal Habeas Return] **filed July 20, 2015 in the U.S. District Court.** (51 pages).[no further extensions allowed];
- (D) State v. Antonio Miller (Murder) Brief of Respondent **filed in the S.C. Supreme Court on July 20, 2015;**
- (E) Mahdi v. State (Capital PCR Appeal) Return to Petition for Certiorari **filed in the S.C. Supreme Court on July 8, 2015** (approximately 65 pages);
- (F) State v. Kenneth Lynch (Murder 2 counts & Grand Larceny) Return to Petition for Certiorari to this Court **filed July 6, 2015 in the S.C. Supreme Court.** (Approximately 38 pages). [This was a capital case in which the defendant received life without parole and is raising a directed verdict issue among others];
- (G) Stanko v. State (Stanko I.)(**Capital PCR**)(Judge Jeffrey Young) **preparation of Proposed Order of Dismissal** for Judge Young which was completed on schedule but Judge Young granted opposing counsel's request for an extension to prepare its Proposed Order of Dismissal;
- (E) State v. Antonio Collins (Murder)(Initial Brief of Respondent) **filed in the S.C. Court of Appeals on June 23, 2015;**
- (F) Frederick F. Jeter v. Cartledge (Federal Habeas Return) **filed June 22, 2015 in the U.S. District Court;**
- (H) Duval Cooper v. Stevenson (Federal Habeas Return) **filed June 24, 2015 in the U.S. District Court;**
- (I) Favian Hayes v. Warden (Federal Habeas Case) Objection to Report and Recommendation of the Federal Magistrate granting conditional federal habeas corpus relief, filed **June 15, 2015;**
- (J) Favian Hayes v. Warden (Federal Habeas Case) Status Report to Judge Gergel **filed on June 19, 2015.**
- (K) State v. Joshua Porch (Murder) Preparation of Initial Brief of Respondent (*in process*);
- (L) Review of *numerous* Orders, Reports and Recommendations, Pleadings, and Filings in numerous federal habeas corpus matters;

**and other matters;**

2. This present case was a lengthy criminal trial involving two volumes of trial transcript containing 1192 pages collectively [the trial took place from August 26, 2013 through September 5, 2013 (eight days)];
3. Appellant is raising a directed verdict issue;
4. A paralegal is now assisting Respondent with transcript review / brief preparation to speed completion of the Initial Brief of Respondent;
5. This is a fourth extension request. Respondent has consulted with opposing counsel, Michael P. Scott, Esquire, and he has no objection to this extension request.

WHEREFORE, premises considered, for extraordinary circumstances shown, counsel hereby respectfully requests a thirty (30) day extension of time until August 26, 2015 to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

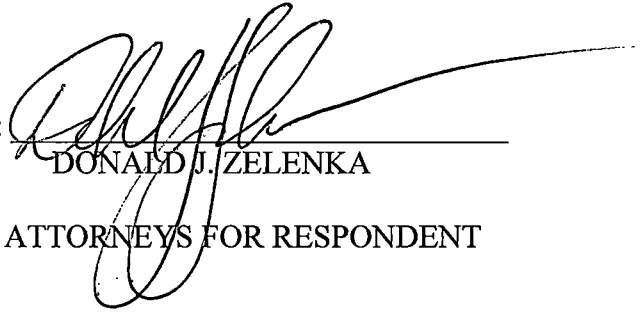
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

ANTHONY MABRY  
Assistant Attorney General  
No. 11973  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: \_\_\_\_\_

ANTHONY MABRY

By:



DONALD J. ZELENKA

ATTORNEYS FOR RESPONDENT

I agree that extraordinary circumstances have been shown.



ALAN WILSON  
Attorney General

July 27, 2015

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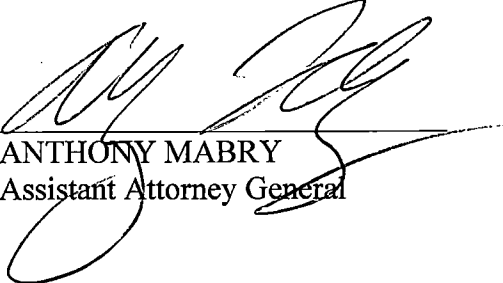
Appellant.

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**CERTIFICATE OF SERVICE**

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I, Anthony Mabry, hereby certify that I have served the Motion for an Extension to File Initial Brief of Respondent and Designation of Matter by depositing copy in the United States Mail to Michael P. Scott, Esquire, Nexsen Pruet, LLC, P. O. Box 486, Charleston, SC 29402 and by InterAgency mail to Robert M. Dudek, Chief Appellate Defender, Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201 this 27<sup>th</sup> day of July, 2015.

  
ANTHONY MABRY  
Assistant Attorney General



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JUL 27 2015

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

July 27, 2015

Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: The State v. Julia B. Phillips  
Appellate Case No. 2013-001953

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for filing Initial Brief of Respondent and Designation of Matter in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley  
Legal Assistant to Anthony Mabry  
Assistant Attorney General

/lbb  
Enclosure

cc: Michael P. Scott, Esquire  
Robert M. Dudek, Esquire