

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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ORIGINAL

Appeal from Lexington County  
Brooks P. Goldsmith, Circuit Court Judge

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JOSHUA B. PHILLIPS,

RECEIVED

PETITIONER DEC -7 2016

S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001288

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE PETITION FOR WRIT OF  
CERTIORARI AND APPENDIX

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Counsel for appellant respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

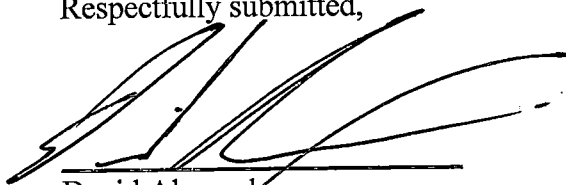
3. Counsel filed initial brief of appellant and designation of matter in the case of State v. Matthew Dwyer with the Court of Appeals on December 2, 2016. Counsel filed Anders brief of appellant and designation of matter in the case of State v. Billy Ray Smith with the Court of Appeals on November 28, 2016. Counsel filed a petition for rehearing in the case of State v. James Kevin Bethal with the Court of Appeals on November 23, 2016. Counsel filed an Anders brief of appellant and designation of matter in the case of State v. Terry Catoe with the Court of Appeals on November 16, 2016. Counsel filed initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Leonard Jenkins with the Court of Appeals on November 16, 2016. Counsel filed Johnson petition for writ of certiorari in the case of Vashawn Ravenel v. State with the Supreme Court on November 14, 2016. Counsel filed petition for writ of certiorari to the Court of Appeals and accompanying appendix from the Court of Appeals in the case of Darrell L. Goss v. State with the Supreme Court on November 14, 2016. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. King Chevais Conyers with the Court of Appeals on November 9, 2016. Counsel filed a petition for rehearing in the case of Corey Jamal Williams v. State with the Court of Appeals on November 2, 2016. Counsel filed the reply brief of appellant in the case of State v. Vincent Missouri with the Court of Appeals on October 28, 2016. Along with co-counsel Chief Appellate Defender Robert M. Dudek and Appellate Defender Lara M. Caudy, counsel filed the Post – Hearing Supplemental Memorandum in the case of Marion Alexander Lindsey v. State with the Court of Common Pleas Seventh Judicial Circuit on October 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix as well as the Johnson petition for writ of certiorari pursuant to Austin v. State in the case of Alexander Lynch v. State in the Supreme Court on October 19, 2016. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Jason Morton with the

Court of Appeals on October 17, 2016. Counsel had an oral argument in the case of State v. Dominique Lavar Williams before the Court of Appeals on October 12, 2016.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

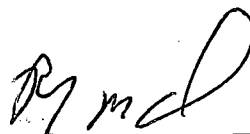
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander  
Appellate Defender

Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

December 7, 2016

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Lexington County  
Brooks P. Goldsmith, Circuit Court Judge

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JOSHUA B. PHILLIPS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

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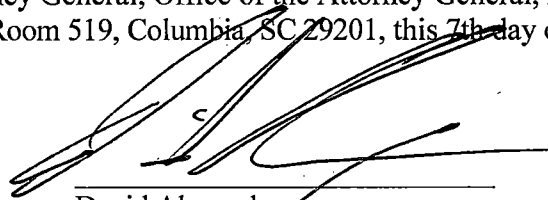
APPELLATE CASE NO. 2016-001288

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CERTIFICATE OF SERVICE

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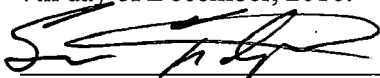
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Patrick Schmeckpeper, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of December, 2016.



David Alexander  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this  
7th day of December, 2016.



(L.S.)

Notary Public for South Carolina  
My Commission Expires: October 30, 2022.