

3rd REB due 2/2/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 02 2017
SC Court of Appeals

Appeal from Jasper County
The Honorable Michael G. Nettles, Circuit Court Judge
Appeal Case No. 2016-000108

THE STATE,

Respondent,

V.

BILLY PHILLIPS,

Appellant.

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due today, February 2, 2017, upon this Court's grant of Respondent's second request for an extension filed on January 3, 2016.

Counsel makes this second request due to her involvement in other matters within the past thirty days. Counsel has filed a Status Report and a Reply to Petitioner's Response in Opposition to Motion for Summary Judgment in David Sheriff v. Scott Lewis, Warden, C/A No. 9:16-2921-TMC-BM, a federal habeas action pending before the United States District Court for the District of South Carolina. Counsel has filed a Motion for Summary Judgment and a Return and Memoranda of Law in Support of Motion for Summary Judgment in Nathaniel Teamer vs.

Scott Lewis, Perry Correctional Institution, C/A No. 6:16-3340-PMD-KFM, a federal habeas action pending before the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time drafting the Return and Memoranda of Law in Support of Motion for Summary Judgment in Nathaniel Teamer vs. Scott Lewis, Perry Correctional Institution, C/A No. 6:16-3339-PMD-KFM, a federal habeas action pending before the United States District Court for the District of South Carolina. Counsel has also spent a considerable amount of time drafting the Return and Memoranda of Law in Support of Motion for Summary Judgment in Terrance Griffin vs. Warden, Perry Correctional Institution, C/A No. 0:16-3691-MGL-PJG, a federal habeas action pending before the United States District Court for the District of South Carolina. Counsel has also spent time researching and reviewing the transcript for the Initial Brief of Respondent in the matter of State vs. Darrell Ervin Raines, a direct appeal in a Laurens County murder case pending before the South Carolina Court of Appeals.

Counsel has also spent a significant amount of time reviewing the transcript and researching the issue in preparation for drafting the Initial Brief of Respondent in this matter. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief of Respondent in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON
Attorney General

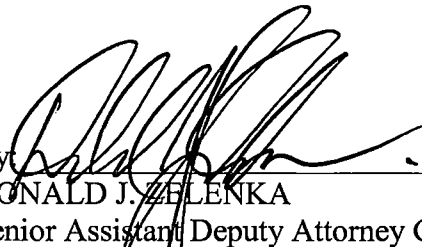
J. ROBERT BOLCHOZ
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Bar No. 101017

Post Office Box 11549
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By: 
MARGARET G. BOYKIN


By: _____
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

February 2, 2017

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IN THE COURT OF APPEALS

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CERTIFICATE OF SERVICE

I, Margaret G. Boykin, of counsel for the Respondent, certify that I have served a copy of the within motion for a third extension to file Initial Brief of Respondent and Designation of Matter by depositing copy in the Interagency Mail to his attorney of record, Laura R. Baer, Appellate Defender, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201.

I further certify that all parties required by Rule to be served have been served.

This 2nd day of February, 2017.


MARGARET G. BOYKIN
Assistant Attorney General

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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

February 2, 2017

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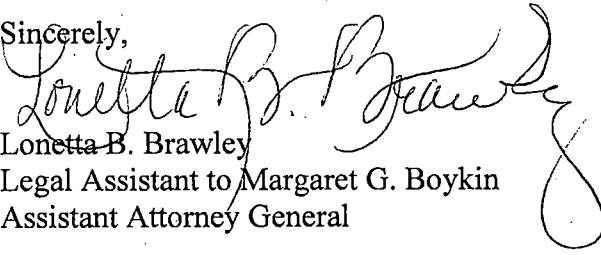
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Billy Phillips
Appellate Case No. 2016-000108

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 Margaret G. Boykin
Assistant Attorney General

/lbb
Enclosure

cc: Laura R. Baer, Esquire