

3rd REB due 10/20/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Thomas A. Russo, Circuit Court Judge
Appellate Case No. 2016-001875

RECEIVED
OCT 20 2017
SC Court of Appeals

THE STATE,

Respondent,

vs.

DOUGLAS KELLY PHILLIPS,

Appellant.

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

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on October 20, 2017.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In just the last week, counsel submitted both a brief State v. Rampey, Appellate Case. No. 2016-001905, as well as a motion in

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that case. Further, counsel is preparing a return to a petition for writ of certiorari in State v. Thompson, Appellate Case No. 2017-001958, due three days from the date of this motion. Finally, counsel is working on briefs in several other cases due in this Court within the next several weeks.

III.


This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves an important evidentiary issue regarding redaction on appeal. The undersigned is currently working on the Brief in this case, believes it to be nearly completed, and intends to have it finished in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

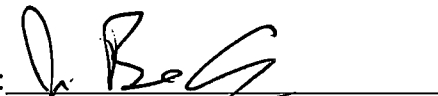
WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By: 
William F. Schumacher, IV

By: 
J. Benjamin Aplin

Office of the Attorney General
Post Office Box 11549
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(803) 734-3727

October 20, 2017

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PROOF OF SERVICE

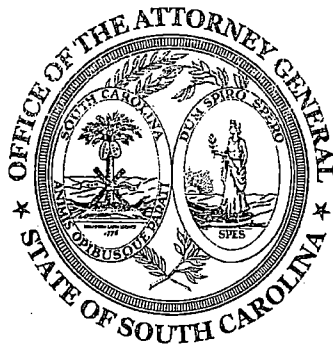
I, Angela Bennett, certify that I have served the Motion for Third Extension of Time on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to: Robert M. Dudek, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211

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

This 20th day of October, 2017.


ANGELA BENNETT
Administrative Coordinator

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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OCT 20 2017
SC Court of Appeals

October 20, 2017

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

Re: The State v. Douglas Kelly Phillips
Appellate Case No: 2016-001875

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time along with proof of service in the above-referenced case.

Sincerely,

William F. Schumacher, IV
Assistant Attorney General
S.C. Bar No: 100231

WFS/ab
Enclosures

cc: Robert M. Dudek, Esquire
Victim Advocacy Division