

2nd AFB due 9/12,

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY **RECEIVED**
Court of General Sessions
R. Lawton McIntosh, Circuit Court Judge SEP 17 2018

SC Court of Appeals
Appellate Case No. 2017-002204

The State,..... Respondent

v.

Phillip Wesley Walker, Appellant.

**Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter
to be Included in the Record on Appeal**

Phillip Wesley Walker petitions this Court for an order extending the time to file his Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. Under ordinary circumstances these pleadings were due on September 12, 2018. See Order of the Honorable Donald W. Beatty, dated September 11, 2018.¹

This request is not intended for delay but rather is needed because of counsel's other professional obligations, which include but are not limit to the evidentiary hearing in *Jerry Inmon v. State*, Pickens County Case No. 2012-CP-39-00918, a capital PCR case, from August 20-23, 2018; the Petition for Writ of *Certiorari* in *Joseph R. Graddick v. State*, Appellate Case No. 2018-000193, on June 11, 2018; the Petition for Writ of *Certiorari* in *Jerome J. Noone, Jr. v. State*, Appellate Case No. 2018-000095, on July 17,

¹ <https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2321> (last viewed September 13, 2018).

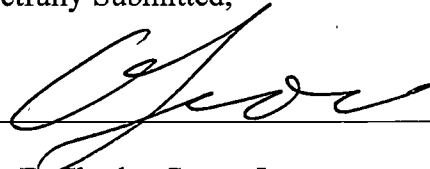
2018; and the Petition for Writ of *Certiorari* in *Jennifer McSharry v. State*, Appellate Case No. 2018-000096, on August 24, 2018. In *State v. Nakia Johnson*, Appellate Case No. 2018-001355, pursuant to the expedited procedure set forth in S.C. Supreme Court Order No. 2014-07-16-01, he filed the Petition for Writ of *Certiorari* to review the Court of Appeals opinion on July 23, 2018, the Return to the State's cross-Petition for Writ of *Certiorari* on August 27, 2018, and the Reply to the State's Return to Mr. Johnson's Petition for Writ of *Certiorari* on August 28, 2018. In *State v. Preston Shands, Jr.*, Appellate Case No. 2015-001199, he filed the Petition for Rehearing on June 29, 2018 (denied on August 16, 2018) and is preparing the Petition for Writ of *Certiorari* to review the Court of Appeals opinion, pursuant to the expedited procedure set forth in S.C. Supreme Court Order No. 2014-07-16-01. On August 29, 2018, along with co-counsel, he filed the Petition for Writ of *Certiorari* to review the opinion of the South Carolina Supreme Court in *Michael Vernon Beaty, Jr. v. South Carolina*, Supreme Court of the United States Case No. 18-298. He also prepared for oral arguments in *State v. Trey C. Brown*, Appellate Case No. 2016-000526, scheduled for September 11, 2018 in the Court of Appeals but cancelled because of Hurricane Florence, and *Tommy S. Adams v. State*, Appellate Case No. 2017-000739, scheduled for September 19, 2018 in the Supreme Court. Finally, he is preparing the Brief of Petitioner in *Kory Lamar Love v. State*, Appellate Case No. 2016-00223, and for the evidentiary hearing in *Stephen Cory Bryant v. State*, Sumter County Case No. 2016-CP-43-00828, a capital PCR case, scheduled for October 1, 2018.

Therefore, counsel respectfully requests a thirty-day extension of time to file Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal.

IT IS SO MOVED.

Respectfully Submitted,

By



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Attorney for the Appellant

September 13, 2018

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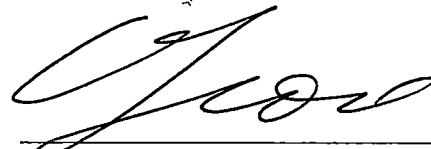
v.

Phillip Wesley Walker, Appellant.

Certificate of Service

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

J. Benjamin Aplin, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211



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September 13, 2018

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September 13, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *State of South Carolina v. Phillip Wesley Walker*
Appellate Case Number 2017-002204

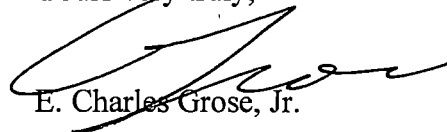
Dear Ms. Kitchings:

Enclosed please find the original and six copies of Mr. Walker's Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: J. Benjamin Aplin, Esquire

✓

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