

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO MARION COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2018-000476

RECEIVED
JUL 29 2019
S.C. SUPREME COURT

Joshua Lee Phillips,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court for an additional thirty-day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including **Wednesday, August 28, 2019**. This is Respondent's fourth request for an extension of time in which to file the return. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Counsel is representing Respondent in post-conviction relief hearings in Lancaster County on July 29-30, 2019.
4. Counsel was unexpectedly out of the office July 15-17, 2019, and July 24, 2019,

because of a family emergency.

5. Over the past month, Counsel has drafted and submitted substantive proposed orders in the following cases: Michael Orlando Brown v. State (2016-CP-40-4677), Tirrell Boyd v. State (2016-CP-40-4421), Gregory Bernard Roberts v. State (2017-CP-40-7001), Faasiu Toese v. State (2015-CP-40-7115), and Orlando Paul v. State (2017-CP-21-00112).

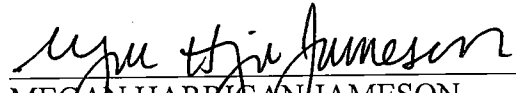
This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension** until **Wednesday, August 28, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel for Petitioner has consented to the extension request.


Respectfully submitted,

for: Lindsey A. McCallister #101260

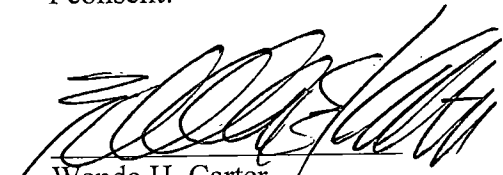
Lindsey A. McCallister
Assistant Attorney General
S.C. Bar #79054
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

**We concur that extraordinary circumstances
have been shown:**


MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General


DONALD J. ZELENIKA
Deputy Attorney General

I consent:


Wanda H. Carter
Attorney for Petitioner

This 29th day of July, 2019.

STATE OF SOUTH CAROLINA

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JOSHUA LEE PHILLIPS,

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STATE OF SOUTH CAROLINA,

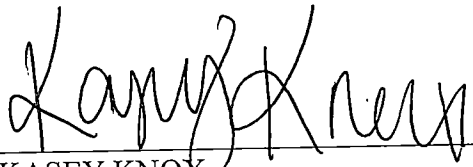
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion for Fourth Extension to File Return to Petition for Writ Of Certiorari**, has been served upon opposing counsel by delivering two (2) copies addressed to:

Wanda H. Carter
S.C. Commission on Indigent Defense
Appellate Defense
PO Box 11589
Columbia, SC 29211

This 29th day of July, 2019


KASEY KNOX
Legal Assistant



ALAN WILSON
ATTORNEY GENERAL

July 29, 2018

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

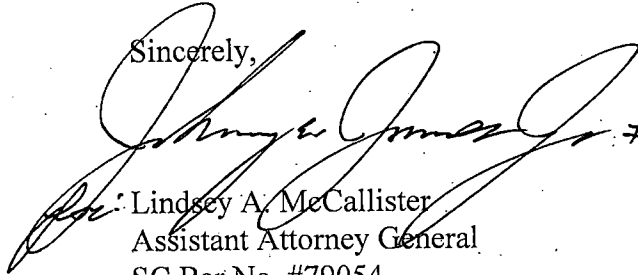
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JUL 29 2018
S.C. SUPREME COURT

Re: Joshua Lee Phillips v. State of South Carolina
Appellate Case No. 2018-000476
Lower Court Case No. 2012-CP-33-356

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Fourth Extension to File Return to Petition For Writ Of Certiorari. By copy of this letter we are serving opposing counsel today.

Sincerely,

 #101260
Lindsey A. McCallister
Assistant Attorney General
SC Bar No. #79054

LAM/kk
Enclosures

cc: Wanda H. Carter, Esquire (2 copies)