

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Robin B. Stilwell, Circuit Court Judge

ORIGINAL

THE STATE,

RECEIVED

RESPONDENT OCT 16 2019

v.

SC Court of Appeals

PHILLIP WAYNE LOWERY,

APPELLANT

APPELLATE CASE NO. 2018-002242

MOTION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

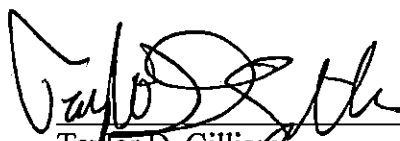
1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jarret Graddick v. The State with the Supreme Court on October 14, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Derrell Green v. The State with the Supreme Court on October 7, 2019. Counsel filed the return to petition for rehearing in the case of The State v. Ontario Makins with the Court of Appeals on September 30, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The

State v. Lawrence Postell with the Court of Appeals on September 18, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio Fairey v. The State with the Supreme Court on September 16, 2019. Counsel had an oral argument before the Court of Appeals in the case of The State v. William Caughman on September 12, 2019. Counsel had an oral argument before the Court of Appeals in the case of Michael Elders v. The State on September 11, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Chad Stalnaker v. The State with the Supreme Court on September 5, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Susan Hendricks v. The State with the Supreme Court on August 30, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mark Day with the Court of Appeals on August 27, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Charles Davis v. The State with the Supreme Court on August 23, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clifton Cooke v. The State with the Supreme Court on August 16, 2019.

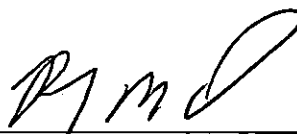
3. This request is made in good faith, and not for purposes of delay.
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Taylor D. Gilliam
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

October 16, 2019

I DO NOT OPPOSE:



William M. Blich, Esquire