

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable Robin B. Stilwell, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

v.

PHILLIP WAYNE LOWERY,

RESPONDENT

APPELLANT

APPELLATE CASE NO. 2018-002242  
\_\_\_\_\_

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Phillip Wayne Lowery respectfully requests an extension of a **final thirty (30) days, until December 16, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Phillip Wayne Lowery respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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SC Court of Appeals

number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

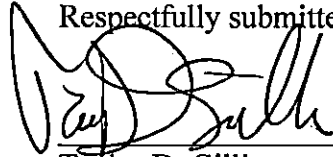
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jeff Chestnut v. The State with the Supreme Court on November 12, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Joseph Brown with the Court of Appeals on November 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Hicks v. The State with the Supreme Court on October 28, 2019. 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. On September 23 – 25, 2019, counsel attended the annual Public Defender Convention in Myrtle Beach, South Carolina. 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.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request shown by signature below.

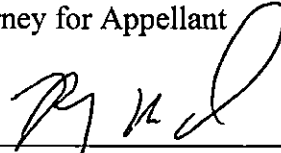
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until December 16, 2019** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

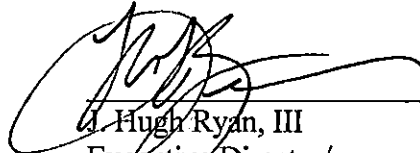


Taylor D. Gilliam  
Appellate Defender

Attorney for Appellant



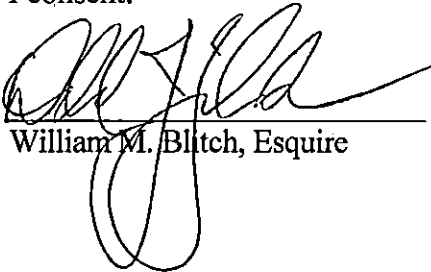
Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 15th day of November, 2019.

I consent:



William M. Blitch, Esquire