

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Apr 24 2020

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
The Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2018-002242

THE STATE,RESPONDENT,

v.

PHILLIP WAYNE LOWERY,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 this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on April 24, 2020, pursuant to a previous extension granted by the Court.

II.

Due to work required in other cases pending before this Court, I am unable to complete this Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

Notably, the State has almost completed the Brief, but is unable to until it has reviewed the various versions of State's Exhibit 2, which is the basis of Appellant's second issue in the case. Due to the various traveling restrictions, the State has encountered delays in obstacles in reviewing all known versions of State's Exhibit 2.

IV.

Through a general agreement between the State and the South Carolina Commission on Indigent Defense, Division of Appellant Defense, opposing counsel does not object to granting an extension in this case.

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 (30) days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

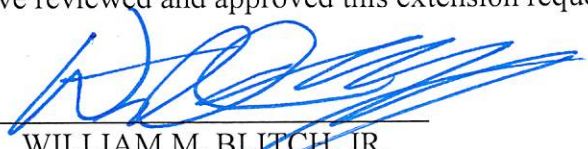
ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By: 

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

I have reviewed and approved this extension request.

By: 
WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

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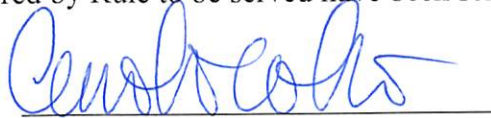
PHILLIP WAYNE LOWERY,APPELLANT.

PROOF OF SERVICE

I, Carolina Collins, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant a copy, via email listed with AIS and the South Carolina Bar. Additionally, a physical copy of the same was mailed to:

Taylor D. Gilliam, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served this 24th day of April, 2020.



Carolina Collins
Administrative Coordinator
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(803) 734-3723