

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Edgefield County

William P. Keesley, Circuit Court Judge

RECEIVED

Feb 03 2021

S.C. SUPREME COURT

BRYAN J. PHILLIPS,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER.

APPELLATE CASE NO. 2020-000568

MOTION FOR AN EXTENSION TO FILE
THE RETURN TO PETITION FOR WRIT OF CERTIORARI

Counsel for Bryan J. Phillips respectfully requests a **final thirty (30) day extension, until March 5, 2021**, in which to file the Return to Petition for Writ of Certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Return to Petition for Writ of Certiorari is due to be served and filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Bryan J. Phillips respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On January 28, 2021, counsel filed the petition for writ of certiorari and accompany appendix in Manuel S. Hernandez v. The State with the Supreme Court. Counsel

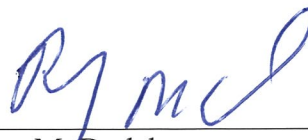
filed the initial brief of appellant and designation of matter in the case of The State v. Diante J. Rogers and with the Court of Appeals on January 4, 2021. Counsel filed the return to petition for writ of certiorari in the case of The State v. Antwuan Levon Nelson with the Supreme Court on December 17, 2020. Counsel filed the return to petition for rehearing in the case of In the Matter of the Care and Treatment of Micah Allen Bilton, with the Court of Appeals on December 14, 2020. Counsel filed the petition for writ of certiorari in the case of Timothy Earl Beheler v. The State, with the Court of Appeals on December 10, 2020. On December 8, 2020, counsel had an oral argument in The State v. William Howard Heath before the Court of Appeals. Counsel makes this request in good faith and not for purpose of delay.

4. On January 26, 2021, opposing counsel, the Attorney General’s Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until March 5, 2021**, in which to file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the Return to Petition for Writ of Certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 3rd day of February, 2021.