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Dec 21 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Allendale County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2021-000985

THE STATE,

Respondent,

vs.

ROBERT LEE MILLER, III,

Petitioner.

**MOTION FOR EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT
BASED ON EXTRAORDINARY CIRCUMSTANCES**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

Petitioner Robert Lee Miller, III’s criminal appeal has been brought before this Court pursuant to Rule 242 of the South Carolina Appellate Court Rules. On October 7, 2022, this Court granted Miller’s petition for a writ of certiorari.

II.

On November 21, 2022, Miller served and filed his Brief of Petitioner. As a result, the State’s Brief of Respondent is currently due to be served and filed on December 21, 2022. No extensions have been requested by the State at this stage of the appellate process. However,

consistent with the mandates of this Court's July 16, 2014, order regarding extension requests, the State previously requested extensions of time totaling twenty days in connection to the State's return to the petition for a writ of certiorari.

III.

Pursuant to this Court's July 16, 2014, order, parties "may be granted extensions totaling no more than twenty (20) days during the proceedings before this Court" upon a showing of a good cause. Meanwhile, any further extension "will be granted only if extraordinary circumstances such as illness or other circumstances beyond the control of the movant warrant the granting of the extension[,]” and such additional extensions will generally be granted for no more than ten days.

IV.

Regrettably, at present, the undersigned counsel for the State has not yet been able to complete the Brief of Respondent in this matter due to an unexpected family emergency beyond the undersigned counsel's control that arose at the beginning of December and has required the undersigned counsel to be out of the office for multiple days over the past few weeks since arising. Based on that, the State respectfully moves for one final **nine-day** extension of time in the above-referenced criminal appeal and asks for the timeline for the service and filing of the Brief of Respondent to be extended in this case until Friday, December 30, 2022. No further extensions will be needed or requested.

V.

Prior to making this extension request based on extraordinary circumstances, the undersigned counsel consulted with Miller's appellate counsel, and she graciously indicated she had no objections to the State's request.


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 days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

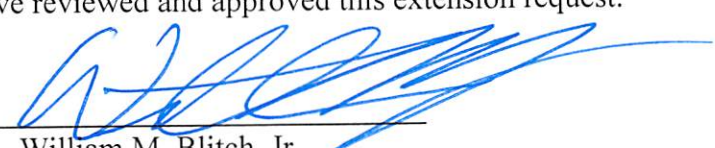
MARK R. FARTHING
Senior Assistant Attorney General

By: _____


Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: _____


William M. Blich, Jr.
Senior Assistant Deputy Attorney General

December 21, 2022