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Jan 17 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Petition for Writ of Certiorari to Lexington County

The Honorable Donald B. Hocker, Guilty Plea Judge
The Honorable William P. Keesley, Sentencing Judge
The Honorable Brooks P. Goldsmith, PCR Judge

Appellate Case No. 2020-000013

DESTINY H. MILLS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR SECOND EXTENSION OF DEADLINE TO SERVE AND FILE
BRIEF OF RESPONDENT**

Respondent hereby moves for a second extension of time in which to serve and file its brief of respondent. In support of this motion, the undersigned shows the following:

1. Respondent's brief is due to be served and filed today;
2. Respondent requests a second extension to the service and filing deadline due to the undersigned's heavy workload, of which the following are examples:
 - a. On December 27, 2022, the undersigned submitted a proposed order of dismissal for judicial consideration in the post-conviction relief case of *Daniel v. State*, 2019-CP-23-05922;
 - b. On January 9, 2023, the undersigned submitted a proposed order of

continuance for judicial consideration in the post-conviction relief case of *Coleman v. State*, 2014-CP-38-1591;

- c. Today, the undersigned submitted a proposed order granting the State's motion to authorize discovery and a different proposed order setting the location of the evidentiary hearing for judicial consideration in the post-conviction relief case of *Rickmon v. State*, 2018-CP-37-323;
 - d. Today, the undersigned submitted a proposed order of continuance for judicial consideration in the post-conviction relief case of *Roberts v. State*, 2020-CP-08-01349;
 - e. Tomorrow, the undersigned intends to serve and file in the Circuit Court a motion for authorization to issue a subpoena in the post-conviction relief appeal case of *Coleman v. State*, 2014-CP-38-1591;
 - f. The undersigned is presently preparing to represent Respondent post-conviction relief hearings scheduled to be held in the First Judicial Circuit on January 23, 2023;
 - g. The undersigned is presently preparing to represent Respondent in post-conviction relief hearings scheduled to be held in the Thirteenth Judicial Circuit on January 30, 2023, through February 2, 2023;
 - h. The undersigned is currently working to publish the docket for the post-conviction relief term of court scheduled to begin in the Tenth Judicial Circuit on February 27, 2023, and the term scheduled to begin in the Thirteenth Judicial Circuit on March 6, 2023.
3. The undersigned and his wife have taken their newborn child to a hospital

emergency room on three separate occasions in the past thirty days for medical treatment on the recommendation of the child's medical providers.

4. The purpose of this extension request is not for delay.
5. Petitioner has no objection to this motion as relayed to the undersigned by opposing counsel's office today by phone.

WHEREFORE, Respondent prays that this Court will grant a second extension of thirty days for Respondent to serve and file its brief of respondent.

Respectfully submitted,

ALAN WILSON
Attorney General

TAYLOR ZANE SMITH
S.C. Bar. No. 103282
Assistant Attorney General

By: s/Taylor Zane Smith
Attorneys for Respondent
Post Office Box 11549
Columbia, South Carolina, 29211
(803) 734-3737

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the motion for second extension of deadline to serve and file brief of respondent has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Tommy Arthur Thomas, Esquire
thomaslaw@me.com

This 17th day of January, 2023.

s/Taylor Zane Smith
TAYLOR ZANE SMITH
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 17, 2023

The Honorable Jenny Abbott Kitchings
Court of Appeals of South Carolina
Post Office Box 11629
Columbia, South Carolina 29211
By email only to ctappfilings@sccourts.org

Re: Destiny H. Mills v. State of South Carolina
Appellate Case No. 2020-0000103

Dear Ms. Kitchings:

Respondent's brief of respondent in the above-referenced post-conviction relief appeal is due to be served and filed today. By the enclosed motion, Respondent respectfully requests a second thirty-day extension to serve and file the brief based on the heavy caseload of undersigned counsel.

Please let me know if I can provide the Court with any additional information regarding this extension request.

Sincerely,

s/Taylor Zane Smith
Taylor Z. Smith
Assistant Attorney General

TZS

cc: Tommy Arthur Thomas, Esquire (by email only)