

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Jan 30 2023

S.C. SUPREME COURT

Certiorari to Kershaw County
Honorable Grace Gilchrist Knie, Circuit Court Judge
Appellate Case No.: 2022-000753

James W. Miller, #367454,

Petitioner,

vs.

The State of South Carolina,

Respondent.

**MOTION FOR THIRD EXTENSION
TO SERVE AND FILE APPENDIX AND
PETITION FOR A WRIT OF CERTIORARI**

Petitioner, by and through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Petition for a Writ of Certiorari and Appendix are due to be filed and served today, January 30, 2023. Pursuant to RE: *Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings*: Order of the South Carolina Supreme Court dated March 18, 2009, the Petitioner respectfully requests a third extension in the above referenced appeal upon a showing of good cause.

Counsel is a solo practitioner as well as a part-time assistant solicitor with the 6th Circuit Solicitor's Office. In the past month, counsel has had a week of General Sessions court, a CLE, municipal court, magistrate court and two days of juvenile court. Counsel also had PCR court in Aiken as well as preliminary hearings in two different courts. Counsel also had to appear for appearances in General

Sessions. Counsel for Petitioner is diligently working to get this petition filed so that another extension is not necessary.

II.

This extension request is not intended for purposes of delay, but rather to ensure the Petition and Appendix are properly written and created. Counsel would therefore request a third extension of time within which to serve and file both. Counsel further certifies that the extension is warranted and there is good cause to seek the extension. Further, counsel for the Petitioner consulted with counsel for the State on January 29, 2023, and counsel for the state does not oppose this request. Please see email, *infra*.

WHEREFORE, Petitioner prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Petition for a Writ of Certiorari and Appendix in this case for and additional thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,



ASHLEY A. MCMAHAN, ESQUIRE
MCMAHAN LAW, LLC
2222 Devine Street
Columbia, SC 29205
803-219-1110
ashley@mcmahanlawsc.com
SC Bar No.: 71676

ATTORNEY FOR PETITIONER

January 30, 2023