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Aug 17 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

DERRICK MILLER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000470

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Derrick Martino Miller respectfully requests an extension of thirty (30) days from August 17, 2023, until September 18, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Derrick Martino Miller 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 her caseload, counsel hopes that no further extension requests will be required.

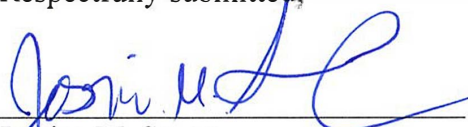
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. William Lee Roseboro with the Court of Appeals on August 11, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Richard A. Woodbury v. The State with this Court on July 31, 2023. Counsel filed the Reply to Return to Petition for Writ of Certiorari in the case of Maurice Anthony Odom v. The State with this Court on July 24, 2023. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Harold Jones III v. The State with this Court on July 19, 2023.

4. Counsel makes this request in good faith and not for purpose of delay.

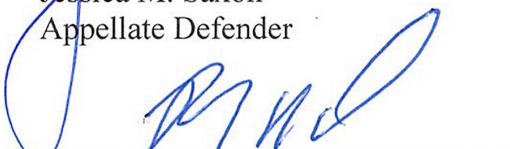
5. On August 1, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from August 17, 2023, until September 18, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 17th day of August, 2023.