

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2012-208640

THE STATE,

Respondent,

v.

ANTONIO MILLER,

Appellant.

**MOTION TO ENLARGE TIME FOR
FILING INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

RECEIVED

AUG 21 2013

SC Court of Appeals

The Respondent, above-named, by and through the undersigned attorneys, would respectfully move this Court, for a 30-day extension of time within which to file its Initial Brief of Respondent. The Initial Brief of Respondent is due to be filed today, August 21, 2013. The undersigned attorneys for the above Respondent move that the time for return be extended to September 20, 2013. This motion is made because Respondent has completed *a portion of the initial brief*; however, the Respondent has not been able to respond within the allotted time for the following reasons:

1. The attorneys for the Respondent have had and are scheduled to have a number of State and Federal matters to attend to;

A) State v. Stephen Stanko (Death Penalty) Brief in Opposition to Petition for Writ of Certiorari *in the United States Supreme Court* (filed August 8, 2013);

B) State v. Bruce Hill (Murder, Murder, Burglary 1st) Final Brief of Respondent (**filed on or about August 1st, 2013**);

C) State v. Evins (Capital PCR) Preparation for September 30th Merits hearing before the Honorable Garrison Hill, Circuit Court Judge;

D) James Oscar Douglas v. Warden (Burglary 1st, ABHAN)(Federal Habeas Return) **in process**;

E) Curtis Richardson v. Warden (Federal Habeas Return) **in process (working with General Counsel for the Department of Corrections on this Return)**;

F) Sylvester Singletary v. Warden (Federal Habeas Return) **filed on July 23, 2013 (32 pages)**;

G) Sylvester Singletary v. Warden (Response to Motion to Amend requested by Judge Austin) **filed on July 31, 2013**;

H) Lance Hudson v. Warden, Federal Habeas Return (Kidnapping, CSC, ABWIK) (**filed July 10, 2013 (45 pages)**);

I) State v. Robert Lee (Initial Brief of Respondent)(Murder)(**filed on or about July 8, 2013 (27 pages)**);

J) Steven Rollison v. Warden (Federal Habeas Return)(**filed July 3, 2013(35 pages)**);
and other matters;

K) Alfonzo Staton v. Warden (Federal Habeas) Reviewing Order filed by District Court ruling on Report and Recommendation **July 11, 2013**;

L) Billy Lisenby v. Warden (Federal Habeas) Reviewing Order filed by District Court ruling on Report and Recommendation;

M) Gensing Coakley v. Warden (Federal Habeas) Reviewing Order Ruling on Report and Recommendation;

N) Ronald Blanding v. Warden (Federal Habeas Return) Review of Report and recommendation **August 6, 2013 (41 pages)**;

(O) David Heupel v. Warden (Murder, ABWIK)(Federal Habeas Return) six (6)issues, *in process, Return is currently approximately seventy-five (75) pages*; and other matters.

2. This is Respondent's second (2nd) extension request. Respondent has spoken with opposing counsel Robert Dudek, Esquire, and he does not object to the requested extension.

Respectfully submitted,

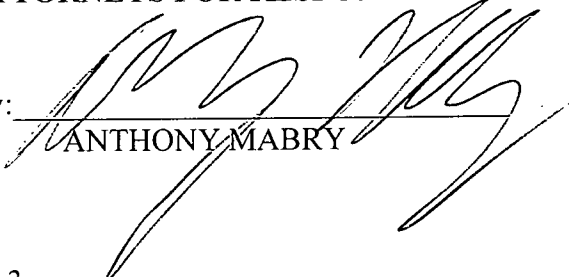
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEYS FOR RESPONDENT

By: 
ANTHONY MABRY

August 21, 2013

CERTIFICATE OF SERVICE

I, **Anthony Mabry**, hereby certify that I have served the Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the foregoing action by depositing copy in the InterAgency Mail to RobertM. Dudek, Chief Appellate Defender, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201 this 21st day of August, 2013.



ANTHONY MABRY
Assistant Attorney General