

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Spartanburg County

J. Mark Hayes, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

FRANK L. MILLS,

APPELLANT

APPELLATE CASE NO. 2023-001273

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Frank L. Mills respectfully requests a thirty (30) day extension from June 21, 2024 until July 22, 2024, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case

of Brittney C. Foster v. The State with the Supreme Court on June 3, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Montre D. Brown v. The State with the Supreme Court on May 31, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Marcus D. Batson with this Court on May 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Antonio Long with this Court on May 17, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Storm R. B. McCarthy v. The State with the Supreme Court on May 14, 2024. Counsel filed the Memorandum Addressing S.C. Code § 23-3-436 in the case of In the Interest of Khalid J., A Juvenile Under the Age of Seventeen with this Court on May 9, 2024. Counsel appeared for Oral Argument in the case of Michael Christian Barclay v. The State before this Court on May 8, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Genari McNeil with this Court on May 2, 2024.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

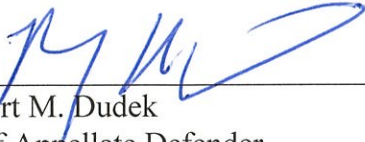
4. On May 30, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from June 21, 2024 until July 22, 2024. Counsel respectfully requests that the time limits for

filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Joanna K. Delany  
Appellate Defender

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

This 21st day of June, 2024.

**RECEIVED**

**Jun 21 2024**

**SC Court of Appeals**

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THE STATE,

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of June, 2024.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [Mark Farthing](#)  
**Cc:** [Delany, Joanna](#); [Caroline Collins](#)  
**Subject:** 2023-001273 The State v. Frank L. Mills  
**Date:** Friday, June 21, 2024 10:13:00 AM  
**Attachments:** [2023-001273 The State v. Frank L. Mills Third Motion for Extension.pdf](#)

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Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, June 21, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330