

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
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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

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, September 20, 2013. The undersigned attorneys for the above Respondent move that the time for return be extended to October 21, 2013. This motion is made because Respondent has completed *a majority 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 1<sup>st</sup>) Final Brief of Respondent (**filed on or about August 1<sup>st</sup>, 2013**);

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

D) James Oscar Douglas v. Warden (Burglary 1<sup>st</sup>, ABHAN)(Federal Habeas Return) **to be filed today in U.S. District Court**;

E) State v. Frankie McGee (Murder, Burglary 1<sup>st</sup>) **preparation for and oral argument before this Court on September 10, 2013**;

F) David Heupel v. Warden (Murder, ABWIK)(Federal Habeas Return) six (6) issues, ***Return of approximately seventy-five (75) pages filed on or about September 9, 2013 in U.S. District Court***;

G) Sylvester Singletary v. Warden (Federal Habeas Return) Motion to Strike & Amended Return (completed). **Motion to Strike filed last week & Amended Return about to be filed today or Monday.**

and other matters.

2. This is Respondent's third (3<sup>rd</sup>) extension request. Respondent has spoken with opposing counsel Robert Dudek's assistant, and she stated Mr. Dudek does not object to the requested extension. [Mr. Dudek is in Washington, D.C. at a conference.]

Respectfully submitted,

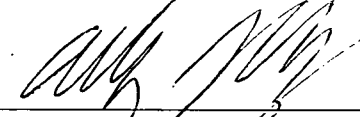

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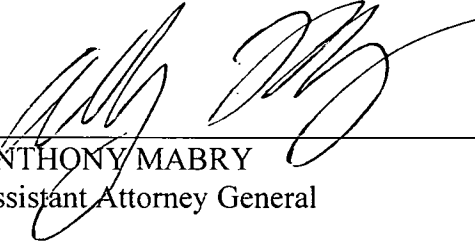
**ATTORNEYS FOR RESPONDENT**

By:   
\_\_\_\_\_  
ANTHONY MABRY  
  
\_\_\_\_\_  
DONALD J. ZELENKA

September 20, 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 20<sup>th</sup> day of September, 2013.



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ANTHONY MABRY  
Assistant Attorney General