

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No. 2012-208640

THE STATE,

Respondent,

v.

ANTONIO MILLER,

Appellant.

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

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RECEIVED  
OCT 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, October 21, 2013. The undersigned attorneys for the above Respondent move that the time for return be extended to November 20, 2013. This motion is made because Respondent has completed *a great 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) Receipt of Order of the United States Supreme Court denying certiorari and notifying victims and Solicitor's Office of the same, i.e. end of direct

appeal challenge to death sentence;

B) State v. Joseph Davis (Murder)(Oral Argument before the S.C. Supreme Court *on October 1<sup>st</sup>, 2013*) assisting with oral argument since this attorney wrote the brief, receipt of Order dismissing the appeal approximately ten days later, and notifying victim's family of dismissal of direct appeal;

C) State v. Evins (Capital PCR) **Preparation for September 30<sup>th</sup> Merits hearing** before the Honorable Garrison Hill, Circuit Court Judge; case was continued at the last minute by Judge Hill because of conflicts in his schedule, but Motions were heard on **September 30<sup>th</sup>, 2013; Form 4 Order granting relief was received this week and Respondent requested until the end of next week to file objections to Proposed Order granting new sentencing proceeding** based on ineffective assistance of counsel;

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

E) Tyler Williams v. Warden (Federal Habeas Return) **filed in U.S. District Court on October 4, 2013;**

F) Eddie Harvey v. Warden (Federal Habeas Return)(Trafficking in Cocaine greater than 28 grams, 2<sup>nd</sup> Offense, and multiple other charges) *Return almost complete and about to be filed (in process);*

G) Sylvester Singletary v. Warden (Federal Habeas Return) Motion to Strike & Amended Return. **Filed in U.S. District Court;**

H) Ronald Blanding v. Warden (Murder)(Federal Habeas Return) preparation of Amended Return addressing procedurally barred claims (18 grounds) at direction of U.S. District Judge, *to be filed Monday, October 21, 2013 (over 80 pages)(in process);*

I) Herbert English v. Warden (Federal Habeas Return) Amended Return *to be filed Wednesday, October 23, 2013* addressing two (2) grounds in addition or attachment to federal habeas application (**in process**);

J) David Burress v. Warden (Federal Habeas Return) **Preparation for Evidentiary Hearing in U.S. District Court on October 22, 2013** in Anderson;

K) Bobby Gibson v. Warden (Federal Habeas Return)(Trafficking in Cocaine greater than 100 grams) *in process, close to completion*;

L) Eric Tessner v. Warden (Federal Habeas Return) *in process*;

M) Nathaniel Johnson v. Warden (Federal Habeas Return) *in process*;

N) James Abercrombie v. Warden (Federal Habeas Return) *in process*;

and other matters.

2. Respondent's attorney had a death in the family (my mother's sister) and will be attending a funeral on Friday, *October 18, 2013*;

3. This is Respondent's fourth (4th) extension request. Respondent has spoken with opposing counsel Robert Dudek, and he stated he does not object to the requested extension. Respondent will attempt to complete all of the Initial Brief of Respondent before November 21, 2013 so that no further extension requests will be necessary

Respectfully submitted,

ALAN WILSON  
Attorney General

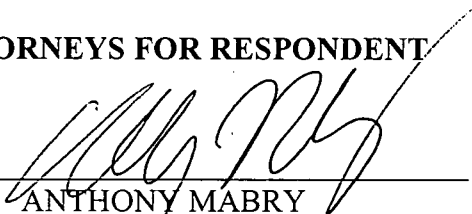
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**ATTORNEYS FOR RESPONDENT**

By: \_\_\_\_\_

  
ANTHONY MABRY

We agree that extraordinary circumstances have been shown.

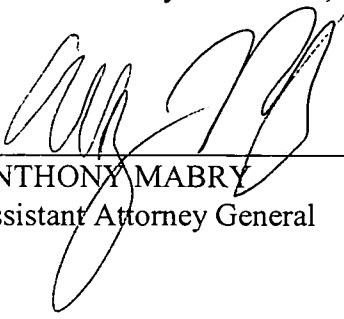
  
DONALD J. ZELENKA

  
JOHN W. MCINTOSH

October 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 21<sup>st</sup> day of October, 2013.



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ANTHONY MABRY  
Assistant Attorney General