

STATE OF SOUTH CAROLINA  
In The Court of Appeals

**ORIGINAL**

APPEAL FROM LEXINGTON COUNTY  
Thomas A. Russo, Circuit Court Judge

THE STATE,

**RECEIVED**

RESPONDENT NOV 04 2015

SC Court of Appeals

v.

LANCE L. MILES,

APPELLANT

APPELLATE CASE NO. 2015-000308

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

Counsel for appellant respectfully requests a **final extension of fourteen (14) days until November 18, 2015**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before that date if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this motion, counsel would respectfully show the Court the following **extraordinary circumstances**:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel four previous extensions.
2. Due to historic flooding in the Columbia, South Carolina area, **counsel's office and this Court were closed October 5- 6, 2015 and again October 8 - 9, 2015.**
3. Prior to the current extension, the initial brief of appellant and designation of matter were due to be filed October 5, 2015.

4. Because of the weather-related office closures, counsel submitted a Motion for an Extension of Time in Which to File the Initial Brief of Appellant and Designation of Matter requesting a thirty-day extension on October 7, 2015. Accordingly, counsel managed his caseload anticipating that the initial brief and designation of matter in this case would be due to be filed with this Court on Monday, November 9, 2015.

5. On October 30, 2015, this Court filed an Order granting an extension until November 4, 2015.

6. Since the weather-related office closure, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Timothy Farris v. State of South Carolina in the Supreme Court on October 27, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Matthew Gunter with the Court of Appeals on October 26, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Walter Alley v. State of South Carolina in the Supreme Court on October 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jarrold Keykendall Harris v. State of South Carolina in the Supreme Court on October 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Donald Roberts v. State of South Carolina in the Court of Appeals on October 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jo Pradubsri with the Court of Appeals on October 12, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joseph Paugh v. State of South Carolina in the Supreme Court on October 7, 2015.

7. **Given the scheduling uncertainty resulting from the weather-related office closures, counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.** Given the number of extensions

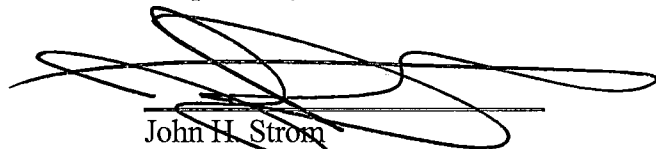
previously granted and the order in which counsel attempts to manage his caseload, counsel will not require any further extensions.

8. Counsel for the Attorney General's office consents to this request shown by signature below.

9. This request is made in good faith, and not for purposes of delay. **Counsel has never before requested a fifth extension and does not anticipate doing so again.** 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.

WHEREFORE, the undersigned counsel would respectfully request a **final fourteen (14) day extension** until **November 18, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

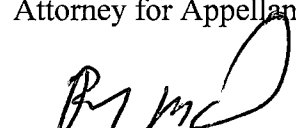
Respectfully submitted,



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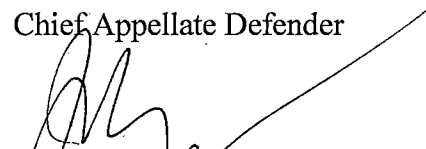
John H. Strom  
Appellate Defender

Attorney for Appellant



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Robert M. Dudek  
Chief Appellate Defender

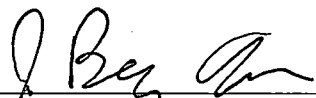


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 4<sup>th</sup> day of November, 2015.

I consent:

  
for Salley W. Elliot, Esquire