

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

J. Cordell Maddox, Jr., Circuit Court Judge

RECEIVED

OCT 23 2012

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

JAMES C. MILLER,

APPELLANT

Appellate Case No. 2011-194606

PETITION FOR EXTENSION TO FILE
THE BRIEF OF PETITIONER
AND ADDITIONAL COPIES OF THE APPENDIX

The undersigned counsel respectfully requests a thirty-day extension (**from October 24, 2012**), until **November 23, 2012** in which to file the brief of petitioner and additional copies of the appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The brief of petitioner and additional copies of the appendix in this case are due to be served and filed **Wednesday, October 24, 2012**.

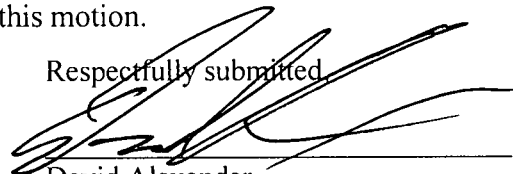
2. The petition for writ of certiorari in Kenji Manning v. State was filed with this Court on October 22, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Vincent Neumon v. State in this Court on October 15, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in this Court

in David Fowler v. State on October 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Tippy Marie Retana v. State in this Court on October 10, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Kendall Green v. State in this Court on October 5, 2012. Counsel had oral argument in the Court of Appeals in the case of Ernest Pressley v. State on October 2, 2012. Counsel attended the South Carolina Public Defenders Conference during the week of September 24, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Bobby Shey Rathburn v. State with this Court on September 19, 2012. On September 12, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Gary White v. State with this Court. Counsel filed the petition for writ of certiorari and accompanying appendix in Marion Alexander Lindsey, a capital appeal in this Court, on September 7, 2012.

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.

WHEREFORE, the undersigned counsel would respectfully request thirty-day extension (**from October 24, 2012**), until **November 23, 2012**. Counsel respectfully requests that the time limits for filing the brief of petitioner and additional copies of the appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER

October 23, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County
J. Cordell Maddox, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

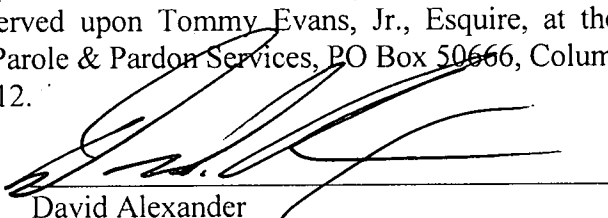
JAMES C. MILLER,

APPELLANT

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CERTIFICATE OF SERVICE

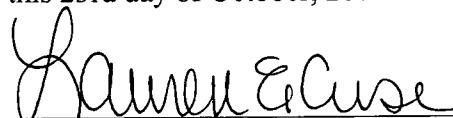
The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the brief of petitioner and additional copies of the appendix in the above referenced case has been served upon Tommy Evans, Jr., Esquire, at the South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, this 23rd day of October, 2012.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 23rd day of October, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014