

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTONIO MILLER,

APPELLANT

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**RECEIVED**

OCT 19 2012

PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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**SC COURT OF APPEALS**

The undersigned counsel respectfully requests a thirty day extension, in which to file the initial brief of appellant and designation of matter in the above-referenced case. 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 in this case are due to be served and filed today.
2. Counsel is filing the initial brief of appellant and designation of matter in the case of State v. Tito Harris in this Court on Monday, October 22, 2012. In addition, Counsel is preparing for a remand hearing in the case of State v. Richard Gagnon scheduled for October 29, 2012 in Horry County. Counsel had an oral argument in the case of State v. Gene Tony Cooper in the Supreme Court on October 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Nathan Luckett v. State in the Supreme Court on October 12, 2012. Counsel filed the reply to the initial brief of respondent in the **death penalty** case of

State v. Steven Barnes in the Supreme Court on October 10, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald Scott Renwick in this Court on October 8, 2012. Counsel had an oral argument in the **death penalty** case of State v. Stephen Christopher Stanko in the Supreme Court on October 4, 2012. Counsel also filed the petition for rehearing in the case of State v. Dadrin Jerome Johnson in this Court on October 4, 2012. Counsel had an oral argument in the case of State v. Christopher Stephens in this Court on October 3, 2012. Counsel filed the petition for rehearing in the case of State v. Derrick McDonald in this Court on September 27, 2012. Counsel attended and presented at the annual South Carolina Public Defender's Conference September 24-26. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tawanda Allen in this Court on September 21, 2012. Counsel had an oral argument in the case of State v. Miama Kromah in the Supreme Court on September 20, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) with the Supreme Court on September 14, 2012. Additionally, Counsel filed the reply to the brief of respondent in the **death penalty** case of Brad Sigmon v. State in the Supreme Court, as well as the initial briefs of appellant and designations of matter in the cases of State v. George Chavis and State v. Michael Rogers in this Court on September 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tobias Chano Lee v. State with the Supreme Court on September 12, 2012. Counsel had an oral argument in the case of State v. Kendrick Taylor in this Court on September 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of Marion Alexander Lindsey v. State (with Co-Counsel David Alexander) with the Supreme Court on September 7, 2012. Counsel filed the petition for rehearing in the case of State v. Randy Vickery with this Court on September 6, 2012. Counsel had a remand hearing on September 4, 2012, in State v. Richard Gagnon, on a

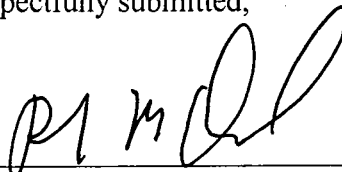
motion for a new trial based on after-discovered evidence in that murder case in Conway, South Carolina. Counsel also has extensive administrative duties as the Chief Appellate Defender.

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.

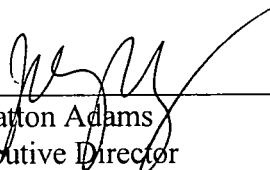
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. 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,




Robert M. Dudek  
Chief Appellate Defender



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

October 19, 2012

DO NOT OPPOSE:

  
Donald Zelenka 