

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Robin B. Stilwell, Circuit Court Judge
Appellate Case No. 2010-156666

THE STATE,

Respondent,

vs.

MICHAEL MILLEDGE,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on October 17, 2012.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Appellant moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before the South Carolina Supreme Court and this Court, I am unable to complete this Brief on time. In the past few weeks, the undersigned has participated in oral argument at this Court in State v. Tarrence Laron Jordan, has submitted

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Initial Briefs to this Court in State v. Moore, State v. Keeling, State v. Walshaw, State v. Logan, State v. McCauley, and State v. Hilton, has filed a Reply Brief of Petitioner in the Supreme Court in State v. Brown, has filed a Petition for Rehearing in this Court in State v. Blackmon and State v. Price, has filed a Return to Petition for Rehearing in this Court in State v. Salley, has filed a Petition for Certiorari in the Supreme Court in State v. Coaxum, State v. Eaglin, and State v. Jenkins, and has filed a Return to Petition for Certiorari in the Supreme Court in State v. Nash, State v. Massey, State v. Salley, State v. Simmons, and State v. White.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves two significant issues on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

WHEREFORE, Appellant prays that the Court extend the deadline for the service and filing of the Brief of Respondent in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

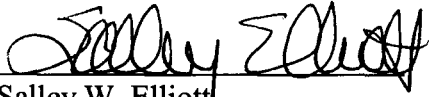
Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By:


Mark R. Farthing

By: 
Salley W. Elliott

Office of the Attorney General
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Columbia, SC 29211
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October 17, 2012

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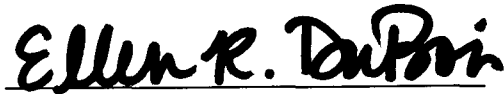
Appellant.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 17th day of October, 2012.



ELLEN R. DuBOIS
Legal Assistant

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(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

October 17, 2012

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Michael Milledge – Appellate Case No. 2010-156666

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Third Extension of Time Within Which to Serve and File Brief of Respondent, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

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