

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

Tanya A. Gee, Circuit Court Judge

RECEIVED

DEC 19 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES WAYNE MILLER,

APPELLANT

APPELLATE CASE NO. 2016-000642

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

The undersigned counsel would respectfully request a **final thirty-day extension until January 18, 2017** 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by three prior orders of this Court.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deshaun Jamel Fordham v. State in the Supreme Court on December 15, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Benjamin

Cervantes-Hernandez in this Court on December 14, 2016. On December 5, 2016, Counsel provided testimony in the post-conviction relief case of Joseph Graddick v. State. Counsel filed the petition for rehearing in the case of State v. Abdul Furquan in this Court on December 1, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Rodsheen Ayer in this Court on November 30, 2016. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Brandon Adams in this Court on November 23, 2016. Counsel was a presenter at Public Defense 101: Fundamentals of the Profession on November 22, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Rodney Green in this Court on November 18, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Javier Hickson v. State in the Supreme Court on November 14, 2016. Counsel testified during a PCR hearing at the Spartanburg County Courthouse in the case of Javan Mays v. State on November 9, 2016. Counsel testified during a PCR hearing at the Spartanburg County Courthouse in the case of John Bonner v. State on November 9, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Crews in this Court on November 7, 2016. Counsel filed the petition for rehearing in the case of State v. Keith Tate in this Court on November 3, 2016. Counsel filed the petition for writ of certiorari to this Court in the case of State v. Christopher D. Campbell in the Supreme Court on October 26, 2016.

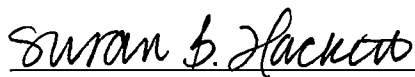
3. This request is made in good faith, and not for purposes of delay.

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

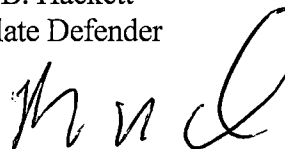
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until January 18, 2017** in which to file the initial brief of appellant and designation of

matter in this case. Counsel 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.

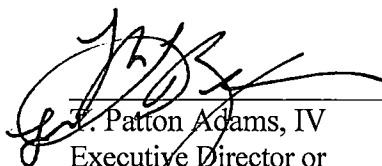
Respectfully submitted,



Susan B. Hackett  
Appellate Defender



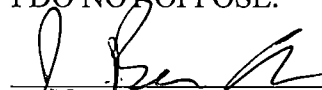
Robert M. Dudek  
Chief Appellate Defender



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

December 19, 2016

I DO NOT OPPOSE:



J. Benjamin Aplin, Esquire