

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Edgar W, Dickson, Circuit Court Judge

RECEIVED

FEB 07 2017

S.C. SUPREME COURT

Appellate Case No: 2016-000823

James Livingston.....Petitioner

v.

State of South Carolina.....Respondent

MOTION FOR EXTENSION OF TIME TO FILE

The undersigned attorney, Robert W. Mills, hereby moves for an extension of time to serve and file the Reply to Return to Motion to Hold in Abeyance and Motion to Remand for Reconstruction of Post-Conviction Relief Hearing in the above captioned appeal which is due to be served and filed on the updated date of February 9, 2017. Petitioner is requesting a five day extension (excluding weekends). This is Petitioner's third extension request in this matter, and is not intended for the purpose of delay but is due to the fact that the undersigned attorney is a solo practitioner and due to his heavy workload, including many court appearances, the attorney could not complete this matter in the time allotted. Senior Assistant Deputy Attorney General Johanna Valenzuela has consented to this third extension (See attached email from Johanna Valenzuela).

Therefore, Petitioner moves for a five day extension (excluding weekends) to serve and file the Reply to Return to Motion to Hold in Abeyance and Motion to Remand for Reconstruction of Post-Conviction Relief Hearing in the above captioned Appeal.

Respectively submitted,



Robert W. Mills
1728 Main Street
Columbia, South Carolina 29201
(803) 252-9648
Attorney for Petitioner

Columbia, SC
February 7, 2017

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Subject: Fw: James Livingston 2016-00823
From: robertmillslaw@aol.com
Date: Tue, Feb 07, 2017 11:06 am
To: Downtown Executive Suites <lease@downtownexecutivesuites.com>

Sent from my BlackBerry 10 smartphone.

From: Johanna Valenzuela <JValenzuela@scag.gov>
Sent: Tuesday, February 7, 2017 10:42 AM
To: robertmillslaw@aol.com
Cc: EleventhCircuitpcr; Jessica Kinard
Subject: James Livingston 2016-00823

Bob:

Per our phone call, I consent to a third extension on your Reply to my Return on your Motion for a Reconstruction of the Transcript in Mr. Livingston's case.

Please include Jessica Kinard in any future correspondence related to this case as I will be leaving the office as of 2/8/17.

Johanna C. Valenzuela
Senior Assistant Deputy Attorney General
Post-Conviction Relief Section
Office of the Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Tel.: 803.734.3733

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PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on February 7, 2017, addressed to the attorney of record, Johanna Valenzuela, Office of the Attorney General, P.O. Box 11549, Columbia, South Carolina 29211-1549

February 7, 2017



Robert W. Mills
1728 Main Street
Columbia, South Carolina 29201
(803) 252-9648
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