

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2016-001990

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MAR 17 2017

S.C. SUPREME COURT

Billy Shane Miller.....Respondent,

v.

State of South Carolina,.....Petitioner.

**MOTION FOR EXTENSION TO FILE THE RETURN
TO PETITION FOR APPEAL BOND**

Pursuant to Rules 240 and 263(b) of the South Carolina Appellate Court Rules, counsel for the State ("Petitioner") moves for an extension of time in which to file the Return to Respondent's Petition for Appeal Bond. In support of this motion, Petitioner would present the following facts:

1. Petitioner filed the Petition for Writ of Certiorari and Appendix in this case on January 27, 2017.
2. Respondent filed a Petition for Appeal Bond on March 7, 2017.
3. The certificate of service attached to the Petition was dated March 7, 2017. However, Petitioner did not receive it until March 14, 2017. Based on the date of service, Petitioner calendared

the Return to the Petition for Appeal Bond for this date of March 17, 2017.

4. Petitioner is still awaiting statements from the victim and her family to submit as attachments with its Return.

5. Therefore, pursuant to Rules 240 and 263(b), SCACR, Petitioner moves for an extension of time of **ten (10) days up to and including March 27, 2017**, to submit its Return to the Petition for Appeal Bond.

WHEREFORE, Petitioner requests this Court grant this motion for an extension of ten (10) days.

Respectfully submitted,

ALAN WILSON
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ATTORNEYS FOR RESPONDENT

March 17, 2017

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BILLY SHANE MILLER,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion for Extension to File the Return to Petition for Appeal Bond** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Andrew J. Johnston
Post Office Box 3252
Spartanburg, SC 29304-3252

This 17th day of March, 2017


BRIANNA ARNONE
LEGAL ASSISTANT