

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

v.

ANTONIO MILLER,

RECEIVED
JAN 28 2013
SC Court of Appeals

APPELLANT

Appellate Case No. 2012-208640

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

The undersigned counsel respectfully requests a **final thirty day extension, until February 27, 2013**, 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 making every effort to catch up on his extremely busy caseload after two surgeries and many medical follow-up appointments. Counsel regrets the necessity of this extension request and will make every effort to have the initial brief of appellant and designation of matter in this case filed within thirty days. Counsel also has extensive administrative duties as the Chief Appellate Defender. Counsel is working on the initial brief of appellant and designation of matter in the case of State v. Jevon Nichols Brown in**

for this Court. Counsel intends to file for rehearing in State v. Jason Franks on January 31, 2013. Counsel is also preparing for an oral argument in the case of State v. Steven Barnes, a death penalty case, in the Supreme Court, on February 5, 2013, and the petition for writ of certiorari and accompanying appendix in the case of State v. Gene Tony Cooper in the United States Supreme Court, also due on February 5, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Dadrin Jerome Johnson (in the COA) in the Supreme Court on Friday, January 18, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Dadrin Jerome Johnson (in the COA) in the Supreme Court on January 18, 2013. Counsel had an oral argument in the case of State v. Adams Gibson in the Supreme Court on January 10, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone A. Ravenell v. State in the Supreme Court on January 7, 2013. Counsel filed the return to petition for writ of certiorari in the case of James v. Helms v. State in the Supreme Court on December 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Randy Vickery (in the COA) in the Supreme Court on December 21, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Gerald Pitts in this Court on December 19, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Leroy Laird in this Court on December 12, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tito Harris in this Court on December 7, 2012. In November, 2012, Counsel filed the brief of appellant and designation of matter in the case of State v. Eric Anderson, and the reply brief of appellant in the case of In the Interest of David L., a Minor Under the Age of Seventeen, with Co-Counsel Charles Grose, pro bono. Counsel also filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Christopher Heller (in the COA) and Richard Butler v. State, and the return to the petition for writ of certiorari in the case of Demetrius Lewis v. State in November, 2012. Additionally, in

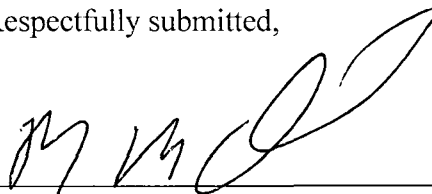
November, 2012, Counsel had an oral argument in the case of State v. David Rocquemore, and worked extensively – and continues to work extensively on the case of State v. Richard Gagnon in Horry County.

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.

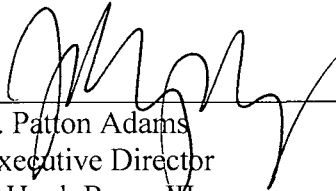
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until February 27, 2013**. 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,



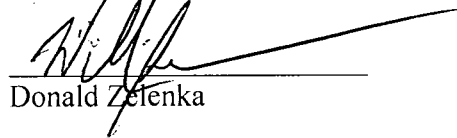
Robert M. Dudek
Chief Appellate Defender



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

January 28, 2013

I DO NOT OPPOSE:



Donald Zelenka