

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 27 2020

SC Court of Appeals

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2019-000926

THE STATE,

Respondent,

vs.

DERRICK TYLER MILLS,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on July 27, 2020.

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 State moves for a **fourth** and **final** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has participated in oral argument at the Supreme Court in State v. John

Kenneth Massey, Jr.; has participated in oral argument at the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Justin Adams, State v. Howard James Woods, and State v. Steven Louis Barnes; has submitted a Brief of Petitioner to the Supreme Court in State v. Joseph Bowers; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Keunte D. Cobbs, State v. Victoria Lorraine Sanchez, State v. Gregg Pickrell, State v. Carl Ray Fraley, Jr., State v. Sherwin A. Green, State v. Brandon Keith Moore, In re Lauren Martel, Esq., and State v. Louis Neal ReVille; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Kenneth Strothers Collins; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Vance Ross; has submitted a Return to Petition for Common Law Writ of Certiorari to the Supreme Court in State v. Oscar Fortune; has submitted a Petition for Rehearing to the Supreme Court in State v. Terry Williams; and has submitted a Petition for Rehearing and Suggestion for Rehearing En Banc to the Court of Appeals in State v. Kenneth Strothers Collins.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. To date, the undersigned counsel has been unable to complete the Brief in this case due to work required in other cases. Beyond that, the Brief in the above-referenced case has required significant research because the case involves an usual and important issue dealing with a verdict returned following the grant of a mistrial. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

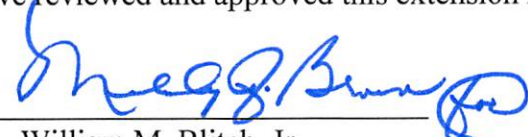
MARK R. FARTHING
Senior Assistant Attorney General

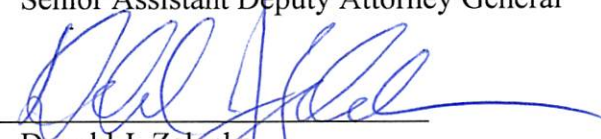


By: _____
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I have reviewed and approved this extension request.

By: 
William M. Blich, Jr.
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

July 27, 2020

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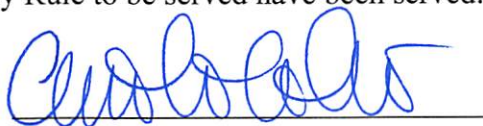
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Tommy A. Thomas, Esq.
Post Office Box 88
Irmo, SC 29063

I further certify all parties required by Rule to be served have been served.
This 27th day of July, 2020.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

Caroline Collins

From: Caroline Collins
Sent: Monday, July 27, 2020 2:18 PM
To: 'thomaslaw@me.com'
Cc: 'Jackie Miller'; Mark Farthing; William Blich
Subject: The State v. Derrick Tyler Mills (2019-000926)
Attachments: Mills.Motion for Fourth Extension (IBOR) (02335935xD2C78).PDF

Follow Up Flag: Worldox

Good Afternoon Mr. Thomas,

Attached please find a copy of a Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter in The State v. Derrick Tyler Mills (2019-000926). This document will be submitted today to the Court of Appeals through the AIS One Drive system.

If you will, please reply to confirm receipt of this email.

Thank you!

Caroline Collins

Administrative Coordinator
South Carolina Attorney General's Office
P: (803) 734-3723

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Caroline Collins

From: Tommy Thomas <thomaslaw@me.com>
Sent: Monday, July 27, 2020 2:20 PM
To: Caroline Collins
Subject: Re: The State v. Derrick Tyler Mills (2019-000926)

Thanks Caroline. And of course I have no objection.

Tommy

Sent from my iPhone

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On Jul 27, 2020, at 2:18 PM, Caroline Collins <CCollins@scag.gov> wrote:

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Thank you!

Caroline Collins

Administrative Coordinator
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