

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Steven H. John, Circuit Court Judge

RECEIVED

MAR 14 2013

SC COURT OF APPEALS

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

CHRISTOHPER MILLER,

APPELLANT.

Appellate Case No. 2011-197146

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Christopher Miller respectfully requests an extension of thirty (30) days in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, March 14, 2013.
2. Counsel for Mr. Miller respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On March 11, 2013, counsel filed the brief of appellant and designation of matter in State v. Robert Artis with this Court. On March 5, 2013, counsel had an oral argument in State v. James Byers in this Court. On February 28, 2013, counsel filed the brief of appellant and record on appeal in State v. Willie Prince with this Court. On February 26, 2013, counsel filed the petition for writ of certiorari and appendix in James Roseboro v. State in the Supreme Court. On February 25, 2013, counsel filed the amended initial brief and designation of matter in State v. Stephon Robinson with this Court. On February 21, 2013, counsel filed the brief of appellant and designation of matter in State v. Daniel Jackson with this Court. On February 14, 2013, counsel attended the bond hearing in Horry County in State v. Richard Gagnon. On February 11, 2013, counsel filed the petition for writ of certiorari and appendix in Roger Johnson v. State in the Supreme Court. On February 7, 2013, counsel went to Lee Correctional Facility in Bishopville for a client visit. On February 5, 2013, counsel filed the petition for writ of certiorari and appendix in Jovan McRant v. State in the Supreme Court. On February 4, 2013, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Rushan Counts in the Supreme Court. On January 28, 2013, counsel filed the petition for writ of certiorari and appendix in Lawrence R. Waller v. State in the Supreme Court. On January 25, 2013, counsel filed the petition for writ of certiorari and appendix in Carlos Bolt v. State in the Supreme Court. On January 22, 2013, counsel filed the brief of appellant and designation of matter in State v. Mathew Ryan Hendricks with this Court, the petition for writ of certiorari and appendix in Andre Martin v. State in the Supreme Court, and the brief of appellant pursuant to White v. State in Andre Martin v. State in the Supreme Court. On January 14, 2013, counsel filed the brief of appellant and designation of matter in State v. Christopher E. Russell with this Court. On January 11, 2013, counsel filed the petition for writ of certiorari and appendix in Jose Tello v. State in the Supreme Court. On January 11, 2013, counsel went to Lee Correctional Facility in


Bishopville for a client visit. On January 9, 2013, counsel filed the petition for writ of certiorari and appendix in Theodore Kyinoo v. State in the Supreme Court. On January 8, 2013, counsel filed the petition for writ of certiorari and appendix in Donald Whetherall v. State in the Supreme Court.

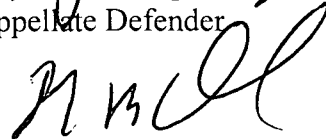
4. Counsel makes this request in good faith and not for purpose of delay.

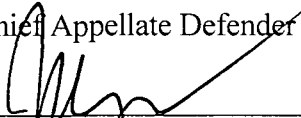
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

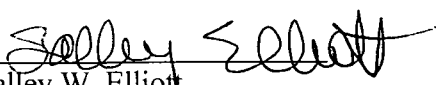

Dayne C. Phillips
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

March 14, 2013

I do not oppose:


Salley W. Elliott