

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Newberry County

Honorable R. Kirk Griffin, Circuit Court Judge

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BENNIE D. MITCHELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000258

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MOTION FOR AN EXTENSION OF TIME  
TO FILE THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for Bennie D. Mitchell respectfully requests an extension of thirty (30) days from September 19, 2022 until October 19, 2022 in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.

2. Counsel for Bennie D. Mitchell respectfully submits that extraordinary

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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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of In the Interest of Khalid J., A Juvenile Under the Age of Seventeen with the Court of Appeals on September 8, 2022. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Claybon Lewis Atwater with the Court of Appeals on September 1, 2022. Counsel filed the Brief of Appellant and Record on Appeal in the case of Jacob Steven Sturgell, Sr. v. The State with the Court of Appeals on August 16, 2022. Counsel filed the Brief of Respondent in the case of Randy Wright v. The State with this Court on August 15, 2022. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Marion Wade Frye v. The State with this Court on August 8, 2022. Counsel filed the Brief of Petitioner in the case of Henry L. Gray v. The State with the Court of Appeals on August 2, 2022.

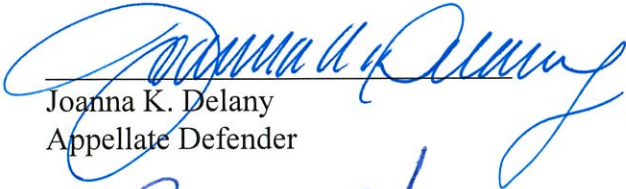
4. Counsel makes this request in good faith and not for purpose of delay.

5. On August 31, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2022.

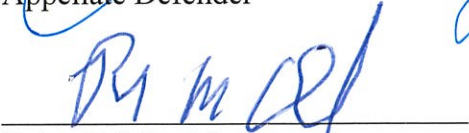
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from September 19, 2022 until October 19, 2022 , in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of

Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

This 19th day of September, 2022.