

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Pickens County

Honorable R. Scott Sprouse, Circuit Court Judge

MATTHEW BENNINGER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2022-001073

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

Counsel for Matthew Benninger respectfully requests an extension of thirty (30) days from January 11, 2023 until February 10, 2023 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 Matthew Benninger respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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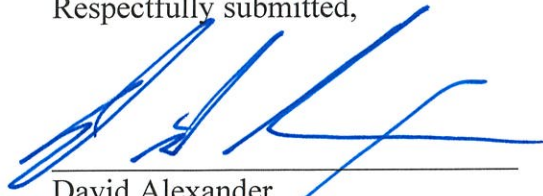
number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for rehearing in the case of The State v. James Baldwin with the Court of Appeals on December 22, 2022. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Mikah Green with the Court of Appeals on December 16, 2022. Counsel filed the petition for rehearing in the case of The State v. Rashawn Vertez Carter with the Court of Appeals on December 15, 2022. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Tyrone Moore with the Court of Appeals on November 30, 2022. Counsel filed the brief of respondent and designation of matter in the case of The State v. Joey Corvell Reid with the Court of Appeals on November 28, 2022. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jaelon Jackson v. The State with this Court on November 10, 2022. Counsel, with lead counsel Robert M. Dudek and co-counsel Lara M. Caudy, filed the brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with this Court on November 4, 2022.

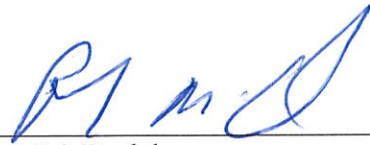
4. On December 28, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from January 11, 2023 until February 10, 2023, 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,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 11th day of January, 2023.