

**RECEIVED**

**Dec 20 2023**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Charleston County

Honorable Bentley Price, Circuit Court Judge

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TYRONE M. BENN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001329

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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 Tyrone Malcolm Benn respectfully requests an extension of thirty (30) days from December 20, 2023 until January 19, 2024 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 Tyrone Malcolm Benn 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 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 The State v. Quintin Maurice Collins with the Court of Appeals on December 6, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Manly M. Thompson with the Court of Appeals on December 1, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Ray Kelly with the Court of Appeals on November 28, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Rodney Jerome Furtick with the Court of Appeals on November 27, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Robert L. Moore v. State with this Court on November 22, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Eric Anton Graham with the Court of Appeals on November 17, 2023. Counsel filed the Petition for Writ of Certiorari, the Petition for Writ of Certiorari pursuant to Austin v. State, and Appendix in the case of Henry Dukes v. State with this Court on November 13, 2023

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

5. On December 4, 2023, 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 December 31, 2023.

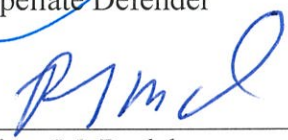
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day

extension from December 20, 2023 until January 19, 2024, 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



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Robert M. Dudek  
Chief Appellate Defender

This 20th day of December, 2023.