

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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**Feb 01 2024**

**S.C. SUPREME COURT**

APPEAL FROM Horry COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2021-001498

The State, .....Respondent,

v.

Tommy Lee Benton, .....Petitioner.

**PETITIONER’S MOTION FOR EXTENSION OF TIME  
TO SERVE AND FILE PETITION FOR REHEARING**

Petitioner Tommy Lee Benton respectfully moves this Court for an extension of time in which to file his Petition for Rehearing pursuant to Rules 221(a) and 240, SCACR. In support of this Motion, Petitioner states as follows:

1. This Court filed an opinion in the above-captioned matter, Op. No. 28185, on January 17, 2024, affirming the Court of Appeals’ decision as modified.

2. A petition for rehearing is due to be filed on or before February 1, 2024. Counsel for Petitioner respectfully requests an extension of time of 14 days within which to file a Petition for Rehearing. The basis for Petitioner’s request is Petitioner’s Counsel’s work schedule conflicts with the current due date for the petition, including several days of out-of-town depositions.

3. This request is made in good faith, and not for purposes of delay.

4. If the Court grants this request, Counsel for Petitioner calculates that the new due date will be February 15, 2024.

5. Counsel for Petitioner has consulted with Counsel for the State and is authorized to report that the State does not oppose this request.

Counsel for Petitioner therefore respectfully requests that the Court grant this Motion and extend the time for filing a Petition for Rehearing until February 15, 2024.

Respectfully submitted,

/s/ R. Walker Humphrey, II  
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February 1, 2024