

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Apr 03 2024

S.C. SUPREME COURT

Certiorari to York County

Honorable Eugene C. Griffith, Circuit Court Judge

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BEN ROBERT STEWART,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001478

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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 Ben Robert Stewart respectfully requests an extension of thirty (30) days from April 3, 2024, until May 3, 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 Ben Robert Stewart 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 Petition for Writ of Certiorari, Brief of Appellant Pursuant to White v. State, and Appendix in the case of Robert Lee Reddock v. State with the Supreme Court on March 27, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Samuel T. Riser with the Court of Appeals on March 19, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Timothy C. Turbeville v. State with the Supreme Court on February 23, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Charles E. Price with the Court of Appeals on February 23, 2024. Counsel filed the Anders Brief of Appellant, Designation of Matter, and Record on Appeal in the case of The State v. Robert A. Carter with the Court of Appeals on February 9, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Christopher A. Comer with the Court of Appeals on February 1, 2024.


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

5. On March 29, 2024, 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 April 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from April 3, 2024, until May 3, 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,

  
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Sarah E. Shipe  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

This 3rd day of April, 2024.