

May 03 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Honorable Eugene C. Griffith, Circuit Court Judge

BEN ROBERT STEWART,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2023-001478

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

Counsel for Ben Robert Stewart respectfully requests a **final thirty (30) day extension, from May 3, 2024, until June 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 third 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 and Appendix in the case of Aneisha Young v. State with the Supreme Court on April 29, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Malcom Williams v. State with the Supreme Court on April 23, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jabari Moore v. State with the Supreme Court on April 11, 2024. 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.

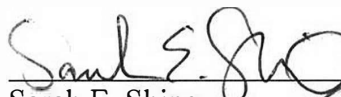
4. Counsel makes this request in good faith and not for purpose of delay.

5. On April 30, 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 May 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from May 3, 2024, until June 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 filing the Petition for Writ of Certiorari and Appendix be

held in abeyance pending a ruling on this motion.

Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 3rd day of May, 2024.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Honorable Eugene C. Griffith, Circuit Court Judge

BEN ROBERT STEWART,

PETITIONER,

V.

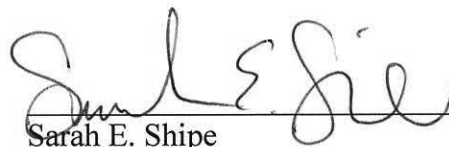
STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2023-001478

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion for extension in the above-referenced case has been served upon Zachary W. Jones, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 3rd day of May, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR PETITIONER