

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Laurens County

William Jeffrey Young, Circuit Court Judge  
\_\_\_\_\_

 ORIGINAL

**RECEIVED**

MAY 27 2014

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

BENJAMIN M. RHODES,

APPELLANT

APPELLATE CASE NO. 2013-001429

\_\_\_\_\_  
MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Benjamin M. Rhodes respectfully requests an extension of thirty (30) days, **until June 26, 2014**, in which to file the Initial Brief of Appellant and Designation of Matter 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 initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Benjamin H. Rhodes 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed initial brief of appellant and designation of matter in the case of State v. Jerry Scantling with this Court on May 21, 2014. Counsel filed reply to return to petition for writ of certiorari in the case of Jose Angel Herrera v. State with the Supreme Court on May 15, 2014. Counsel filed an initial reply brief of appellant in the case of State v. Akeem O. Smith with this Court on May 15, 2014. Counsel had an oral argument in the case of State v. Henry Gray with this Court on May 13, 2014. Counsel filed Petition for Rehearing in the case of State v. Julian Deandre Battle in this Court on May 8, 2014. Counsel had an oral argument in the case of State v. William Coaxum with the Supreme Court on May 8, 2014. Counsel had an oral argument in the case of State v. Edward Dunn with this Court on May 7, 2014. Counsel had an oral argument in the case of State v. Steven Frost with this Court on May 7, 2014. Counsel filed reply to the return to the petition for writ of certiorari in the case of Marion Bowman v. State with the Supreme Court on May 5, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Zinah Damaris Jennings (transcripts and pleadings exceeded 1,800 pages) in this Court on May 1, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Erick Arroyo with this Court on April 16, 2014. Counsel filed Reply Brief of Petitioner in the case of State v. Jomar Robinson with the Supreme Court on April 11, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Allen Johnson with this Court on April 9, 2014. Counsel had oral argument in the case of State v. Steven Kranendonk with this Court on April 8, 2014. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of In The Interest of Tyairy G., Minor with the Supreme Court on April 1, 2014. Counsel filed the petition

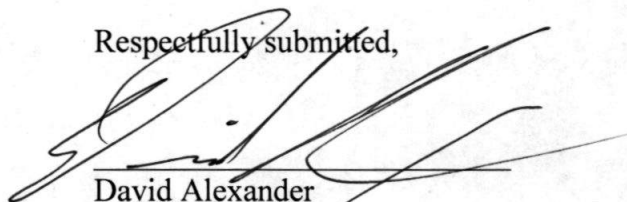
for writ of certiorari and accompanying appendix and the Austin v. State petition for writ of certiorari in the case of Donnie M. Malpass v. State with the Supreme Court on March 27, 2014.

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

5. Counsel for the Attorney General's office consents to this request shown by signature below.

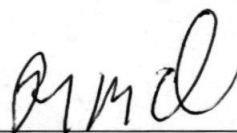
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander  
Appellate Defender


Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 27<sup>th</sup> day of May, 2014.

I consent:

  
for Deborah R. J. Shupe