

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Laurens County

William Jeffrey Young, Circuit Court Judge

THE STATE,

v.

BENJAMIN M. RHODES,

RECEIVED
JUN 29 2014
RESPONDENT,
SC Court of Appeals

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 July 28, 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 fourth 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 three previous extensions.

2. Counsel for Benjamin M. 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 had an oral argument in the case of State v. Jomar Robinson with the Supreme Court on June 24, 2014. Counsel filed the petition for rehearing in the case of State v. Steven Krandonk with this Court on June 19, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix and petition for writ of certiorari and accompanying appendix, pursuant to *Austin v. State* in the case of Clarence Crittendon v. State with this Court on June 18, 2014. Counsel filed the initial brief and designation of matter in the case of State v. Paul Chandler, with this Court on June 10, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Horace Lee Glover, Jr., with this Court on June 6, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Willie M. Williams with this Court on June 5, 2014. Counsel had an oral argument in the case of State v. Michael D. Williams with this Court on June 3, 2014. Counsel filed the 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,

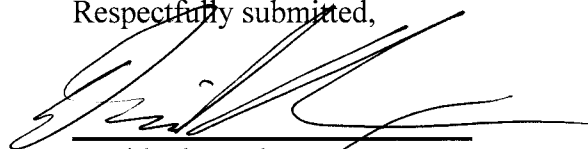
2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Erick Arroyo with this Court on April 16, 2014.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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

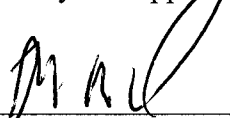
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension, **until July 28, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

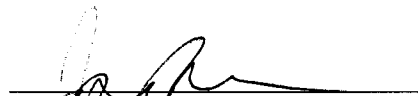


David Alexander
Appellate Defender

Attorney for Appellant



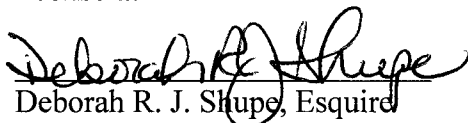
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

This 26th day of June, 2014.

I consent:



Deborah R. J. Shupe, Esquire