

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Deadra L. Jefferson, Circuit Court Judge

RECEIVED

JAN 30 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BENJAMIN L. SMALLS,

APPELLANT

APPELLATE CASE NO. 2014-001539

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

Counsel for Benjamin Smalls respectfully requests an extension of thirty (30) days 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 Smalls 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.

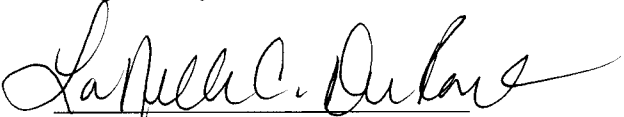
3. Counsel filed the brief of appellant in the case of The State v. Joseph Mack, Jr. with this Court on January 22, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rusty Dunbar v. State of South Carolina with the Supreme Court on January 16, 2015. Counsel filed the brief of petitioner in the case of Christopher O'Neal Pringle v. State of South Carolina with this Court on January 12, 2015. Counsel filed the brief of petitioner in the case of Bruce Wilson v. State of South Carolina with the Supreme Court on January 9, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Aaron Smalls v. State of South Carolina with the Supreme Court on January 2, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Wayne Albeon Scott with this Court on December 30, 2014. Counsel filed the brief of petitioner in the case of In the Matter of the Care and Treatment of Christopher Taft with the Supreme Court on December 16, 2014. Counsel had an oral argument in the case of The State v. Christopher Whitehead in the Supreme Court on December 11, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Octavius Lamar Whitmire v. State of South Carolina with the Supreme Court on December 2, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Darrell L. Williams v. State of South Carolina with the Supreme Court on December 1, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix to the Court of Appeals in the case of Bruce Hester v. State of South Carolina with the Supreme Court on November 25, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Babb v. State of South Carolina with the Supreme Court on November 25, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix to the Court of Appeals in the case of Carmichael Flowers v. State of South Carolina with the Supreme Court on November 20, 2014.

Counsel filed the petition for writ of certiorari and accompanying appendix to the Court of Appeals in the case of The State v. Roderick Pope with the Supreme Court on November 13, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William Yarborough v. State of South Carolina with the Supreme Court on November 12, 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.

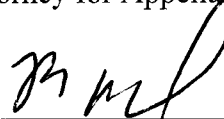
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a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

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

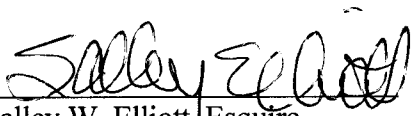
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 30th day of January, 2015.

I consent:



Salley W. Elliott, Esquire