

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Charleston County

RECEIVED

Deandra L. Jefferson., Circuit Court Judge

MAR 02 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BENJAMIN LAVON 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 L. Smalls respectfully requests a **fourth and final** 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 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 L. 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.

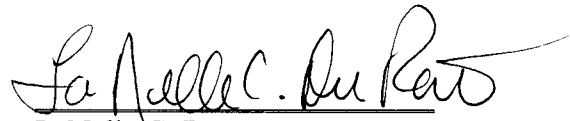
3. Counsel had an oral argument in the case of The State v. Demetrius Goodwin in the Supreme Court on February 18, 2015. Counsel filed the brief of appellant in the case of The State v. Jonathan Allen Finney with this Court on February 13, 2015. Counsel had an oral argument in the case of The State v. Daniel Demond Griffin in this Court on February 11, 2015. Counsel had an oral argument in the case of The State v. Christopher Broadnax in the Supreme Court on February 4, 2015. 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.

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.

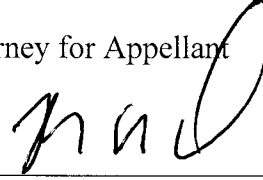
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

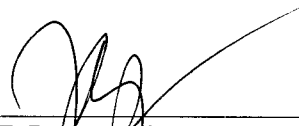


LaNelle C. Durant
Appellate Defender

Attorney for Appellant



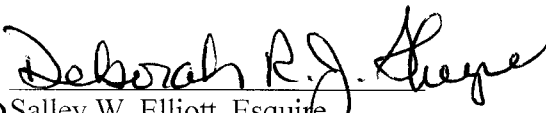
Robert M. Dudek
Chief Appellate Defender



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

This 2nd day of March, 2015.

I consent:


for Salley W. Elliott, Esquire