

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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ORIGINAL  
RECEIVED

OCT 19 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TYRONE MALCOLM BENN,

APPELLANT

Appellate Case No. 2016-000846

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

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Counsel for Tyrone Malcolm Benn respectfully requests an extension of thirty (30) days, **until November 18, 2016**, 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.
2. Counsel for Tyrone Malcolm Benn respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. On October 14, 2016, counsel filed the initial brief of appellant in the case of State v. August Kreis with this Court. On October 3, 2016, counsel filed the petition for writ of certiorari in

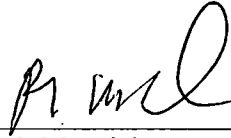
the case of Richey Lamont Boyd v. State with the Supreme Court. On September 30, 2016, counsel filed the initial brief of appellant in the case of State v. Jeffrey Dana Andrews with this Court. Counsel presented at the Public Defender's Conference on Case Law Update and three error preservation exercises on September 26, 2016. On September 8, 2016, counsel had an oral argument in the case of State v. Joshua Griffith before this Court. On September 8, 2016, counsel had an oral argument in the case of State v. Shannon Scott before this Court. On September 7, 2016, counsel had an oral argument in the case of State v. Raheem D. King before the Supreme Court. On September 6, 2016, counsel filed the return to petition for writ of certiorari in the case of Vernell W. Harris v. State with the Supreme Court. **Counsel has extensive administrative duties as the Chief Appellate Defender. These include preparing the Appellate portion of the year-ending report, Appellate Project oversight, and training five less experienced appellate defenders and reading all of their writings.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

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, **until November 18, 2016**, 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,



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Robert M. Dudek  
Chief Appellate Defender

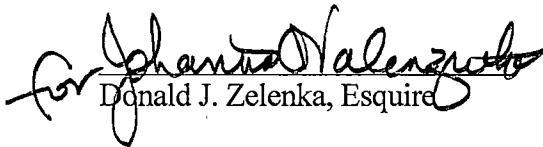


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 19th day of October, 2016.

I consent:



Donald J. Zelenka, Esquire