

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

V.

TYRONE MALCOLM BENN,

APPELLANT

APPELLATE CASE NO. 2016-000846

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

Counsel for Tyrone Malcolm Benn respectfully requests a **final eleven (11) day extension until February 28, 2017**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will make every effort to file the initial brief of appellant and designation of matter before the extension deadline.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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. Given the number of extensions

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previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Ahshaad Owens with this Court. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Sylvester Keejuan King with this Court. Counsel this week also had to meet a deadline for his materials for the Criminal Law CLE on February 24, 2017. Counsel also had to prepare for the Juvenile Sentencing Symposium at the University of South Carolina Alumni Center where he made a presentation on February 10, 2017. On February 8, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Lindell Davis with this Court. On February 1, 2017, counsel filed the brief of respondent in the case of Marshall Heath Collins v. The State with the Supreme Court. On February 1, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Brian Terrell with this Court. On January 30, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerod Swinton v. The State with the Supreme Court. On January 27, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Ware with this Court. On January 26, 2017, counsel filed the petition for rehearing in the case of The State v. Jalann Williams with this Court. On January 20, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. David Ray Brown with this Court. On January 3, 2017, counsel filed the brief of petitioner in the case of The State v. Ryan P. Deleston with the Supreme Court. On December 30, 2016, counsel filed the petition for writ of certiorari in the double jeopardy case of The State v. Bryan Rearick with the United States Supreme Court. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and**

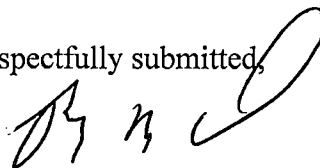
Appellate Project oversight, and, training four less experienced appellate defenders and reading all of their writings.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel 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 eleven (11) day extension until, February 28, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will make every effort to file the initial brief of appellant and designation of matter before the extension deadline.** Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

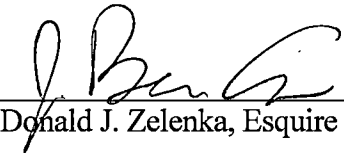
Attorney for Appellant



J. Hugh Ryan, III
Executive Director

This 17th day of February, 2017.

I consent:

for 
Donald J. Zelenka, Esquire