

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
Stephanie P. McDonald, Circuit Court Judge

RECEIVED
JAN 07 2013

THE STATE,

RESPONDENT
SC Court of Appeals

v.

RANDALL WILLIAM BENTON,

APPELLANT

Appellate Case No. 2012-208508

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

Counsel for Randall William Benton respectfully requests a **final extension of thirty (30) days until February 6, 2013** 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 final 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, January 7, 2013. The Court has granted counsel four previous extensions.

2. Counsel for Mr. Benton 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. On January 7, 2013, counsel filed the brief of appellant in State v. Albert J. Cave, Jr. with this Court. On December 27, 2012, counsel filed the petition for writ of certiorari in and

accompanying appendix Jason Moulton v. State in the Supreme Court. On December 21, 2012, counsel filed the brief of appellant in State v. Gregory Gathers in the Court of Appeals. On December 20, 2012, counsel filed the brief of appellant in State v. Corey Gethers with this Court. On December 14, 2012, counsel filed the brief of appellant in State v. Benjamin Franklin Webb with this Court. On December 11, 2012, counsel had an oral argument in State v. Rico Brown at this Court. On December 5, 2012, counsel testified in James Aiken v. State in Charleston County. On December 3, 2012, counsel filed the petition for rehearing in State v. K.C. Langford in the Supreme Court. On November 28, 2012, counsel filed the brief of appellant in State v. Ronald Lee McCauley and State v. Herbert Causey with this Court. On November 20, 2012, counsel filed the brief of appellant in State v. Travis Jones with this Court. On November 19, 2012, counsel filed the brief of appellant in State v. Jimmy Wilson Jr. with this Court. On November 16, 2012, counsel filed the brief of appellant in State v. Arthur Smith with this Court. On November 14, 2012, counsel is filed the petition for writ of certiorari and accompanying appendix in James McClellan v. State in the Supreme Court. On November 13, 2012, counsel filed the brief of appellant in State v. Carmichael Arvel Glenn with this Court. On November 8, 2012, counsel filed the petition for writ of certiorari James Branham v. State in the Supreme Court. On November 5, 2012, counsel filed the brief of appellant in State v. Antonio Scott with this Court. On October 30, 2012, counsel had an oral argument in State v. Devone F. Frazier at this Court.

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.

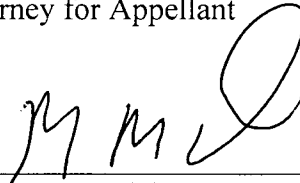
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until February 6, 2013** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

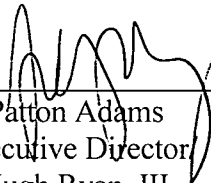


Breen R. Stevens
Appellate Defender

Attorney for Appellant



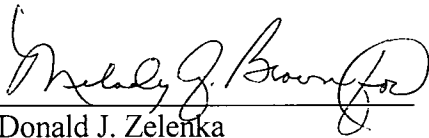
Robert M. Dudek
Chief Appellate Defender



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

This 7th day of January 2013.

I consent:



Donald J. Zelenka