

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2017-002553

RECEIVED
JUN 27 2018
SC Court of Appeals

The State,Respondent,

v.

Tommy Lee Benton,Appellant.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), SCACR, Appellant Tommy Lee Benton respectfully moves this Court for an extension of time in which to file the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. In support of this Motion, Mr. Benton states as follows:

1. Appointed Counsel for Mr. Benton was appointed by Order of the Court on June 13, 2018.
2. Under the same Order, the due date for Mr. Benton’s Initial Brief and Designation of Matter was set for thirty days after the date of the Order, which makes those documents due July 13, 2018.
3. Appointed Counsel is informed that Mr. Benton’s trial counsel requested, and was granted, one extension previously to order the transcript to be provided to the South Carolina

Commission on Indigent Defense. Mr. Benton has not requested a previous extension to file his Initial Brief and Designation of Matter.

4. Appointed Counsel for Mr. Benton respectfully requests an extension of time of 60 days to file the Initial Appellant's Brief and Designation of Matter to be Included in the Record on Appeal in order to adequately study the sizeable record, request additional exhibits from the trial court as may be necessary, and provide meaningful defense to Mr. Benton as a part of the Appellate Practice Project. Appointed Counsel also has work schedule conflicts coinciding with the current due date.

5. If the Court grants this request, Counsel for Mr. Benton calculates that Initial Appellant's Brief will be due on September 11, 2018.

6. This is the first request for an extension by Appointed Counsel for Mr. Benton in this appeal.

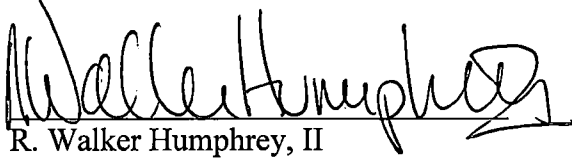
7. This request is made in good faith, and not for purposes of delay.

8. Counsel for Mr. Benton has consulted with Counsel for the State, and the State has no objection to this request.

Counsel for Appellant Mr. Benton therefore respectfully requests that this Court grant this Motion and extend the time for filing the Initial Appellants Brief and Designation of Matter to be Included in the Record on Appeal until September 11, 2018.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



R. Walker Humphrey, II
WILLOUGHBY & HOEFER, P.A.
133 River Landing Drive
Suite 200
Charleston, South Carolina 29492
(843) 619-4426

Robert M. Dudek
Chief Appellate Defender
**SOUTH CAROLINA COMMISSION ON
INDIGENT DEFENSE**
1330 Lady Street, Suite 401
Columbia, South Carolina 29201
(803) 734-1330

Counsel for Appellant Tommy Lee Benton

Charleston, South Carolina
June 25, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED APPEAL FROM HORRY COUNTY

JUN 27 2018 Steven H. John, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2017-002553

The State, Respondent,

v.

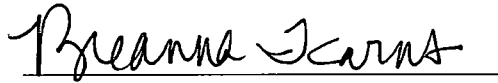
Tommy Lee Benton, Appellant.

Certificate of Service

This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Appellant's Motion for Extension of Time** by depositing the same in the U.S. Mail to the following:

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

Melody J. Brown
South Carolina Attorney General's Office
1000 Assembly Street
Columbia, S.C. 29201


Breanna Karns

Charleston, South Carolina
This 25th day of June 2018

WILLOUGHBY & HOEFER, P.A.
ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
BENJAMIN P. MUSTIAN**
ELIZABETH ZECK*
ELIZABETHANN LOADHOLT CARROLL
CHAD N. JOHNSTON
JOHN W. ROBERTS
R. WALKER HUMPHREY, II***
CHRISTOPHER M. CAMPBELL
ANDREW R. HAND****

ELIZABETH S. MABRY
JAMES PATRICK HUDSON
OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS
**ALSO ADMITTED IN WASHINGTON, D.C.
***ALSO ADMITTED IN CALIFORNIA
****ALSO ADMITTED IN NORTH CAROLINA

OFFICES:

COLUMBIA

930 RICHLAND STREET
P.O. BOX 8416
COLUMBIA, SC 29202-8416

AREA CODE 803
TELEPHONE 252-3300
FAX 256-8062

CHARLESTON

151 MEETING STREET
SUITE 325
P.O. BOX 10
CHARLESTON, SC 29402

AREA CODE 843
TELEPHONE 619-4426
FAX 619-4430

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SC Court of Appeals

June 25, 2018

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *The State v. Tommy Lee Benton*
Appellate Case No. 2017-002553

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the **Motion for Extension of Time** to file the Initial Brief of Appellant and Designation of Matter to be Included in the Appeal, of Appellant Tommy Lee Benton, along with a Certificate of Service. Please file-stamp the extra copy and return it via the enclosed return envelope.

Thank you for your time and consideration. If you have any questions or if you need any additional information, please do not hesitate to contact me.

With kindest regards, I am

Sincerely yours,

WILLOUGHBY & HOEFER, P.A.


R. Walker Humphrey, II

✓

Enclosures

cc: Robert M. Dudek, Esquire
Melody J. Brown, Esquire



WILLOUGHBY & HOEFER, P.A.

Post Office Box 10
Charleston, SC 29402

TO:

The Honorable Jenny Abbott Kitchin
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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