

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Charleston County  
Roger M. Young, Circuit Court Judge

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BENJAMIN L. SMALLS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001586

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX

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Counsel for Benjamin Lavon Smalls respectfully requests a **final thirty (30) day extension, until May 6, 2019**, in which to file the Petition for Writ of Certiorari and Appendix 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 Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Benjamin Lavon Smalls respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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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 filed the petition for writ of certiorari and accompanying appendix in the case of Billy L. Alford v. State(2) with the Supreme Court on March 29, 2019. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of State v. Alton Jamaul Crosby with the Supreme Court on March 25, 2019. Counsel filed the petition for rehearing in the case of State v. Rhajon Akeem Reshae Sanders with the Court of Appeals on March 21, 2019. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of State v. Theia Darion McArdle with the Supreme Court on March 18, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William Bolt v. State with the Supreme Court on March 18, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joshua Lee Phillips v. State with the Supreme Court on March 15, 2019. Counsel filed the return to petition for writ of certiorari in the case of State v. David Alan White with the Supreme Court on March 4, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Edward Earl McElveen with the Court of Appeals on March 4, 2019. Counsel filed the petition for rehearing in the case of State v. Gerald Jarrod Ancrum with the Court of Appeals on February 28, 2019. Counsel filed the petition for rehearing in the case of State v. Michael Fulwiley with the Court of Appeals on February 21, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. David Jamel McCoy in the Court of Appeals on February 19, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frederick B. Mosley v. State with the Supreme Court on February 19, 2019. Counsel filed a petition for rehearing in the case of State v. Sarah D.

Cardwell in the Supreme Court on February 7, 2019. Counsel filed a petition for rehearing in the case of State v. Hershel Mark Jefferson, Jr. in the Court of Appeals on February 7, 2019. Counsel filed a petition for rehearing in the case of State v. Alton Jamaul Crosby in the Court of Appeals on February 7, 2019.

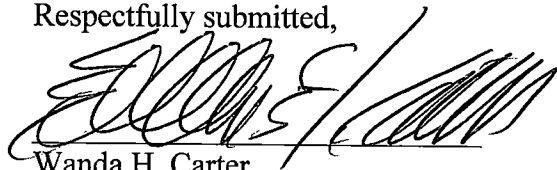
4. Counsel makes this request in good faith and not for purpose of delay.

5. Counsel for the Attorney General's office has been informed of this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until May 6, 2019**, in which to file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

This 5th day of April, 2019.

Respectfully submitted,

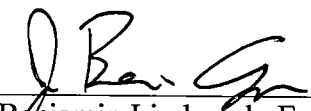


Wanda H. Carter  
Deputy Chief Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

I consent:

  
for Benjamin Limbaugh, Esquire