

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
APR 11 2019
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 Reply Brief of Appellant. In support of this Motion, Mr. Benton states as follows:

1. Appellant filed his Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on October 8, 2018. Respondent the State of South Carolina filed its Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal, along with an unopposed motion for this Court to accept those filings out of time, on April 4, 2019. Appellant received the State’s brief, designation, and motion on April 8, 2019.

2. Appellant’s Initial Reply Brief currently is due April 15, 2019. Counsel for Appellant respectfully requests a 10-day extension of time to complete and file his Initial Reply

Brief. This will enable counsel to continue providing Appellant a meaningful defense through the Appellate Practice Project.

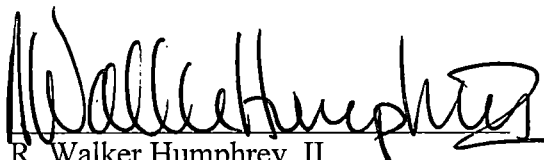
3. If the Court grants this request, counsel calculates that Appellant's Initial Reply Brief will be due April 25, 2019.

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

5. 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 Reply Brief of Appellant until April 25, 2019.

Respectfully submitted,



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Counsel for Appellant Tommy Lee Benton

Charleston, South Carolina
April 8, 2019

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PROOF 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 **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
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Columbia, South Carolina 29201

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


Breanna Karns

Columbia, South Carolina
This 8th day of April 2019

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

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April 8, 2019

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 for filing please find the original and seven (7) copies of the **Motion for Extension of Time** in the above-referenced matter. I would appreciate your acknowledging receipt of this document by file-stamping the extra copy and returning it to me via the enclosed return envelope.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. 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

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The Honorable Jenny Abbott Kitchings

April 8, 2019

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Enclosures

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

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TO:

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