

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

J. C. Buddy Nicholson, Jr., Circuit Court Judge

RECEIVED
MAR 12 2013
SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

BENJAMIN J. JACKSON,

APPELLANT

APPELLATE CASE NO. 2012-210107

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

Counsel for Benjamin J. Jackson respectfully requests an extension of thirty (30) days 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 fourth 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. The Court has granted counsel three previous extensions.
2. Counsel for Mr. Jackson 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 her caseload, counsel hopes that no further extension requests will be required.

3. On March 7, 2013, counsel held an oral argument in State v. Daniel Rogers before this Court. On March 5, 2013, counsel held an oral argument in The Matter of the Care and Treatment of Thomas Simmons before the Supreme Court; and counsel held an oral argument in State v. Alonza Dennis before this Court. On March 4, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Robert Young v. State with the Supreme Court. On March 1, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in David Wilson v. State with the Supreme Court. On February 28, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix and supplemental appendix in Lakendrick K. Leverette v. State with the Supreme Court. On February 22, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Phillip Sims v. State with the Supreme Court. On February 14, 2013, counsel filed a initial brief of appellant and designation of matter in State v. Travas Jones with this Court; counsel filed a petition for rehearing in State v. Jimmy Lee Sessions with this Court; counsel filed a petition for rehearing in State v. Bobby J. Barton with this Court; and counsel filed a petition for writ of certiorari and accompanying appendix in George Moses v. State with the Supreme Court. On February 5, 2013, counsel held an oral argument in State v. Demetrius Goodwin before this Court. On January 31, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Kevin King v. State with the Supreme Court. On January 30, 2013, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Christopher Manning with the Supreme Court; a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Christopher Whitehead with the Supreme Court; a petition for writ of certiorari and accompanying appendix in Sintari Summers v.

State with the Supreme Court; and a petition for writ of certiorari and accompanying appendix in Terrance Tompkins v. State with the Supreme Court. On January 29, 2013, counsel filed a Motion to Argue against Precedent in State v. Clarence Logan, Jr in the Supreme Court. On January, 28, 2013, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Bennie Mitchell with the Supreme Court. On January 24, 2013, counsel filed a Motion for Appointment of outside Counsel in State v. Kevin Reed with this Court. On January 17, 2013, counsel filed a petition for rehearing in State v. Ralph Bernard Coleman with this Court. On January 16, 2013, counsel testified at a Fifth Circuit PCR hearing in Randy Thomas v. State. On January 14, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Clinton F. Stephens v. State with the Supreme Court. On January 10, 2013, counsel filed a brief of petitioner and accompanying appendix in Braxton J. Bell v. State with the Supreme Court. On January 8, 2013, counsel held an oral argument in State v. Bobby J. Barton before this Court. On January 3, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Eric Rhea v. State with the Supreme Court. On January 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Marcus Parker v. State with the Supreme Court. On December 17, 2012, counsel filed an initial brief of appellant and designation of matter in The Matter of the Care and Treatment of Jimmy Mac McBride with this Court; and filed a Johnson petition for writ of certiorari and accompanying appendix in Christopher Devon Jones v. State in the Supreme 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.

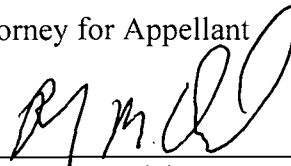
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

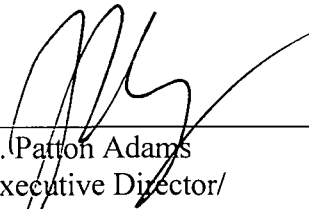


LaNelle C. Durant
Appellate Defender

Attorney for Appellant



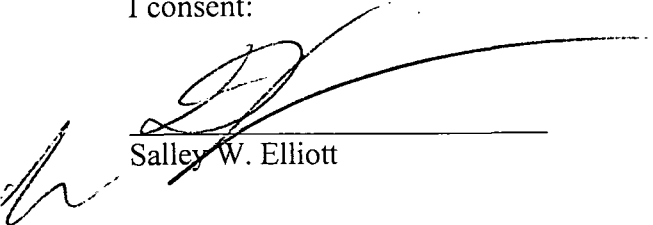
Robert M. Dudek
Chief Appellate Defender



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

This 12th day of March, 2013.

I consent:



Salley W. Elliott