

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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Jan 26 2022

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2021-001498

The State, .....Respondent,

v.

Tommy Lee Benton, .....Petitioner.

**PETITIONER’S MOTION FOR EXTENSION OF TIME TO FILE  
REPLY IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rules 240, 242, and 263(b), SCACR, Petitioner Tommy Lee Benton respectfully moves this Court for an extension of time to file a Reply in Support of Petition for Writ of Certiorari to the Court of Appeals to review the Court of Appeals’ decision in this matter, *State v. Tommy Lee Benton*, Op. No. 5868 (S.C. Ct. App. filed Oct. 13, 2021) (Howard Ad. Sh. No. 36 at 21). In support of this motion, Petitioner states as follows:

1. The Court of Appeals filed a published opinion in the above-captioned matter, Opinion No. 5868, on October 13, 2021, affirming Petitioner’s convictions.

2. Petitioner filed a timely Petition for Rehearing with the Court of Appeals on November 4, 2021, which was denied by Order dated November 18, 2021.

3. Petitioner filed his Petition for Writ of Certiorari to review the opinion of the Court of Appeals on December 20, 2021.

4. Respondent State of South Carolina timely filed its return on January 19, 2022.
  5. Under Rule 242(g), SCACR, Petitioner's reply in support of his petition is due on or before January 31, 2022.
  6. Due to other work obligations conflicting with the current deadline, counsel for Petitioner requests an extension of an additional five (5) days to file his reply.
  7. If the Court grants this request, Petitioner calculates that he will have until February 7, 2022, in which to file and serve a Reply in Support of Petition for Writ of Certiorari.
  8. This is the first request for an extension by Petitioner to this Court, and the time period requested is consistent with Supreme Court Order 2014-07-16-01.
  9. This request is made in good faith, not for purposes of delay, and Respondent will not be prejudiced by this extension.
  10. Petitioner consulted with Respondent, and the undersigned is authorized to state that Respondent consents to the granting of this request.
- Counsel for Petitioner therefore respectfully requests that the Court grant this Motion and extend the time for filing a Reply in Support of Petition for Writ of Certiorari to the Court of Appeals until February 7, 2022.

[Signature page follows]

Respectfully submitted,

*/s/ R. Walker Humphrey, II*

R. Walker Humphrey, II

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January 26, 2022