

RECEIVED
Mar 08 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

OSMAN UVALDO JIMINEZ BENITEZ,

APPELLANT.

APPELLATE CASE NO. 2021-001500

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

Counsel for Osman Uvaldo Jiminez Benitez respectfully requests a **fourth and final thirty (30) day extension from March 8, 2023, until April 7, 2023**, in which to serve and file the initial brief of appellant and designation of matter in the above-referenced case. 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 in this case are due to be served and filed with the Court today.
2. Counsel for Osman Uvaldo Jiminez Benitez respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case

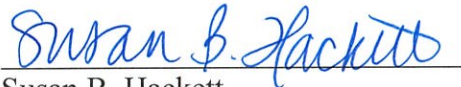
of State v. Xzariera Okevis Gray in the Supreme Court on March 6, 2022. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of State v. Devin Jamel Johnson in the Supreme Court on March 1, 2023. On February 17, 2023, counsel participated as a presenter on the topic of Error Preservation for a CLE entitled Back to Basics sponsored by the South Carolina Association of Criminal Defense Lawyers. Counsel attended a PCR Hearing as a witness in the case of Christopher Moore v. State in Lancaster on February 16, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Matthew Young in this Court on February 16, 2023. Counsel filed the brief of petitioner in the case of Rodney C. Bryan v. State in the Supreme Court on February 10, 2023. Counsel had an oral argument in the case of State v. Travis Latrell Lawrence in the Supreme Court in Conway on February 8, 2023. Counsel filed the return to petition for rehearing in the case of State v. Kenneth Lamont Robinson, Jr. in this Court on January 30, 2023. Counsel filed the brief of respondent in the case of Carnie Norris v. State in this Court on January 27, 2023. Counsel filed the reply to return to petition for writ of certiorari to the Court of Appeals in the case of State v. Nicholas Benjamin Chhith-Berry in the Supreme Court on January 19, 2023. Counsel filed the reply brief of petitioner in the case of State v. Robert Lee Miller, III in the Supreme Court on January 19, 2023. Counsel filed the reply to return to petition for writ of certiorari to the Court of Appeals in the case of State v. Joseph Lamar Brown, Jr. in the Supreme Court on January 17, 2023. Counsel filed the initial reply brief of appellant in the case of State v. Charvix Wright in this Court on January 13, 2023. Counsel filed the brief of petitioner in the case of State v. Gabrielle Oliva Lashane Davis Kocsis in the Supreme Court on January 9, 2023. Counsel filed the initial brief of appellant in the case of State v. Christopher Jamel Brisbon in this Court on January 9, 2023.

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

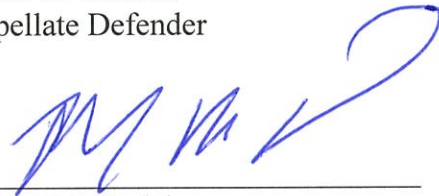
5. On February 28, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2023.

WHEREFORE, the undersigned counsel respectfully requests a **fourth and final thirty (30) day extension from March 8, 2023, until April 7, 2023**, in which to serve and file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

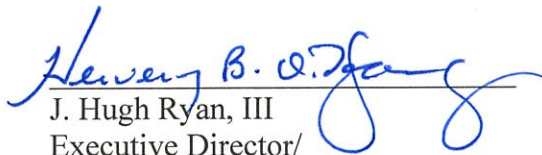
Respectfully submitted,



Susan B. Hackett
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 8th day of March, 2023.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion for extension of time to serve and file the initial brief of appellant and designation of matter in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is wblitch@scag.gov, this 8th day of March, 2023.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#)
Cc: [Hackett, Susan](#)
Subject: Benitez, O. - 4th Extension for B&D - 2021-001500
Date: Wednesday, March 8, 2023 1:05:00 PM
Attachments: [Benitez, O. - 4th Extension for B&D - 2021-001500.pdf](#)

Mr. Blitch,

Please find attached for service the 4th Request for Extension for Initial Brief of Appellant and Designation of Matter for Osman Uvaldo Jiminez Benitez's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330