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Sep 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County
Honorable Bentley Price, Circuit Court Judge
Appellate Case No. 2021-001500

THE STATE,

Respondent,

vs.

OSMAN UVALDO JIMENEZ BENITEZ,

Appellant.

**MOTION FOR FIFTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on September 20, 2023.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fifth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in

State v. Keunte Cobbs and State v. Gary Martin Wirtz; filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Kendrick Tremain Blackwell, and State v. Jeffery Keyon Timothy Griffin; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Ronald Lyons. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has also participated in mandatory training related to leadership skills, has prepared for and presented at an internal annual presentation on the status of the unit, and has assisted in the office’s completion of the annual accountability report.

III.

The undersigned counsel submits this extension request is supported extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue concerning the appellant’s constitutional right to a speedy trial. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload, other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel’s office, and some unanticipated matters that have required the undersigned counsel’s attention. Most significantly, the undersigned counsel—in addition to the responsibilities detailed above—was required to spend significant time working closely with William M. Blich, Jr. and others in the office in preparation for the transition that has occurred as a result of William’s recent departure from the office following his acceptance of the position of Disciplinary Counsel for the State of South Carolina. Accordingly, in order to

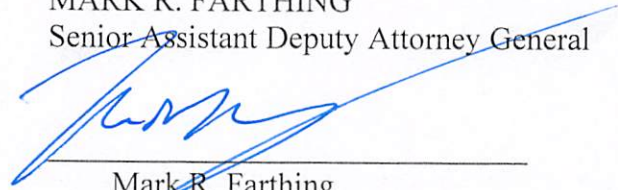
ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

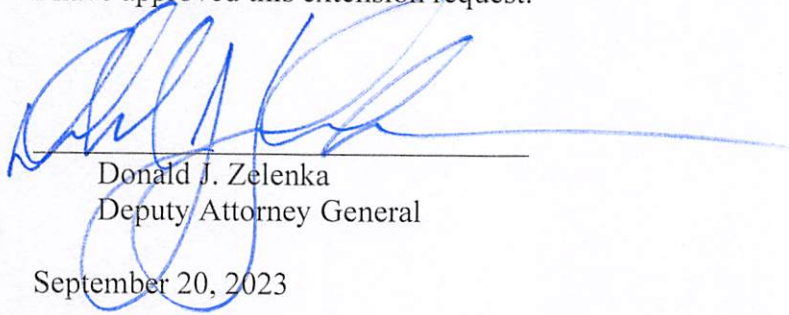
ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General



Mark R. Farthing
S.C. Bar Number 76901

I have approved this extension request.



Donald J. Zelenka
Deputy Attorney General

September 20, 2023

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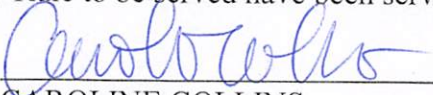
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for Fifth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Breen Stevens, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 20th day of September, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Wednesday, September 20, 2023 4:48 PM
To: Stevens, Breen
Cc: Leverett, Scott; Mark Farthing
Subject: The State v. Osman Uvaldo Jimenez Benitez (2021-001500)
Attachments: Benitez.Fifth Extension Request (IBOR) (03393429xD2C78).PDF

Good Afternoon Mr. Stevens,

Attached please find a request for a fifth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Osman Uvaldo Jimenez Benitez (2021-001500). This request will be filed today with the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you!

CAROLINE COLLINS, Administrative Coordinator
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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