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Oct 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County

R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

BENJAMIN LOUIS NATION,

APPELLANT

APPELLATE CASE NO. 2024-000185

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

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Counsel for Benjamin L. Nation respectfully requests a thirty (30) day extension from October 10, 2024 until November 12, 2024 in which to serve and 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 third 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 today.
2. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the case of The State v. Raekwon Ellerbe with this Court on October 9, 2024. Counsel filed the Initial Brief

of Appellant/Respondent and Designation of Matter in the case of The State v. Terrence O. Frazier with this Court on October 1, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Marqual Devine Griffin v. The State with the Supreme Court on September 24, 2024. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Quinterris J. Carmichael with this Court on September 5, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Ty Leic Dae Jhon Chaneyfield with this Court on August 20, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Frank L. Mills with this Court on August 5, 2024. Counsel filed the *Johnson* Petition for Writ of Certiorari and the Appendix in the case of Jaycoby Terreak Williams v. The State with the Supreme Court on August 5, 2024.

3. This request is made in good faith, and not for purposes 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.


4. On September 29, 2024, 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 October 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from October 10, 2024 until November 12, 2024. 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,



Joanna K. Delany  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 10th day of October, 2024.

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THE STATE,

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APPELLANT

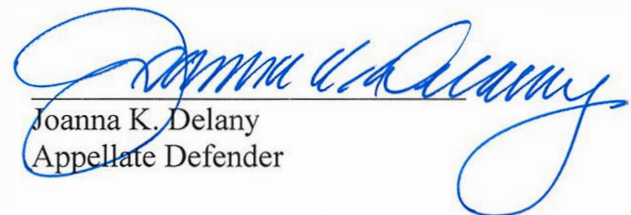
APPELLATE CASE NO. 2024-000185

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 10th day of October, 2024.



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Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Mcinnis, Sara](#)  
**To:** [Mark Farthing](#)  
**Cc:** [ccollins@scag.gov](mailto:ccollins@scag.gov); [Delany, Joanna](#)  
**Subject:** 2024-000185 The State v. Benjamin L. Nation Extension 3  
**Date:** Thursday, October 10, 2024 3:54:00 PM  
**Attachments:** [2024-000185 The State v. Benjamin L. Nation Extension 3.pdf](#)

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Good Afternoon Mr. Farthing,

Please find attached for service in the above-referenced case the third motion for an extension of time to serve and file the initial brief of appellant and designation of matter. This motion will be filed with the Court of Appeals today, October 10, 2024, via email filing.

Thank you,

**Sara McInnis**

Administrative Assistant

South Carolina Commission on Indigent Defense

Appellate Division

(803) 734-1330