

**RECEIVED**  
**Jun 19 2025**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Darlington County

Honorable R. Ferrell Cothran, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

GREGORY LAMONT BENJAMIN,

APPELLANT.

APPELLATE CASE NO. 2024-001017

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MOTION TO FILE RECORD ON APPEAL  
OUT OF TIME

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Pursuant to Rule 240, SCACR, undersigned counsel moves the Court to allow late filing of the Record on Appeal in this case. In support of this motion, counsel would submit the following facts.

1. Counsel filed the initial brief of appellant and designation of matter to be included in the record on appeal on March 17, 2025. The initial brief of respondent and designation of matter to be included in the record were filed on April 14, 2025. Counsel filed the initial reply brief of appellant with this Court on April 30, 2025. Therefore, the record on appeal would have been due on May, 30, 2025.

2. Due to a clerical error, the record on appeal was not timely filed.

3. Counsel is filing the Record on Appeal and the Final Briefs simultaneously with this motion.

4. Opposing Counsel, the Office of the Attorney General, kindly consents to this motion to file the record on appeal out of time by way of ongoing reciprocal consent to any requests to motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendices and records on appeal. That emailed consent was generated by Deputy Attorney General Donald J. Zelenka on May 30, 2024.

WHEREFORE, the undersigned counsel moves the Court to allow late filing of the Record on Appeal.



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 19<sup>th</sup> day of June, 2025.

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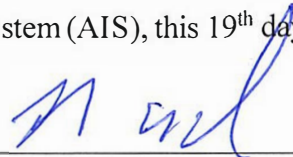
GREGORY LAMONT BENJAMIN

APPELLANT.

APPELLATE CASE NO. 2024-001017

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and rule 262(c)(3), SCACR, the undersigned attorney hereby certifies that a true copy of the Petition to File the Record on Appeal Out of Time in the above referenced case has been served upon Mark R. Fathing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 19<sup>th</sup> day of June.



Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT