

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
The Honorable Alexander S. Macaulay

Appellate Case No. 2012-213383

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FEB 18 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT.

v.

BENJAMIN J. NEWMAN,

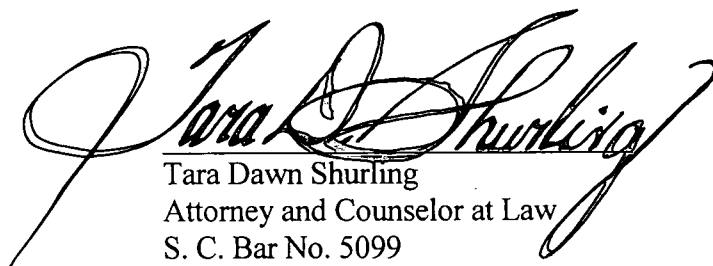
APPELLANT.

MOTION FOR EXTENSION OF TIME

NOW COMES the Appellant in the above captioned direct appeal asking for an extension of time in which to file a Petition for Rehearing with this Honorable Court. On today's date undersigned counsel, Tara Dawn Shurling, was hired by the Appellant's family to review the records from his direct appeal to determine whether an optional appeal to the Supreme Court of South Carolina is necessary and appropriate. On Monday, February 10, 2014, counsel was able to speak with the Appellant by telephone to confirm his desire that Attorney Shurling be substituted as counsel of record for his appeal before this Honorable Court. This direct appeal was decided on January 29, 2014 and the Petition for Rehearing is due on Thursday, February 13, 2014. In light of the winter storms Columbia is currently experiencing, Counsel does not anticipate being able to obtain the necessary documents to review this decision and a Consent Order for Substitution of Counsel by that date. For that reason, Counsel now asks that the deadline for filing a Petition for Rehearing in this case be extended for ten (10) days from today's date, or until Friday, February 21, 2014. Counsel will provide the Court a Consent Order for Substitution of Counsel as soon as possible. Current Counsel, Robert T. Williams, Sr., has been sent a copy of this Order on today's date. Undersigned Counsel has spoken with Attorney Williams by telephone and he has agreed to sign a Consent Order for Substitution of Counsel in this case. Counsel has also sent another copy of the Consent Order for Substitution of Counsel to the client at McCormick

Correctional Institution. Counsel will forward the signed copies of the Consent Order to the Court as soon as they are returned to her. Counsel has spoken with counsel for Respondent, Jennifer Roberts, Assistant Attorney General, and she has consented to this extension request.

Undersigned Counsel greatly appreciates the Court's consideration in this matter. Ordinarily Counsel would have made arrangements to secure the necessary signatures on a Consent Order for Substitution tomorrow; however, weather conditions obviously are not going to make that possible. Respectfully submitted,



Tara Dawn Shurling
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Drive
Suite A
Columbia, S.C. 29204
(803)738-8622
(803)738-1600 Fax

February 11, 2014

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
The Honorable Alexander S. Macaulay

Appellate Case No. 2012-213383

STATE OF SOUTH CAROLINA,

RESPONDENT.

v.

BENJAMIN J. NEWMAN,

APPELLANT.

CERTIFICATE OF SERVICE

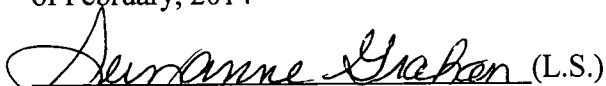
The undersigned hereby certifies that one copy of the Motion for Extension of Time in the above captioned case have been served upon opposing counsel, Jennifer Roberts, Assistant Attorney General, by mailing in an envelope properly addressed to the Office of the Attorney General, P. O. Box 11549, Columbia, SC 29211, with postage prepaid on this the 11th day of February, 2014.



Sharon McCollister
Paralegal to:
Tara Dawn Shurling
Attorney for the Appellant

3614 Landmark Drive
Suite A
Columbia, S.C. 29204
(803)738-8622
(803)738-1600 Fax

SWORN TO BEFORE me this 11th day
of February, 2014

 (L.S.)
Notary Public for South Carolina

My Commission Expires: 2/28/2024

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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Columbia, South Carolina 29204.

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(Fax) (803) 738-1600

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February 11, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: State of South Carolina v. Benjamin J. Newman
Appellate Case No. 2012-213383

Dear Ms. Kitchings:

Enclosed is my Motion an Extension of Time in which to file a Petition for Rehearing in the above captioned matter. I have also prepared a Motion for Substitution of Counsel and a Consent Order for Substitution of Counsel. I have already obtained Theo Williams signature on both the motion and consent order which he has returned to me via fax. I have sent the client copies of these documents along with a request that he return them to me as quickly as possible with his signatures. I realize I am somewhat putting the cart before the horse to ask that this matter be extended before I secure an Order of Substitution. Unfortunately, I simply do not have time to get the client's signature on the Motion for Substitution before the deadline for filing this Petition for Rehearing which is Thursday, February 13, 2014. I have discussed this matter with my client by telephone and can assure the court that he has verified his desire for me to take over his representation. For now, I am enclosing copies of my Motion for Substitution of Counsel and the Consent Order for Substitution of Counsel. I will forward the original motion and original consent order with my signature and Theo Williams signature next Tuesday and will provide the Court with a copy with an original signature of the client as soon as I receive it back from him. Thank you very much for your time and assistance in this matter, I remain,

Sincerely yours,

A handwritten signature in cursive script that reads "Tara D. Shurling".

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

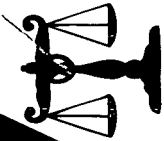
Enclosure

cc: Jennifer Roberts, Assistant Attorney General
Robert T. Williams, Sr., Esquire
Benjamin Newman, 352829

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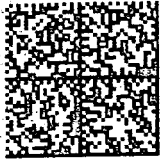
SOUTH CAROLINA COURT OF APPEALS



Law Office of
Tara Dawn Shurling, P.A.
 Attorney and Counselor at Law
 3614 Landmark Dr., Suite A
 Columbia, South Carolina 29204

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SC Court of Appeals

The Honorable Jenny A. Kitchings
 Clerk, South Carolina Court of Appeals
 P.O. Box 11629
 Columbia, SC 29211

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