

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUL 11 2014
SC Court of Appeals

Appeal from Calhoun County
The Honorable Diane Schafer Goodstein, Circuit Court Judge
Appellate Case No. 2013-001496

THE STATE,

Respondent,

vs

DAVID JAMAR BENJAMIN,

Appellant.

**PETITION FOR FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a ten (10) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, July 11, 2014, upon this Court's grant of Respondent's third request for an extension filed on June 16, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 11, 2014. Specifically,

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of William Antonio Gleaton, #326282 vs. Warden Dennis Bush, C/A No. 4:14-00890-TMC-TER on June 11, 2014;

2. Counsel presented oral argument on behalf of the State before the South Carolina Supreme Court in The State vs. Darian K. Robinson, Appellate Case No. 2010-172947, a direct appeal in a Greenville County murder appeal matter on June 12, 2014;

3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Alvin Keith Brown, Jr., #302968 vs. Warden of Kirkland Correctional Institution, C/A No. 5:13-2680-RMG-KDW on June 23, 2014;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sherrod Jarvis Miller, #340737 vs. Joseph McFadden, C/A No. 5:14-1042-JMC-KDW on June 26, 2014;

5. Counsel prepared the Initial Brief of Respondent and Designation of Matter in the of The State vs. Nathaniel Bernard Beeks, a Greenville County murder appeal on Monday, June 30, 2014,

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Terriel L. Mack, #312070 vs. Leroy Cartledge, C/A No. 9:14-295-TMC-BM on July 2, 2014; and

7. Counsel has spent a significant amount of time preparing the Initial Brief in this matter, including travelling to Calhoun County yesterday, July 10, 2014 to review evidence.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a ten (10) day extension of time to serve and file the Initial Brief in this matter.

Respectfully Submitted,

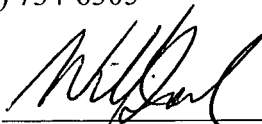
ALAN WILSON
Attorney General

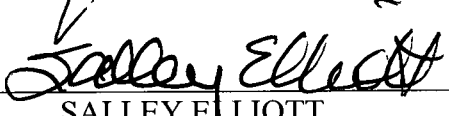
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
No. 4425


WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
WILLIAM EDGAR SALTER, III

By: 
SALLEY ELLIOTT,
Senior Assistant Deputy Attorney General
on behalf of DONALD J. ZELENKA,
Senior Assistant Deputy Attorney General

I accept the finding of good cause.

By: 
JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

July 11, 2014.

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IN THE COURT OF APPEALS

Appeal from Calhoun County
The Honorable Diane Schafer Goodstein, Circuit Court Judge
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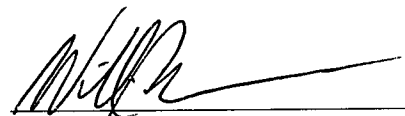
Appellant.

PROOF OF SERVICE

I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a fourth extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record, James L. Goldsmith, Jr., Esq., P O. Box 92, Zirconia, North Carolina 28790, and to Robert L. Sirianni, Jr., Brownstone Law Firm, P.A., 201 North New York Avenue, Suite #200, P.O. Box 2047, Winter Park, Florida 32789-3159.

I further certify that all parties required by Rule to be served have been served.

This 11th day of July, 2014.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-6305



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

July 11, 2014

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

Re: *The State vs David J Benjamin*
Appeal from Calhoun County
Appellate Case No.: 2013-001496

Dear Ms. Kitchings:

I hereby request an extension of ten (10) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, July 11, 2014. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Fourth Extension to File Initial Brief of Respondent and Designation of Matter.

Sincerely,

William E. Salter, III,
Senior Assistant Attorney General

WES:dmd
Enclosures

cc: James L. Goldsmith, Jr., Esq. (w/two copies of encls.)
Robert L. Sirianni, Jr., Esq. (w/two copies of encls.)