

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Steven H. John, Circuit Court Judge
Appellate Case No. 2017-002553

RECEIVED
APR 04 2019
SC Court of Appeals

THE STATE,

Respondent,

vs.

TOMMY LEE BENTON,

Appellant.

**MOTION TO ACCEPT INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER OUT OF TIME**

The undersigned counsel would respectfully move to have the Court accept the attached Initial Brief of Respondent and Designation of Matter on day late. In support of this motion, counsel would respectfully show the Court:

1. Respondent's Initial Brief was due to be filed and served yesterday, April 3, 2019.
2. Drafting of the text of the brief was completed; however, due to unforeseen issues with generating the tables including the table of contents and the table of authorities, formatting the designation of matter for completion, and other formatting and pagination errors, the undersigned was delayed in preparing the brief in the proper form. However, the undersigned continued to work on the brief to correct those errors, and is filing the brief and designation with this motion one day late.
3. Due to the unexpected delay for the cited reasons, Respondent respectfully requests the Court accept the attached brief in this matter.

4. By copy of this motion, Respondent is serving both the motion and the initial brief on counsel for appellant.

WHEREFORE, in light of the foregoing, counsel for Respondent respectfully requests the Court excuse the one day delay in filing based on complications in generating the appropriate tables and consistent formatting, and accept the attached initial brief and designation of matter.

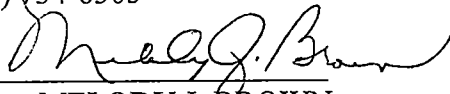
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

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

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

April 4, 2019.
Columbia, South Carolina.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2017-002553

THE STATE,

vs.

TOMMY LEE BENTON,

Respondent,

Appellant.

RECEIVED

APR 04 2019

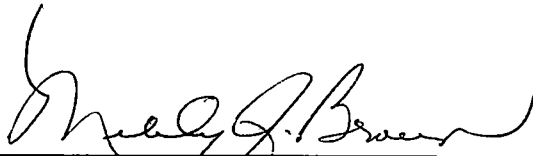
SC Court of Appeals

PROOF OF SERVICE

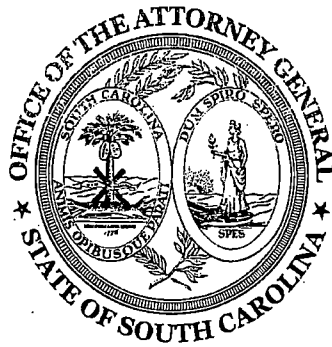
I, Melody J. Brown, certify that I have served the Initial Brief of Respondent, Designation of Matter and Motion to Accept Initial Brief and Designation of Matter Out of Time on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to: Robert M. Dudek, Esquire, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211 and R. Walker Humphrey, II, Esquire 133 River Landing Drive, Suite 200, Charleston, South Carolina 29492.

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

This 4th day of April, 2019.



MELODY J. BROWN
Senior Assistant Deputy Attorney General
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

April 4, 2019

RECEIVED

APR 04 2019

SC Court of Appeals

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

Re: The State v. Tommy Lee Benton
Appeal from Horry County
Appellate Case No: 2017-002553

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the *Initial Brief of Respondent and Designation of Matter* and the original and six (6) copies of the *Motion to Accept Initial Brief of Respondent and Designation of Matter Out of Time* along with proof of service in the above-referenced case.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

MJB/ab
Enclosures

cc: Robert M. Dudek, Esquire
R. Walker Humphrey, II, Esquire
Victim Advocacy Division