

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Calhoun County
The Honorable Robin Stilwell, Circuit Court Judge

Appellate Case No. 2019-000528

David J. Benjamin,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including November 27, 2019. This is Respondent's fourth request for an extension of time in which to file the return. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court on Monday, October 28, 2019. The Court has granted counsel three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Respondent is unable to complete the return to petition for writ of certiorari, due to an extremely heavy workload, in addition to severe disruptions in the past two weeks, to wit:
 - a. This is one of Counsel's first appellate filings as a licensed attorney;

RECEIVED
OCT 28 2019
S.C. SUPREME COURT

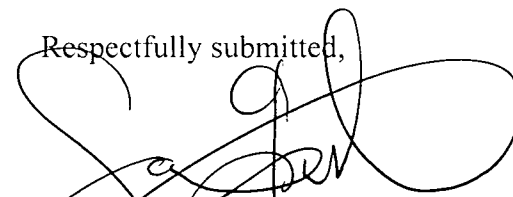
- b. Counsel has endeavored to complete in a timely fashion and needs additional time for review;
- c. Counsel has been diligently drafting orders resulting from the terms of Post-Conviction Relief held in the 14th and 1st Circuits on August 26-30, 2019, and September 9-13, 2019, respectively;
- d. Counsel is drafting the supplemental PCR order as required by this Court's ruling in Fishburne v. State, Op. No. 27911 (S.C.Sup.Ct. filed July 31, 2019).
- e. Counsel is diligently drafting the Return to Petition for Writ of Certiorari in Sams v. State, Ap. Case No. 2018-001617;
- f. Counsel is simultaneously preparing for the upcoming term of Post-Conviction Relief in the 14th Circuit, to be held November 4-8, 2019;
- g. Counsel has additionally committed time to personal affairs in light of the recent deployment of the undersigned's husband to Afghanistan with the United States Air Force on Thursday, October 17, 2019;
- h. Greater specificity as to the undersigned's workload can be provided upon request.

- 4. Counsel has reached Counsel for the Petitioner by email to ask consent for a forth extension, and Counsel for the Petitioner gave her consent to the extension.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension until Wednesday, November 27, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based

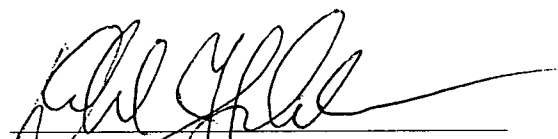
upon the above exigent circumstances. Counsel for Petitioner has consented to this request via electronic mail.

Respectfully submitted,




Sara E. Gunton
Assistant Attorney General
S.C. Bar # 103525
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

**We concur that extraordinary circumstances
have been shown**



DONALD J. ZELENKA
Deputy Attorney General



W. JEFFREY YOUNG
Chief Deputy Attorney General

This 28th day of October, 2019.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

OCT 28 2019

Certiorari to Calhoun County
The Honorable Robin Stilwell, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2019-000528

David J. Benjamin,

Petitioner,

v.

State of South Carolina,

Respondent.

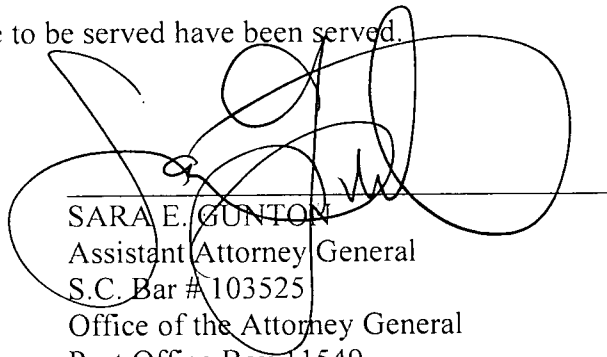
CERTIFICATE OF SERVICE

I, Sara E. Gunton, hereby certify that I have served the Motion for Fourth Extension to File the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the interagency mail, addressed to:

**Tricia A. Blanchette, Esquire
Law Office of Tricia A. Blanchette, LLC
Post Office Box 2147
Leesville, SC 29070**

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

This 28th day of October, 2019


SARA E. GUNTON
Assistant Attorney General
S.C. Bar #103525
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
ATTORNEY FOR RESPONDENT