

RECEIVED
Oct 25 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2017-002553

The State,Respondent,

v.

Tommy Lee Benton,Appellant.

**APPELLANT’S MOTION FOR EXTENSION OF TIME
TO SERVE AND FILE PETITION FOR REHEARING**

Appellant Tommy Lee Benton respectfully moves this Court for an extension of time in which to file his Petition for Rehearing pursuant to Rules 221(a) and 240, SCACR. In support of this Motion, Appellant states as follows:

1. This Court filed an opinion in the above-captioned matter, No. 5868, on October 13, 2021, affirming Appellant’s conviction.
2. A petition for rehearing is due to be filed on or before October 28, 2021. Counsel for Appellant respectfully requests an extension of time of seven (7) days within which to file a Petition for Rehearing. The basis for Appellant’s request is Appellant’s Counsel’s work schedule conflicts with the current due date for the petition.
3. This request is made in good faith, and not for purposes of delay.

4. If the Court grants this request, Counsel for Appellant calculates that the new due date will be November 4, 2021.

5. Counsel for Appellant has consulted with Counsel for the State and is authorized to report that the State does not oppose this request.

Counsel for Appellant therefore respectfully requests that the Court grant this Motion and extend the time for filing a Petition for Rehearing until November 4, 2021.

Respectfully submitted,

/s/ R. Walker Humphrey, II
WILLOUGHBY & HOEFER, P.A.
133 River Landing Drive, Suite 200
Charleston, South Carolina 29492
(843) 619-4426

Robert M. Dudek
Chief Appellate Defender
**SOUTH CAROLINA COMMISSION
ON INDIGENT DEFENSE**
1330 Lady Street, Suite 401
Columbia, South Carolina 29201
(803) 734-1330

Attorneys for Appellant

Charleston, South Carolina
October 25, 2021

RECEIVED

Oct 25 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2017-002553

The State,Respondent,

v.

Tommy Lee Benton,Appellant.

Proof of Service

This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of **Appellant’s Motion for Extension of Time to Serve and File Petition for Rehearing** by electronic mail delivery of same to the recipients listed and at their Attorney Information System provided email addresses below and via the attached emails:

Robert M. Dudek
rdudek@sccid.sc.gov

Donald J. Zelenka
dzelenka@scag.gov

Melody J. Brown, Esquire
mbrown@scag.gov


Breanna M. Karns

October 25, 2021
Charleston, South Carolina

From: [Breanna Karns](#)
To: rdudek@sccid.sc.gov; dzelenka@scag.gov; mbrown@scag.gov
Cc: [Walker Humphrey](#)
Subject: The State v. Tommy Lee Benton; Appellate Case No. 2017-002553
Date: Monday, October 25, 2021 4:16:00 PM
Attachments: [2021-10-25 RWH ltr to Clerk.pdf](#)
[image001.png](#)
[2021-10-25 Motion for Extension of Time - Petition for Rehearing.pdf](#)
[2021-10-25 POS.pdf](#)

Counsel:

Good afternoon. As permitted by Supreme Court Order 2021-05-29-02 parts (g)(3), attached for service please find Appellant's Motion for Extension of Time to Serve and File Petition for Rehearing in the above-referenced matter.

Regards,



Breanna M. Karns
Paralegal
WILLOUGHBY & HOEFER, P.A.
133 River Landing Drive, Suite 200
Charleston, SC 29492
(o) 843.619.4426 | (d) 843.998.6299
bkarns@willoughbyhoefler.com

Confidentiality Notice: The information contained in this transmittal, including any attachment, is privileged and confidential information and is intended only for the person or entity to which it is addressed. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying or distribution or the taking of any action in reliance on the contents of this transmittal is strictly prohibited. If you have received this transmittal in error, please contact the sender immediately by telephoning the sender at (803) 252-3300 and, also, please delete this transmittal from any computer or other data bank. Upon request, we will reimburse your reasonable costs of notifying us of a transmission error. Thank you.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it was sent) without our express written consent.

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
CHAD N. JOHNSTON
JOHN W. ROBERTS
ELIZABETH ZECK*
ELIZABETHANN L. CARROLL
ANDREW J. D'ANTONI
R. WALKER HUMPHREY, II***
ANDREW R. HAND****
J. JOSEPH OWENS

ELIZABETH S. MABRY
J. PATRICK HUDSON
OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

October 25, 2021

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

Oct 25 2021

SC Court of Appeals

Re: *The State v. Tommy Lee Benton*
Appellate Case No. 2017-002553

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2020-05-29-02, parts (c)(6) and (f), please find **Appellant's Motion for Extension of Time to Serve and File Petition for Rehearing** in the above-referenced matter. As permitted by Order 2020-05-29-02, part (d) no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel of record via electronic mail only and enclose a Proof of Service to that effect, with transmittal email, as provided for under Order 2020-05-29-02, part (g)(3). If you have any questions or if you need any additional information, please do not hesitate to contact me.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With kindest regards, I am

Sincerely yours,

WILLOUGHBY & HOEFER, P.A.



R. Walker Humphrey, II

OFFICES:

COLUMBIA | 930 RICHLAND STREET, COLUMBIA, SC 29201 | 803.252.3300 FAX 803.256.8062
CHARLESTON | 133 RIVER LANDING DRIVE, SUITE 200, CHARLESTON, SC 29492 | 843.619.4426 FAX 843.619.4490