

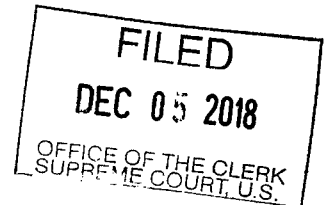
IN THE UNITED STATES SUPREME COURT

BENJAMIN CRUMP,
Petitioner,
Defendant Below,

v.

STATE OF DELAWARE,
Respondent,
Plaintiff Below.

No. 18A732



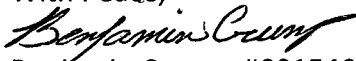
CORRECTED
MOTION FOR EXTENSION OF TIME
TO FILE WRIT OF CERTIORARI

COMES NOW, Benjamin Crump, who moves this Court for an extension of time until January 31, 2019, to file a writ of Certiorari from the September 18, 2018 denial of the the *en Banc* hearing motion before the Supreme Court of the State of Delaware in the case of Crump v. State, No. 2, 2018 (Ex. F). In support of this motion, Mr. Crump does certify the following.

The prison law library is open to prisoners for only 2 ½ hours a week which has not been enough time for Mr. Crump to complete the Petition and file it in a timely manner, that the issues are complicated and involve the State Court's refusal to comply with this Court's precedence.

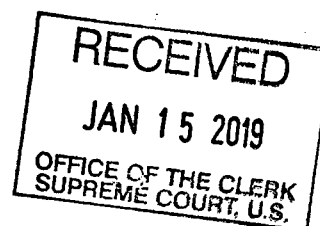
Mr. Crump further certifies that a copy of this motion is served upon opposing counsel, Hon. Kathrine Jennings, Esq., Attorney General, State of Delaware, 820 N. French Street, Wilmington, DE 19801, on this date.

With Peace,


Benjamin Crump, #00154003
JTVCC
1181 Paddock Road
Smyrna, DE 19977

enc.

xc: Hon. Kathrine Jennings, Esq.





IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN CRUMP,	§	
	§	No. 2, 2018
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of the
	§	State of Delaware
v.	§	
	§	Cr. ID No. 84001366DI (N)
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 18, 2018
Decided: August 7, 2018

Before **STRINE**, Chief Justice; **SEITZ** and **TRAYNOR**, Justices.

ORDER

Having considered the appellant's opening brief, the State's motion to affirm, and the record on appeal from the Superior Court's decision denying the appellant's second motion for postconviction relief and granting his counsel's motion to withdraw, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated December 14, 2017.*

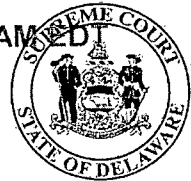
NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

* *State v. Crump*, 2017 WL 6403510 (Del. Super. Ct. Dec. 14, 2017).

Ex. 1 E



IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN CRUMP,	§	
	§	No. 2, 2018
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of the
	§	State of Delaware
v.	§	
	§	Cr. ID No. 84001366DI (N)
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: September 13, 2018

Decided: September 18, 2018

Before **STRINE**, Chief Justice; **SEITZ** and **TRAYNOR**, Justices, constituting the Court *en Banc*.

ORDER

This 18th day of September 2018, it appears to the Court that the Appellant has filed a motion requesting rehearing *en Banc* of this Court's Order, dated August 7, 2018, affirming the judgment of the trial court. After careful consideration, the Court finds no basis to grant rehearing *en Banc*.

NOW, THEREFORE, IT IS ORDERED that the Appellant's motion for rehearing *en Banc* is DENIED.

BY THE COURT:

/s/ Gary F. Traynor

Justice

Ex. B F

IN THE UNITED STATES SUPREME COURT

BENJAMIN CRUMP,
Petitioner,
Defendant Below,

V.

STATE OF DELAWARE,
Respondent,
Plaintiff Below,

NO.

MOTION FOR EXTENSION OF
TIME TO FILE CERTIORARI

COMES NOW, Benjamin Crump, who moves this Court for a 30 day extension of time to file a Petition for Certiorari from December 18, 2018 to January 18, 2019 in the case of Benjamin Crump v. State of Delaware, No. 2, 2018 (Del. Supr. Ct.).

In support of this motion, Mr. Crump does certify that the prison law library is open to him for only 2 1/2 hours a week which has not been enough time for Mr. Crump to complete the Petition and file it in a timely manner, that the issues are complicated and involve the State Court's refusal to comply with this Court's precedence.

With Peace,

Benjamin Crump 12/5/18

Benjamin Crump #00154003

JTVCC

1181 Paddock Road

Smyrna, DE 19977

XC: Attorney General Matt Denn
State of Delaware

Ex. B.

RECEIVED

DEC 18 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Mr. Scott S. Harris
Clerk
Supreme Court of the United States
Washington, DC 20543-0001

January 7, 2019

RE: CRUMP V. DELAWARE, No. ____

- Timely Service of Motion under Rule 13

Dear Clerk,

In support of my enclosed corrected Motion for Extension of Time, and in response to the Clerk's 12/19/18 letter (Ex. A), I hereby certify to the following facts:

1. On December 5, 2018, I placed the original "Motion for Extension of Time" in an envelope, postage prepaid, addressed to this Court and I placed this envelope into the prison mailbox located within my housing unit to be forwarded to the prison mailroom for mailing to this Court.
2. In addition, I placed a copy of this 12/5/18 motion in an envelope to opposing counsel – Hon. Matt Denn, Attorney General of the State of Delaware, to mailed out of the prison.
3. Attached to the original motion and the copy thereof, and enclosed within each above envelope was a completed "Certificate of Service" which certified to the above two facts.
4. A copy of the original 12/5/18 motion and Certificate of Service are enclosed herein (Ex. B).
5. Rule 29.2, states that "a document is timely filed if it is deposited in the institution's internal mail system on or before the last day for filing and is accompanied by a notarized statement or declaration in compliance with 28 U.S.C. 1746 setting out the date of deposit and stating that first-class postage has been prepaid"; here, such a Certificate of Service was made on 12/5/18 – or more than 3 days before the 10 day time limit to file an extension of time for the December 18, 2018 en Banc deadline.
6. The Clerk's 12/19/18 letter (Ex. A) states that the above envelope was "postmarked December 12, 2018"; while I have no idea why the prison mailroom took so long to "postmark" the outgoing mail, I can certify that:
 - a. the prison mailroom does routinely delay outgoing and incoming mail;
 - b. that during this period, I was informed that trainee correctional officers were assigned to the prison mailroom, which may account for the delay; and
 - c. that during this period, I was informed that increased holiday mail was causing up to a two week delay in processing mail by the prison mailroom staff.¹

¹ for instance, see enclosed envelope from Delaware Superior Court to Mr. Joseph M. Walls (Ex. C), postmarked 12/18/18, marked received by the prison mailroom on 12/22/18 (four days later) but not forwarded to Mr. Walls until 12/26/18 (or 8 days later); or the enclosed envelope from Delaware Superior Court to Mr. Joseph M. Walls (Ex. D), with no postmark, showing that it was received by the prison on two different days 12/20/18 and 12/22/18, but not forwarded to Mr. Walls until 12/26/18 (or at least six days later).

Mr. Scott S. Harris

RE: CRUMP V. DELAWARE, No. ____

- Timely Service of Motion under Rule 13

January 7, 2019

Page 2 of 2.

7. A copy of the direct appeal August 7, 2018 denial and the rehearing *en Banc* September 18, 2018 denial are attached to the enclosed corrected Motion for Extension of Time.

For these reasons, I request that the Court does grant me an extension of time until January 31, 2019 to file a Writ of Certiorari.

With Peace,


Benjamin Crump, #00154003

JTVCC

1181 Paddock Road

Smyrna, DE 19977

enc.

xc: Hon. Katrine Jennings, Esq.

Certificate of Service

I, Benjamin Crump, hereby certify that I have served a true and correct copy of the attached Extension of Time to file Certiorari upon the following parties/persons:

To: Clerk
Supreme Court of the
United States
Washington D.C. 20543

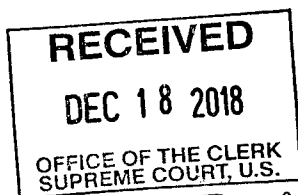
To: Hon. Matt Denn
Attorney General
State of Delaware
820 N. French Street
Wilmington DE 19801

To: _____

To: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the James T. Vaughn Correctional Center, Smyrna, DE 19977.

On this 5th day of December, 2018



Ex. B

Benjamin Crump
Benjamin Crump #00154003
JTVCC
1181 Paddock Road
Smyrna, DE 19977