

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions

Honorable Edward W. Miller, Eighth Circuit Court Judge

Indictment Nos.: 2016-GS-24-0999-1001

The State,

Respondent

v.

Ontavious Derenta Plumer,

Appellant

NOTICE OF APPEAL

Counsel for Respondent:

Honorable Alan Wilson
J. Benjamin Aplin
PO Box 11549
Columbia, SC 29211

Elizabeth White, Assistant Solicitor
Eighth Judicial Circuit
528 Monument Street
Greenwood, SC 29646

The Honorable Chastity Copeland, Clerk of Court
528 Monument Street
Greenwood, SC 29646

Counsel for Appellant:

William G. Yarborough, III
522 N. Church Street
Greenville, SC 29601

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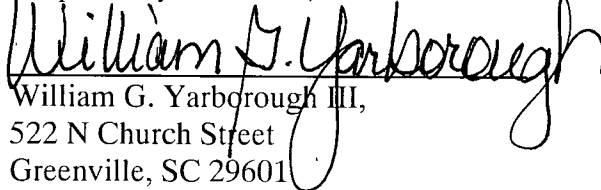
FEB 23 2017

SC Court of Appeals

Defendant, Ontavious Derenta Plumer, appeals his conviction and sentence in this case. The defendant was found guilty following a jury trial the week of February 6- 8, 2017, on one (1) count Attempted Murder, one (1) count of Armed Robbery, and one (1) count Possession of a Weapon during a Violent Crime. He was sentenced to Life without Parole. This appeal is taken from the following issues at-hand:

1. Did the court err in its denial of a Motion to Continue by the Defendant based on the incomplete scientific testing and test results of Gun Shot Residue collected by law enforcement from the defendant?
2. Did the court err in its refusal to instruct the jury with the possibility of Defendant acting in self-defense?
3. Did the trial court err in its discretion to qualify the Defendant's expert witness based on the fact that Dr. Robert Bennett followed normal testing protocol in regards to the Gun Shot Residue testing?
4. Did the court err in its denial of Defendant's pro se Motion for Incompetency?
5. Did the court err in its denial of Defendant's pro se Motion to Relieve Counsel?
6. Did the court err in allowing the penalty of Life without Parole?
7. Any other issue that may be raised by Appellant counsel after reviewing the transcript.

Respectfully submitted,


William G. Yarborough III,
522 N Church Street
Greenville, SC 29601
Telephone (864) 331-1612
Fax (864) 370-0022

February 18th, 2017
Greenville, SC

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Court of General Sessions

FEB 23 2017
SC Court of Appeals

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Indictment Nos.: 2016-GS-24-0999-1001

The State,

Respondent

v.

Ontavious Derenta Plumer,

Appellant

AFFIDAVIT OF SERVICE

I, Traci Trouton-Burr, certify on this date, February 18, 2017, I served a Notice of Appeal in this action, dated February 18, 2017, on The Honorable Alan Wilson, J. Benjamin Aplin, Elizabeth White, and the Honorable Chastity Copeland by mailing it to him/her at his/her work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Honorable Alan Wilson
J. Benjamin Aplin
PO Box 11549
Columbia, SC 29211

Elizabeth White, Assistant Solicitor
Eighth Judicial Circuit
528 Monument Street
Greenwood, SC 29646

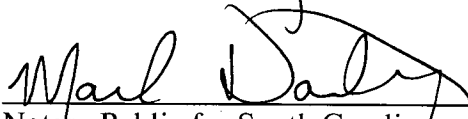
The Honorable Chastity Copeland, Clerk of Court
528 Monument Street
Greenwood, SC 29646

Respectfully submitted,



Traci Trouton-Burr
Paralegal to William G. Yarborough, Esquire

SWORN TO before this 18
Day of February, 2017



Notary Public for South Carolina

My Commission expires: 10/9/23

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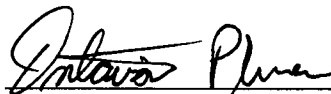
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SC Court of Appeals

STATEMENT OF ISSUES ON APPEAL

1. Did the court err in its denial of a Motion to Continue by the Defendant based on the incomplete scientific testing and test results of Gun Shot Residue collected by law enforcement from the defendant?
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7. Any other issue that may be raised by Appellant counsel after reviewing the transcript.

I have reviewed the Appeal filed by Mr. Yarborough and I agree with the alleged issues in the appeal. I would ask that you allow him to represent me in this appeal.



Ontavious D. Plumer