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5th AIA due 4/30/18

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions  
Edward W. Miller, Circuit Court Judge

RECEIVED  
MAY 02 2018  
SC Court of Appeals

Appellate Case No. 2017-000481

The State,..... Respondent

v.

Ontavious Plumer, ..... Appellant.

**Petition for Extension of Time to File Appellant's Initial Brief and Designation of Matter to Be Included in Record on Appeal**

The appellant, Ontavious Plumer, respectfully petitions the Court for a final extension of time of seven days to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal until Monday, May 7, 2018. This request is based on the following grounds.

1) Counsel has a statewide trial, appellate, and post-conviction practice. During the last thirty-five days, counsel filed a petition for rehearing in *State v. Nakia Johnson*, Appellate Case Number 2015-001436, prepared for the trial of *State v. David Tillotson, Jr.*, Newberry Case No. 2017-A36-204-00037, involving a charge of criminal sexual conduct with a minor, which resolved on the second day of trial, filed an initial brief in *J.R. Jones v. South Carolina Republican Party*, Appellate Case Number 2017-002583, which involves the results of an election and has been expedited by our Supreme Court,

and taken a deposition in Rochester, New York in a post-conviction relief case where the witness is not available to come to South Carolina.

2) In accordance with counsel's last request for an extension, counsel has dedicated time to work on this brief. Counsel has a draft of the brief that includes four issues for appeal and is in the process of finalizing the brief. Counsel's ordinary custom and practice is to review the initial brief with the client prior to filing. Counsel had an appointment with Mr. Plumer at the McCormick Correctional Institution scheduled for Friday, April 27, 2018, but counsel postponed that visit to attend General Sessions Court in Laurens County to handle a guilty plea of a client that allowed the client to get out of jail. Counsel has rescheduled the appointment with Mr. Plumer for Wednesday, May 2, 2018.

3) This request is not intended for delay but rather to satisfy counsel's obligations to communicate with the client and provide effective representation. *See, e.g., Evitts v. Lucey*, 469 U.S. 387, 396 (1985); *Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002); *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999).

4) Because of the work already completed on this brief, counsel is confident no other extension requests will be necessary.

Therefore, a final extension of time of seven days to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal until Monday, May 7, 2018.

IT IS SO MOVED.

(signature on next page)

Respectfully Submitted,

By  \_\_\_\_\_

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*Attorney for the Appellant*

April 30, 2018

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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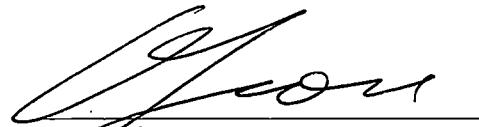
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**Certificate of Service**

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I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

J. Benjamin Aplin, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211



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April 30, 2018

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April 30, 2018

The Honorable, Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: *State of South Carolina v. Ontavious Plumer*  
Appellate Case Number 2017-000481

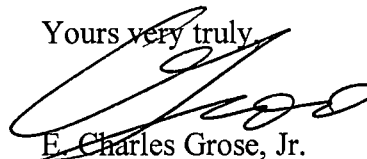
Dear Ms. Kitchings:

Enclosed please find the original and six copies of the petition to extend time to file the appellant's initial brief and designation of matter to be included in the record on appeal.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly



E. Charles Grose, Jr.

cc: J. Benjamin Aplin, Esquire