

~~FILE~~ 3rd REB due 8/6/18

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

AUG 06 2018

SC Court of Appeals

Appeal from Greenwood County  
Honorable Edward W. Miller, Circuit Court Judge  
Appellate Case No. 2017-000481

THE STATE,

Respondent,

vs.

ONTAVIOUS DERENTA PLUMER,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on August 6, 2018.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has participated in oral argument at the Supreme Court in State v. James

Scott Cross; has submitted an Initial Brief of Respondent to the Court of Appeals in Zebullin Alan Short v. State, State v. Derrick Lamont Furtick, State v. Willie Thomas Gray, State v. Johnny Lee Burton, State v. Roy Ellis Smith, and State v. Vance Ross; has submitted an Initial Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in Thomas A. Williams v. State; has submitted a Petition for Rehearing to the Court of Appeals in State v. Benjamin Cervantes Hernandez; and has submitted a Return to Petition for Rehearing to the Court of Appeals in State v. Antwan Jamal Jett.

### III.


The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves four distinct issues related to an evidentiary matter, the trial judge's jury instructions, Appellant's representation of himself during trial, and the sentence imposed. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an extension of time within which to serve and file the Brief.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

I have reviewed and approved this extension request.

By:   
J. Benjamin Aplin  
Senior Assistant Deputy Attorney General

August 6, 2018

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IN THE COURT OF APPEALS

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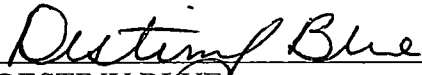
**PROOF OF SERVICE**

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I, Destiny Blue, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

Robert M. Dudek, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 6th day of August, 2018.

  
\_\_\_\_\_  
DESTINY BLUE  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

August 6, 2018

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SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Ontavious Derenta Plumer -- Appellate Case No. 2017-000481

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: E. Charles Grose, Jr., Esquire  
Victim Advocacy Division

✓