

4th RFB due 9/5/18

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

**RECEIVED**  
SEP 05 2018  
SC Court of Appeals

THE STATE,

Respondent,

vs.

ONTAVIOUS DERENTA PLUMER,

Appellant.

**MOTION FOR FOURTH 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 September 5, 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 **fourth** and **final** 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, State v. Vance Ross, and State v. Howard James Woods, Jr.; 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 and State v. Antwan Jamal Jett; 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 and State v. Benjamin Cervantes Hernandez.

### III.

Based on the work required by my current caseload coupled with my other responsibilities in the office, the undersigned counsel submits this extension request is supported by extraordinary circumstances. The Brief in Appellant's case has required significant research because the case involves four distinct issues related to an evidentiary matter, the trial judge's jury instructions, a mid-trial request to relieve counsel, and the sentence imposed. The undersigned counsel is currently working on the Brief in this case, and the Brief is nearly completed. However, the undersigned counsel has not yet been able to get the Brief fully finished. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request a final extension of time within which to serve and file the Brief

### IV.

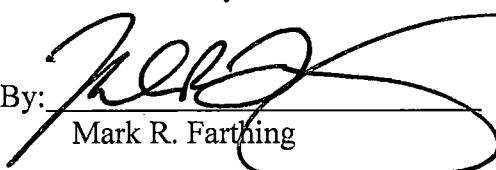
Before filing this extension request, the undersigned counsel has consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated he has no objections to the State's request for an additional extension.

**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,

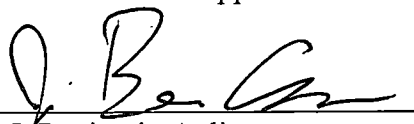
ALAN WILSON  
Attorney General

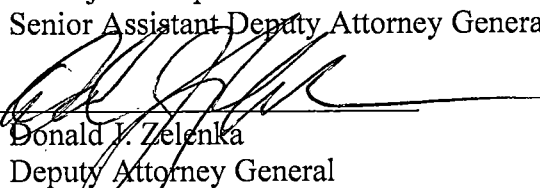
MARK R. FARTHING  
Assistant Attorney General

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

By:   
Donald J. Zelenka  
Deputy Attorney General

September 5, 2018

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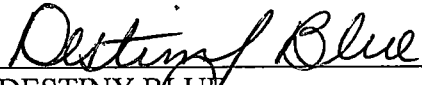
**PROOF OF SERVICE**

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I, Destiny Blue, certify that I have served the within Motion for Fourth 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:

E. Charles Grose, Jr., Esq.  
Grose Law Firm  
404 Main St.  
Greenwood, SC 29646

I further certify that all parties required by Rule to be served have been served.  
This 5th day of September, 2018.

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



ALAN WILSON  
ATTORNEY GENERAL

September 5, 2018

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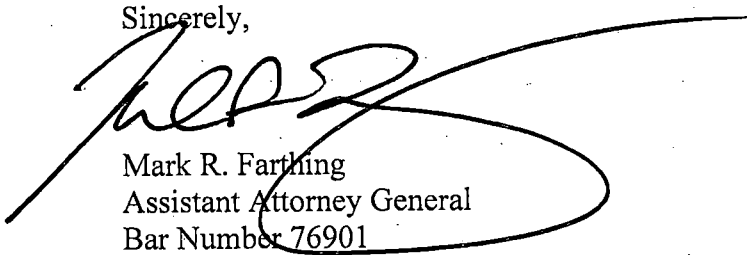
~~The Honorable Jenny A. Kitchings~~  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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 Fourth 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