

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Jr., Circuit Court Judge
Appellate Case No. 2018-000504

RECEIVED
NOV 26 2018
SC Court of Appeals

THE STATE,

Respondent,

vs.

DARELL ONEIL BOSTON,

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 November 26, 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 Court of Appeals in State v. James

Bubba Patterson, State v. Joseph Bowers, and State v. Jacob M. Hendricks; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Howard James Woods, Jr., State v. Ontavious Derenta Plumer, and State v. Christian Arenson Scowcroft; has submitted an Initial Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted an Initial Reply 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 State v. Antwan Jamal Jett; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews; 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 on two different occasions in State v. Benjamin Cervantes Hernandez.

III.

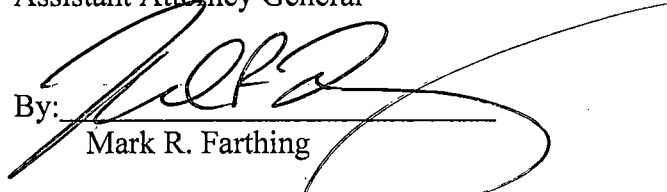
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important search and seizure issue involving a state constitutional challenge. 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 it. 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,

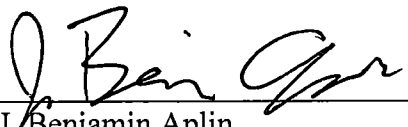
ALAN WILSON
Attorney General

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

November 26, 2018

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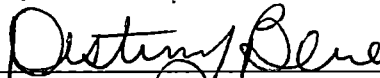
Appellant.

PROOF OF SERVICE

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:

David N. Lyon, Esquire
Duff & Childs, LLC
Post Office Box 1486
Columbia, SC 29202

I further certify that all parties required by Rule to be served have been served.
This 26th day of November, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

November 26, 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. Darell Oneil Boston – Appellate Case No. 2018-000504

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: David N. Lyon, Esquire
Robert M. Dudek, Esquire
Victim Advocacy Division

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