

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from York County Court of General Sessions  
The Honorable Brian Gibbons, Circuit Court Judge

**RECEIVED**

DEC 27 2018

SC Court of Appeals

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Appellate Case No. 2018-000423

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State of South Carolina.....Respondent,

v.

Jonathan Ostrowski.....Appellant.

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**MOTION TO REINSTATE APPEAL OR IN THE ALTERNATIVE,  
MOTION FOR REHEARING, OR MOTION TO RECALL REMITTITUR**

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WILLIAM G. YARBOROUGH III

LAUREN C. HOBBS

William G. Yarborough III, Attorney at Law, LLC

522 North Church Street

Greenville, South Carolina 29601

(864) 331-1612

**COUNSEL FOR APPELLANT**

NOW COMES the Appellant, Jonathan Ostrowski, by and through his undersigned attorneys, William G. Yarborough III and Lauren C. Hobbis, and hereby move this Honorable Court to reinstate the appeal, or in the alternative, move for rehearing or to recall the remittitur for the above-captioned case.

On November 23, 2018, the initial brief, designation of matter, and a motion to allow late filing with its attachments for the above-captioned case were filed by U.S. mail in a large packet/envelope with filings for two other cases, *State v. James D.L. White* and *State v. Nicholas McIver*, with each filing for each case in separate, labeled folders inside the packet. A large packet/envelope with copies of the same contents was mailed to the Attorney General's Office on the same date. Copies of the proof of service, the initial brief, designation of matter, the motion to allow late filing with its attachments, and the packets' postage have been included with this motion.

On December 27, 2018, Counsel contacted Counsel for Respondent, Senior Assistant Deputy Attorney General J. Benjamin Aplin, by telephone regarding this motion. Mr. Aplin relayed that he had no objection to this motion.

The undersigned attorneys respectfully submit that the ends of justice and Appellant's right to direct appeal are served by granting this motion. The undersigned attorneys respectfully request this Honorable Court to grant this motion.

Respectfully submitted,



William G. Yarborough III  
South Carolina Bar #10271



Lauren C. Hobbis  
South Carolina Bar #103190

**William G. Yarborough III, Attorney at Law, LLC**  
522 North Church Street Greenville, SC 29601  
(864) 331-1612

**COUNSEL FOR APPELLANT**

Greenville SC  
December 27, 2018

# The South Carolina Court of Appeals

The State, Respondent,

v.

Jonathan Stanley Ostrowski, Appellant.

Appellate Case No. 2018-000423

The Honorable Brian M. Gibbons  
York County  
Trial Court Case No. 2017GS4602573, 2017GS4602574,  
2017GS4602575, 2017GS4602576

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## ORDER

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Appellant has failed to timely serve and file an initial brief and designation of matter, as required by Rules 208 and 209 of the South Carolina Appellate Court Rules and the Court's letters dated October 1, 2018 and November 13, 2018. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY *V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc:

John Benjamin Aplin, Esquire  
Alan McCrory Wilson, Esquire  
William G. Yarborough, III, Esquire  
Lauren Carole Hobbis, Esquire

**FILED**

*December 13, 2018*

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Appellate Case No. 2018-000423

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DEC 27 2018

SC Court of Appeals

State of South Carolina,.....Respondent,

v.

Jonathan Ostrowski,.....Appellant.

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**PROOF OF SERVICE**

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WILLIAM G. YARBOROUGH III  
LAUREN C. HOBBS  
William G. Yarborough III, Attorney at Law, LLC  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 331-1612

**COUNSEL FOR APPELLANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that Appellant's opening brief, designation of matter, and motion to allow late filing were mailed by US mail for filing and service upon Respondent respectively, with sufficient postage attached and addressed as follows:

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

Senior Assistant Attorney General Benjamin J. Aplin  
South Carolina Attorney General's Office  
Post Office Box 11549  
Columbia, South Carolina 29211

The undersigned further certifies that all parties required to be served under the South Carolina Appellate Rules have been served.

This 23<sup>rd</sup> day of November, 2018

*William G. Yarborough III #103190*

William G. Yarborough III, Attorney at Law, LLC

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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State of South Carolina,.....Respondent,

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Jonathan Ostrowski,.....Appellant.

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**PROOF OF SERVICE**

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WILLIAM G. YARBOROUGH III  
LAUREN C. HOBBS  
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522 North Church Street  
Greenville, South Carolina 29601  
(864) 331-1612


**COUNSEL FOR APPELLANT**

I, Traci Trouton-Burr, certify on this date, December 27, 2018, I served a *Motion to Reinstate, a copy of the Order to Dismiss, the Proof of Service for the initial filing, a copy of the postage to the South Carolina Court of Appeals, a copy of the postage to the South Carolina Attorney General's office, along with a copy for refile of the Appellant's Designation of Matter, and Initial Brief* dated November 23, 2018 on the Honorable Jenny Abbott Kitchings and Melody Brown, Assistant Attorney General, 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:


Clerk of Court, Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11649  
Columbia, SC 29211

Benjamin Alpin  
SC Attorney General's Office  
PO Box 11549  
Columbia, SC 29211

Respectfully submitted,

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

SWORN TO before this 27  
Day of December, 2018

  
Notary Public for South Carolina  
My Commission expires: 10/9/23

