

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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**RECEIVED**

JAN 02 2019

SC Court of Appeals

THE STATE,

Respondent,

vs.

DARELL ONEIL BOSTON,

Appellant.

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

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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 January 2, 2019.

**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 Conrad

Lamont Slocumb v. State; has participated in oral argument at the Court of Appeals in State v. James Bubba Patterson, State v. Joseph Bowers, State v. Jacob M. Hendrix, State v. Stacy Carol Riden, State v. Aaron Van Hendrix, and State v. Maurice Marshall Harris; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Christian Arenson Scowcroft, and State v. Melvin Fourney, Sr.; has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews, IV; and has submitted a second Return to Petition for Rehearing to the Court of Appeals 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 a final 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

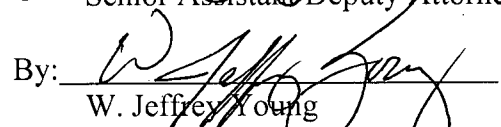
MARK R. FARTHING  
Assistant Attorney General

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

By:   
W. Jeffrey Young  
Chief Deputy Attorney General

January 2, 2019

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

THE STATE,

Respondent,

vs.

DARELL ONEIL BOSTON,

Appellant.

**PROOF OF SERVICE**

I, Troyeshi Brailey, 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:

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

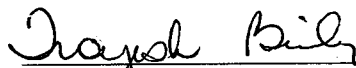
Robert M. Dudek, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

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**SC Court of Appeals**

I further certify that all parties required by Rule to be served have been served.  
This 2nd day of January, 2019.

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



ALAN WILSON  
ATTORNEY GENERAL

January 2, 2019

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 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

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JAN 02 2019

**SC Court of Appeals**

MRF/  
Enclosures

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