

STATE OF SOUTH CAROLINA
In the Supreme Court

Certiorari to Georgetown County
Court of Common Pleas
The Honorable George C. James, Circuit Court Judge

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MAR 20 2019

Appellate Case No. 2017-000280

S.C. SUPREME COURT

Vladimir Pantovich,

Respondent,

v.

State of South Carolina,

Petitioner.

MOTION TO ARGUE AGAINST PRECEDENT

Pursuant to Rules 217 and 240 of the South Carolina Appellate Court Rules, counsel for Petitioner moves for this Court to allow Petitioner to argue against precedent in its oral argument scheduled for Wednesday, March 27, 2019, as previously indicated in its Brief of Petitioner and Petitioner for Writ of Certiorari. The precedents to be argued against would include:

- State v. Green, 278 S.C. 239, 240, 294 S.E.2d 335 (1982)
 - To wit, that portion of Green which asserts that “[w]here requested and there is evidence of good character, a defendant is entitled to an instruction to the effect that evidence of good character and good reputation *may in and of itself create a doubt as to guilt* and should be considered by the jury, along with all the other evidence in determining the guilt or innocence of the defendant.” (emphasis added).
- Any and all precedents subsequent to Green to the extent they reaffirm or rely upon the above proposition, including but not limited to:
 - State v. Harrison, 343 S.C. 165, 539 S.E.2d 71 (Ct. App. 2000).
 - State v. Lee-Grigg, 374 S.C. 388, 649 S.E.2d 41 (Ct. App. 2007); aff’d 387 S.C. 310, 692 S.E.2d 895 (2010).

Petitioner, recognizing the motion is made seven days prior to the oral argument rather than the fifteen provided by rule, respectfully requests the motion be accepted out of time in light of its previous arguments to the same effect in briefing. Because the argument has already been raised in the Petition for Writ of Certiorari and in the Brief of Petitioner, and Respondent has already replied to the argument, Petitioner submits Respondent would not be prejudiced by this request.

Petitioner informed Respondent of the motion; Respondent indicated he could not consent to the motion.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
S.C. Bar No. 101260
Assistant Attorney General

By: 
ATTORNEYS FOR PETITIONER

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VLADIMIR PANTOVICH,

Respondent,

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STATE OF SOUTH CAROLINA,


Petitioner.

CERTIFICATE OF SERVICE

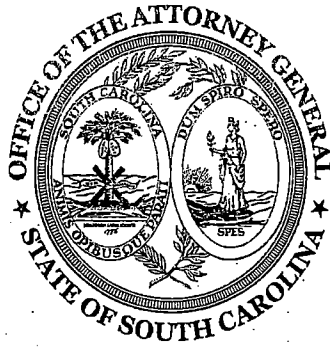
The undersigned hereby certifies that a true copy of the Motion to Argue Against Precedent, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 20th day of March, 2019



CAROLINE COLLINS
Administrative Coordinator



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

March 20, 2019

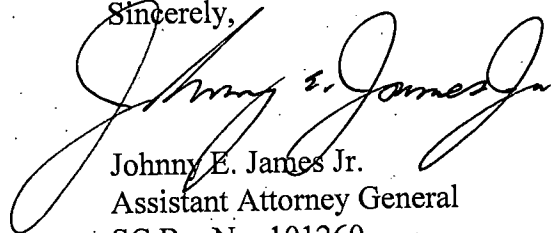
The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Vladimir Pantovich v. State of South Carolina
Appellate Case No. 2017-000280
Lower Court Case No. 2012-CP-22-0635

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion to Argue Against Precedent**. By copy of this letter we are serving opposing counsel today.

Sincerely,



Johnny E. James Jr.
Assistant Attorney General
SC Bar No. 101260

JEJ/cc
Enclosures

cc: David Alexander, Esquire (2 copies)