

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Laurens County  
Honorable Frank R. Addy, Jr., Circuit Court Judge  
Appellate Case No. 2018-002133

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THE STATE,

vs.

SYLVESTER FERGUSON, III,

Appellant, **RECEIVED**  
AUG 23 2019  
SC Court of Appeals  
Respondent.

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

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Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on August 23, 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 **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 Supreme Court in State v. Mario

Valerio Gonzalez Hernandez and State v. Christopher D. Campbell; has participated in oral argument at the Court of Appeals in State v. Roy Ellis Smith and State v. Robert Isaiah Graham; has submitted a Brief of Respondent Pursuant to White v. State to the Supreme Court in Harry Roller v. State; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Shelby Harper Taylor, State v. Bobby Leon Smith, State v. Justin Adams, State v. Terrell Freeman, State v. Eric Emanuel English, State v. Orin Jerrell Kemp, and State v. William Holmes; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. John Kenneth Massey, Jr. and John Lydon Upson v. State; and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in Antwan McMillan v. State, State v. James Bubba Patterson, Joshua Reed v. State, State v. James Carmine Miranda, III, and Charles Green, Jr. v. State; has submitted a Petition for Rehearing to the Supreme Court in State v. James Scott Cross; and has submitted a Petition for Rehearing to the Court of Appeals in State v. Joseph Bowers.

### III.

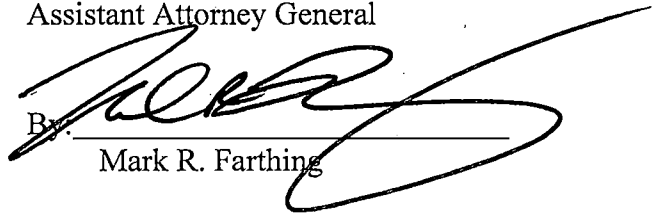
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important search and seizure issue involving the propriety of a purported “knock-and-talk” in light of the South Carolina Constitution’s prohibition against unreasonable invasions of privacy. 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 the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

**WHEREFORE**, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Appellant 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 Appellant'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:   
\_\_\_\_\_  
William M. Blitch, Jr.  
Senior Assistant Deputy Attorney General

August 23, 2019

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**PROOF OF SERVICE**

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I, Shana Montgomery, certify I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter on Appellant by sending two copies of the same to:

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

I further certify all parties required by Rule to be served have been served.  
This 23rd day of August, 2019.

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



ALAN WILSON  
ATTORNEY GENERAL

August 23, 2019

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

RE: State v. Sylvester Ferguson, III – Appellate Case No. 2018-002133

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 Appellant 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: Robert M. Dudek, Esq.  
Victim Advocacy Division

**RECEIVED**

AUG 23 2019

SC Court of Appeals