

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to Horry County
Honorable William H. Seals, Jr., Circuit Court Judge
Appellate Case No. 2020-001265

MARCUS WRIGHT,

Petitioner,

vs.

THE STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO SERVE AND FILE
BRIEF OF RESPONDENT OUT OF TIME**

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

I.

The Brief of Respondent in the above-referenced post-conviction relief appeal was due to be served and filed yesterday on Friday, April 14, 2023, and the undersigned counsel for the State fully intended to serve and file that brief on the day of the filing deadline. However, due to some unexpected technical difficulties that arose yesterday, the undersigned counsel was unfortunately not able to complete the Brief of Respondent in time to file and serve it on the date it was due to be served and filed. Significantly though, the Brief of Respondent has now been completed, and the State is contemporaneously serving and filing that brief at the same time the State is filing this motion on today’s date, Saturday, April 15, 2023.

II.

The State respectfully asks this Court to relax the requirements of Rule 243(j) of the South Carolina Appellate Court Rules and permit the State to file the Brief of Respondent in this post-conviction relief appeal out of time on the date directly following the date of the filing deadline. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel sincerely apologizes for any inconvenience this request has caused to the Court, the petitioner, and opposing counsel, and the undersigned counsel submits he does not believe this request will result in any prejudice to the petitioner should it be granted.

WHEREFORE, Respondent prays the Court relax the requirements of Rule 243(j) of the South Carolina Appellate Court Rules; permit Respondent to file and serve the Brief of Respondent one day out of time; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General



By: _____
Mark R. Farthing
S.C. Bar Number 76901

April 15, 2023

RECEIVED

Apr 17 2023

SC Court of Appeals

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THE STATE OF SOUTH CAROLINA,

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PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Motion to Serve and File Brief of Respondent Out of Time on Petitioner by sending an electronic copy via email to the address listed in AIS for the following individual:

J. Falkner Wilkes, Esquire
jfalknerwilkes@gmail.com

I further certify all parties required by Rule to be served have been served.
This 15th day of April, 2023.



MARK R. FARTHING
Senior Assistant Attorney General
Office of the Attorney General

From: [Mark Farthing](#)
To: jfalknerwilkes@gmail.com
Subject: Marcus Wright v. State (Appellate Case # 2020-001265) -- Brief of Respondent and Motion to Serve and File Brief of Respondent Out of Time
Date: Saturday, April 15, 2023 5:39:00 PM
Attachments: [Wright.BOR \(03267532xD2C78\).PDF](#)
[image001.png](#)
[Wright.Motion to File Out of Time \(BOR\) \(03267534xD2C78\).PDF](#)

Mr. Wilkes,

Attached are electronic copies of the State's Brief of Respondent and a motion seeking to serve and file that brief one day out of time in the Marcus Wright v. State post-conviction relief appeal. I will be submitting both of those documents to the Court of Appeals shortly via the electronic filing system. I sincerely apologize for the delay in timely getting the brief to you, and, if you have any questions or concerns or need any additional information, please just let me know.

Sincerely,
Mark

MARK R. FARTHING, Senior Assistant Attorney General
South Carolina Attorney General's Office
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scag.gov



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