

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2012-207553

THE STATE,

Respondent,

v.

MATTHEW BRANDON FULLBRIGHT,

Appellant.

RECEIVED

OCT 30 2013

SC Court of Appeals

MOTION TO ENLARGE TIME FOR
FILING INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER

The Respondent, above-named, by and through the undersigned attorneys, would respectfully move this Court for a 30-day extension of time within which to file its Initial Brief of Respondent. The Initial Brief of Respondent is due to be filed today, October 30, 2013. The undersigned attorneys for the above Respondent move that the time for return be extended to November 29, 2013. This motion is made because Respondent has completed a portion of the Initial Brief of Respondent but has not been able to respond within the allotted time for the following reasons:

1. The attorneys for the Respondent have had and are scheduled to have a number of State and Federal matters to attend to;

A) State v. Antonio Miller (Murder) (Initial Brief of Respondent) *in process*;

B) Mikal Mahdi v. State (Capital PCR) Draft of Order of Dismissal for Judge Early, *in process (Judge Early granted the State's Rule 59 Motion on one issue and directed Respondent to prepare a proposed Order in keeping with the granting of the Rule 59 Motion);*

C) State v. Joseph Davis (Murder)(Oral Argument before the S.C. Supreme Court *on October 1st, 2013*) assisting with oral argument since this attorney wrote the brief, receipt of Order dismissing the appeal approximately ten days later, and notifying victim's family of dismissal of direct appeal;

D) State v. Evins (Capital PCR) **Preparation for September 30th Merits hearing** before the Honorable Garrison Hill, Circuit Court Judge; case was continued at the last minute by Judge Hill because of conflicts in his schedule, but Motions were heard on **September 30th, 2013;** **Form 4 Order granting relief was received this week and Respondent requested until the end of next week to file objections to Proposed Order granting new sentencing proceeding** based on ineffective assistance of counsel, **Respondent filed a Proposed Order last week with Judge Hill;**

E) James Oscar Douglas v. Warden (Burglary 1st, ABHAN)(Federal Habeas Return) **filed in U.S. District Court;**

F) Tyler Williams v. Warden (Federal Habeas Return) **filed in U.S. District Court on October 4, 2013;**

G) Eddie Harvey v. Warden (Federal Habeas Return)(Trafficking in Cocaine greater than 28 grams, 2nd Offense, and multiple other charges) **Return filed in U.S. District Court (in process);**

H) Sylvester Singletary v. Warden (Federal Habeas Return) Motion to Strike & Amended

Return. **Filed in U.S. District Court;**

I) Ronald Blanding v. Warden (Murder)(Federal Habeas Return) preparation of Amended Return addressing procedurally barred claims (18 grounds) at direction of U.S. District Judge, ***filed Monday, October 21, 2013 (over 80 pages);***

J) Herbert English v. Warden (Federal Habeas Return) Amended Return ***filed Wednesday, October 23, 2013*** addressing two (2) grounds in addition or attachment to federal habeas application (**in process**);

K) David Burress v. Warden (Federal Habeas Return) **Preparation for and Evidentiary Hearing in U.S. District Court on October 22, 2013** before Judge Caine in Anderson;

L) Bobby Gibson v. Warden (Federal Habeas Return)(Trafficking in Cocaine greater than 100 grams) ***in process, close to completion;***

M) Eric Tessner v. Warden (Federal Habeas Return) ***in process;***

N) Nathaniel Johnson v. Warden (Federal Habeas Return) ***in process;***

O) James Abercrombie v. Warden (Federal Habeas Return) ***in process;***

P) Douglas v. Warden (Federal Habeas above) ***review of Petitioner's Response to Motion for Summary Judgment (numerous pages) today, October 30, 2013***
and other matters.

2. Respondent's attorney had a death in the family (my mother's sister) and attended the funeral on Friday, ***October 18, 2013;***

3. This is Respondent's third (3rd) extension request. Respondent has spoken with opposing counsel Susan B. Hackett, Esquire, and she does not object to the requested extension.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Deputy Attorney General


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
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ATTORNEYS FOR RESPONDENT

By:



ANTHONY MABRY

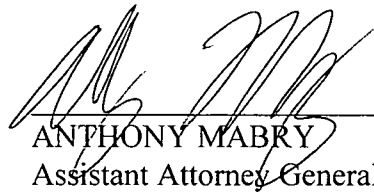
DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

October 30, 2013

CERTIFICATE OF SERVICE

I, **Anthony Mabry**, hereby certify that I have served the Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the foregoing action by depositing copy in the InterAgency Mail to Susan B. Hackett, Appellate Defender, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201 this 30th day of October, 2013.



ANTHONY MABRY
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

October 30, 2013

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

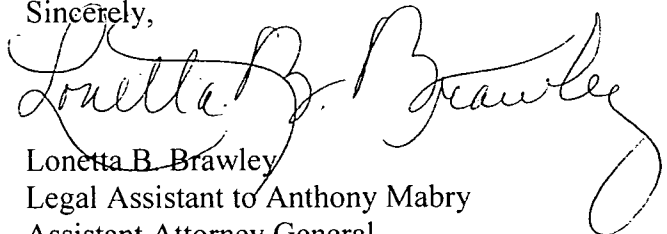
Re: The State v. Matthew Brandon Fullbright
Appellate Case No. 2012-207553

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Thank you for your consideration.

Sincerely,


Lonetta B. Brawley
Legal Assistant to Anthony Mabry
Assistant Attorney General

/lbb
Enclosure

cc: Susan B. Hackett, Esquire

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