

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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

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**THE STATE,**

Respondent,

v.

**MATTHEW BRANDON FULLBRIGHT,**

Appellant.

Appellate Case No. 2012-207553

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

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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, December 2, 2013. The undersigned attorneys for the above Respondent move that the time for return be extended to January 2, 2013. This motion is made because Respondent has completed *a majority of the Initial Brief of Respondent* but has not been able to respond within the allotted time for the following reasons:

(A) The attorney for Respondent has had a number of State and Federal matters to attend to:

1. State vs. Evins (Capital PCR) proposed Order filed in lieu of objections to Proposed Order granting relief, filed.

2. State v. Stanko (Stanko II) (Capital PCR) Response to Motion to Stay Execution in S.C. Supreme Court filed October 20, 2013;
3. Eddie Harvey v. Warden (Federal Habeas Return) (Trafficking in Cocaine greater than 28 grams, 2<sup>nd</sup> offense, and multiple other charges) Return filed October 24, 2013;
4. Sylvester Singletary v. Warden (Federal Habeas Return) Response to Motion to Expand Record filed in U.S. District Court on November 11, 2013;
5. Ronald Blanding v. Warden (Federal Habeas Return)(Murder) Amended Return addressing procedurally barred claims (18 grounds) at direction of U.S. District Judge, filed Monday, October 21, 2013;
6. Herbert English v. Warden (Federal Habeas Return) Amended Return, filed October 25, 2013 addressing two (2) grounds in addition or attachment to federal habeas application;
7. David Burress v. Warden, (Federal Habeas Return) Trial of evidentiary hearing in Anderson before U.S. District Judge Timothy Caine, on October 22, 2013;
8. Bobby Gibson v. Warden (Federal Habeas Return) (Trafficking in Cocaine greater than 100 grams) in process;
9. Eric Tessner v. Warden (Federal Habeas Return) in process, close to completion;
10. Nathaniel Johnson v. Warden (Federal Habeas Return)(Kidnapping, CSC 1<sup>st</sup>) filed November 20, 2013 in U.S. District Court;
11. James Abercrombie v. Warden (Federal Habeas Return) in process, close to completion;
12. State v. Antonio Miller (Initial Brief of Respondent) in process, close to completion;
13. Demetrius Smalls v. Warden (Federal Habeas Return) in process, close to completion;
14. Dewayne McKenzie v. Warden (Federal Habeas Return) in process, close to completion;
15. Curtis Bryant v. Warden (Federal Habeas Return) in process, close to completion;
16. Edmund Goins v. Warden (Federal Habeas Return) assisting in preparing joint appendix for 4<sup>th</sup> Circuit Court of Appeals which was filed;
17. Jerry Buck Inmann v. State (Capital PCR) Depositions in Central, Pickens, and Greenville on October 28<sup>th</sup> and 29<sup>th</sup>, 2013;
18. Mikal Mahdi v. State (Capital PCR) Drafting Amended Order Denying PCR at instruction of Judge Early, in process;

and other matters;

B. Respondent's attorney was required to be engaged in computer training for parts of three days the week of November 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>, 2013, as was the entire Attorney General's Office staff;

C. Respondent has requested documents from the Solicitor who prosecuted this case that will be included within the Record on Appeal and referenced in the brief, and Respondent's attorney has not received those at this date, but expects to receive those shortly.

D. The Attorney General's Office is closed Thanksgiving Day and the Friday after Thanksgiving. Respondent's attorney attended a funeral on November 18, 2013 (co-worker's father) and was out sick on November 19, 2013.

E. This is Respondent's fourth (4th) extension request. Respondent has spoken to opposing counsel Susan Hackett, and she does not object to the requested extension.

Respectfully submitted,

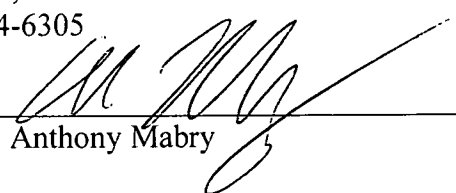
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

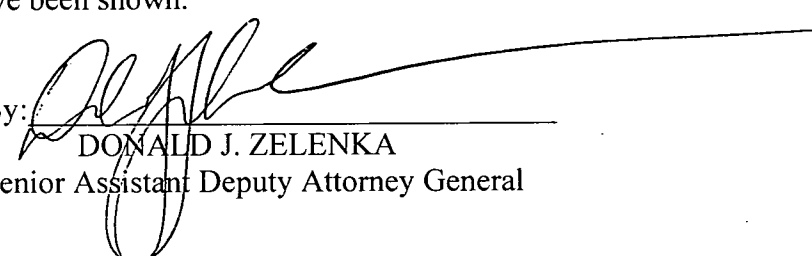
J. ANTHONY MABRY  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

By: \_\_\_\_\_

  
J. Anthony Mabry

We agree that extraordinary circumstances have been shown.

By: \_\_\_\_\_

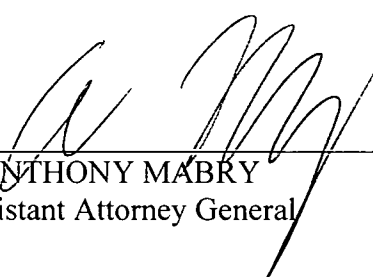
  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

By: John W. McIntosh  
JOHN W. McINTOSH  
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

November 27, 2013.

**I, Anthony Mabry,** hereby certify that I have served the Motion to enlarge Time for Filing Initial Brief of Respondent and Designation of Mater 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 2<sup>nd</sup> day of December, 2013.



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J. ANTHONY MABRY  
Assistant Attorney General



ALAN WILSON  
ATTORNEY GENERAL

December 2, 2013

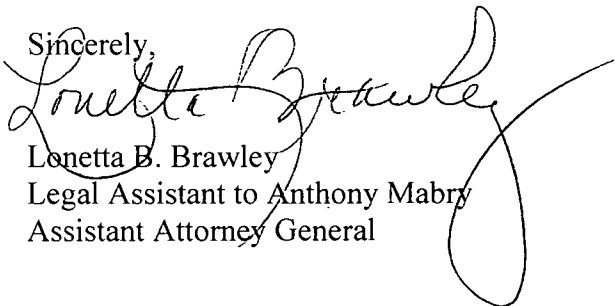
Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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

Dear Ms. Kitchings:

Enclosed please find the Fourth 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.

Sincerely,



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

/lbb  
Enclosure

cc: Susan B. Hackett

**RECEIVED**

DEC 02 2013

**SC Court of Appeals**