

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

Respondent,

v.

MATTHEW BRANDON FULLBRIGHT,

Appellant.

Appellate Case No. 2012-207553

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SC Court of Appeals

**FIFTH 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, January 2, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to Monday, February 3, 2014. This motion is made because Respondent has completed *a large majority of the Initial Brief of Respondent* but has not been able to complete the Initial Brief 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) Dewayne McKenzie v. Warden (Federal Habeas Return)(Criminal Sexual Conduct

- with a Minor and Attempting to Commit a Lewd Act on a Minor, **filed December 11, 2013 in United States District Court for the District of South Carolina;**
- (2) Nathaniel Johnson v. Warden (Federal Habeas Return) Amended Return **filed December 20, 2013 in United States District Court for the District of South Carolina;**
- (3) James Abercrombie v. Warden (Federal Habeas Return) **filed December 4, 2013 in United States District Court for the District of South Carolina;**
- (4) State v. Antonio Miller (Murder, Burglary 1st, Kidnapping) Initial Brief of Respondent, **filed in this Court on December 20, 2013 (approximately 47 pages);**
- (5) Bobby Gibson v. Warden (Federal Habeas Return)(Trafficking in Crack and Trafficking Cocaine) **filed December 18, 2013 in United States District Court for the District of South Carolina;**
- (6) Demetrius Smalls v. Warden (Federal Habeas Return) **in process due January 26, 2013;**
- (7) Curtis Bryant v. Warden (Federal Habeas Return) **filed today, January 2, 2014, in United States District Court for the District of South Carolina;**
- (8) Mikal Mahdi v. State (Capital PCR) **draft of Amended Order denying relief for the Circuit Court (Judge Early), in process;**
- (9) Goins v. Warden (Federal Habeas Appeal) Brief of Respondent **in process (to the 4th Circuit Court of Appeals in Richmond);**
- and, other matters;**

(B) Respondent's attorney was required to be engaged in computer training for parts of three (3) days the week of November 12th, 13th and 14th, 2013, as was the entire Attorney General's Office staff;

(C) Respondent previously requested documents from the Solicitor who prosecuted this case which will be included within the Record on Appeal and referenced in the brief, and Respondent's attorney has received the same. [Confessions of Defendant].

(D) The Attorney General's Office was closed Thanksgiving Day and the Friday after Thanksgiving. The Attorney General's Office was closed December 24, 25, & 26, 2013, and January 1, 2014 for Christmas and the New Year's Day Holidays. Respondent's attorney was also out sick one (1) day in December.

(E) This is Respondent's fifth (5th) extension request. Respondent has spoken to opposing Counsel, Susan Hackett, and she does not object to the requested extension. Barring some unforeseen circumstance, Respondent does not anticipate any further extensions will be requested.

For extraordinary circumstances shown, Respondent requests this Court grant it a thirty (30) day extension to file the Initial Brief of Respondent in this matter.

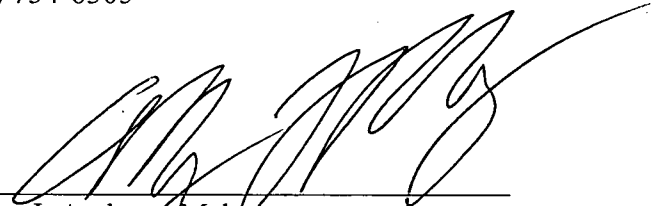
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
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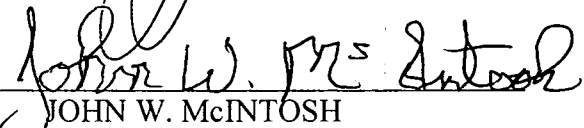
By: 

J. Anthony Mabry

We agree that extraordinary circumstances have been shown.

By: 

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

By: 

JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

January 2, 2014.

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 2nd day of January, 2014.



J. ANTHONY MABRY
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

January 2, 2014

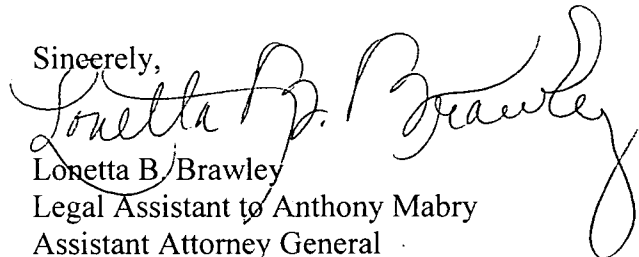
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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

Dear Ms. Kitchings:

Enclosed please find a Fifth 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

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SC Court of Appeals