

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
John C. Hayes, III, Circuit Court Judge

THE STATE,

Respondent,

v.

MARCUS DWAIN WRIGHT,

Appellant.

Appellate Case No. 2013-001406

**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 April 28, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to May 28, 2014. This motion is made because Respondent has not been able to complete the Initial Brief within the allotted time for the following reasons:

1. Counsel has been unable to complete the Initial Brief because counsel for Respondent has been involved in a number of other state and federal matters, that include:

(A) State v. Manuel Marin (Murder & Gun Charge) Return to Petition for Certiorari to the Court of Appeals **filed Wednesday, April 23, 2013 in the S.C. Supreme Court;**

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(B) Jamie Gilbert v. Warden (Voluntary Manslaughter, Armed Robbery, Grand Larceny (Federal Habeas Return) **filed Wednesday, April 23, 2014 in U.S. District Court;**

(C) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny) Return to Petition for Writ of Certiorari to the Court of Appeals, **filed Friday, April 18, 2014 in the S.C. Supreme Court;**

(D) Thomas Hamilton v. Warden (Federal Habeas Return) **filed Wednesday, April 16, 2014 in U.S. District Court;**

(E) Gena Beatty v. Warden (Felony DUI Death, Felony DUI Great Bodily Injury, multiple counts)(Federal Habeas Return) **filed April 4, 2014 in U.S. District Court;**

(F) Fredrick Evins v. State (Capital PCR) Rule 59 Motion to Alter or Amend the Order Granting PCR, **filed March 28, 2013**

(G) State v. Derringer Young, (Murder, ABWIK) Return to Petition for Rehearing in the S.C. Court of Appeals, **filed March 27, 2014; Required by the S.C. Court of Appeals;**

(H) Alfonzo Staton v. Warden (Federal Habeas)(Murder, CSC, Kidnapping) Status Report of State PCR to the U.S. District Court **March 27, 2014;**

(I) State v. Marchall Fullbright (Murder X 2, Armed Robbery) Final Brief of Respondent, **filed March 25, 2014 in the Court of Appeals;**

(J) State v. Kenneth Lynch (**Murder X 2, Grand Larceny**)(Initial Brief of Respondent) in the Court of Appeals **in process, a majority of this brief has been completed;**

(K) Johnny Gambrell v. Warden (Murder) Federal Habeas Return, **in process and almost complete;**

and, other matters;

2. Respondent has consulted with opposing counsel, J. Falkner Wilkes, and he does not object to the requested extension. This is a 3rd extension request.

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

Respectfully submitted,

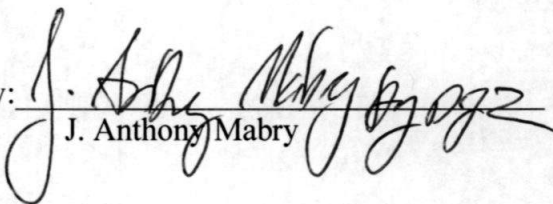
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

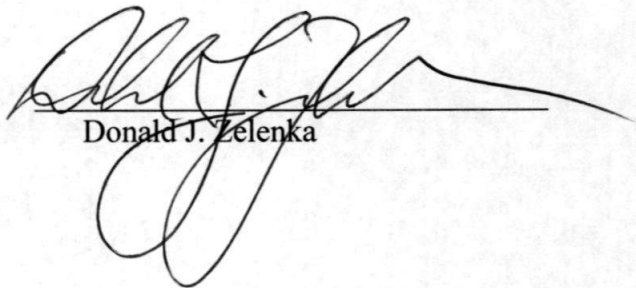
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

By: 
J. Anthony Mabry

I agree that good cause has been shown.


Donald J. Zelenka

April 28, 2014

Lonnie Brawley

From: Anthony Mabry
Sent: Monday, April 28, 2014 10:37 AM
To: Lonnie Brawley
Subject: FW: Extension

From: J. Falkner Wilkes [jfalknerwilkes@gmail.com]
Sent: Thursday, April 24, 2014 7:25 PM
To: Anthony Mabry
Subject: Re: Extension

No objection and if need me to put it in writing just let me know.
Jeff.

Sent from my iPhone
J. Falkner Wilkes
(864) 421-4618

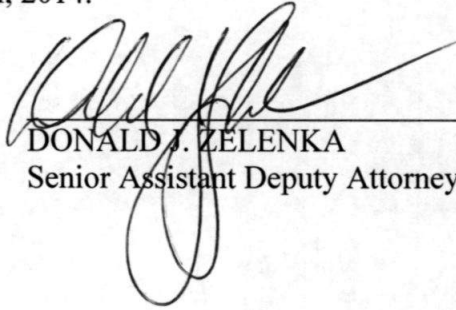
On Apr 24, 2014, at 2:39 PM, Anthony Mabry <amabry@scag.gov> wrote:

This is to see if you have any objection to an extension to file my initial brief in Marcus Wright. I have been swamped with other briefs, federal habeas returns, and capital pcr matters.

Anthony Mabry
Assistant Attorney General

CERTIFICATE OF SERVICE

I **Donald J. Zelenka**, 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 United States Mail to J. Falkner Wilkes, Esq., 114 Whitsett Street, Greenville, SC 29601 this 28th day of April, 2014.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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ALAN WILSON
ATTORNEY GENERAL

April 28, 2014

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

Re: State v. Marcus Dwain Wright
Appellate Case No. 2013-001406

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.

Sincerely,

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

/lbb
Enclosure

cc: J. Falkner Wilkes, Esquire

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