

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LANCASTER COUNTY  
Court of General Sessions  
Brian M. Gibbons, Circuit Court Judge

---

Appellate Case No. 2013-002510

---

THE STATE,.....Respondent

v.

JOSEPH WRIGHT, JR.....Appellant

---

Intervenor Homeowners Mortgage Enterprises' Brief in Reply to  
Appellant's Opposition to Homeowners' Motion to Intervene

---

Robert P. Wood  
Rogers Townsend & Thomas, PC  
220 Executive Center Drive  
Columbia, SC 29210  
(803) 791-7900  
E-mail: robert.wood@rtt-law.com

ATTORNEY FOR INTERVENOR

**RECEIVED**

MAY 01 2014

**SC Court of Appeals**

The South Carolina Victims' Bill of Rights (Const. Art. 1, § 24) is not the exclusive means by which a victim may seek recourse with the assistance of the Court of General Sessions. In fact, Section 24(C)(4) provides that the enumeration in the Constitution of certain rights for victims is not to be construed to deny or disparage others granted by the General Assembly or retained by victims.

This appeal and this motion in particular have civil aspects, as recognized by Judge Few in his order staying the contempt proceedings in the lower court: “[T]he order on appeal purports to hold the defendant in civil contempt, and this is a civil matter subject to the stay and supersedeas provisions of Rule 241, SCACR. \*\*\* [W]ith regard to the mechanism by which the court has the power to resolve a civil dispute between the parties, the underlying order is automatically stayed.” Order, pg. 1.

Neither Mr. Wright, the Court of General Sessions, the State, nor anyone else objected to Homeowners' active participation at the trial level. So there was no need for Homeowners to intervene there. It was only when Mr. Wright served his notice of appeal that Homeowners was left out of the loop. So the so-called “failure” of Homeowners to intervene at the trial level is of no import.

Per the orders of both Judge Gibbons and Judge Few, the criminal case has not been resolved, and Homeowners never tried to “re-open” it. To the extent Mr. Wright wishes to argue this on appeal, Homeowners' rights have not been protected, and it should be allowed to intervene.

Finally, Mr. Wright's footnote (where he says he is challenging Judge Gibbons' mechanism for resolving this civil dispute) is another issue for which Homeowners should be allowed to protect its own rights.

Homeowners' motion to intervene should be granted, and Homeowners should be allowed to serve and file an initial respondent's brief, to designate matter to be included in the record on appeal, and otherwise to protect its interests and fully participate in this appeal.



---

Robert P. Wood (#6206)  
Rogers Townsend & Thomas, PC  
220 Executive Center Drive (29210)  
Post Office Box 100200  
Columbia, SC 29210  
(803) 771-7900

ATTORNEY FOR INTERVENOR,  
HOMEOWNERS MORTGAGE ENTERPRISES,  
INC.

April 29, 2014

**CERTIFICATE OF SERVICE BY MAIL**

Appellate Case No. 2013-002510

I, the undersigned attorney, of the law firm of Rogers Townsend & Thomas, PC, do hereby certify that I have served a copy of the foregoing document upon counsel of record by U.S. Mail, postage prepaid, on April 29, 2014, at the following addresses:

**Document:**

INTERVENOR HOMEOWNERS MORTGAGE ENTERPRISES' BRIEF IN REPLY TO APPELLANT'S OPPOSITION TO HOMEOWNERS' MOTION TO INTERVENE

**Counsel Served:**

Hemphill Pride, II, Esq.  
Law Office of Hemphill P. Pride II, LLC  
Post Office Box 4529  
Columbia, SC 29240

Honorable Daniel E. Johnson  
5<sup>th</sup> Circuit Solicitor  
1701 Main Street  
Columbia, SC 29201

Matthew C. Buchanan, Esq.  
General Counsel  
South Carolina Department of Probation, Parole and Pardon Services  
P.O. Box 50666  
Columbia, SC 29250

  
\_\_\_\_\_  
Robert P. Wood (SC Bar # 6206)

ROGERS TOWNSEND & THOMAS, PC  
POST OFFICE BOX 100200 (29202)  
220 EXECUTIVE CENTER DRIVE  
COLUMBIA, SOUTH CAROLINA 29210  
P 803.771.7900 F 803.343.7017  
W RTT-LAW.COM

**Robert P. Wood**  
Robert.Wood@rtt-law.com  
P 803.744.1275  
C 803.530.8921  
LICENSED IN SC AND US VIRGIN ISLANDS  
  
**Sheri H. McClendon, Senior Paralegal**  
Sheri.McClendon@rtt-law.com  
P 803.744.1930  
  
**Nancy Thomas, Paralegal**  
Nancy.Thomas@rtt-law.com  
P 803.744.1874



April 29, 2014

The Honorable Jeanette F. Barber  
Clerk of Court  
The South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Joseph Wright, Jr.  
Appellate Case No.: 2013-002510  
Our file #010869.00001

Dear Ms. Barber:

Enclosed please find for filing in your office an original and six copies of Homeowners Mortgage Enterprises' Brief in Reply to Appellant's Opposition to Homeowners' Motion to Intervene and Certificate of Service in this matter. Please file the original and return a clocked copy to this office using the envelope provided.

By copy of this letter to all parties, we hereby serve them a copy of the same

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert P. Wood".

Robert P. Wood

Enc.

cc:  
Hemphill P. Pride, II, Esq.  
Law Office of Hemphill P. Pride, II, LLC  
Post Office Box 4529  
Columbia, SC 29240

**RECEIVED**  
MAY 01 2014  
SC Court of Appeals

Honorable Daniel E. Johnson  
5<sup>th</sup> Circuit Solicitor  
1701 Main Street  
Columbia, SC 29201

Matthew C. Buchanan, Esq.  
General Counsel  
South Carolina Department of Probation, Parole and Pardon Services  
P.O. Box 50666  
Columbia, SC 29250