

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Kristi Lea Harrington, Presiding Judge

RECEIVED

MAY 21 2014

SC Court of Appeals

INDICTMENT NO.: 2010GS1006153
WARRANT NO.: K639859

The State,

Respondent,

v.

Robert Lee Wright,

Appellant.

MOTION TO ALLOW LATE FILING

Robert Lee Wright requests this Court to accept the filing of the notice of intent to appeal out-of-time. It is undisputed that the Ninth Circuit Solicitor's Office was timely and properly served with the notice of intent to appeal as explained below. Don Zelenka, Assistant Deputy Attorney General does not oppose this motion.

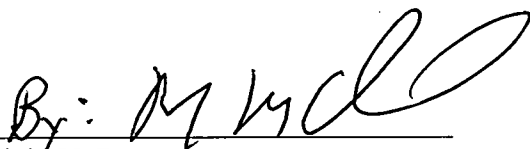
On February 25, 2014 Mr. Wright was convicted of Murder and sentenced to forty years imprisonment. Trial counsel for Mr. Wright, Assistant Public Defender for Charleston County Alicia V. Penn, filed a motion to reconsider sentence on February 27, 2014, which was denied on March 25, 2014. While the motion to reconsider sentence was pending, Ms. Penn left the Charleston Public Defender's Office for a position with the Federal Public Defender's Office.

On March 31, 2014 Mr. Wright's appeal was filed with the Charleston County Clerk of Court. There is proof of service certifying that Renee Green, paralegal for Ms. Penn, hand

delivered a copy to the Charleston County Solicitor's Office on that date as well. His appeal was also mailed to the South Carolina Court of Appeals and the South Carolina Appellate Defense Commission. Ms. Green called the South Carolina Court of Appeals to check on the status of the appeal. When Ms. Green discovered that the Appellate Court had never received Mr. Wright's appeal in the mail, she resent the Appeal papers on May 5, 2014. These were received by the Appellate Court on May 12, 2014.

Again, it is undisputed that Mr. Wright's appeal was properly served. Regardless of why the Appellate Court did not receive Mr. Wright's appeal until May, it was meant to be timely filed. Mr. Wright respectfully asks the South Carolina Court of Appeals to allow for late filing in his case and to accept his Appeal now as being timely filed.

WHEREFORE, appellant requests that this court accept the late filing of the notice to appeal in this case.

By: 

Alicia V. Penn
Assistant Federal Public Defender
P.O. Box 876
Charleston, SC 29402
Attorney for Appellant

May 20, 2014

Other Counsel of Record:
Chad Simpson, Assistant Solicitor
Office of the Solicitor, Ninth Judicial Circuit
O.T. Wallace County Office Building
101 Meeting Street
Charleston, SC 29401
(843) 958-1900

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Kristi Lea Harrington, Presiding Judge

INDICTMENT NO.: 2010GS1006153
WARRANT NO.: K639859


STATE OF SOUTH CAROLINA, RESPONDENT

vs.


ROBERT LEE WRIGHT, APPELLANT

NOTICE OF APPEAL

Robert Lee Wright appeals his conviction and sentence following the jury trial held before the Honorable Kristi Lea Harrington, wherein he was found guilty and sentenced on February 25, 2014 to an active term of forty-five years.


Alicia V. Penn Annie Andrews for Alicia Penn
Attorney for Robert Lee Wright
Charleston County Public Defender's Office
101 Meeting Street, Suite 500
Charleston, SC 29401

Other counsel of record are:
Chad Simpson, Assistant Solicitor
Office of the Solicitor, Ninth Judicial Circuit
O.T. Wallace County Office Building
101 Meeting Street
Charleston, SC 29401
(843) 958-1900

ATTEST: A TRUE COPY
JULIE ARMSTRONG (SEAL)
CLERK, C.F. GS/8, SC
By 
DEPUTY CLERK

BY

JULIE ARMSTRONG
CLERK OF COURT

2014 MAR 31 PM 2:21

FILED

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Kristi Lea Harrington, Presiding Judge

FILED
JULIE J. ARMSTRONG
CLERK OF COURT

2014 MAR 31 PM 2:21

INDICTMENT NO.: 2010GS1006153

WARRANT NO.: K639859

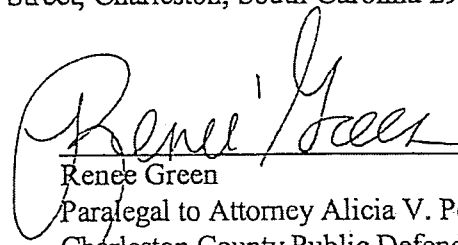
STATE OF SOUTH CAROLINA, RESPONDENT

vs.

ROBERT LEE WRIGHT, APPELLANT

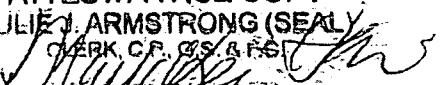
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Chad Simpson, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on March 31, 2014.



Renee Green
Paralegal to Attorney Alicia V. Penn
Charleston County Public Defender
O. T. Wallace County Office Building
101 Meeting Street
Charleston, SC 29401
(843) 958-1850

Dated: March 31, 2014.

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.S.
BY 
DEPUTY CLERK

**CHARLESTON COUNTY PUBLIC DEFENDER
O. T. WALLACE COUNTY OFFICE BUILDING
101 MEETING STREET
CHARLESTON, SOUTH CAROLINA 29401**

(843) 958-1850

FAX (843) 958-1860

March 31, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

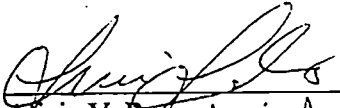
Re: State of South Carolina vs. Robert Lee Wright
Case No.: 2010GS1006153
Warrant No: K639859
Charge: Murder

Dear Mr. Richstad:

Enclosed is the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. The Defendant-Appellant was represented by our office as an indigent, pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

As proof of filing for my records, I would appreciate it if one of your Clerks would clock the enclosed copy of this letter and return it to me in the envelope I have provided. Thank you.

Sincerely,

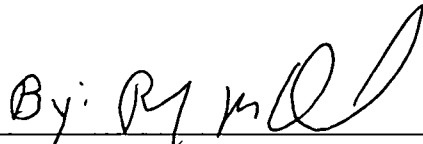

Alicia V. Penn Annie Andrews for Alicia Penn
Attorney for Robert Lee Wright
Charleston County Public Defender's Office
101 Meeting Street, Suite 500
Charleston, SC 29401

Enclosure(s): As stated above

cc: South Carolina Commission of Appellate Defense

PROOF OF SERVICE

I certify that I have served the MOTION FOR LATE FILING AND THE NOTICE OF INTENT TO APPEAL on Donald J. Zelenka, Assistant Deputy Attorney General, by depositing a copy of it in the United States Mail, postage prepaid, on May 21, 2014 and on Chad Simpson, Assistant Solicitor for Charleston County, by hand-delivery

By: 

Renee Green
Paralegal, Charleston County Public Defender
O.T. Wallace County Office Building
101 Meeting Street
Charleston, SC 29401
(843) 958-1850

May 21, 2013

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MAY 21 2014

SC Court of Appeals