

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

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

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**THE STATE,**

Respondent,

v.

**MARCUS DWAIN WRIGHT,**

Appellant.

Appellate Case No. 2013-001406

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**RECEIVED**

MAY 28 2014

**SC Court of Appeals**

**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 May 28, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to June 27, 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) **Andre King v. Warden** (Murder, ABWIK, Possession of a Weapon during a Violent Crime)(Federal Habeas Return) filed in U.S. District Court May 22, 2014 (approximately 77 pages) the Petitioner raised six (6) issues;

(B) Johnny Gambrell v. State, (Murder)(Federal Habeas Return) filed Friday, May 16, 2014 in U.S. District Court (Approximately 90 pages) the Petitioner raised fourteen (14) issues;

(C) Edmund Goins v. Warden (Federal Habeas Corpus Appeal) Submission of Supplemental Authority to the 4<sup>th</sup> Circuit Court of Appeals on May 15, 2014 after oral argument;

(D) Nathaniel Johnson v. McFadden (Federal Habeas Corpus) Review of District Court's Order Adopting Magistrate's Report and Recommendation, on or about May 12, 2014;

(E) Herbert English v. McCall (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Paige Jones Gossett granting Respondent's Motion for Summary Judgment, on or about May 12, 2014;

(F) State v. Kenneth Lynch (Murder 2 Counts) Initial Brief of Respondent, filed in the S.C. Court of Appeals on May 5, 2014 (50 pages) [this was a Capital Case in which the appellant was sentenced to life; there were ten [10] volumes of Trial Transcript and the defendant was raising a directed verdict issue among other issues];

(G) Edmund Goins v. Warden (ABWIK)(LWOP) Preparation for and oral argument before the 4<sup>th</sup> Circuit Court of Appeals in Richmond on May 14, 2014 (preparation on May 9<sup>th</sup> and May 12<sup>th</sup>, travel to Richmond on May 13<sup>th</sup> and Return on May 14<sup>th</sup> after Oral Argument);

(H) Sims v. Cartledge (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Kaymani D. West granting Respondent's Motion for Summary Judgment, on or about May 7, 2014;

(I) State v. Frankie McGee (Direct Appeal) Review of Court of Appeals Opinion affirming conviction for murder (Respondent's Attorney handled the Direct Appeal), on or about May 1-2, 2014;

(J) Bobby Gibson v. Warden (Federal Habeas Corpus)(Trafficking more than 100 grams) Review of Report and Recommendation of Magistrate Jacquelyn F. Austin granting Respondent's Motion for Summary Judgment, on or about April 30, 2014;

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

(L) State v. Manuel Marin, (Murder) (Return to Petition for Writ of Certiorari to the Court of Appeals), filed in the S.C. Supreme Court on about April 23, 2014 (25 pages);

(M) Johnson v. McFadden (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Shiva Hodges Granting Respondent's Motion for Summary Judgment, **on or about April 23-24, 2014;**

(N) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny)(Return to Petition for Writ of Certiorari to the Court of Appeals **filed in the S.C. Supreme Court on April 18, 2014 (25 pages);**

(O) Thomas Hamilton v. Warden (Federal Habeas Return) **filed on or about April 16, 2014 in U.S. District Court;**

(P) Cordoray Williams v. Warden (Federal Habeas Return) **filed on or about April 11, 2014 in U.S. District Court;**

(Q) Freddie Owens v. State (Capital PCR) (Return to Petition for Writ of Certiorari) Respondent has completed *almost all of this Return* to a **ninety-one (91) page** Petition for Certiorari from Applicant's 3<sup>rd</sup> death sentence, Respondent's Return is **approximately one hundred and sixty seven (167) pages** at this time and must be edited before filing with the S.C. Supreme Court;

**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 4<sup>th</sup> extension request.

Wherefore, given extraordinary circumstances have been shown, Respondent respectfully requests an extension of a period of time of thirty (30) days up to and including **June 27, 2014.**

This is a 4<sup>th</sup> extension request.

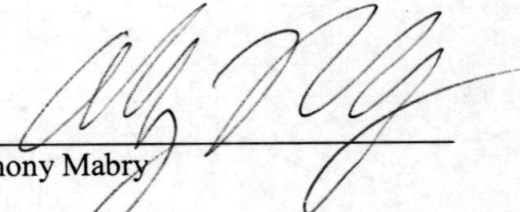
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN MCINTOSH  
Chief Deputy Attorney General

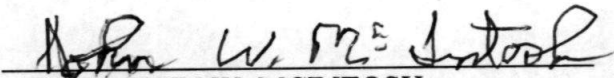
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

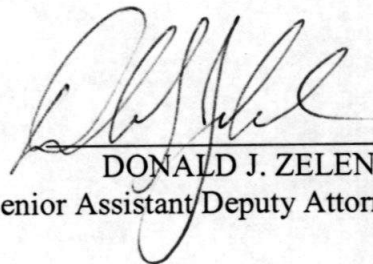
ANTHONY MABRY  
Assistant Attorney General  
**ATTORNEYS FOR RESPONDENT**

By:   
Anthony Mabry

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

We agree that extraordinary circumstances have been shown.

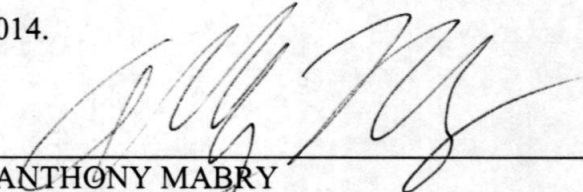
  
JOHN W. MCINTOSH  
Chief Deputy Attorney General

  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

May 28, 2014

**CERTIFICATE OF SERVICE**

I **Anthony Mabry**, 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 28<sup>th</sup> day of May, 2014.



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**ANTHONY MABRY**  
Assistant Attorney General



ALAN WILSON  
ATTORNEY GENERAL

May 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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**SC Court of Appeals**