

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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RECEIVED

JUN 27 2014

SC Court of Appeals

THE STATE,

Respondent,

v.

MARCUS DWAIN WRIGHT,

Appellant.

Appellate Case No. 2013-001406

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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 June 27, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to Monday, July 28, 2014. This motion is made because Respondent *is working on this brief*, but 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) Freddie Owens v. State (Capital PCR Appeal to the S.C. Supreme Court) Return to Petition for Writ of Certiorari, **This Return was filed Monday June 23, 2014. Respondent's attorney had been working on this Return extensively, including some nights. (Applicant's Petition was 91 pages), the Record includes a trial, 3**

**sentencing proceedings, and the PCR Transcript (the Return to Certiorari was 121 pages in length);**

(B) State v. Kenneth Lynch (Murder X 2, Grand Larceny) Final Brief of Respondent filed **Wednesday June 18, 2014 in this Court;**

(C) Goins v. Warden (Federal Habeas Case)(LWOP) Review of 4<sup>th</sup> Circuit Court of Appeals Opinion denying relief, **received Wednesday, June 18, 2014;**

(D) Damon Jackson v. Warden (Federal Habeas Return)(37 year sentence) **filed in U.S. District Court on June 6, 2014 (approximately 61 pages);**

(E) Hickman v. Byars (Federal Habeas Case)(ABWIK, Armed Robbery) Review of U.S. Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment, **received Thursday, June 19, 2014;**

(F) Smalls v. McFadden (Federal Habeas Case) Review of U.S. Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment, **received Wednesday, June 18, 2014;**

(F) English v. McCall (Federal Habeas Case) Review of District Court's Order adopting Report and Recommendation, **received June 6, 2014;**

(H) Bryant v. Warden (Federal Habeas Case) Review of Report and Recommendation of U.S. Magistrate granting summary judgment to Respondent and research regarding possible objection to Report and Recommendation on one issue the Court denied Respondent's basis for summary judgment, **received June 6, 2014;**

(I) Fredrick Evins v. State (Capital PCR), Preparation for and Hearing on State's Rule 59 Motion to Alter or Amend Judgment before Judge Garrison Hill in Greenville, **June 3, 2014;**

(J) Blanding v. Warden, (Federal Habeas Case)(Murder) Review of Report and Recommendation granting Respondent's Amended Motion for Summary Judgment, **received May 30, 2014;**

(K) Andre King v. Warden (Murder, ABWIK, Possession of a Weapon during a Violent Crime) (Federal Habeas Return) **filed May 22, 2014 (approximately 73 pages) in U.S. District Court;**

(L) McKenzie v. Cartledge (Federal Habeas Case) Review of Report and Recommendation of U.S. Magistrate granting Motion for Summary Judgment, **received May 22, 2014;**

(M) Melvin Nelson v. Warden (Federal Habeas Return) **in process;**

- (N) State v. Kareem Harry (Murder)(Initial Brief of Respondent) in process;
- (O) Fredrick Evins v. State (Capital PCR) Draft of Order Granting Rule 59 Motion and waiver of guilt phase issues by applicant and forwarded to opposing counsel, **drafted and forwarded Wednesday, June 25, 2014;**
- (P) Fredrick Evins v. State (Capital PCR) *Hearing* in Greenville **today, June 27, 2014** before the Judge Garrison Hill regarding Order Granting Rule 59 Motion *and* resolving Guilt Phase issues;
- (Q) Robert James Miller v. Warden (Federal Habeas Return) Return and Motion to Dismiss **filed today, June 27, 2014, in U.S. District Court;**

**and, other matters.**

2. Appellant is raising thirteen (13) issues on appeal from his convictions for murder, trafficking in cocaine, PWID crack cocaine, and possession of a weapon during a violent crime.

Respondent has consulted with opposing counsel, J. Falkner Wilkes, and he does not object to the requested extension. This is a 5<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 **July 28, 2014**. Respondent's attorney is assigned to the Capital Litigation Section of the Attorney General's Office, which handles all murder appeals, both death penalty and non-capital cases, all Capital PCR cases, at the circuit court and appellate level, and all Federal Habeas Corpus cases regardless of the crime. A paralegal has been assisting Respondent's attorney with the Record in this case. Respondent is actively working on this brief.

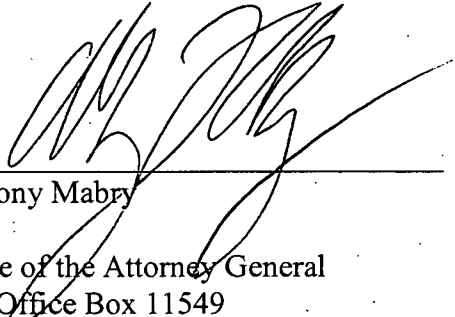
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN MCINTOSH  
Chief Deputy Attorney General


DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

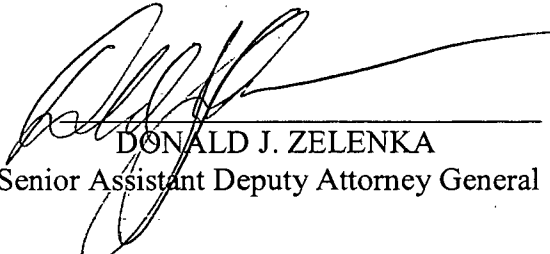
ANTHONY MABRY  
Assistant Attorney General  
**ATTORNEYS FOR RESPONDENT**

By:   
\_\_\_\_\_  
Anthony Mabry

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(803) 734-6305

We agree that extraordinary circumstances have been shown.

  
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JOHN W. MCINTOSH  
Chief Deputy Attorney General

  
\_\_\_\_\_  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

June 27, 2014

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**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 27<sup>th</sup> day of June, 2014.



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ANTHONY MABRY  
Assistant Attorney General



ALAN WILSON  
ATTORNEY GENERAL

June 27, 2014

**RECEIVED**

JUN 27 2014

**SC Court of Appeals**

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