

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
MAR 16 2015  
**SC Court of Appeals**

\_\_\_\_\_  
Appeal from Beaufort County  
The Honorable Maite Murphy, Circuit Court Judge

Appellate Case No: 2013-002090  
\_\_\_\_\_

THE STATE,

Respondent,

vs.

STANLEY WRIGHT,

Appellant.

\_\_\_\_\_  
**MOTION TO REQUIRE APPELLANT TO PROPERLY SERVE RESPONDENT WITH THE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER, MOTION TO CALCULATE THE DUE DATE FOR RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER THIRTY DAYS FROM THE DATE APPELLANT PROPERLY SERVES HIS INITIAL BRIEF AND DESIGNATION OF MATTER ON RESPONDENT, AND REQUEST TO HOLD ALL OF RESPONDENT'S DEADLINES IN ABEYANCE PENDING THIS COURT'S RULING ON RESPONDENT'S MOTIONS**  
\_\_\_\_\_

Respondent, by and through undersigned counsel, moves this Court to require Appellant to properly serve Respondent with the Initial Brief of Appellant and Designation of Matter, for this Court to calculate the time for filing and serving the Initial Brief of Respondent and Respondent's Designation of Matter as due thirty days from the date Appellant accomplishes proper service, and to hold all of Respondent's deadline in abeyance pending this Court's ruling on Respondent's motions. The motions are made for the reasons set forth below:

1. Appellant filed and served notice of appeal from convictions and sentences for

possession with intent to distribute marijuana, trafficking in cocaine, and possession of a weapon. An Initial Anders Brief of Appellant and Record on Appeal were filed and served on April 17, 2014, by counsel for the South Carolina Office of Appellate Defense. However, this Court issued orders filed July 15, 2014, admitting Valerie V. Vie and Sonya Chachere-Compton *pro hac vice* as counsel for Appellant in this appeal. By order filed November 10, 2014, this Court substituted *pro hac vice* counsel as Appellant's counsel for the appeal. The November 10, 2014, Order of this Court also struck all filings and permitted Appellant to serve and file a new initial brief and designation of matter within thirty days.

2. Respondent was served with an amended initial brief with attached documents on December 9, 2014. Respondent also received a copy of this Court's letter dated December 12, 2014, to counsel for Appellant outlining deficiencies in the amended initial brief and the corrections needed for the brief it received from Appellant. This Court's December 12, 2014, letter required Appellant to serve and file a corrected Initial Brief of Appellant and Designation of Matter within ten days.
3. On December 17, 2014, Respondent moved to hold its deadlines in abeyance pending receipt of a corrected Initial Brief of Appellant containing the corrections as outlined by this Court.
4. As of this date, Respondent has not received a corrected Initial Brief of Appellant or Appellant's Designation of Matter. (See attached Affidavit). The undersigned inspected the status of this appeal on the South Carolina Appellate

Court Case Management System and observed that an Initial Brief of Appellant and Designation of Matter of Appellant were filed by this Court on December 23, 2014. Respondent also notes that, in addition to never receiving the initial brief and designation of matter that were filed by this Court on December 23, 2014, the address listed on the separate Certificates of Service by mail for Initial Brief of Appellant and the Designation of Matter fail to list the mailing address used by the undersigned in AIS or the attorney desk book. Furthermore, both certificates of service reveal that Appellant failed to use a full zip code when serving Respondent for Appellant's Initial Brief and for Appellant's Designation of Matter ("2920" rather than "29201") thereby causing failure of delivery of the documents to Respondent and resulting in improper and incomplete service. <sup>1</sup> Based upon the above, Respondent moves this Court to require Appellant to serve Respondent with the corrected Initial Brief of Appellant and Designation of Matter using the full address as follows:

Salley W. Elliott  
Senior Assistant Deputy Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

5. Respondent also moves this Court to calculate the due date for its Initial Brief of Respondent and Designation of Matter for 30 days after Appellant properly serves Respondent as outlined above. Appellant should forward a copy of the certificate of service to this Court when he serves Respondent with a copy of his

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<sup>1</sup> The Brief of Appellant served on December 9, 2014, also reflects that an incomplete zip code was typed on the certificate of service for that brief; however, the correct zip code was hand-written over that incorrect zip code and the brief was received. The South Carolina Appellate Court Case Management System shows that the certificate of service for the corrected Brief of Appellant which was filed on December 23, 2014, but never received by Respondent does not to include the correction to the zip code.

Initial Brief and Designation of Matter so that this Court can properly calendar all due dates.

6. Respondent also moves this Court to hold all of Respondent's deadlines in abeyance pending this Court's ruling on Respondent's motions.

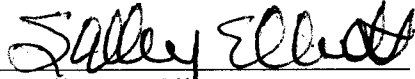
**WHEREFORE**, Respondent prays that this Court require Appellant to properly serve Respondent with his Initial Brief of Appellant and Designation of Matter at the full address listed herein, that this Court calculate the date for filing and serving the Initial Brief of Respondent and Designation of Matter for thirty days after Appellant properly serves Respondent with his initial brief and designation of matter, and for this Court hold the to hold the time for filing and serving its Initial Brief of Respondent and Designation of Matter in abeyance pending this Court's ruling on Respondent's motions.

Respectfully submitted,

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

ISAAC McDUFFIE STONE, III  
Solicitor, Fourteenth Judicial Circuit

BY:   
Salley W. Elliott  
S.C. Bar No. 1871

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

March 16, 2015

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appellate Case No: 2013-002090  
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THE STATE,

Respondent,

vs.

STANLEY WRIGHT,

Appellant.

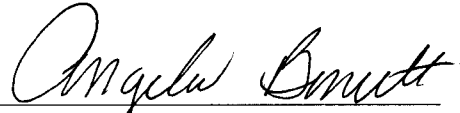
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**AFFIDAVIT**  
\_\_\_\_\_

PERSONALLY APPEARED before me, Angela Bennett, who upon oath, deposes and says:

1. I, Angela Bennett, am employed by the South Carolina Attorney General's Office and, serve as administrative assistant to Senior Assistant Deputy Attorney General Salley W. Elliott, and served in that capacity in December 2014 and January 2015 when the Initial Brief of Appellant and Designation of Matter should be have received by Ms. Elliott is properly served;
2. As part of my duties, I retrieve all mail received for Ms. Elliott and log all documents received for Ms. Elliott to verify the documents received;
3. I reviewed the mail log I maintain for Ms. Elliott for December 1, 2014 through March 16, 2015, and verify that the corrected Initial Brief of Appellant and Designation of Matter

that were filed by this Court on December 23, 2014, for this appeal were never received.

I have this day been provided a copy of this Affidavit, and hereby acknowledge receipt thereof.



Angela Bennett  
Administrative Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

March 16, 2015

SWORN to and subscribed before me  
this 16<sup>th</sup> day of March, 2015.

Wendy (L.S.)

Notary Public for South Carolina  
My Commission Expires: 7/18/2017

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Appeal from Beaufort County  
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Appellate Case No: 2013-002090

THE STATE,

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vs.

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Appellant.

**PROOF OF SERVICE**

I, Angela Bennett, certify that I have served the Motion to Require Appellant to Properly Serve Respondent with the Initial Brief of Appellant and Designation of Matter, Motion to Calculate Due Date, and Request to hold Respondent's Deadlines in Abeyance on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney Valerie V. Vie, Esquire and Sonya Chachere-Compton, Esquire, 5682 Palazzo Way, Suite 102 Douglasville GA 30134 and C. Andrew Carroll, 44C Markfield Drive, Charleston, South Carolina 29407.

I further certify that all parties required by Rule to be served have been served.

This 16<sup>th</sup> day of March, 2015.



ANGELA BENNETT  
Administrative Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



**RECEIVED**  
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**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

March 16, 2015

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

Re: The State v. Stanley L. Wright  
Appellate Case N: 2013-002090

Dear Mr. Kitchings:

Enclosed please find the original and six copies of the Motion to Require Appellant to Properly Serve Respondent with the Initial Brief of Appellant and Designation of Matter, Motion to Calculate the due Date, and Request to Hold Respondent's Deadlines in Abeyance along with proof of service in the above-referenced case.

Sincerely,

Salley W. Elliott  
Senior Assistant Deputy Attorney General  
S.C. Bar No: 1871

SWE/ab  
Enclosures

cc: Valerie V. Vie, Esquire  
Sonya Chachere-Compton, Esquire  
C. Andrew Carroll, Esquire  
Ms. Trisha Allen