

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
MAY 18 2015  
**SC Court of Appeals**

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Appeal from Lancaster County  
Honorable Brian M. Gibbons, Circuit Court Judge

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**THE STATE,**

Respondent,

v.

**THOMAS FRANKLIN WRIGHT, JR.**

Appellant.

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**REPLY TO MOTION TO DISMISS APPEAL**

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Defendant's counsel respectfully moves the Court to dismiss the State's motion to dismiss the above-captioned appeal and to allow the appeal to go forward. Defendant pleaded guilty to trafficking methamphetamine 28-100 Grams in Lancaster General Sessions on April 13, 2015 and received a nine year sentence from the Honorable Brian M. Gibbons. The recommendation from the State was ten years in arrange from seven to twenty five years.

Defendant's sister notified the office of defense counsel that the Defendant wished to appeal the sentence. Unfortunately the defense counsel did not file the notice of the intent to appeal until fifteen days after the plea, with a two day weekend before the 15<sup>th</sup> day. By way of mitigation only, defense counsel scheduled a time to meet with defendant at the county jail but

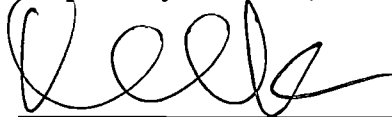
was denied the visit due to no availability in the visitation rooms. Defendant was moved to receiving and evaluation before defense counsel could confirm his desire to appeal. Defense counsel respectfully requests the appeal to be heard because he does not want his failure to file in time to detriment his client's position.

To be sure, counsel for Defendant is certain there are no valid grounds for the appeal and that the appeal has no merit. Defense counsel is willing to file an Anders Brief to this effect and anticipates that the appeal will eventually be denied on its merits.

Counsel, however, is concerned that if the appeal is dismissed due to failure to file on time, that the Defendant will have a valid ground for post-conviction relief. Defense counsel is requesting the appeal be heard primarily for that reason. He anticipates the appeal will not be granted on its merits if it moves forward and that the Defendant will then not have no grounds for a Post-Conviction Relief application. Counsel plans on contacting the Office of Indigent Defense Appellate Division to transfer the appeal to that office. Defense counsel asserts that the State's ability to defend the appeal would not be detrimented if the appeal was allowed to move forward.

Defense counsel terribly regrets the oversight and has not missed an appeal in his almost decade long practice. Counsel will certainly redouble his efforts to make sure a deadline is never missed again.

Respectfully submitted,



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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of General Sessions

Brian M. Gibbons, Circuit Court Judge

Case No. 2014-GS-47-17

State of South Carolina,

Respondent,

v.

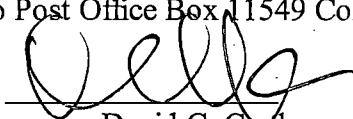
Thomas Franklin Wright, Jr.,

Appellant.

PROOF OF SERVICE

I certify that I have served the Reply to Motion to Dismiss Appeal on The Clerk of the State Grand Jury, James R. Parks by depositing a copy of it in the United States Mail, postage prepaid, on May 15, 2015 addressed to Post Office Box 11508, Columbia, SC 29211, and Mike Ross, Attorney General's Office addressed to Post Office Box 11549 Columbia, SC 29211.

May 15, 2015



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May 14, 2015

**RECEIVED**

MAY 18 2015

**SC Court of Appeals**

Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1205 Pendleton Street  
Columbia, SC 29201

**VIA US MAIL**

Re: State of South Carolina v. Thomas Franklin Wright, Jr.  
Case No.: 2014-GS-47-17

Your Honor:

Please find enclosed the original and a copy of the Reply to Motion to Dismiss Appeal and Proof's of Service for the above referenced case. If these documents meet Your Honor's approval, please file with Your Honor's Court and return the filed copies to my office in the enclosed self-addressed, stamped envelope. Thank you for your time and consideration.

Sincerely,

*David C. Cook (sr)*

David C. Cook, Esq.

Encl.

**Cook Law Firm, LLC**

Post Office Box 1449

Lancaster, South Carolina 29721



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