

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Charleston County
The Honorable J.C. Buddy Nicholson, Jr., Circuit Court Judge

SC Court of Appeals

Trial Court Case Nos. 2013-GS-10-03170; 2013-GS-10-03172
Appellate Case No. 2015-000636

THE STATE,

Respondent,

vs.

TIMOTHY JAMES WRIGHT,

Appellant.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due today, March 28, 2016, upon this Court's grant of Respondent's first request for an extension filed on March 3, 2016.

Counsel makes this request due to his involvement in other matters in both state and federal court within the past thirty days. Specifically, counsel filed an Objection to the Report and Recommendation in Johnny O'Landis Bennett, Jr. vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden,

Warden, Lieber Correctional Institution, C/A No. 2:13-3191-RMG-MGB, a capital federal habeas action pending in the United States District Court for the District of South Carolina. Counsel also filed a Reply to Response in Opposition to Motion for Summary Judgment in Dexter Palmer, #311922 vs. Cecilia Reynolds, Warden at Lee C.I., C/A No. 8:15-2571-MBS-JDA; and an Objection to Report and Recommendation in Montavis K. Gaines, #323168 vs. Warden Richard Cothram, C./A No. 5:14-4652-JMC-KDW, both federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel filed a Supplemental Brief requested by the United States Court of Appeals for the Fourth Circuit in Abdiyyah Ben Alkebulanyahh (f/k/a Tyree Alphonso Roberts vs. William Byars, Jr., Commissioner, South Carolina Department of Corrections; and Wayne C. McCabe, Warden of Lieber Correctional Institution, Case No. 15-3, a capital federal habeas action now on appeal. Counsel also filed a Response Brief requested by the United States District Court in Johnny O'Landis Bennett, Jr. vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:13-3191-RMG-MGB, a capital federal habeas action pending in the United States District Court for the District of South Carolina. Counsel also prepared the Reply Brief of Petitioner in Louis M. Winkler, Jr. vs. State of South Carolina, a State's appeal in a capital post-conviction relief action pending in the South Carolina Supreme Court.

Counsel presented oral argument on behalf of the State in State v. Graham Douglas, a State's appeal in a Protection of Persons and Property Act case currently pending before the South Carolina Supreme court on March 2, 2016. Counsel prepared

for a status conference before the Honorable Alexander S. Macaulay in the matter of Norman Starnes vs. State of South Carolina, a capital Lexington County post-conviction relief matter which was scheduled for Friday, March 4, 2016. The status conference was ultimately postponed on the afternoon of March 3, 2016. Counsel also represented the respondents at a hearing in Charleston, South Carolina on the parties' motions for summary judgment before the Honorable Richard M. Gergel, United States District Judge on March 14, 2016 in Bennett, v. Stirling, et al.

Counsel presented oral argument on behalf of the State in the matter of Bobby Wayne Stone vs. State of South Carolina, Appellate Case No. 2013-001968 today, March 23, 2016. Counsel has also spent a substantial amount of time drafting the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Rufus Julius Cornelius Anderson, #165323/0617, vs. Director of Greenville County Detention Center; State of South Carolina, C/A No. 8:15-4916-MGL-JDA; Scott Douglas Parker vs. Warden, Broad River Correctional Institution, C/A No. 5:15-04648-TLW-KDW; and Gerald Brown, # 174505 vs. Leroy Cartledge, C/A No. 6:16-317-TMC-KFM, all federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel has also spent a significant amount of time reviewing the transcript and researching the issue in preparation for drafting the Initial Brief of Respondent in this matter.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this proceeding. Thus, counsel is requesting an extension of

time in which to file the Initial Brief of Respondent in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

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March 28, 2016.

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record, Kristy Goldberg, Esq., Law Office of Kristy Goldberg, LLC, 1720 Main Street, Suite #303, Columbia, South Carolina 29201; and to Robert Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 28th day of March, 2016.



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