

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Appeal from Charleston County
The Honorable Kristi Lea Harrington, Circuit Court Judge
Appeal Case No. 2014-001023

MAY 31 2016
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT LEE 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, May 31, 2016, upon this Court's grant of Respondent's first request for an extension filed on May 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 completed and filed the Motion for Summary Judgment, Return, and Memorandum of Law in Support of Motion for Summary Judgment in Scott Douglas Parker, #197951 vs. Warden, Broad

River Correctional Institution, C/A No. 5:15-04648-TLW-KDW, a federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel filed an Initial Brief of Respondent in the matter of State vs. Timothy James Wright, a direct appeal in a Charleston County murder case pending before the South Carolina Court of Appeals. Counsel also filed Respondent-Appellee's Response Brief in Ronald Donald Dingle vs. Warden Robert M. Stevenson, Case No. 15-6832, an appeal in a federal habeas action now pending in the United States Court of Appeals for the Fourth Circuit. Counsel has spent a significant amount of time drafting the Respondents-Appellants' Opening Brief in Johnny O'Landis Bennett, Jr. vs. Brian P. Stirling, Commissioner, South Carolina Department of Corrections; Joseph McFadden, Warden of Lieber Correctional Institution, Case No. 16-3, a federal habeas action in a capital case now pending in the United States Court of Appeals for the Fourth Circuit.

Counsel also spent a substantial amount of time drafting the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Jermaine T. McKelvey vs. Warden Cecelia Reynolds, C/A No. 4:16-541-MBS-TER; and Marlon Rivera, #311864 vs. Scott Lewis, C/A No. 5:16-00837-MGL-KDW, both federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time drafting the Respondent-Appellee's Response Brief in Maurice S. Hope vs. Warden Cartledge, Case No. 15-7367, an appeal in a federal habeas action now pending in the United States Court of Appeals for the Fourth Circuit.

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. However, 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,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
ALPHONSO SIMON, JR.

May 31, 2016.

ATTORNEYS FOR RESPONDENT

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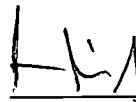
APPELLANT.

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 attorney of record, Susan B. Hackett, 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 31st day of May, 2016.



ALPHONSO SIMON, JR.
Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-6305



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MAY 31 2016

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 31, 2016

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

Re: *The State v. Robert Lee Wright*
Appeal from Charleston County
Appellate Case No. 2014-001023

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, May 31, 2016. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter. By copy of this letter I am advising counsel for Appellant of this request.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)