

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County  
Roger M. Young, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT, **RECEIVED**  
JUN 18 2012  
**SC Court of Appeals**

V.

TRISTAN CHEEK,

APPELLANT.

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Tristan Cheek respectfully requests an extension of **thirty (30) days until July 18, 2012** in which to file the initial brief of appellant and designation of matter in this case. **Counsel will file the brief with this Court if at all possible earlier than the thirty (30) day extension requested.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a sixth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court on today. Counsel had requested a prior extension he intended to be the last; however, due to the current caseload and counsel's attendance at the Supreme Court Advocacy Institute training program in New York, New York on the dates of June 7-10, 2012.

2. Counsel for Mr. Cheek respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.


3. Today counsel is filing the petition for writ of certiorari and appendix in Ivan Lee v. State in the Supreme Court. On June 14, 2012, counsel filed the petition for writ of certiorari and appendix in Preston Costa v. State in the Supreme Court. On June 6, 2012, counsel had an oral argument in State v. Tremaine Rashon Wray in this Court. On June 4, 2012 counsel had an oral argument in State v. Kasseem Stephens in this Court. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ashley Moore in this Court. On May 29, 2012, counsel filed the petition for writ of certiorari and appendix in State v. Freddie Jones in the Supreme Court. On May 23, 2012 counsel had an oral argument in the case of State v. Lucius Simuel in the Supreme Court. On May 21, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this Court. On May 16, 2012 counsel filed the petition for writ of certiorari and appendix in Johnny Paden v. State in the Supreme Court. On May 14, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this court. On May 8, 2012 counsel filed the initial reply brief in State v. Joseph Paugh in this Court. On May 4, 2012 counsel filed the petition for writ of certiorari and appendix in Steven J. Freeman v. State in the Supreme Court. On May 2, 2012 counsel filed the petition for writ of certiorari and appendix in John Randolph v. State in the Supreme Court. On April 30, 2012 counsel filed the petition for writ of certiorari and appendix in Kevin Allison v. State in the Supreme Court. On April 26, 2012 counsel filed the petition for writ of certiorari and appendix in Raymond Murray v. State in the Supreme Court. On April 25, 2012 counsel filed the Reply to Respondent's Return to Appellant's Motion to Hold Appeal in Abeyance in State v. Richard Gagnon in this Court. On April 18,

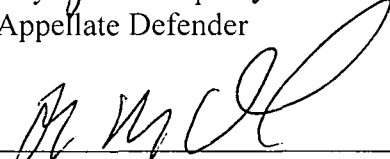
2012 counsel filed the petitions for writ of certiorari and appendices in Antwan Wade v. State and Stacy Evans v. State in the Supreme Court. On April 6, 2012 counsel filed the petition for writ of certiorari and appendix in Ricky Dale Gilstrap v. State in the Supreme Court.

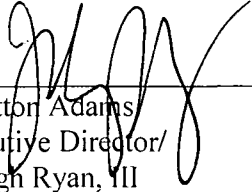
4. Counsel makes this request in good faith and not for purpose of delay.
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day until July 18, 2012** extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Dayne C. Phillips  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

June 18, 2012

I do not oppose:

  
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Salley W. Elliott