

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Horry County
Deadra L. Jefferson, Circuit Court Judge

RECEIVED

SEP 18 2015

RESPONDENT

SC Court of Appeals

THE STATE,

V.

XAVIER RAYSHAWN HEMINGWAY,

APPELLANT

APPELLATE CASE NO. 2014-002603

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

Counsel for appellant respectfully requests a thirty (30) day extension, until October 19, 2015, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today.
2. Counsel 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.

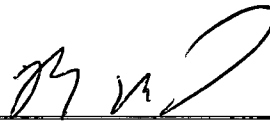
3. Counsel also intends to file the initial brief of appellant and designation of matter in the case of Tre'Vaugh Z. Jackson, v. State with this Court today. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Vernon Michael Wilcox v. State with the Supreme Court on September 8, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Sandy Lynn Westmoreland with this Court on August 31, 2015. Counsel presented on warrantless searches at the 2015 Magistrate Advisory Council Intensive Training Seminar on August 18 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Calvert Myers with this Court on August 14, 2015. Counsel filed a reply brief in the case of State v. Christina Reece, with this Court on August 13, 2015. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of State v. Raheem D. King with the Supreme Court on August 6, 2015. Counsel filed the brief of respondent and designation of matter in the case of State v. Whitlee Jones with the Supreme Court on July 29, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Raheem D. King with the Supreme Court, on July 27, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Gary R. Dargan with this Court on July 24, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Robert Lee Moore with this Court on July 17, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Tawanda Allen with the Supreme Court on July 16, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Rashondre Montese Boozer with this Court on July 15, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Craig Geathers v. State with the Supreme Court on July 10, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Jennifer Lorene Hatfield Griffin with this Court on July 8, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.**

4. Counsel makes this request in good faith and not for purpose of delay.

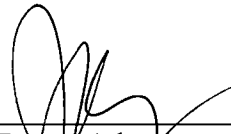
5. Counsel for the Attorney General's Office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension, until October 19, 2015, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



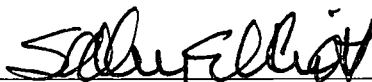
Robert M. Dudek
Chief Appellate Defender



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

This 18th day of September, 2015.

I do not oppose:



Salley W. Elliott, Esquire