

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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ORIGINAL

Certiorari to Spartanburg County  
Honorable R. Keith Kelly, Circuit Court Judge

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**RECEIVED**

OCT 20 2016

RICKY D. CHEEKS,

PETITIONER, S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001292

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE PETITION FOR WRIT OF  
CERTIORARI AND APPENDIX

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Counsel for Ricky D. Cheeks respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Ricky D. Cheeks 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed Anders brief of appellant and designation of matter with accompanying record on appeal in the case of State v. Steven E. Jennings in the Court of Appeals on October 12, 2016. Counsel filed petition for writ of certiorari to the Court of Appeals in the case of The State v. Arthur Moseley in the Supreme Court on October 11, 2016. Counsel filed Anders brief of appellant and designation of matter with accompanying record on appeal in the case of State v. Lorenzo Ragin in the Court of Appeals on October 4, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Lynel Witherspoon v. State in the Supreme Court on September 23, 2016. Counsel had an oral argument in the case of State v. Fred Jack Sanders before the Court of Appeals on September 22, 2016. Counsel filed initial brief of appellant and designation of matter in the case of State v. Keyon Robinson in the Court of Appeals on September 14, 2016. Counsel filed petition for writ of certiorari and the accompanying petition for writ of certiorari pursuant to Austin v. State and accompanying appendix in the case of Michael Ray Elders v. State in the Supreme Court on September 6, 2016. Counsel filed petition for rehearing in the case of State v. Arthur Moseley in the Court of Appeals on September 2, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Shanita Cunningham v. State in the Supreme Court on August 31, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Christopher Lee Johnson v. State in the Supreme Court on August 22, 2016.

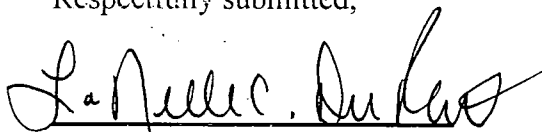
4. Counsel makes this request in good faith and not for purpose of delay.

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon

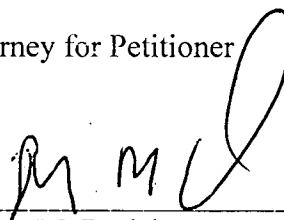
the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant  
Appellate Defender

Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

October 20, 2016

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County  
Honorable R. Keith Kelly, Circuit Court Judge

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RICKY D. CHEEKS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

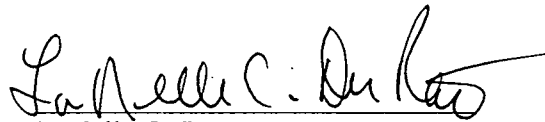
APPELLATE CASE NO. 2016-001292

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CERTIFICATE OF SERVICE

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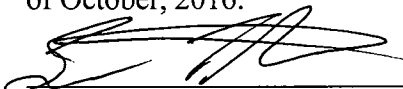
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Alicia Olive, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of October, 2016.



LaNelle C. Durant  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 20th day  
of October, 2016.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.