

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

v.

TRISTIAN XAVIER CUMMINGS,

RESPONDENT

RECEIVED
DEC 04 2019
SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2019-000665

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

Counsel for Tristian Xavier Cummings respectfully requests a **fourth and final thirty (30) day extension, until January 3, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Tristian Xavier Cummings 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.

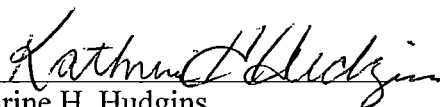
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone Joseph Whatley v. The State of South Carolina with the Supreme Court on November 7, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Timothy L. Frady v. The State of South Carolina with the Supreme Court on November 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Derek Maner v. The State of South Carolina with the Supreme Court on October 23, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State of South Carolina v. David Paul Merritt with this Court on October 16, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State of South Carolina v. Roy Gene Sutherland, III with this Court on September 30, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State of South Carolina v. Olandio Workman with this Court on September 27, 2019.

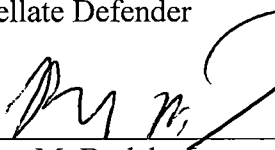
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

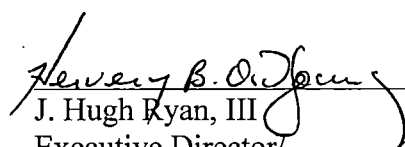
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension, until January 3, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 4th day of December, 2019.

I do not oppose:


for Melody J. Brown, Esquire