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Apr 12 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DYLAN TREY FOSTER,

APPELLANT

APPELLATE CASE NO. 2022-001274

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

Counsel for Dylan Trey Foster respectfully requests a thirty (30) day extension from April 12, 2023 until May 12, 2023, in which to serve and 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 third 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 today.

2. Counsel is assisting in the preparation of the reply in the death penalty case of Marion Alexander Lindsey v. The State. Counsel is assisting in the preparation of the petition

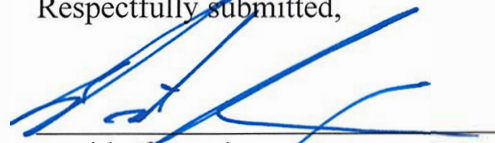
for rehearing in the death penalty case of The State v. Timothy Ray Jones, Jr. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Wiley Chapman with this Court on March 23, 2023. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Ivington Allen with this Court on March 15, 2023. Counsel is assisting Chief Appellate Defender Robert M. Dudek with the brief in opposition at the United States Supreme Court in the case of The State of South Carolina v. Angela D. Brewer. Counsel filed the petition for writ of certiorari to this Court in the case of The State v. James Harold Baldwin with the Supreme Court on February 22, 2023. Counsel filed the petition for writ of certiorari and accompanying appendix for Matthew Benninger v. State with the Supreme Court on February 10, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Elijah Deshawn Whack with this Court on February 2, 2023. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Frederick Chappell with this Court on January 20, 2023. Counsel filed the return to petition for writ of certiorari to this Court in the case of In the Matter of the Care and Treatment of Ronald MJ Gregg with the Supreme Court on January 20, 2023.

3. This request is made in good faith, and not for purposes 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.

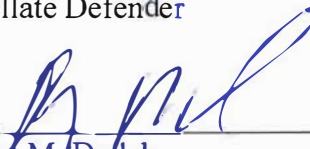
4. On April 4, 2023 opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from April 12, 2023 until May 12, 2023. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 12th day of April, 2023.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of April, 2023.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: ["wblitch@scag.gov"](mailto:wblitch@scag.gov)
Cc: ["ccollins@scag.gov"](mailto:ccollins@scag.gov); [Alexander, David](#)
Subject: 2022-001274 The State v. Dylan Trey Foster Third Motion for Extension Initial Brief
Date: Wednesday, April 12, 2023 8:53:00 AM
Attachments: [2022-001274 The State v. Dylan Trey Foster Third Extension IBOA.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Third Motion for Extension of Time in which to serve and file the Initial Brief of Appellant which will be filed today, April 12, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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