

RECEIVED

May 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 **fourth and final thirty (30) day extension from May 12, 2023, until June 12, 2023**, in which to serve and 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.
2. Counsel makes this request in good faith and not for purpose of delay. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v.

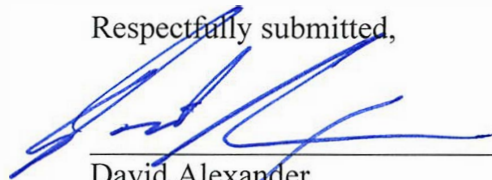
Demetrius Alexander Brown with this Court on May 8, 2023. Counsel filed the Petition for Writ of Certiorari to this Court in the case of The State v. Rashawn Vertez Carter with the Supreme Court on May 1, 2023. Counsel filed the Petition for Writ of Certiorari in the case of Roy Moore v. The State with the Supreme Court on April 28, 2023. Along with co-counsel, counsel filed the reply brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court on April 28, 2023. Counsel filed the Brief of Appellant in the case of The State v. Demetrus Lawson McClary with this Court on April 24, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Mary Ann German with the Supreme Court on April 19, 2023. Counsel filed the Petition for Rehearing in The Matter of The Care and Treatment of John Shelby Wells with this Court on April 14, 2023. Along with co-counsel, counsel filed the Petition for Rehearing in the death penalty case of The State v. Timothy Ray Jones, Jr., with the Supreme Court on April 13, 2023.

3. 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.

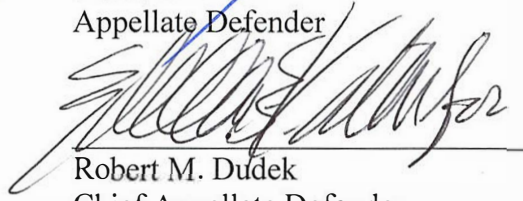
4. On April 28, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through May 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from May 12, 2023, until June 12, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

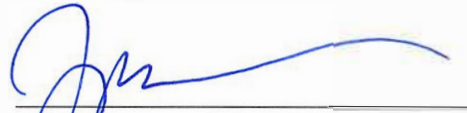
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

This 12th day of May, 2023.

RECEIVED

May 12 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DYLAN TREY FOSTER,

APPELLANT

APPELLATE CASE NO. 2022-001274

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 May, 2023.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: ["wblitch@scag.gov"](mailto:wblitch@scag.gov); ["ccollins@scag.gov"](mailto:ccollins@scag.gov)
Cc: [Alexander, David](#)
Subject: 2022-001274 The State v. Dylan Trey Foster Fourth Motion for Extension
Date: Friday, May 12, 2023 10:09:00 AM
Attachments: [2022-001274 The State v. Dylan Trey Foster Fourth Motion for Extension.pdf](#)

Good Morning,

The Initial Brief of Appellant and Designation of Matter are due to be served and filed today. Please find attached for service in the above-referenced case the Fourth Motion for Extension which will be filed today, May 12, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax