

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

**Aug 23 2023**

S.C. SUPREME COURT

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Certiorari to Spartanburg County

Honorable William A. McKinnon, Circuit Court Judge  
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BRIAN FOSTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000724  
\_\_\_\_\_

MOTION FOR AN EXTENSION OF TIME  
TO FILE THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX  
\_\_\_\_\_

Counsel for Brian Cornelius Foster respectfully requests an extension of thirty (30) days from **August 23, 2023 until September 22, 2023** in which to serve and 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 Brian Cornelius Foster 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 the Anders Brief of Appellant, Designation of Matter, and Record on Appeal in the case The State v. Hakeem Sexton with the Court of Appeals on August 18, 2023. Counsel filed the Reply to Return to Petition for Writ of Certiorari in the case The State v. Samuel Lamar Burnside with this court on August 14, 2023. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case Jarvis Stripling v. The State with this court on August 1, 2023.


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

5. On August 1, 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 August 31.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from **August 23, 2023 until September 22, 2023**, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Sarah E. Shipe  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

This 23rd day of August, 2023.