

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Sep 22 2023

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable William A. McKinnon, Circuit Court Judge

BRIAN FOSTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000724

MOTION FOR AN EXTENSION TO SERVE AND FILE
THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Brian Cornelius Foster respectfully requests a **final thirty (30) day extension, from September 22, 2023 until October 23, 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 third 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 Brief of Petitioner in the case of Raphael L. Pontoo v. The State with the Court of Appeals on September 18, 2023. Counsel filed the Return to the Petition for Rehearing in the case of The State v. Carmie Josette Nelson with the Supreme Court on September 8, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Narkevious M. Reid with the Court of Appeals on September 6, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Christopher Campbell v. The State with the Supreme Court on August 25, 2023. 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 to the Court of Appeals in the case The State v. Samuel Lamar Burnside with the Supreme Court on August 14, 2023.

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


5. On September 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 September 30.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from September 22, 2023 until October 23, 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 filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 22nd day of September, 2023.