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Oct 11 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Perry H. Gravely, Circuit Court Judge

JACORY FOSTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000875

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

Counsel for Jacory Foster respectfully requests an extension of thirty (30) days 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 Jacory 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. From October 9, 2023 through October 11, 2023, counsel attended the Annual Public Defender Conference in Myrtle Beach. On October 6, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. Thomas Henry Brown, Jr. with the Court of Appeals. On September 28, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Justin Watts v. The State with the Supreme Court. On September 26, 2023, counsel filed an amended petition for writ of certiorari to the Court of Appeals in The State v. Tammy Caison Moorer with the Supreme Court. On September 25, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Charles Adams v. The State with the Supreme Court. On September 14, 2023, counsel had an oral argument in James Carrier v. The State before the Court of Appeals. On September 5, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. Brian Redding with the Court of Appeals. On August 31, 2023, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in The State v. Tammy Caison Moorer with the Supreme Court. On August 17, 2023, counsel filed the petition for rehearing in Dominic Leggette v. The State with the Court of Appeals. On August 9, 2023, counsel filed the initial brief of appellant and designation of matter in In the Matter of the Care and Treatment of Tracy Fabian with the Court of Appeals.

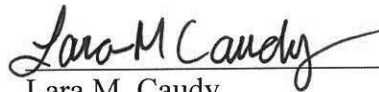
4. Counsel makes this request in good faith and not for purpose of delay.

5. On October 3, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing by Deputy

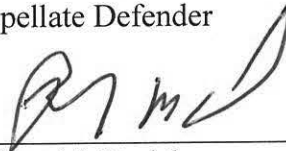
Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, 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,



Lara M. Caudy
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 11th day of October, 2023.