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Nov 13 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County

Perry H. Gravely, Circuit Court Judge

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JACORY FOSTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000875

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

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Counsel for Jacory Foster respectfully requests a **final thirty (30) day extension, until December 11, 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. The Court has granted counsel two previous extensions.

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,

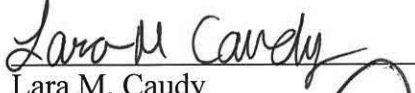
counsel hopes that no further extension requests will be required.

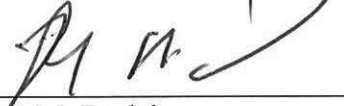
3. On November 15, 2023, counsel has an oral argument in The State v. Montrelle Campbell before the Supreme Court. On November 9, 2023, counsel filed the petition for rehearing in James Carrier v. The State with the Court of Appeals. On November 1, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Edward Washington v. State with the Supreme Court. On October 18, 2023, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in Dominic Leggette v. The State with the Supreme Court. 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 Moorner 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.

4. On October 31, 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 November 30, 2023.

WHEREFORE, undersigned counsel respectfully requests a **final thirty day extension until December 11, 2023** in which to 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,

  
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Lara M. Caudy  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

This 13th day of November, 2023.