

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Dec 06 2023

S.C. SUPREME COURT

Certiorari to Horry County

Honorable Kristi F. Curtis, Circuit Court Judge

BRIAN KENDRICK SPEARS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001070

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

Counsel for Brian Kendrick Spears respectfully requests an extension of thirty (30) days from December 6, 2023 until January 5, 2024 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 Kendrick Spears 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.

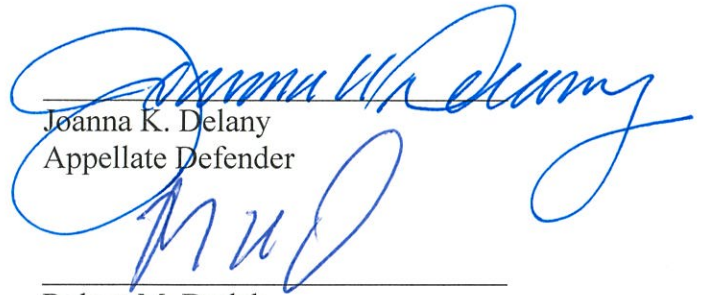
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Manly M. Thompson with the Court of Appeals on December 1, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Ray Kelly with the Court of Appeals on November 28, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Rodney Jerome Furtick with the Court of Appeals on November 27, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Robert L. Moore v. The State with this Court on November 22, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Eric Anton Graham with the Court of Appeals on November 17, 2023. Counsel filed the Petition for Writ of Certiorari, the Petition for Writ of Certiorari pursuant to Austin v. State, and Appendix in the case of Henry Dukes v. The State with this Court on November 13, 2023.

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

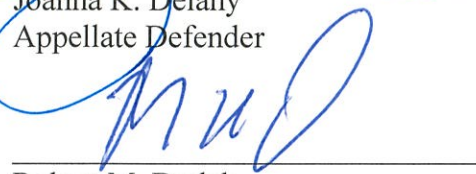
5. On December 4, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from December 6, 2023 until January 5, 2024 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,

A handwritten signature in blue ink, appearing to read 'Joanna K. Delany', written over a horizontal line.

Joanna K. Delany
Appellate Defender

A handwritten signature in blue ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 6th day of December, 2023.