

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Kristi F. Curtis, Circuit Court Judge

RECEIVED

Jan 05 2024

S.C. SUPREME COURT

BRIAN KENDRICK SPEARS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001070

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

Counsel for Brian Kendrick Spears respectfully requests a **final thirty (30) day extension, from January 5, 2024 until February 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 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 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. Quintin Maurice Collins with the Court of Appeals on December 6, 2023. 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. 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. State with this Court on November 13, 2023.

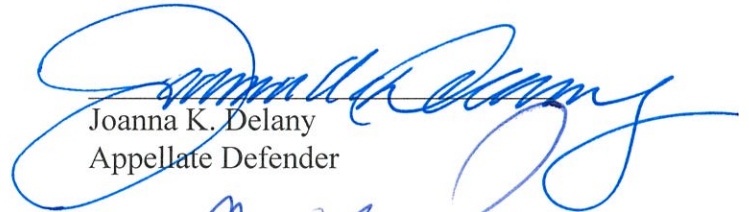
4. Counsel makes this request in good faith and not for purpose of delay.

5. On January 2, 2024, 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 January 31, 2024.


WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30)**

day extension from January 5, 2024 until February 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 filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 5th day of January, 2024.