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Jan 06 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
Case No. 2019A2310100518
Appellate Case No. 2025-002150

Letitia H. Verdin, Acting Circuit Court Judge

State of South Carolina,

Respondent,

v.

Robert D. Foster,

Appellant.

**MOTION FOR LEAVE TO FILE OUT OF TIME AND MOTION TO SET
BRIEFING SCHEDULE**

Counsel for the Appellant respectfully requests this Honorable Court grant permission to file this motion outside of the time limits set in the South Carolina Appellate Court Rules and set the briefing schedule for 30 days from today.

Counsel has the transcripts in this matter and was in possession of them at the time of the notice of appeal, so there was no need to order them. However, counsel failed to inform the Court of this and neglected to calendar the initial deadlines to send notice the transcript was not required and file the initial brief and record on appeal.

Because of numerous matters that arose at the end of the year, including holidays and counsel's role in several state and federal death penalty matters, counsel failed to address the scheduling of this appeal. This was an unintentional oversight. Additionally, the Appellant is not in custody, and this appeal involves a collateral matter. Based on the important rights at stake in this appeal and the lack of prejudice to any party, counsel respectfully requests the Court grant this motion and:

1. Allow the filing of this motion and request outside of the time limits, and,

2. Set the deadline for the initial brief and record on appeal for thirty days from today, resulting in a new deadline of **February 5, 2026**.

Counsel has consulted with the assigned attorney general in this matter and he has no objection to the request.

January 6, 2026

s/ Joshua Snow Kendrick
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CERTIFICATE OF SERVICE

The attached motion in this matter was served on opposing counsel of record at the following address on the 6th day of January, 2026. Counsel has served the notice electronically and informed counsel he can send a hard copy at his request.

S.C. Attorney General's Office

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January 6, 2026

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