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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

On Petition for Writ of Certiorari to the Court of Common Pleas
Appeal from Lancaster County
Honorable Patrick C. Fant, III, Post-Conviction Relief Judge

Appellate Case No. 2025-001688

DEMARCUS O. FOSTER, #328197,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR THIRD EXTENSION TO FILE THE RETURN TO PETITION FOR
WRIT OF CERTIORARI AND MOTION TO FILE OUT OF TIME**

Counsel for Respondent respectfully moves this Court to relax Rule 243(g), SCACR, to file Respondent's Return to Petition for Writ of Certiorari out of time and for a third extension of thirty (30) days in which to serve and file the Return to Petition for Writ of Certiorari. This is Petitioner's third request for an extension in which to file the return, which was due to be filed and served on April 1, 2026. Due to a calendaring error, the undersigned counsel missed the deadline. In support of this request, counsel shows:¹:

¹ In compliance with: In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

1. The Return to Petition for Writ of Certiorari was due to be served and filed with the Court on April 1, 2026.
2. Counsel for Respondent respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. Given the number of extensions previously granted and the order in which counsel attempts to manage his heavy caseload.
3. Counsel is preparing for a term of court on April 13-17, 2026, in the Fifth Judicial Circuit.
4. Counsel is preparing for a term of court on April 20-24, 2026, in the Eleventh Judicial Circuit.
5. Counsel is preparing for a term of court on May 11–15, 2026, in the First Judicial Circuit.
6. Counsel had a term of court on February 9–13, 2026, in the First and Eleventh Judicial Circuits, in which Counsel is preparing orders.
7. Counsel had a term of court on February 16–20, 2026, in the Fifth Judicial Circuit, in which Counsel is preparing orders.
8. In the last month, Counsel filed RPWCs in appellate case numbers 2025-000136 and 2025-000560.
9. This extension request is made in good faith and not intended for delay, but rather due to counsel's heavy workload and to ensure the return is properly researched and prepared.
10. Opposing counsel has graciously consented to this request via interagency agreement.

|SIGNATURE PAGE FOLLOWS|

WHEREFORE, undersigned counsel for Respondent respectfully requests a third **thirty-day extension** until **May 1, 2026**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,

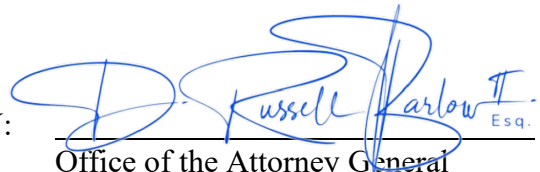
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April 3, 2026

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