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May 01 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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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

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Appellate Case No. 2025-001688

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Demarcus O. Foster, #328197,

Petitioner,

v.

State of South Carolina,

Respondent.

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**MOTION FOR A FOURTH EXTENSION TO SERVE AND FILE THE  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

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Counsel for Respondent respectfully moves for a **fourth** and **final** extension of thirty (30) days in which to serve and file the Return to Petition for Writ of Certiorari in this case. This is a fourth request for an extension. In support of this request, counsel shows:<sup>1</sup>

1. The Return to Petition for a Writ of Certiorari was due to be served and filed with the Court on May 1, 2026.

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<sup>1</sup> 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).

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 her heavy caseload, Counsel hopes that no further extension requests will be required.
3. Counsel had a term of court on April 13-17, 2026, in the Fifth Judicial Circuit, in which Counsel is preparing the orders.
4. Counsel had a term of court on April 20-24, 2026, in the Eleventh Judicial Circuit, in which Counsel is preparing the orders.
5. Counsel is preparing for a term of court on May 11-15, 2026, in the First Judicial Circuit.
6. In the last month, Counsel has submitted returns with the Court in 2026-000702, 2025-001597, 2025-000553, 2025-000560, and 2025-000136.
7. 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.
8. Opposing counsel has graciously consented to this request via interagency agreement.

**|SIGNATURE PAGE FOLLOWS|**

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to serve and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

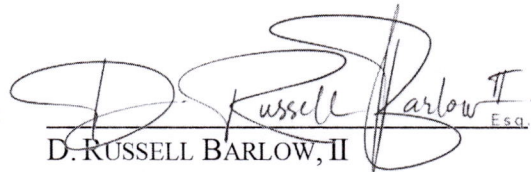
Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

D. RUSSELL BARLOW, II  
Senior Assistant Deputy Attorney General

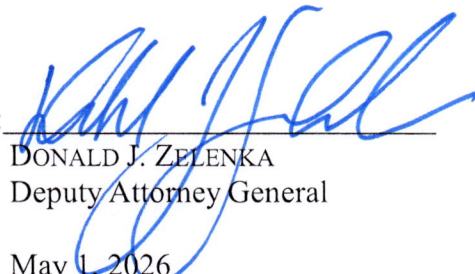
BY:

A handwritten signature in black ink, appearing to read "D. Russell Barlow II", written over a horizontal line. The signature is stylized and cursive.

D. RUSSELL BARLOW, II  
S.C. Bar No. 105228  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
ATTORNEYS FOR PETITIONER

I have reviewed and approved this extension request.

By:

A handwritten signature in blue ink, appearing to read "Donald J. Zelenka", written over a horizontal line. The signature is stylized and cursive.

DONALD J. ZELENKA  
Deputy Attorney General

May 1, 2026