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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Jessica A. Salvini, Circuit Court Judge

HEIRBERONE H. FOSTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001297

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

Counsel for Heirberone H. Foster respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and accompanying 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 Heirberone H. Foster 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.

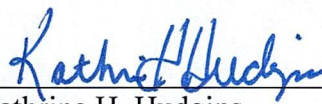
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jaquan Ma'liek Frinks with the Court of Appeals on July 29, 2026. Counsel filed the Anders brief of appellant, designation of matter, and record on appeal in the case of The State v. Ronald Ray Broadnax with the Court of Appeals on July 20, 2026. Counsel filed the brief of petitioner in the case of Myron A. Cannon v. The State with the Supreme Court on July 16, 2026. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Antonio D. Scott v. The State with the Supreme Court on July 15, 2026. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Willie Smith with the Supreme Court on June 26, 2026. Counsel filed the Anders brief of appellant, designation of matter, and record on appeal in the case of The State v. Michael Anton Young with the Court of Appeals on June 22, 2026.

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

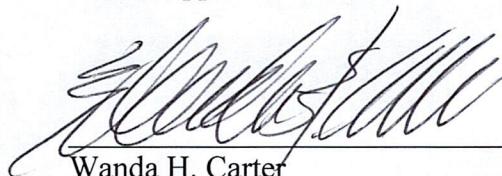
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty-day general consent granted by email from Deputy Attorney General Donald J. Zelenka dated August 27, 2026 for all Appellate Defense extensions through September 30, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension 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,



Kathrine H. Hudgins
Senior Appellate Defender



Wanda H. Carter
Chief Appellate Defender

This 16th day of September, 2026.