

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Spartanburg County  
Larry B. Hyman, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

JAN 19 2017

S.C. SUPREME COURT

BERT WAYNE FOSTER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001667  
\_\_\_\_\_

**PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX**  
\_\_\_\_\_

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

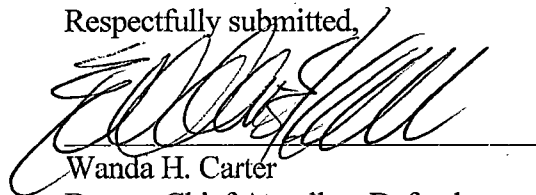
1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deandre Leaphart v. State in this Court on January 17, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of

Octavia Bell v. State in this Court on January 9, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald David Ratliff in the Court of Appeals on January 6, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Steven Irick v. State in this Court on December 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rashawn Murphy v. State in this Court on December 28, 2016. Counsel filed the brief of petitioner in the case of State v. Jonathan Xavier Miller in this Court on December 12, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Terry Whisenhunt v. State in this Court on November 23, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jeronica Wilson v. State in this Court on November 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lavard Lind-Baez v. State in this Court on November 16, 2016.

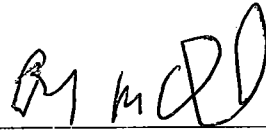
3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

January 19, 2017

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Spartanburg County

Larry B. Hyman, Circuit Court Judge

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BERT WAYNE FOSTER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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CERTIFICATE OF SERVICE

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I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Caitlin Hastings, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201 this 19<sup>th</sup> day of January, 2017.



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Wanda H. Carter  
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 19<sup>th</sup> day of January, 2017.



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(L.S.)

Notary Public for South Carolina  
My Commission Expires: October 30, 2022.