

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Lancaster County

Roger E. Henderson, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DEMARCUS OBRIEN FOSTER,

RECEIVED  
FEB 20 2020  
SC COURT OF APPEALS  
APPELLANT

APPELLATE CASE NO. 2019-000543

MOTION FOR AN EXTENSION  
TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

Counsel for Demarcus Obrien Foster respectfully requests a **fourth and final** thirty (30) day extension **until March 23, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Demarcus Obrien 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 his caseload, counsel hopes that no further extension requests will be required.

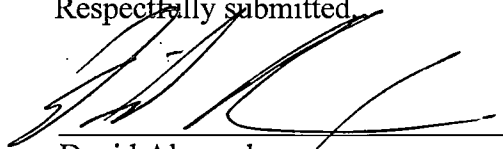
3. Counsel had an oral argument in the case of The State v. Robin Renee Herndon, before the Supreme Court on February 12, 2020. Counsel filed the brief of appellant and record on appeal in the case of The State v. Harlin A. Bearden with the Court of Appeals on February 5, 2020. Counsel filed the brief of appellant in the case of The State v. Tony Dequan Manago with the Court of Appeals on January 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Sullivan with the Court of Appeals on January 8, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rias Odell Isaac with the Court of Appeals on December 13, 2019.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

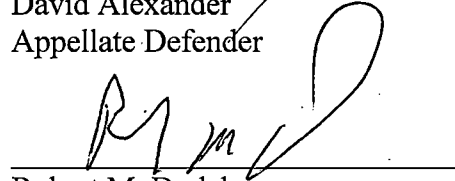
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until March 23, 2020, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

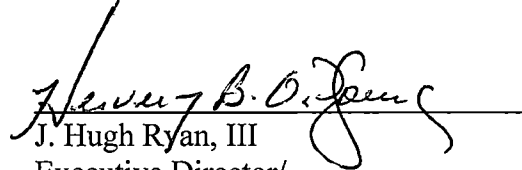
Respectfully submitted,



David Alexander  
Appellate Defender



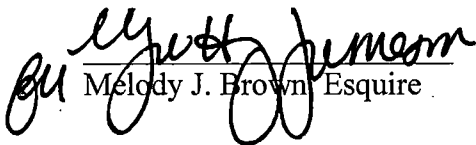
Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervery B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 20<sup>th</sup> day of February, 2020.

I do not oppose:



Melody J. Brown Esquire