

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

William P. Keesley, Circuit Court Judge

RECEIVED

Apr 27 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HEIRBERONE HEAVA FOSTER,

APPELLANT

Appellate Case No. 2019-000892

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

Counsel for Heirberone Heava Foster respectfully requests an extension of **thirty (30) days, until May 27, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Heirberone Heava 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.

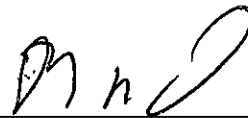
3. Counsel filed the brief of appellant and designation of matter in the case of The State v. Varsheen Antuan Smith with this Court on April 21, 2020. Counsel filed the brief of petitioner in the case of The State v. Ahshaad Mykiel Owens with the Supreme Court on April 13, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Michael Joe Smith with this Court on March 6, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Anthony Briggs with this Court on February 26, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Arthur Franklin Smith v. The State with the Supreme Court on February 18, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

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, Melody J. Brown, has consented to this request.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until May 27, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



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

This 27th day of April, 2020.