

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lexington County

William P. Keesley, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**May 21 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, from May 27, 2020 until June 26, 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 Wednesday, May 27, 2020. The Court has granted counsel four 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.

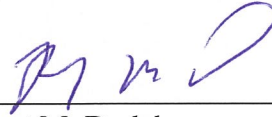
3. Counsel had an oral argument before this Court on May 5, 2020 in The State v. Howard James Woods, Jr. Counsel filed a petition for writ of certiorari to this Court and accompanying appendix in The State v. Edward Primo Bonilla, with the Supreme Court on May 4, 2020. Counsel filed the petition for rehearing in the case of The State v. Justin Jamal Warner with this Court on April 22, 2020. 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 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, Esquire, has consented to this request.

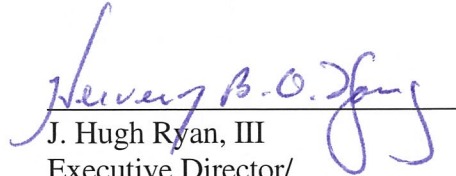
WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension from May 27, 2020 until June 26, 2020** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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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 21st day of May, 2020.

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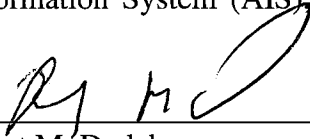
V.

HEIRBERONE HEAVA FOSTER,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for an Extension of Time, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Melody J. Brown, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of May, 2020

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender  
ATTORNEY FOR APPELLANT