

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

**RECEIVED**

**Jun 25 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

JACORY SHAROD FOSTER,

APPELLANT.

APPELLATE CASE NO. 2019-001833

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

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. On June 16, 2020, counsel had an oral argument in In the Matter of the Care and Treatment of Micah Allen Bilton before the Court of Appeals. On June 10, 2020, counsel had an oral argument in The State v. Billy Lemurces Taylor before the Supreme Court. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Kenneth Strother Collins with the Supreme Court on June 4, 2020. On May 27, 2020, counsel had an oral argument in The State v. Antwuan Levon Nelson before the Court of Appeals. Counsel filed the brief of appellant and

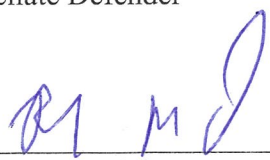
record on appeal in the case of The State v. Alvin Gregory Mitchell, Jr., with the Court of Appeals on May 22, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of James Tytil Wright v. The State with the Supreme Court on April 30, 2020. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Sylvester Ferguson III with the Court of Appeals on April 27, 2020. Counsel filed the brief of appellant and record on appeal The State v. Demarcus Obrien Foster with the Court of Appeals on April 27, 2020. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Harold Gene White, III with the Court of Appeals on April 27, 2020. Counsel filed the brief of appellant in the case of The State v. Derrick Lamar Porter with the Court of Appeals on April 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Johnathan Lamar Hillary with the Court of Appeals on April 23, 2020. Counsel filed the brief of appellant and record on appeal in the case of The State v. Pedro A. Grado Torres-Shaw with the Court of Appeals on April 15, 2020.

3. On May 20, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/David Alexander  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

June 25, 2020

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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 to File the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 25th day of June, 2020.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT