

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 27 2020

SC Court of Appeals

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

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

Counsel for Jacory Sharod Foster respectfully requests a **fourth and final thirty (30) day extension until August 26, 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 Jacory Sharod 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 is currently working on a **death penalty** case in The State v. Timothy Ray Jones, Jr. Counsel filed the brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Ronald Garrard with the Court of Appeals on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Julius Calvin Curry, Sr. v. The State with the Supreme Court on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Tyrel Rashone Collins v. The State with the Supreme Court on June 26, 2020. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Randy Chestnut with the Court of Appeals. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Diondrae Emanuel Jackson with the Court of Appeals. 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

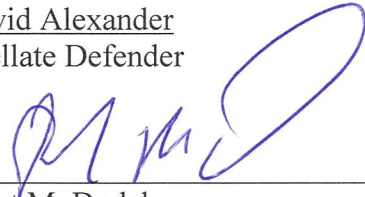
with the Court of Appeals on April 27, 2020. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Harold Gene White, III with the Court of Appeals on April 27, 2020. Counsel filed the brief of appellant in the case of The State v. Derrick Lamar Porter with 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.

4. On June 23, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **August 26, 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,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

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

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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 27th day of July, 2020.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT