

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
J. Mark Hayes, Circuit Court Judge

RECEIVED

Aug 12 2020

S.C. SUPREME COURT

BRITTANY C. FOSTER,

PETITIONER,

V.

THE STATE,

RESPONDENT.

APPELLATE CASE NO. 2020-000143

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Brittany C. Foster respectfully requests a **final thirty (30) day extension, until September 11, 2020**, in which to file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Brittany C. 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rodney J. Furtick with the Court of Appeals on August 10, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. Mark Dorko with the Court of Appeals on July 28, 2020. Counsel filed an Anders brief of appellant in the case of The State v. Justin Gordon Hunter with the Court of Appeals on July 23, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. Thomas R. Marett with the Court of Appeals on July 10, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Galimore v. State in this Court on July 1, 2020. Counsel filed a petition for rehearing in the case of The State v Christian Anthony Himes with the Court of Appeals on June 25, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Wanda Jane Crumpton with the Court of Appeals on June 24, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Derrick Lamont Wade v. State in this Court on June 18, 2020. Counsel filed the return to the petition for rehearing in the case of The State v. Patrick O'Neil McGowan with the Court of Appeals on June 15, 2020.

4. Counsel makes this request in good faith and not for purpose of delay.

5. Opposing counsel, for the Attorney General's Office, has graciously consented to this extension request by way of the general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That general consent was dated July 30, 2020.

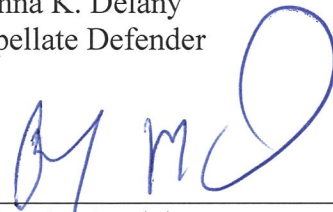
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until September 11, 2020**, in which to file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

This 12 day of August, 2020.

Respectfully submitted,

s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender