

RECEIVED

Sep 28 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Spartanburg County

Honorable Paul M. Burch, Circuit Court Judge

—————
MARION ALEXANDER LINDSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2019-001271

—————
PETITION FOR EXTENSION TO SERVE AND
FILE THE BRIEF OF PETITIONER
—————

The undersigned counsel would respectfully request a **final thirty-day extension, from September 28, 2022 until October 28, 2022**, in which to file the brief of petitioner in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The brief of petitioner in this case is due to be served and filed today, September 28, 2022.

2. *Lead-counsel Robert M. Dudek*

Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dae'Kwon Jaheem Simmons with the Court of Appeals on September 26, 2022. Counsel presented the Case Law Update PowerPoint presentation at the Annual Public Defender

Conference, in North Myrtle Beach, South Carolina, on September 19-21, 2022. Counsel filed the reply brief of petitioner in the case of Shana Robinson v. State with the Court of Appeals on September 16, 2022. *Counsel also must file the brief of petitioner with this Court in State v. Robert Geter on Friday, October 7, 2022, and brief of petitioner in State v. Gregg Pickrell with this Court on October 10, 2022.* In addition, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Diante Jermaine Willis with the Court of Appeals on September 9, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., with the United States Supreme Court on August 31, 2022. Counsel filed the petition for writ of certiorari in the murder case of Justin Jamal Warner v. State, with the United States Supreme Court on August 26, 2022. Counsel filed the brief of petitioner in the case of The State v. William C. (Billy) Sellers, with this Court on July 28, 2022. Counsel filed the petition for rehearing in the case of The State v. Malette Denise Kimbrough, with the Court of Appeals on July 27, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

Co-counsel David Alexander

Counsel attended the Annual Public Defender Conference, in North Myrtle Beach, South Carolina, on September 19-21, 2022. Counsel had an oral argument in The State v. Corey Jermaine Brown before this Court on September 14, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jacob Ryan Aljoe with the Court of Appeals on August 26, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Phillip Richard Knighton with the Court of Appeals on August 23, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Correy Tremayne Brown with the Court of Appeals on August 17, 2022. Counsel filed the brief of

appellant and designation of matter in the case of The State v. Derrick Jajuan Rivera with the Court of Appeals on July 27, 2022. Counsel filed the return to petition for rehearing in the case of The State v. Sylvester Ferguson III with the Court of Appeals on June 27, 2022.

Co-counsel Lara M. Caudy

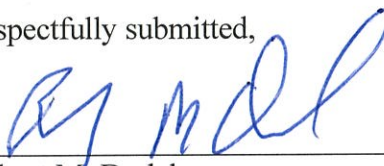
Today, September 28, 2022, counsel filed the brief of petitioner in the case of Keith Denver Tate v. The State with the Court of Appeals. From September 19, 2022 through September 21, 2022, counsel attended the Annual Public Defender Conference in Myrtle Beach. On September 15, 2022, counsel had an oral argument in The State v. Nyquan Brown before the Court of Appeals. On September 14, 2022, counsel had an oral argument in The State v. Russell Levon Johnson before this Court. On September 7, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Paulette Sims with the Court of Appeals. On August 30, 2022, counsel filed the petition for writ of certiorari and accompanying appendix in Scott Welch v. The State with this Court. On August 26, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Nathaniel Rowland with the Court of Appeals. On August 8, 2022, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State, and the accompanying appendix in Shedrick Savage v. The State with this Court. On August 5, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Isaiah Butler with the Court of Appeals. On July 26, 2022, counsel filed the amended final reply brief of appellant in The State v. Bryan Austin Seidle with the Court of Appeals.

3. This request is made in good faith, and not for purposes of delay.
4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney

General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2022.
That extended, emailed general consent was dated August 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request **final thirty-day extension, from September 28, 2022 until October 28, 2022**, in which to file the brief of petitioner in this case. Counsel requests that the time limits for filing the brief of petitioner be held in abeyance pending a ruling on this motion.

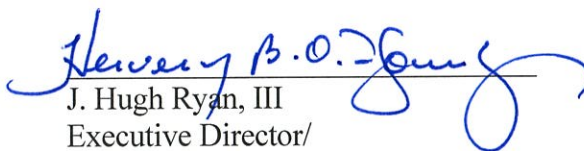
Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

David Alexander
Appellate Defender

Lara M. Caudy
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 28th day of September, 2022.