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Oct 28 2022

S.C. SUPREME COURT

THE 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 four-day business day extension, from October 28, 2022 until November 3, 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, October 28, 2022.

2. *Lead-counsel Robert M. Dudek*

Lead counsel has been slowed by illness this entire week while working diligently to attempt to file the brief of petitioner in this case with this Court today, October 28, 2022. Further, lead counsel experienced computer problems yesterday which froze what was intended to be a final proof reading draft of the longest issue in the brief. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dionte J'Chon Habersham with the

Court of Appeals on October 18, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the reply brief in the death penalty case of Jerome Jenkins, Jr., v. State, with the United States Supreme Court on October 17, 2022. Counsel filed the brief of petitioner in the case of The State v. Robert Xavier Geter with this Court on October 7, 2022. Counsel filed the brief of petitioner in the case of The State v. Gregg Pickrell with this Court on October 7, 2022. 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 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. On Monday, October 31, 2022, counsel hopes and expects to file the petition for writ of certiorari and accompanying appendix with this Court in David M. Dixon v. State. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

Co-counsel David Alexander

Counsel Alexander has also been working with lead counsel on the brief of petitioner in this case. Counsel Alexander is currently suffering from an illness and is unable to assist today. Counsel Alexander filed the return to petition for writ of certiorari to the Court of Appeals in the

case of The State v. Sylvester Ferguson III, with this Court on October 12, 2022. Counsel filed the brief of petitioner in the case of Allen Stone v. The State with this Court on October 10, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Chase Michael Milam with the Court of Appeals on October 3, 2022. 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.

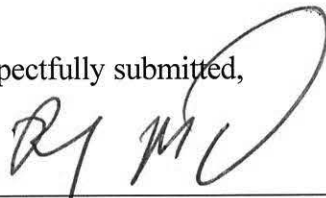
Co-counsel Lara M. Caudy

Counsel Caudy has also been working with lead counsel on the brief of petitioner in this case. In addition, on October 19, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Sebastian Dominic Kaisk with the Court of Appeals. On October 5, 2022, counsel filed the brief of petitioner in The State v. Stacardo Grissett with this Court. On September 28, 2022, counsel filed the brief of petitioner in Michael Orlando Brown 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.

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 October 31, 2022. That extended, emailed general consent was dated September 28, 2022.

WHEREFORE, the undersigned counsel would respectfully request **final four business day extension, from October 28, 2022 until November 3, 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.

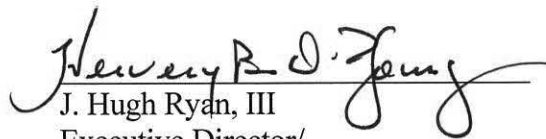
Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

David Alexander
Appellate Defender

Lara M. Caudy
Appellate Defender



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

This 28th day of October, 2022.