

STATE OF SOUTH CAROLINA
In the Supreme Court

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Mar 06 2023

S.C. SUPREME COURT

Certiorari to Spartanburg
The Honorable Paul M. Burch, Circuit Court Judge

MARION ALEXANDER LINDSEY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2019-001271

**MOTION FOR FOURTH EXTENSION OF TIME TO FILE
BRIEF OF RESPONDENT**

The undersigned counsel would respectfully request another thirty (30) day extension in which to file Brief of Respondent in the above-referenced case. Counsel for Appellant has consented to all extension request through March 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

1. The Brief of Respondent is due today, Mach 6, 2023 as per this Court's Order dated February 3, 2023 granting Respondent's third extension request.
2. Undersigned counsel has had a number of other state and federal matters to complete since end of January, many of those matters in capital cases, such as: counsel filed a Return and Motion for Order for Competency Evaluation in a state capital post-conviction relief action on January 30, 2023 (*John Richard Wood*); counsel prepared a draft of a proposed order for an intellectual disability evaluation in another state capital post-conviction relief action (*Gary Terry*); prepared and filed a status report on February 9, 2023, in a capital federal habeas action

(*Bobby Wayne Stone*), and has worked on matters related to an intellectual disability claim in that inmate's state capital post-conviction relief action (*Bobby Wayne Stone*); counsel reviewed both the Petition for Writ of Certiorari filed in the Supreme Court of the United States and the Fourth Circuit brief in another capital federal habeas case, and conducted research for same, both of which have required responses due to be filed shortly (*Steven Bixby*); counsel prepared a joint status report in another capital federal habeas action to be filed upon consent by opposing counsel (*Bayan Aleksey*); and, counsel also prepared and appeared for status conferences on February 3, 2023 (*Gary Terry*) and February 24, 2023 (*John Richard Wood*) and has made substantial progress in this case reviewing prior filings, case law, and identifying new arguments and/or points raised in the Brief of Petitioner that were not included or were changed from the Petition for Writ of Certiorari.

3. In non-capital cases, counsel filed a reply to objections in a federal habeas action on February 2, 2023, (*George Middleton*); filed a status report and Objections to the Report and Recommendation on February 21, 2023 (*LaShawn Brannon*); completed revisions and filed on February 28, 2023 a final brief of respondent in a murder direct appeal in the South Carolina Court of Appeals (*Rashawn Little*); prepared and filed a letter in response to a successive motion for bail filed in this Court (*James Rose*); and, filed a Return and Memorandum of Law in Support of Motion for Summary Judgment on February 10, 2023 in a non-capital federal habeas action (*Robert Joe Frost*), another on February 27, 2023 (*Andre Tayson Boone*), and one other on March 1, 2023 (*Gerald Haltiwanger, Jr.*).

4. Additionally, the undersigned is the supervising attorney for the capital case and murder appeals unit. Counsel has been actively working with the unit attorneys to rebalance some of the work in an effort to avoid additional delays in other cases; has taken work from other

attorneys in the process; and, has one attorney who has a significant medical condition resulting in absences and a reduced workload. Counsel is attempting to address the necessity of high number of extensions throughout the unit.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Brief of Respondent. This request is made in good faith, and not for the purposes of delay, but based on necessity in light of all the above.

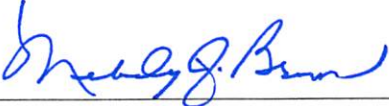
Respectfully Submitted,

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By: 
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ATTORNEYS FOR RESPONDENT

March 6, 2023

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General