

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Paul M. Burch, Circuit Court Judge

 ORIGINAL

RECEIVED

AUG 29 2012

S.C. Supreme Court

MARION ALEXANDER LINDSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-206087

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final nine (9) day extension, until September 7, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today **in this death penalty case**.

2. **Counsel had back surgery on July 25, 2012. Counsel returned to work on August 13, 2012, but has had on-going complications from the surgery.** Additionally, Co-Counsel suffered from an illness which prevented him from working for the early part of August.

3. **Counsel is filing a motion to exceed twenty-five (25) pages, but not to exceed one hundred fifteen (115) pages, simultaneously with this petition for a final extension in this death penalty case.**

4. Counsel is preparing for the remand hearing in the case of State v. Richard Gagnon scheduled for September 4, 2012 in Horry County, with several travel dates involved in preparation for the hearing. In addition, **Counsel is currently working on another death penalty case: James Robertson v. State** (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm). Counsel is filing the initial brief of appellant and designation of matter in the case of State v. Robert Jolly with the Court of Appeals today, August 27, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Anthony Wade with this Court on August 23, 2012. Counsel filed the brief of petitioner in the case of Adams Gibson v. State with this Court on July 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Bernard Moore v. State, (capital case) with Co-Counsel Susan Hackett, with this Court on July 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Charles E. Copeland v. State with this Court on July 9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Garvin Duvall (in the COA) with this Court on June 29, 2012. Counsel filed the petition for rehearing in the case of State v. Christopher Heller in the Court of Appeals on June 28, 2012. Counsel had an oral argument in the case of State v. Derrick McDonald in the Court of Appeals on June 19, 2012. Counsel filed the petition for rehearing in the case of State v. Robert S. Jolly in the Court of Appeals on June 15, 2012.

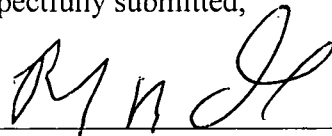
Co-Counsel, David Alexander, began at the Office of Appellate Defense on May 14, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in Antonio Glover v. State and Darrell Goss v. State with this Court on July 23, 2012. On July 18, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ricky New with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in State v. Jerry Goode in the Court of Appeals on July 16, 2012. The brief of respondent in State v. Danny Cortez Brown was filed with this Court on July 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Andre Norris v. State in this Court on June 13, 2012. On June 8, 2012, Counsel filed the petition for writ of certiorari and accompanying appendix in Jomar Antavis Robinson v. State with this Court. Counsel filed the initial brief of appellant and designation of matter with this Court in State v. Roosevelt Reaves on June 5, 2012. On June 6, 2012, counsel filed the petition for writ of certiorari and accompanying appendix with this Court in Antwan Zeigler v. State.

5. As indicated by his consent below, counsel for the state does not oppose this request.

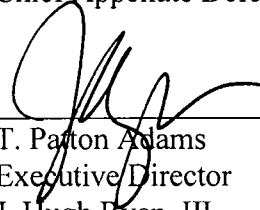
6. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request **final nine (9) day extension, until September 7, 2012**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



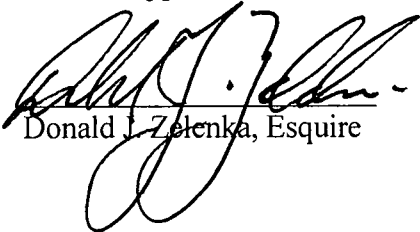
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

August 29, 2012

I do not oppose:



Donald J. Zelenka, Esquire