

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Paul M. Burch, Circuit Court Judge

RECEIVED

AUG 29 2012

S.C. Supreme Court

MARION ALEXANDER LINDSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-206087

PETITION TO EXCEED TWENTY-FIVE PAGE LIMIT FOR A PETITION FOR A WRIT OF CERTIORARI

The undersigned counsel would respectfully request an order allowing him to file a petition for writ of certiorari in this case in excess of the twenty-five page limit imposed by Rule 243(e)(3), SCACR. In support of this motion, counsel would respectfully show the Court:

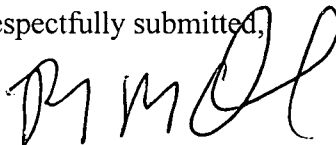
1. The petition for writ of certiorari and the appendix in this case are due on September 7, 2012. The Order of Dismissal is one hundred ninety-two pages. The appendix is almost four thousand pages, and numerous meritorious issues were raised during the post-conviction hearing.
2. Counsel does not think that justice to the highly unusual facts of this death penalty case can be done in the twenty-five pages authorized by Rule 243(e)(3), SCACR.
3. Consequently, counsel respectfully moves that this Court allow him to file a petition for a writ of certiorari not in excess of one hundred fifteen pages. Counsel will make every effort

for brevity, and hopefully will be considerably short of that one hundred fifteen page limit in the final analysis.

4. Opposing counsel, Donald Zelenka, of the Office of the Attorney General, graciously does not oppose this request as indicated by his signature below.

WHEREFORE, undersigned counsel would respectfully request an order from this Court granting him the right to exceed the twenty-five page limit of Rule 243(e)(3), SCACR. Counsel would also request that the order grant him the right to file a petition for a writ of certiorari in this death penalty case not in excess of one hundred fifteen pages.

Respectfully submitted,



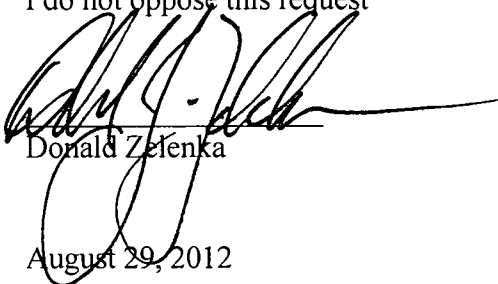
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Robert M. Dudek  
Chief Appellate Defender

David Alexander  
Assistant Appellate Defender

Attorneys for Petitioner

I do not oppose this request



Donald Zelenka

August 29, 2012

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Spartanburg County  
Paul M. Burch, Circuit Court Judge  
\_\_\_\_\_

MARION ALEXANDER LINDSEY,

PETITIONER,

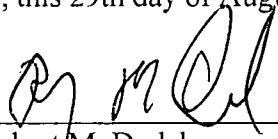
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

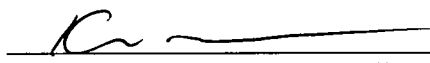
I certify that a true copy of the petition to file a petition for writ of certiorari in excess of the twenty-five page limit has been served on Donald Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 29th day of August, 2012.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

David Alexander  
Assistant Appellate Defender

ATTORNEYS FOR PETITIONER

SWORN TO BEFORE ME this 29th day  
of August, 2012.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 2, 2013.