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Sep 18 2023

S.C. SUPREME COURT

CAPITAL CASE

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2023

No.

STATE OF SOUTH CAROLINA,

Respondent,

v.

TIMOTHY RAY JONES JR.,

Petitioner.

APPLICATION FOR EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice
for the Fourth Circuit:

Petitioner Timothy Ray Jones, Jr. prays that an order be entered extending the time for filing
the petition for a writ of certiorari for a period of thirty (30) days to and including November 16,
2023. This application is submitted more than ten days prior to the scheduled filing date for the
petition.

Petitioner was indicted by the Lexington County, South Carolina grand jury for five counts
of murder. The state served its notice of intent to seek the death penalty. Following pretrial
hearings, Petitioner's case came on for trial on April 29, 2019, before the Honorable Eugene C.

Griffith, Jr., and a jury. The jury found Petitioner guilty of all five counts of murder. Following a penalty phase trial, the jury recommended a sentence of death. Judge Griffith then imposed the death penalty for murder.

On March 29, 2023, the South Carolina Supreme Court affirmed Petitioner's murder convictions and his death sentence in State v. Timothy Ray Jones Jr., Opinion No. 28145 (S.C. Sup. Ct. filed March 29, 2023); 2023 WL 2671754. The South Carolina Supreme Court subsequently granted Petitioner's rehearing petition in part and published a substituted opinion on July 19, 2023. State v. Timothy Ray Jones Jr., Opinion No. 28145 (S.C. Sup. Ct. filed July 19, 2023); 2023 WL 4611943. However, Petitioner's convictions and death sentence were again affirmed in the substituted opinion. Accordingly, the petition for writ of certiorari is due with this Court on October 17, 2023.

Petitioner will invoke this Court's jurisdiction under 28 U.S.C. § 1257(a). Petitioner will present the following federal constitutional issues for review:

1.

Whether the South Carolina Supreme Court erred by holding it was not error to refuse to instruct the jury of the effect of a not guilty by reason of insanity verdict, and by refusing to allow petitioner *voir dire* on this possible verdict since Due Process and the Eighth Amendment mandated truthful information in a capital case where the jury knows from the time of *voir dire* that it is the probable sentencer?

2.

Whether the South Carolina Supreme Court erred by holding it was not error to deny a motion to suppress evidence obtained as a result of an illegal roadblock conducted by two bored

police officers with minimal oversight and excessive discretion because its purpose was to detect ordinary criminal wrongdoing, violating petitioner's right to be free of unreasonable search and seizures under the Fourth Amendment as explained in City of Indianapolis v. Edmond, 531 U.S. 32 (2000)?

This extension of time is requested because this is a capital case and as such requires especially complete research and careful drafting so as to properly present Petitioner's federal constitutional claims to this Court.

Petitioner's counsel, Robert M. Dudek, is the Chief Appellate Defender for the Appellate Division of the South Carolina Commission on Indigent Defense. Counsel's division normally handles between eight-hundred-and-fifty to one thousand criminal appeals a year before the South Carolina Court of Appeals and the South Carolina Supreme Court. Counsel presently supervises nine other Appellate Defenders and a support staff and maintains his own heavy caseload of mostly murder and capital cases.

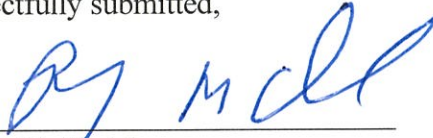
On September 13, 2023, Counsel Dudek appeared before the State Supreme Court for an oral argument in The State v. Robert Xavier Geter. In the last sixty days, Counsel Dudek filed the following: the Brief of Appellant and the Record on Appeal in The State v. Ricky D. Edwards with the Court of Appeals on August 18, 2023; the Petition for Rehearing in The State v. John Ernest Perry with State Supreme Court on August 9, 2023; the Brief of Appellant and Record on Appeal in The State v. Shannon Lamont Ziquan Johnson with the Court of Appeals on August 7, 2023; Initial Brief of Appellant and Designation of Matter in The State v. Larry Ja Juan Scipio with the Court of Appeals on July 21, 2023; the Brief of Appellant and Record on Appeal in The State v. Pedro Cervantes Rodriguez with the Court of Appeals on July 19, 2023.

Additionally, co-counsel, David Alexander, appeared before the State Supreme Court for an oral argument in the capital case of Marion Alexander Lindsey v. State of South Carolina on September 12, 2023. Counsel filed the Brief of Respondent in In The Matter of the Care and Treatment of Ronald MJ Gregg with the State Supreme Court on August 14, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in Mitchell Cheatham v. The State with the State Supreme Court on August 14, 2023.

Counsel has consulted with one of the attorneys representing the State of South Carolina, Melody J. Brown, with the South Carolina Attorney General's Office concerning this extension. Ms. Brown confirmed that the South Carolina Attorney General's Office does not oppose this request for an extension.

WHEREFORE, Petitioner requests an order extending the time for filing his petition for a writ of certiorari for thirty days to and including November 16, 2023.

Respectfully submitted,



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ATTORNEYS FOR PETITIONER.

September 18, 2023