

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

Lower Court Case Number: 2015-CP-38-764
Appellate Case Number: 2024-000140

RECEIVED

Jun 28 2024

S.C. SUPREME COURT

BAYAN ALEKSEY, #5059,

V.

STATE OF SOUTH CAROLINA,

PETITIONER,

RESPONDENT.

PETITIONER'S MOTION FOR EXTENSION
OF TIME TO FILE APPENDIX
AND PETITION FOR WRIT OF CERTIORARI

Petitioner, Bayan Aleksey, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for thirty (30) days to file the Petition for Writ of Certiorari and the Appendix presently due for filing on July 5, 2024. The reasons for this motion are as follows:

1. This Court granted an initial extension of time on May 31, 2024, extending the filing deadline until July 5, 2024.

2. Since this Court granted the initial extension, undersigned counsel has prepared for and argued at multiple motion hearings. *Wood v. State*, No. 2022-CP-23-06219 (capital post-conviction relief proceeding; hearing on procedures for funding requests on June 13, 2024); *State*

v. K.C., No. 2022 JU-46-670 (juvenile waiver proceeding; hearings on funding on June 19, 2024 and severance and scheduling on June 28, 2024). Counsel has also spent significant time preparing the post-hearing briefing in the capital post-conviction case of *Blackwell v. State*, No. 2018-CP-42-00928, due to be filed on July 8, 2024.

3. Petitioner's case concerns factual and legal issues regarding a claim that he is intellectually disabled pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), which require thorough research briefing. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

4. Undersigned counsel contacted counsel for the State who consents to this extension request.

THEREFORE, for the reasons stated above, Petitioner respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the Appendix and Petition for Writ of Certiorari due on or before October 13, 2021.

Respectfully submitted,

s/ Lindsey S. Vann
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June 28, 2024.