

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

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

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BAYAN ALEKSEY, #5059,

V.

STATE OF SOUTH CAROLINA,

**RECEIVED**

**Jan 29 2025**

S.C. SUPREME COURT

PETITIONER,

RESPONDENT.

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PETITIONER'S MOTION FOR A THIRD EXTENSION  
OF TIME TO FILE REPLY TO RESPONSE TO  
PETITION FOR WRIT OF CERTIORARI

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Petitioner, Bayan Aleksey, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for ten (10) days to file the Reply to Return to Petition for Writ of Certiorari, currently due for filing on January 31, 2025. The reasons for this motion are as follows:

1. This Court granted an initial extension of time January 3, 2025, extending the filing deadline until January 21, 2025. This Court granted a second extension of time on January 17, 2025, extending the filing deadline until January 31, 2025.

2. Since the Court granted its second extension, undersigned counsel has spent the majority of her time on litigation and other responsibilities related to her representation of Marion Bowman who is scheduled to be executed on January 31, 2025. This litigation includes an appeal to the Supreme Court of the United States and litigation related to lethal injection in the federal district court and Fourth Circuit Court of Appeals. Counsel has also met with Mr. Bowman, worked with his legal team and family, and coordinated with the Department of Corrections regarding Mr. Bowman's end of life arrangements.

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 a ten day extension in which to file the Reply to Response to Petition for Writ of Certiorari in this matter.

Respectfully submitted,

s/Lindsey S. Vann  
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s/Allison Franz

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January 29, 2025.

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<sup>1</sup> Allison Franz's signature appears on this motion to comply with the requirements of Section 3 of this Court's order dated March 18, 2009, which requires another attorney from counsel's firm to sign as a certification that they believe the extension is warranted and that there is good cause to seek the extension. Ms. Franz is not assisting in the preparation of the petition for writ of certiorari or the appendix in this case.