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S.C. SUPREME COURT

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

BAYAN ALEKSEY, #5059,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PETITIONER'S MOTION FOR A FOURTH EXTENSION
OF TIME TO FILE REPLY TO RETURN TO 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 seven (7) days to file the Reply to Return to Petition for Writ of Certiorari, currently due for filing on February 10, 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, and a third extension of time on January 31, 2025, extending the filing deadline until February 10, 2025.

2. Undersigned counsel was one of the lead attorneys for Marion Bowman, Jr. who was executed on January 31, 2025. Since that time, undersigned counsel has spent time completing tasks that had been deferred in the time leading up to Mr. Bowman's execution, preparing and filing a Motion to Alter or Amend Judgment in Ricky Blackwell's capital PCR case, *Blackwell v. State*, No. 2018-CP-42-00928, and working on the Reply in this case. Undersigned counsel is also assisting the legal team representing Brad Sigmon, who may receive an execution notice today, February 7, 2025, per this Court's order regarding the scheduling of execution. Amended Order, *Moore v. State*, No. 2024-001373 (Aug. 30, 2024).

3. Though undersigned counsel has begun preparing the reply in this case, counsel will not be able to fully address the arguments raised by the State—including an additional sustaining ground that was not addressed in the Petition for Writ of Certiorari—before the deadline on February 10, 2025. Undersigned counsel will take step to ensure no further extensions are requested.

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 based on the extraordinary circumstances described above and requests a seven-day extension in which to file the Reply to Return to Petition for Writ of Certiorari in this matter.

Respectfully submitted,

s/Lindsey S. Vann

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February 7, 2025.

¹ Allison Franz's signature appears on this motion to comply with the requirements of Section 4 of this Court's order dated March 18, 2009, which requires the next most senior attorney from counsel's firm to sign as a certification that she believes the extension is warranted and that there are extraordinary circumstances shown to justify the extension request. Ms. Franz is not assisting in the preparation of the petition for writ of certiorari or the appendix in this case.