

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,

V.

STATE OF SOUTH CAROLINA,

RECEIVED

Aug 26 2025

S.C. SUPREME COURT

PETITIONER,

RESPONDENT.

PETITIONER'S MOTION FOR A THIRD EXTENSION
OF TIME TO FILE PETITIONER'S BRIEF

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 Petitioner's Brief, which is currently due for filing on September 3, 2025. The reasons for this motion are as follows:

1. This Court granted an initial extension of time on June 27, 2025, extending the filing deadline until August 4, 2025. This Court granted a second extension of time on July 29, 2025, extending the filing deadline until September 3, 2025.

2. Since the Court granted its second extension, undersigned counsel served as lead counsel in the capital post-conviction relief hearing for Norman Starnes, which took place from

July 28, 2025–July 30, 2025 in Lexington County. *Starnes v. State*, No. 2011-CP-32-830. Undersigned counsel also prepared and filed a reply brief in the appeal of a federal hate crime murder conviction of Daqua Ritter, filed in the Fourth Circuit on August 14, 2025. *Ritter v. United States*, No. 24-4576 (4th Cir.). At this time, undersigned counsel is finalizing the initial brief and designation of matter in the juvenile criminal appeal of John Bonner, due for filing on August 27, 2025. *State v. Bonner*, No. 2025-000603 (S.C. Ct. App.). Additionally, undersigned counsel is traveling to speak at a conference this week from August 27, 2025–August 29, 2025. As a result, undersigned counsel does not have sufficient time to effectively complete petitioner’s brief by the currently scheduled deadline.

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 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 thirty-day extension in which to file Petitioner’s Brief in this matter.

[Signature block appears on the following page]

Respectfully submitted,

s/Lindsey S. Vann

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August 26, 2025.

¹ 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 Petitioner's Brief in this case.