

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
Court of Common Pleas

Appellate Case No. 2025-001377

RECEIVED

Apr 02 2026

S.C. SUPREME COURT

RICKY LEE BLACKWELL

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

Petitioner, Ricky Lee Blackwell, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant a fourth and final extension of time for thirty (30) days to file the Petition for Writ of Certiorari and the Appendix presently due for filing on April 3, 2026. The request is not made for the purpose of delay but rather due to the heavy caseloads of undersigned counsel and the size of the underlying post-conviction case record. The reasons for this motion are as follows:

1. This Court granted an initial extension of time on December 29, 2025, extending the filing deadline to February 2, 2026. This Court granted a second extension of time on January 29, 2026, extending the filing deadline to March 4, 2026. This Court granted a third extension of time on February 25, 2026, extending the filing deadline to April 3, 2026.

2. Since the Court granted its third extension, undersigned counsel has continued to work on the petition and appendix. However, this extension is necessary due to the heavy workload of counsel for Mr. Blackwell. Specifically, as noted in the prior extension requests, Justice 360 had staffing turnover which required both attorneys to be substituted as counsel in several ongoing capital post-conviction relief cases. This has severely limited undersigned counsel's ability to work on the appendix and writ of certiorari over the last three months, as counsel has had to learn the records and procedural history of several capital cases, work with their new clients, and address ongoing case needs in those matters. Undersigned counsel is certain they will be able to complete the petition and appendix with one final extension.

3. Since counsel's previous extension request, undersigned counsel Rosalind Major has spent substantial time on her other capital post-conviction cases alongside her obligations in Mr. Blackwell's case. Specifically, Ms. Major has devoted significant time to her obligations in *Jones v. State*, 2-24-CP-32-01312. In Mr. Jones's case, the PCR court ordered a competency evaluation of her client, which required Ms. Major to prepare and submit materials for the designated examiners by March 30, 2026 in advance of the April 22, 2026 competency evaluation. Ms. Major has also been actively conducting investigation into Mr. Jones's available claims for relief for his amended application for post-conviction relief which is due on April 15, 2026. Further, on February 9, 2026, Attorney Major was appointed to the capital habeas case of Marion Lindsey (Case No. 2:25-mc-0903-DCN-MGB) and has devoted significant time to becoming familiar with that matter, beginning the federal habeas investigation, and working with her newly appointed client. Additionally, Ms. Major has spent substantial time devoted to mitigation investigation and pre-trial preparation in a state murder case where a death notice is anticipated and she was retained ex parte as a mitigation investigator.

4. Undersigned counsel, Attorney Cruz, spent the past 30 days devoting substantial time to mitigation investigation and pre-trial preparation in a federal pre-authorization case and a juvenile waiver case out of Calhoun County, both matters in which she was retained ex parte as a mitigation specialist.

5. Both Attorney Cruz and Attorney Major are counsel in the juvenile criminal appeal of John Bonner and filed his initial reply brief on March 30, 2026. *State v. Bonner*, No. 2025-000603 (S.C. Ct. App.).

6. Counsel is currently working on the petition and appendix and intends to have them finished in a timely manner. However, undersigned counsel has not yet been able to finish the petition and appendix due to a heavy workload and other issues that have required undersigned counsel's attention. Counsel will not be able to finish these by the currently scheduled deadline.

7. Petitioner's case concerns numerous claims for post-conviction relief, including 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. Additionally, neither of undersigned counsel were involved in most of the post-conviction relief proceedings below. Additional time is required to ensure undersigned counsel has a full understanding of the pre-hearing proceedings in order to ensure the Appendix is properly compiled with all the relevant documents and materials. Given the capital nature of this case, properly compiling the state court record for appeal is of utmost importance. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues and compile the Appendix in this case. Undersigned counsel will take steps to ensure no further extensions are requested.

8. 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 thirty-day extension in which to file the Appendix and Petition for Writ of Certiorari.

Respectfully submitted,

s/Rosalind S.D. Major

Rosalind S.D. Major, S.C. Bar No. 106017

Brianna L. Cruz, S.C. Bar No. 106892

Justice 360

900 Elmwood Ave., Suite 200

Columbia, SC 29201

(803) 765-1044

rosalind@justice360sc.org

brianna@justice360sc.org

s/Allison Franz

Allison Franz,¹ SC Bar No. 105189

Justice 360

900 Elmwood Ave., Suite 200

Columbia, SC 29201

allison@justice360sc.org

(803) 765-1044

April 2, 2026.

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 most senior attorney from counsel's firm to sign as a certification that they believe 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 Petitioner's Petition or Appendix in this case.