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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
Court of Common Pleas

Appellate Case No. 2025-001377

RICKY LEE BLACKWELL

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

Petitioner, Ricky Lee Blackwell, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant a third extension of time for ten (10) days to file the Reply to Return to Petition for Writ of Certiorari presently due for filing on November 5, 2026. The reasons for this motion are as follows:

1. This Court granted an initial extension of time on October 22, 2026, extending the filing deadline to October 26, 2026. This Court granted a second extension of time on October 23, 2026, extending the filing deadline to November 5, 2026.

2. Since the Court granted its second extension, undersigned counsel's case load has continued to interfere with their ability to complete the briefing in this case. While counsel have begun working on the reply in this matter, both Attorney Major and Attorney Cruz have several

active ongoing capital post-conviction relief cases which have severely limited undersigned counsel's ability to complete the Reply over the last ten days.

3. Since counsel's previous extension request, alongside working on this matter, Attorney Major has continued to devote significant time to conducting investigation in the federal capital habeas case of Marion Lindsey (Case No. 2:25-mc-0903-DCN-MGB). Ms. Major is also counsel in *Inmon v. State* (2012-CP-39-00918, Pickens County), another capital post-conviction matter, and has spent substantial time working on post-evidentiary hearing briefing for that case. Briefing in Mr. Inmon's case is due on November 20, 2026. These additional case obligations have limited her capacity to work on Mr. Blackwell's reply.

4. Attorney Cruz is *pro bono* counsel on Mr. Inmon's capital post-conviction relief action and has been similarly busy assisting with the post-evidentiary hearing briefing. She has also devoted substantial time to mitigation investigation and pre-trial preparation in a federal murder case in which she was retained *ex parte* as a mitigation specialist. Additionally, Ms. Cruz has been assisting the team in *Cottrell v. State* (2018-CP-26-05709, Horry County), another capital post-conviction relief case, with Mr. Cottrell's post-hearing briefing. Briefing in Mr. Inmon's case is due on November 18, 2026. These additional case obligations have limited her capacity to work on Mr. Blackwell's reply.

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

6. Petitioner's case is a complex capital post-conviction relief appeal including complicated legal issues, 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. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

7. 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, making it due on or before November 15, 2026.

Respectfully submitted,

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November 4, 2026.

[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 Reply in this case.