

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Paul M. Burch, Circuit Court Judge

 ORIGINAL

RECEIVED

JUL 30 2012

MARION ALEXANDER LINDSEY,

S.C. Supreme Court

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-206087

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final thirty day extension, until August 29, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today **in this death penalty case**.

2. **Counsel apologizes for the need to request this extension, but Counsel had back surgery on Wednesday, July 25, 2012** performed by Neurosurgeon Scott Boyd. This will cause counsel to be out of the office for a short period of time.

3. Counsel filed the brief of petitioner in the case of Adams Gibson v. State with this Court on July 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Bernard Moore v. State, (capital case) with Co-Counsel Susan

Hackett, with this Court on July 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Charles E. Copeland v. State with this Court on July 9, 2012. Counsel is currently working on an additional death penalty case: James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm). Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Garvin Duvall (in the COA) with this Court on June 29, 2012. Counsel filed the petition for rehearing in the case of State v. Christopher Heller in the Court of Appeals on June 28, 2012. Counsel had an oral argument in the case of State v. Derrick McDonald in the Court of Appeals on June 19, 2012. Counsel filed the petition for rehearing in the case of State v. Robert S. Jolly in the Court of Appeals on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Brandon M. with the Court of Appeals on June 13, 2012, arguing a directed verdict of acquittal should be issued. Counsel filed the petition for writ of certiorari in Jerry Buck Inman v. South Carolina with the Supreme Court of the United States on June 11, 2011. Counsel filed the brief of petitioner in the case of State v. Tracy B. with this Court on June 8, 2012. Counsel had an oral argument in the case of State v. Tommy Toomer in the Court of Appeals on June 6, 2012. Counsel filed the brief of appellant in State v. Andre T. Richardson with the Court of Appeals on June 1, 2012.

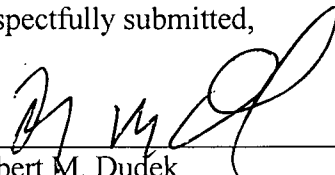
Co-Counsel, David Alexander, began at the Office of Appellate Defense on May 14, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in Antonio Glover v. State and Darrell Goss v. State with this Court on July 23, 2012. On July 18, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ricky New with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in State v. Jerry Goode in the Court of Appeals on July 16, 2012. The brief of respondent in State v. Danny Cortez Brown was filed with this Court on July 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Andre Norris v. State in the Supreme Court on June 13, 2012. On June 8, 2012, Counsel filed the petition for writ of certiorari and accompanying appendix in Jomar Antavis Robinson v. State with the Supreme Court. Counsel filed the initial brief of appellant and designation of matter with this Court in State v. Roosevelt Reaves on June 5, 2012. On June 6, 2012, counsel filed the petition for writ of certiorari and accompanying appendix with the Supreme Court in Antwan Zeigler v. State.

3. As indicated by his consent below, counsel for the state does not oppose this request.

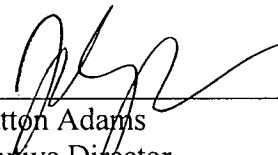
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request **final thirty day extension, until August 29, 2012**, or, in the alternative, a lesser time that the Court will grant, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



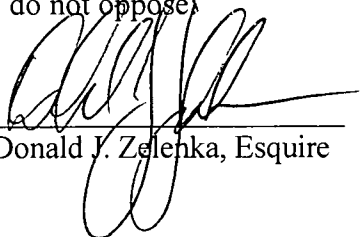
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

July 30, 2012

I do not oppose:



Donald J. Zelenka, Esquire