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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Paul M. Burch, Circuit Court Judge

ORIGINAL

MARION ALEXANDER LINDSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2019-001271

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

The undersigned counsel respectfully requests a **thirty-day extension, until January 1, 2020**, 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.
2. Counsel is filing the brief of appellant and designation of matter in the case of The State v. John Andrew Finch with the Court of Appeals today, December 2, 2019. Counsel was co-counsel to Victor Seeger and Lara Caudy, when the petition for rehearing in the case of The State v.

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Jonathan Donell Rhodes was filed with the Court of Appeals on November 21, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. John M. Ghent, Jr., to this Court from the Court of Appeals on November 12, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Anthony Raynard Randall with the Court of Appeals on November 8, 2019. Counsel was co-counsel to Adam Sinclair Ruffin, when they filed the initial brief of appellant and designation of matter in the case of The State v. William D. Pennington with the Court of Appeals on November 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James A. Gardner v. The State with this Court on October 28, 2019. Counsel also had an oral argument before the Court of Appeals on October 22, 2019 in State v. Deshandon Franks in Clemson, South Carolina. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dashaun Livaughn Simmons with the Court of Appeals on October 21, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jakeivan A. Pulley v. The State with this Court on October 18, 2019. Counsel filed the two issue petition for writ of certiorari and accompanying appendix in the case of The State v. Ahshaad Mykiel Owens with this Court on October 14, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. William C. (Billy) Sellers with the Court of Appeals on October 2, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

Co-Counsel Appellate Defender David Alexander

Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marion Bonds v. The State with this Court on November 25, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Touriarnold Spann v. The State with this Court on November 25, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mary Ann German with the Court of Appeals on November 22, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Frederick Calvin Jones with the Court of Appeals on November 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William Brockmeyer v. The State with this Court on November 6, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Kenneth Wright with the Court of Appeals on November 4, 2019. Counsel filed the brief of respondent in the case of The State v. John Kenneth Massey with this Court on October 31, 2019. Counsel testified at a PCR Hearing held in Greenville in the case of Jonathan M. Holder v. The State on October 25, 2019. Counsel had an oral argument in the case of In the Matter of Gerald Barrett, Jr., before the Court of Appeals held in Clemson on October 22, 2019. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Billy Taylor with this Court on October 14, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Daniel Lee Fludd with the Court of Appeals on October 4, 2019.

Co-Counsel Appellate Defender Lara Caudy

Counsel is preparing the initial brief of appellant and designation of matter in The State v. Tammy Caison Moorner, which she anticipates filing with the Court of Appeals on December 6, 2019. The transcripts in Moorner span nearly twenty-seven hundred pages. On November 25,

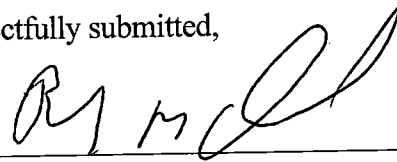
2019, counsel filed a petition for a writ of certiorari to the Court of Appeals in The State v. Anthony M. Enriquez with this Court. On November 8, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Moses Frasier v. The State with this Court. On October 31, 2019, counsel filed the Anders brief of appellant and record on appeal in The State v. Alonza King Gibson with the Court of Appeals. On October 29, 2019, counsel filed a petition for writ of certiorari to the Court of Appeals in The State v. George Holmes with this Court. On October 25, 2019, counsel filed a brief of petitioner in The State v. Felix Kotowski with this Court. On October 18, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Brian Edward Norris v. The State with this Court. On October 15, 2019, counsel had an oral argument in The State v. Terrell Artieth Smith before this Court. On October 4, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Mildred Montgomery v. The State with this Court. On October 1, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Otis Maurice Robinson v. The State with this Court. On September 27, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Larry Brayboy v. The State with this Court.

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 a **thirty-day extension**, until **January 1, 2020**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel hopes for this to be the final extension request to file the petition for writ of certiorari in this case, and any other final extension request following this one would be for less than thirty days. 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.

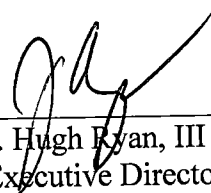
Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

David Alexander
Appellate Defender

Lara M. Caudy
Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 2nd day of December, 2019

I do not oppose:


Donald J. Zelenka, Esquire

Johnny Ellis James, Jr., Esquire