

STATE OF SOUTH CAROLINA
In the Supreme Court

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May 12 2020

S.C. SUPREME COURT

Appeal from Spartanburg County
The Honorable Paul M. Burch, Circuit Court Judge

MARION ALEXANDER LINDSEY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2019-001271

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The return in the above-captioned matter is currently due to be filed tomorrow, May 12, 2020. Counsel for Respondent, State of South Carolina, would respectfully request a 30 day extension in which to file the return. Opposing counsel are all attorneys with the Division of Appellate Defense and have provided standing consent for extensions through May 22, 2020, in consideration of limitations resulting from the Coronavirus health emergency. (See Email of Robert M. Dudek, dated April 21, 2020). In support of this motion, counsel would respectfully show the Court:

The undersigned has been involved in a number state and federal matter, including but not limited to the following documents filed in the last 30 days: prepared and filed a reply to response in opposition on April 13, 2020, in a federal habeas action (*Kristie Bishop*); prepared and subsequently filed after consultation a status report on April 17, 2020 in a capital federal habeas action pending in District Court (*Stephen Corey Bryant*); prepared and filed on April 20,

2020 a response in opposition to motion for an evidentiary hearing in the first habeas action listed above (*Kristie Bishop*); prepared and filed on April 21, 2020, a brief of respondent in a murder direct appeal pending in this Court (*Fabian Green*); prepared and filed on April 27, 2020, a motion to hold time limits in abeyance pending receipt of a transcript in a murder direct appeal pending in the Court of Appeals (*Dameion Thomas*); prepared and filed on April 27, 2020, a return to motion to suspend appeal or in the alternative for extension of time in another murder direct appeal pending the Court of Appeals (*Devin Ruttle*); prepared and filed on April 28, 2020, a response in opposition to a motion to stay in a federal habeas action (*K.C. Langford*); prepared and filed on April 28, 2020, a reply to response in opposition to motion for summary judgment in another federal habeas action (*Eugene Patterson*); prepared and served a Rule 59(e) motion in a capital post-conviction relief case (*Jerry Buck Inman*); prepared and filed on May 4, 2020, in the Fourth Circuit Court of Appeals, a response in opposition to motion to expand the certificate of appealability in a capital federal habeas action appeal (*Quincy Allen*); prepared and filed on May 5, 2020, a joint status report in a capital federal habeas action pending in District Court (*Bobby Wayne Stone*); completed and filed on May 5, 2020, a return to petition for writ of certiorari in a capital appeal pending in this Court (*Stephen Corey Bryant*); prepared and filed on May 7, 2020, a response to motion to re-open case and for extension of time in a federal habeas action (*Frederick Flowers*); reviewed and edited a reply filed May 7, 2020 in another habeas action (*Dennis Davis*); and, reviewed and edited a response in opposition to motion to enforce judgment, and motion for extension of time for *nunc pro tunc* order granting an extension of time to try petitioner, both documents filed May 8, 2020 (*Farid Mangal*); prepared and filed on May 11, 2020, a reply to response in opposition to motion for summary judgment in another federal habeas action (*William Phillips*).

Undersigned counsel shares responsibility for the return with Assistant Attorney General Michael Douglas Ross. Mr. Ross has similarly had various state and federal matters that include, but are not limited to, the following work within the past 30 days: completed and filed on April 17, 2020, a return and memorandum of law in support of motion for summary judgment in a federal habeas action (*Kashaun Banks*); filed on April 24, 2020, a reply to briefing ordered in another federal habeas action pending in the District Court (*Clinton Folkes*); and, additionally, has been reviewing the transcript in this appeal (*Marion Lindsey*), while also reviewing transcripts and other materials in preparing a response in another federal habeas action (*Mokeia Hammond*).

Due to counsel's involvement in these and other matters, counsel have been unable to timely complete the return.

This request is made in good faith, and not for the purposes of simple delay.

WHEREFORE, based on the foregoing, counsel for Respondent respectfully request a 30 day extension from the current due date of May 12, 2020, to serve and file the return.

Respectfully Submitted,

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By: 

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ATTORNEYS FOR RESPONDENT

May 11, 2020