

STATE OF SOUTH CAROLINA  
In the Supreme Court

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Jun 11 2020

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

S.C. SUPREME COURT

MARION ALEXANDER LINDSEY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2019-001271

**MOTION FOR FOURTH 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 today, June 11, 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 June 30, 2020, in consideration of limitations resulting from the Coronavirus health emergency. (See Email of Robert M. Dudek, dated May 20, 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 May 11, 2020, in a federal habeas action (*William Joe Phillips*); prepared a brief of respondent filed May 13, 2020 in the Supreme Court of South Carolina in a non-capital murder direct appeal (*Ahshaad Owens*); prepared and filed on May 18, 2020, a return

and memorandum of law in support of motion for summary judgment in another federal habeas action (*Alejandro Jimenez*); prepared and filed on May 22, 2020, a response in opposition to motion for order of remand in a murder direct appeal pending in the Court of Appeals (*James Ginther*); prepared and filed on June 8, 2020, a reply to a response in opposition to summary judgment in one of the above federal actions (*Alejandro Jimenez*); assisted with preparation of a response in opposition to a motion for a certificate of appealability filed on June 9, 2020, in another federal habeas matter (*Farid Mangal*); prepared for and presented oral argument on June 10, 2020, in a murder appeal pending in the Court (*Billy Taylor*); and, prepared and filed today, June 11, 2020, a response in opposition to a motion for a certificate of appealability and a reply to objections in another federal habeas action (*Kristie Bishop*). Additionally, counsel completed significant research and partial drafting on the return in this action.

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 a Return and Memorandum of Law in Support of Summary Judgment in a federal habeas action (*Mokeia Hammond*) on May 22, 2020; completed and filed another Return and Memorandum of Law in Support of Summary Judgment in a separate federal habeas action (*Antonio Jacobs*); and is currently working to complete a return to a petition for writ of certiorari a murder direct appeal also pending in this Court (*Kelvin Jones*). Additionally, counsel continues to work on completing review of the record and preparing the return in this action.

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 June 11, 2020, to serve and file the return.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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s/Melody J. Brown  
By: \_\_\_\_\_  
MELODY J. BROWN  
S.C. Bar No. 14244

June 11, 2020

ATTORNEYS FOR RESPONDENT

I have reviewed and approve this request:

s/Donald J. Zelenka

\_\_\_\_\_  
DONALD J. ZELENKA  
Deputy Attorney General