

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Appellate Case No. 2012-206087

RECEIVED

APR 17 2013

S.C. Supreme Court

MARION ALEXANDER LINDSEY,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent

**MOTION TO ALLOW FILING OF RETURN TO PETITION FOR WRIT OF
CERTIORARI ON APRIL 16, 2013**

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The Respondent, above-named, hereby make a motion to this Court to allow filing of the Return to the Petition for a Writ of Certiorari on April 16, 2013. On April 15, 2013, this Court entered an Order extending the time for filing the Return until April 15, 2013. Below-signed counsel had been working to complete the Return within the extended allowance of 115 pages, throughout the weekend and throughout April 15, 2013. Counsel was unable to complete the final version by midnight on April 15, 2013 and placed copies of the 114 page Return in the mail on April 16, 2013 to this court and opposing counsel. Respondent further placed this motion in interagency mail to opposing counsel. On April 15, 2013, in anticipation of the request, counsel contacted opposing counsel Robert Dudek who advised him that he had no objection to this request.

Respectfully submitted,

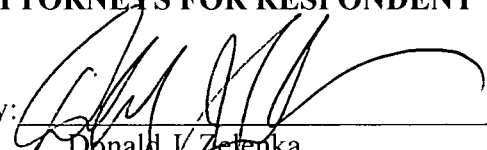
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By:



Donald J. Zelenka
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April 16, 2013.

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents MOTION TO
ALLOW FILING OF RETURN TO PETITION FOR WRIT OF CERTIORARI ON APRIL 16,
2013 on:

Robert M. Dudek, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

David Alexander, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the InterAgency Mail this 16th day of April, 2013



DONALD J. ZELENKA

Senior Assistant Deputy Attorney General