

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Paul M. Burch, Circuit Court Judge

RECEIVED

MAY 6 2013

S.C. Supreme Court

MARION ALEXANDER LINDSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-206087

**PETITION FOR EXTENSION TO FILE
THE REPLY TO THE RETURN TO THE PETITION
FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a ten-day extension in which to file the reply to the return to the petition for writ of certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The reply to the return to the petition for writ of certiorari in this case is due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel is filing the return to the petition for writ of certiorari in the case of Craig Brannon v. State in this Court today, May 6, 2013. In addition, Counsel is working on and plans to file the initial brief of appellant and designation of matter in the

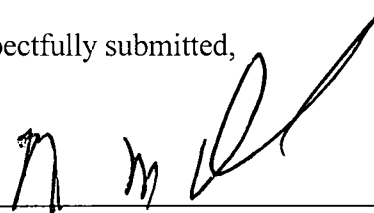
case of State v. Derell Green in the Court of Appeals this week. Counsel filed the petition for rehearing in the case of State v. Andre Tayson Boone in the Court of Appeals on May 1, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Mark Peters in the Court of Appeals on April 26, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Victor White in the Court of Appeals on April 24, 2013. Counsel filed the petitioner's reply brief in the case of Gene Tony Cooper v. State in the United States Supreme Court on April 23, 2013. Counsel had an oral argument in the case of In the Interest of David L., a Minor Under the Age of Seventeen (with co-counsel Charles Grose) in this Court on April 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jevon Brown in the Court of Appeals on April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in this Court on April 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Asherdon Holloway in the Court of Appeals on April 3, 2013. Counsel had an oral argument in the case of State v. Andre Tayson Boone in the Court of Appeals on April 1, 2013. In addition, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frankie Williams v. State in this Court on April 1, 2013. Counsel attended and presented at the Best Practices Seminar in Charleston on March 25, 2013, sponsored by the South Carolina Commission on Indigent Defense. Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Calvin Prince and State v. Patrick Guess in the Court of Appeals on March 18, 2013. Counsel filed the return to the state's rehearing petition in the **death penalty** case of State v. Raymondeze Rivera in this Court on March 15, 2013. Additionally on March 15,

2013, Counsel filed the brief of appellant in the case of State v. Nicholas Brannon in the Court of Appeals. Counsel filed the petition for rehearing in the **death penalty** case of State v. Stephen Christopher Stanko in this Court on March 14, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Phillip Shuler in the Court of Appeals on March 8, 2013. Counsel filed the petition for rehearing in the case of State v. Kendrick Taylor in the Court of Appeals on March 7, 2013. Counsel had an oral argument in the case of State v. Donald Petty in the Court of Appeals on March 5, 2013. Counsel had an oral argument in the case of State v. Gerald Pitts in the Court of Appeals on March 4, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Derrick McDonald, and the reply to the return to the petition for writ of certiorari in the case of State v. Randy Vickery, both in this Court (from the COA) on March 1, 2013. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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

WHEREFORE, the undersigned counsel would respectfully request a ten-day extension in which to file the reply to the return to the petition for writ of certiorari in this case. Counsel requests that the time limits for filing the reply to the return to the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

May 6, 2013

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Paul M. Burch, Circuit Court Judge

MARION ALEXANDER LINDSEY,

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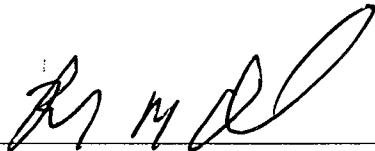
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RESPONDENT

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CERTIFICATE OF SERVICE

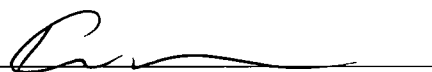
The undersigned attorney hereby certifies the petition in which to file the reply to the return to the petition for writ of certiorari in the above referenced case has been served upon Donald Zelenka, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 6th day of May, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 6th day of May, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013