

No. __ - __

IN THE SUPREME COURT OF THE UNITED STATES

BAYAN ALEKSEY,

Petitioner,

-v-

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT OF SOUTH CAROLINA**

THIS IS A CAPITAL CASE

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STATE OF SOUTH CAROLINA,

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TO THE HONORABLE JOHN G. ROBERTS, Chief Justice of the Supreme Court of the United States, and Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

COMES NOW the Petitioner, Bayan Aleksey, an indigent defendant, by and through undersigned counsel, and pursuant to 28 U.S.C. § 1254(1) and Supreme Court Rule 13.5, respectfully requests an extension of time of sixty (60) days within which to file a Petition for Writ of Certiorari in this Court. Petitioner intends to seek review of a decision of South Carolina Supreme Court denying his petition for post-conviction relief, in which Petitioner alleges that he is a person with intellectual disability and therefore exempt from execution pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002). That decision became final on June 23, 2026. *Aleksey v. State*, 930 S.E.2d 304 (S.C. 2026), *rehearing denied by Aleksey v. State*, No. 28333 (S.C. Jun. 23, 2026).

Mr. Aleksey's time to file a Petition for a Writ of Certiorari in this Court currently expires on

September 21, 2026. This request for an extension of time to prepare and file the petition is made for the following reasons.

1. For the past three months, lead counsel in this matter¹ has been working extensively on multiple capital post-conviction cases in the State of South Carolina, including preparing post-hearing briefing in *Luzenski Cottrell v. State*, No. 2018-CP-26-05709, and *Norman Starnes v. State*, No., and preparing for a capital post-conviction relief hearing in *Anthony Woods v. State*, No. 2018-CP-14-00382. Ms. Franz has also been preparing for a resentencing hearing pursuant to *Aiken v. Byars* in the case of *State of South Carolina v. Wallace Priester*, which has necessitated extensive investigation, including travel, akin to the level of preparation required for the sentencing phase of a capital trial. See *Aiken v. Byars*, 765 S.E.2d 572, 577 (2014); *Miller v. Alabama*, 567 U.S. 460, 470 (2012). Finally, Attorney Franz prepared for and traveled to two multi-day Continuing Legal Education Conferences during the month of August, including serving as a speaker and faculty member at a national capital defense training seminar.

WHEREFORE, undersigned counsel respectfully requests an extension of time of sixty (60) days to prepare and file the Petition for Writ of Certiorari in this case, thus making the petition due on November 20, 2026.

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¹ Undersigned attorney Allison Franz, a member of the Bar of the Supreme Court of South Carolina, represents Petitioner in this matter and has filed an application for admission to the bar of this Court. Attorney Emily Paavola is appearing on pleadings as counsel for Petitioner as a member of the Bar of the United States Supreme Court pending the resolution of Attorney Franz's application for admission.

Respectfully submitted,

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September 8, 2026.