

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_

Certiorari to Beaufort County

Perry M. Buckner, Circuit Court Judge

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**RECEIVED**

OCT 28 2013

**S.C. Supreme Court**

JOSE ANGEL HERRERA,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001119

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND ACCOMPANYING APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty-day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

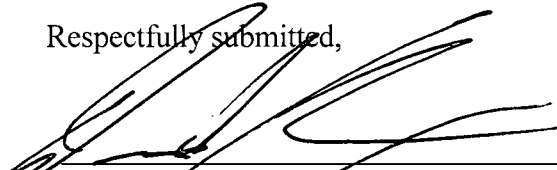
1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. On Monday, October 21, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Mark Anthony Martucci v. State in this Court. On Friday,

October 18, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marion Bowman v. State in this Court in which the appendix was over 10,000 pages. On Wednesday, October 16, 2013, counsel had an oral argument in the South Carolina Supreme Court in the case of State v. Robert Watkins. Counsel filed the initial reply brief of appellant in the case of State v. Edward M. Dunn in the Court of Appeals on Friday, September 27, 2013. Counsel attended the Public Defender Conference in Myrtle Beach, South Carolina on September 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup> of 2013. Counsel filed the petition for rehearing in this Court in Richard Sims v. State on Friday, September 20, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Harry Anthony in the Court of Appeals on Tuesday, September 10, 2013. Also on Tuesday, September 10, 2013 Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Watson v. State in this Court. Counsel filed the reply to the return to the petition for writ of certiorari in this Court in Brenda Gail Cutro v. State on September 3, 2013. Counsel filed the petition for rehearing in the Court of Appeals in State v. Darren Scott on August 29, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis Parker v. State in this Court on Tuesday, August 27, 2013.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DA', written over a horizontal line.

David Alexander  
Appellate Defender

October 28, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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JOSE ANGEL HERRERA,

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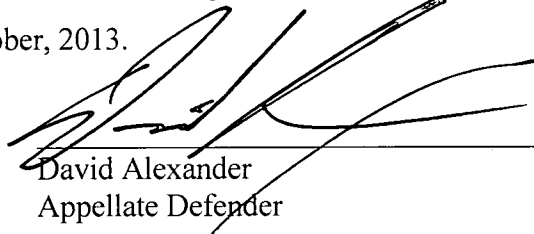
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001119

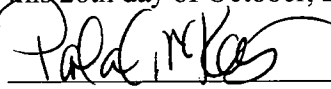
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CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Ashleigh Wilson, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201 this 28th day of October, 2013.

  
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David Alexander  
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 28th day of October, 2013.

  
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(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 24, 2022.