

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Laurens County

Honorable Eugene C. Griffith Circuit Court Judge

ORIGINAL

RECEIVED

MAR 22 2018

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

DANIEL MARTINEZ HERRERA,

PETITIONER

Appellate Case No. 2016-002523

MOTION TO FILE THE BRIEF
OF PETITIONER OUT OF TIME

Counsel for Daniel Martinez Herrera petitions the Court to allow late filing of the brief of petitioner in this case. In support of this petition she shows:

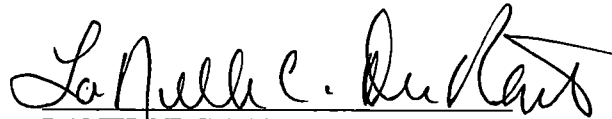
1. The above named case of State v. Daniel Herrera was first assigned to Appellate Defender John Strom in the Division of Appellate Defense. Attorney Strom filed the petition for a writ of certiorari to the Court of Appeals in Petitioner Herrera's case on January 19, 2017. Attorney Strom left Appellate Defense on October 6, 2017. Petitioner Herrera's case was then assigned to the undersigned counsel. The assistant to Attorney Strom left Appellate Defense in January 2018.

2. The Order from the Supreme Court granting the petition for certiorari was filed February 1, 2018. However, this order was never received by undersigned counsel. She was graciously notified by the Supreme Court on March 21, 2018 that the petition had been granted and that the brief of petitioner was due March 5, 2018.

3. Due to the circumstances surrounding the departure of staff and the assignment of new counsel, and the apparent mishap with the Order, counsel is filing this motion to request to file the brief of petitioner out of time in order that Petitioner Herrera's appellate opportunities are accomplished. Every effort is being made to track this Order granting the petition.

4.. Counsel conferred with Megan Harrigan Jameson, Esq., who represents the State, and she graciously consented to this motion.

WHEREFORE, the undersigned counsel respectfully asks the Court to grant this motion to allow late filing of the brief of petitioner, and assign the time for filing.



LANELLE C. DURANT
Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

ATTORNEY FOR APPELLANT

This 22nd day of March, 2018

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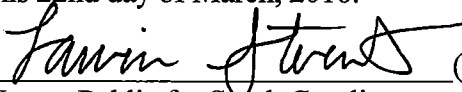
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to File the Brief of Petitioner Out of Time in the above referenced case has been served upon Megan Harrigan Jameson, Esquire, this 22nd day of March, 2018.


LANELLE C. DURANT
Appellate Defender

ATTORNEYS FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 22nd day of March, 2018.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.