

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Newberry County  
Casey L. Manning, Circuit Court Judge

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**RECEIVED**

**Dec 29 2020**

S.C. SUPREME COURT

MANUEL S. HERNANDEZ,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-001080

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MOTION FOR AN EXTENSION TO FILE  
THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX

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Counsel for Manuel S. Hernandez respectfully requests a **final thirty (30) day extension, until January 28, 2021**, in which to file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Manuel S. Hernandez respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the return to petition for writ of certiorari in the case of The State v. Antwuan Levon Nelson with the Supreme Court on December 17, 2020. Counsel filed the return to petition

for rehearing in the case of In the Matter of the Care and Treatment of Micah Allen Bilton, with the Court of Appeals on December 14, 2020. Counsel filed the petition for writ of certiorari in the case of Timothy Earl Beheler v. The State, with the Court of Appeals on December 10, 2020. On December 8, 2020, counsel had an oral argument in The State v. William Howard Heath before the Court of Appeals. Counsel filed the brief of appellant and designation of matter in the case of The State v. David Eric Hugue, Jr., with the Court of Appeals on November 12, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Harold Baldwin and with the Court of Appeals on November 9, 2020. On October 23, 2020, counsel, along with co-counsel, filed the initial brief of appellant and designation of matter in the death penalty case of The State v. Timothy Ray Jones, Jr. with the Supreme Court.

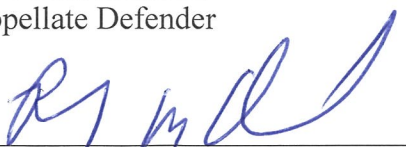
4. Counsel makes this request in good faith and not for purpose of delay.

5. On November 25, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until January 28, 2021**, in which to file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/David Alexander  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

This 29th day of December, 2020.