

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County  
J. Derham Cole, Circuit Court Judge

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**RECEIVED**

**Feb 03 2021**

S.C. SUPREME COURT

ANDRES ANTONIO TORRES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2020-000842

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

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The undersigned counsel respectfully requests a **final thirty-day extension, from February 3, 2021 until March 5, 2021**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced death penalty 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, February 3, 2021.

2. A couple of months ago counsel suffered from a debilitating illness for six to eight weeks that limited and delayed his ability to meet his heavy caseload deadlines. This caused counsel to become behind through no fault of his own when he had deadlines to meet, including two

death penalty direct appeals deadlines he met along with his other deadlines: State v. Jerome Jenkins, Jr., out of Horry County, and State v. Timothy Ray Jones, out of Lexington County. Counsel had several visits with his physician and with specialists during the period of his illness. Counsel tested negative for COVID-19 twice during this same time period. Counsel and co-counsel, Susan Barber Hackett, have been working diligently on this case. However, the appendix in this case is in excess of five thousand, three hundred (5,300) pages, and it involves complex expert testimony. Counsel is preparing for a WebEx oral argument before the Court of Appeals to be held on February 10, 2021 in the murder case of The State v. Gregg Pickrell. Counsel is preparing to file the Brief of Petitioner in the murder case of The State v. Justin Jamal Warner to be filed with this Court on February 22, 2021. Counsel is preparing to participate on a panel at the 2021 Annual Criminal Practice in South Carolina program, led by Justice John Few, on February 26, 2021. Counsel presented at the Public Defense 103 CLE via WebEx on January 29, 2021. Counsel filed the seven-issue amended initial brief of appellant and designation of matter in the murder case of The State v. Kierin Marcellus Dennis with the Court of Appeals on January 22, 2021, with co-counsel Lara Caudy and Adam Ruffin. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State v. Deshanndon Markelle Franks with this Court on January 19, 2021. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State v. Stewart Jerome Middleton with this Court on January 15, 2021. Counsel had a WebEx oral argument before the Court of Appeals on January 12, 2021 in the case of The State v. Nick Russell Evangelista. Counsel filed the return to the state's petition for writ of certiorari to the Court of Appeals in the case of The State v. Javon Dion Gibbs with this Court on December 18, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Walter Murrey with the Court of Appeals on

December 17, 2020. Counsel had an oral argument before this Court on December 9, 2020 in The State v. Joseph Bowers. Counsel presented at the Appellate Practice Project CLE on December 3, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Franklin Pierre Dover with the Court of Appeals on December 1, 2020. *In addition, counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and management of the work from home personnel during this COVID-19 pandemic.*

Co-counsel Susan Barber Hackett

3. Counsel filed the petition for writ of certiorari in the case of State v. John McCarty in this Court on January 20, 2021. On that date, counsel participated in hearings as a member of the Supreme Court's Committee on Character and Fitness. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Samuel Burnside in the Court of Appeals on January 12, 2021. Counsel filed the initial reply brief of appellant in the case of State v. Kenneth Lamont Robinson in the Court of Appeals on January 8, 2021. On January 8, 2021, counsel participated as a panelist on the topic of Incarceration and Access to Justice for the CLE entitled A User's Guide to South Carolina Criminal Practice: The 2021 Pandemic Edit. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Lester Murray v. The State in this Court on January 7, 2021. Counsel filed the petition for writ of certiorari in the case of Jon W. Jarrard, Sr. v. The State in this Court on December 30, 2020. Counsel filed the return to the petition for writ of certiorari in the case of State v. Mack Seal Washington in this Court on December 21, 2020. Counsel filed an Anders brief of appellant, designation of matter, and record on appeal in the case of State v. Jason Riley Galloway in the Court of Appeals on December 21, 2020. Counsel filed the notice of appeal on behalf of her client in Sanders v. State on December

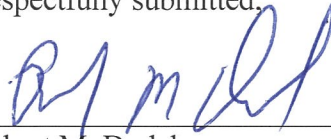
11, 2020. Counsel filed an Anders brief of appellant, designation of matter, and record on appeal in the case of State v. Roshamel Parker in the Court of Appeals on December 9, 2020. On December 8, 2020, counsel participated as a panelist for the breakout sessions of a CLE entitled The Appellate Practice Project. On December 4, 2020, counsel represented Kinjta Kadeem Sadler at a hearing on a motion to dismiss filed by the state in a post-conviction relief action, and subsequently, counsel submitted a proposed order denying the state's motion to dismiss to the presiding judge.

4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2021. That extended, emailed general consent was dated January 26, 2021.

5. This request is made in good faith, out of absolute necessity, and not for purposes of delay. Both attorneys intend to continue to work on the cases with more than three extensions first so that their caseloads are more manageable in the near future, and less extensions will need to be requested.

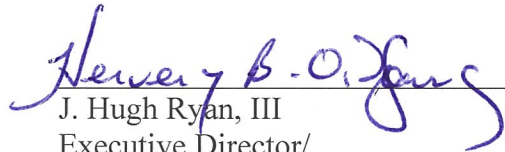
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, from February 3, 2021 until March 5, 2021**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender

Susan B. Hackett  
Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

February 3, 2021