

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

Mar 05 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 March 5, 2021 until April 5, 2021**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced death penalty case. No other extensions will be requested in this case to file the certiorari petition unless a very serious, totally unexpected illness on the part of counsel occurs. 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, March 5, 2021.

2. Counsel and co-counsel, Susan Barber Hackett, have been working diligently on this case, four very meritorious issues have been identified, and they are now in the briefing stage. The appendix in this case is in excess of five thousand, three hundred (5,300) pages, and it involves very technical, genetic, psychiatric, and pharmacologic evidence. Counsel has also filed a motion with this Court today to exceed the twenty-five page limit authorized by Rule 243(e)(3), SCACR since this is a capital appeal involving four very meritorious legal issues. Additionally, counsel, as lead counsel, along with co-counsel, Kathrine Hudgins, and Adam Ruffin, is working on the initial reply brief of appellant in the death penalty case of The State v. Jerome Jenkins, Jr., which involves seven issues, to be filed with this Court this month. Counsel is lead counsel on this death penalty direct appeal, as well as the death penalty direct appeal of The State v. Timothy Ray Jones, Jr. Counsel is preparing to file a petition for rehearing in the case of The State v. Ricky Anthony Short with the Court of Appeals on Thursday, March 11, 2021. Counsel is also preparing to present at a WebEx juvenile law training -- Juvenile Appeals, Essentials for Juvenile Defense Practice -- CLE on the topic of Preserving the Trial Record for Appeal, and participate in a panel discussion on Friday, March 12, 2021. Counsel also must do evaluations for the twelve Appellate Defenders and his Chief Administrative Assistant this month and conclude them no later than March 31, 2021. Counsel had a WebEx oral argument before the Court of Appeals on Wednesday, March 3, 2021 in the murder case of The State v. Andre Nicholas Crawford. Counsel participated on the direct appeal panel at the 2021 Annual Criminal Practice in South Carolina program, led by Justice John Few, on Friday, February 26, 2021. Counsel filed the Brief of Petitioner in the murder case of The State v. Justin Jamal Warner with this Court on February 22, 2021. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Lee Anthony Corley with the Court of Appeals on February 12, 2021, with co-counsel Adam Ruffin. Counsel had a WebEx oral

argument before the Court of Appeals on February 10, 2021 in the murder case of The State v. Gregg Pickrell. Counsel filed the 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 murder 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 murder case of The State v. Nick Russell Evangelista. In addition, 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. 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. In addition, counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, thirteen (13) evaluations due this month as referenced above, and management of the work from home personnel during this COVID-19 pandemic.

Co-counsel Susan Barber Hackett

3. The South Carolina Commission on Indigent Defense plans to publish a book to assist attorneys appointed in abuse and neglect cases. As part of that effort, counsel has been working on a chapter in the book on the ethical duties of attorneys appointed to represent parents in abuse and neglect cases, which is due on March 15, 2021. Counsel is also preparing to speak

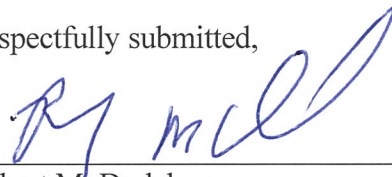
at the Juvenile Appeals, Essentials for Juvenile Defense Practice CLE on the topic of Supersedeas, A Writ of Habeas Corpus and Other Remedies on March 12, 2021. Counsel is also preparing a petition for writ of certiorari in State v. Tyrone Wallace, Jr., in light of the recent denial of the petition for rehearing by the Court of Appeals. On February 5, 2021, counsel attended a meeting of the South Carolina Bar's Practice and Procedure Committee. 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 this 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.

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 March 31, 2021. That extended, emailed general consent was dated February 25, 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 March 5, 2021 until April 5, 2021**, in which to file the petition for writ of certiorari and accompanying appendix. No other extensions will be requested in this case, other than for very serious illness on the part of counsel, which is unexpected. 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.

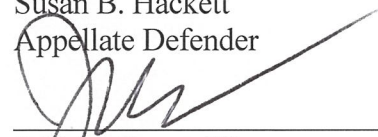
Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Susan B. Hackett  
Appellate Defender



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

March 5, 2021