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May 07 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Newberry County

Casey L. Manning, Circuit Court Judge

MANUEL S. HERNANDEZ,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-001080

RETURN TO MOTION FOR APPOINTMENT OF COUNSEL AND CERTIFIED
INTERPRETER

This matter comes before the Court on Manuel S. Hernandez's *pro se* Motion for Appointment of Counsel and Certified Interpreter. On April 27, 2021, this Court ordered undersigned counsel to file the instant return.

1. At Mr. Hernandez's guilty plea, his attorney told the court that Mr. Hernandez spoke "Some English but needs a translator, Your Honor." The plea judge then placed an interpreter under oath. App. 3, l. 18 – 4, l. 3.
2. Mr. Hernandez also had an interpreter at his PCR hearing. App. 43, l. 18 – 23.
3. In a prior case before this Court, State v. Carlos Robert Lopez, Appellate Case No. 2014-000828, an Anders brief was filed and a request for an interpreter was made to the Court.

Counsel for Mr. Lopez obtained an interpreter and visited Mr. Lopez at the prison and explained the Anders procedure and answered questions about the case. Counsel then filed a report on the visit to this Court.

4. Because this case is similar in that counsel has filed a petition indicating the case has no merit and Mr. Hernandez has the right to file *pro se* documents under the procedure established in Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), counsel suggests that the same solution utilized in the Lopez case be followed here. Counsel has identified an interpreter from the Court's list who is willing to travel to the Kershaw prison.
5. Counsel would request thirty (30) days in which to arrange a meeting at the prison with Mr. Hernandez and the interpreter and to make his report to the Court. After counsel makes a report to the Court, then other measures, if needed, can be taken.
6. Counsel takes no position on Mr. Hernandez's request for appointment of counsel and leaves that to this Court's discretion.

RESPECTFULLY SUBMITTED,

s/David Alexander
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

May 7, 2021.

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Return to Motion for Appointment of Counsel and Certified Interpreter in the above-referenced case has been served Brianna L. Schill, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and Manuel S. Hernandez, #363633, Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 7th day of May, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER