

RECEIVED

May 28 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

REPORT OF COUNSEL IN JOHNSON APPEAL FOR
SPANISH-SPEAKING PETITIONER

1. Counsel for petitioner Manuel S. Hernandez filed a petition for writ of certiorari pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).
2. Petitioner does not speak English. Petitioner speaks Spanish.
3. On May 25, 2021, counsel met with petitioner at Kershaw Correctional Institution.
4. Counsel used an interpreter from the list maintained by Court Administration, Carlos Harris, during this meeting, which lasted approximately one hour.
5. Counsel thoroughly explained the Johnson procedure and petitioner's right to submit a *pro se* filing. Counsel also answered petitioner's questions about the legal issues in petitioner's

case. Counsel also explained post-conviction procedures, including but not limited to appellate procedure.

6. Counsel answered all of petitioner's questions to the best of his ability.
7. Petitioner previously filed a *pro se* memorandum under the Johnson procedure, but Petitioner asked Counsel to request from the Court thirty (30) days from May 25, 2021, for petitioner to submit an additional *pro se* filing. Counsel explained to petitioner that time is of the essence and appreciates the Court's consideration of petitioner's request. Counsel contacted Brianna Schill, Esq., who represents the State in this matter, and she advised that the State takes no position on petitioner's request to submit an additional *pro se* memorandum.

RESPECTFULLY SUBMITTED,

s/David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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(803) 734-1330

ATTORNEY FOR PETITIONER

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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 Report of Counsel in Johnson Appeal for Spanish-Speaking Petitioner 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 28th day of May, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER