

RECEIVED

Aug 05 2021

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

Certiorari to the Spartanburg County Court of Common Pleas
The Honorable J. Derham Cole, Circuit Court Judge

ANDRES ANTONIO TORRES,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2020-000842

**MOTION FOR FOURTH EXTENSION
OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. Counsel for Petitioner, Robert M. Dudek, Esquire and Susan B. Hackett, Esquire have graciously consented to all extension requests up to and including August 31, 2021. In support of this motion, counsel would respectfully show the Court the following:

The Return to Petition for Writ of Certiorari is due be served and filed on or before August 6, 2021 as per this Court's Order dated July 7, 2021 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of matters to

attend since July 7, 2021 which include, among various other matters, the following major work projects.

1. In the last thirty days, undersigned counsel, Melody J. Brown, prepared and filed in the South Carolina Court of Appeals a return to petition for rehearing in a non-capital murder direct appeal (*Jon Smart, filed August 2, 2021*); prepared and filed in the District Court a response to motion to lift stay and request for status conference in a capital federal habeas action (*Stephen Corey Bryant, filed July 30, 2021*); prepared and filed in this Court a State's petition for writ of certiorari in a non-capital murder resentencing appeal (*Eric Morgan, filed July 26, 2021*); consulted with opposing counsel for a joint status report in another capital federal habeas action (*Bobby Wayne Stone, filed July 9, 2021*); prepared and filed in District Court a response to motion for extension of time to file appeal in a non-capital federal habeas action (*Eugene Thomas, filed July 8, 2021*); and, prepared, and presented to the state circuit court judge, several proposed modifications to an order denying a motion to dismiss in a capital state post-conviction relief action (*Bayan Aleksey, submitted July 7, 2021*). Additionally, counsel is presently preparing for a capital post-conviction relief hearing scheduled to begin next week in York County (*James Robertson, hearing set for week of August 9, 2021*).

2. Counsel has had insufficient time to properly complete the return in this action. However, counsel has associated another attorney to help complete the return. Co-counsel, Julianna E. Battenfield, in addition to working on this return, has prepared and filed in the South Carolina Court of Appeals an Initial Brief of Respondent and Designation of Matter in a non-capital murder direct appeal (*Kierin Dennis, filed July 7, 2021*); prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in a non-capital federal habeas action (*Danielle Peay, filed July 12, 2021*); prepared and filed the Return and

Memorandum of Law in Support of Motion for Summary Judgment in a non-capital federal habeas action (*Izell Hair*, filed July 20, 2021).

3. To be sure, even with the workload cited, counsel has made substantial progress on the review of the voluminous record and consideration of the questions presented. Counsel has made substantial progress on several portions of the return. After completion of the capital PCR hearing, counsel intends to focus a great amount of time and effort to complete the return so that the return may be completed and filed within the time requested herein. However, at this time, counsel jointly request an extension of time to properly complete, serve and file the Return to Petition for Writ of Certiorari.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Return to Petition for Writ of Certiorari up to and including September 7, 2021. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

JULIANNA E. BATTENFIELD
Assistant Attorney General
S.C. Bar No. 103135

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

