

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

J. Derham Cole, Circuit Court Judge

RECEIVED

Oct 18 2021

S.C. SUPREME COURT

ANDRES ANTONIO TORRES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-000842

MOTION FOR AN EXTENSION OF TIME
TO FILE THE REPLY TO RETURN
TO PETITION FOR WRIT OF CERTIORARI

Counsel for Andres Antonio Torres respectfully requests a **fourth and final extension of ten (10) days from October 18, 2021 until October 28, 2021**, in which to file the reply to return to petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The reply to return to petition for writ of certiorari is due to be served and filed with the Court today, October 18, 2021.

2. Counsel for Andres Antonio Torres respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Appellate defender Susan Hackett is co-counsel on this case and has a very busy workload, as well. Given

the number of extensions previously granted and the order in which counsel attempts to manage their caseloads, counsel hopes that no further extension requests will be required.

3. Counsel is working on the brief of petitioner in the case of The State v. Stewart Jerome Middleton and the return to petition for writ of certiorari in the case of The State v. John Ernest Perry, both to be filed with this Court on this Thursday, October 21, 2021. Counsel is preparing for oral argument in the death penalty case of The State v. Timothy Ray Jones, Jr., which is to be held before this Court on November 9, 2021. Counsel had an oral argument before this Court on October 12, 2021, in the death penalty case of The State v. Jerome Jenkins, Jr. Counsel filed the initial reply brief of appellant in the case of In the Interest of Dante M., A Juvenile Under the Age of Seventeen with the Court of Appeals on October 7, 2021. Counsel presented the Case Law Update PowerPoint presentation at the Annual Public Defender Conference, which was held in Myrtle Beach, South Carolina, on September 27-29, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Randall M. Simpson v. The State with this Court on September 24, 2021. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. William C. (Billy) Sellers with this Court on September 14, 2021. Counsel filed a Petition for Rehearing in the case of The State v. Robert Xavier Geter with the Court of Appeals on September 2, 2021. Counsel filed the initial reply brief of appellant in the case of The State v. Kierin Marcellus Dennis with the Court of Appeals on August 19, 2021 with co-counsel Adam Ruffin and Lara Caudy. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

Co-counsel Susan B. Hackett

Counsel had an oral argument in the case of The State v. Philip David Guderyon with Court of Appeals on October 12, 2021. Counsel filed the petition for writ of certiorari to the Court of

Appeals and supplemental appendix in the case of Randal Benton v. State in the Supreme Court on October 4, 2021. Counsel attended the South Carolina Public Defender Association's Annual Conference on September 27-29, 2021. During the conference, counsel presented on the topic of Practical Ethical Issues Impacting Defense Counsel. Counsel represented an applicant during an evidentiary hearing for a post-conviction relief matter in Kinjta Sadler v. State conducted via WebEx on September 14, 2021. Counsel filed the petition for writ of certiorari to the Court of Appeals and supplemental appendix in the case of State v. Robert Lee Miller in the Supreme Court on September 9, 2021. Counsel filed the brief of petitioner and appendix in the case of State v. Ronald Hakeem Mack in the Supreme Court on September 7, 2021. Counsel filed the brief of petitioner and appendix in the case of State v. Sidney Moorer in the Supreme Court on September 2, 2021. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Travis A. Polite v. State in the Supreme Court on August 27, 2021. Counsel filed a petition for rehearing in the case of Randal Benton v. State in the Court of Appeals on August 19, 2021.

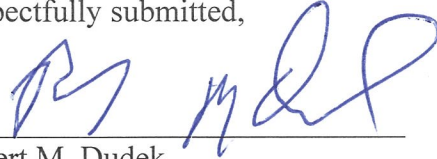
4. Counsel makes this request in good faith and not for purpose of delay.

5. 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 October 31, 2021. That extended, emailed general consent was dated September 30, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final ten (10) day extension from October 18, 2021 until October 28, 2021**, in which to file the reply to return to petition for writ of certiorari in this case based upon the above exigent circumstances.

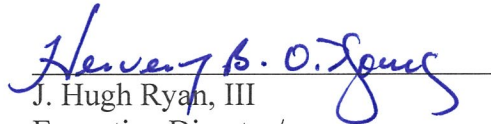
Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

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

This 18th day of October, 2021.