

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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ANDRES ANTONIO TORRES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-000842  
\_\_\_\_\_

PETITION TO EXCEED FIFTEEN-PAGE  
LIMIT FOR A REPLY TO A RETURN TO A  
PETITION FOR A WRIT OF CERTIORARI  
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The undersigned counsel would respectfully request an order allowing him to file a reply to the state’s return to his petition for writ of certiorari in this case in excess of the fifteen-page limit imposed by Rule 243(h), SCACR. In support of this motion, counsel would respectfully show the Court:

1. The reply to return to petition for a writ of certiorari in this death penalty case is due on Thursday, October 28, 2021.

2. Petitioner filed a ninety-five (95) page petition for writ of certiorari with this Court on April 5, 2021. The eleven-volume appendix in this case is in excess of five thousand, three hundred (5,300) pages. Additionally, there is one supplemental appendix. Petitioner raised four very meritorious issues in his petition for writ of certiorari.

3. The state filed a forty-four (44) page return to the petition for writ of certiorari with this Court on September 7, 2021.

4. The undersigned counsel and co-counsel Susan Barber Hackett are working on the reply to the return to the petition for writ of certiorari. Counsel respectfully cannot meaningfully reply to the state's return in the fifteen-page limit imposed by Rule 243(h), SCACR.

5. Consequently, counsel respectfully moves that this Court allow him to file a reply to the return not in excess of thirty (30) pages. Counsel will make every effort for brevity, and hopefully will be short of the thirty (30) page limit in the final analysis.

6. Counsel has been advised that opposing counsel, Donald J. Zelenka, of the Office of the Attorney General, does not oppose this request.

WHEREFORE, undersigned counsel would respectfully request an order from this Court granting him the right to exceed the fifteen-page limit of Rule 243(h), SCACR. Counsel would also request that the order grant him the right to file a reply in this death penalty case not in excess of thirty (30) pages.

Respectfully submitted,

s/Robert M. Dudek  
Robert M. Dudek  
Chief Appellate Defender

Susan B. Hackett  
Appellate Defender

ATTORNEYS FOR PETITIONER

This 22nd day of October, 2021.