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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Petition for Writ of Certiorari to Richland County  
Honorable Michael S. Holt, Post-Conviction Relief Judge

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Appellate Case No. 2023-001269

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State of South Carolina,

Petitioner,

v.

Emmanuel B. Elleby, SCDC #275057,

Respondent.

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**MOTION FOR A SECOND EXTENSION OF TIME TO SERVE  
AND FILE THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

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Counsel for Petitioner respectfully requests an extension of thirty (30) days in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the South Carolina Supreme Court Order dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows;

1. The Petition for Writ of Certiorari and Appendix is due to be served and filed with the Court today.
2. Counsel for Petitioner respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his heavy caseload, counsel hopes that no further extension requests will be required.

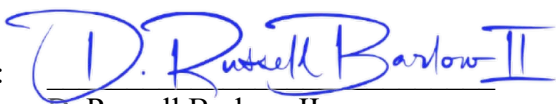
3. Counsel had a term of court on September 11 – 15, 2023, in the Fifth Judicial Circuit, in which Counsel is preparing orders.
4. Counsel had a term of court on October 30 – November 3, 2023, in the Twelfth Judicial Circuit, in which Counsel is preparing orders.
5. Counsel currently has two returns to petition for writ of certiorari that are due this month with the Court, and Counsel is diligently working to complete those in a timely manner.
6. In the last month, Counsel has had eleven PCR filings due with the lower courts in the Fifth, Sixth, and Twelfth Judicial Circuits.
7. This extension request is made in good faith and not intended for delay, but rather due to counsel's heavy workload and to ensure the return is properly researched and prepared.
8. Opposing counsel has graciously consented to this request via email and inter-agency agreement.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances.

Respectfully submitted,

ALAN WILSON  
Attorney General

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November 8, 2023

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