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Jan 08 2024

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 FOURTH EXTENSION OF TIME TO SERVE  
AND FILE THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

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Counsel for Petitioner respectfully moves for a **fourth** and **final** 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 fourth 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, January 8, 2024.
2. Counsel for Petitioner respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. 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 December 18 – 22, 2023, in the Twelfth Judicial Circuit, in which Counsel is preparing orders.
4. Counsel has a term of court on January 8 – 12, 2024, in the Fifth Judicial Circuit, in which Counsel is currently prepping and having hearings.
5. Counsel has a term of court on January 22 – 26, 2024, in the Twelfth Judicial Circuit, in which Counsel is currently prepping for those hearings.
6. Counsel has a term of court on February 19 – 23, 2024, in the Sixth Judicial Circuit, in which Counsel is currently prepping for that term.
7. In the last month, Counsel has had multiple PCR filings due with the lower courts in the Fifth, Sixth, and Twelfth Judicial Circuits.
8. 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.
9. Opposing counsel has graciously consented to this request via email.

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.

**|SIGNATURE PAGE FOLLOWS|**

Respectfully submitted,

ALAN WILSON  
Attorney General

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Assistant Attorney General

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I have reviewed and approved this extension request.

By:   
Donald J. Zelenka  
Deputy Attorney General

January 8, 2024