

**RECEIVED**

**Aug 09 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chesterfield County  
Michael S. Holt, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

RAEKWON MALIK ELLERBE,

APPELLANT

APPELLATE CASE NO. 2023-001563

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Raekwon Malik Ellerbe respectfully requests a thirty (30) day extension from August 9, 2024 until September 9, 2024, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of

Steven Levon Williams v. The State with the Supreme Court on July 31, 2024. Counsel filed the Brief of Petitioner in the case of Ronnie C. Swofford v. The State with this Court on July 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Travontae Mitchell with this Court on July 17, 2024. Counsel filed the Petition for Writ of Certiorari, the Brief of Appellant Pursuant to *White v. State*, and the Appendix in the case of Gerald Akeem Gadsden v. The State with the Supreme Court on July 8, 2024. Counsel filed the Brief of Petitioner in the case of Maurice Roberts v. The State with this Court on June 27, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Morgan Dayle Carr with this Court on June 21, 2024. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of Brittnay C. Foster v. The State with the Supreme Court on June 3, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Montre D. Brown v. The State with the Supreme Court on May 31, 2024.

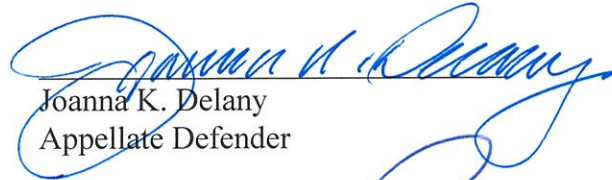
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

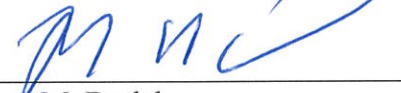
4. On July 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from August 9, 2024 until September 9, 2024. Counsel respectfully requests that the time limits

for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
Joanna K. Delany  
Appellate Defender

  
Robert M. Dudek  
Chief Appellate Defender

This 9th day of August, 2024.

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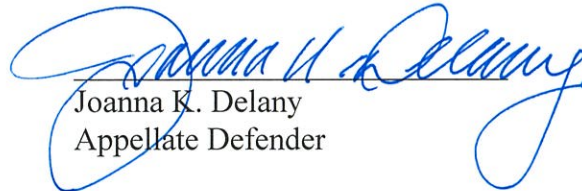
APPELLATE CASE NO. 2023-001563

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of August, 2024.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [SC - BROWN MELODY](#)  
**Cc:** [Delany, Joanna](#); [Angela Brown](#)  
**Subject:** 2023-001563 The State v. Raekwon Malik Ellerbe  
**Date:** Friday, August 9, 2024 2:37:00 PM  
**Attachments:** [2023-001563 The State v. Raekwon Malik Ellerbe Third Motion for Extension.pdf](#)

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Good Afternoon,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, August 9, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330