

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2024-001477

**RECEIVED**

**Aug 13 2025**

**SC Court of Appeals**

THE STATE,

Respondent,

v.

DAJON MALIK LAVERN GRATE,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH TO SERVE AND  
FILE THE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to three previous extensions granted by the Court.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a fourth extension in the above referenced appeal. Due to work required in other cases pending before this Court, the undersigned counsel is unable to complete this Brief on time. Since the last extension was granted in this matter, the undersigned counsel

has filed Final Briefs of Respondent in both *The State v. Tiffany Rebecca Owens* (2024-000085) and *The State v. Jason Shane Bishop* (2024-001476); and has filed a Petition for Writ of Certiorari and Appendix in *In the Interest of Khalid J.* (2022-000413). Therefore, Counsel requests an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in this case.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent requests that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General



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BRIAN H. GIBBS  
Assistant Attorney General  
S.C. Bar No. 104137

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Post Office Box 11549  
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**Attorneys for Respondent**

I have reviewed and approved this extension request.

By:   
MARK R. FARTHING  
Senior Assistant Deputy Attorney General

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

August 13, 2025

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THE STATE,

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Appellant.

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**PROOF OF SERVICE**

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I, Grace Sommer, certify that I have served the Motion for Extension of Time on Jordan M. Wayburn, Esquire, counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 13th day of August, 2025.



GRACE SOMMER  
Legal Assistant

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