

RECEIVED
Feb 13 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

IVINGTON DANIEL ALLEN,

APPELLANT.

APPELLATE CASE NO. 2022-000638

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

Counsel for Ivington Daniel Allen respectfully requests a **fourth and final thirty (30) day extension from February 13, 2023 until March 15, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for Ivington Daniel Allen 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 caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari and accompanying appendix for Matthew Benninger v. State with the Supreme Court on February 10, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Elijah Deshawn Whack with this Court on February 2, 2023. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Frederick Chappell with this Court on January 20, 2023. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of In the Matter of the Care and Treatment of Ronald MJ Gregg with the Supreme Court on January 20, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Breante Stevens with this Court on January 13, 2023. Counsel filed the petition for rehearing in the case of The State v. James Baldwin with this Court on December 22, 2022. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Mikah Green with this Court on December 16, 2022. Counsel filed the petition for rehearing in the case of The State v. Rashawn Vertez Carter with this Court on December 15, 2022.

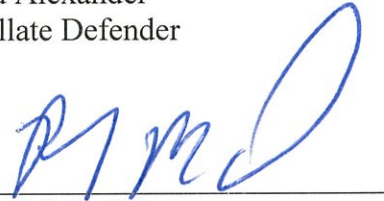
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

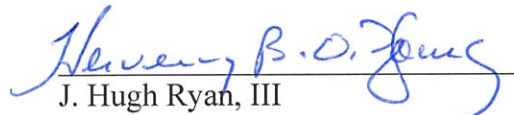
5. On February 1, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from February 13, 2023 until March 15, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,


David Alexander
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 13th day of February, 2023.

RECEIVED

Feb 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.


IVINGTON DANIEL ALLEN,

APPELLANT.

APPELLATE CASE NO. 2022-000638

CERTIFICATE OF SERVICE

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 13th day of February, 2023.


David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Alexander, David](#)
Subject: Allen, Ivington - 4th Request for Extension for Initial Brief of Appellant - 2022-000638
Date: Monday, February 13, 2023 10:55:00 AM
Attachments: [Allen, Ivington - 4th Request for Extension for Initial Brief of Appellant - 2022-000638.pdf](#)

Ms. Brown,

Please find attached for service the 4th Request for Extension for Initial Brief of Appellant and Designation of Matter for Ivington Allen's appeal which will be filed today with the Court of Appeals. Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330