

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Orangeburg County
Honorable Heath Taylor, Circuit Court Judge
Honorable Maite Murphy, Circuit Court Judge

RECEIVED
Sep 14 2026
SC Court of Appeals

THE STATE,

Respondent,

v.

TYLER JAMAL GIVENS

Appellant.

Appellate Case No. 2024-001995

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-reference case. Opposing counsel has consented to all extension requests through October 1, 2026. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, September 14, 2026, as per this Court's Order dated August 13, 2026 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since August 13, 2026. Counsel has done a substantial amount of research and work on this case and the following appeals: *State v. Ronnie Todd* (2025-001645); *State v. Kenneth Dawson* (2025-000114); and *State v. Ryan Woodruff* (2025-000101), as well as the following federal

matters: *Tyrone Ellison v. Warden of Lee Correctional Institution* (1:26-02076-SAC-MGB) and *Michael Gay v. Lee Correctional Institution* (5:25-14035-BHH-KDW). Undersigned counsel has also filed a Motion to Strike Designation of Matter in *State v. Michael Whitlock* (2025-001221) and a Motion to Dismiss in *Tyrone Ellison v. Warden Lee Correctional Institution* (1:26-02076-SAC-MGB).

Additionally, counsel has been receiving necessary medical treatment over the last several months that has limited her work hours.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

DANIELLE DIXON
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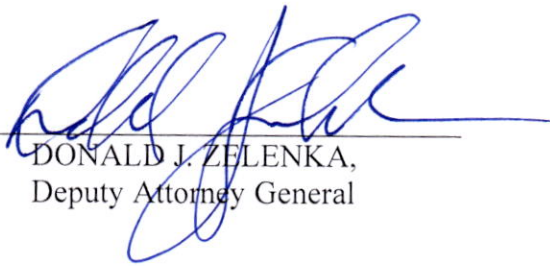
By: s/Danielle Dixon
Danielle Dixon

September 14, 2026

ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By: _____

A handwritten signature in blue ink, appearing to read 'Donald J. Zelenka', is written over a horizontal line. The signature is stylized with a large initial 'D' and 'Z'.

DONALD J. ZELENKA,
Deputy Attorney General

September 14, 2026

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PROOF OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Motion for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Gary H. Johnson, Esquire via email today, September 14, 2026 to gjohnson@sccid.sc.gov and his assistant Scott Leverett at sleverett@sccid.sc.gov.

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

This is the 14th day of September 2026.



Susan Spencer
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

From: [Susan Spencer](#)
To: gjohnson@sccid.sc.gov
Cc: [Danielle Dixon](#); [Leverett, Scott](#)
Subject: State v. Tyler Givens (2024-001995)
Date: Monday, September 14, 2026 2:59:00 PM
Attachments: [image001.png](#)
[Tyler Givens - Motion for Third Extension \(IBOR\).pdf](#)

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Good afternoon, Mr. Johnson,

Attached please find a motion for a third extension of time in which to serve and file the Initial Brief of Respondent and Designation of Matter in State v. Tyler Givens (2024-001995). This motion will be filed today with the Court of Appeals.

Thank you.

SUSAN SPENCER, Legal Assistant
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