

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

IVIVA PAIGE, Applicant

v.

PEOPLE OF THE STATE OF ILLINOIS, Respondent

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF ILLINOIS**

**To the Honorable Amy Coney Barrett
Justice of the United States and
Circuit Justice for the Seventh Circuit**

Steven A. Greenberg
Counsel of Record
GREENBERG TRIAL LAWYERS
53 W. Jackson St, Ste 315
Chicago IL 60604
(312) 879-9500
steve@greenbergcd.com

Applicant Iviva Paige, by and through her undersigned counsel, pursuant to Rule 13(5) of the Rules of this Court, requests an extension of time of sixty days, to and including February 27, 2023, for the filing of a Petition for a Writ of Certiorari to review the decision of the Illinois Appellate Court, First District, in *People v. Paige* 2022 IL App (1st) 200746-U, denial of Leave to Appeal dated September 28, 2022. A copy of the Appellate Court Order is attached as Exhibit A. The denial of a Petition for Leave to Appeal is attached as Exhibit B.

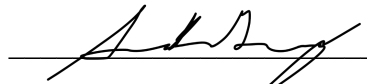
1. The jurisdiction of this Court is based on 28 U.S.C. § 1257(a).
2. The date within which a Petition for Writ of Certiorari would be due, if not extended, is December 27, 2022.
3. Applicant seeks review of the decision of the Illinois Appellate Court reversing on direct appeal the granting of her Petition for Post-Conviction Relief.
4. Applicant is on bond.
5. Applicant's counsel has three jury trials and numerous other matters scheduled. In addition, he will be travelling out of the country for a period of time in both November and December, he also has family visiting over the Thanksgiving week.
6. Applicant's counsel has had multiple other matters since the Appellate Court entered its decision that have required extensive preparation time, and court time.
7. Applicant's counsel works at a small firm consisting of only himself and one associate.

8. The issue in this case concerns whether Applicant was denied the right to effective assistance of counsel protected by the Sixth and Fourteenth Amendments, where her trial counsel failed to advise her concerning her decision whether to testify. He admitted as much at the post-conviction evidentiary hearing. The contemplated question is whether the trial court must ensure a waiver of the fundamental right to testify in a criminal case is knowingly and intelligently made. It is an area that this Court has not previously opined upon. “The variety in practice among the state courts and the various federal courts shows ... that there is no standard clearly established by the Supreme Court of the United States that is binding on all.” *Thompson*, 458 F. 3d at 619; *see also Arredondo*, 542 F. 3d at 1165; *Jenkins v. Bergeron*, 824 F. 3d at 148, 153 (1st Cir. 2016) (agreeing with our analysis and stating that “the Supreme Court has never articulated the standard for assessing whether a criminal defendant has validly waived his right to testify or determined who has the burden of production and proof under particular circumstances.”). *Hartsfield v. Dorethy*, 949 F. 3d 307, 316 (7th Cir.), *cert. denied*, 208 L. Ed. 3d 35, 141 s. Ct. 270 (2020).

9. Due to the complexity of the issue, the Petition will require extensive work by Applicant’s counsel.

WHEREFORE, Applicant Iviva Paige respectfully requests that this Honorable Court grant her Application for Extension of Time to File a Petition for Writ of Certiorari to the Supreme Court from the State of Illinois and allow Applicant an extension of time up to and including February 27, 2023, within which to file her Petition for Writ of Certiorari, and for any other relief this Court finds fair and just.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Greenberg', is written over a horizontal line.

Steven A. Greenberg
Counsel of Record
GREENBERG TRIAL LAWYERS
53 W. Jackson St, Ste 315
Chicago IL 60604
(312) 879-9500
steve@greenbergcd.com

November 28, 2022

PROOF OF SERVICE

Pursuant to the Rules of the Supreme Court of the United States, Rule 29, the undersigned certifies that the following document, *Application for Extension of Time to File a Petition for Writ of Certiorari to the Supreme Court from the State of Illinois*, was served via email and U.S. Mail on the following parties on November 1, 2022.

Mr. Kwame Raoul, Attorney General for the State of Illinois
Ms. Erin O’Connell, Supervising Attorney
Office of the Illinois Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
Erin.Oconnell@ilag.gov

Mr. Enrique Abraham, Cook County State’s Attorney
Cook County State’s Attorney’s Office
69 W. Washington St.,
Chicago, IL 60602
Enrique.abraham@cookcountyl.gov

By:

Steven A. Greenberg
Counsel of Record
GREENBERG TRIAL LAWYERS
53 W. Jackson St, Ste 315
Chicago IL 60604
(312) 879-9500
steve@greenbergcd.com

