

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES TOATLEY,

APPELLANT.

APPELLATE CASE NO. 2023-001059

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

Counsel for appellant respectfully requests a thirty (30) day extension, 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 will file the initial brief of appellant and designation of matter in the case of State v. Bradley Walker with the Court of Appeals today, March 4, 2024. Counsel represented petitioner in a PCR reconstruction hearing in the case of Jacoby Fields v. State via WebEx

hearing on February 26, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Nathaniel Hambleton v. State with the Supreme Court on February 22, 2024. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Frederick Jones v. State with the Supreme Court on February 12, 2024. Counsel represented petitioner in a PCR reconstruction hearing in the case of Jacoby Fields v. State via WebEx hearing on February 6, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antone B. Ellis Tremayne Blakely with the Court of Appeals on February 5, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of David Welch v. State with the Supreme Court on January 26, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Devante Lamont White with the Court of Appeals on January 16, 2024. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Christopher Shumpert with the Court of Appeals on January 16, 2024. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Tronahz J.S. Whittington with the Court of Appeals on December 15, 2023.

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.

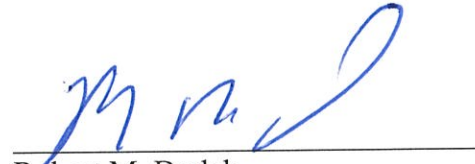
4. On February 28, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Breen R. Stevens", written over a horizontal line.

Breen R. Stevens
Appellate Defender

A handwritten signature in blue ink, appearing to read "Robert M. Dudek", written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 4th day of March, 2024.

RECEIVED

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SC Court of Appeals

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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 4th day of March, 2024.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Leverett, Scott](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Stevens, Breen](#)
Subject: James Toatley - Extension 3 - Appellate Case No. 2023-001059
Date: Monday, March 4, 2024 10:18:00 AM
Attachments: [James Toatley - Extension 3 - Appellate Case No. 2023-001059.pdf](#)

Dear Ms. Brown,

Attached please find a copy of the third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett