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Apr 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Richland County

Jocelyn J. Newman, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JAMES TOATLEY,

APPELLANT.

APPELLATE CASE NO. 2023-001059

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

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Counsel for appellant respectfully requests a **fourth and final thirty (30) day extension from April 3, 2024, until May 3, 2024**, 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 appellant 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 in the case of Heather Lawson v. State with the Supreme Court on March 28, 2024. Counsel filed a petition for rehearing in the case of State v. Sean Devon James with the Court of Appeals on March 21, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio L. Williams with the Court of Appeals on March 6, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bradley Walker with the Court of Appeals on 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 Hampleton 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.

4. On March 29, 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 April 30, 2024.

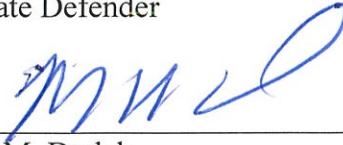
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from April 3, 2024, until May 3, 2024**, in which to serve and file the

Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

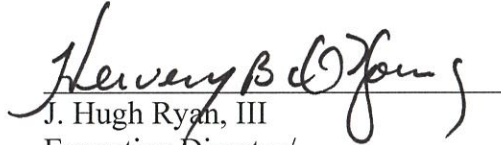
Respectfully submitted,



Breen R. Stevens  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender



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

This 3rd day of April, 2024.

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CERTIFICATE OF SERVICE

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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 3rd day of April, 2024.



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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 4 - Appellate Case No. 2023-001059  
**Date:** Wednesday, April 3, 2024 11:10:00 AM  
**Attachments:** [James Toatley - Extension 4 - Appellate Case No. 2023-001059.pdf](#)

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Dear Ms. Brown,

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

-Scott Leverett  
Admin. Asst. for Breen Stevens  
Appellate Defense