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Aug 12 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable Jocelyn Newman, Circuit Court Judge

THE STATE,

Respondent,

v.

JAMES JAMAL TOATLEY,

Appellant.

Appellate Case No. 2023-001059

**MOTION FOR 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 serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. This is a third such request. Opposing counsel has graciously consented to all extension requests through August 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

The Respondent's Initial Brief and Designation of matter are due today, August 12, 2024, according to this Court's Order dated July 15, 2024, granting Respondent's second extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since July 15, 2024. Notably, counsel has: prepared a return and motion to dismiss and proposed conditional order of dismissal in other non-capital PCR actions (*Keith Desue, July 15, 2024*); completed and file status reports in two capital case federal habeas actions (*James Robertson, July 15, 2024; Anthony Woods, July 15, 2024*); completed and filed in

the federal district court a response to motion to stay execution in a capital case (*Stephen Stanko, July 15, 2024*); drafted and submitted letter responses to additional authority letters in two PCR capital cases (*Timothy Jones, July 15, 2024; John Richard Wood, July 15, 2024*); participated in a status conference in another capital PCR case (*Alkebulanyahh v. State, July 15, 2024*); prepared and filed a Response to Show Cause in a federal habeas action (*Jerome Curry, July 31, 2024*); prepared and filed a pre-trial brief then participated in a capital PCR hearing held *July 17-18, 2024* in the Lexington County Courthouse on a claim of intellectual disability, and also prepared and submitted a short order for post-hearing briefing (*Gary Terry*); prepared for and participated in a status conference regarding a pending new trial motion after issuance of a South Carolina Supreme Court opinion restricting scope of the proceedings (*Charles Wakefield*); prepared and submitted a pre-trial brief then participated in another capital PCR hearing on a claim of intellectual disability held *July 30-31, 2024* (*Bobby Wayne Stone*); prepared and filed briefing in support of dismissal in a non-capital federal habeas corpus action (*Jerome Curry, July 31, 2024*); prepared and filed a status report in another non-capital federal habeas corpus action (*Carnie Norris, August 1, 2024*); consulted with opposing counsel and agreed to substitution of an exhibit for a murder direct appeal (*Kierin Dennis, completed August 2, 2024*); prepared and filed a notice regarding similar case/pending issues for a capital case Fourth Circuit Court of Appeals federal habeas corpus appeal (*Stephen Corey Bryant, August 2, 2024*); prepared and filed a reply to response in opposition to motion for summary judgment in a non-capital federal habeas corpus action (*Marion Frye, August 2, 2024*); reviewed and edited the final brief of respondent in a non-capital murder direct appeal (*Maurice Singleton, August 5, 2024*); and prepared and filed a Motion for Summary Judgment and Return and Memorandum to Motion in a non-capital federal habeas corpus action (*Curtis Elgin, August 5, 2024*). Further, counsel is currently working to

complete another return and motion for summary judgment in a federal habeas corpus action due to be filed tomorrow, August 13, 2024, (*Mark Blake, Jr.*); and an initial brief of respondent due to be filed Monday, August 19, (*Robert Belcher*), which is on a third extension with this Court.

Due to counsel's involvement in these and other matters pending in state and federal court and considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions and capital litigation, counsel has been 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 purposes of delay.

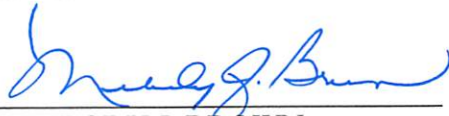
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

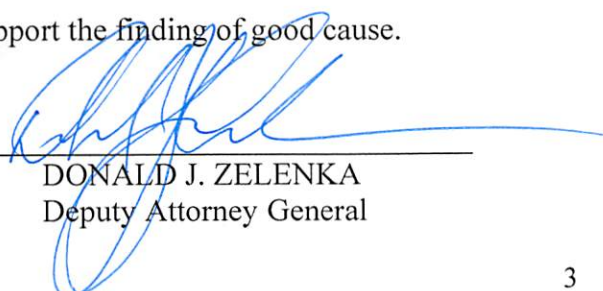
Post Office Box 11549
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(803) 734-6305

By: 

MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

August 12, 2024

I support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Certificate of Service has been forwarded to Appellant's counsel, David Alexander via email today, August 12, 2024 to Dalexander@sccid.sc.gov and to his assistant at SPollard@sccid.sc.gov.

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

This 12th day of August, 2024.

s/ Angela Brown

Angela Brown, Assistant to
Melody J. Brown
Senior Assistant Deputy Attorney General

From: [Angela Brown](#)
To: [DavidAlexander](#); [Pollard, Shelby](#)
Cc: [Melody Brown](#)
Subject: The State V. James Toatley (2023-001059)
Date: Monday, August 12, 2024 12:52:00 PM
Attachments: [Toatley, James - Motion for Extension to File IBOR - August 12, 2024 \(03661640xD2C78\).PDF](#)
[image001.png](#)

Mr. Alexander, please find attached the state's Motion for an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above referenced appeal. The motion will be electronically filed with the Court of Appeals on today's date.

Thank you,

Angela Bennett Brown, Administrative Coordinator II
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