

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**

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. Opposing counsel has graciously consented to all extension requests through September 30, 2024. 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 11, 2024, according to this Court’s Order dated August 13, 2024, granting Respondent’s third extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since August 12, 2024. Notably, counsel has: prepared and filed Motions for Summary Judgment and Returns and Memorandum to Motion in two non-capital federal habeas corpus actions (*Mark Blake, Jr., August 13, 2024* and *Derek Maner, September 9, 2024*); consulted with opposing counsel and prepared a brief status report via email in a capital PCR action (*Timothy Jones, August 12, 2024*); prepared and filed a Response in Opposition to

Motion for Relief from Final Judgment in a non-capital federal habeas corpus action (*Derrick Cheeks, August 15, 2024*); prepared and filed a Petition for Rehearing in a murder direct appeal (*Sebastian Kaisk, August 15, 2024*); prepared and filed a motion to hold time in abeyance for the return and further litigation in abeyance (pending determination of dismissal) in a federal habeas corpus action (*Jerome Curry, August 19, 2024*); prepared and filed a response in opposition to motion to direct or stay the issuance of execution dates at intervals of no less than 13 weeks (*Richard Moore et al., August 26, 2024*); prepared and filed an expedited¹ return to the petition to construe or clarify (power of attorney for election of execution method) (*Freddie Owens, August 28, 2024*); prepared and filed a reply to objections to report and recommendation in a federal habeas corpus action (*Odom Bryant, August 29, 2024*); prepared and filed a status report in a federal habeas corpus action (*Carnie Norris, August 30, 2024*); prepared and filed an expedited response in opposition to motion for stay of execution (*Freddie Owens, September 5, 2024*); and prepared and filed an expedited response in opposition to second motion to stay the execution and a return to the petition for writ of habeas corpus in the original jurisdiction of the Supreme Court (*Freddie Owens, September 11, 2024*). Counsel has also completed substantial work on a return in a capital federal habeas corpus action which is currently due, with a 15-day extension, on September 18, 2024 (*Andres Torres*).

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.

¹ Mr. Owens's execution is scheduled for Friday, September 20, 2024.

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

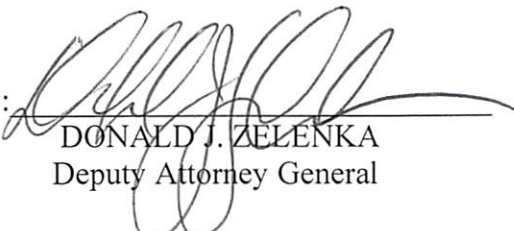
MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

September 11, 2024

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

RECEIVED

Sep 11 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

PROOF OF SERVICE

I 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, Esquire, via email today, September 11, 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 11th day of September, 2024.

s/ Angela Brown

Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

Angela Brown

To: DavidAlexander; Pollard, Shelby
Cc: Melody Brown
Subject: The State v. James Toatley (2023-001059)
Attachments: Toatley, James - Motion for Extension for IBOR.pdf

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

Thank you,
Angela Bennett Brown, Administrative Coordinator II
Office of the South Carolina Attorney General
Criminal Division | Office [803-734-0368](tel:803-734-0368) | Abennett@scag.gov
P.O. Box 11549 | Columbia, SC 29211



This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.