

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

Respondent,

v.

JAMES JAMAL TOATLEY,

Appellant.

Appellate Case No. 2023-001059

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**MOTION FOR SIXTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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Respondent, the State, through its undersigned counsel, would respectfully move for an extension of time in which to file the initial brief and designation of matter in the captioned direct appeal. In support of this motion, Respondent would respectfully show the Court:

1. The brief and designation are due to be served and filed today, November 12, 2024, pursuant to five previous extensions granted by the Court. Respondent moves for a **sixth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Counsel submits this extension request is supported by good cause and is not intended for purposes of simple delay for the following reasons:

2. Counsel is presently unable to complete work on this particular brief due to other obligations over the past thirty days, most notably in capital cases: prepared for a status conference, and subsequently drafted and submitted a memorandum of law for submission to the court in a capital PCR action (*Jerry Buck Inman, October 17 and 21, 2024*); prepared for and presented

argument in a motion hearing in a new trial motion in the Greenville County Courthouse (*Charles Wakefield, October 18, 2024*); prepared and filed a brief in opposition to a petition for writ of certiorari in the Supreme Court of the United States (*Richard Bernard Moore, October 22, 2024*); prepared and filed a status report in a non-capital federal habeas corpus case stayed for exhaustion of state court remedies (*Henry Dukes, October 25, 2024*); traveled to Richmond, Virginia, for argument in the Fourth Circuit Court of Appeals in a capital case on appeal from denial of federal habeas corpus relief (*Stephen Corey Bryant, October 27-29, 2024*); prepared and filed in the Supreme Court of the United States a response opposing an application for stay of execution (*Richard Bernard Moore, October 29, 2024*); aided in the drafting of a proposed order of dismissal in a non-capital PCR action and shared a copy of same with opposing counsel (*Clyde Davis, October 31, 2024*); completed final notices and matters in regard to the Moore execution (*Richard Bernard Moore, November 1, 2024*); and, completed with co-counsel, a post-hearing brief in a capital PCR case (*Ricky Blackwell, November 5, 2024*). Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court not so listed, and also considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, capital litigation, and Thirteenth Circuit PCR actions and appeals, counsel has been unable to timely review the matter for completion of the Initial Brief of Respondent and Designation of Matter. Counsel has, however, associated an attorney to work on the research and drafting in this matter. The undersigned will monitor the progress, as well.

3. Opposing counsel has graciously consented to all extension requests through November 30, 2024.

**WHEREFORE**, based on the foregoing, counsel respectfully requests an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted and to hold the matter in abeyance pending a ruling on Respondent's motion.


Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General


MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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Columbia, South Carolina 29211  
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By:   
MELODY J. BROWN  
S.C. Bar Number 14244  
ATTORNEYS FOR RESPONDENT

November 12, 2024

I have reviewed and approved this extension request.

BY:   
DONALD J. ZELENKA  
Deputy Attorney General

I have reviewed and approved this extension request.

BY: \_\_\_\_\_  
W. JEFFREY YOUNG  
Chief Deputy Attorney General

**RECEIVED**

**Nov 12 2024**

**SC Court of Appeals**

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**PROOF OF SERVICE**

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I, Brandy Rankin, certify I have served the Sixth Motion for Extension of Time to Serve and File the Initial Brief of Respondent and Designation of Matter by sending an electronic copy via email to the address listed in AIS for the following individual:

David Alexander, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211

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

This is the 12<sup>th</sup> day of November 2024.



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Brandy Rankin  
Legal Assistant  
Office of the Attorney General