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Feb 07 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES TOATLEY,

APPELLANT

APPELLATE CASE NO. 2023-001059

Motion to Supplement the Record on Appeal

Pursuant to Rule 212(b) counsel for Appellant James Toatley respectfully requests to supplement the Record on Appeal, pursuant to Rules 210(c) and (f), and Rule 212(b) of the South Carolina Appellate Court Rules. In support of this motion counsel shows the following:

1. The Record on Appeal was served and filed on January 16, 2025.
2. On January 31, 2025 it came to counsel's attention that the second pages of five separate indictments, which was included in Appellant's Designation of Matter filed on January 16, 2025, were inadvertently omitted from the Record on Appeal.
3. Counsel now moves to supplement the Record on Appeal pursuant to Rules 210(c) and (f), and Rule 212(b) of the South Carolina Appellate Court Rules, to include:

- a. The following five (5) indictments in their entirety: No. 2021GS4004725; No. 2021GS4004737; No. 2021GS4004738; No. 2021GS4004739 and No. 2021GS4004740.
4. Counsel moves to file a supplemental record on appeal, submitted to the Court on February 4, 2025, and attached hereto, to include all pages of the indictments listed above and included in the designation of matter filed on January 16, 2025.
5. Counsel makes this request in good faith and not for purpose of delay.

Counsel respectfully requests this Court to allow the Record on Appeal to be supplemented with all pages of the indictments and filed simultaneously with this motion based on the above circumstances.

Respectfully submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

Attorney for Appellant

ATTACHMENT

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Feb 04 2025

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES TOATLEY,

APPELLANT

APPELLATE CASE NO. 2023-001059

SUPPLEMENTAL RECORD ON APPEAL

DAVID ALEXANDER
Deputy Chief Attorney for Capital Appeals

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

ATTORNEY FOR APPELLANT

MELODY J. BROWN
Senior Assistant Deputy Attorney General
PO Box 11549
Columbia, SC 29211-1549
(803) 734-6305

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit
1701 Main Street, Third Floor
Columbia, SC 29202

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

INDICTMENTS 1

CERTIFICATE OF COUNSEL 11

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE EXHIBIT #10 (CH. 5 VIDEO CLIP 1; CH. 5 VIDEO CLIP 2; CHANNEL 1) AND
 STATE’S EXHIBIT #14 (CH. 4 CLIP 1, CH. 4 CLIP 2, CH. 4 CLIP 3, CH. 6 CLIP 2, CH.
 6 CLIP 3, CH. 13 CLIP 1, CH. 13 CLIP 2)**

WITNESSES

(S) Kevin S Isenhoward
- Richland County Sheriff Dept

DOCKET NO. 2021GS4004725

The State of South Carolina

County of

Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2020A4010206084

COURT OF GENERAL SESSIONS

November TERM 2021

102

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

THE STATE vs.

James Jamal Toatley

TRUE BILL

[Signature]

Foreperson of Grand Jury NOV 17 2021
Date:

VERDICT

Guilty

[Signature]

Foreperson of Petit Jury
Date: 6-27-2023

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

SCANNED

SCANNED

DOCKET NO. 2021GS4004737

WITNESSES

(S) Kevin S Isenhoward
- Richland County Sheriff Dept

The State of South Carolina

County of

Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

November TERM 2021

102

ARREST WARRANT NUMBER

2020A4010206085

Defendant

THE STATE vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

James Jamal Toatley

[Signature]
Foreperson of Grand Jury

NOV 17 2021

Date:

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date: 6-27-2023

Indictment for MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

SCANNED

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on October 12, 2021, the Grand Jurors of Richland County present upon their oath:

MURDER

That James Jamal Toatley did in Richland County, on or about December ~~20~~¹⁹, 2020, kill the victim, Curtis Dinkins, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

DOCKET NO. 2021GS4004738

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

November TERM 2021

102

THE STATE vs.

James Jamal Toatley

WITNESSES

(S) Kevin S Isenhoward
- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2020A4010206088

ACTION OF GRAND JURY

TRUE BILL

Kevin S Isenhoward
Foreperson of Grand Jury

Date: NOV 17 2021

VERDICT

Guilty

DeRay Copeland
6-27-2021
Foreperson of Petit Jury

Date: 6-27-2021

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for WEAPONS / POSS. WEAPON DURING VIOLENT CRIME, IF NOT ALSO SENTENCED TO LIFE WITHOUT PAROLE OR DEATH

SC Code: 16-23-0490
CDR Code: 0549

SCANNED

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on October 12, 2021, the Grand Jurors of Richland County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That James Jamal Toatley did in Richland County, on or about December ^{and} 17 ~~20~~, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Kevin S Isenhoward
-- Richland County Sheriff Dept

DOCKET NO. 2021GS4004739

The State of South Carolina

County of

Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C.; PLS. AND G.S.

ARREST WARRANT NUMBER

2020A4010206090

COURT OF GENERAL SESSIONS

November TERM 2021

102

THE STATE
vs.

ACTION OF GRAND JURY

TRUE BILL

James Jamal Toatley

Foreperson of Grand Jury NOV 17 2021

Date:

VERDICT

Not Guilty

Indictment for
ATTEMPTED MURDER

SC Code: 16-03-0029
CDR Code: 3410

Foreperson of Petit Jury

Date:

Kevin S Isenhoward
16-27-2023

SCANNED

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

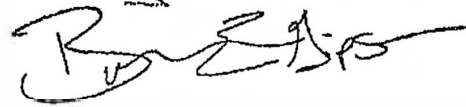
INDICTMENT

At a Court of General Sessions, convened on October 12, 2021, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That James Jamal Toatley did in Richland County on or about December 19, 2020, did with the intent to kill, attempt to kill Jameka Bethel with malice aforethought, either expressed or implied. All in violation of SC Code of Laws § 16-3-29 (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Kevin S Isenhoward
- Richland County Sheriff Dept

DOCKET NO. 2021GS4004740

The State of South Carolina

County of

Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

COURT OF GENERAL SESSIONS

November TERM 2021

102

THE STATE
vs.

James Jamal Toatley

ARREST WARRANT NUMBER

2020A4010206091

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: NOV 17 2021

VERDICT

Guilty

Kevin S Isenhoward
Richland County Sheriff Dept

Foreperson of Petit Jury
Date: 6-27-2023

Indictment for
ATTEMPTED MURDER

SC Code: 16-03-0029
CDR Code: 3410

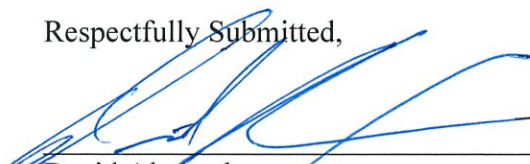
SCANNED

SCANNED

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

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SC Court of Appeals

This 4th day of February, 2025.

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

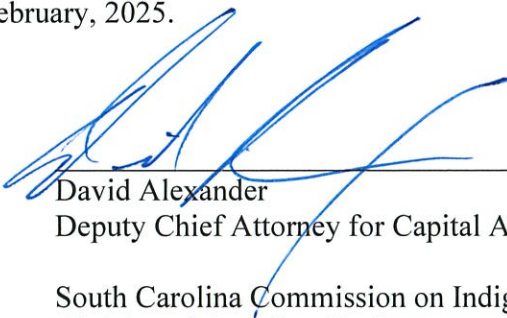
JAMES TOATLEY,

APPELLANT

APPELLATE CASE NO. 2023-001059

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Supplemental Record on Appeal 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 February, 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY](#); susanspencer@scag.gov
Cc: [Alexander, David](#)
Subject: 2023-001059 - James Toatley - Supplemental Record on Appeal
Date: Tuesday, February 4, 2025 5:19:00 PM
Attachments: [2023-001059 - James Toatley - Supplemental Record on Appeal.pdf](#)

Ms. Brown,

Please find attached for service the Supplemental Record on Appeal for James Toatley's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES TOATLEY,

APPELLANT

APPELLATE CASE NO. 2023-001059

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 to Supplement the Record on Appeal 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 7th day of February, 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY](#); [Angela Brown](#)
Cc: [Alexander, David](#)
Subject: 2023-001059 - James Toatley - Motion to Supplement Record on Appeal
Date: Friday, February 7, 2025 10:51:00 AM
Attachments: [2023-001059 - James Toatley - Motion to Supplement Record on Appeal.pdf](#)

Ms. Brown,

Please find attached for service the Motion to Supplemental Record on Appeal for James Toatley's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330