

**RECEIVED**  
**Feb 13 2026**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

---

THE STATE,

RESPONDENT,

v.

TOBY KHAN ARMSTRONG,

APPELLANT

APPELLATE CASE NO. 2025-000718

---

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

---

Counsel for Toby Armstrong respectfully requests a thirty (30) day extension from February 13, 2026, until March 16, 2026, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of James Lee McCoy, II v. The State with the Supreme Court on January 23, 2026. Counsel

filed the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Corey T. Busch with the Supreme Court and Court of Appeals on January 20, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Trampas Prater with the Court of Appeals on January 16, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Samantha Gwen Watts with the Court of Appeals on January 9, 2026. Counsel will file the Initial Brief of Appellant and Designation of Matter in the case of The State v. John Blauvelt with the Court of Appeals on January 7, 2026. Counsel filed the Record on Appeal in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 18, 2025. Counsel filed the Anders Brief of Appellant in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 17, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Jesse Broughton with the Court of Appeals on November 25, 2025. Counsel appeared for Oral Argument in the case of The State v. Gabriel Curry before the Court of Appeals on November 4, 2025. Counsel filed the Brief of Petitioner in the case of Jason R. Franks v. State with the Court of Appeals on October 27, 2025.

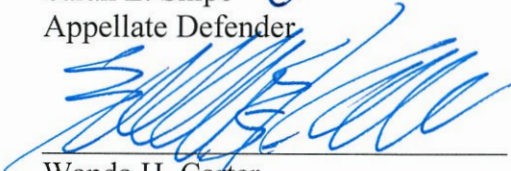
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On February 3, 2026, 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 March 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from February 13, 2026, until March 16, 2026. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

  
\_\_\_\_\_  
Wanda H. Carter  
Chief Appellate Defender

This 13th day of February, 2026.

**RECEIVED**

**Feb 13 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

TOBY KHAN ARMSTRONG,

APPELLANT

APPELLATE CASE NO. 2025-000718  
\_\_\_\_\_

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 for Extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of February, 2026.

  
\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

ATTORNEY FOR APPELLANT

**Bast, Daniel**

---

**From:** Bast, Daniel  
**Sent:** Friday, February 13, 2026 8:58 AM  
**To:** mfarthing@scag.gov  
**Cc:** Shipe, Sarah; ccollins@scag.gov  
**Subject:** 2025-000718 - The State v. Toby Khan Armstrong  
**Attachments:** 2025-000718 - The State v. Toby Khan Armstrong - Third Extension Request.pdf

Good morning,

Attached is a copy of a third extension request in the above referenced case which will be filed today, February 13, 2026, with the Court of Appeals.

All the best,

Daniel Bast  
Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1330

**RECEIVED**  
**Feb 13 2026**  
**SC Court of Appeals**