

RECEIVED
Mar 16 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 **fourth and final thirty (30) day extension from March 16, 2026, until April 15, 2026**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.

2. Counsel for Toby Armstrong respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.


3. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Derrick Edward Gathers with the Court of Appeals on March 11, 2026. Counsel filed the Record on Appeal and Final Brief of Appellant in the case of The State v. Mustafa A. Salaam with the Court of Appeals on March 9, 2026. Counsel filed the Petition for Rehearing in the case of Erick E. Wells v. The State with the Court of Appeals on March 5, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Devonte T. Major v. The State with the Supreme Court on February 20, 2026. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Mark S. Wingo v. The State with the Supreme Court on February 13, 2026. 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.

4. Counsel makes this request in good faith and not for purpose 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.

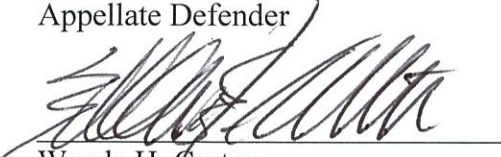
5. On February 26, 2026, opposing counsel, the Attorney General’s Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from March 16, 2026, until April 15, 2026**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

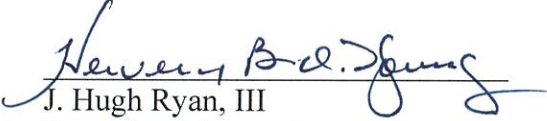
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Wanda H. Carter
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 16th day of March, 2026.

RECEIVED

Mar 16 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 16th day of March, 2026.

Lara McCandy for:

Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

Bast, Daniel

From: Bast, Daniel
Sent: Monday, March 16, 2026 9:07 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 - Fourth Extension Request.pdf

Good morning,

Attached is a copy of a fourth extension request in the above referenced case which will be filed today, March 16, 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
Mar 16 2026
SC Court of Appeals