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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Edward W. Miller, Circuit Court Judge

Appellate Case No: 2025-000718

THE STATE,

Respondent,

vs.

TOBY KHAN ARMSTRONG,

Appellant.

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

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to three previous extensions granted by the Court.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a fourth extension in the above referenced appeal. Due to work required in other cases pending before this Court, the undersigned counsel is unable to complete this Brief on time. Since the last extension was granted in this matter, the undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in The

State v. Mercury Lamont Williamson (2024001309); has filed a Petition for Rehearing in the Court of Appeals in The State v. Nevelle Joshua Eberhart (2023-000234); has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in Derrick Miller v. State of South Carolina (2026-001610); and has filed a Final Brief of Respondent in the Court of Appeals in The State v. Anthony Nathaniel Drayton (2025-001070). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

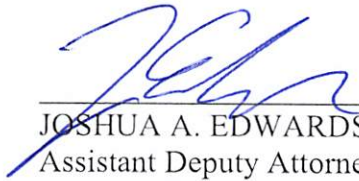
III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General



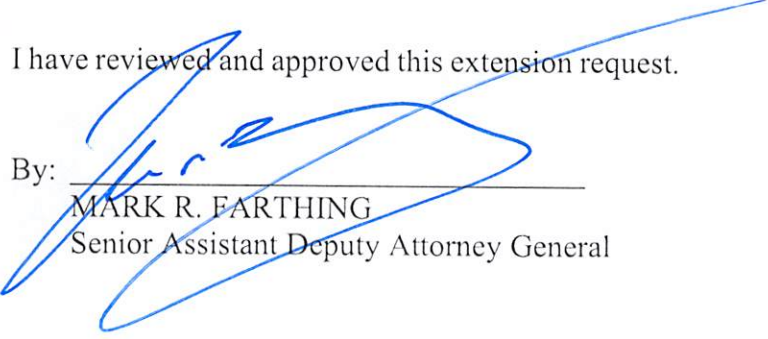
JOSHUA A. EDWARDS
Assistant Deputy Attorney General
S. C. Bar No: 101188

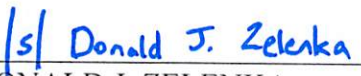
Office of the Attorney General
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ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By: 
MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 
DONALD J. ZELENKA
Deputy Attorney General

August 7, 2026

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on Sarah E. Shipe, Esquire, counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 7th day of August, 2026.



GRACE SOMMER
Administrative Support Manager

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