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Nov 17 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case No. 2023-000231

THE STATE,

Respondent.

vs.

BRYAN PRESTON COOPER,

Appellant.

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

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on November 17, 2023.

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 State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier this week, the undersigned filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v.

Terry Shaimmek Tyler and participated in oral argument at the Court of Appeals in George Moses v. State. Additionally, in the past few weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Gregg Pickrell, State v. Mutekis Jamar Williams, and United States of America v. Patrick Fitzgerald Clemons; has participated in oral argument at the Court of Appeals in State v. Jeremiah DiCapua; has filed a Petition for Rehearing in the Supreme Court in State v. Corey Jermaine Brown; has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in Gabriel Rios v. State; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Jeffery Keyon Timothy Griffin, State v. Osman Uvaldo Jimenez Benitez, and State v. George Holmes. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has prepared for and presented three distinct presentations on three separate days at the 2023 South Carolina Solicitors’ Annual Conference.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves a search and seizure issue related to Article I, Section 10 of the South Carolina Constitution. 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, other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel’s office, and some unanticipated matters that have required the undersigned counsel’s attention. Accordingly, in order 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 from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 

Donald J. Zelenka
Deputy Attorney General

November 17, 2023

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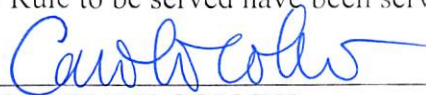
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Gary Howard Johnson, II, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 17th day of November, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Friday, November 17, 2023 1:55 PM
To: Johnson, Gary
Cc: Stock, Chris; Mark Farthing
Subject: The State v. Bryan Preston Cooper (2023-000231)
Attachments: Cooper.Fourth Extension Request (IBOR) (03439245xD2C78).PDF

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Good Afternoon Mr. Johnson,

Attached please find a request for a fourth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Bryan Preston Cooper (2023-000231). This request will be submitted to the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

CAROLINE COLLINS, Administrative Coordinator
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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