

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 FIFTH 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 December 18, 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 **fifth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Last week, the undersigned counsel filed a Return to Petition for Writ of Certiorari in the Supreme Court Alqi Dhimo v. State and

Steven Scruggs v. State. Additionally, in the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Jamie Goss and State v. Kayla Marie Cook; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Reginald Da’Aron Campbell; has filed a Return to Petition for Rehearing in the Court of Appeals in State v. Ricky Manigo Dawson; and has participated in oral argument at the Court of Appeals in John Upson v. State. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office. Included amongst those supervisory responsibilities, the undersigned counsel assisted one of the newer attorneys in the office prepare for his first oral argument and was present throughout the oral argument, which was held December 5, 2023, at the Court of Appeals, based on the requirements of Rule 403 of the South Carolina Appellate Court Rules.

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: /s/ Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

December 18, 2023

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Dec 18 2023

SC Court of Appeals

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

THE STATE,

Respondent,

vs.

BRYAN PRESTON COOPER,


Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Fifth 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 18th day of December, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Monday, December 18, 2023 2:47 PM
To: Johnson, Gary
Cc: Warren, Kaylynn; Mark Farthing
Subject: The State v. Bryan Preston Cooper (2023-000231)
Attachments: Cooper.Fifth Extension Request (IBOR) (03461919xD2C78).PDF

Good Afternoon Mr. Johnson,

Attached please find a request for a fifth 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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