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Aug 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Hon. Bentley D. Price, Circuit Court Judge

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Appellate Case No. 2023-000783

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1 DRAGON’S ASCENT VIDEO GAMING MACHINE,

Respondents,

v.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED)

Appellant.

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**MOTION OF ATTORNEY GENERAL  
FOR LEAVE TO FILE AMICUS BRIEF**

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Pursuant to Rule 213, SCACR, Alan Wilson, Attorney General of South Carolina, moves for leave to file the attached amicus brief in this case addressing the scope of S.C. Code Ann. § 12-21-2710, particularly with respect to the phrase “used for gambling” contained therein.

The Attorney General "has broad statutory and common law authority in his capacity as the chief legal officer of the State . . . ." *State ex rel. Condon v. Hodges*, 349 S.C. 232, 562 S.E.2d 623 (2002); see also *In re: Littlejohn v. State*, 354 S.C. 634, 583 S.E.2d 430, 434 (2003); *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 562 S. E. 623 (2002). The case of *Condon v. Hodges* cited *Porcher v. Cappellmann*, 187 S.C. 491, 198 S.E. 8 (1938) for the proposition that the “Attorney General represents sovereign power and general public.” 562 S.E.2d at 627. Pursuant

to these and other authorities, the Attorney General regularly files amicus briefs in state and federal court on matters of public importance.

Additionally, the Attorney General's Office was actively involved in the case of *Town of Mount Pleasant v. Chimento*, 401 S.C. 522, 737 S.E.2d 830 (2012). This prior experience may be beneficial to this Court in resolving this matter. Moreover, the Attorney General has represented the State in many cases regarding the scope of § 12-21-2710 (at issue here) and has issued numerous advisory opinions thereupon.

Therefore, for the foregoing reasons, the Attorney General respectfully requests that this Court grant him leave to file the attached amicus brief.

Respectfully submitted,

s/ Robert D. Cook

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*Attorneys for Attorney General*

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**PROOF OF SERVICE**

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Pursuant to Rule 262(c)(3) and In re Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, App. No. 2020-000447 (S.C. Sup. Ct. filed Apr. 24, 2024), I certify that I have served the Motion of Attorney General for Leave to File Amicus Curiae Brief in Support of SLED by email and by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

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Respectfully submitted,

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