

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
In the Court of General Sessions

The Honorable Patrick Cleburne Fant, III, Circuit Court Judge

Appellate Case No. 2024-000902
Court Case No. 2021GS2300421, 2021GS2300422,
2021GS2300423, 2021GS2300424

State of South Carolina Respondent

v.

Jarquez Cooper Appellant

MOTION TO RECALL REMITTITUR

Appellant Jarquez Cooper files this Motion to Recall the Remittitur in the above-captioned appeal.

FACTS

On May 30, 2024, Appellant Jarquez Cooper filed a Notice of Appeal in the above-captioned appeal, appealing his conviction and sentence in the underlying case. Appellant’s sentence was imposed by the Honorable Patrick Fant on May 24, 2024. Appellant filed his Notice of Appeal with the assistance of trial counsel, but Appellant planned to proceed on appeal by seeking representation from the Appellate Defender’s Office. However, Appellant has struggled to make arrangements with the Commission on Indigent Defense while he has been incarcerated. While Appellant struggled to get in touch with the Appellate Defender’s Office, he was

simultaneously unable to afford the cost of his trial transcript and could not demonstrate that he had ordered the same.

On August 21, 2024, this Court dismissed Appellant's appeal for failure to comply with Rule 207 as Appellant was unable to demonstrate that he made arrangements to acquire the trial transcripts. However, Counsel who assisted with the filing of the Notice of Appeal did not receive a copy of the Order of Dismissal, and the same was not mailed to Appellant. Once Counsel became aware of the issue, Counsel filed this motion to have the remittitur recalled.

ARGUMENT

Here, Appellant contends that he has meritorious issues for appeal that should not be dismissed as a result of his struggles to communicate with the Appellate Defender's Office or his inability to procure the transcripts from the underlying action. Appellant would further request that he not be penalized for the obstacles facing incarcerated individuals in procuring appellate representation. Appellate would request that this Court recall the remittitur and give him time to arrange for representation with the Appellate Defender's Office on appeal. Once Appellant has arranged for such representation, Counsel who assisted with the Notice of Appeal and filing of this Motion will file a Motion to be relieved. Furthermore, Assistant Solicitor William Douglas Richardson, Jr., the trial attorney of record for the State, does not object to Appellant's requested relief.

November 13, 2024

s/ Bakari T. Sellers
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CC:
William Douglas Richardson, Esq.
Melody Jane Brown, Esq.

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PROOF OF SERVICE

I certify that on November 13, 2021, I served the Appellant’s Motion to Recall the Remittitur on Respondent by emailing to the Respondent’s attorneys of record, Melody Jane Brown, at mbrown@scag.gov, and William Douglas Richardson, Jr., at dougrichardson@greenvillecounty.org.

November 13, 2024

s/ Bakari T. Sellers
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