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**Mar 03 2026**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Petition for Writ of Certiorari to the Court of Appeals  
Appeal from Laurens County  
Honorable Donald B. Hocker, Circuit Court Judge  
Appellate Case No. 2026-000483

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THE STATE,

Respondent,

vs.

BRYAN PRESTON COOPER,

Petitioner.

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**MOTION TO DISMISS APPEAL  
DUE TO DEATH OF PETITIONER**

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

**I.**

In October of 2020, Petitioner Bryan Preston Cooper, who was on parole at the time, was arrested after a deputy found methamphetamine and drug paraphernalia during the course of a traffic stop. In October of 2022, the Laurens County Grand Jury indicted Cooper for possession of methamphetamine with intent to distribute and resisting arrest. On February 8, 2023, a jury trial was commenced solely on the drug-related charge in the Laurens County Court of General Sessions with the Honorable Donald B. Hocker, circuit court judge, presiding. At the conclusion of the three-day trial, the jury convicted Cooper of possession of methamphetamine. Following

the verdict, the trial judge sentenced Cooper to a six-year term of imprisonment.<sup>1</sup> Cooper then timely filed and perfected an appeal.

On appeal, the Court of Appeals—following briefing—unanimously affirmed Cooper’s conviction through an unpublished decision. State v. Cooper, Op. No. 2025-UP-429 (S.C. Ct. App. filed Dec. 23, 2025). Following that, Cooper petitioned for rehearing, and his petition was denied. On March 2, 2026, Cooper—through appellate counsel—then timely submitted a petition for a writ of certiorari to this Court, and, at present, that petition is now pending before this Court for its consideration.

## II.

After receiving Cooper’s petition for a writ of certiorari, undersigned counsel for the State received notice from Cooper’s counsel indicating Cooper recently died, which the State was able to confirm through Cooper’s publicly-available obituary from a newspaper. Obituary for Bryan Preston Cooper, Index-Journal, [https://www.indexjournal.com/obituaries/preston-cooper/article\\_c41b7d54-d76f-4752-8388-567726260745.html](https://www.indexjournal.com/obituaries/preston-cooper/article_c41b7d54-d76f-4752-8388-567726260745.html). Due to Cooper’s death, Cooper’s appeal from his conviction is now moot since no effectual relief could possibly be granted to him even if his appellate arguments were somehow correct. See Sloan v. Greenville Cty., 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) (“An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists. A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy. Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief.”)

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<sup>1</sup> In light of the outcome of trial, the solicitor elected to dismiss the resisting arrest charge on the same date as the verdict. Records for Bryan Preston Cooper, Laurens County Eighth Judicial Circuit Public Index, <https://publicindex.sccourts.org/laurens/publicindex>.


(citations omitted)); cf. State v. Isaak, 988 N.W.2d 250, 254 (N.D. 2023) (dismissing a criminal appellant’s appeal as moot after explaining: “Isaak is no longer alive to serve his sentence if we were to affirm the judgment. If we were to reverse the judgment, we could not grant Isaak the new trial he sought. Under these circumstances, a decision would be advisory.”). Accordingly, the State respectfully moves for this Court to dismiss Cooper’s appeal as any further review of the matter is no longer necessary or warranted in light of his death. See State v. Anderson, 281 S.C. 198, 199, 314 S.E.2d 597, 597 (1984) (holding a criminal defendant’s death prior to the conclusion of an appeal constitutes grounds for dismissal); cf. State v. Miller, 409 S.C. 312, 312, 762 S.E.2d 394, 394-395 (2014) (dismissing an appeal as moot subsequent to the death of Miller during the pendency of the appeal).

**WHEREFORE**, Respondent prays this Court will dismiss the Petitioner’s appeal as moot; hold all appellate timelines in abeyance pending a ruling on the State’s motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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March 3, 2026