

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

PRETRIAL FROM RICHLAND COUNTY

Court of General Sessions

Indictment No. 2014-GS-40-03853  
and 2016-GS-40-00587

**RECEIVED**  
AUG 29 2016  
SC Court of Appeals

State of South Carolina

Respondent,

vs.

Perez Antwan Brooks,

Petitioner.

**STATE'S MOTION TO FILE OUT OF TIME  
AND MOTION FOR AN EXTENTION  
TO SERVE AND FILE RETURN OF RESPONDENT**

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

**I.**

The Initial Return of Respondent was due to be served and filed on or about August 15, 2016. Under the mistaken belief the Return to Petitioner's Motion would be filed by the Office of the Attorney General, the State inadvertently failed to file the Return with the clerk of the Court of Appeals. Additionally, because of the work required in other cases currently pending in the Court of General Sessions, Respondent is unable to submit the Return at this time. This is the first request for an extension of time in this matter and it is not intended for the purpose of

delay. The undersigned is presently working on the Return in this case and intends to have it completed in a timely manner. Respondent would therefore request an extension of time within which to serve and file the Return.

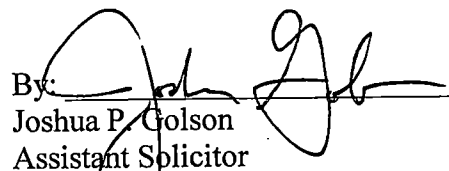
**WHEREFORE**, Respondent prays that this Court relax the requirements of Rule 240(e), SCACR, and permit Respondent to file an extension request out of time; and extend the deadline for service and filing of the Return of Respondent in this case for ten (10) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,



DAN JOHNSON  
Solicitor, Fifth Judicial Circuit

By:



Joshua P. Golson  
Assistant Solicitor  
Fifth Judicial Circuit Solicitor's Office  
1701 Main Street  
Columbia, South Carolina 29201  
(803) 576-1800

ATTORNEYS FOR RESPONDENT

August 29, 2016

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**PROOF OF SERVICE**

I certify that I have served the Respondent's motion to Petitioner's attorney of record, by causing it to be deposited with the United States Postal Service, to Reginald Lloyd, Esq., Lloyd Law Firm, LLC, 715 West Dekalb Street, Post Office 1555, Camden, South Carolina, 29201, on this 29<sup>th</sup> day of August, 2016.

DAN JOHNSON  
Solicitor, Fifth Judicial Circuit

By: Paulina Gomez  
Paulina Gomez  
Paralegal to Asst. Solicitor Joshua P. Golson  
Fifth Judicial Circuit Solicitor's Office  
1701 Main Street  
Columbia, South Carolina 29201  
(803) 576-1800

ATTORNEYS FOR RESPONDENT

August 29, 2016

*The State of South Carolina*



Dan Johnson  
Solicitor

-----  
Paulette Edwards  
Deputy Solicitor

SOLICITOR'S OFFICE  
Fifth Judicial Circuit  
1701 Main Street  
Post Office Box 192  
Columbia, South Carolina 29201

Phone: (803) 576-1800  
Fax: (803) 576-1718

Daniel R. Goldberg  
Deputy Solicitor

-----  
Brett Perry  
Deputy Solicitor

August 29, 2016

Hon. Jenny Abbott Kitchings  
Clerk of Court  
1015 Sumter Street  
Columbia, South Carolina 29201

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AUG 29 2016  
SC Court of Appeals

RE: State of South Carolina v. Perez Antwan Brooks, Indictment Nos.:  
2014-GS-40-03853 and 2016-GS-40-00587; Motion to Suppress  
Recorded Telephone Calls

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the original and eight (8) copies of Respondent's Motion to File out of Time and Motion for an Extension to Serve and File the Return of Respondent. This motion is filed pursuant to Rule 240, SCACR.

Please file the original and six (6) copies and return any additional copies to Assistant Solicitors Joshua P. Golson and John Steadman. Additionally, it is Respondent's understanding that filing fees for a criminal case are not required; however, please advise if this is incorrect and must be corrected.

Thank you very much for your assistance and consideration in this matter. Please do not hesitate to contact us as required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Johnson", written over the typed name.

DAN JOHNSON  
Solicitor, Fifth Judicial Circuit

By: 

Joshua P. Golson  
Assistant Solicitor  
Fifth Judicial Circuit Solicitor's Office  
1701 Main Street  
Columbia, South Carolina 29201  
(803) 576-1800

ATTORNEYS FOR RESPONDENT

August 29, 2016