

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

The State, Respondent,

v.

Gene Tony Cooper, Petitioner.

Appellate Case No. 2010-152786

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal From Lexington County  
Daniel F. Pieper, Circuit Court Judge

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Opinion No. 27184

Heard October 17, 2012 – Filed November 7, 2012

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**DISMISSED AS IMPROVIDENTLY GRANTED**

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Chief Appellate Defender Robert Michael Dudek, of  
South Carolina Commission on Indigent Defense,  
Division of Appellate Defense, of Columbia, for  
Petitioner.

Attorney General Alan McCrory Wilson, Chief Deputy  
Attorney General John W. McIntosh, Assistant Deputy  
Attorney General Donald J. Zelenka, Senior Assistant  
Attorney General W. Edgar Salter, III, all of Columbia;  
and Solicitor Donald V. Meyers, of Lexington, for  
Respondent.

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**PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in *State v. Cooper*, 386 S.C. 210, 687 S.E.2d 62 (Ct. App. 2009). We now dismiss the writ as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice E. C. Burnett, III, concur.**