

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Samuel Daniel Cooper,III, Appellant,

v.

Dale Edward Van Slambrook South Carolina Community Bank,

Dominick Mjartan, and Chrles Webb and others

Appellate Case No.

APPEAL FROM BERKELEY COUNTY

Dale Edward Van Slambrook, Master-In-Equity Court Judge

Motion for extension of time to complete initial brief

Comes now Samuel Daniel Cooper,III, Appellant, pursuant to Appellate Rule 240, moves this Court for an order extending the time for the Appellant (S) to complete initial brief. I Samuel Daniel Cooper,III, Appellant move this Court for asking for an order extending the time for I Samuel Daniel Cooper,III, Appellant to complete initial brief which was due Thursday, December 23rd, 2020, by thirty (30) days until Monday, January 25th, 2021, I am seeking an additional thirty (30) days.

Samuel Daniel Cooper,III, Appellant seeks additional time because of my right to liberty interest which is Fundamental in Nature, and several Personal Things happing out of my Control over the Holiday season. I Samuel Daniel Cooper,III, Appellant pray the court grants my request.

December 23, 2020


Samuel Daniel Cooper,III, Appellant

Authorized Representative
Samuel Daniel Cooper,III Appellant
c/o 1250 Old Gilliard Road
Ridgeville, South Carolina [29472]
843-514-8687

RECEIVED
DEC 23 2020
SC Court of Appeals

[Judges] are the depository of the laws; the living oracles, who must decide in all cases of doubt, and who are bound by an oath to decide according to the law of the land. [Blackstone, 1 COMMENTARIES *69.]

It is the duty of the Court to insure that pleadings are sufficient to invoke judicial authority. Pleadings that lack evidence supported by fact can only be deemed as a “failure to state a claim upon which relief can be granted” (Rule 1-012).

It is the duty of the Court to seek the truth. Lady Justice is blind. She carries the scales of justice with a duty to make sure there is an “agreement between thought and reality;” between “faith claims and reality.”

It is the duty of the Court and jury to determine the facts, the actual events or existence of an occurrence. Facts differ from truth in that facts are more related to specific events of an occurrence, while truth is a holistic, unified conclusion regarding a series of actual occurrences.

It is, therefore, the duty of the Court to discern the truth in a controversy by weighing the evidence.

See Ortiz vs State, DODGE v. STATE, 09-09-00287-CR (Tex.App.-Beaumont 3-18-2010) for Extension of time.

Piecemeal practices, procedures and rules of administration of any court in south Carolina are void according to SC Con Article V section 1 also see Spartanburg County Dept. of Social Services vs Padgett (1988) 296 SC 79, 370 SE2d 872. See Ex Parte Tillman (1910).dealing with Due Process.

When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. S.E.C. v. Elliott, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, United States v. Miller, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); Poling v. K.Hovnanian Enterprises, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000).

Citing Ex parte Tillman (1910). Without pausing to apply the comprehensive definition of due process of law laid down in Turpin v. Lemon, 187 U.S. 51, 47 L.Ed., 70, it is sufficient to say here that it is universally understood that on the issue of custody — deprivation of liberty, or illegal restraint of children — due process of law requires judicial investigation and determination of the rights of parents and children under a writ of *habeas corpus* or by an appropriate proceeding in the Court of equity. *Prather v. Prather*, 4 DeS., 33; *ex parte Schumpert*, 6 Rich., 346; *ex parte Hewitt*, 11 Rich., 326; *ex parte Williams*, 11 Rich., 452; *ex parte Reed*, **19 S.C. 604**; *Anderson v. Young***54 S.C. 388**, 32 S.E., 448, 44 L.R.A., 277; *ex parte Davidqe*, **72 S.C. 16**, 51 S.E., 269; *ex parte Reynolds*, **73 S.C. 296**, 53 S.E., 490; *Brown v. Robertson*, **76 S.C. 151**, 56 S.E., 786, 9 L.R.A. (N.S.), 1173n; *ex parte Rembert*, **82 S.C. 336**.

SUMMARY

The court's only duty is to weigh the Facts and evidence. Attorney's briefs and or verbal statements are not proof of anything and cannot be entered into the record as Discovery evidence. If there are no affidavits of truth, there are not sufficient facts, if there are no sufficient facts, there is no evidence on record; if there is no Discovery evidence to support a claim, or violation of consent/contract between Plaintiff and Defendant the claim must be dismissed. Citing Coleman v. Dunlap, 306 S.C. 491, 494-95, 413 S.E.2d 15, 17 (1992). "An abuse of discretion arises where the trial judge was controlled by an error of law or where his order is based on factual conclusions that are without evidentiary support.

PLEADING

Therefore, I Samuel Daniel Cooper, III Pray the court to rule in my favor and grant my motion to extend time for initial brief. Samuel Daniel Cooper, III Pray that all my rights are to be preserved. I Samuel Daniel Cooper, III **motion** the court to rule in my favor for it is my Liberty and Rights under attack. It is the court duty to protect those State vs Montgomery.

Subscribed and sworn, without prejudice, and with all rights reserved.

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.



Signature of Affiant