

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Antrone Maurice Jones, 286594,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 13-ALJ-04-0011-AP

**ORDER GRANTING MOTION TO
DISMISS**

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed January 8, 2013 by Antrone Maurice Jones (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). The Appellant appeals the decision of the Department denying his grievance in which Appellant complains he was wrongfully disciplined for Smuggling and/or Conspiracy to Smuggle in Contraband. The Appellant claimed in his appeal that the evidence only supported discipline for the lesser offense of Possession of Contraband. The Appellant lost six (6) days of accrued good time as a result of his discipline for Smuggling and/or Conspiracy to Smuggle in Contraband.

On April 25, 2013 the Department filed a Motion to Dismiss as Moot on the grounds that the Department has elected to uphold the Appellant’s Step Two Grievance in part by reducing the disciplinary conviction to Possession of Contraband. The Department determined that the loss of six (6) days accrued time was still appropriate because this is the Appellant’s second conviction for Possession of Contraband. Because the Department has upheld the Appellant’s Step Two Grievance, this appeal is moot. “An appellant court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.” *Curtis v. State*, 3435 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). “A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.” *Id.* at 567-68, 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep’t.* 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)).

Based on the foregoing, it is hereby **ORDERED** that the Department’s Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

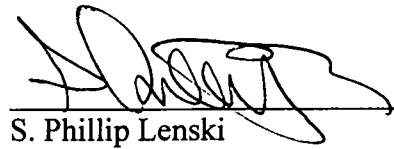
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SC ADMIN. LAW COURT

AND IT IS SO ORDERED.

May 3, 2013
Columbia, South Carolina



S. Phillip Lenski
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Leah E. Garland, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Leah E. Garland
Judicial Law Clerk

May 3, 2013
Columbia, South Carolina

FILED
MAY 03 2013
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