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Oct 27 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2022-000412

THE STATE,

Respondent,

vs.

ANTHONY BERNARD MORRIS,

Appellant.

**MEMORANDUM
REGARDING APPEALABILITY**

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

I.

In January of 2019, Appellant Anthony Bernard Morris was arrested after he assaulted and injured an officer during the course of an incident that occurred at his apartment complex. In March of 2022, the Dorchester County Grand Jury indicted Morris for assaulting an officer while resisting arrest. On March 21, 2022, a jury trial was commenced in the Dorchester County Court of General Sessions with the Honorable Maite Murphy, circuit court judge, presiding. At the conclusion of the one-day trial, the jury convicted Morris as indicted. Following the verdict, the trial judge sentenced Morris to a seven-year term of imprisonment. Morris then timely filed a notice of appeal. However, shortly after that, Morris timely filed a motion seeking

reconsideration of the sentence. Based on the pending motion, this Court temporarily held the appeal in abeyance, and, on December 5, 2022, a hearing was held on the motion in the Dorchester County Court of General Session. At the conclusion of the hearing, the trial judge orally denied the motion, and that ruling was later confirmed through a written order filed on January 30, 2023. Subsequently, upon receiving the trial judge's order, this Court permitted the appeal to proceed forward. At present, Morris's appeal currently remains pending before this Court.

II.

On appeal, Morris has raised two issues. (App. Br. p. 1). Notably, both solely relate to the propriety of his *sentence* and involve allegations the trial judge reversibly erred by: (1) purportedly failing to give adequate consideration to the mitigating circumstances when imposing the seven-year sentence; and (2) supposedly failing to conduct an adequate and accurate review of the record for sentencing purposes. (App. Br. pp. 1-10). Furthermore, the only relief being sought by Morris through his appeal is a reversal of his seven-year term of imprisonment and the imposition of “a lesser sentence of one year and probation” in its place. (App. Br. p. 9).

III.

During the pendency of his appeal, Morris—based on information provided by personnel from the South Carolina Department of Corrections—was released on supervised reentry and subsequently successfully completed that supervised reentry in September of 2025.¹ In light of

¹ A letter sent by Deputy General Counsel Christina C. Bigelow from the South Carolina Department of Corrections addressing the completed status of Morris's sentence has been included with the State's appealability memorandum as Attachment “A.”

that, Morris’s seven-year term of imprisonment was completed a little more than a year ago and has now been “fully satisfied.”

IV.

As a practical matter and pursuant to well-established South Carolina law, an appellate court in our state “will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.” Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001). Significantly, a case becomes moot when: (1) “judgment, if rendered will have no practical legal effect upon the existing controversy”; or (2) “when some event occurs making it impossible for the reviewing court to grant effectual relief.” Sloan v. Greenville Cnty., 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009).

Notably, in a criminal case, a defendant’s completion of the sentence imposed renders an appellate challenge to that sentence moot and typically warrants dismissal *unless* the specific issue involved in the matter is one capable of repetition but evading review. Hayes v. State, 413 S.C. 553, 558, 777 S.E.2d 6, 9 (Ct. App. 2015); see State v. Grissett, 442 S.C. 183, 186, 898 S.E.2d 139, 140 (2024) (“While [Grissett] appealed that decision, by the time the court of appeals heard his appeal, [Grissett] had completed his CSP revocation sentence *and* original sentence. As a result, the court of appeals understandably dismissed his appeal as moot.”). Logically, that is true because no effectual *sentencing* relief can be granted to a convicted offender who has already completed his or her sentence. See Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 25-26, 630 S.E.2d 474, 477 (2006) (“A justiciable controversy exists when there is a real and substantial controversy which is appropriate for judicial determination, as distinguished from a dispute that is contingent, hypothetical, or abstract. A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing

controversy because an intervening event *renders any grant of effectual relief impossible for the reviewing court.*” (emphasis added and citations omitted)).

V.

In the case sub judice, Morris’s appellate challenge to the propriety of his seven-year sentence is now moot because he has already fully completed that sentence and been released from custody. See Hayes, 413 S.C. at 558, 777 S.E.2d at 9 (concluding Hayes’s appellate challenge related to his sentence was moot because he had completed his sentence and was no longer incarcerated). Significantly, since Morris’s sentence has been fully satisfied, no effectual relief can be granted to him on appeal by this Court, including his request to be directly resentenced to a one-year term of imprisonment and probation, even assuming his appellate arguments are somehow correct.² See Sloan, 369 S.C. at 25-26, 630 S.E.2d at 477 (recognizing a case becomes moot when it is impossible for the reviewing court to grant effectual relief); cf. United States v. Payne, 54 F.4th 748, 751-752 (4th Cir. 2022) (“Payne is not currently imprisoned, and retroactively reducing the length of his sentence would not make him any freer than he currently is.”); Garris v. McDuffie, 288 S.C. 637, 642, 344 S.E.2d 186, 189 (Ct. App. 1986) (concluding Garris’s contempt appeal was moot because he had “already served his sentence and paid the arrearages” and, thus, “[n]o effectual relief—i.e. releasing him from imprisonment—can be provided by this court”). Beyond that, the highly case-specific issue Morris—who is *not* challenging his conviction itself—has raised on appeal is centered on allegations of error on the part of the trial judge in evaluating the particular mitigating evidence presented for purposes of sentencing in his Morris’s case, and, thus, Morris’s appeal does not involve an issue that is one capable of repetition but likely to evade review in the future. See

² For what it’s worth, Morris’s appellate arguments are not correct for a variety of different reasons. (Resp. Br. pp. 1-20).

Friends of Hunley, 369 S.C. at 27, 630 S.E.2d at 478 (“[T]he action must be one which will truly evade review.”). Under such circumstances, Morris’s appeal is moot and should be dismissed as moot.

WHEREFORE, Respondent prays this Court will find Morris’s appeal to be moot due to his satisfaction of the sentence he is seeking to challenge on appeal; dismiss Appellant’s appeal as moot; and grant such other and further relief as the Court may deem just and proper.

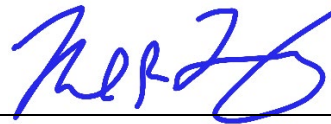
Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

DAVID M. PASCOE, JR.
Solicitor, First Judicial Circuit

By: _____



Mark R. Farthing
S.C. Bar Number 76901

October 27, 2026

ATTACHMENT “A”



SCDC

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

"CORRECTIONAL EXCELLENCE TODAY FOR A SAFER SOUTH CAROLINA TOMORROW"

Joel E. Anderson | Director

Office of General Counsel

OFFICE OF GENERAL COUNSEL

October 27, 2026

Mark R. Farthing, Esquire
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Post Office Box 11549
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Anthony Bernard Morris, Former SCDC # 387507

Dear Mr. Farthing:

Anthony Bernard Morris was committed to the South Carolina Department of Corrections in March of 2022 to serve a seven-year sentence for assaulting an officer while resisting arrest. His maxout date was September 20, 2025. He was eligible for supervised reentry under S.C. Code 24-21-32, so he was released six months before his maxout date to supervision with the South Carolina Department of Probation, Parole & Pardon Services. He successfully completed his supervised reentry in September of 2025. Therefore, his seven-year sentence has been fully satisfied.

Please let me know if you need any further information.

Sincerely,

Christina C. Bigelow
Deputy General Counsel
South Carolina Department of Corrections



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PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Memorandum Regarding Appealability on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Reagan Singletary, Esq.
The Singletary Group, LLC
297 South Metts Street
St. George, South Carolina 29477

I further certify all parties required by Rule to be served have been served.
This 27th day of October, 2026.



GRACE SOMMER
Administrative Support Manager
Office of the Attorney General