

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County  
The Honorable Deadra L. Jefferson, Circuit Court Judge  
Appellate Case No. 2012-212639

**RECEIVED**

AUG 22 2014

STATE OF SOUTH CAROLINA,

**SC Court of Appeals**  
RESPONDENT,

v.

WALTER DOUGLAS BARCLAY,

APPELLANT.

**MOTION TO DISMISS APPEAL DUE TO THE DEATH OF APPELLANT**

Appellant was convicted by a jury of felony driving under the influence, death resulting, and was sentenced to twelve years of imprisonment. Appellant timely served and filed a notice of appeal, and the case was briefed and oral argument was heard in this Court on June 5, 2014. This Court has not yet issued an opinion in the case.

On August 21, 2014, the State received a letter from Appellant's counsel stating that Appellant passed away last week. This Court was copied on the letter. According to the attached obituary, which undersigned counsel located via the internet, Appellant passed away on August 13, 2014. (See Exhibit A).

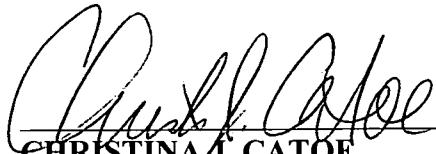
Inasmuch as Appellant is now deceased, the issues in his case are moot. See Byrd v. Irmo High School, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy.

This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.”) (citation omitted). Accordingly, the State respectfully requests that this Court dismiss Appellant’s appeal.

Respectfully submitted,

ALAN WILSON  
Attorney General

CHRISTINA J. CATOE  
Assistant Attorney General



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CHRISTINA J. CATOE  
SC Bar No. 73562

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

**ATTORNEYS FOR RESPONDENT**

August 22, 2014

Exhibit A

## Parker-Rhoden Funeral Home

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### Walter Douglas Barclay

(May 29, 1951 - August 13, 2014)

EDISTO ISLAND: Mr. Walter Douglas Barclay, husband of Rebecca Borders, passed away Wednesday morning. He was 63. Arrangements are incomplete at this time but will be announced later.

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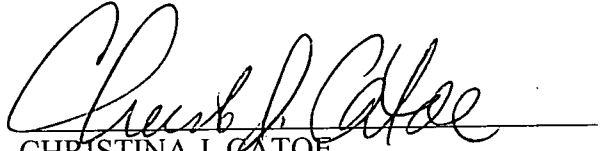
APPELLANT.

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**PROOF OF SERVICE**

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The undersigned attorney hereby certifies that the **MOTION TO DISMISS APPEAL DUE TO THE DEATH OF APPELLANT** in the above-referenced case has been served upon **JOHN B. SHUPPER**, Post Office Box 90623, Columbia, South Carolina 29290, this **22<sup>nd</sup>** day of **August, 2014**.



CHRISTINA J. CATOE  
Assistant Attorney General

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737



ALAN WILSON  
ATTORNEY GENERAL

August 22, 2014

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE: State of South Carolina v. Walter Douglas Barclay**  
**Appellate Case No. 2012-212639**

Dear Ms. Kitchings:

Enclosed please find the original **Motion to Dismiss Appeal Due to the Death of Appellant**, along with **Proof of Service**, in the above-referenced appeal, which I am serving on opposing counsel today.

Thank you for your attention to this matter, and please do not hesitate to contact me at (803) 734-3713 should there be any questions or concerns.

Sincerely,

Christina J. Catoe  
Assistant Attorney General  
SC Bar No. 73562

cc: John B. Shupper, Esquire  
Post Office Box 90623  
Columbia, SC 29290

Trisha Allen, Victim Services

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