

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SEP 24 2014

**SC Court of Appeals**

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APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge John D. McLeod

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Case No. Docket No.: 14-ALJ-04-0362-IJ

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Marcus Green, # 241958,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

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**MOTION TO DISMISS**

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COMES NOW, Respondent, South Carolina Department of Corrections, and respectfully requests that this Honorable Court DISMISS the above referenced case. In support of this request, the Respondent shows this Honorable Court the following:

1. In this appeal, appellant challenges a July 29, 2014 Order in which the Administrative Law Court (ALC) found appellant's sentence had been properly calculated.
2. On August 29, 2014, appellant was released from the custody of the Department of Corrections due to the completion of his sentence.
3. According to appellant's initial brief, the sole relief appellant is seeking is the award of an addition thirty days of good time credit.
4. In view of the fact appellant has completed service of his sentence, the award of additional good time credit will have no practical effect. Consequently, this

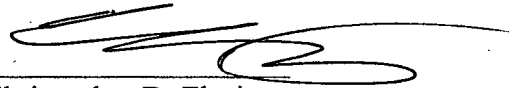
appeal is moot. See McDill v. Nationwide Mutual Insurance Co., 368 S.C. 29, 31, 629 S.E.2d 749, 750 (Ct. App. 2006) (“A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy.”)

WHEREFORE, respondent respectfully requests that this Honorable Court DISMISS the appeal because it is moot. In addition, respondent requests the time period for filing its initial brief be held in abeyance pending resolution of this motion.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS

Attorney for Respondent



Christopher D. Florian  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
Attorney for Respondent

Columbia, SC  
September 22, 2014

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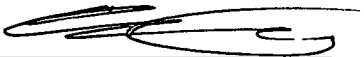
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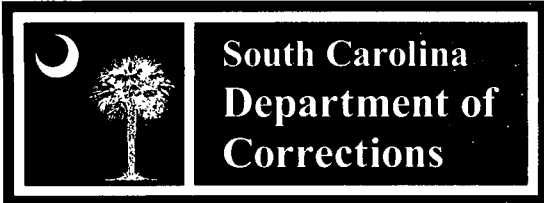
South Carolina Department of Corrections.....Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served Appellant a copy of the Respondent's Motion to Dismiss by depositing a copy of same in the United States Mail, postage prepaid, on September 22, 2014, addressed to the Appellant as follows:

Mr. Marcus Green  
3785 Ladson Rd., Apt. 925  
Ladson, SC 29456

  
Christopher D. Florian  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
Attorney for Respondent



NIKKI R. HALEY, Governor  
BRYAN P. STIRLING, Director

September 22, 2014

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

**Re: Marcus Green, # 241958 v. SCDC  
Appellate Case No. 2014-001768**

Ms. Kitchings,

Please find enclosed an original and the requisite number of copies of the following:

- Motion to Dismiss

Please stamp the extra copy "filed" and return them in the enclosed self-addressed stamped envelope. Please do not hesitate to contact me with any questions. We greatly appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher D. Florian", is written over a horizontal line.

Christopher D. Florian  
Attorney for Respondent

cc: Mr. Marcus Green  
3785 Ladson Rd., Apt. 925  
Ladson, SC 29456

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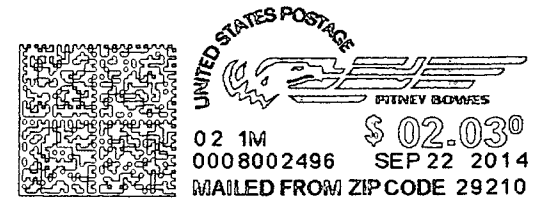
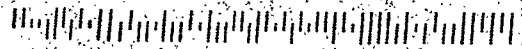
**SC Court of Appeals**

Christopher D. Florian

S.C.

P.O.

Columbia, SC 29221



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The Honorable Jenny A. Kitchings  
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