

# The Supreme Court of South Carolina

Stacy W. Howard, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-191691

---


## ORDER

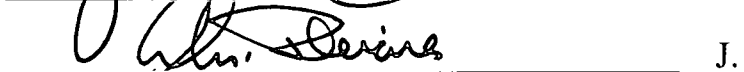
---

Petitioner was convicted of assault and battery of a high and aggravated nature (ABHAN) and was sentenced to imprisonment for eight years. In addition, petitioner's probation was revoked in part. While a direct appeal was pending, petitioner filed an application for post-conviction relief (PCR). The application was denied without prejudice on the ground that it was premature since there was a direct appeal pending concerning petitioner's conviction. Petitioner has filed a petition for a writ of certiorari from the PCR judge's order.

The State now moves to dismiss the petition for a writ of certiorari on the ground that the convictions at issue have been reversed on appeal. Petitioner has not filed a return to the motion to dismiss.

The Court of Appeals has issued an opinion reversing petitioner's ABHAN conviction and remanding the matter for a new trial. *State v. Howard*, 396 S.C. 173, 720 S.E.2d 511 (Ct. App. 2011). Because petitioner's probation was revoked based on the ABHAN conviction, the probation revocation was necessarily reversed as well. The issues raised in this matter, therefore, are now moot. Accordingly, we grant the motion to dismiss the petition for a writ of certiorari.

  
\_\_\_\_\_  
C.J.

  
\_\_\_\_\_  
J.

*J. Beally* J.  
*John H. H. H.* J.  
*Raymond H. H.* J.

August 23, 2012

Columbia, South Carolina

cc:

Christina J. Catoe

LaNelle Cantey DuRant