

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Brian M. Gibbons, Circuit Court Judge

RECEIVED
AUG 20 2015
SC Court of Appeals

THE STATE,

APPELLANT,

V.

COREY JAMAL WILLIAMS,

RESPONDENT

APPELLATE CASE NO.2014-001886

**REPLY TO RETURN TO MOTION TO
DISMISS APPEAL AS MOOT**

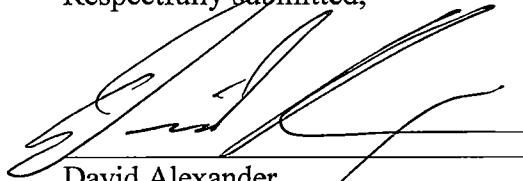
Respondent, through his undersigned counsel, would respectfully show unto this Court as follows. Respondent makes two points in reply to the State's Return to the Motion to Dismiss Appeal as Moot.

1. At no point in the State's Return did it assert that Respondent can be forced to serve a year in the Department of Corrections. The State argues that his sentence is illegal because imprisonment cannot mean home detention. Even if the State is correct, it failed to address what remedy can be granted in this case. It did not assert that, if the State prevails on the merits, the remedy is that respondent would then be forced to spend a year in prison. Nor could the State receive such a remedy. Without a remedy that can be granted by this Court, the case is moot.

2. Counsel also must reluctantly respond to the State's paragraphs 3 and 4 regarding the initial delay in acceptance of this case by Appellate Defense and the number of extensions taken by counsel for respondent. Counsel hopes it was not the State's intent to imply that counsel was attempting to game the system to moot this case. Counsel for respondent endeavors to work on cases with the most number of extensions before turning to cases with less extensions and reached this case in the normal course of his practice. When counsel reviewed this case and saw it was moot, counsel felt it was his duty to inform the Court of this fact and advance this argument for the benefit of his client. Counsel believes it is the prudent approach to raise the mootness issue now instead of wasting the Court's scarce resources reviewing and researching the merits only to then file a motion to dismiss the case as moot on August 29, 2015—nine days from now. Furthermore, even if this case had already been affirmed, since the State almost always petitions the Supreme Court for certiorari when it loses a case in this Court, the mootness problem still would have arisen even if no extensions were taken by either party.

WHEREFORE, Respondent prays that the Court dismiss this appeal as moot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
Appellate Defender

ATTORNEY FOR RESPONDENT

August 20, 2015

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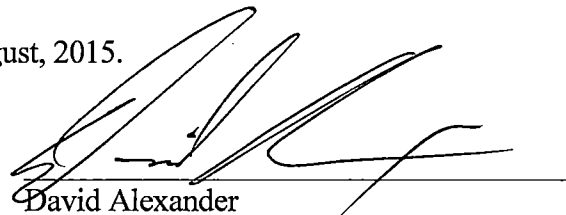
COREY JAMAL WILLIAMS,

RESPONDENT

Appellate Case No. 2014-001886

CERTIFICATE OF SERVICE

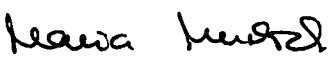
The undersigned attorney hereby certifies that a true copy of the Reply to Return to Motion to Dismiss Appeal as Moot in the above referenced case has been served upon Jennifer Ellis Roberts., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Corey Jamal Williams at 1098 Buttercup Circle, Blythewood, SC 29016, this 20th day of August, 2015.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of August, 2015.



(L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 20, 2015

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

Re: The State v. Corey Jamal Williams
Appellate Case No. 2014-001886

Dear Ms. Kitchings:

Enclosed are the original and six copies of the Reply to Return to Motion to Dismiss Appeal as Moot in the above referenced case.

Please do not hesitate to contact me if you have any questions.

Sincerely,

David Alexander
Appellate Defender

DAA/blw

cc: Jennifer Ellis Roberts, Esquire
Corey Jamal Williams, Client

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