

(S)

THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case No. 2015-001171

APPEAL FROM CHARLESTON COUNTY

RECEIVED
JAN 04 2016
SC Court of Appeals

THE STATE

vs.

**PHILIP SIMONEAUX, a/k/a
PHILLIP GERALD SIMONEAUX**

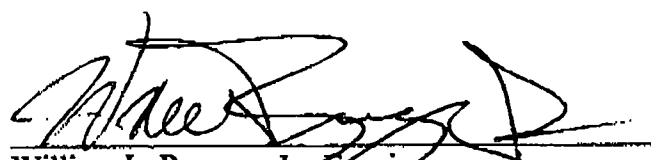
Appellant.

MOTION TO DISMISS APPEAL AS MOOT

Now comes the Appellant through Counsel who respectfully moves the Court as follows:

- 1. To dismiss the appeal herein as moot and remand for the following reasons:
 - a. Mr. Simoneaux died on or about January 2, 2016 which is on record with the Honorable Charleston County Coroner.

AND IT IS SO MOVED THIS 4TH DAY OF JANUARY, 2016 AT CHARLESTON, SOUTH CAROLINA.



William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
SC Bar No.: 4838
(843) 571-3515

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF APPEALS
Appellate Case No.: 2015-001171

THE STATE,)

RECEIVED

Vs.)

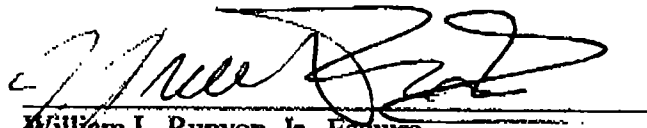
JAN 04 2016

PHILIP SIMONEAUX, a/k/a)
PHILIP GERALD SIMONEAUX)
Defendant.)

CERTIFICATE OF MAILING **SC Court of Appeals**

I William L. Runyon, Jr., Esquire, do hereby certify that on the 4th day of January, 2016, I served a copy of the **MOTION TO DISMISS APPEAL AS MOOT** on the Honorable Matthew Buchanan—Department of Probation, Parole & Pardon in the within matter, by mailing copies to each of them by way of the United States Mail, with sufficient postage attached thereto and addressed as follows:

Honorable Matthew Buchanan
General Counsel
Department of Probation, Parole & Pardon
P. O. Box 50666
Columbia, SC 29250



William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
SC Bar No.: 4838
(843) 571-3515

Dated this 4th day of January, 2016
in Charleston, South Carolina.

William L. Runyon, Jr.

Attorney At Law

#3 Gamecock Avenue, Suite 303

Charleston, SC 29407

Telephone: (843) 571-3515 Facsimile: (843) 766-5085

January 4, 2016

Honorable Jenny Kitchens
Clerk of South Carolina Court of Appeals
1015 Sumter Street
P. O. Box 11629
Columbia, SC 29211

RE: State of South Carolina v. Philip Simoneaux, a/k/a Philip Gerald Simoneaux
Appellate Case No.:2015-001171

Dear Ms. Kitchens:

Enclosed please find **MOTION TO DISMISS APPEAL AS MOOT** together with **CERTIFICATE OF MAILING** in the above referenced matter. Please file originals and return certified copies to me in the stamped-self addressed envelope for your convenience.

Thanking you, I remain

Sincerely,


William L. Runyon, Jr.

WLR, JR. / bb

Enclosure

Cc: Honorable Matthew Buchanan

William L. Runyon, Jr.

Attorney At Law

#3 Gamecock Avenue, Suite 303

Charleston, SC 29407

Telephone: (843) 571-3515 Facsimile: (843) 766-5085

January 4, 2016

Honorable Matthew Buchanan
S.C. Department of Probation, Parole & Pardon Services
2221 Devine Street, Suite 600
P. O. Box 50666
Columbia, SC 29250

RE: The State v. Phillip Simoneaux
Appellate Case No.: 2015-001171

Dear Mr. Buchanan:

Please find enclosed a self-explanatory Motion in re the above. Since Mr. Simoneaux is without the call of the Court I would assume that your agency will close your file. However, inasmuch as a Circuit Judge on Record told your agency that he was "serving a sentence" and not on probation it did, I would request that I be advised if your agents want to serve my client with any violation warrant for absenting himself from the State without agency approval. I want Notice not to object but merely to observe the attempts to serve my client.

Thanking you for your cooperation with best wished for the New Year, I remain

Sincerely,



William L. Runyon, Jr.

WLR, JR. / bb

Cc: Honorable Clerk Jenny Kitchings

RECEIVED

JAN 04 2016

SC COURT OF APPEALS

WILLIAM L. RUNYON, JR.
ATTORNEY AT LAW

#3 Gamecock Avenue, Suite303
Charleston, SC 29407
Office: (843) 571-3515
Facsimile: (843) 766-5085

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JAN 04 2016

SC COURT OF APPEALS

S.C. Court of Appeals

FACSIMILIE

To: *Honorable James Kitchings* From: **Bill Runyon**

Fax: *(803) 734-1839* Pages: *(5)*

Phone: *(803) 734-1890* Date: *1-4-16*

Re: *State v. Simoneau* CC:

Appellate Case No. 2015-001171

Review: Please Comment: Please Reply: Please Recycle:

*Comments:

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