



The Supreme Court of South Carolina

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May 23, 2017

Mr. Bernard McFadden, 199135
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29069

Re: Bernard McFadden v. SCDC
Appellate Case No. 2017-001176

Dear Mr. McFadden:

Since you have apparently fully served the sentence involved in this matter, I ask that you please advise this Court with a written explanation as to why this matter should not be dismissed as being moot. This explanation must be filed with this Court within fifteen (15) days of the date of this letter, and should address what relief you are seeking from this Court and how this relief will have any practical legal effect upon an existing controversy.¹ Pending this Court's consideration of this explanation, the time limits for the opposing counsel to file any return to the

¹ See *Mathis v. South Carolina Highway Dept.*, 260 S.C. 344, 195 S.E.2d 713 (1973) ("We have held that this Court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. *Fabian's Uptown v. South Carolina Tax Commission*, 247 S.C. 164, 146 S.E.2d 608. A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy.").

petition for a writ of certiorari will be held in abeyance.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Christina Catoe Bigelow, Esquire
The Honorable Jenny Abbott Kitchings