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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Ronald Legg, #359236 Appellant, vs. South Carolina Department of Corrections, Respondent.	Docket No.: 17-ALJ-04-0434-AP **ORDER GRANTING MOTION TO DISMISS ON MOOTNESS GROUNDS**

FILED
OCT 10 2017
SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed August 11, 2017 by Ronald Legg (Appellant), an inmate who is incarcerated with the South Carolina Department of Corrections (SCDC or Department). The Appellant claimed he was not granted work credits for time spent as a dorm worker from May 2014 through May 2016.[1]

On September 25, 2017, the Department filed a Motion to Dismiss on Mootness Grounds due to the fact that, after further review, the Department elected to grant the Appellant the requested work credits for that period. Since the Appellant has now been granted the work credits he was entitled to for the period at issue, his challenge is now moot. "An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy." *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). A "case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief." *Id.* at 567-68, 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep't.*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)).

Based on the foregoing, it is hereby **ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

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[1] The Appellant argued in his Objection to Respondent's Motion to Dismiss as Moot that he was also not properly awarded work credits for work history from July 12, 2016 to the present. However, the Appellant did not raise an issue with work credits during this period in his grievances. Under appellate procedural rules, a new issue may not be raised on appeal. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). The appropriate way for the Appellant to contest his work credits from July 12, 2016 to the preset would be to file a new grievance.

AND IT IS SO ORDERED.

October 10, 2017
Columbia, South Carolina

S. Phillip Lenski
Administrative

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(s) or their attorney(s).

[illegible] 2017

Staff Counsel