

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, *Administrative Law Judge*

Lower Case No. 2017-ALJ-04-0434-AP
Appellate Case No. 2017-002215

RECEIVED

DEC 04 2017

SC Court of Appeals

Ronald Lee Legg, # 359236,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

MOTION TO DISMISS APPEAL AS MOOT

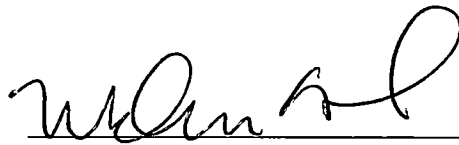
COMES NOW, Respondent, South Carolina Department of Corrections (SCDC or Department) and, pursuant to Rule 240, SCACR, moves this Honorable Court for an order dismissing this appeal.

Appellant's appeal should be dismissed because the case is now moot as the Appellant has completed his sentence and been released from state custody. "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." *Mathis v. South Carolina State Highway Dep't*, 260 S.C. 344, 346 (1973). An appellate court should not make an adjudication where

there remains no legal controversy. *Curtis v. State*, 345 S.C. 557, 567 (2001). In the instant case, Appellant, ultimately, seeks return of the good time he lost as a result of a disciplinary conviction in 2015. However, Appellant was released from state custody on December 1, 2017. *See* Exhibit A. A ruling from this Court in Appellant's favor would "have no practical legal effect" on Appellant's case. Granting additional work credits to Appellant is not possible because he has served his sentence. Therefore, this Court cannot grant Appellant the relief he seeks.

WHEREFORE the Department respectfully requests that the Court dismiss this appeal.

Respectfully submitted,



Melissa J. Arnold
Staff Attorney
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221
(803) 896-1278 [direct]

Counsel for Respondent

Columbia, South Carolina

December 4, 2017

Internal Inmate Search

December 4, 2017

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- [Search](#)
- [?](#)

Exhibit A

Secured Applicationslogout

RONALD LEE LEGG (00359236)

Search Results [+/-]

Identification	Personal	Case History	Movement	Escapes	Credits	Programs
Transfer Requests						
Movement						
Movement Date	To Location	Reason	Status			
12/01/2017	UNK	EXPIRATION OF SENTENCE	RELEASE			
11/17/2017	EVANS	ADMINISTRATIVE	INCARCERATED			
11/17/2017	LEE	SEX REGISTRY	INCARCERATED			
05/17/2017	EVANS	RETURN FROM COURT	INCARCERATED			
05/17/2017	HORRY CO	TO COURT	AUTH ABSENCE (AWL)			
04/12/2017	EVANS	RETURN FROM COURT	INCARCERATED			
04/12/2017	HORRY CO	TO COURT	AUTH ABSENCE (AWL)			
09/01/2015	EVANS	RETURN FROM COURT	INCARCERATED			
09/01/2015	HORRY CO	TO COURT	AUTH ABSENCE (AWL)			
04/02/2014	EVANS	ADMINISTRATIVE	INCARCERATED			
03/16/2014	KIRKLAND	ADMINISTRATIVE	INCARCERATED			
03/16/2014	PALMETTO RCHLAND	MEDICAL	AUTH ABSENCE (AWL)			
03/14/2014	KIRKLAND	NEW ADMISSION	INCARCERATED			

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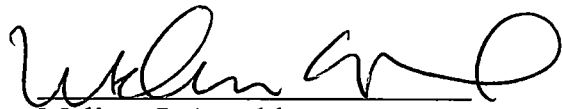
Ronald Lee Legg, # 359236,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on **December 4, 2017**, I served a copy of the foregoing ***MOTION TO DISMISS APPEAL*** upon Appellant by depositing a copy of same in the United States Mail, addressed to: Ronald Lee Legg 418 Old Greenville Road, Spartanburg, SC 29301.



Melissa J. Arnold
Staff Attorney
S.C. Department of Corrections
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December 4, 2017



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

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SC Court of Appeals

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Reference: App. Case No.: 2017-002215 (*Ronald Lee Legg*, # 359236
v. South Carolina Department of Corrections)

Dear Ms. Kitchings:

Enclosed herein, please find:

- One (1) original Motion to Dismiss;
- One (1) Copy of the Motion to Dismiss to be stamped and returned;
- Six (6) copies of the Motion to Dismiss.

If you would, please mail the stamped copy in the enclosed stamped self-addressed envelope.

Sincerely,

Melissa J. Arnold, Esquire

Enclosures

Cc: Ronald Lee Legg, # 359236