

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Administrative Law Judge S. Phillip Lenski

ALC Case No. 17-ALJ-04-0367-AP
Appellate Case No. 2018-000177

WILLIAM LEON BURNETT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECEIVED
APR 20 2018
SC Court of Appeals
APPELLANT

MOTION TO DISMISS APPEAL AS MOOT

This matter comes before this Court pursuant to the appeal of William Leon Burnett, a former inmate of the South Carolina Department of Corrections. On appeal, Mr. Burnett seeks reversal of an internal disciplinary conviction for possession of a weapon. It was undisputed below that the hearing officer did not sanction Mr. Burnett with a loss of any good time for this conviction.

Mr. Burnett was released from the Department's custody on April 2, 2018. He subsequently filed an address change with this Court acknowledging that he has been released from the Department's custody.¹ Due to Appellant's release from SCDC

¹ Respondent also received a telephone call from Appellant on Wednesday, April 18, 2018, indicating that his address had changed to 1266 Cooley School Road, Chesnee, South Carolina, 29323.

custody, the issue on appeal is clearly moot and the appeal should be dismissed. See Mathis v. South Carolina State Highway Dept', 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical effect upon [the] existing controversy."); Byrd v. Irmo High School, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) (a court will not generally pass on moot and academic questions or make an adjudication where there remains no actual controversy).

Based upon the foregoing, Respondent respectfully requests that this Court dismiss the appeal as moot. Respondent also asks that this Court hold the time period for any filings in abeyance pending resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA CATOE BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

April 20, 2018

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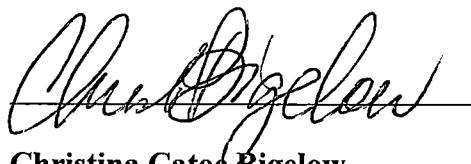
RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to Dismiss Appeal as Moot** to Appellant, addressed to the following two addresses:

William Leon Burnett
1266 Cooley School Road
Chesnee, South Carolina 29323

William Leon Burnett
420 Wannamaker Court
Spartanburg, South Carolina 29302



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

April 20, 2018



South Carolina
Department of
Corrections

HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

April 20, 2018

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

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RE: William Leon Burnett v. South Carolina Department of Corrections
Appellate Case No. 2018-000177

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondent's **Motion to Dismiss Appeal as Moot** in the above captioned case, along with a **Certificate of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: William Leon Burnett
1266 Cooley School Road
Chesnee, South Carolina 29323

William Leon Burnett
420 Wannamaker Court
Spartanburg, South Carolina 29302