

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lancaster County
Brian M. Gibbons, Trial Judge
Paul M. Burch, PCR Judge
Appellate Case No. 2019-001042

RECEIVED

Jun 18 2020

S.C. SUPREME COURT

KEISHAWN MCMANUS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION TO DISMISS PETITION FOR A WRIT OF
CERTIORARI AND APPEAL PURSUANT TO *WHITE V.
STATE DUE TO DEATH OF KEISHAWN MCMANUS***

During the pendency of the petition for a writ of certiorari and appeal pursuant to *White v. State*, undersigned counsel for the State received notice McManus passed away while incarcerated in a correctional facility, and, on June 16, 2020, the South Carolina Department of Correction provided confirmation of McManus's death.¹ As a result of McManus's death, McManus's petition for a writ of certiorari and appeal pursuant to *White v. State* are now moot. *See Sloan v. Greenville Cty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) ("An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists. A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy.

¹ McManus's death certificate is attached to the end of this motion.

Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief.”) (citations omitted). Accordingly, the State respectfully moves for this Court to dismiss McManus’s petition for a writ of certiorari and *White* appeal as resolution of the petition and appeal is no longer necessary in light of his death. *See State v. Anderson*, 281 S.C. 198, 199, 314 S.E.2d 597, 597 (1984) (holding a criminal defendant’s death prior to the conclusion of an appeal constitutes grounds for dismissal); *cf. State v. Miller*, 409 S.C. 312, 312, 762 S.E.2d 394, 394-395 (2014) (dismissing an appeal as moot subsequent to the death of Miller during the pendency of the appeal).

WHEREFORE, the State prays this Court will dismiss the Petitioner’s appeal in the case of *Keishawn McManus v. State*, Appellate Case No. 2019-001042; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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June 18, 2020