



RECEIVED

JUN 18 2021

SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 08, 2021

John K. Massey, Jr., 68608A
Moss Justice Detention Center
1675-3A York Highway
York SC 29745

Ms. Kensey Evans, Esquire
4444 Broad River Road
PO Box 21787
Columbia SC 29221-1787

Re: John K. Massey, Jr. #305341 v. SCDC
Appellate Case No. 2018-002243

Dear Mr. Massey and Counsel:

Enclosed is a copy of this Court's opinion and cover letter issued on May 19, 2021. A petition for rehearing may be filed within fifteen (15) days from the date of this letter. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: The Honorable S. Phillip Lenski

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

John K. Massey, Jr., Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-002243

Appeal From The Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Unpublished Opinion No. 2021-UP-174
Submitted April 1, 2021 – Filed May 19, 2021

AFFIRMED

John K. Massey, Jr., of York, pro se.

Kensley Evans, of the South Carolina Department of
Corrections, of Columbia, for Respondent.

PER CURIAM: John K. Massey, Jr. appeals the Administrative Law Court's (the ALC's) order dismissing his appeal. On appeal to the ALC, Massey argued the South Carolina Department of Corrections (SCDC) failed to properly apply his jail time credit to both of his consecutive sentences. After Massey filed his appeal with the ALC, SCDC informed the ALC that it had amended Massey's jail time credit to reflect his time served. Based on the amended jail time credit, Massey

completed his sentence for grand larceny on August 22, 2019, and completed his sentence for malicious injury to property on August 17, 2020. Because Massey's release prevents this court from providing effectual relief regarding Massey's credit for time served, we dismiss his appeal as moot. See *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006) ("Generally, this [c]ourt only considers cases presenting a justiciable controversy."); *id.* at 26, 630 S.E.2d at 477 ("A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court."); *Curtis v. State*, 345 S.C. 557, 568, 549 S.E.2d 591, 596 (2001) ("[A]n appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review."); *Sloan*, 369 S.C. at 27, 630 S.E.2d at 478 ("However, the action must be one which will truly evade review [for the mootness exception to apply].").

AFFIRMED.¹

LOCKEMY, C.J., and HUFF and HEWITT, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 19, 2021

John K. Massey, Jr., 68608A
Moss Justice Detention Center
1675-3A York Highway
York SC 29745

Ms. Kensey Evans, Esquire
4444 Broad River Road
PO Box 21787
Columbia SC 29221-1787

Re: John K. Massey, Jr. #305341 v. SCDC
Appellate Case No. 2018-002243

Dear Mr. Massey and Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: The Honorable S. Phillip Lenski



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

CHARLOTTE NC 280

Hasler

FIRST-CLASS MAIL

11 JUN 2021 PM 4 L

06/08/2021

US POSTAGE

\$00.51



ZIP 29201
011D12602824

RETURN TO SENDER
NOT DELIVERABLE

LEGAL - NOT OPENED

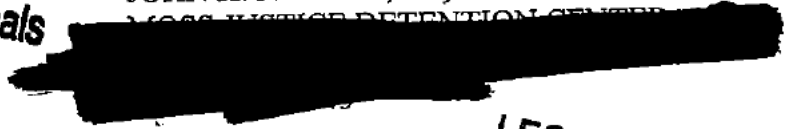
RECEIVED

JUN 18 2021

SC Court of Appeals

not at this facility

JOHN K. MASSEY, JR., 68608A



RECEIVED

JUN 11 2021



LEGAL - NOT OPENED

