

STATE BOARD OF EDUCATION

STATE OF GEORGIA

PATRICK S.,	:	
	:	
Appellant,	:	CASE NO. 1989-15
	:	
V.	:	
	:	DECISION
WILKINSON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Patrick S. (“Appellant”) from a decision by the Wilkinson County Board of Education (“Local Board”) to uphold the decision of the Student Disciplinary Tribunal to expel Appellant for the remainder of the 1988-1989 school year because he possessed a loaded pistol on the school campus. The decision of the Local Board is sustained.

On February 15, 1989, Appellant brought a loaded .357 magnum pistol to school and took it to a teacher to sell. The teacher gave Appellant a check for the pistol. Later, the teacher had second thoughts about the transaction and contacted Appellant. The teacher retrieved his check and returned the pistol to Appellant. The teacher later reported what had occurred to the principal.

Notice was given to Appellant’s parents that a hearing would be conducted on charges that Appellant had violated a Local Board rule that prohibited the possession of pistols on the school campus. On February 24, 1989, a Student Disciplinary Tribunal conducted the hearing.

During the hearing, the Student Disciplinary Tribunal heard testimony from the teacher that he had purchased the pistol from Appellant. Appellant denied that he had ever possessed a pistol or had sold the pistol to the teacher. The pistol was never found, and the teacher had destroyed the check when it was returned to him. The Student Disciplinary Tribunal found

Appellant guilty of possessing a pistol on the school campus and suspended him for the remainder of the year. The Local Board subsequently upheld the decision of the Student Disciplinary Tribunal and Appellant appealed to the State Board of Education.

Appellant claimed in the appeal that the evidence was insufficient to sustain the finding that he had possession of a pistol on the campus. Appellant did not submit a brief or attend a hearing on the appeal.

There has not been any showing why this case is not moot. Appellant did not request a supersedeas order and the suspension period has passed. Appellant is not under any continuing disability from the decision of the Local Board, e.g., probation. The State Board of Education, therefore, cannot grant Appellant any relief. The appeal, therefore, is

DISMISSED

This 10th day of August, 1989.

John M. Taylor
Vice Chairman For Appeals

