

THE SOUTH CAROLINA COURT OF APPEALS

T. Terrell Bryan,

Appellant,

v.

SCDC,

Respondent.

The Honorable Shirley C. Robinson
Administrative Law Court
Grie. No. PLE 0309-12
ALC Packet No. 13-ALJ-04-0194
Appellate Case No. 2013-000760

RECEIVED

MAY 16 2013

COURT OF APPEALS

DESIGNATION OF MATTER INCLUDED IN RECORD ON APPEAL

I, T. Terrell Bryan, the pro se Appellant, hereby requests to include the following in the Record of Appeal:

- (1) EXHIBIT #2 - (ALC) order of Dismissal
- (2) EXHIBIT #3 - Step 1 Grievance

I certify that the designation contains no matter that is irrelevant to this appeal.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of this w/EXHIBITS on: Ms. Shauna Johnson; 4444 Broad River Rd.; Columbia, SC 29210, & Hon. Shirley C. Robinson; Adm. Law Court; Edgar A. Brown Bldg.; 1205 Pendleton St., Ste. 224; Columbia, SC 29201.

5/09/13, SC
dated

Without Prejudice,
X T. Terrell Bryan, all rights reserved,
T. Terrell Bryan
#254538, SMLI-B17, MCCI
388 Redemption Way
McCormick, SC 29839

FILED

MAR 08 2013

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

T. Terrell Bryan, 254638.)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 13-ALJ-04-0174-AP

Grievance No.: PCI 0309-12

ORDER OF DISMISSAL

EXHIBIT
#2

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed March 5, 2013 by T. Terrell Bryan ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). Appellant appeals the decision of the Department denying his grievance in which the Appellant complains the Department has misplaced several of his t-shirts and thermal shirts. The Appellant requests that these items be returned to him or in the alternative, that they be replaced.

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep't of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

The Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling in this matter.

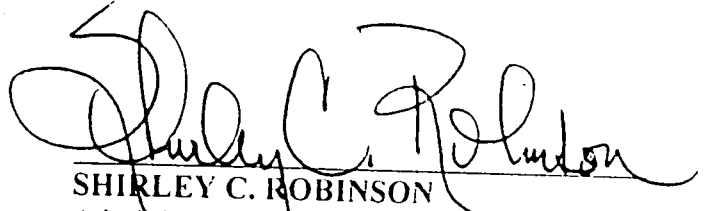
IT IS HEREBY ORDERED that this appeal is **DISMISSED**, with prejudice.


RECEIVED

MAY 16 2013

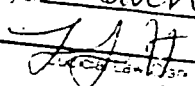
SC Court of Appeals

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge


March 08, 2013
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has personally served this order in the above entitled act or upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the emergency Mail Service addressed to the party(ies) or their attorney(s).

This 8 day of March 2013
By: 

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

Office Use Only

INMATE NAME: T Terrell Bryan
SCDC NUMBER: 254633
INSTITUTION: PCI
HOUSING UNIT: BY6
WORK ASSIGNMENT: N/A

Grievance No. 1C10309-12
Code: General PRIS
Policy _____
Disc. Hear. _____
Class. _____
Date Received 2/8/12
IGC Initials SM

FEB 07 2012 LP

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy indicate which policy)

When I came to PCI on 1/23/12 I had on a thermal set & a T-shirt. When brought to B-dorm (BY6) I was strip searched & my thermal set & T-shirt was taken. On about 1/26/12 Sgt. Raylanc search my cell & took the two T-shirts that he gave me with my property on 1/25/12. I received no property inventory form to be shown that my property has been added to my other property. Upon information & belief my property has been thrown away.

ACTION REQUESTED: A property inventory form completed to show that my property has been placed with my other property. If my property has been thrown away, for it to be replaced with double that in new property or for a criminal investigation.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I wrote Warden McCall on 1/26/12. I spoke to Capt. Asstiens on 1/24/12. I have not received a property inventory form.

T Terrell Bryan 2/06/12
Grievant Signature Date

ACTION TAKEN BY IGC:

All pertinent information and documentation has been reviewed. See Warden's response.

EXHIBIT
3

[Signature] 10-04-12
IGC Signature Date

N/A _____
Grievant Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

WARDEN'S DECISION AND REASON:

Bryan 254638 PCI 309-12

Sergeant Ragland stated that he did in fact confiscate the items from you. Sergeant Ragland stated that a 19-2 was completed and attached to the bag in which your property was placed in. The was taken to the property control room for storage. The form did not come with carbon copies. Therefore, you were not issued a copy. Based on this information, your appeal is without merit and, therefore, **denied**. If you do not agree with my decision, you have five days to file a Step 2 appeal.

[Handwritten Signature] *anttdy* 10/05/12
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

rc MR 10/16/12
Grievant Signature Date

Ms. Johnson 10-05-12
IGC Signature Date
Served By:

P. Tallent 10-16-12

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.