

THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

CASE NO: 2022-000934

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SC Court of Appeals

Trevon Simvel, 246568, Appellant
v.

SOUTH CAROLINA DEPT OF COLLECTIONS,
Respondent

Final Brief of Appellant

Mr. Trevon Simvel *246568
Turbeville Corr. Inst
157B Clarence Coker Hwy
Turbeville SC 29162

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STATEMENT OF ISSUES ON APPEAL

The Administrative Law Court Improperly dismissed Appellants appeal which did implicate a state-created liberty/and or property interest by his work (Intellectual property/property) being censored/rejected/banned without notice and or due process protection's.

STATEMENT OF THE CASE

This matter comes before this court pursuant to the appeal of Travon Simuel, Appellant, an inmate in the custody of the South Carolina Department of Corrections (SCDC). Appellant submitted a Step One grievance on July 21, 2021 and another on July 31, 2021 both of which were processed stating that my First and Fourteenth Amendment rights of the U.S. Constitution and State Constitutional rights were violated, as well as, being classified/labeled as an STC without due process of law. Following the denial of the Step One grievance, Appellant submitted a Step Two on August 13, 2021, which was also denied.

Appellant appealed to the ALC on October 20, 2021, and on June 10, 2022 ALC Judge Shirley C. Robinson issued an order of dismissal.

Now this appeal follows —

Argument

Appellant, Travaal Simmel still seeks answers to the same questions in which he has been asking since the beginning of this appeals process from Respondent (SCDC). (1) Why was his book initially flagged for STG? (2) What particular content in my book is deemed to be STG material? (3) Why wasn't Appellant given a notice of his book being censored/rejected and on before being validated as an STG member?

STANDARD OF REVIEW

First Amendment of The U.S. Constitution

Fifth Amendment of The U.S. Constitution

P.S. 10.0B "Inmate Correspondence Privilege"

Mark Melvin v. Thomas September 23, 2011

Argument

Appellant still seeks the answers to the (3) main questions he has raised throughout this entire appeal process.

- (1) Why was his book initially flagged for STG?
- (2) What particular (content) in my book is deemed to be STG material?
- (3) Why wasn't appellant given a notice of his book being censured/rejected (see Mark Melvin v. Thomas) - and or before being validated as an STG member?

When Appellants Family contacted headquarters on June 2, 2021 and spoke to Ms. Angela Hardin (Admin Manager of Police Services) (see R. p. 10, line 8) who stated the reason my book was flagged was due to the symbol on the back of it. The symbol is an Adinkra symbol which is not affiliated with an STH.

Warden Shimp stated in the step one grievance response (see R. p. 4, line 9) that my book contained STH content. This is a contradiction because my book was not flagged for content, rather it was flagged for the symbol. The Mailroom Director/Designee Ms. Bryant never read the book, she merely looked at the symbol and because she couldn't identify with it automatically flagged it for an STH.

This is a common arbitrary practice by SCDC officials (Respondent) which has a history for stigmatizing / misidentifying its prisoners without just cause or due process of law which is in violation of the 5th Amendment of the U.S. Constitution.

Appellant Further contends that he was never charged with any disciplinary infraction which further supports Appellants claim of being stigmatized/misidentified.

According to PS-10.08 "Inmate Correspondence Privilege." It clearly defines the procedures for notifying an inmate if their correspondence has been censored/rejected. The Correspondence Review Committee (CRC) has clearly defined guidelines, as well, which were both violated throughout this entire process. Inasmuch, the prevailing STG policy at the time of my validation clearly defines the procedures SCDC (Respondent) must follow (see R.P. 11, lines 15-26) (see also STG policy GP. 21-01).

Appellant Further contends how could he be validated as supposedly meeting all the criteria to be a validated STG member as Respondent alleges without being disciplinarily charged?

This is a mere false accusation /
stigmatization to where Appellant is being
misidentified based upon the political
expressions of his book which are protected
under the First Amendment of the U.S.
Constitution via Freedom of Speech and
Expression.

Conclusion

Appellant asks this court to put an
end to the discriminatory censorship /
stigmatization and practices of SCDC
Respondent by reversing the decision of
The Administrative Law Court.

Respectfully Submitted,
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