

STATE OF SOUTH Carolina  
In The Supreme Court  
Appeal from the Administrative Law Court  
Ralph K. Anderson, III Administrative Law Judge

Appellate Case No. 2023-000373

Leonard Lee Foster #179576

Petitioner

v.

South Carolina Department of Corrections

Respondent

REPLY BRIEF

**RECEIVED**

**MAY 15 2023**

**S.C. SUPREME COURT**

CC:

Joseph R. Shakibanasab  
Office of General Counsel  
South Carolina Dept. of Corr.  
Post Office Box 21787

Leonard Lee Foster #179576  
Perry Corr. Inst. Q2B-219  
460 Oak Lawn Rd.  
Pelzer S.C. 29669

This matter comes by way of reply to Respondent. May, 05, 2023 return for writ of Certionari.

State of case

Upon completion of serving 85% of 25 years for felony D U I sentence. Petitioner submitted informal resolution to Turbiville Classification regarding good behavior credits owed in accordance to section 24-13-210 (A), thereafter classification alleged since petitioner is serving consecutive sentences good time earned during the service of felony D U I sentence does not carrie over to 10 year reckless homicide, and 5 years habitual offender sentences because they are consecutive in nature.

On March, 01, 2022 petitioner filed step 1 grievance which was also denied, step 2 was like wise denied as well. On September, 27, 2022 administrative Law Judge Ralph King Anderson III affirmed respondent's decision and failed to consider any part of petitioner's brief, there upon petition for rehearing was filed, which was also denied on October, 21, 2022 South Carolina court of Appeals assigned the appellate case number 2022-001485 and informed petitioner he must pay \$250.00 filling fee within 10 days or the appeal would be dismissed.

Petitioner filled a motion to proceed without cost on November, 01, 2022. The clerk of court informed petitioner an appeal from the Administrative Law Court is not considered a criminal appeal and the requisite filing fee must be submitted, thereupon Petitioner filed writ of mandamus.

On December, 13, 2022 order, the Court informed Petitioner that his motion to proceed informal pauperis would not be considered and the appeal would be dismissed within 15 days unless the filing fee was paid.

On December, 24, 2022 Petitioner's brother Lenard Lee Lyles mailed South Carolina Court of Appeals a personal check for \$250.00 whereas the Clerk of court failed to extract funds.

On January, 09, 2023 the court of appeals alleged petitioner failed to pay filling fee and dismissed the appeal. On January, 19, 2023 Petitioner filed a motion to reinstate appeal asserting the Court over looked that the filing fee was paid within 15 days of the Court's December, 13, 2022 letter, thereupon Petition for rehearing was denied by the court of appeals on February, 27, 2023

#### Argument

According to section 1-23-610 (d) administrative law judge abused it's description when it failed to consider Petitioner's brief S.C. Const. art 1 section 22 provides (no person shall be finally bound by a judicial or quqsi judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard nor shall he be deprived of Liberty or property unless by a mode of procedure prescribed by the General Assembly and he shall have in all such instances the right to judicial review.

Furthermore, denying Petitioner of proceeding informal pauperis was in violation of constitutional or statutory provision wherefore section 24-13-210 is a fundamental right that requires a waiver of the filing fee. Sec... Section 8-21-310 (d) no fee may be charged to a defendant or respondent for filing an answer return or other papers in any civil action or proceeding in a court of record.

#### Conclusion

Based on foregoing, the Petitioner Writ of Certiorari should be granted.

May, 11, 2023

Respectfully submitted

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PROOF OF SERVICE

I certify that I have served the notice of appeal on South Carolina Department of Corrections General Counsel by depositing a copy of it in the United States mail. Postage prepaid on May, 12, 2023. Addressed to his Attorney of record Joseph R. Shakibanasab, post office box 21787-4444 Broad River Road, Columbia, S.C. 29221-1787 on May, 12, 2023.

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12 MAY 2023 PM 1 1



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S.C. SUPREME COURT

The Honorable Patricia A. Howard  
Clerk of Court Supreme Court of South Carolina  
Post Office Box 11330  
Columbia South Carolina 29211

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MAY 12 2023

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