

The State of South Carolina
In the Court of Appeals

Appeal From Administrative Law Court

Honorable Carolyn C. Matthews

Appellate Case # 2012-213507

Richard Ridley #285091

Respondent

-v.-

S.C. Dept of Corrections

Appellant

Reply to final Brief

March, 18, 2013

Richard Ridley # 285091

Lee Corr. Facility

990 Wisacky Hwy

Bishopville, S.C., 29010

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S.C. Dept of Corrections Op. Policy 22:14

"Disciplinary Policy" Pages-2 +3

Al. Shabazz V- State 338 SC 354 527 SE2d 742 (2000) Page 1

Heater of Seabrook V Public Service Comm, of SC, 332 SC

20 503 SE 2d 739 1998 Page-1

II

Statement of Case

I, Richard Ridley was found Guilty of 898 (Possession of A cell phone or other type of Communication Device), In Lee Correctional Facility on 10-5-11. I Appealed the Decision on 10-6-11 And was Denied. I then did A Step 2 grievance Dec. 8, 2011 And was Also Denied. I then Appealed to the Administrative Law Court. March 7, 2012 It was Assigned with A Filing date of 2-23-12 Case # 12-AIJ-01-0115-AP Grievance # LCI-2352-11 To Judge Carolyn C. Matthews. November, 2, 2012 Judge C. Matthews Reversed My disciplinary Conviction. December, 17, 2012 S.C.D.C. Appealed Judge C. Matthews Decision.

- Standard of Review -

The A.L.C.'s Jurisdiction to hear this Matter Is derived entirely from the decision of the South Carolina Supreme Court In *Al-Shabazz v. State* 338, S.C. 354 S.E. 2d 742 (2000)

- See Also - S.C. Code ANN. § 1-23-610(C)

A Reviewing Court shall Not Substitute Its Judgment for that of the ~~ALJ~~ ALJ As to the findings of fact.

- See Also - *Heater of Seabrook Inc v. Public Service Comm. of S.C.* 332, S.C., 20, 503 S.E. 2d 739 (SC 1998)
Administrative Agencies Are Afforded wide Latitude In Making decisions as shown In the deferential Standard of Appellate review.

Counter - Argument / ~~Monumental Point~~

Judge Carolyn C. Matthews decision to reverse My disciplinary conviction of 10-5-11 Was based on facts.

Judge Matthews states that the Dept failed to cite the language from the policy that would Include the - Evidence - (Scrap paper with 3 phone Number's on It) In this case As supporting the Charge. The Judge goes on to further state that "The conviction was not supported by substantial Evidence on the Whole Record. I was charged for Possesing A cell phone for having A scrap piece of paper with the words Edit, done And 3 phone Numbers on It. In my Locker.

In the Disciplinary hearing Transcript The Disciplinary Hearing Officer Asked Sgt Epps, "Why did you charge the Inmate for 898? He stated "Because of the Information we found dealing with how to, um, enter And edit the Numbers In It." If I draw A picture of A gun or A Knife on A piece of paper under Op. policy 22.14 (Disciplinary) could I be charged with possesing A weapon? This Is basically what Mrs Johnson (Attorney) for S.C.D.C. Is saying. Mrs Johnson further States In her Final Brief that I was found with Instructions on how to Activate A cell phone. This Is not what the evidence says And Its not what the charging officer says In my Incident Report. It Also

Is not In the Disciplinary Hearing transcripts. Nowhere Does It say that I had Instructions on how to Activate A cell phone. So what Evidence did Mrs Johnson for S.C.D.C. rely on to place this In her Final Brief?

She further Mis-quotes Op policy 22:14 Offense 898 when she states In Section-B; Page 6 of her final Brief "Components thereof" The policy Actually states components of A device. Judge Carolyn C. Matthews relied on S.C. Code Ann 1-23-610(C) Section -E- And -F- And I believe she was correct In her Interpretation of the Law when she made her decision. A piece of paper Is still Just that. It Is not A device or A component of A device.

Conclusion

Based on the foregoing reasons And Legal Statutes I Richard Ridley #285091 do respectfully Ask that S.C.D.C.'s Appeal be dismissed And Judge Carolyn C. Matthews Court order be upheld.

March, 18, 2013

Richard Ridley #285091
Lee Corr. facility
990 Wisacky Hwy
Bishopville S.C. 29010

Certificate of Service

South Carolina Court of Appeals

Richard Ridley # 285091 - - - - - Respondent

V. -

S.C. Dept of Corrections - - - - - Appellant

I do certify that I have served the Appellant A copy of My Reply to Appellants Final Brief by depositing A copy of same In the U.S. Mail postage Prepaid On March, 18, 2013. Addressed to Appellant As follows:

Shanika Johnson
Staff Attorney SCDC
P.O. Box 21787
Columbia, S.C., 29221

Signed
by Richard Ridley #285091
Richard Ridley
Lee C. Facility
990 Wisacky Hwy.
Bishopville, SC. 29010

March 18 2013