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JUN 07 2023

SC Court of Appeals

To whom it may concern,

I would like to appeal the ruling of the Administrative Law Court, Appeals affirming a finding of guilt for an SRDC disciplinary conviction in the above related matter.

STATEMENT OF FACTS: On April 2nd, 2020 petitioner was transferred from Lee Correctional to Kirkland Correctional's Maximum Security Unit (MSU) which is solitary confinement, on allegations that I attempted to murder an officer. Appellant was subsequently charged institutionally and in a court of general sessions. SRDC policy mandates that disciplinary hearings be held within 21 days unless an extension is first granted. No extension request was made or granted until June 23rd, 2020 and it mandated that a hearing be held within 21 days from that date.

No disciplinary hearing was held until April 16th, 2021 and it was continued until April 23rd, 2021. I produced a memo of my requested accusers/witnesses, the fact finding phase occurred and I was NOT found guilty yet no disposition was ever delivered to me. A series of complaints and appeals enlightened me to the fact that I was being held in solitary due to the pending criminal charges. After a three day trial, on October 13th, 2021 I was found NOT GUILTY of all charges.

Two weeks later, on October 28th, 2021, I was taken to another disciplinary hearing for the same exact charges. The disciplinary hearing officer (DHO) Audrey Daniels-Moore openly admitted that she did not know about and hadn't reviewed my primary piece of evidence; The video of the incident. A few of my witnesses/accusers could not be present because by the time this 2nd hearing happened over 18 months later they had quit or were fired. Under these conditions I was found "guilty" and sanctioned to time served in solitary confinement (18 months) and a loss of 12 days good time.

I am appealing this conviction because my due process was violated where my witnesses/accusers couldn't all be present, where my evidence couldn't be presented (video) and wasn't reviewed, where the DHO was NOT impartial given she found guilty without reviewing my evidence or considering my witnesses including former accusers who later recanted, where the DHO was held long after 21 days allowed which is

largely what created the opportunity for witnesses/accusers to be fired/have quit/not be present. The state created liberty interest are the 12 days of good time lost as part of the sanctions associated with the conviction. It should also be noted that during litigation for this case in Administrative Law Court, it was discovered that both the Warden and the DTO Audrey Daniels-Moore dismissed and overturned other prisoners charges for the 21 day violation but not mine.

The final order from the Administrative Law Court was dated November 3<sup>rd</sup>, 2022 and was received on November 22<sup>nd</sup>, 2022. An action was later filed in Federal Court and was dismissed as premature, stating that relief must first be sought in state courts. It was dated May 16<sup>th</sup>, 2023. I am seeking the disciplinary conviction be overturned as relief.

A copy of this notice of appeal has been served on the following by depositing the same in the institutional mail for delivery into the U.S. mail, postage prepaid:

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. Box 11629  
Columbia, SC 29211

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