

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court
The Honorable Robert L. Reibold, Administrative Law Judge JUL 05 2023
Docket Number 23-ALJ-15-0001-AP

SC Court of Appeals

Appellate Case No.: 2023-000847

RONALD C. ALBRIGHT, #217218.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

APPELLANT'S RESPONSE TO "MOTION TO STRIKE DESIGNATION"

6-30-2023
DATED

Ronald C. Albright
RONALD C. ALBRIGHT

APPELLANT WAS GIVEN A TEN DAY PERIOD BY THE APPELLATE CLERK OF COURT TO CORRECT A DEFICIENCY IN THE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED. APPELLANT COMPLIED AND SUBMITTED A COMPLETE LISTING OF MATTER WITHIN THAT TEN DAY PERIOD.

THIS MATTER WAS PRESENTED TO THE S.C. DPPP'S FUNCTIONING AS AN ADMINISTRATIVE TRIBUNAL AND RE-SUBMITTED AT EVERY OPPORTUNITY AT A REHEARING, SATISFYING RULE 210(C) AND FURTHER PROPOSED TO THE ALC FOR REVIEW, AS "REQUESTED FROM RESPONDENT" BUT BECAUSE OF THE COURT'S ERRONEOUS GRANTING OF THE RESPONDENT'S MOTION TO DISMISS, IT WAS ONLY REFERENCED BY THE ALC AND NOT PUT INTO RECORD.

APPELLANT AND THE ALC JUDGE REFERENCED THESE PROCEEDINGS THAT THE TRANSCRIPTS WOULD DETAIL. THE DEPARTURE FROM THE RULES AND REGULATIONS IN THE AGENCY'S PROCEEDINGS IS PRECISELY WHAT IS BEING CHALLENGED AND A RECORD OF THOSE PROCEEDINGS IS CRUCIAL, FOR HOW CAN ONE DETERMINE IF THE PROCESS WAS DEFICIENT IF THE RECORD OF THE PROCEEDINGS IS KEPT FROM THE COURTS?

THE RESPONDENT CLAIMS THE INABILITY TO PRODUCE THE RECORDS OF THE PROCEEDINGS BEING CHALLENGED. IN "RIDDLE" V. STATE 282 S.E. 2d 863; 277 S.C. 110, THE CASE WAS REMANDED FOR A DE NOVO HEARING BECAUSE THE REVOCATION PROCEEDINGS WERE SO SUMMARY THAT THE RECORD WAS INSUFFICIENT FOR THE APPELLATE COURT TO REVIEW. IF IT PLEASURES THE COURT APPELLANT RESPECTFULLY REQUESTS THIS IN LIGHT OF THESE CIRCUMSTANCES IN THE PRESENT CASE.

APPELLANT CONTENDS THAT HIS REMAINING MATTER SHOULD NOT BE STRICKEN BECAUSE OF THE AGENCY'S INABILITY TO PRODUCE A RECORD OF THE PROCEEDINGS BEING CHALLENGED. THE RESPONDENT IS ALREADY TRYING TO INDEFINATELY DELAY MY APPEAL FOR THEIR INABILITY TO PRODUCE THE WRITTEN FINAL ORDER OF REVOCATION TO BEGIN THE TOLLING OF THE TIMELINE.

AS TO RELEVANCE, THE REASON THE RESPONDENT SEES THE MATTER AS IRRELEVANT IS BECAUSE OF THEIR CONTINUED "MISTAKING" OR MIS-APPLYING APPELLANT'S CHALLENGES TO THE AGENCY'S DECISIONS AND SUBSEQUENT ROUTINE DENIALS OF PAROLE AND CITING 24-21-680 AD NAUSEAM. THE CHALLENGE LIES WITH THE PROCEDURES EMPLOYED AND THE EVIDENCE RELIED UPON TO REACH THOSE DECISIONS, NOT THE DECISIONS THEMSELVES. EVEN 24-21-680 REQUIRES SOME PROCESS TO DETERMINE ITS FIRST TWO WORDS "UPON FAILURE". THIS STATUTE DOES NOT, NOR CAN NOT, GRANT THE AGENCY THE POWER TO ABBROGATE CONSTITUTIONAL DUE PROCESS RIGHTS AS UNDER THE COLOR OF LAW THAT THE RESPONDENT CLAIMS, THAT THIS STATUTE PROVIDES THEM.

THE REASON THIS MATTER IS RELEVANT AND SHOULD BE INCLUDED AND REVIEWED IS THAT ITS DIRECTLY RESPONSIBLE FOR GIVING THE COURTS JURISDICTION TO HEAR THE CASE. THE COURTS CANT APPLY § 1-23-380 (5)(a-f) WITHOUT FIRST REVIEWING AND WEIGHING THE CLAIMS AND EVIDENCE BROUGHT BY AN APPELLANT, AGAINST § 1-23-380 (5)(a-f) TO SEE IF THEY APPLY OR MEET THE STANDARD. THATS LIKE SAYING THEY WOULDNT HAVE JURISDICTION TO REVIEW THE CIRCUMSTANCES THAT WOULD GIVE THEM JURISDICTION.

PER § 1-23-380 APPELLANT CLAIMED THE AGENCY DECISIONS WERE: (5)-(c,e, and f)

- c.) "MADE UPON UNLAWFUL PROCEDURE" (BECAUSE THE LAWFUL PROCEDURE IN THIS CASE WAS FOR THE AGENCY TO FOLLOW THE ICMS PROCEDURES FOR A RETAKING)
- e.) CLEARLY ERRONEOUS IN VIEW OF RELIABLE EVIDENCE ON THE WHOLE RECORD. (APPELLANTS EVIDENCE AND DOCUMENTS WERE EXCULPATORY AND THE AGENCYS WAS UNFOUNDED 3RD PERSON TESTIMONY.)
- f.) ARBITRARY AND CAPRICIOUS AND CLEARLY UNWARRANTED EXERCISE OF DISCRETION. (THE AGENCYS INFERRING THE FIRST TWO WORDS OF 24-21-680 "UPON FAILURE" WITHOUT PROOF, TO IMPLY THAT MERE ALLEGATIONS WERE ACTUAL VIOLATIONS COMMITTED.)

§ 1-23-380 (4) * IN CASES OF ALLEGED IRREGULARITIES IN PROCEDURE BEFORE THE AGENCY, NOT SHOWN IN THE RECORD, AND ESTABLISHED BY PROOF SATISFACTORY TO THE COURT, THE CASE MAY BE REMANDED TO THE AGENCY FOR ACTION AS THE COURT CONSIDERS APPROPRIATE. * (IE JURISDICTION) FOR HOW CAN THE COURT DETERMINE IF THE ABOVE MENTIONED PROOF IS 'SATISFACTORY' UNLESS ITS ALLOWED TO REVIEW IT, AND TO REVIEW THIS MATTER, IT MUST BE INCLUDED IN THE RECORD.

SO, SCACR R. 209 (b) ISNT VIOLATED FOR IRRELEVANCE AS RESPONDANT CLAIMS BECAUSE THESE MATTERS ARE RELEVANT TO THIS CASE AND THE ALL'S RULING.

WHEREFORE APPELLANT PLEADS WITH THIS COURT TO DENY RESPONDANTS "MOTION TO STRIKE" AND ALLOW THE MATTER TO BE INCLUDED IN THE RECORD FOR THIS AND FUTURE COURTS REVIEWS. THERES NO VALID REASON FOR THE RESPONDENT IN THE INTEREST OF TRUTH, JUSTICE, AND FUNDAMENTAL FAIRNESS TO KEEP THIS EVIDENCE FROM THE COURTS REVIEW.

I FURTHER CERTIFY THAT ALL MATTER IN APPELLANTS "MOTION FOR DESIGNATION" IS RELEVANT TO THE APPELLANTS CLAIMS AND HAS DIRECT RELEVANCE TO JURISDICTION AS OUTLINED IN THIS REPLY AND WOULD GIVE JURISDICTION TO THIS COURT AS WELL AS THE ALL UNDER § 1-23-380 (A-F) AND § 1-23-610 (B)(a-f)+(A)(1).

Ronald L. Wright

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v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

CERTIFICATE OF SERVICE

I RONALD ALBRIGHT, APPELLANT, HEREBY CERTIFY THAT I HAVE SERVED THE ENCLOSED "REPLY BRIEF OF APPELLANT" AND "RESPONSE TO MOTION TO STRIKE" ON THE FOLLOWING ADDRESSED PARTIES BY PLACING A COPY OF EACH IN THE LIEBER CORRECTIONAL INSTITUTION MAIL ROOM LABELED: ATTENTION: INTERDEPARTMENTAL LEGAL MAIL (6/30/2023)

S.C. DEPT. OF P.P.P. SERVICES
JESSICA E. KINARD - LEGAL DIVISION
P.O. Box 207
COLUMBIA, SC. 29201

AND

ADMINISTRATIVE LAW COURT
JAMES S. HARRISSON - CLERK
1205 PENDLETON ST.
COLUMBIA, SC. 29201

I FURTHER CERTIFY THAT ALL PARTIES REQUIRED BY RULE TO BE SERVED, HAVE BEEN SERVED.

ON: 6/30/2023

DATED

Ronald C. Albright
RONALD C. ALBRIGHT

"RATIO EST RADIUS DIVINI LUMINIS" ~ "VERITAS NIHIL VERETUR NISI ABSCONDI"

RONALD C. ALBRIGHT ~ #211533
L.C.I. ~ SB-58 P.O. BOX 205
RIDGEVILLE, S.C. 29472

S.C. COURT OF APPEALS
HON. JENNY A. KITCHINGS - CLERK
P.O. Box 11629
COLUMBIA, SC. 29211

30TH of June, 2023

RE: RONALD ALBRIGHT # 211533 v. SCDPPPS (APPELLATE CASE No. 2023-000847)
REPLY BRIEF AND RESPONSE TO MOTION TO STRIKE

Dear Mrs. Kitchings,

PLEASE FIND ENCLOSED, ONE COPY OF EACH OF THE
REPLY BRIEF OF APPELLANT AND APPELLANT'S RESPONSE TO MOTION TO STRIKE
AND CERTIFICATE OF SERVICE ON ALL PARTIES.

COULD YOU KINDLY RETURN TO ME A FILE STAMPED COPY
OF THE COVER PAGE OF EACH.

RECEIVED

JUL 05 2023

SC Court of Appeals

cc: ADMINISTRATIVE LAW COURT
SC, DEPT. OF PPP SERVICES

Respectfully
Submitted,
Ronald C. Albright

RONALD ALBRIGHT #211533
L.C.I.-SB-58- P.O. Box 205
RIDGEVILLE, SC. 29472

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INTERDEPARTMENTAL
LEGAL MAIL (6-30-23)