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AUG 31 2023

THE STATE OF SOUTH CAROLINA SC Court of Appeals  
IN THE COURT OF APPEALS

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On appeal from the final order of presiding  
Judge, Robert L. Reibold, ALJD, on Grievance  
from the SC. Department of Corrections.  
Case # 23-ALJ-04-0058-IJ / Grievance BRCI-0105-23

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Docket # 2023-000950

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Sandtario Poole, #360120 - - - Appellate

Vs

SC. Department of Corrections - - - Respondent

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APPELLATE INITIAL BRIEF

\*\*\*\*\*

Mr. Bryan P. Stirling, Director of SCDC  
c/o Mr. Joseph R. Shakibanasab  
Office of General Counsel: SCDC  
4444 Broad River Rd  
PO. Box 21787  
Columbia SC 29221-1787  
Ph 803-896-1278  
Counsel for Respondent

Sandtario Poole  
Appellate Pro Se  
Marion 168  
4460 Broad River Rd  
Columbia SC 29210  
Ph 803-896-2200

## QUESTION / STATEMENT OF ISSUE

I Whether the administrative law courts order (Order or ALC), made a plain error in summary dismissing the appeal in an arbitrary manner contrary to the record, and made an unreasonable application of SCDC policy, <sup>GA</sup>01.12(13.3) on grievance marked Processed, and exhaustion incomplete; allowing respondent (SCDC) to exceed its authority to classify me as a sex offender, when no such finding or crime, has been made by any judge or conviction?

## STATEMENT OF THE CASE

Upon being informed by SCDC classification, that I was a sex offender because of prior 2nd degree kidnapping crime in NC; I submitted in effort to resolve the matter request on the automated request to staff member (ARTSM) Ref # 23-02953564 answerd by c043856, on 1/4/23, and previously in ref 22-02640386 answered by c066525, on 5/26/22. I filed an initial grievance id case # BRCI-0009-23 filed 1/5/23, which was returned marked processed on 1/9/23, with instructions to forward a request to staff to classification.? I complied with the IGC order.

The instant case, after (ARTSM # 23-02953564, I filed a step 1 grievance dated 1/24/23, case # BRCI-0105-23 in proper order. This was marked PROCESSED & Other and returned to me denied by IGC on 1/27/23, without submitting same to warden for official response and step 2 appeal. This final decision was attached to a notice of appeal (NOA) in the ALC, id 23-ALJ-04-0058-IJ. This case was docketed as "injunctive" in type.

When the time for filing the record on appeal (ROA) by respondent was completed, SCDC filed a motion to dismiss, dated 5/5/23 without any ROA.

I filed timely answer & objections with an Appendix of prior records as proffered evidence, dated 5/14/23.

The court issued its order dated 5/19/23, summary granting SCDC motion.

I filed a timely (NOA) in this court, with a motion for informa pauperis, dated 6/4/23. Notice of case number and filing was dated 6/15/23. This court granted informa pauperis in part and denied waiver of filing fee of \$250.00, and counsel. I filed a motion for rehearing on 8/9/23 on the filing fee / counsel dated 8/9/3, which was returned by order on 8/15/23, on no final order of dismissal made yet.

## ARGUMENT

I THAT THE ADMINISTRATIVE LAW COURTS ORDER IS IN PLAIN ERROR, IN SUMMARY DISMISSING THE APPEAL IN AN ARBITRARY MANNER, CONTRARY TO THE RECORD, AND MADE AN UNREASONABLE APPLICATION OF SCDC POLICY GA.01.12(13.3) ON GRIEVANCE MARKED PROCESSED, AND EXHAUSTION INCOMPLETE; ALLOWING RESPONDENT TO EXCEED ITS AUTHORITY TO CLASSIFY ME AS A SEX OFFENDER, WHEN NO SUCH FINDING OR CRIME, HAS BEEN MADE BY ANY JUDGE OR CONVICTION!

I submit and argue that the ALC should not have applied SCDC policy GA 01.12)13.3) to procedural dismiss my appeal, because this policy requires the step 1 to be marked as unprocessed, and as pointed out, my grievance is processed, so this dose not even apply.

The ALC erred in finding exhaustion incomplete, because I not only sought informal resolution per policy twice, but made other attempts through letters and face to face with case worker, yet the IGC did not submit the grievance to the warden for a decision, making her denial the final decision available.

I was convicted in NC prior to the present conviction of robbery and 2'nd degree kidnapping, as the commitment papers show, and the indictments dont even imply any sex offence. SC dont even have a 2'nd degree kidnapping law. The present conviction is for robbery with no sex finding or crime.

SCDC classification has me as a sex offender, and that denies me normal advancements in custody level, and puts me in harm of having to register as a sex offender, which is arbitrary, capricious, and denies me due proress of law and liberty interest.

## CONCLUSION

Wherefore I pray that this court will reverse the ALC order and remand case for proper adjudication; or as this court deems just.

August/27'th/2023

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Respectfully Submitted

/s/ Sandarario Poole  
# Appellate Pro Se  
Sandatario Poole

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
COURT OF APPEALS  
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TO Honorable, Jenny A. Kitchings  
Clerk of Court  
PO. Box 11629  
Columbia SC. 29211

Aug/27/2023

RE Sandtario Poole, 360120 vs The SCDC  
Marion 281 BRCI  
4460 Broad River Rd Docket # 2023-000950  
Columbia SC. 29210

On appeal from the ALC, Judge Reibold.

Court,

Please find attached, my original;

1. Appellate Initial Brief
2. Filing letter & proof of service.

Thank you for your time and patience in this matter.

Sincerely

*/s/ Sandtario Poole*

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PROOF OF SERVICE

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I certify that I have on this 1 27 /day of 1 8 /2023  
served one true copy of my initial brief on counsel as addressed below, by  
depositing same in the mailroom marked IntraAgency, in proper order.

\*\*\*\*\*

Respectfully

Mr. Joseph R. Shakibanasab  
Office of General Counsel; SCDC  
4444 Broad River Rd  
PO. Box 21737  
Columbia SC. 29221-1737  
Ph 803-896-1278

*/s/ Sandtario Poole*  
Appellate Pro Se  
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Honorable, Jenny A. Kitchings

Clerk of Court

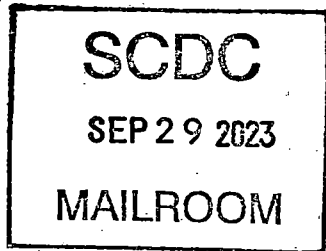
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