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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

**In the Supreme Court
In the Original Jurisdiction**

**Appeal from The S.C. Court of Appeals
Appellate Case No. 2023-000847**

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.S.....RESPONDENT.

PETITION FOR WRIT OF CERTIORARI

Ronald C. Albright #211533
Lieber Correctional Institution SB-21
P.O. Box 205
Ridgeville, SC. 29472

v.

S.C.D.P.P.S. – Legal Div.
Matthew C. Buchanan, Esq.
P.O. Box 207
Columbia, SC. 29201

Pursuant to SCACR 240-242(b)(3,4, and 5), Petitioner hereby moves this Honorable Court to review the Final Order of the S.C. Court of Appeals and the Constitutional Claims brought by the Appellant by the way of a Writ of Certiorari.

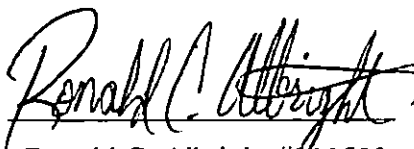
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CERTIFICATE OF COUNSEL/PETITIONER

Petitioner hereby certifies that the Petition for Rehearing was made and finally ruled upon by the S.C. Court of Appeals on 8-29-23 (Copy of Final Order enclosed)

9/1/23
Dated


Ronald C. Albright #211533

QUESTIONS PRESENTED

- 1) Did the S.C. Court of Appeals have the duty or jurisdiction to enforce the Interstate Compact for Adult Offender Supervision under 24-21-1170(b) and review Appellant's Due Process claims that a State Agency employed unlawful procedures contrary to ICAOS protocols and relied upon unfounded allegations to reach its decision in the revocation of an already granted Parole under 1-23-380(5)(a-f), or found that the Administrative Law Court should have conducted a comprehensive review of the Agency's procedures in its determination?
- 2) Should the S.C. Court of Appeals have dismissed all of Appellant's Motions before Appellant's timely response was received and before the 10 days allowed by SCACR 240(e), had expired?
- 3) Should the S.C. Court of Appeals have denied the Appellant's Motion to proceed in Forma Pauperis and then dismiss his Appeal in the middle of the Briefing stage for not having the \$250 filing fee, when Appellant is truly indigent and has zero strikes against him for frivolous litigations?
- 4) Should the S.C. Court of Appeals have appointed counsel representation that Appellant pleaded for, due to the complex nature of this case and the fact that Appellant has never at any time in any of these previous proceedings had representation?
- 5) Should the S.C. Court of Appeals have been influenced by the Respondent's misrepresentation of Appellant's actual challenges, when Appellant explained to the Court the actual challenges and review being sought?
- 6) Should the S.C. Court of Appeals ruling that Appellant's entire Designation of Matter be stricken due to the inability of the Respondent to produce the transcripts and documents of its own proceedings?
- 7) Do the Constitutional Due Process and Equal Protection issues raised by the Appellant from the beginning of the revocation process through the ALC and S.C. Court of Appeals, ever get the opportunity to get comprehensively reviewed?

Statement of Case

This Petition comes by way of a request for review of an Order of the S.C. Court of Appeals from a direct Appeal of a Contested Case Hearing of a State Agency in the Administrative Law Court of an extradition and revocation of a previously granted Parole and the procedures employed by the Agency and evidence relied upon by that Agency to reach their decision.

Brief History

Petitioner, Ronald C. Albright, (“Appellant/Parolee”) was granted Parole in May of 2015 and had supervision transferred to his home State of Florida under the Interstate Compact for Adult Offender Supervision, or ICAOS hereafter. Two years into that supervision, the Florida Parole Officer submitted erroneous reports to South Carolina and S.C. issued a warrant and had Parolee extradited back to S.C. without a Preliminary Probable Cause Hearing in the Receiving State as mandated by the ICAOS Compact ICAOS Rule 5.108(a-g), Appendix G, Exhibit 4, Pg. 8 A S.C. Parole Agent, who knew nothing of the case, swore 3rd party to the validity of a summary of the Florida Parole Officer’s unfounded allegations to obtain a warrant, extradition, and subsequent revocation. Warrant/Affidavit at: Appendix D, Exhibit 2, Pg. 11.

After Parolee’s return to S.C., an “After the Fact” attempt was made by SCDPPPS to satisfy the ICAOS requirement of a Preliminary Probable Cause Hearing on the already issued warrant and executed extradition, totally backwards from the lawful

procedure the compacting States are bound to follow under S.C. Code Ann. 24-21-1130(2), 24-21-1220(A)(2), (B)(2), and 24-21-1170(b) ICAOS Rules 5.108(a-g)

At this hearing, Parolee was erroneously told by the Hearing Administrator, to “Tell all of that (Parolee’s defenses and evidence) to the Parole Board when you go back in front of them”. This was error of the part of the Hearing Administrator because the Parolee should have been given the opportunity right then and there, to present his defenses and evidence to a “fair, neutral, and unbiased” hearing justice, (even though this whole proceeding was in the wrong State)

The erroneous directives of this Hearing Administrator, coupled with the denial or unreasonable delay of the Written Final Order of Revocation from the SCDPPPS is the extraordinary circumstances that delayed Parolee’s seeking of judicial review of the unlawful procedures employed by the Agency and the evidence, or lack thereof, relied upon by the Agency to make it’s determination. Parolee still obeyed these erroneous directives and submitted his defenses and exculpatory evidence “To the Board” every time he went in front of them and petitioned for numerous reconsiderations as well.

Appendix D, Exhibit 2, Pgs. 3-13.

The Respondent, SCDPPPS refused to acknowledge, respond, or answer anything to do with Parolee’s Revocation proceedings or evidence submitted, and responded only with denial after denial of Parole and reasons for those denials. After presenting defenses and evidence at three consecutive Parole Hearings, showing both Due Diligence and a Good Faith Effort, to allow the Agency to handle these matters, Parolee sought judicial review of the procedures and his exculpatory evidence in the form of a Contested Case Hearing of a State Agency in the Administrative Law Court despite not yet having

received the Written Final Order of Revocation from the SCDPPPS. Parolee Petitioned the Administrative Law Court to either hear the case without the Final Order, or Compel the Agency to Issue and deliver the Final Order to the Parolee to begin the tolling of the timeline to Appeal. **Appendix A, Exhibit 2, Pgs. 2-3.**

The Administrative Law Court stated in it's Order to Dismiss, that it wasn't the venue to Compel a State Agency to Issue an Order, but didn't suggest who was. **ALC's Order at Appendix C, Exhibit 1, Pg.7, Footnote 2.** The ALC then granted the Respondent's Motion to Dismiss Appeal for timeliness and jurisdiction, even though the Judge stated "Certainly no party has submitted a copy of any 2017 Written Order Revoking Parole to this Court... If Appellant's assertions regarding receipt of such an Order are correct, then the time to Appeal the 2017 Revocation of Parole may not have begun to run, see, e.g. **SCACR Rule 59**, and in the absence of a Final Order, no Appeal of the Revocation has commenced" **Appendix C, Exhibit 1, Pgs. 4-5.**

As to the jurisdictional reasons for the ALC's dismissal, this was once again due to the Respondent's purposeful misdirection of the Court as to Appellant's actual challenges and to Statute **24-21-680** and claiming Appellant was attempting to challenge a non-reviewable routine denial of Parole to a Parole eligible inmate and therefore, "No Court has the jurisdiction to review a Parole revocation" Respondent's Motion to Dismiss at **Appendix B, Exhibit 1, Pg.2** Even though the Parolee was challenging the procedures employed by the Agency and the evidence relied upon to reach their decision. A State Agency acting under the color of law of a Statute, or a Statute itself, can not be allowed to abrogate the Due Process Clause of the United States Constitution. **18 U.S.C.A. Sect. 242** The ALC Judge even recognized and stated that "The Court does not dispute

Appellant's concern that 24-21-680 requires certain process to be afforded in cases involving Parole violations" ALC's Order at Appendix C, Exhibit 1, Pg. 5, Paragraph 6 and Pg. 6 Footnote 1, but still declined to review this "process" for adherence to the lawful procedure of the ICAOS rules and regulations under 24-21-1170(b). The ALC in erroneously granting the Respondent's Motion to Dismiss, left Appellant's Motions and Designation of Matter unresolved and out of the record even though they were presented to both the Court and Agency Appendix D, Exhibit 1 and 2 and were directly relative to the jurisdiction of the ALC to hear this case under 24-21-1170(b) and 1-23-380(5)(a-f).

Parolee appealed the ALC's Final Order claiming that the ALC did have jurisdiction, not only to hear this case, but to "modify, amend, correct, or reverse" under 1-23-380(5)(a-f). And as to the timeliness claim, The Agency's denial or unreasonable delay of the issuance of the Written Final Order of Revocation could in essence bar proper redress of Appellant's grievances for as long as they wish to withhold it. The Respondent claims in their Motion to Dismiss the Appeal that the Appellant signed for and received the Order on Aug. 30, 2017 but they "don't have a copy of it to submit to the Court" Respondent's Motion to Dismiss at Appendix B, Exhibit 1, Pg. 2, Footnote 1 That's because what Parolee signed for and received was a copy of the warrant and incorporated affidavit and by no means the Written Final Order of Revocation. Parolee has requested the Order several times from the Agency.

On Direct Appeal of the ALC's decision, Respondent Motioned the Court to Strike Appellant's Designation of Matter Appendix E, Exhibit 2. Once again misdirecting yet another Court to the irrelevant and unchallenged matter of routine denials of Parole and the Agency's omnipotent status of non-review to that particular

challenge and claiming that the matter had not been presented to the Lower Courts or Executive Agency Tribunal SCDPPPS. The only matter that wasn't presented was the transcripts of the Parole proceedings and documents requested by Parolee which Respondent refuses to produce. Respondent proposed striking the whole Designation of Matter due to them not being able or willing to produce the transcripts of their own proceedings.

Appellant filed a timely Opposition to Respondent's Motion to Strike Appendix E, Exhibit 3, but soon found out that the S.C. Court of Appeals ruled in Respondent's favor before the 10 days allowed by SCACR 240(e) for Appellant to respond and before the timely filed Response by Appellant was even received by the Court. "Order" at Appendix E, Exhibit 4 granting the Respondent's Motion to Strike and dismissing all of Appellant's Motions of "Designation of Matter", "Motion to Compel Issuance of the Final Order", "Motion to Proceed In Forma Pauperis", "Motion to Appoint Counsel", "Motion to Produce Documents", and a "Petition for Equitable Tolling". This Order was signed only: Stephanie P. McDonald "For the Court", no title or identifier listed. Appellant immediately filed a Petition for Reconsideration of the Order Appendix E, Exhibit 6 as there was no valid reason to deny Appellant's Motions as detailed in a letter to the S.C. Court of Appeals Clerk at Appendix E, Exhibit 5.

Appellant has no other remedy available to compel the Agency to issue and deliver an Order that should have been delivered by the Agency long ago. Appellant also prays for this Court's Original Jurisdiction on these matters as both the ALC and the S.C. Court of Appeals judgment has been clouded by the constant misdirection and misinformation provided by the Respondent as to the actual challenges and review being

sought by the Appellant. The Respondent is trying everything to keep the record of it's own unlawful procedures from the eyes and review of the Courts as "irrelevant" or "not presented to the Lower Courts" Even though this Matter is most relevant and to Appellant's actual challenges and has been presented to both the Executive Agency and the Lower Courts numerous times. Documentation of this fact is included in **Appendix D, Exhibits 1 and 2**

Respondent is only now claiming that a P.C.R. was the proper venue to bring Appellant's claims in an attempt to send Appellant all of the way back to a process that would have to come back to the Court of Appeals, which he is in now, if the outcome of the P.C.R. was unfavorable. Even though the Appellant filed a "Motion to Designate/Transfer case to cure want of Jurisdiction" **Appendix A Exhibit 1**. Both the ALC and the Respondent received a copy of this Motion and nothing was mentioned of a P.C.R. then, and the Administrative Law Court properly accepted a Contested Case Hearing of a State Agency, and the review of the ALC's final decision was properly filed in the S.C. Court of Appeals per **SCACR 201 and S.C. Code Ann. 1-23-610**. Should the Appellant have to go back and file a P.C.R. only to come back to a Court he's already in? Can Appellant do this without the issuance of the Written Final Order from the State Agency? Or can this Court grant the Writ of Certiorari and review Appellant's Constitutional Claims of Due Process rights violations?

Or should Appellant move this Honorable Court to hear this whole case as a Habeas Corpus? Appellant has not included the Appellant Briefs in this Petition for Writ of Certiorari, but if needed by this Court in this determination they can be produced.

The S.C. Court of Appeals denied Appellant's Motion to Proceed in Forma Pauperis **Appendix F Exhibit 2 pg. 3** and then Dismissed his Appeal for failure to be able to pay the \$250 filing fee. This arbitrary action of the Court bars judicial review and access to the Courts due to financial status and this is contrary to both State and U.S. Constitutional provisions of Due Process and Equal Protection by discrimination due to (...Race, Religion, or Financial Status), and once again shows proof of a predetermined outcome in favor of the Respondent. Appellant immediately filed for a petition for rehearing on the Order. **Appendix H Exhibits 10 and 11 pgs. 28,29**

Appellant has shown cause for a Constitutional Claim to both the Administrative Law Court and The S.C. Court of Appeals and due to the Respondent's misdirection, the waters have been muddied and the attention directed away from the actual valid claims and to matters not even being challenged and in effect barring judicial review of Appellant's claims. Fundamental fairness requires a review at some point of the evidence and claims brought by the Appellant. If the Administrative Hearing Justice, SCDPPPS, The Administrative Law Court, nor The S.C. Court of Appeals refuse to review what is actually being challenged, then the Appellant has no other remedy available to address his grievances.

ARGUMENTS

1) **The S.C. Court of Appeals should have** reviewed Appellant's actual claims and both it and the Administrative Law Court had the jurisdiction to: Modify, correct, amend, or reverse an Agency decision that was based upon 1-23-

380(5)(a-f):

C.) Unlawful Procedure – [Where lawful procedure in this case was the Rules and Regulations of the ICAOS Compact Rules 5.108(a-g)]

E.) Clearly erroneous in view of the record on whole – [All evidence presented is in favor of the Parolee and exculpatory in nature]

F.) Use of unwarranted discretion – [The Agency, SCDPPPS used unwarranted discretion in inferring the first two words of 24-21-680 "Upon Failure" based upon unfounded allegations without verification.]

The Court should have either reviewed and ruled upon the Appellant's claims or remanded the case back to the Administrative Law Court for review and adjudication. Appellant claims both Courts also have the jurisdiction and duty to enforce 24-21-1170(b) which states: "The Courts and Executive Agencies in each compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purpose and intent." This statute is stated in unambiguous and mandatory language and shouldn't have been overlooked.

2) **The S.C. Court of Appeals should have** waited until the 10 days allowed by SCACR 240(e), to Respond elapsed, before filing their Order of dismissal.

This arbitrary action shows proof of a predisposed outcome to the case in favor of the Respondent, despite whatever information was contained in the

Appellant's opposition. The Court filed its Order before it even received the Appellant's timely filed Response.

- 3) The S.C. Court of Appeals had no valid reason to deny Appellant's In Forma Pauperis status and should not have dismissed Appellant's Motion for such, then dismiss the Appeal in Mid-Briefing stage for failure to afford the \$250 filing fee. Appellant has zero strikes against him for frivolous litigations and is truly indigent. Equal Protection commands that all people are to be granted access to the Courts regardless of race, religion, or financial status. How unfair would it be to allow one who could afford the filing fee to appeal their case, and deny one who couldn't afford the filing fee? (U.S.C.A. Sect. 702) U.S. Constitution Amends. I and XIV**
- 4) The S.C. Court of Appeals should have appointed counsel representation in this case as it is a complex case involving two separate States customary way of doing things versus a Federal Compact's lawful rules and regulations and the fact that the Parolee has never had representation at any point during any of these proceedings The Superior Courts have long held that Counsel is crucial in these proceedings to protect Due Process Rights. Bearden v. State of S.C. 443 f. 2d 1090**
- **Powell v. Alabama 287 U.S. 45, 68, 69** "The right to be heard would be of little avail if it did not comprehend the right to be heard by counsel."... " Even the intelligent and educated layman has small and sometimes no skill in the science of Law. He lacks both the skill and knowledge to adequately prepare his defense even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he

be not guilty, he faces the dangers of conviction (or revocation in the present case) because he does not know how to establish his innocence.”

- **People v. Hamilton 26 A.D. 2d 134** “In a Revocation proceeding where the Statute gives the alleged violator ‘An opportunity to be heard’, The Courts have held that ‘The individual is entitled to, not only counsel, but also to be informed of such right.’”
- **Mempa v. Rhay 88 S. Ct. 254 87 S. Ct. 849** “Revocation of Parole is often based on alleged offenses for which the accused is never tried” (Or in the present case, the alleged offense was cleared by the Florida States Attorney but still used as the basis for a warrant, extradition, and Revocation)
- **Commonwealth v. Tinson 433 PA. 328** Hon. J. Roberts held: “Absence of Counsel to represent Parolee at recommitment hearing, which resulted in revocation of Parole and return of Parolee to prison, denied him his Constitutional right to Counsel.” “We believe that it is irrelevant whether Appellant appealed from the Parole board’s determination, for it can not be said that Appellant waived his claims by failing to Appeal, since he did not have counsel to assist him.”
- **Hewitt v. NC. 4th Cir. 415 F 2d 1316,1322-1323** “When a State undertakes to institute proceedings for the disposition of those accused of a crime, it must do so consistently with Constitutional privileges, even though the actual institution of the procedure was not Constitutionally required.”
- **Jones v. Rivers 338 F. 2d 862 4th Cir.** “Appointment of Counsel is required when Parolee is indigent and denies violation allegations.”
- **People ex. rel. Combs v. LaValle 29 AD 2d 131** “ When all of the legal niceties are laid aside, a proceeding to revoke Parole involves the right of an individual to continue at Liberty or to be imprisoned” ...”It involves a deprivation of Liberty just as much as did the original criminal action and falls within the protection of the Due Process Clause.”
- **People ex. rel. Memechino v. Warden 27 NY. 2d 376** “Certainly a ‘Parole Court’ or a Parole Board panel may not be permitted, simply because it is an Administrative body rather than a judicial tribunal, to base it’s determination,

having so serious an impact on the lives of the individuals that appear before it, on a possible mistaken view of the facts owing to the Parolee's inability to make a proper factual presentation. In this case for instance, counsel would have been able to, not only analyze and question the accuracy of the Parole supervisor's report, but also would have been available to educe and marshal the facts necessary to refute the technical allegations against him and effectuate an adequate defense."

5) **The S.C. Court of Appeals should have reviewed the actual challenges** brought by Appellant instead of relying on Respondent's version of what was being challenged. S.C. Court of Appeal's reliance on Respondent's misinformation is evidenced in the cite in it's Order dated 7/03/2023 **Appendix E, Exhibit 4, Pg. 9** Citing: **James v. SCDPPPS 377 SC. 564, 660 S.E. 2d 288 (Ct. App. 2008)** (The denial of an inmate's parole request, absent a permanent denial of parole eligibility, does not implicate a State created liberty interest). The Liberty Interest in this case comes from the already granted Parole and the expectation that if certain stipulations and rules were followed, then the Parolee would remain at a conditional liberty. A process is commanded in cases like these to confirm that violations actually were committed and not just unfounded allegations.

This cite has Absolutely nothing to do with Appellant's challenges and shows the misdirection by the Respondent was successful. This was used as reason for dismissal of Appellant's motions and Appeal. Appellant immediately filed for Injunctive relief in the form of a remedial Writ of Mandamus in the Supreme Court to address Respondent's Misrepresentation (**Akin to SCRCPR 60(b)(3)**) and the Court's rulings.

- 6) **The S.C. Court of Appeals should have** allowed the matter designated by the Appellant that had been presented to both the Agency and the Lower Courts to be included into the record, and not been persuaded by the Respondent's misinformation that this matter wasn't previously presented. Documentation of submission is included in **Appendix D, Exhibits 1 and 2.** The Appellant wishes to ask the Court to ask itself why the Respondent would want to keep a record of it's own proceedings and Appellant's exculpatory evidence from the eyes and review of the Courts?
- 7) **Parolee is entitled, at some point, to have his claims heard,** reviewed and ruled upon. He has never had the opportunity to confront his accuser, cross-examine adverse witnesses, or view any evidence against him. Parolee has denied the allegations against him from day one. Parolee has attempted to challenge the procedures employed by the Agency and the evidence relied upon to reach their decision. Thus far, No Agency tribunal or Court will review these challenges. Parolee has shown Due Diligence and a Good Faith effort to resolve these issues at each level, but to no avail. The State Agency departed from the legal binding compact of the ICAOS to which it signed and agreed to uphold, and in doing so, violated Parolee's Due Process rights by circumventing the very mechanism put in place by the compact to protect those rights. Review of these procedures is warranted to ascertain whether or not the Agency followed the lawful Procedure of the ICAOS Compact.

CONCLUSION

For the reasons stated above, Petitioner asks this Honorable Court to grant the Writ of Certiorari. Petitioner has strived from the very beginning of this Revocation process and through the Lower Courts to have his claims of Due Process and Equal Protection rights violations reviewed. Petitioner has no other remedy available that will review the actual challenges being brought. Every Agency and Court thus far is arguing, citing, and explaining issues that are not being challenged. The Petitioner is and always has denied the false allegations against him and has repeatedly sent exculpatory evidence to the Agency and Courts against these unfounded allegations, only to have them either sidetracked or altogether ignored. Petitioner knows that the Procedure employed by the Agency and the evidence relied upon to reach their decision is a reviewable claim and the Agency's and Lower Court's decisions are contrary to several Supreme Court rulings. Parolee has presented over 40 cases to the Agency and ALC in support of his claims, the problem is, nobody is reviewing how the Agency violated the Parolee's Due Process rights by not following the lawful procedure they signed a compact to follow. The wholesale departure of the SCDPPPS from the ICAOS protocols did away with the very mechanism put in place by the Federal guidelines to protect the Due Process rights of an already paroled and "Conditionally Free" citizen.

This is not a case of an inmate petitioning for Parole and getting denied as the Respondent would have the Court's to believe, but an already granted Parole

unfairly taken without the Due Process protections afforded through both the ICAOS Compact, and the State and U.S. Constitutions, and a State Agency acting under the color of S.C. Code Ann. 24-21-680, or the Statute itself, can not be allowed to abrogate these rights.

S.C. Code Ann. 24-21-680 begins with the words "Upon Failure". This prerequisite was not inadvertently "thrown in there" and must have some process in it's determination (As correctly recognized by the Administrative Law Judge in his Order of Dismissal- Appendix C, Exhibit 01, Pg. 5, Lns. 31-34) other than unfounded allegations and when Revocation of Parole is a possible outcome, then the Courts have held that Due Process is warranted to extricate allegation from fact.

Morrissey v. Brewer 408 U.S. 471.

The Respondent, Appellant is sure, will attempt to sway this Court as it has the ones before it, to the false claim that Petitioner is trying to challenge the after the fact subsequent routine denials of Parole, which Appellant is aware are not reviewable, but Petitioner hereby clearly states that he is and always has been challenging the procedures employed by the Agency and the evidence relied upon to reach their decision and how and why the Agency's wholesale departure from the lawful ICAOS procedure was a violation of Parolee's Due Process and Equal Protection rights. How unfair would it be to not hold the State Agency to the same Rules and Regulations of a Federal Compact that everyone involved signed and the Agency is claiming that the Parolee violated?

Interstate Compact for Adult Offender Supervision

The following is a subsection of the Interstate Compact for Adult Offender Supervision Rules 5.108 (a-g) and the S.C. Code Ann. Sections relevant to this Compact. Pursuant to S.C. Code Ann. 24-21-1220 (A)(2), (B)(2), 24-21-1130 (2) and 24-21-1170 (b), The ICAOS Compact is binding on all compacting States and is considered as Statutory and Supersedes either individual State's customary ways of doing things to effectuate a uniform Procedure to follow for all States. 24-21-1170(b) States "The Courts and Executive Agencies in each compacting State Shall enforce this Compact and Shall take all actions necessary and appropriate to effectuate the Compact's purpose and intent."

ICAOS Rules 5.108(a-g)

- a) An offender subject to Retaking that may result in a Revocation Shall be afforded the opportunity for a Probable Cause Hearing before a neutral and detached Hearing officer in or reasonably near the place where the alleged violation occurred.
- b) No waiver of a Probable Cause Hearing Shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving State and require Retaking.
- c) A copy of a Judgment of conviction regarding the conviction of a new criminal offense by the offender Shall be deemed conclusive proof that an offender may be Retaken by a Sending State without the need for further proceedings.
- d) The offender Shall be entitled to the following rights at the Probable Cause Hearing:
 - 1) Written Notice of the alleged violations;
 - 2) Disclosure of Non-Privileged or Non-Confidential evidence regarding the alleged violation(s);
 - 3) The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
 - 4) The opportunity to confront and cross-examine adverse witnesses, unless the Hearing officer determines that a risk of harm to the witness exists.
- e) The Receiving State Shall prepare and submit to the Sending State, a written report within 10 business days of the hearing that identifies the time, date, and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a Probable Cause Hearing Shall be forwarded to the Sending State.
- f) IF the Hearing officer determines that there is Probable Cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the Receiving State Shall hold the offender in custody, and the Sending State Shall, within 15 business days of the receipt of the hearing officer's report, notify the receiving State of the decision to Retake or other action to be taken.
- g) IF Probable Cause is not established, the Receiving State Shall:
 - 1) Continue supervision if the offender is not in custody;
 - 2) Notify the Sending State to vacate the warrant, and continue supervision upon release if the offender is in custody on the Sending State's warrant.
 - 3) Vacate the Receiving State's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

STATE OF SOUTH CAROLINA

**In the Supreme Court
In the Original Jurisdiction**

**Appeal from The S.C. Court of Appeals
Appellate Case No. 2023-000847**

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

CERTIFICATE OF SERVICE

I, the undersigned, **Ronald C. Albright**, hereby certify that I have served a true and correct copy of **Petition for Writ of Certiorari** on all Parties included in this action by placing a copy of such in the Lieber Correctional Institutional mailroom on 9-1-23 addressed as follows:

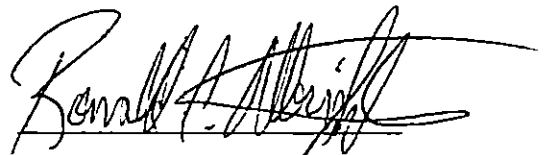
SCDPPPS – Legal Div.
Matthew C. Buchanan Esq.
P.O. Box 207
Columbia, SC. 29201

S.C. Court of Appeals
Hon. Jenny A. Kitchings - Clerk
P.O. Box 11629
Columbia, SC. 29211

The Administrative Law Court
Hon. James S. Harrison – Clerk
1205 Pendleton St.
Columbia, SC. 29201

9-1-23

Dated



Ronald C. Albright #211533

No. _____

IN THE
SUPREME COURT OF SOUTH CAROLINA

RONALD C. ALBRIGHT — PETITIONER
(Your Name)

VS.

S.C.D.P.P.S. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____

_____, or

a copy of the order of appointment is appended.

Ronald C. Albright
(Signature)

9-1-23

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Ronald C. Albright am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ NA	\$ 0	\$ NA
Self-employment	\$ 0	\$ "	\$ 0	\$ "
Income from real property (such as rental income)	\$ 0	\$ "	\$ 0	\$ "
Interest and dividends	\$ 0	\$ "	\$ 0	\$ "
Gifts	\$ 198 ⁰⁰	\$ "	\$ 200 ⁰⁰	\$ "
Alimony	\$ 0	\$ "	\$ 0	\$ "
Child Support	\$ 0	\$ "	\$ 0	\$ "
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ "	\$ 0	\$ "
Disability (such as social security, insurance payments)	\$ 0	\$ "	\$ 0	\$ "
Unemployment payments	\$ 0	\$ "	\$ 0	\$ "
Public-assistance (such as welfare)	\$ 0	\$ "	\$ 0	\$ "
Other (specify): _____	\$ 0	\$ "	\$ 0	\$ "
Total monthly income:	\$ 198 ⁰⁰	\$ "	\$ 200 ⁰⁰	\$ "

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
0	0	\$ 0	\$ 0
		\$	\$
		\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets Description _____ Value _____	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
<u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
<u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment. (include lot rented for mobile home)	\$ <u>Ø</u>	\$ <u>Ø</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>Ø</u>	\$ <u>Ø</u>
Home maintenance (repairs and upkeep)	\$ <u>Ø</u>	\$ <u>Ø</u>
Food	\$ <u>\$120⁰⁰</u>	\$ <u>"</u>
Clothing	\$ <u>Ø</u>	\$ <u>"</u>
Laundry and dry-cleaning	\$ <u>Ø</u>	\$ <u>"</u>
Medical and dental expenses	\$ <u>\$5⁰⁰</u>	\$ <u>"</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, <i>TABLET SUBSCRIPTION</i> , entertainment, newspapers, magazines, etc.	\$ <u>25⁰⁰</u>	\$ <u>0</u>

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's	\$ <u>0</u>	\$ <u>1</u>
Life	\$ <u>0</u>	\$ <u>1</u>
Health	\$ <u>0</u>	\$ <u>1</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>1</u>
Other: _____	\$ <u>0</u>	\$ <u>1</u>

Taxes (not deducted from wages or included in mortgage payments)

(specify): _____

	\$ <u>0</u>	\$ <u>1</u>
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Installment payments

Motor Vehicle	\$ <u>0</u>	\$ <u>1</u>
Credit card(s)	\$ <u>0</u>	\$ <u>1</u>
Department store(s)	\$ <u>0</u>	\$ <u>1</u>
Other: _____	\$ <u>0</u>	\$ <u>1</u>

Alimony, maintenance, and support paid to others

	\$ <u>0</u>	\$ <u>1</u>
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Regular expenses for operation of business, profession, or farm (attach detailed statement)

	\$ <u>0</u>	\$ <u>1</u>
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Other (specify): *COPIES & POSTAGE FOR LEGAL WORK*

	\$ <u>50⁰⁰</u>	\$ <u>1</u>
Total monthly expenses:	\$ <u>200⁰⁰</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

PETITIONER IS INCARCERATED AND RECEIVES NO PAY FOR HIS STATE EMPLOYMENT JOB.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: SEPT. 1ST, 2023

Ronald C. Albright
(Signature)