

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

100394
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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Francis Ackerman #266928, Tyrone Aiken #244428, Tyrone Aiken #248367, Malik Aljalil #219551, Linso Allen #269378, Frank Anderson #282800, Sherman Austin #300028, Henry Baker #263398, Quentin Baker #297868, Michael Baylor #265682, Jacob Beach #301270, Darryel Beasley #222388, Michael Benninger #264212, James Bogan #288111, Taurus Bowman #252745, Lazarus Brannon #227847, Ronald Brewer #285756, Frederick Brown #289602, Keith Brown #295762, Timothy Brown #238461, Edward Bryant #255998, Gary Bryant #258972, Pete Bryant #242370, Terrell Buchanon #277262, Douglas Bude #263537, Larry Burke #281911, Christopher Busch #300690, Michael Busques #191961, Richard Butler #162467, Thomas Butler #257552, Derek Carter #275938, Kenneth Carter #243538, Thomas Carter #249362, Rudy Cassady #238732, Leroy Choice #113990, Sheldon Clark #264772, Zawaski Cobb #187136, Baron Cobbs #280479, Kamathene Cooper #145333, Frank Corley #292975, Gladstone Cummings #267450, Patrick Curtis #175139, Quintin Daniels #196284, Curtis Davis #238776, Garry Davis #106144, Heyward Dempsey #134171, Phillip Denney #240678, Perry Deveaux #109601, Daniel Dewey #276678, Calvin Drummond #236322, Jerome Durham #270393, Paul Durham #219573, Harlan Edger #261866, Keith Eigner #299153, Willie Elder #246208, Rodney Elliott #251337, Anthony English #238474, James Enriquez #215539, Kirlan Etheredge #236635, Keith Eugene, unknown, James Evans #267837, David Feggins #287157, Bernard Felder #122099, Terry Ferguson #299080, Jose Flores #240563, James Foye #211523, Ray Gadsden #187527, Maxie Gamble #254413, Robert Garrett #291096, Jermaine Garriett #191274, Fred Gatewood #289775, Jammie Gaymon #208922, Reginald Geddis #183851, Marvin Gilbert #273934, Dennis Goff #177506, Charles Graham #294453, Richard Graham #228235, Gregory Grant #109656, Howard Grant #255473, Nehemiah Greene #243339, Gary Grooms #283860, Nelson Hampton #286427, Willie Hare #256641, Wayne Harlen #245705, David Harrell #260004, James Hartman #219770, Gary Hayes #263985, Johnny Hayes #267910, Steven Hickenbottom #196263, Johnny Holden #245199, Michael Hood #279897, Willie House #257820, Don Hughes #256862, Timothy Inman #151123, Chuck Jackson #266425, James Jackson #267718, Peter Jenkins #257321, Wilbur Jordan #272264, Alfred Joyner #260442, Keith Kelly #257556, Joseph Kelsey #217218, Michael Key #266890, Dennis Knight #286981, Nick Lambros #215080, Alain Lareau #128014, Nikia Law #260855, Stephen Lease #137016, Archie Lee #226354, Harry Leonard #249996, Rick Libby #274681, Quintin Linen #238553, Raymond Livingston #277133, Donald Lyles #296135, Earl Mack #216237, Lavanza Mack #189340, Percy Martin #270035, Cedric Martino #291396, Donald McAteer #292961, Larry McClam #282972, Herbert McFadden #184297, James McFadden #235419, Michael McFarland #266870, Tony McNeil #235846, Thomas Miles #246763, Darrin Miller #259593, Ernest Miller #235474, Wilbert Mills #244004, Roy Morris #288777, John Moultrie #276527, Matin Muntaqim #142282, Anthony Murphy #295893, Anthony Murray #237867, James Murray #165487, Robert Norris #266101, Chauncy Orr #177069, Joe Pannell #89592, Frank Patterson #283098, Tony Pitts

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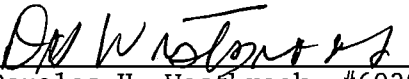
v.

South Carolina Department of Corrections, Respondent.

PETITION FOR REHEARING

Pursuant to SCACR 221(a), 240, Appellants submit their Petition For Rehearing concerning the Court of Appeals' November 14, 2023 order dismissing this appeal. The order stated the court did not have jurisdiction to consider the appeal. This matter is more fully discussed in the attached Petition For Rehearing Memorandum.

Respectfully submitted,


Douglas H. Westbrook, #6039
3 Gamecock Ave., Ste. 304-B
Charleston, SC 29407
(843) 853-9600
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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v.

South Carolina Department of Corrections, Respondent.

PETITION FOR REHEARING MEMORANDUM

Pursuant to SCACR 221(a), 240(c), Appellants submit their Petition For Re-hearing Memorandum. Appellants contend the Court of Appeals' order of November 14, 2023 overlooked the following points:

(1) S.C. Code §1-23-380, second sentence ("This section does not limit utilization of or the **scope** of judicial review available under **other means of review**..provided by law"). Final decision is not required for judicial review.

(2) S.C. Code §1-23-380, fourth sentence ("Except as otherwise provided by law, an appeal is to the **Court of Appeals**"). Here, appeal cannot be taken to the Administrative Law Court (ALC) because SCDC's calculations are not a final decision (Al Shabazz v. State 338 S.C. 354, 376, 527 S.E. 2d 742 (S.C., 2000); ALC Rule 51). Thus, appeal is not "otherwise provided by law", and appeal lies with the Court of Appeals.

(3) S.C. Code §1-23-380(4) ("The review **must** be conducted by the court and must be confined to the record"). Thus, under the statute the Court of Appeals has no discretion to deny review.

(4) Bone v. U.S. Food Service 404 S.C. 67, 76, 744 S.E. 2d 552, 557 (S.C., 2013) (Appeals in administrative agency matters are governed **solely** by the APA, not the general appealability statute in §14-3-330(1); and concepts applicable in general appeals are not applicable under the APA, as specialized statutes prevail over more general statutes). Section 1-23-380 is an APA statute.

(5) The parties agree SCDC's calculations are not a final decision. In its order, the Court of Appeals cites S.C. Code §§14-3-330, 14-8-200(a), and 1-23-600(D). In pertinent part, these statutes require for appeal a final order or decision. Thus, SCDC's calculations cannot be appealed under those statutes.

Again, because appeal is not "otherwise provided by law", an appeal is to the Court of Appeals under §1-23-380, fourth sentence.

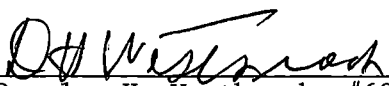
(6) League of Women Voters of Georgetown County v. Litchfield-by-the-Sea

305 S.C. 424, 426-7, 409 S.E. 2d 378, 380 (S.C., 1991) (Applying Article I, Section 22's "superseding constitutional due process provisions" for judicial review of a **non-binding** determination of the Coastal Council because Council's determination may be accorded significant weight by the permitting agency in deciding whether or not to grant the permit). Again, because a non-binding or non-final decision is not ordinarily appealable under general statutes, review is not "otherwise provided by law", and appeal lies with the Court of Appeals under §1-23-380, fourth sentence.

(7) SCACR 201(a) (Appeal may be taken, **as provided by law**, from any final judgment, appealable order or **decision**); SCACR 101(a) (Part II of the SCACR governs practice and procedure in appeals in the Supreme Court and **Court of Appeals**). SCACR 201 is the first rule in Part II. Thus, SCACR 201 governs procedure in appeals to the Court of Appeals. It therefore supports appeal of SCDC calculations, as a non-final "decision", to the Court of Appeals under §1-23-380, fourth sentence.

(8) SCACR 203(b)(6) (If a **decision** indicates that a more full and complete **decision** is to follow, a party **need not** appeal until receipt of the more complete **decision**). Thus, while a party is not **required** to appeal, he **may** appeal if circumstances warrant. Rule 203(b)(6) concerns when "...a statute allows a decision of the..agency..to be appealed directly to the Supreme Court or the **Court of Appeals..**". This rule further supports appeal of this matter to the Court of Appeals pursuant to §1-23-380, second and fourth sentences.

Respectfully submitted,


Douglas H. Westbrook, #6039
3 Gamecock Ave., Ste. 304-B
Charleston, SC 29407
(843) 853-9600
Attorney for Appellants

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v.

South Carolina Department of Corrections, Respondent.

PETITION FOR REHEARING SUPPORTING DOCUMENT

Lake Summers

From: Lake Summers
Sent: Thursday, October 31, 2019 4:11 PM
To: douglas.h.westbrook@gmail.com
Subject: Ackerman (and Gatewood) v. SCDC - Spreadsheet(s) Prepared by SCDC Inmate Accounting
Attachments: Ackerman (SCDC) - 19.10.31 SCDC I-M Acct Analysis Back Pay (w-Total).xlsx
Importance: High

Doug –

Attached to this message you'll find a Microsoft Excel file in which back pay calculations appear for each of the current and former inmates who are litigants in the matter styled as *Ackerman, et al. v. S.C. Dep't of Corr.*

Back pay calculations for Fred Gatewood appear within the attached Excel file. As you know, Mr. Gatewood separately litigated the "merits" of his prison industries back pay claim, and his matter is styled as *Gatewood v. S.C. Dep't of Corr.*

A separate "sheet" has been prepared for each of the current and former inmates in *Ackerman*, including Mr. Gatewood. A "tab" for each sheet appears at the bottom of the Excel program's display. The sheets for each of the current and former inmates appear alphabetically from left to right at the bottom of the Excel program's display.

The very first sheet that should appear when you open the Excel file consists of the "template" for each of the other sheets, and the "net total" back pay figure appears in the bottom left corner of the very first sheet.

You should experience no difficulty in transferring or copying the attached Excel file onto a USB-compatible "flash drive" or onto a CD or DVD-ROM.

As I told you during one of our most recent telephone conversations, the back pay calculations and associated totals appearing in the attached Excel file are for settlement and mediation purposes only.

I look forward to our discussions regarding the data and calculations that appear in the attached Excel file once you've had the opportunity to review them. In the meantime, please call me if you have any difficulty in opening the attached Excel file.

Take care,

Lake

Back Pay Analysis

	[B]	[C]	[D]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]	[N]
Pay Periods	Total Hours Paid	Rate of Pay	Total Wages Previously Paid	Adjusted Per Hour Rate Gatewood	Adjusted Gross Wages SCDC Should Have Paid Gatewood [B*F]	Victim Restitution	Room & Board (If Applicable)	Child Support (If Applicable)	Escrow Account	Total Wages Due After Deductions Gatewood [G-H-I-J-K]	Less Wages Previously Paid [D]	Net Wages Due Inmate Prior to Fed & State Taxes Gatewood [L-M]
Beginning to 6/27/2001				\$5.15	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
6/27/2001 - 6/30/2002				\$4.00	\$0.00	N/A	N/A	N/A	N/A	\$0.00	\$0.00	\$0.00
7/1/2002 - 6/30/2003				\$4.00	\$0.00	N/A	N/A	N/A	N/A	\$0.00	\$0.00	\$0.00
7/1/2003 - 5/24/2004				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
5/25/2004 - 5/16/2005				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
5/17/2005 - 6/30/2006				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
7/1/2006 - 6/30/2007				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
7/1/2007 - 7/23/2007				\$5.15	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
7/24/2007 - 7/31/2007				\$5.85	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
8/1/2007 - Conclusion	N/A	N/A	N/A	Varies Upon Program	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ackerman to Miller #259593	\$2,525,978.45											
Miller #235474 to Zavala	\$1,305,349.00		\$3,831,327.45	= Net Total Pay Due Inmates for All Periods (Prior to State & Federal Taxes)								

Francis Ackerman #266928

	[B]	[C]	[D]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]	[N]
Pay Periods	Total Hours Paid	Rate of Pay	Total Wages Previously Paid	Adjusted Per Hour Rate Gatewood	Adjusted Gross Wages SCDC Should Have Paid Gatewood [B*F]	Victim Restitution	Room & Board (If Applicable)	Child Support (If Applicable)	Escrow Account	Total Wages Due After Deductions Gatewood [G-H-I-J-K]	Less Wages Previously Paid [D]	Net Wages Due Inmate Prior to Fed & State Taxes Gatewood [L-M]
Beginning to 6/27/2001	N/A	N/A	N/A	\$5.15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6/27/2001 - 6/30/2002	1089.25	\$0.50	\$544.59	\$4.00	\$4,357.00	N/A	N/A	N/A	N/A	\$4,357.00	\$544.59	\$3,812.41
7/1/2002 - 6/30/2003	394.36	\$0.50	\$197.16	\$4.00	\$1,577.44	N/A	N/A	N/A	N/A	\$1,577.44	\$197.16	\$1,380.28
7/1/2003 - 5/24/2004	N/A	N/A	N/A	\$4.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5/25/2004 - 5/16/2005	N/A	N/A	N/A	\$4.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5/17/2005 - 6/30/2006	N/A	N/A	N/A	\$4.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7/1/2006 - 6/30/2007	N/A	N/A	N/A	\$4.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7/1/2007 - 7/23/2007	N/A	N/A	N/A	\$5.15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7/24/2007 - 7/31/2007	N/A	N/A	N/A	\$5.85	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/1/2007 - Conclusion	N/A	N/A	N/A	Varies Upon Program	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	1483.61		\$741.75		\$5,934.44	\$0.00	\$0.00	\$0.00	\$0.00	\$5,934.44	\$741.75	
Net Total Pay Due Inmate for All Periods (Prior to State & Federal Taxes) =												\$5,192.69

Rogelio Zavala #245106

[B]	[C]	[D]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]	[N]	
Pay Periods	Total Hours Paid	Rate of Pay	Total Wages Previously Paid	Adjusted Per Hour Rate Gatewood	Adjusted Gross Wages SCDC Should Have Paid Gatewood [B*F]	Victim Restitution	Room & Board (If Applicable)	Child Support (If Applicable)	Escrow Account	Total Wages Due After Deductions Gatewood [G-H-I-J-K]	Less Wages Previously Paid [D]	Net Wages Due Inmate Prior to Fed & State Taxes Gatewood [L-M]
Beginning to 6/27/2001	2,026.15	.15-2.50	\$1,166.68	\$5.15	\$10,434.67	\$2,086.93	\$2,608.67		\$1,043.47	\$4,695.60	\$1,166.68	\$3,528.92
6/27/2001 - 6/30/2002				\$4.00	\$0.00	N/A	N/A	N/A	N/A	\$0.00	\$0.00	\$0.00
7/1/2002 - 6/30/2003				\$4.00	\$0.00	N/A	N/A	N/A	N/A	\$0.00	\$0.00	\$0.00
7/1/2003 - 5/24/2004				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
5/25/2004 - 5/16/2005				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
5/17/2005 - 6/30/2006				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
7/1/2006 - 6/30/2007				\$4.00	\$0.00		\$0.00		N/A	\$0.00	\$0.00	\$0.00
7/1/2007 - 7/23/2007				\$5.15	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
7/24/2007 - 7/31/2007				\$5.85	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
8/1/2007 - Conclusion	N/A	N/A	N/A	Varies Upon Program	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2026.15		\$1,166.68		\$10,434.67	\$2,086.93	\$2,608.67	\$0.00	\$1,043.47	\$4,695.60	\$1,166.68	
Net Total Pay Due Inmate for All Periods (Prior to State & Federal Taxes) =												\$3,528.92

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Francis Ackerman #266928, Tyrone Aiken #244428, Tyrone Aiken #248367, Malik Aljalil #219551, Linso Allen #269378, Frank Anderson #282800, Sherman Austin #300028, Henry Baker #263398, Quentin Baker #297868, Michael Baylor #265682, Jacob Beach #301270, Darryel Beasley #222388, Michael Benninger #264212, James Bogan #288111, Taurus Bowman #252745, Lazarus Brannon #227847, Ronald Brewer #285756, Frederick Brown #289602, Keith Brown #295762, Timothy Brown #238461, Edward Bryant #255998, Gary Bryant #258972, Pete Bryant #242370, Terrell Buchanon #277262, Douglas Bude #263537, Larry Burke #281911, Christopher Busch #300690, Michael Busques #191961, Richard Butler #162467, Thomas Butler #257552, Derek Carter #275938, Kenneth Carter #243538, Thomas Carter #249362, Rudy Cassady #238732, Leroy Choice #113990, Sheldon Clark #264772, Zawaski Cobb #187136, Baron Cobbs #280479, Kamathene Cooper #145333, Frank Corley #292975, Gladstone Cummings #267450, Patrick Curtis #175139, Quintin Daniels #196284, Curtis Davis #238776, Garry Davis #106144, Heyward Dempsey #134171, Phillip Denney #240678, Perry Deveaux #109601, Daniel Dewey #276678, Calvin Drummond #236322, Jerome Durham #270393, Paul Durham #219573, Harlan Edger #261866, Keith Eigner #299153, Willie Elder #246208, Rodney Elliott #251337, Anthony English #238474, James Enriquez #215539, Kirlan Etheredge #236635, Keith Eugene, unknown, James Evans #267837, David Feggins #287157, Bernard Felder #122099, Terry Ferguson #299080, Jose Flores #240563, James Foye #211523, Ray Gadsden #187527, Maxie Gamble #254413, Robert Garrett #291096, Jermaine Garriett #191274, Fred Gatewood #289775, Jammie Gaymon #208922, Reginald Geddis #183851, Marvin Gilbert #273934, Dennis Goff #177506, Charles Graham #294453, Richard Graham #228235, Gregory Grant #109656, Howard Grant #255473, Nehemiah Greene #243339, Gary Grooms #283860, Nelson Hampton #286427, Willie Hare #256641, Wayne Harlen #245705, David Harrell #260004, James Hartman #219770, Gary Hayes #263985, Johnny Hayes #267910, Steven Hickenbottom #196263, Johnny Holden #245199, Michael Hood #279897, Willie House #257820, Don Hughes #256862, Timothy Inman #151123, Chuck Jackson #266425, James Jackson #267718, Peter Jenkins #257321, Wilbur Jordan #272264, Alfred Joyner #260442, Keith Kelly #257556, Joseph Kelsey #217218, Michael Key #266890, Dennis Knight #286981, Nick Lambros #215080, Alain Lareau #128014, Nikia Law #260855, Stephen Lease #137016, Archie Lee #226354, Harry Leonard #249996, Rick Libby #274681, Quintin Linen #238553, Raymond Livingston #277133, Donald Lyles #296135, Earl Mack #216237, Lavanza Mack #189340, Percy Martin #270035, Cedric Martino #291396, Donald McAteer #292961, Larry McClam #282972, Herbert McFadden #184297, James McFadden #235419, Michael McFarland #266870, Tony McNeil #235846, Thomas Miles #246763, Darrin Miller #259593, Ernest Miller #235474, Wilbert Mills #244004, Roy Morris #288777, John Moultrie #276527, Matin Muntaqim #142282, Anthony Murphy #295893, Anthony Murray #237867, James Murray #165487, Robert Norris #266101, Chauncy Orr #177069, Joe Pannell #89592, Frank Patterson #283098, Tony Pitts

#280579, Kevin Poston #266083, Rodney Pressley #177947, Germaine Pringle #250390, Francis Prioleau #268813, Larkland Richards #281768, Gene Richardson #93614, Isaac Richardson #232574, Laron Richardson #258786, Dennis Richey #233472, Ignacio Rivera #300424, Henry Rivers #219118, Harold Roberson #117001, Donald Robinson #277520, Darrell Rochester #146731, Vondell Sanders #241308, James Sattler #235043, Joseph Schmitz #173987, Arthur Scott #251957, Isaiah Scott #228008, Jerome Scott #153381, Roosevelt Scott #275631, Ralph Sellers #164295, George Shine #292391, Archie Simmons #161419, Kenneth Simmons #278911, Ronald Simmons #267937, Samuel Simmons #302393, Stephonie Simmons #300422, Edward Simpson #220017, Virgil Simpson #281888, David Sims #278067, Jonathan Singleton #287670, Kevin Smith #272440, Robert Smith #199324, Timothy Smith #296539, Jeffrey Spears #281697, Alvin Stewart #278595, Jeff Stinson #260047, Jeffrey Tevis #216442, William Thomas #272501, Curtis Thompson #266448, James Tino #145030, James Trumper #247429, James Wells #180458, Ray Wells #173651, Demetrius Wheeling #264976, Kenneth White #228409, Bobby Williams #261486, Darrell Williams #219730, Derrick Williams #272958, James Williams #282929, Leon Wilson #155867, Timothy Wilson #261971, Tony Witt #242918, John Wojcik #219463, Anthony Wright #199009, Robert Wydman #260331, Eric Youmous #281091, Rogelio Zavala #245106, Appellants,

v.

South Carolina Department of Corrections, Respondent.

AFFIDAVIT OF DOUGLAS H. WESTBROOK

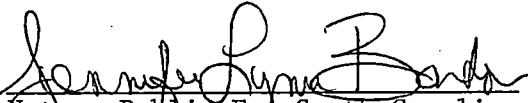
I, Douglas H. Westbrook, depose and state as follows:

In the memorandum filed with the Court of Appeals on September 1, 2023, SCDC's counsel stated, among other things, the following: On page 2, "In fact, as discussed below, the Appellants concede later in their notice of appeal both that SCDC's October 31, 2019 "back wage calculation decisions" are incomplete and that they do not constitute a final decision (July 25, 2023 Notice of Appeal, pp. 5 and 6)". On page 10, "Thus, per its July 20, 2017 ruling in an earlier iteration of this matter, this Court should dismiss the Appellants' July 25, 2023 appeal, because they are not appealing from any decision or order, final or otherwise, issued by SCDC or the ALC, including Chief ALJ Anderson" (citations omitted).

Further Deponent Says Not.


Douglas H. Westbrook, #6039

Signed and Sealed
Before Me This
21st Day of
November, 2023.


Notary Public For South Carolina

My Commission Expires:
9/27/20

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Francis Ackerman #266928, Tyrone Aiken #244428, Tyrone Aiken #248367, Malik Aljalil #219551, Linso Allen #269378, Frank Anderson #282800, Sherman Austin #300028, Henry Baker #263398, Quentin Baker #297868, Michael Baylor #265682, Jacob Beach #301270, Darryel Beasley #222388, Michael Benninger #264212, James Bogan #288111, Taurus Bowman #252745, Lazarus Brannon #227847, Ronald Brewer #285756, Frederick Brown #289602, Keith Brown #295762, Timothy Brown #238461, Edward Bryant #255998, Gary Bryant #258972, Pete Bryant #242370, Terrell Buchanan #277262, Douglas Bude #263537, Larry Burke #281911, Christopher Busch #300690, Michael Busques #191961, Richard Butler #162467, Thomas Butler #257552, Derek Carter #275938, Kenneth Carter #243538, Thomas Carter #249362, Rudy Cassady #238732, Leroy Choice #113990, Sheldon Clark #264772, Zawaski Cobb #187136, Baron Cobbs #280479, Kamathene Cooper #145333, Frank Corley #292975, Gladstone Cummings #267450, Patrick Curtis #175139, Quintin Daniels #196284, Curtis Davis #238776, Garry Davis #106144, Heyward Dempsey #134171, Phillip Denney #240678, Perry Deveaux #109601, Daniel Dewey #276678, Calvin Drummond #236322, Jerome Durham #270393, Paul Durham #219573, Harlan Edger #261866, Keith Eigner #299153, Willie Elder #246208, Rodney Elliott #251337, Anthony English #238474, James Enriquez #215539, Kirlan Etheredge #236635, Keith Eugene, unknown, James Evans #267837, David Feggins #287157, Bernard Felder #122099, Terry Ferguson #299080, Jose Flores #240563, James Foye #211523, Ray Gadsden #187527, Maxie Gamble #254413, Robert Garrett #291096, Jermaine Garriett #191274, Fred Gatewood #289775, Jammie Gaymon #208922, Reginald Geddis #183851, Marvin Gilbert #273934, Dennis Goff #177506, Charles Graham #294453, Richard Graham #228235, Gregory Grant #109656, Howard Grant #255473, Nehemiah Greene #243339, Gary Grooms #283860, Nelson Hampton #286427, Willie Hare #256641, Wayne Harlen #245705, David Harrell #260004, James Hartman #219770, Gary Hayes #263985, Johnny Hayes #267910, Steven Hickenbottom #196263, Johnny Holden #245199, Michael Hood #279897, Willie House #257820, Don Hughes #256862, Timothy Inman #151123, Chuck Jackson #266425, James Jackson #267718, Peter Jenkins #257321, Wilbur Jordan #272264, Alfred Joyner #260442, Keith Kelly #257556, Joseph Kelsey #217218, Michael Key #266890, Dennis Knight #286981, Nick Lambros #215080, Alain Lareau #128014, Nikia Law #260855, Stephen Lease #137016, Archie Lee #226354, Harry Leonard #249996, Rick Libby #274681, Quintin Linen #238553, Raymond Livingston #277133, Donald Lyles #296135, Earl Mack #216237, Lavanza Mack #189340, Percy Martin #270035, Cedric Martino #291396, Donald McAteer #292961, Larry McClam #282972, Herbert McFadden #184297, James McFadden #235419, Michael McFarland #266870, Tony McNeil #235846, Thomas Miles #246763, Darrin Miller #259593, Ernest Miller #235474, Wilbert Mills #244004, Roy Morris #288777, John Moultrie #276527, Matin Muntaqim #142282, Anthony Murphy #295893, Anthony Murray #237867, James Murray #165487, Robert Norris #266101, Chauncy Orr #177069, Joe Pannell #89592, Frank Patterson #283098, Tony Pitts

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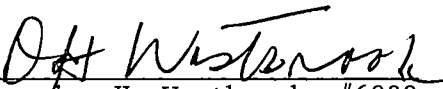
v.

South Carolina Department of Corrections, Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Appellants' Petition For Rehearing, Memorandum, supporting documents, and affidavit on the S.C. Department of Corrections by depositing a copy of them in the U.S. Mail, postage prepaid, on November 21, 2023, addressed to its attorney of record, Lake E. Summers, Esq., Malone, Thompson, Summers & Ott, LLC, 339 Heyward St., Ste. 200, Columbia, SC 29201.

November 21, 2023


Douglas H. Westbrook, #6039
3 Gamecock Ave., Ste. 304-B
Charleston, SC 29407
(843) 853-9600
Attorney for Appellants

DOUGLAS H. WESTBROOK
Attorney At Law

3 Gamecock Ave., Suite 304-B
Charleston, SC 29407
843.853.9600
douglas.h.westbrook@gmail.com

November 21, 2023

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NOV 22 2023
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Francis Ackerman, #266928, et al., Appellants v. S.C.
Department of Corrections, Respondent; Appellate Case
No. 2023-001204

Dear Ms. Kitchings:

Please find enclosed for filing with the Court the original and six copies of a Petition for Rehearing and related documents in the above case. Also enclosed are the following:

- (1) Certificate of Service this date on Lake E. Summers, Esq., counsel for the Department of Corrections;
- (2) Filing fee of \$50.00.

Sincerely,


Douglas H. Westbrook, #6039

DHW/
cc: Lake E. Summers, Esquire

Retail



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NOV 21, 2023

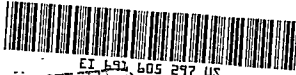
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Douglas K. Westbrook
#3 Gumcock Dr., S12304-B
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PHONE: 848-823-7600

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County Appeals

DELIVERY OPTIONS (Customer/Use Only)
 SIGNATURE REQUIRED (SR) - The meter must check the "Signature Required" box if the meter acquires the addressee's signature. OR (2) Purchase address of insured. OR (3) Purchase COO service. OR (4) Purchase Insured service. If the box is not checked, the Postal Service will issue the item to the addressee. Delivery Options:
 No Saturday Delivery (delivered next business day)
 Sunday/Holiday Delivery Required (additional fee, where available)
*Refer to USPS.com or local Post Office™ for availability.

PD ZIP Code	29414	Increased Delivery Date (DDAD) (DDYY)	11/22/23	Postage	\$ 30.90
Date Processed (DDMMYY)	11/21/23	Scheduled Delivery Time (EST/MDT)	11:00 PM	Insurance Fee	\$
Time Allowed	2:50	AM/PM	AM	COO Fee	\$
Special Handling/Weight		Priority/Insured Premium Fee		Returns Pickup Fee	\$
Weight	1 lb. 7.2 oz.	Total Postage & Fees		Long-Distance Transportation Fee	\$
Package	Flat Pack	Employee Signature			
Acceptance Employee Initials					
Delivery Attempts (DDMMYY)	1	Employee Signature			
Delivery Attempts (DDMMYY)	1	Employee Signature			

TO: (PLEASE PRINT)
Hon. Senny A. Kitchings
Clerk, SC Court of Appeals
c/o Box 11629
Columbia, SC 29211

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