

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Honorable Deborah Brooks Durden

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Case Nos. 12-ALJ-04-0025-AP,  
12-ALJ-04-0044-AP

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Billy Lisenby, Jr., # 200273.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

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**RESPONDENT'S REPLY TO APPELLANT'S RETURN**

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COMES NOW, respondent, South Carolina Department of Corrections (SCDC), and respectfully responds to appellant's Return to respondent's Motion to Compel as follows:

1. This matter is before the Court pursuant to appellant's appeal of his disciplinary convictions. Appellant was convicted by the disciplinary hearing officer of Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public and Damage, Loss, Destruction or Defacing Property Valued at Less than \$100.00.
2. Appellant appealed his disciplinary convictions to the Administrative Law Court (ALC). Administrative Law Judge Deborah Brooks Durden affirmed SCDC's final decisions by way of orders dated October 3, 2012.
3. Appellant filed appeals in this Court, and this Court granted appellant's motion to

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consolidate his cases.

4. On March 18, 2013, appellant served respondent with an incomplete Record on Appeal. Specifically, the following items were omitted:
  - a. Incident Report of Lt. Ayers, dated December 18, 2010 regarding appellant's conviction for 856.
  - b. Disciplinary Report and Hearing Record for appellant's case number 10-00117 (charge 856).
  - c. Transcript of January 5, 2011 disciplinary hearing for conviction of 856.
  - d. Disciplinary Mental Health Statement for conviction of 856.
  - e. Step One Inmate Grievance Form for Grievance Number RCI 0079-11.
  - f. Step Two Inmate Grievance Form for Grievance Number RCI 0079-11.
  - g. Appellant's Notice of Appeal in the Administrative Law Court for RCI 79-11.
  - h. October 3, 2012 Order of Dismissal by Administrative Law Judge Deborah Brooks Durden for conviction 856.
  - i. Incident Report of Associate Warden Burton, dated December 20, 2010 regarding appellant's conviction for 809.
  - j. Disciplinary Report and Hearing Record for appellant's case number 10-00118 (charge 809).
  - k. Transcript of January 5, 2011 disciplinary hearing for conviction of 809.
  - l. Disciplinary Mental Health Statement for conviction of 809.
  - m. Step One Inmate Grievance Form for Grievance Number RCI 0101-11.
  - n. Step Two Inmate Grievance Form for Grievance Number RCI 0101-11.

o. Appellant's Notice of Appeal in the Administrative Law Court for RCI 0101-11.

5. Respondent filed a motion to compel requesting this Court Order appellant to supplement the record to include all the items listed in respondent's designation of matter.
6. Appellant filed a return requesting this Court deny respondent's motion because appellant alleges he no longer has access to his legal materials.
7. In his return, respondent included a response from the SCDC's Office of General Counsel informing appellant that he could access his legal materials as needed.  
(attached as Exhibit A)
8. Rule 210(c), SCACR, provides in part that, "The Record on Appeal shall include all matter designated to be included by any party under Rule 209."
9. Appellant has clearly not complied with the rules of this Honorable Court.
10. Respondent has cited to the materials appellant omitted from the Record in its Initial Brief. To file a Final Brief, respondent must have a Record on Appeal containing complete copies of all items respondent listed in its Designation of Matter.

WHEREFORE, for the foregoing reasons, respondent respectfully requests respondent's motion to compel be granted. As to appellant's motion for an enlargement of time, respondent has no objection.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS

Attorney for Respondent

A handwritten signature in black ink that reads "Shanika K. Johnson". The signature is written in a cursive style with a large, looped "S" at the beginning.

Shanika K. Johnson  
Staff Attorney  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
(803) 896-8508

Columbia, South Carolina  
July 24, 2013

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL  
RESPONSE TO INMATE CORRESPONDENCE

TO: Inmate Billy Lisenby  
SCDC #: 200273  
INSTITUTION: Tyger River CI  
FROM: Dayne Haile  
DATE: February 13, 2013  
RE: Your Four Correspondences Dated 2/1/13

I am in receipt of your four correspondences dated February 1, 2013 regarding grievances, legal materials and your legal box.

Upon receipt of these correspondences I contacted Warden Riley. Warden Riley informed me that he met with you last week to discuss the request to staffs you sent to him. These requests to staff contained some of the same complaints that you sent to our office.

Warden Riley discussed the confiscation of your legal box due to the improper storage of non-legal items. You were informed again of the process for retrieving legal materials from your legal boxes via request to staff. You were subsequently allowed to go through all of your legal materials and sort them into four boxes. You were allowed to prepare a table of contents for yourself so that you would be certain about what materials you needed from what box based on your multitude of deadlines. Your legal boxes are being stored in the property room in SMU and you have been advised to request access through Capt. Barry Tucker when you need specific items.

In regards to your grievances, please request grievance materials through the Institutional Grievance Coordinator in compliance SCDC GA01.12-Inmate Grievance System.

In the future, please address these concerns through the institution so they can be handled at the institutional level.

S/ Dayne Haile  
Dayne Haile

cc: Warden  
Inmate Records

Exhibit " A "

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**CERTIFICATE OF SERVICE**

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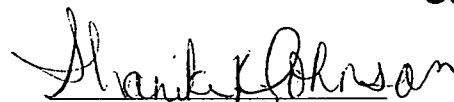
I hereby certify that I have served Appellant a copy of the Respondent's Reply to Appellant's Return by depositing a copy of same in the United States Mail, postage prepaid, on July 24, 2013, addressed to the Appellant as follows:

Billy Lisenby, Jr., # 200273  
Tyger River Correctional Institution  
100-200 Prison Road  
Enoree, SC 29355

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Shanika K. Johnson  
Staff Attorney  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
Attorney for Respondent