

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

DATE: 7/25/13

THE HONORABLE JENNY ABBOTT KITCHINGS
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RE: Request for waiver filing fee. S.C.D.C., Respondent
V. Juashan Gregory, #309223 filing Pro-SE, Case NO.
2013-001517

Dear Mrs. Kitchings: I am unable to pay the filing fee. This is my request for waiver form in filing with the clerk of court. I understand that the request for waiver forms shall be issued by the clerk of court. Upon calling your office I was told by Mrs. Stormy to draw one up and mail it in. The proof that I'm indigent is on the way. I've filed the inmate trust fund account report for South Carolina court filing fee paper with S.C.D.C. and I'm waiting for them to send me the requested material. I've had to go ahead and mail you what I have on hand because I don't wish to be late. I will forward my account indigent status report to you as soon as SCDC deliver it to me. I only have 10 days to get this in. I, the appellant,

filing pro-se, Prays this court grant this request
for the waiver filing fee.

Sincerely,

Quashon Hugory, #309223, Appellant
TR.C.I. Dorn 3B-34

84 GreenHouse Road
Trenton, S.C. 29847

CC: Office of General Counsel

S.C.D.C.

P.O. Box 21787

Columbia, S.C. 29221

A.L.C.

Edgar A. Brown Building

1205 Pendleton S.T. Suite 224

Columbia, S.C. 29201

File

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA
DEPARTMENT OF CORRECTION

JOHN D. McLEOD, Administrative Law Judge

2013-001517
CASE No. ~~13-ALJ-04-0418-AP~~

SOUTH CAROLINA
DEPARTMENT OF CORRECTION, RESPONDENT,
V.

JUASHAN GREGORY, #309223, APPELLANT

Notice of Appeal from the decision of the
Administrative Law Judge

Juashan Gregory, #309223

TR.C.I. (3B-34)

84 Green House Road

Trenton, S.C. 29847

Pro-SE Attorney For Appellant

Dept. of General Counsel

S.C.D.C

P.O. Box 21787

Columbia, S.C. 29221

STATE OF SOUTH CAROLINA
COURT OF APPEALS

Juashan Gregory, #309223
Appellant

2013-001517
Docket No: ~~13-ALJ-04-0418-AP~~

vs.

S.C.D.C., ALC
Respondent

Notice of Appeal From
The decision of the
Administrative law Judge

This matter is before the south carolina court of appeals because the appellant has had a bad decision rendered against him. I appealed SCDC decision of my step 2 grievance which affirmed the conviction for possession of a cell phone or other type of communication device (898) SCDC OP-22.14, Inmate disciplinary system.

In the ALJ order of dismissal he has stated, "(B) made no claim for the loss of any other state created liberty or property interest; and, (C) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here." This apparently is an oversight or misunderstanding. It's common knowledge within my case that my custody status changed when I was moved from a level 1 to a level 2 facility. By me being

innocent of the above SCDC violation there is a direct injustice to my state created liberty interest. The ALJ's order must be confined to the record yet the appellant wasn't given a chance to present an original brief to the ALJ. I've been denied the right to present my statements of issues for appeal, statements of issues for appeal, statements of the case, my argument, and conclusion. The ALJ's decision has been made too quickly. I was assigned a case # on 6-14-13 and my case was dismissed on 6-17-13. I ask that I be given a chance to present my facts of the case and that this court remand the case for further proceedings. I deserve a fair chance to present my complaint.

The appellant therefore contends that the ends of justice would best be served by remanding this case for further proceedings and allow the appellant to present evidence of facts.

Date - 7/25/13

Respectfully Submitted,
Justin Gregory #309223

CC: Jenny Kitchings clerk

ALC

Office of general Counsel

File

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

DATE: 7/25/13

THE HONORABLE JENNY ABBOTT KITCHINGS
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RE: JUANSHAN GREGORY, 309223 Filing Pro-SE
V.S.C.D.C., APPELLANT Case No: 2013-001517

Dear Mrs. Kitching:

I need for your office to please mail me a request
for waiver form. I'm indigent and I do not have the
\$100.00 filing fee, I've been incarcerated since 5-5-05.

Also Enclosed Are The Following:

- (1) Proof of service
- (2) A copy of the order which is to be challenged on
appeal
- (3) This appeal is being filed with your office because
I have had an improper ruling in my case.

Sincerely,

Juanshan Gregory #309223
Trenton C.I. (3B-34)
84 Greenhouse Road
Trenton, S.C. 29847

cc: Office of General Counsel

S.C.D.C

P.O. Box 21787

Columbia, S.C. 29221

A L C

Edgar A. Brown Building

1205 Pendleton St. Suite 224

Columbia, S.C. 29201

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Juashan Gregory, #309223,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No. 13-ALJ-04-0418-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate appeals from the decision in his Step 2 Grievance which affirms Appellant's conviction for Possession of a Cell Phone or Other Type of Communication Device (898) SCDC OP-22.14, Inmate Disciplinary System.

He (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here.¹

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here.

Therefore, for the foregoing reasons this appeal is hereby **DISMISSED,**
WITH PREJUDICE.

Columbia, S.C.
June 17, 2013

JUL 12 04 2013

John D. McLeod
John D. McLeod, Judge
S.C. Administrative Law Court

RECEIVED
JUL 30 2013
SC Court of Appeals

¹ The ALC no longer hears appeals based on failure to earn good time credits. See S.C. Code Ann. § 1-23-560 (D) amended by Act 334 (2008).

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 17 day of June 2013
By: Anthony R. Dalduna

FILED

JUN 17 2013

SC ADMIN LAW COURT

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Number	Inmate Number	Inmate First Name	Inmate Last Name	Grievance No	Respondent	Filing Date	Date Assigned	Judge Last Name
13C0418	309223	JUASHAN	GREGORY	TRGI 61-13	DOC	5/31/2013	6/14/2013	MCLEOD

FILED

JUN 14 2013

ADMIN. LAW COUP

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.