

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 01 2024

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW
COURT JUDGE PHILLIP LENSKI

CASE NO. 2024-000050

Richard h. Coleman #186795

APPELLANT,

South Carolina Department of Probation, Parole, and Pardon
Services

RESPONDENT.

INITIAL BRIEF

Administrative law Judge Phillip henski alleged in his ORDER OF DISMISSAL that Appellant did not file his Notice of Appeal with the Court until June 1, 2023 and the Judge alleged Appellant did not provide the Court with a copy of the letter of rejection from South Carolina Department of Probation, Parole, and Pardon Services. The Honorable Judge henski allegations are false.

FACTS

1. April 26, 2023 Appellant appeared before South Carolina Parole Board and Appellant's Parole was rejected.

2. May 15, 2023 nineteen (19) days after Appellant's Parole was rejected Appellant file a notice of Appeal with

the South CAROLINA Administrative law Court. (SEE EXHIBIT 1), and the Court it-self stamped filed Appellant's Notice of Appeal until June 1, 2023. Appellant's Notice of Appeal was file on May 15, 2023 the same day of delivery to prison mailroom Personnel or same day of delivery or drop off in the Prison U.S. mailbox. Houston v. lack 487 U.S. 266.

3. Appellant provided the Administrative with copy of South Carolina Department of Probation, Parole and Pardon Services letter of Rejection. logically showing and proving in light of reality Appellant's case was assigned to a Administrative law Judge, which serves as clear indication that Appellant provided the Court with copy of rejection letter. It is required that an individual provided the Court with copy of final decision. If not provided the Court will not assign a case to a Administrative Judge.

4. THE Honorable Judge henck claims are false, so false even the Respondent never alleged such claims in any of it's responses nor Motion to DISMISS.

Base on good intent faith and law Appellant's Appeal should be granted.

Clerk's office.

S.C. Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, S.C. 29201

May 15, 2023

Dear Clerk:

Please find enclosed for filing with the Court the original and one CD copy of NOTICE OF APPEAL. Please file the original with the Court and return the copy checked stamped for my Personal File. Self addressed envelope is also enclosed.

Sincerely

Richard Coleman

Richard L. Coleman

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Richard h. Coleman)

Appellant,)

vs.)

NOTICE OF APPEAL

South Carolina Department of Probation,
Parole and Pardon Services.)

DOCKET NO -ALJ-15- -

Notice is hereby given that Richard h. Coleman does hereby appeal the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated April 26, 2023 and received on MAY 3, 2023, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

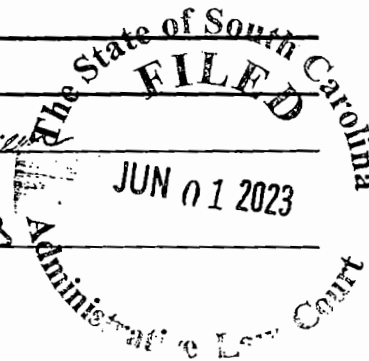
- 1. Denied Sixth Amendment U.S. Constitutional right to Counsel
- 2. Whether Appellant is being denied right to a "realistic opportunity to obtain release" when South Carolina Parole board through Pattern or Practice started and continues to reject appellant's Parole based solely on the same unchangeable fixed factors

Richard h. Coleman
Appellant's Name

Richard Coleman
Signed

Kieber Correctional Institution
Mailing Address
P.O. Box 205
RIDGEVILLE S.C. 29472
City, State, Zip Code

MAY 15, 2023
Dated



CERTIFICATE OF SERVICE

I hereby certify that I, Richard Coleman (your name), on the 15 day of MAY, 2023 in Ridgeville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: S.C. Dept of Probation, Parole, and Pardon Service

Address: 293 Greystone Boulevard, Po Box 207

City, State, Zip Code: Columbia S.C. 29202

Richard h. Coleman
Print your name
(See reverse side for instructions)

Richard Coleman
Sign your name

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Probation, Parole and Pardon Services:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

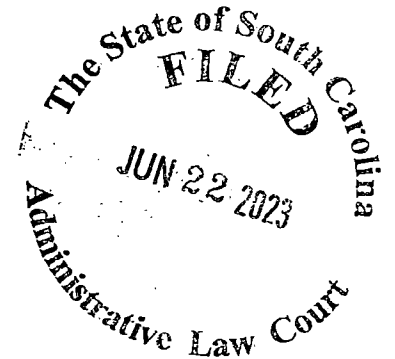
A copy of the Notice of Appeal must also be forwarded to the Division of Legal Services at the Department of Probation, Parole and Pardon Services at the following address:

**Division of Legal Services
S.C. Dept. of Probation, Parole & Pardon Services
2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, SC 29250**

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Probation, Parole and Pardon Services must be attached to the Notice of Appeal.**

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 Type	Case Number	Filing Date	Date Assigned	Judge Last Name	Case Title (Appellant v. Respondent)
PPPS 15	23P0019	6/1/2023	6/22/2023	Lenski	Richard Coleman #186795 v. SC PPPS



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Deputy Director of Legal Services. Dept. of PPPS, PO Box 207, Columbia, SC 29202.

Richard h Coleman #186795
APPELLANT,

VS.

South Carolina Department
of Probation Parole and
Pardon Services.
RESPONDENT.

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

MAR 01 2024

CASE No: 2024-00855

Court of Appeals

CERTIFICATE OF SERVICE

I, Richard h. Coleman #186795 the undersigned, Appellant do hereby certify that I have served the attached INITIAL BRIEF in the United States Mail Box Postage prepaid with return address to Matthew C. Buchanan Esquire as indicated below on this 26 day of February 2024.

Dept of Probation Parole and Pardon Services
293 Greystone Boulevard
P.O. office Box 209
Columbia S.C. 29202

Richard Coleman
Richard h. Coleman 186795

Richard h. Coleman 186795
APPELLANT,

vs.

South Carolina Department
of Probation Parole and
Pardon Services,
RESPONDENT.

IN THE SOUTH CAROLINA COURT OF
APPEALS

CASE: 2024-000050

RECEIVED
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SC Court of Appeals

Dear Clerk:

Please find enclosed for filing with the Court
INITIAL BRIEF, Affidavit of Richard h. Coleman 186795 and
MOTION. Please file the originals with the court and return
copies checked stamped for my file.

Sincerely

Richard Coleman

Richard h. Coleman 186795

Richard h. Coleman # 186798
Lieber Correctional Institution
#49-A Side
36 Wilburn Ave
Clydeville S.C. 29412

US POSTAGE
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FEB 26 2024
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SC Court of Appeals

The South Carolina Court of Appeals
Jenny Abbott K. King, Clerk of Court
Post Office Box 1624
Columbia S.C. 29211

-legal mail-

