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Apr 01 2024

S.C. SUPREME COURT



## The South Carolina Court of Appeals

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CATHERINE S. HARRISON  
DEPUTY CLERK

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July 31, 2023

Mr. Douglas H. Westbrook, Esquire  
3 Gamecock Avenue, Suite 304-B  
Charleston SC 29407

Re: Francis Ackerman #266928 v. SCDC  
Appellate Case No. 2023-001204

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- You must provide a copy of the Administrative Law Court order on appeal.

Very truly yours,  
*Catherine S. Harrison, deputy*

CLERK

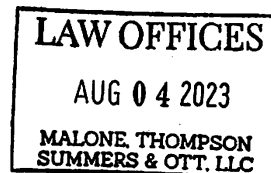
cc: Lake Eric Summers, Esquire

DOUGLAS H. WESTBROOK

*Attorney At Law*

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

July 31, 2023



Ms. Catherine S. Harrison  
Deputy Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Francis Ackerman, #266928 v. SCDC  
App. Case No. 2023-001204

Dear Ms. Harrison:

Pursuant to your July 31, 2023 deficiency letter, and our conversation today, this will confirm that there is no ALC order for this phase of the case, the matter is on direct appeal from SCDC to the Court of Appeals under §1-23-380 and several provisions of the South Carolina and United States Constitutions, and the deficiency letter requiring correction within 10 days may be disregarded.

Thank you for your assistance in this matter, and please advise if further information is needed.

Sincerely,

  
Douglas H. Westbrook, #6039

DHW/  
cc: Lake E. Summers, Esquire

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, Malik )  
Aljalil, #219551, Linso Allen, #269378, )  
Michael Benninger, #264212, Fredrick )  
Brown, #289602, Timothy Brown, )  
#238461, Terrell Buchanon, #277262, )  
Christopher Buch, #200690, Rudy )  
Cassady, #238732, Sheldon Clark, )  
#264772, Zawaski Cobb, #187136, )  
Kamathene Cooper, #145333, )  
Gladstone Cummings, #267450, Patrick )  
Curtis, #175139, Quintin Daniels, )  
#196284, Curtis Davis, #238776, )  
Heyward Dempsey, #134171, Phillip )  
Denney, #240678, Paul Durham, )  
#219573, Jerome Durham, #270393, )  
Keith Eigner, #299153, Bernard Felder, )  
#122099, Jermaine Garriett, #191274, )  
Dennis Goff, #177506, Gregory Grant, )  
#109656, Nelson Hampton, #286427, )  
James Hartmant, #219770, Gary Hayes, )  
#263985, Michael Hood, #279897, )  
Nikia Law, #260855, Stephen Lease, )  
#137016, Harry Leonard, #249996, )  
Herbert McFadden, #184297, Michael )  
McFarland, #266870, Earl Mack, )  
#216237, John Moultri, #276527, Matin )  
Muntaqim, #266870, Tony Pitts, )  
#280597, Germaine Pringle, #250390, )  
Gene Richardson, #93614, Dennis )  
Richey, #233472, Ignacio Rivera, )  
#300424, Vondell Sanders, #241308, )  
James Sattler, #235043, Joseph )  
Schmitz, #173987, Arthur Scott, )  
#251957, Jerome Scott, #153381, )  
Roosevelt Scott, #275631, Archie )  
Simmons, #161419, Robert Smith, )  
#199324, James Williams, #282929, )  
Gary Bryant, #258972, Harlon Edger, )  
#261866, Johnny Holden, #245199, )  
Don Hughes, #256862, Michael Key, )  
#266890, Archie Lee, #226354, Isaac )  
Richardson, #232574, Larkland )  
Richards, #281768, John Wojcik, )

Docket No. 07-ALJ-04-0444-A-AP

**ORDER OF REMAND**

**FILED**

June 13, 2017

SC ADMIN. LAW COURT

#219463, James Bogan, #288111, Larry )  
 Burke, #281911, Jammie Gaymon, )  
 #208922, David Harrell, #260004, Jeff )  
 Stinson, #260047, Ricky Libby, )  
 #274681, Alain Lareua, #128014, )  
 Quentin Baker, #297868, Frank Corley, )  
 #292975, James Jackson, #267718, )  
 Quintin Linen, #238553, Thomas Miles, )  
 #246763, Chauncy Orr, #177069, )  
 Isaiah Scott, #228008, Eric Youmous, )  
 #281091, Derek Carter, #275938, )  
 Willie Hare, #256641, Ernest Miller, )  
 #235474, Robert Norris, #266101, )  
 Ronald Simmons, #267937, Samuel )  
 Simmons, #302393, William Thomas, )  
 #272501, Anthony Murphy, #295893, )  
 Anthony Murray, #237867, Johnny )  
 Hayes, #267910, Roy Morris, #288777, )  
 Daniel Dewey, #276678, Nehemiah )  
 Greene, #243339, Leroy Choice, )  
 #113990, James McFadden, #235419, )  
 Francis Prioleau, #268813, Darrell )  
 Rochester, #146731, Wilbur Jordan )  
 #292264, Alvin Stewart, #278595, )  
 Kevin Poston, #266083, Kevin Smith, )  
 #272440, Donald Robinson, #277520, )  
 Douglas Bude, #263537, Willie Elder, )  
 #246208, Rogelio Zavala, #245106, )  
 Dennis Knight, #286981, Jacob Beach, )  
 #301270, Francis Ackerman, #266928, )  
 Darrin Miller, #259593, Edward Bryant, )  
 #255998, Sherman Austin, #20028, )  
 Michael Baylor, #265682, Taurus )  
 Bowman, #252745, Kenneth Carter, )  
 #243538, Calvin Drummond, #236322, )  
 David Feggins, #287157, Terry )  
 Ferguson, #299080, Willie House, )  
 #257820, Peter Jenkins, #257321, Percy )  
 Martin, #270035, James Murray, )  
 #165487, Stephone Simmons, #300422, )  
 Larry McClam, #282972, Tyrone Aiken, )  
 #244428, Tyrone Aiken, #248367, )  
 Frank Anderson, #282800, Ronald )  
 Brewer, #285756, Keith Brown, )  
 #295762, Pete Bryant, #242370, )  
 Michael Busques, #191961, Richard )

Butler, #162467, Gary Davis, #106144, )  
 Anthony English, #238474, Kerlan )  
 Etheredge, #236635, James Evans, )  
 #267837, Jose Flores, #240563, Robert )  
 Garrett, #291096, Reginald Geddis, )  
 #183851, Richard Graham, #228235, )  
 Gary Grooms, #283860, Wayne Harlan, )  
 #245705, Johnny Hayes, #267910, )  
 Steven Hickenbottom, #196263, )  
 Alfred Joyner, #260442, Donald Lyles, )  
 #296135, Henry Baker, #263398, )  
 Thomas Carter, #249362, Thomas )  
 Butler, #257552, Bobby Williams, )  
 #261486, Ray Wells, #173651, Rodney )  
 Pressley, #177947, Keith Kelly, )  
 #257556, Maxie Gamble, #254413, )  
 James Enriquez, #215539, Perry )  
 Deveaux, # 109601, James Wells, )  
 # 180458, Cedric Martino, #291396, )  
 Donald McAteer, #292961, Robert )  
 Wydman, #260331, Anthony Wright, )  
 #214007, Derrick Williams, #272958, )  
 Kenneth White, #228409, James )  
 Trumper, #247429, Jeffrey Spears, )  
 #281697, Timothy Smith, #296539, )  
 Davis Sims, #278067, Virgil Simpson, )  
 #281888, Edward Simpson, #220017, )  
 Kenneth Simmons, #278911, George )  
 Shine, #292391, Ralph Sellers, #164295, )  
 Laron Richardson, #258786, Frank )  
 Patterson, #283098, Tony McNeil, )  
 #235846, Larry McClam, #282972, )  
 Lavanza Mack, #189340, Raymond )  
 Livingston, #277133, Nicholas )  
 Lambrose, #215080, Joseph Kelsey, )  
 #217218, Keith Eugene, no number, )  
 Chuck Jackson, #266425, James Foye, )  
 #211523, Timothy Inman, #151123, )  
 Marvin Gilbert, #273934, Demetrius )  
 Wheeling, #264976, Leon Wilson, )  
 #155867, Jeffrey Tevis, #216442, )  
 Darryel Beasley, #222388, Curtis )  
 Thompson, #266448, Baron Cobbs, )  
 #280479, James Tino, #145030, Harold )  
 Roberson, #117001, Ray Gadsen, )  
 #187527, Tony Witt, #242918, )

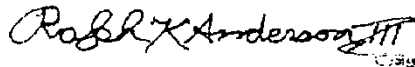
Jonathan Singleton, #287670, Joe )  
Pannell, #89592, Charles Graham, )  
#294453, Lazarus Brannon, #227847, )  
Darrell Williams, #219730, Wilbert )  
Mills, #244004, Howard Grant, )  
#255473, Timothy Wilson, #261971, )  
Rodney Elliott, #251337, Henry )  
Rivers, #219118, )  
Appellants, )  
vs. )  
South Carolina Department of Corrections. )  
Respondent. )

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This matter is before the South Carolina Administrative Law Court (Court or ALC) on remand from the South Carolina Court of Appeals (Court of Appeals). The case originally came before the ALC on an appeal filed by multiple inmates (Appellants) concerning the Prevailing Wage Statute. The Court denied the appeal, stating that Appellants failed to timely file their grievances. The Court of Appeals subsequently reversed and remanded the cases for processing of the grievances. See *Ackerman, et al. v. S.C. Dep't of Corr.*, 415 S.C. 412, 782 S.E.2d 757 (Ct. App. 2016), *cert. denied* (May 30 2017). Accordingly,

**IT IS THEREFORE ORDERED** that these cases are remanded to the South Carolina Department of Corrections for consideration of Appellants' grievances on the merits in keeping with the Court of Appeals decisions in *Ackerman* and *Gatewood v. S.C. Dep't of Corr.*, 416 S.C. 304, 785 S.E. 2d 60 (2016).

**AND IT IS SO ORDERED.**

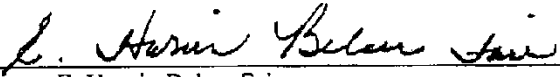


Ralph King Anderson, III  
Chief Administrative Law Judge

June 13, 2017  
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



E. Harvin Belser Fair  
Judicial Law Clerk

June 13, 2017  
Columbia, South Carolina