

THE STATE OF SOUTH CAROLINA

In The Supreme Court

**RECEIVED**

JUN 18 2024

S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Order (S.C. Ct. App. filed May 15, 2024)

South Carolina Department of Corrections . . . Respondent,

v.

Willie M. Knox, #153719 . . . . . Petitioner.

APPENDIX

Willie M. Knox  
#153719  
Allendale C.I. F1A-19  
1057 Revolutionary Trail  
Fairfax, SC 29827

Petitioner, Pro Se

TABLE OF CONTENTS

	Page(s)
1. May 15, 2024 Denying Petition for Rehearing - Court of Appeals	1
2. March 6, 2024 Motion for Reinstatement, Proof of Service and Affidavit - Court of Appeals	2-9
3. February 23, 2024 - Order of Court of Appeals Dismissing Appeal	10
4. November 3, 2023 Notice of Appeal, Proof of Service and Requisite Correspondence	11-14
5. December 15, 2023 Court of Appeals Correspondence re: Notice of Appeal	15-16
6. December 27, 2023 Appellant's Correspondence re: Notice of Appeal and In Forma Pauperis	17-18
7. January 24, 2024 Court of Appeals Correspondence re: Notice that no Notice of Appeal Received	19-20
8. January 11, 2024 Second Notice of Appeal, Proof of Service and Requisite Correspondence	21-24

# The South Carolina Court of Appeals

Willie M. Knox, #153719, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2023-001881

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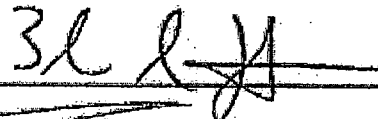
## ORDER

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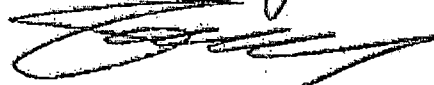
Appellant has filed a motion to reinstate, which we construe as a petition to rehear the dismissal of this appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition is denied.



J.



J.



J.

Columbia, South Carolina

**FILED**  
**May 15 2024**

cc:  
Willie M. Knox, 00153719  
Joseph R Shakibanasab, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

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Appellate Case No. 2023-001881

---

South Carolina Department of Corrections, Respondent,

v.

Willie M. Knox, #153719,

Appellant.

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**APPELLANT'S MOTION TO REINSTATE APPEAL**

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Willie M. Knox  
#153719  
Allendale C.I. F1A-19  
1057 Revolutionary Trail  
Fairfax, SC 29827

APPELLANT, PRO SE .

Other Counsel of Record:

Joseph R. Shakibanasab  
Office of General Counsel  
S.C. Department of Corrections

4444 Broad River Road / P.O. Box 21787  
Columbia, SC 29221-1787

APPELLANT'S MOTION TO REINSTATE APPEAL

This motion is before the Court pursuant to Rules 260(a) and 240, SCACR, to reinstate Appellant's appeal from the October 6, 2023 Final Order of the Administrative Law Court (Appendix pp. 1 - 22). The Court dismissed for timeliness in an Order dated February 23, 2024 (App. p. 23). Appellant would demonstrate good cause exists for this Court to reinstate the appeal.

On November 3, 2023, Appellant timely filed a Notice of Appeal and required documents pursuant to Rule 203, SCACR (App. pp. 24 - 27). This included service upon Counsel for Respondent SCDC and the Clerk for the Administrative Law Court. Appellant suggests that this Court may easily verify with the lower Court Clerk or Respondent's Counsel receipt of the November 3, 2023 Notice of Appeal package. Appellant believed the appeal was filed and submitted the following week a motion for leave to proceed in forma pauperis.

On December 15, 2023 the Clerk's office notified Appellant that no Notice of Appeal had been received (App. pp. 28 - 29).

On December 27, 2023 (due to institutional holiday shutdown) Appellant contacted the Clerk's office to insist a Notice of Appeal had been filed and requesting further clarification (App. pp. 30 - 31).

On January 4, 2024 the Clerk again notified Appellant no Notice of Appeal had been filed (App. 32 - 33).

On January 11, 2024 Appellant submitted a new Notice of Appeal package and served all parties required by Rule 203 (App. 34 - 37).

Between January 15 -30, 2024 the original Notice of Appeal was returned to Appellant at the Institution marked as "undeliverable." Appellant had the incorrect Post Office Box on the envelope. That envelope bears the original postmark date and the "Received" date upon return to the institution. Appellant sent that envelope to the Clerk of the Court of Appeals with a letter of explanation and apology.

Appellant believes that he has demonstrated good cause for this appeal to be reinstated.


This Court has weighed the question of "good cause" in the context of calendaring in Jordan v. Hartford Financial Group, Inc., 435 S.C. 501, 868 S.E.2d 400 (Ct. App. 2021). Appellant recognizes an honest human mistake does not spring a trap door for good causer Appellant's wrong post office box number is not a missed date, but was a "blunder", an "honest, harmless human mistake".

CONCLUSION

Based upon the foregoing facts, Appendix and Affidavit, Appellant prays this Court apply the good cause standard, reinstate the appeal and remand so the appeal may proceed.

Respectfully submitted,

March 1, 2024  
Fairfax, SC

  
\_\_\_\_\_  
Willie M. Knox  
#153719  
Allendale C.I. F1A-19  
1057 Revolutionary Trail  
Fairfax, SC 29827

APPELLANT, Pro Se

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Robert L. Reibold, Administrative Law Judge

---

Appellate Case No. 2023-001881

---


South Carolina Department of Corrections, Respondent,  
v.  
Willie M. Knox, #153719, Appellant.

---

PROOF OF SERVICE

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I certify that I have served APPELLANT'S MOTION TO REINSTATE APPEAL and supporting documents upon Counsel for Respondent, Joseph R. Shakibanasab, at S.C. Department of Corrections, P.O. Box 21787, 4444 Broad River Road, Columbia, SC 29221-1787, by depositing a copy in the U.S. Mail. postage prepaid, on March 5, 2024.

  
\_\_\_\_\_  
Willie M. Knox  
#153719  
Allendale C.I. F1A-19  
1057 Revolutionary Trail  
Fairfax, SC 29827

APPELLANT, PRO SE

Willie M. Knox  
#153719  
Allendale Corr. Inst. F1A-19  
1057 Revolutionary Trail  
Fairfax, S.C. 29472

March 4, 2024

Honorable Catherine S. Harrison  
Chief Deputy Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

Re: Willie M. Knox, #153719 v. SCDC  
Appellate Case No. 2023-001881

Dear Ms. Harrison,

I am in receipt of the Court's February 23, 2024 Order of Dismissal.

Please find enclosed for filing the original and six (6) copies of the below pursuant to Rules 240 and 260, SCACR:

- 1) APPELLANT'S MOTION TO REINSTATE APPEAL,
- 2) AFFIDAVIT IN SUPPORT THEREOF, and
- 3) APPENDIX.

Also enclosed is a Certificate of Service on Counsel for Respondent.

Please advise if this pleading does not comply with court rules.

Sincerely,



Willie M. Knox  
Pro Se Appellant

Cc: Joseph Shakibanasab  
Counsel for Respondent SCDC



5. On December 27, 2023 I mailed correspondence to the Clerk insisting a Notice of Appeal package had been submitted and requesting clarification.
6. In correspondence dated January 4, 2024 the Clerk responded that no Notice of Appeal had been filed.
7. On January 11, 2024 I filed a new Notice of Appeal and supporting documents.
8. Approximately January 15 -30, 2024 my original Notice of Appeal package was returned marked as "undeliverable". The envelope contains the original postmark and the Institutional Mail Room stamp "Received" and "Date" upon its return.
9. I noted I had written the wrong Post Office Box Number on the envelope. This same error was mirrored where I wrote on the November 3, 2024 correspondence to the Clerk of Court (Appendix p. 26).
10. I immediately placed that envelope in another envelope to the Clerk of the Court of Appeals with correspondence offering an explanation and apology.
11. That the error was not intentional.

FURTHER AFFIANT SAYETH NOT.

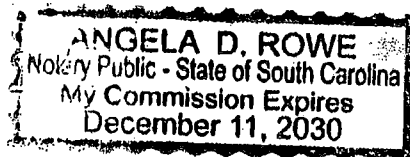
*Willie M. Knox*  
 Willie M. Knox  
 #153719  
 Allendale C.I. F1A-19  
 1057 Revolutionary Trail  
 Fairfax, SC 29827

SWORN TO AND SUBSCRIBED before me  
 this 4<sup>TH</sup> day of March, 2024.

*Angela Rowe* *Angela Rowe*

Notary Public for South Carolina

My Commission Expires: December 11, 2030.



# The South Carolina Court of Appeals

Willie M. Knox, #153719, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2023-001881

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## ORDER

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This appeal arises out of the Administrative Law Court (ALC). The appellant indicated he received the decision of the ALC on October 10, 2023. The notice of appeal was served on the respondent and the clerk of the ALC on January 12, 2024. Accordingly, this appeal is dismissed due to the failure to timely serve the notice of appeal. *See* Rule 203(b)(6), SCACR (requiring service on the agency and the ALC within 30 days after receipt of the decision); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (noting the requirement of timely service of the notice of appeal is jurisdictional). The remittitur will be sent as provided by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:  
Willie M. Knox, 00153719  
Joseph R Shakibanasab, Esquire

**FILED**  
**Feb 23 2024**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Robert L. Reibold, Administrative Law Judge  
Case No. 16-ALJ-04-0378-AP

South Carolina Department of Corrections, Respondents.


V.

Willie M. Knox #153719

NOTICE OF APPEAL

Willie M Knox appeals the Final Order of the Honorable Robert L. Reibold dated October 6, 2023. Appellant received a copy of this decision on October 10, 2023.

November 3, 2023

  
Willie M. Knox #153719  
Allendale Corr Inst F4A-  
1057 Revolutionary Trail  
Fairfax, SC 29827

Appellant, pro se

Other Counsel of Record:

Joseph R. Shakibanab  
office of General Counsel  
S.C. Department of Corrections  
4444 Broad River Rd  
P.O. Box 29221-1787  
Columbia, SC 29221

THE STATE OF SOUTH CAROLINA  
In the Court Of Appeals  
APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Robert L. Reibold, Administrative Law Judge

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16--ALJ--04--0378--AP  
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South Carolina Department of Corrections

Respondent,

v.

Willie M. Knox, #153719

Appellant.

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PROOF OF SERVICE  
-----

I certify that I have served the Notice of Appeal on the South Carolina Department of Corrections by depositing a copy in the U.S. Mail, postage prepaid, on November 3, 2023, addressed to its attorney of record, Joseph R. Shakibanasab, 4444 Broad River Road, Columbia, SC 29221; and the Honorable Jana E. Cox Shealy, Clerk, S.C. Administrative Law Court at 1205 Pendleton St., Suite 244, Columbia, SC 29201.

November 3, 2023

-----  
*Willie Knox*  
-----

Willie M. Knox #153719  
Allendale Corr Inst F4A-  
1057 Revolutionary Trail  
Fairfax, SC 29827

Appellant, pro se

Other Counsel of Record:

Joseph R. Shakibanasab  
Office of General Counsel  
S.C. Department of Corrections  
4444 Broad River Rd  
P.O. Box 29221-1787  
Columbia, SC 29221

November 3, 2023

The Honorable Jenny Abbott Kitchings  
Clerk S.C. Court of Appeals  
P.O. Box 11524  
Columbia, SC 29211

Re: South Carolina Department of Corrections, Respondent v.  
Willie M. Knox, #153719, Appellant, ALJ Docket No, 16-ALJ-04-  
0378-AP

Dear Ms. Kitchings,


Enclosed for filing is a notice of appeal in the above case.  
Also enclosed are the following:

- 1) Proof of Service of the Notice of Appeal on Respondent.
- 2) A copy of the Order which is to be challenged on Appeal.

A filing fee is not enclosed as Appellant is indigent and this case is a matter of the denial of due process and property rights and affects the rights of many similarly situated individuals, Appellant will submit leave to proceed in forma pauperis in conformity with Rule 240, SCACR, within Seven (7) days of this of this Notice of Appeal.

If any part of these pleadings do not comport with court rules, please notify me so I may correct the defect immediately.

Sincerely,

  
Willie M. Knox #153719

Allendale, Corrt Inst F4A-55  
1057 Revolutionary Trail  
Fairfax SC 29827  
Appellant, pro se

Cc:  
Joseph R Shakibanasab  
Counsel For Respondents.

November 3, 2023 ..

The Honorable Jana E. Cox Shealy  
Clerk, Administrative Law Court  
1205 Pendelton street, ste 224  
Columbia, SC 29201

Re: South Carolina Department of Corrections, Respondent v. Willie  
M. Knox #153719, Appellant, ALJ Docket NO.16-ALJ-04-0378-AP

Dear, Ms Cox Shealy,

Enclosed for filing is a notice of appeal in the above case.

Sincerely,



Willie M. Knox, #153719  
Allendale Corr Inst F4A-  
1057 Revolutionary Trail  
Fairfax, SC 29827

55

Cc:  
Joseph R Shakibanasab  
Counsel For Respondents.



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

December 15, 2023

Willie M. Knox, 00153719  
Allendale Correctional Institution  
P. O. Box 1151, Hwy 47  
Fairfax SC 29827

Re: Willie M. Knox, #153719 v. SCDC  
Appellate Case No. 2023-001881

Dear Mr. Knox:

Upon reviewing your documents, the following deficiencies have 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:

- The notice of appeal is not accompanied by a copy of the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- A proof of service has not been provided. You must file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. You must provide proof of service on Joseph R. Shakibanasab, Esq. and the Administrative Law Court.
- You must provide a notice of appeal in the format shown by Form 6 in Appendix C to Part II of the SCACR.

Very truly yours,

*Catherine Hannisa, deputy*

CLERK

cc: Joseph R Shakibanasab, Esquire

Willie M. Knox  
#153719  
Allendale Corr. Inst. E4A-55  
1057 Revolutionary Trail  
Fairfax, S.C. 29827

December 27, 2023

Honorable Catherine S. Harrison  
Chief Deputy Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

Re: Willie M. Knox, #153719, Appellant v. S.C. Dept. of  
Corrections, Respondent  
Appellate Case No. 2023-001881

Dear Ms. Harrison,

I am in receipt of your two (2) pieces of correspondence dated December 15, 2023 and received by me on December 19, 2023/ Please note that due to the structure of state holidays, December 21st was the last day of business until December 27, 2023, so as not to believe I have not been diligent in responding. Please allow me to address each in turn:

First, I have received your notice of the case name and appellate case number and I have read Rule 267, SCACR. I am a layman but do my best to respect court rules and the office.

Second, your office noticed me with a letter of pleading deficiency(ies):

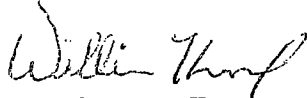
1) The notice of appeal, in the format of Form 6, was accompanied by a copy of the October 6, 2023 Final Order of Administrative Law Judge Robert L. Reibold, dated November 3, 2023.

2) A copy of all notice of appeal documents required by the SCACR filed with your office was sent via U.S. Mail to counsel for Respondent and the Clerk of the Administrative Law Court; to include a copy of the final order, certificate of service (dated November 3, 2023), and required correspondence to each party set forth in the rules.

3) In regards to the filing fee, I have submitted the original and six (6) copies of Appellant's Motion for Leave to Proceed In Forma Pauperis in the instant appeal. I believe the only deficiency to the Motion for Leave is that it was filed prior to the assignment of the case number.

Has your office not received these documents or are you instructing me to refile the complete notice of appeal package and motion for leave to proceed IFP? If you have not received the documents, I only have the originals left and will have to apply for copy service. It is my intent to properly pursue this appeal with all diligence in the correct format. Thank you for your assistance.

Sincerely,



Willie M. Knox  
Pro Se Appellant

Cc: Joseph Shakibanasab  
Counsel for Respondent Dept of Corrections



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
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TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 04, 2024

Willie M. Knox, 00153719  
Allendale Correctional Institution  
P. O. Box 1151, Hwy 47  
Fairfax SC 29827

Re: Willie M. Knox, #153719 v. SCDC  
Appellate Case No. 2023-001881

Dear Mr. Knox:

The Court received your letter dated December 27, 2023. In response, we have not received a notice of appeal in this matter. You must provide the following within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by a copy of the order(s) and/or judgment(s) challenged on appeal.
- A proof of service has not been provided. You must file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. You must provide proof of service on Joseph R. Shakibanasab, Esq. and the Administrative Law Court.
- You must provide a notice of appeal in the format shown by Form 6 in Appendix C to Part II of the SCACR.

Failure to correct these deficiencies will result in dismissal of your appeal.

Very truly yours,

*Catherine Hannisa, deputy*

CLERK

cc: Joseph R Shakibanasab, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Case No. 16-ALJ-04-0378-AP  
Appellate Case No. 2023-001881

South Carolina Department of Corrections,

Respondent,

v.

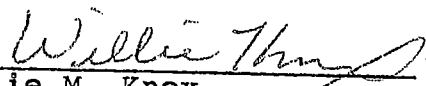
Willie M. Knox, #153719,

Appellant.

NOTICE OF APPEAL

Willie M. Knox appeals the final order of the Honorable Robert L. Reibold dated October 6, 2023. Appellant received written notice of entry of this order on October 10, 2023.

January 11, 2024

  
Willie M. Knox  
#153719  
Allendale Corr. Inst. F4A-55  
1057 Revolutionary Trail  
Fairfax, S.C. 29827

Pro Se Appellant

Other Counsel of Record:

Joseph R. Shakibanasab  
Office of General Counsel

S.C. Department of Corrections  
4444 Broad River Road / P.O. Box 21787  
Columbia, S.C. 29221-1787  
(803) 896-3922

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Robert L. Reibold, Administrative Law Judge

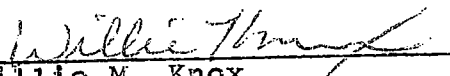
Case No. 16-ALJ-04-0378-AP  
Appellate Case No. 2023-001881

South Carolina Department of Corrections, Respondent,  
v.  
Willie M. Knox, #153719, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Counsel for Respondent, Joseph R. Shakibanasab at S.C. Dept. of Corrections, P.O. Box 21787, Columbia, SC 29221-1787; and on the Honorable Jana Cox Shealy, Clerk of the S.C. Administrative Law Court at 1205 Pendleton Street, Suite 224, Columbia, S.C. 29201, by depositing a copy in the U.S. Mail, postage prepaid, on January 12, 2024.

January 12, 2024

  
Willie M. Knox  
#153719  
Allendale Corr. Inst. F4A-55  
1057 Revolutionary Trail  
Fairfax, S.C. 29827

Pro Se Appellant

Willie M. Knox  
#153719  
Allendale Corr. Inst. F4A-55  
1057 Revolutionary Trail  
Fairfax, S.C. 29827

January 11, 2024

Honorable Catherine S. Harrison  
Chief Deputy Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

Re: Willie M. Knox, #153719 v. SCDC  
Appellate Case No. 2023-001881

Dear Ms. Harrison,

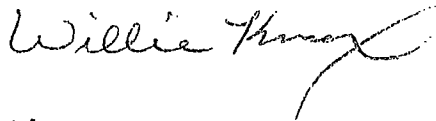
I am in receipt of your January 4, 2024 correspondence regarding the deficiencies in the filing of my Notice of Appeal.

Please find enclosed for filing:

- 1) Notice of Appeal;
- 2) Copy of the October 6, 2023 Final Order of the ALC; and
- 3) Proof of Service of same on Counsel for Respondent and the Clerk of the Administrative Law Court.

I hope these pleadings comport to your directions for filing.

Sincerely,



Willie M. Knox  
Pro Se Appellant

Cc: Joseph R. Shakibanasab  
Counsel for Respondent Dept of Corrections

Willie M. Knox  
#153719  
Allendale Corr. Inst. F4A-55  
1057 Revolutionary Trail  
Fairfax, S.C. 29827

January 11, 2024

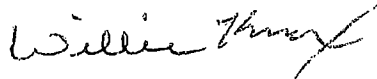
Honorable Jana E. Cox Shealy  
Clerk of Court  
S.C. Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, S.C. 29201

Re: Willie M. Knox #153719 v. SCDC  
ALC Docket No. 16-ALJ-04-0378-AP  
Appellate Case No. 2023-0011881

Dear Ms. Cox Shealy,

Please find enclosed a copy of the Notice of Appeal,  
the October 6, 2023 Final Order, and Proof of Service in the  
above referenced final agency decision appeal.

Sincerely,



Willie M. Knox  
Appellant, Pro se

Cc: Honorable Catherine S. Harrison  
Chief Deputy Clerk, Court of Appeals  
Joseph R. Shakibanasab, Esq.  
Counsel for Respondent