

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

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**APPENDICES A-H**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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These Appendices exclude the main Briefs on Appeal and in the interest of brevity, contain only the relevant Motions, Responses, and portions of the Lower Court's proceedings as necessary to support the Petition for Writ of Certiorari. If needed by the Court's in its determination, the Appellant briefs can be sent at it's request.

- Appendix A. Motions in the Administrative Law Court**
- Appendix B. Respondent's Motion to Dismiss and Appellant's Response**
- Appendix C. Final Order from the Administrative Law Court**
- Appendix D. Documentation that the Matter was submitted to the ALC**
- Appendix E. Correspondence with the S.C. Court of Appeals concerning the premature filing of their Order**
- Appendix F. Appellant's Motions denied by the S.C. Court of Appeals due to Respondent's Misrepresentation of Appellant's challenges**
- Appendix G. Miscellaneous: Summons, Complaint, Certificate of attempted Consultation, and ICAOS Rules.**
- Appendix H. S.C. Court of Appeals Final Order, Petition for Rehearing, and Petition for Original Jurisdiction and Writ of Mandamus Proceedings.**

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

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**APPENDIX A**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Motions in the Administrative Law Court”**

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THE STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

APPEAL FROM SOUTH CAROLINA DEPT. of P.P.P.S.

DOCKET No. - 23-ALJ-15-0001

S.C.D.P.P.S.  
(CONTESTED AGENCY)

P.O. BOX 207-COLUMBIA, SC. 29202

RONALD C. ALBRIGHT #211533  
(PRO SE)

P.O. BOX 205-RIDGEVILLE, SC. 29472

Respondant,

v.

APPLICANT.

PRE-HEARING MOTION FOR DESIGNATION AND/OR TRANSFER  
OF CASE TO CURE WANT OF JURISDICTION

IN ACCORDANCE WITH: RULE 204 S.C. APP. CT. RULES; U.S.C.A. §1631  
(610); S.C. CODE 1976 § 14-8-200(b)(6)

IN THE EVENT THAT THE APPLICATION FILED FOR  
A CONTESTED STATE AGENCY CASE HEARING ISNT UNDER  
THE JURISDICTION OF THE ADMINISTRATIVE LAW COURT,  
PETITIONER MOVES THE COURT TO ISSUE AN ORDER  
TRANSFERING THE CASE TO THE APPROPRIATE APPELLATE  
COURT.

3/13/2023

DATED

RESPECTFULLY SUBMITTED,

Ronald C. Albright

RONALD C. ALBRIGHT - #211533

(1) of 1

COPY

THE STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

APPEAL FROM SOUTH CAROLINA DEPT. OF P.P.P.S.

DOCKET No. - 23-ALJ-15-0001

S.C.D.P.P.P.S.  
(CONTESTED AGENCY)

P.O. Box 207-COLUMBIA, SC. 29202

RONALD C. ALBRIGHT #211533  
(PRO SE)

P.O. Box 205-RIDGEVILLE, SC. 29472

Respondant,

v.

APPLICANT.

PRE-HEARING-MOTION TO COMPEL: ISSUANCE OF WRITTEN  
FINAL ORDER OF REVOCATION FROM THE S.C.D.P.P.P.S.

PETITIONER RONALD C. ALBRIGHT MOVES THE COURT FOR AN ORDER PURSUANT TO: 5 U.S.C.A. I. CH. 7 § 706; S.C. CODE 1976 § 24-21-680 (FINAL DETERMINATION), AND S.C.R.C.P. V RULE 34 (PRODUCTION OF DOCUMENTS) TO COMPEL THE S.C.D.P.P.P.S. TO ISSUE AND DELIVER TO PETITIONER: THE WRITTEN FINAL ORDER OF REVOCATION IN THE ABOVE REFERENCED CASE, IN RESPONSE TO NUMEROUS REQUESTS FOR A DETERMINATION ON MATERIALS SUBMITTED FOR REVIEW, THE LATEST ATTEMPT DATED: 3/2/2023.

IN SUPPORT OF THIS MOTION TO THE COURT, PETITIONER SHOWS THE FOLLOWING 'GOOD FAITH' EFFORTS MADE TO THE AGENCY.

1.) THE PETITIONER HAS SUBMITTED AFFIDAVITS, DOCUMENTS AND NOTICES TO S.C.D.P.P.P.S. FOR A DETERMINATION ON THE ISSUES, NUMEROUS TIMES INCLUDING PRE-11/15/18, 1-14-21, 12-5-22 AND 3/2/23. (LETTERS ENCLOSED IN BRIEF)

2.) THE S.C.D.P.P.P.S. DID NOT RESPOND, REPLY, OR ....  
(CONTINUED)

3/13/2023

DATED

RESPECTFULLY SUBMITTED,

Ronald C. Albright  
RONALD C. ALBRIGHT - #211533

(1) of 2

MOTION TO COMPEL ISSUANCE (COPIED)

IN SUPPORT OF MOTION:

- 2.)... RETURN A DETERMINATION OR DECISION ON ANY OF THE MATERIAL SUBMITTED BY PETITIONER.

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- 3.) THE RESPONDANTS SC.D.P.P.P.S RESPONSES ONLY ADDRESSED THE SUBSEQUENT "ROUTINE DENIALS" OF PAROLE AND THE CUSTOMARY "BOILERPLATE" REASONS FOR THEM, BUT NONE OF WHICH ADDRESSED THE PETITIONER'S INTERROGATORIES.

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- 4.) FAILURE OF RESPONDANT TO ISSUE A WRITTEN FINAL ORDER OF REVOCATION AS PROVIDED BY S.C. CODE 1976 § 24-21-680 IS DELAYING OR DENYING PETITIONER THE RIGHT TO APPEAL, BECAUSE TOLLING OF THE TIMELINE CAN'T BEGIN UNTIL A "WRITTEN FINAL ORDER" IS RECEIVED. CODE A.C.L. 1976 III, RULE 23 (A.L.C.)

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- 5.) THE PETITIONER REQUESTED A RESPONSE FROM RESPONDANT ONE FINAL TIME ON 3/2/23 IN A LETTER FOR A PETITION TO RECONSIDER REJECTION AND EVIDENCE PRESENTED (A COPY OF WHICH IS ATTACHED.)

WHEREFORE PETITIONER PRAYS THAT THE COURT ENTER AN ORDER COMPELLING THE SC.D.P.P.P.S TO PRODUCE AND DELIVER, THE WRITTEN FINAL ORDER OF REVOCATION TO PETITIONER, UNDER: 5 U.S.C.A. I CHAP. 7 § 706(1)(2.d)

- 1.) COMPEL AGENCY ACTION UNLAWFULLY WITH HELD OR UNREASONABLY DELAYED
- 2.) (d) WITHOUT OBSERVANCE OF PROCEDURE REQUIRED BY LAW (ICAO5 RULES 4.109 & 5.108A-G)

3/13/2023

RESPECTFULLY  
SUBMITTED,  
Ronald C. Albright  
RONALD C. ALBRIGHT #211533

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THE STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT  
HON. JUDGE ROBERT L. REIBOLD

APPEAL FROM THE S.C. DEPT. OF P.P.P. SERVICES,  
PAROLE REVOCATION PROCEEDINGS  
DOCKET NUMBER-23-ALJ-15-0001

RONALD C. ALBRIGHT #211533 APPELLANT,

v.

S.C. DEPT. OF P.P.P. SERVICES RESPONDANT.

"PETITION FOR EQUITABLE TOLLING"

APPELLANT, RONALD ALBRIGHT, PETITIONS THIS COURT TO APPLY THE DOCTRINE OF EQUITABLE TOLLING IN THIS CASE, DUE TO THE CONSTITUTIONAL RIGHTS THAT WOULD BE OTHERWISE ABRIGATED BY THE CIRCUMSTANCES OF THIS PARTICULAR CASE. THE DOCTRINE OF EQUITABLE TOLLING MAY BE APPLIED WHEN IT IS JUSTIFIED BY ALL OF THE CIRCUMSTANCES ON THE RECORD ON WHOLE. TO BE ENTITLED TO EQUITABLE TOLLING, PETITIONER MUST SHOW: 1.) THAT HE HAS BEEN PURSUING HIS RIGHTS DILIGENTLY, AND 2.) THAT SOME EXTRAORDINARY CIRCUMSTANCES STOOD IN HIS WAY AND PREVENTED TIMELY FILING. PETITIONER MUST ALSO SHOW A 'CASUAL CONNECTION' BETWEEN THE IMPEDIMENT(S) AND AN UNTIMELY FILING, (HOLLAND v. FLORIDA 130 S.C.T. 3549; 177 L.ED.2D 130(2010)). PETITIONER MUST ALSO SHOW AN EXERCISE OF REASONABLE DILIGENCE IN INVESTIGATING AND BRINGING HIS CLAIMS, (MILLER v. N.J. DOC. 145 F.3D 616).

POINT ONE

APPELLANT IN THIS CASE DIDN'T TAKE AN EXTENDED BREAK AND DECIDE ALL OF THE SUDEN TO BRING THESE CLAIMS. HE HAS VEHEMENTLY DENIED THE ALLEGATIONS AGAINST HIM FROM DAY ONE, AND HAS DILIGENTLY PURSUED HIS CLAIMS, DEFENSES, AND RIGHTS AS EVIDENCED BY NUMEROUS INQUIRIES, EVIDENCE SUBMISSIONS, AND PLEADINGS DIRECTLY TO THE RESPONDANT, AS DIRECTED BY THE HEARING ADMINISTRATOR, WITHOUT A REPLY OR DETERMINATION IN THESE MATTERS. ALL OF THESE ATTEMPTS ARE IN THE RECORD. (APPELLANT'S BRIEF 3 R.O.A.)

POINT TWO

THE 'EXTRAORDINARY CIRCUMSTANCES' THAT STOOD IN THE WAY OF TIMELY FILING OF JUDICIAL REVIEW WAS THREEFOLD: FIRSTLY, A STATE STATUTE AND RULES OF COURT PREVENTED THE FILING FOR JUDICIAL REVIEW...

... UNTIL THE BEGINNING OF THE TOLLING OF THE TIMELINE UNTILL A WRITTEN FINAL ORDER FROM THE AGENCY IS RECEIVED. (S.C. CODE 1976 § 1-33-350, 360, 370; AND A.L.C. R. 23) THIS WRITTEN FINAL ORDER HAS YET TO BE RECEIVED DESPITE REPEATED REQUESTS FOR SUCH.

SECONDLY, THE DIRECTIVES OF THE HEARING ADMINISTRATOR ERRONEOUSLY LED PAROLEE TO BELIEVE THAT THE PROPER TIME AND FORUM TO PRESENT THESE PRELIMINARY HEARING ISSUES AND DEFENSES TO, WAS "TO THE BOARD WHEN YOU GO BACK IN FRONT OF THEM," INSTEAD OF TO HER (A SUPPOSED "NEUTRAL AND DETACHED" HEARING JUSTICE) RIGHT THEN AND THERE, TO DETERMINE IF THERE WAS PROBABLE CAUSE AND TO PRESERVE THE ISSUES, RAISED BY THE PAROLEE. HIM BEING A LAYMAN AND UNREPRESENTED BY COUNSEL, PAROLEE TRUSTED THESE DIRECTIVES.

THIRDLY, THE 'CASUAL CONNECTION' BETWEEN THE IMPEDIMENTS AND NOT FILING FOR JUDICIAL REVIEW IN A TIMELY MANNER, TO BE SHOWN BY A PETITIONER FOR EQUITABLE TOLLING, IS EVIDENCED BY THE PRECEEDING TWO POINTS, AND THE RECORD ON WHOLE AND THESE SHOW NOT ONLY A 'CASUAL' CONNECTION, BUT AN INTIMATE AND DIRECT CONNECTION.

4TH CIRCUIT'S "EXTRAORDINARY CIRCUMSTANCES" TEST IN ROUSE v. LEE, 339 F.3d 238 246 (4TH 2003), PETITIONER IS ONLY ENTITLED TO EQUITABLE TOLLING IF HE PRESENTS 1.) EXTRAORDINARY CIRCUMSTANCES, 2.) BEYOND HIS CONTROL, OR EXTERNAL TO HIS OWN CONDUCT, THAT 3.) PREVENTED HIM FROM FILING ON TIME. APPELLANT PASSES THIS TEST.

EXTRAORDINARY CIRCUMSTANCES "MAY BE PRESENT IN SITUATIONS WHERE A PETITIONER ALLEGES ABANDONMENT EVIDENCED BY A FAILURE TO RESPOND TO PETITIONERS MANY INQUIRIES AND REQUESTS OVER A PERIOD OF SEVERAL YEARS", (HOLLAND 130 S.Ct. at 2568) IN APPELLANT'S PRESENT CASE, HE HAS BEEN ABANDONED BY THE SYSTEM AND LEFT TO FEND FOR HIMSELF WITHOUT AN OPPORTUNITY TO MEET CLAIM OF VIOLATIONS IN FRONT OF A NEUTRAL AND DETACHED HEARING ADMINISTRATOR, AGAINST A NON-RESPONDING STATE AGENCY (S.C.D.P.P.S.) FOR A LONG TIME NOW.

IN THE EVENT THAT THE COURT IS APPREHENSIVE OF APPLYING THIS DOCTRINE TO THIS PARTICULAR SITUATION, THE FOLLOWING EXPLANATIONS SEEM TO ALLOW THIS DISCRETION TO JUDGES, ALTHOUGH TO BE USED SPARINGLY AND ONLY IN CASES TO EFFECTUATE JUSTICE AND FUNDAMENTAL FAIRNESS, WHERE ALL OF THE CIRCUMSTANCES HAVE BEEN MET. APPELLANT CONTENTS THAT, EVEN IF THIS IS A NOVEL APPLICATION FOR THIS DOCTRINE, ITS STILL UNDER THE COURTS DISCRETION AND THIS CASE MORE THAN MEETS THE REQUIREMENTS TO QUALIFY FOR EQUITABLE TOLLING.

(2) of 4

THE DOCTRINE OF EQUITABLE TOLLING IS A TRADITIONAL FEATURE OF AMERICAN JURISPRUDENCE AND A BACKGROUND PRINCIPLE AGAINST WHICH CONGRESS DRAFTS LIMITATION PERIODS. FLEXIBILITY INHERENT IN EQUITABLE PROCEEDINGS ENABLES COURTS TO MEET NEW SITUATIONS THAT DEMAND EQUITABLE INTERVENTION AND TO ACCORD ALL RELIEF NECESSARY TO CORRECT PARTICULAR INJUSTICES, AS APPELLANT CLAIMS IN THIS CASE.

THE INJUSTICE THAT OCCURS BY NOT ALLOWING EQUITABLE TOLLING IN THIS CASE IS THE ABBREVIATION AND DEPRIVATION OF DUE PROCESS AND EQUAL PROTECTION RIGHTS AFFORDED ALL CITIZENS BY THE CONSTITUTION, IN THE DEFENSE OF ALLEGATIONS AGAINST THEM.

BOTH EQUITABLE TOLLING AND SCOPE OF REVIEW GO HAND IN HAND WITH PROCEDURES CREATED WITH THE INTENT OF JUSTICE AND FUNDAMENTAL FAIRNESS IN JUDICIAL REVIEW OF CASES.

5 U.S.C.A. I CHAP. 7 § 706 "SCOPE OF REVIEW"

TO THE EXTENT NECESSARY TO DECIDE ON AND WHEN PRESENTED, THE REVIEWING COURT SHALL DECIDE ALL RELEVANT QUESTIONS OF LAW, INTERPRET CONSTITUTIONAL AND STATUTORY PROVISIONS, AND DETERMINE THE MEANING OR APPLICABILITY OF THE TERMS OF AN AGENCY ACTION, THE REVIEWING COURT SHALL:

- 1) COMPEL AGENCY ACTION UNLAWFULLY WITHHELD OR UNREASONABLY DELAYED; AND
- 2) HOLD UNLAWFUL AND SET ASIDE AGENCY ACTION, FINDINGS AND CONCLUSIONS FOUND TO BE:
  - A) ARBITRARY, CAPRICIOUS, AN ABUSE OF DISCRETION, OR OTHERWISE NOT IN ACCORDANCE WITH LAW;
  - B) CONTRARY TO CONSTITUTIONAL RIGHT, POWER, PRIVILEGE, OR IMMUNITY
  - C) IN EXCESS OF STATUTORY JURISDICTION, AUTHORITY, OR LIMITATIONS, OR SHORT OF STATUTORY RIGHT
  - D) WITHOUT OBSERVANCE OF PROCEDURE REQUIRED BY LAW.
  - E) UNSUPPORTED BY SUBSTANTIAL EVIDENCE IN A CASE SUBJECT TO SECT. 556 AND 557 OF THIS TITLE OR OTHERWISE REVIEWED ON THE RECORD OF AN AGENCY HEARING PROVIDED BY STATUTE; OR
  - F) UNWARRANTED BY THE FACTS TO THE EXTENT THAT THE FACTS ARE SUBJECT TO TRIAL DEMAND BY THE REVIEWING COURT.

IN MAKING THE FOREGOING DETERMINATIONS, THE COURT SHALL REVIEW THE WHOLE RECORD OR THOSE PARTS OF IT CITED BY A PARTY, AND DUE ACCOUNT SHALL BE TAKEN OF THE RULE OF PREJUDICIAL ERROR. APPELLANT CLAIMS THAT NOT ONLY ONE, BUT ALL OF THE ABOVE POINTS ARE EVIDENCED IN THIS CASE AND JUDICIAL ACTION IS WARRANTED AND THUS REQUESTED.

APPELLANT CONTENDS HE HAS SATISFIED THE REQUIREMENTS OF THE ACTION REQUESTED OF THE COURT AND HOPES YOUR HONOR AGREES WITH THIS SUBMISSION. WHEREFORE, PETITIONER PRAYS THIS COURT APPLY THE DOCTRINE OF EQUITABLE TOLLING TO THIS CASE IN HIS SCOPE OF REVIEW.

CERTIFICATE OF SERVICE

I CERTIFY, A COPY OF THIS PETITION WAS SENT TO RESPONDANT(S) IN ACCORDANCE WITH ALC R. 5 'SERVICE' & RULE 5(b)(1) SCRPC. ON APRIL 31, 2023 BY PLACING A COPY IN THE LIEBER CORRECTIONAL MAIL BOX ADDRESSED TO THE BELOW LISTED RESPONDANT(S):

INTER DEPARTMENTAL MAIL

S.C. DEPT. OF P.P.P. SERVICES (LEGAL DIVISION)  
% JESSICA E. KINARD, ESQ.  
P.O. Box 207  
Columbia, S.C. 29202

RESPECTFULLY  
SUBMITTED,



RONALD C. NIBRICH, CHIEF POLICE PREPARER OF DOCUMENT

DATED THIS 21<sup>ST</sup> DAY OF APRIL, 2023

CC: JESSICA E. KINARD  
LEGAL COUNSEL FOR  
THE S.C. DEPT. OF P.P.P. SERVICES  
P.O. Box 207  
COLUMBIA, SC. 29202

FILES

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STATE OF SOUTH CAROLINA  
In the Supreme Court

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In the Original Jurisdiction  
Appellate Case No. 2023-000847

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

---

**APPENDIX B**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Respondent’s Motion to Dismiss and Appellant’s Response in ALC”**

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STATE OF SOUTH CAROLINA  
In the Administrative Law Court  
Docket Number 23-ALJ-15-0001

---

APPEAL OF PAROLE REVOCATION  
Department of Probation, Parole and Pardon Services

---

RONALD ALBRIGHT, #211533,.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND  
PARDON SERVICES,.....RESPONDENT

---

**RESPONDENT'S MOTION TO DISMISS APPEAL**

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Comes now, Jessica E. Kinard, Legal Counsel for the South Carolina Department of Probation, Parole and Pardon Services (the Department), on behalf of Respondent, and respectfully moves pursuant to Rule 63 of the South Carolina Administrative Law Court to dismiss the instant appeal due to both timeliness and jurisdictional issues.

Appellant appeared before the Parole Board on August 30, 2017 to be heard on alleged violations of his parole. Appellant was sentenced to life sentences for armed robbery and murder in 1994, and was granted parole in 2015. Appellant was living in Florida via transfer under the Interstate Compact for Adult Offender Supervision when he was arrested in February 2017 for

grand larceny and absconded supervision, thus violating six conditions of his parole. Based on these violations, South Carolina retook the case and arranged for extradition upon his arrest. After a hearing before the Parole Board, Appellant's parole was revoked and he was incarcerated.

As a violent offender, Appellant has been receiving parole hearings every two years. His most recent hearing was March 2, 2023, at which time he was denied parole. The rejection letter is included in the information submitted by Appellant, but review of the entire packet shows that this is not the decision from which he is appealing. Instead, Appellant seeks review of the above-described parole revocation from 2017. Despite Appellant listing the agency decision date as March 2, 2023 on page i of his submission, the decision he takes umbrage with was on August 30, 2017. In fact, he contends that he never received a copy of his "final revocation order" and demands the same as part of his case.<sup>1</sup>

Ultimately, this case must be dismissed for two reasons. Initially, any consideration of an agency decision from 2017 is untimely. This is regardless of the fact that other, more recent actions have been taken regarding his parole status. More importantly, though, no court has jurisdiction to review a parole revocation. For this proposition, see S.C. Code Ann. § 24-21-680, in pertinent part: "The board shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed; provided, that any person arrested for violation of terms of parole may be released on bond, for good cause shown, pending final determination of the violation by the Probation, Parole and Pardon Board." Because this is the ultimate relief sought by Appellant, this Court has no jurisdiction to decide this case. As such, it must be dismissed.

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<sup>1</sup> Respondent's case management system shows Appellant signed the parole revocation order and received the offender copy on August 30, 2017. A copy is not immediately available for inclusion.

IN THE STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT  
HON. JUDGE REIBOLD

APPEAL FROM S.C. DEPT. OF PPP SERVICES  
PAROLE REVOCATION PROCEEDINGS  
DOCKET NUMBER: 23-ALJ-15-0001

RONALD C. ALBRIGHT #211533  
(PRO-SE)

APPELLANT,

S.C. DEPT. OF P.P.P. SERVICES  
("THE AGENCY" HEREIN)

RESPONDANT.

DATED THIS: 4-10-2023

## RESPONSE TO AGENCY'S MOTION TO DISMISS APPEAL

1) IN RESPONSE TO THE AGENCY'S MOTION TO DISMISS, AGENCY'S COUNSEL STATES 2 REASONS WHY APPELLANT'S APPEAL SHOULD BE DISMISSED: JURISDICTION AND TIMELINESS, PROPOSING THAT "NO COURT HAS JURISDICTION TO REVIEW A PAROLE REVOCATION" PER §24-21-680. APPELLANT CONTENDS THAT ALL DECISIONS (EVEN THOSE OF THE S.C.D.P.P.P.S.) ARE SUBJECT TO REVIEW UNDER THE CONSTITUTIONAL CLAIMS AND STATUTORY PROVISIONS OUTLINED IN APPELLANT'S BRIEF AND ANY STATE STATUTE OR STATE AGENCY ACTING UNDER THE COLOR OF LAW BY A STATUTE ABBROGATING THESE RIGHTS, WOULD LIKEWISE ALSO BE REVIEWABLE.

APPELLANT IS ASKING THE COURT TO REVIEW THIS CASE AND \* §1-23-380 (5)(a,e,f) GRANTS THE JURISDICTION TO THIS COURT TO DO SO. (PG. 33 OF APPELLANT'S BRIEF.) (SEE PG. 3)

APPELLANT REBUTS THE AGENCY'S APPLICATION OF §24-21-680, AS USE OF "UNWARRANTED DISCRETION" OR AS ERRONEOUS BECAUSE THEY ASSUME OR INFER THE FIRST 2 WORDS OF THAT STATUTE, ("UPON FAILURE...") TO CONSTRUCT OR PRESUME THAT ACTS OR VIOLATIONS ACTUALLY HAPPENED, BASED SOLELY ON UNFOUNDED AND UNPROVEN ALLEGATIONS OF THE FLORIDA PAROLE OFFICER'S REPORT, IS UNCONSTITUTIONAL, AND WHEN THE REVOCATION OF PAROLE AND LOSS OF A CONDITIONAL LIBERTY INTEREST IS A POSSIBLE OUTCOME OF SUCH A PROCEDURE, THEN DUE PROCESS IS WARRANTED TO ESTABLISH ALLEGATION FROM FACT, (RAMIREZ V. SUPERIOR CT. 15 CAL. APP. 5TH 643), (75 ALR 6TH 181 §22 - THE CONSTRUCTION AND APPLICATION OF THE I CAOS?), (APPELLANT'S BRIEF - ISSUE #1 - PGS. 14-15).

(1)

IN CONFIRMATION OF APPELLANT'S CLAIMS, AGENCY'S COUNSEL REPEATEDLY ADMITS, 'BASED ON THESE VIOLATIONS' (THAT NEVER OCCURRED)... S.C. 'RETOOK' THE CASE AND 'ARRANGED' EXTRADITION  
(B.2 LNS 12 OF RESPONDANT'S MOTION TO DISMISS APPEAL)

APPELLANT'S PAROLE WAS TRANSFERRED TO FLORIDA AND GOVERNED UNDER THE ICAOS, AND A 'RETAKING' AS RESPONDANT CLAIMS TO HAVE HAPPENED, HAS A CLEARLY LAID OUT AND WELL ESTABLISHED SET OF RULES, REGULATIONS, AND PROCEDURES THAT CONTAIN MANDATORY LANGUAGE, ARE CONSIDERED AS STATUTORY, AND SUPERSEDE EITHER OF THE COMPACTING STATE'S INDIVIDUAL STATUTES. ('75 ALR 614-181 § 2.5-2.7, "THE CONSTRUCTION & APPLICATION OF THE ICAOS"')

ICAOS RULE 5.103(A-G), SPECIFICALLY DETAILING THE PROCESS OF 'RETAKING', WAS EITHER TOTALLY IGNORED OR SO BADLY DEPARTED FROM, THAT IT RENDERED ANY PROTECTION OF DUE PROCESS RIGHTS AFFORDED BY THE CONTACT IRREPARABLE AND PREJUDICED ALL SUBSEQUENT PROCEEDINGS. THIS CONTAMINATION AND PREJUDICE IS EVIDENCED BY COUNSEL'S STATEMENTS THAT THE FORGONE CONCLUSIONS THAT APPELLANT ACTUALLY COMMITTED THESE ACTS, WAS THE BASIS OF THE RETAKING AND EXTRADITION AND THUS VIOLATED HIS PAROLE. ADDITIONALLY THESE UNFOUNDED ALLEGATIONS ARE CONTINUING TO BE USED AS REASONS FOR EACH SUBSEQUENT 'ROUTINE' DENIAL OF PAROLE.

a.) AS TO RESPONDANT'S OTHER TO... THE APPEAL BEING UNTIMELY, APPELLANT WAS NOT REPRESENTED BY COUNSEL AT ANY POINT DURING THESE COMPLEX PROCEEDINGS AND WAS LEFT TO FEND FOR HIMSELF AND GUESS WHEN, WHERE, HOW, AND TO WHOM TO RAISE THESE ISSUES TO... FLORIDA? S.C.? FEDERAL ICAOS COURTS, OR? APPELLANT IS A 121 MAN.

APPELLANT SIGNED FOR AND RECEIVED ON 8/30/17 A COPY OF THE 'PAROLE VIOLATION WARRANT/AFFIDAVIT ONLY, BUT TO HIS LIMITED UNDERSTANDING AT THE TIME, THIS WAS BY NO MEANS A 'FINAL ORDER' BECAUSE OF THE HEARING JUSTICES INSTRUCTIONS TO "TELL MY DEFENSES TO THE BOARD WHEN I GO IN FRONT OF THEM". I HAVE DONE THIS EVERY OPPORTUNITY THAT I'VE HAD, DENIED THE ALLEGATIONS AGAINST ME, AND BEGGED FOR A REVIEW EVERY TIME. I'VE HAD NO: INVESTIGATION, NO CROSS EXAMINATION OR CONFRONTATION OF MY ACCUSER, NO EVIDENCE PRESENTED TO ME TO DEFEND AGAINST, SO HOW CAN THIS PROCEDURE BE FINAL IF I DON'T GET THE OPPORTUNITY TO DEFEND MYSELF IN THE MANNER PRESCRIBED BY ICAOS AND THE CONSTITUTION? I CAN'T EVEN GET A REPLY FROM THE AGENCY, YET THEY CLAIM "NO COURT CAN REVIEW THESE CONSTITUTIONAL CLAIMS? PETITIONER DISAGREES AND PRAYS THE COURTS DO TOO. (APPELLANT'S BRIEF Pgs. 26 & 34).

(a)

APPELLANT HAS MADE NUMEROUS EFFORTS TO REMEDY THESE ISSUES AT THE AGENCY LEVEL AND IN THE INTEREST OF JUSTICE AND FUNDAMENTAL FAIRNESS, APPELLANT CLAIMS THAT HE SHOULDN'T BE TIMELINE BARRED BECAUSE HE WAS MIS-DIRECTED BY A HEARING JUSTICE AT AN 'ILLUSORY' PRELIMINARY HEARING, UNREPRESENTED BY COUNSEL.

\* THIS COURT HAS THE JURISDICTION TO REVIEW THIS CASE UNDER TITLE 1 - ARTICLE 3 - CHAPT. 23 § 1-23-390(5)(A)(F)

"THE COURT MAY REVERSE OR MODIFY THE DECISION IF SUBSTANTIAL RIGHTS OF THE APPELLANT HAVE BEEN PREJUDICED BECAUSE THE ADMINISTRATIVE FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:"

A) IN VIOLATION OF CONSTITUTIONAL OR STATUTORY PROVISIONS (AS IS IN THIS CASE.)

E) CLEARLY ERRONEOUS IN VIEW OF THE RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD (AS THE RECORD IN THIS CASE SHOWS)

F) ARBITRARY OR CAPRICIOUS, OR CHARACTERIZED BY CLEARLY UNWARRANTED EXERCISE OF DISCRETION.  
(THE AGENCY'S INFERRING OF 'FACTS' OR GUILT FROM A SUMMARY OF FLORIDA PAROLE AGENT'S ALLEGATIONS WAS "UNWARRANTED EXERCISE OF DISCRETION.")

UNDER S.C. CODE 1976 SCRPC RULE 6.(b).(2) THIS COURT HAS THE DISCRETION TO HEAR CASE CLAIMED AS 'UNTIMELY', SINCE APPELLANT BELIEVES THE RECORD SHOWS GOOD CAUSE - "UPON MOTION MADE AFTER THE EXPIRATION OF THE SPECIFIED PERIOD, FOR GOOD CAUSE SHOWN, PERMIT THE ACT, (REVIEW IN THIS CASE), TO BE DONE"

BECAUSE APPELLANT HAS SHOWN CAUSE THAT RELEVANT CONSTITUTIONAL ISSUES ARE PRESENT IN THIS CASE, THIS CASE WARRANTS A FULL REVIEW BY THE COURTS, BECAUSE IT HAS SUFFICIENT MATTER TO STATE A CLAIM FOR RELIEF. WHEREFORE APPELLANT PRAYS THE COURT DISMISS THE AGENCY'S MOTION AND PROCEED WITH THE JUDICIAL REVIEW OF THESE PROCEEDINGS FOR PROCEDURAL ERROR AND CONSTITUTIONAL DUE PROCESS RIGHTS INFRINGEMENTS, AND EFFECTUATE REINSTATEMENT OF SUPERVISION IN FLORIDA.

CC: JESSICA E. KINARD  
LEGAL COUNSEL FOR  
S.C.D. P.P.P.S.  
P.O. BOX 207  
COLUMBIA, SC. 29202

RESPECTFULLY  
SUBMITTED,

*Ronald C. Wright*

DATED: 4/10/2023

(3)

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

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**APPENDIX C**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Final Order from Administrative Law Court”**

	<u>Pages</u>
<b>Exhibit 1. Final Order from the Administrative Law Court.....</b>	<b>1-8</b>
<b>Exhibit 2. Request for Clarification of the Order.....</b>	<b>9-10</b>

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Ronald C. Albright, #211533,

Appellant,

vs.

South Carolina of Probation, Parole and  
Pardon Services,

Respondent.

Docket No. 23-ALJ-15-0001-AP

**ORDER GRANTING MOTION TO  
DISMISS**

**STATEMENT OF THE CASE**

This matter is pending before the South Carolina Administrative Law Court (the ALC or the Court) pursuant to an appeal filed by Ronald C. Albright (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC) pursuant to convictions for armed robbery and murder. Appellant was previously on parole and living in Florida. In 2017, a Florida parole agent reported to South Carolina that Appellant purportedly violated the terms of his parole—Appellant was charged with grand theft and absconded his supervision. Accordingly, South Carolina "retook the case and arranged for extradition."

The South Carolina Department of Probation, Parole and Pardon Services (the Department or PPPS) and Appellant take different views of what occurred next. The Department asserts the South Carolina Parole Board (the Board) revoked Appellant's parole in 2017, and Appellant signed the parole revocation order and received the offender copy on August 30, 2017. In contrast, Appellant contends that he recognizes his parole was revoked; however, he indicates he never received a final written order of revocation. Nevertheless, Appellant was subsequently reincarcerated in South Carolina and has been receiving parole hearings every two years, having been denied parole in 2018 and 2021.

Most recently, on March 2, 2023, the Board again denied Appellant's application for parole. The Board utilized its standard form in denying Appellant's application. Specifically, the Board stated it considered the following: (1) "the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below"; (2) "the factors published in Department Form 1212

(Criteria for Parole Consideration)"; (3) "the factors outlined in Section 24-21-640 of the South Carolina Code of Laws"; and (4) "actuarial risk and needs assessment factors pursuant to Section 24-21-10(F)(1) of the South Carolina Code of Laws." As to the findings of fact, the Board listed the following: (1) "Nature And Seriousness Of Current Offense"; (2) "Indication Of Violence In This Or Previous Offense"; (3) "Use Of Deadly Weapon In this Or Previous Offense"; and (4) "Failure to Successfully Complete A Community Supervision Program."

Appellant filed his present appeal with the Court on March 13, 2023. He filed several documents with the Court at that time, including (1) a prehearing motion for designation and/or transfer of case to cure want of jurisdiction; (2) an application for a contested case hearing; (3) a motion to compel: issuance of written final order of revocation; and (4) a prehearing motion to transfer custody of state inmate and waiver of transfer transportation fee. In his application for a contested case hearing, Appellant explains that he is seeking a contested case hearing before the Court to review the actions of his initial revocation from 2017. Appellant alleges many errors with the process of his parole being revoked and his transfer back to South Carolina, and he asserts that a remand to the Parole Board is not sufficient because he has concerns about having a fair and unbiased proceeding. Appellant asserts in his application for a contested case hearing and motion to compel that he has yet to receive an order of revocation. This matter was assigned to the undersigned on March 30, 2023.

On April 4, 2023, the Department filed a motion to dismiss for two reasons. First, the Department contends Appellant is attempting to appeal the 2017 decision in which the Parole Board revoked Appellant's parole. The Department asserts the appeal of this decision is untimely; the Department states its "case management system shows Appellant signed the parole revocation order and received the offender copy on August 30, 2017." The Department notes it does not have a copy of the signed revocation order immediately available for inclusion in its motion. Second, the Department argues section 24-21-680 of the South Carolina Code (2007) serves as a bar to any court that attempts to review a parole revocation.

On April 5, 2023, Appellant wrote to the undersigned, provided additional copies of the filings previously made in this matter, asked what he should do in this matter, and raised legal arguments. On April 10, 2023, the undersigned's law clerk wrote to Appellant and counsel for the Department. The clerk confirmed the documents that Appellant filed with the Court, noted the

Court is not permitted to provide legal advice, and stated the undersigned would consider this appeal in the normal course of appeals as required by law.

Also, on April 10, 2023, Appellant filed a response to the Department's motion to dismiss. According to Appellant, "all decisions (even those of the [Department]) are subject to review under the constitutional claims and statutory provisions." He asserts that this matter is reviewable and subsections (a), (e), and (f) of section 1-23-380(5) of the South Carolina Code (Supp. 2022) grant the Court jurisdiction. Next, Appellant argues the words "upon failure" in section 24-21-680 "presume that acts or violations actually happened" and that he should have been entitled to due process. Appellant additionally: (1) references the law surrounding the Interstate Commission for Adult Offender Supervision; (2) notes that in response to timeliness of his appeal, he was not represented by counsel; (3) acknowledges he signed a parole violation warrant and affidavit on August 30, 2017, but this is not a final order after a hearing; and (4) contends the Court has the discretion pursuant to Rule 6(b)(2), SCRPC, to hear a case that is claimed to be untimely.

On April 19, 2023, Appellant filed a motion for disposition of certain misdemeanors and felonies. Appellant sought certain documents to be included in the record on appeal. On April 21, 2023, Appellant filed a petition for equitable tolling; Appellant reasserts that he has yet to receive a final written order of revocation.

### DISCUSSION

Presently, there are several motions pending before the Court. The Court begins by addressing the Department's motion to dismiss because the issues raised in the Department's motion are jurisdictional and potentially dispositive of the appeal. First, the Department contends Appellant is attempting to appeal from a 2017 decision in which the Parole Board revoked Appellant's parole. It asserts the appeal of this decision is untimely because its "case management system shows Appellant signed the parole revocation order and received the offender copy on August 30, 2017." Second, the Department argues section 24-21-680 serves as a bar to any court for having jurisdiction to determine whether parole has been violated.

In response, Appellant asserts that the Court has jurisdiction. Specifically, he argues that subsections (a), (e), and (f) of section 1-23-380(5) of the South Carolina Code grant the Court jurisdiction to review this matter. Next, Appellant argues the words "upon failure" in section 24-21-680 "presume that acts or violations actually happened" and that he should have been

entitled to due process. Appellant additionally: (1) references the law surrounding the Interstate Commission for Adult Offender Supervision; (2) notes that in response to timeliness of his appeal, he was not represented by counsel; (3) acknowledges he signed a parole violation warrant and affidavit on August 30, 2017, but this is not a final order after a hearing; and (4) contends the Court has the discretion pursuant to Rule 6(b)(2), SCRCF, to hear a case that is claimed to be untimely.

After careful consideration of the law and the submissions of the parties, the Court dismisses this matter without prejudice for the reasons stated below.

#### **I. Timeliness of Appeal**

The Department contends and a thorough review of Appellant's submissions confirms that Appellant does not challenge the 2023 denial of parole; rather, Appellant is seeking review of the 2017 decision that revoked his parole. The Court, however, has no authority to undertake such a review. An inmate challenging a parole determination has thirty days from the receipt of a final written order to appeal that decision to the ALC. *See* SCALC Rule 59 ("The notice of appeal from the final decision to be heard by the [ALC] shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken."); *see also Al-Shabazz v. State*, 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) ("The inmate must file and serve a notice of appeal upon specified parties within thirty days of receipt of written notice of Department[ of Corrections's] final decision."); *Turner v. S.C. Dep't of Prob., Parole & Pardon Servs.*, Op. No. 2017-000992, 2018 WL 2058142, at \*1 (S.C. Ct. App. filed May 2, 2018) (affirming the dismissal of an inmate's appeal from the Parole Board when the inmate received the Parole Board's decision and did not appeal for over sixteen months). If, as the Department contends, Appellant signed the parole revocation order and received the offender copy on August 30, 2017, then Appellant had to have appealed the 2017 revocation no later than 30 days thereafter. This appeal was filed more than five years after that date, making any challenge to the 2017 revocation of Appellant's parole in this proceeding untimely.

Appellant disputes the Department's factual assertions regarding the status of the written order revoking his parole. According to Appellant's filings in this case, he asserts that he has never received a final written order revoking his parole from the Parole Board. Certainly, no party has submitted a copy of any 2017 final written order revoking parole to this Court. If Appellant's assertions regarding receipt of such an order are correct, then the time to appeal the 2017

revocation of parole may not have begun to run, *see, e.g.*, SCALC Rule 59, and in the absence of a final order, no appeal of the revocation has been commenced. In any event, the Court cannot conduct any review without a copy of the Parole Board's order.

The Court need not resolve the conflict between the positions taken by the Department and the Appellant regarding issuance and receipt of the final written order of revocation because, under either scenario, dismissal would be appropriate.

The Court now turns to Appellant's specific arguments regarding the Court's jurisdiction to entertain the appeal. Appellant contends that subsections (a), (e), and (f) of section 1-23-380(5) provide the Court with jurisdiction. The Court disagrees. The subsections of section 1-23-380(5) to which Appellant refers are not grants of jurisdiction but are instead part of the standard of review in appellate matters.

Appellant also argues that the words "upon failure" in section 24-21-680 "presume that acts or violations actually happened" and that he should have been entitled to due process. Section 24-21-680 provides that:

Upon failure of any prisoner released on parole under the provisions of this chapter to do or refrain from doing any of the things set forth and required to be done by and under the terms of his parole, the parole agent must issue a warrant or citation charging the violation of parole, and a final determination must be made by the [B]oard as to whether the prisoner's parole should be revoked and whether he should be required to serve any part of the remaining unserved sentence. But such prisoner must be eligible to parole thereafter when and if the [B]oard thinks such parole would be proper. The [B]oard shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed; provided, that any person arrested for violation of terms of parole may be released on bond, for good cause shown, pending final determination of the violation by the Probation, Parole and Pardon Board. No bond shall be granted except by the presiding or resident judge of the circuit wherein the prisoner is arrested, or, if there be no judge within such circuit, by the judge, presiding or resident, in an adjacent circuit, and the judge granting the bond shall determine the amount thereof.

The Court does not dispute Appellant's concern that section 24-21-680 requires certain process be afforded in cases involving parole violations, *see Russell v. Cooper*, 263 S.C. 526, 530, 211 S.E.2d 655, 657 (1975), but this concern relates either to the merits of an appeal of the revocation order or Appellant's contention that he has not received an order. Section 24-21-680

does not speak to or mention any authority on the part of this Court to entertain an appeal of the 2017 parole revocation.

Finally, Appellant cites to Rule 6(b)(2), SCRCP. This rule states in relevant part that:

When by these rules or by notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the time may be extended by written agreement of counsel for an additional period not exceeding the original time provided in these rules, or the court for cause shown may at any time in its discretion . . . (2) upon motion made after the expiration of the specified period, for good cause shown, permit the act to be done.

Appellant's precise argument with respect to this rule is unclear. The Court assumes that Appellant is relying upon the rule to suggest that, even if his appeal of the 2017 parole revocation is untimely, the Court has discretion to extend the deadline for an appeal and allow the matter to proceed.

Appellant's reliance upon this rule is mistaken. Rule 6(b)(2), SCRCP, is part of the South Carolina Rules of Civil Procedure, and has no application in an appeal before the Court. Additionally, Appellant's argument is belied by the final sentence of the rule, which provides that "[t]he time for filing notice of intent to appeal is jurisdictional and may not be extended by consent or order." *Id.* Thus, even if the rule applied here, it could not be used to extend the time for an appeal.

## II. S.C. Code § 24-21-680

The Department also argues more generally that the Court lacks jurisdiction to hear an appeal regarding the 2017 parole revocation. The Court's jurisdiction in these matters is a creature of statute. Section 1-23-600(D) prohibits the Court from hearing "an appeal involving the denial of parole to a potentially eligible inmate by the Department." Additionally, section 24-21-680 provides the following: "The [B]oard shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed . . ." S.C. Code Ann. § 24-21-680. As these statutes indicate, its jurisdiction over parole-related matters is extremely narrow. The Court agrees with the Department that, even if the 2017 parole revocation had been properly appealed to the Court, it would lack jurisdiction to entertain any substantive review of the revocation order.<sup>1</sup>

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<sup>1</sup> The Court does have jurisdiction to review "the method and procedure employed by the Parole Board in reaching its decision," the Court must hear those matters. *See Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 502, 661 S.E.2d 106, 113 (2008); *id.* at 499, 661

**ORDER**

**IT IS THEREFORE ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE.**<sup>2</sup>

**AND IT IS SO ORDERED.**



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Robert L. Reibold  
Administrative Law Judge

May 2, 2023  
Columbia, South Carolina

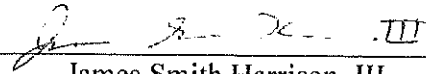
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S.E.2d at 112 ("[T]he apparent failure by the Parole Board to consider the requisite statutory criteria in rendering its decision constitutes an infringement of a state-created liberty interest and, thus, warrants minimal due process procedures. Therefore, we hold, [the appellant's] appeal was appropriate for disposition under the APA and should have been reviewed by the ALC.); *see also Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 478, 685 S.E.2d 175, 176 (2009).

<sup>2</sup> Based on the Court's resolution of this matter, the outstanding motions filed by Appellant are now moot and the Court need not rule on such motions. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (stating an appellate court need not address remaining issues on appeal when decision of a prior issue is dispositive). For the benefit of Appellant, the Court notes that it is not the proper forum in which to seek an order requiring the Parole Board to issue a written order.

CERTIFICATE OF SERVICE

I, James Smith Harrison, III, 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).



---

James Smith Harrison, III  
Judicial Law Clerk

May 2, 2023  
Columbia, South Carolina

HON. ROBERT L. REIBOLD  
ADMINISTRATIVE LAW COURT  
1205 PENDELTON ST. SUITE 204  
COLUMBIA, SC. 29201

RONALD C. ALBRIGHT #211533  
L.C.I. - SB-58 - P.O. Box 205  
RIDGEVILLE, SC. 29472

MAY 8, 2023

RE: ALBRIGHT v. S.C. DEPT. OF P.P.S. - 23-ALJ-15-0001  
REQUEST FOR CLARIFICATION

HON. CLERK HARRISON,

IF YOU WOULD BE SO KIND TO SPARE ME A MOMENT OF YOUR TIME TO CLARIFY A COUPLE OF POINTS FOR ME IN THE "ORDER GRANTING RESPONDANT'S MOTION TO DISMISS" IN THE ABOVE CASE.

IN FOOTNOTE #2 pg. 7 OF THE ORDER, "BASED ON THE COURT'S 'RESOLUTION' OF THIS MATTER (1) THE 'OUTSTANDING MOTIONS' FILED BY APPELLANT ARE NOW MOOT AND THE COURT NEED NOT RULE ON SUCH MOTIONS." (STATING AN APPELLATE COURT NEED NOT ADDRESS REMAINING ISSUES ON APPEAL WHEN DECISION OF A \*PRIOR ISSUE\* IS DISPOSITIVE) AND "FOR THE BENEFIT OF THE APPELLANT, THE COURT NOTES THAT IT IS NOT THE PROPER FORUM IN WHICH TO SEEK AN ORDER REQUIRING THE PAROLE BOARD TO ISSUE A WRITTEN ORDER."

FIRSTLY, ARE THE ISSUES IN THESE 'OUTSTANDING' MOTIONS(5) PRESERVED OR DO I NEED TO REFRAME THE MOTIONS AND RESUBMIT THEM WITH MY NOTICE OF APPEAL TO THE S.C. APPEALS COURT? THE A.L.C. STATES A "RESOLUTION OF THIS MATTER" BUT THE 'OUTSTANDING MOTIONS' WERE PART OF A COLLECTIVE STATEMENT OF ISSUES AND NOT A SEPERATE PRIOR AND 'LATTER' ISSUES FOR THE DISPOSITION OF ONE TO LEAVE THE OTHERS OUTSTANDING. IM TRYING TO PRESERVE THE ISSUES IN THESE MOTIONS AND AVOID THEM FROM BEING CAPABLE OF REPETITION YET EVADING REVIEW OR BEING LOST ALTOGETHER. WILL THEY AUTOMATICALLY BE INCLUDED IN THE RECORD SINCE I SUBMITTED THEM? ARE THE MOTIONS ON FILE IN THE A.L.C.? DOES A RULE 59(e) APPLY?

AS TO THE MOTION TO COMPEL ISSUANCE OF THE FINAL ORDER FROM THE PAROLE BOARD, THE A.L.C. NOTED THAT IT WASNT THE PROPER FORUM TO SEEK THIS TYPE OF MOTION, WHAT IS THE PROPER FORUM? WRIT OF MANDAMUS & S.C. COURT OF APPEALS?

THANK YOU IN ADVANCE FOR ANY CLARIFICATION YOU CAN GIVE ON THIS ORDER. I HEREBY ACKNOWLEDE THAT ANY INFORMATION YOU GIVE ME IS NOT LEGAL ADVICE, BUT FOR CLARIFICATION OF ORDER PURPOSES ONLY, IN CASE YOU WERE APPREHENSIVE OF PROVIDING ANY SUGGESTIONS.

THANK YOU,

Ronald C. Albright

(cc: S.C. COURT OF APPEALS;  
S.C. DEPT. OF P.P.S. SERVICES)

STATE OF SOUTH CAROLINA  
**Administrative Law Court**

**Robert L. Reibold**  
*Administrative Law Judge*

PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCALC.NET

May 16, 2023

Ronald C. Albright, #211533  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

Re: *Ronald C. Albright, 211533 vs. South Carolina Department of Probation, Parole and Pardon Services*, Docket No. 23-ALJ-15-0001-AP

Dear Mr. Albright:

On May 15, 2023, I received a document titled "Request for Clarification."<sup>1</sup> In the filing, you requested I provide you answers to several questions that you have in relation to the Honorable Robert L. Reibold's order that was filed and served on May 2, 2023. Judge Reibold's order speaks for itself. Additionally, because I work for the South Carolina Administrative Law Court, I am not permitted to provide legal advice.

Sincerely,

James Smith Harrison, III  
Law Clerk to The Honorable Robert L. Reibold

cc: Ms. Jessica Elizabeth Kinard, Esq., Office of General Counsel, South Carolina  
Department of Probation, Parole and Pardon Services (w/ enclosure)

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<sup>1</sup> I have enclosed a copy of this document.

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533 ..... APPELLANT,

v.

S.C.D.P.P.P.S. .... RESPONDENT.

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**APPENDIX D**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Documentation that Matter was presented to the Administrative  
Law Court”**

	<u>Pages</u>
Exhibit 1. Letter from the Administrative Law Court.....	1-2
Exhibit 2. Designation of Matter presented to the ALC.....	3-13

STATE OF SOUTH CAROLINA  
**Administrative Law Court**

**Robert L. Reibold**  
*Administrative Law Judge*

PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCALC.NET

April 10, 2023

Ronald C. Albright, #211533  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

Re: *Ronald C. Albright, #211533 v. South Carolina Department of Probation, Parole and Pardon Services, Docket No. 23-ALJ-15-0001-AP*


Dear Mr. Albright:

On April 10, 2023, I received a copy of your letter and copies of the following documents: (1) a designation of matter to be included for review on record, (2) a prehearing motion to compel, (3) a prehearing motion to transfer custody of state inmate and waiver of transfer transportation fee, (4) a brief, and (5) your certificate of service for these documents.

In your letter, you inquired about motions and a brief that you filed when you initiated this appeal. The South Carolina Administrative Law Court (the ALC or the Court) has the following documents in its file that you filed in conjunction with this matter: (1) a designation of matter to be included for review on the record on appeal, (2) an application for a contested case hearing and brief, (3) a prehearing motion for designation of matter to be included, (4) a prehearing motion to compel issuance of final order, (5) a prehearing motion to transfer custody of state inmate, and (6) a certificate of service for these documents.

In your letter, you additionally asked questions about what you should do in this matter, and you raised legal arguments as well. I am not permitted to provide legal advice because I work for the Court. Additionally, as to your legal arguments, I note Judge Reibold will consider this appeal in the normal course of appeals as required by the applicable law.

Sincerely,

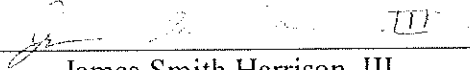
  
James Smith Harrison, III  
Law Clerk to The Honorable Robert L. Reibold

1 of 2

cc: Ms. Jessica E. Kinard, Esq., Office of General Counsel, South Carolina Department of Probation, Parole and Pardon Services

CERTIFICATE OF SERVICE

I, James Smith Harrison, III, hereby certify that I have this date served this letter 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).

  
James Smith Harrison, III  
Judicial Law Clerk

April 10, 2023  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT  
APPEAL FROM SOUTH CAROLINA DEPT. OF P.P.P.S.  
DOCKET No. - 23-ALJ-15-0001

S.C.D.P.P.P.S.  
(CONTESTED AGENCY)

P.O. BOX 207-COLUMBIA, SC. 29202

RONALD C. ALBRIGHT #211533  
(PRO SE)

P.O. BOX 205-RIDGEVILLE, SC. 29472

Respondant,

v.

APPLICANT.

DESIGNATION OF MATTER TO BE INCLUDED FOR REVIEW ON RECORD

APPLICANT PROPOSES THE FOLLOWING DOCUMENTS, ORDERS, NOTICES, AFFIDAVITS AND EVIDENTIARY EXCERPTS TO BE INCLUDED IN THE RECORD FOR REVIEW; (ALL OF THESE DOCUMENTS HAVE BEEN SERVED ON RESPONDANT NUMEROUS TIMES AND ARE ATTACHED WITH THIS MOTION FOR THE COURTS REVIEW)

- 1.) NOTICE FROM FL STATES ATTORNEY TO CLEAR THE RECORD AND RELEASE PAROLEE
- 2.) EXCERPTS FROM FL. PAROLE AGENTS OWN COMPUTER ENTRIES CONTRADICTING HIS "OFFENDER VIOLATION REPORT" HE SENT TO S.C. CAUSING MY REVOCATION.
- 3.) SIGN-IN SHEETS (3) FROM "SUBSEQUENT REPORTS" PAROLEE WAS ACCUSED OF MISSING, AFTER ARREST.

(CONTINUED)

3/13/2023

DATED

RESPECTFULLY SUBMITTED,

Ronald C. Albright

RONALD C. ALBRIGHT - #211533

(1) OF 2

DESIGNATION OF MATTER TO BE INCLUDED FOR REVIEW ON RECORD

(CONTINUED)

4.) AFFIDAVIT OF RESIDENCE

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5.) PAROLE VIOLATION WARRANT/AFFIDAVIT

---

6.) PETITION FOR CONSIDERATION LETTER TO  
SC PAROLE BOARD (3 Pgs)

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7.) PETITION FOR REHEARING TO SC  
PAROLE BOARD (2 Pgs)

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THE UNDERSIGNED, RONALD C. ALBRIGHT CERTIFIES  
THAT THIS DESIGNATION CONTAINS NO MATTER WHICH IS  
IRRELEVANT TO THIS CASE, AND ALL DOCUMENTS HAVE BEEN  
SERVED ON THE RESPONDANT. S.C.D.P.P.S.

DATED:

3/13/2023

Ronald C. Albright  
RONALD C. ALBRIGHT #211533

(2) of 2

IN THE CIRCUIT COURT FOR OSCEOLA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA	CASE NUMBER:	49-2016-CF-004305
vs.	ARREST DATE:	12/03/16
RONALD CHRISTOPHER ALBRIGHT	OFFICER:	Brian R. Byrne
Defendant.	AGENCY/NUMBER:	OSSO, 161115883
_____	DATE:	December 29, 2016

CHARGE(S): 1. GRAND THEFT 3RD DEGREE (>\$300, <\$5,000)


**NO INFORMATION NOTICE**

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney and states that:

1. From the investigation which has been made, it is the opinion of the writer that this case is not suitable for prosecution.
2. This action is taken to clear the records and to release subject's bond if any has been posted responsive to the above charge(s). If in custody, defendant should be released.

PROVIDED THERE ARE NO OTHER CHARGES OR HOLDS AGAINST HIM.

Jeffrey L. Ashton, State Attorney  
Ninth Judicial Circuit of Florida

By:   
 \_\_\_\_\_  
 Warda Aziz Ali  
 Assistant State Attorney  
 Florida Bar # 109008  
 Division101@sao9.org  
 2 Courthouse Sq  
 Suite 3500  
 Kissimmee, FL 34741  
 407-742-5219

UNIQUE CODE : CAA-CAL-CAIABIBEDBU-BCAJF-ETGULLUDG-EEIEAT-Page 05 of 10

THE FOLLOWING ARE COMPUTER ENTRIES FROM THE FLORIDA PAROLE AGENT'S OWN RECORDS CONTRADICTING HIS CLAIMS TO SOUTH CAROLINA, THAT PAROLEE FAILED TO REPORT AN ARREST AND MISSED "ALL SUBSEQUENT REPORTS" (SIGN-IN SHEETS FROM SUBSEQUENT REPORTS ALSO ENCLOSED) CLAIMS 1 AND 2 ON THE PAROLE ARREST WARRANT.

FLORIDA DEPARTMENT OF CORRECTIONS  
 PROBATION & PAROLE SERVICES  
 BEGINNING 12/01/2016 - ENDING 08/01/2017

CASE NOTES - ALBRIGHT, RONALD C ✓

DC NUMBER: D55973  
 SUPERVISING OFFICE: KISSIMMEE  
 SUPERVISING OFFICER: 40171-ELLWOOD, NOELLE ASHLE  
 SUPERVISION LEVEL: MAX  
 SUPERVISION TYPE - PAS: PAROLE STATE  
 SUPERVISION BEGIN DATE: 05/28/15  
 TERMINATION DATE: LIFE

DATE	TIME/SEQ	USERID	CONTACT TYPE	NARRATIVE
12/02/2016	10:30	P090HEJ	OFFICE PERSONAL	OFFICE PERSONAL - DELIVERED WMR. <u>SUBJ REPORTED</u> NOTHING NEW TO REPORT. M SIERMSA
12/03/2016	99:01	P090CG6	TRANSACTION REGISTER	TO NON-REPORTING
12/04/2016	99:01	P090CG6	TRANSACTION REGISTER	FROM NON-REPORTING
12/05/2016	99:01	P090CG6	TRANSACTION REGISTER	PENDING VIOLATION
12/09/2016	99:01	P090HEJ	CASE NOTE,	SUBMITTED VOP THRU ICOTS. M SIERMSA
12/15/2016	09:30	P090HEJ	ATTEMPTED PERSONAL	GATE WOULDNT OPEN, SUBJS PHONE WOULDNT PICK UP. CALLED FA AND LEFT MESSAGE TO CALL ME. M SIERMSA
12/15/2016	10:05	P090HEJ	TELEPHONE COLLATERAL	CALLED FA, HE STATED THE SUBJ STAYS AT HIS GFRS SOMETIMES, BUT HE WONT ALLOW HER TO STAY AT THEIR RES SINCE THEY BOTH GOT ARRESTED. SAID HE WILL HAVE SON CALL ME. M SIERMSA
12/15/2016	12:05	P090HEJ	TELEPHONE PERSONAL	<u>SUBJ CALLED</u> , STATED HE DIDNT DO ANYTHING WRONG AND CT WILL FIND HIM INNOCENT. I ASKED WHY HE WAS STAYING AT HIS GFS W/O MY PERMISSION, HE SAID, "I KNOW, I SHOULD HAVE ASKED 1ST BUT I DIDNT". INSTD TO BE HOME BY 8PM EVERY NIGHT, TO ALWAYS AND HIS CELL, AND TO NOT BE OUT OF COUNTY IF IT DOESNT INVOLVE WORK. M SIERMSA
01/04/2017	09:30	P090HEJ	OFFICE PERSONAL	OFFICE PERSONAL - DELIVERED WMR. <u>SUBJ REPORTED</u> INSTD TO GET ME AN EV LETTER. M SIERMSA
01/06/2017	12:45	P090HEJ	HOME PERSONAL	WALK THROUGH VISUAL INSPECTION CONDUCTED SUBJ AND FA AT RES. SUBJ WAS IN OR CO TO HAVE A FRIEND WORK ON HIS CAR. TOLD HIM FOR THE 2ND TIME HE IS NOT TO LEAVE THE COUNTY W/O MY PERMISSION UNLESS IT IS FOR WORK. SAID DUE TO NEW ARREST I DO NOT WANT HIM TRAVELING. M SIERMSA
01/06/2017	99:01	P090HEJ	FIELD COLLATERAL	
02/08/2017	99:01	P090HEJ	EMPLOYMENT NOTIFICAT	EMAIL FROM LAURA POINCOT AT AIRPORT PARKING. THEY ARE STILL AWARE OF HIS SUPERVISION, AND GAVE COPY OF 7-13-16 EV LETTER M SIERMSA

Dec. 2016

2

MONTH OF ARREST

OFFENDER SIGN-IN LOG

Please PRINT legibly

CLAIM #2

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
2-2	Herlofsky, Amy	D56064	9:08	Hill ✓
2-2	Ramkhalawan, Stephen		9:08	Lattimore ✓
	Amya Lopez	X92759	9:14	Alvarado ✓
2-2	Benjamin Arroyo	H37820	9:14	Bryant ✓
2-2	EDUARDO TORRES	H36634	9:16	MS DALY ✓
2-2	Rivera, Manuel	D8DSTOLM	9:16	Bryant ✓
2-2	Luz Martinez	X93925	9:18	office WISE ✓
2-2	Clifford L. Matthews Jr	X91592	9:10	Campes ✓
2/2	Suarez Kelly	U52121	9:10	<del>MISSY CAMPES</del> Hill ✓
2/2	Hoedel, Charles	D24159	0928	Siersma ✓
2/2	Omar Cox	X29621	09:30	Mrs Daily ✓
2/2	Torres, Adianis	X9322	9:30	MS wise ✓
2-2-16	DIAZ, OSVALDO	X44550	9:30	crespo. ✓
2-2-16	Afredo Lopez	X62652	9:30	Alvarado ✓
2-2-16	Nicholas Gelfano	V44428	9:45	Officer Daly ✓
2-2-16	Stanley, Kenneth	V05950	9:47 AM	Mr. Campos ✓
2-2-16	andrew andrade		9:48 AM	Lattimore ✓
2-2-16	Subal Bentas Jr.	X96664	9:40 AM	Campes ✓
2-2-16	Cassidy James	X70956	10:00 AM	MARK SIERSMA ✓
2-2-16	Agosto Victor	X94426	9:45 AM	campes ✓
2-2-16	Michael	F86332	9:45	Bryant ✓
1-2-16	Austin Hedrick	I15436	9:45 AM	Alvarado ✓
1-2-16	RODRIGUEZ, Arlene	X88634	9:45 AM	ALVARADO ✓
12/16	Eldridge Joseph	G23209	9:45	Alvarado ✓
2/2/16	DARNELL JAMES	X67830	9:50	SIERSMA ✓
2/2/16	Rosado Jimmy	D21040	9:50	WISE ✓
2/2/16	Arboleda Ruben	M44051	9:55	Campes ✓
2/2/16	Chris Rodriguez	HU3331	10:00	Alvarado ✓
2-2-16	Tresha Burnham	S23401	9:59	Wise ✓
2-2-16	RONALD ALBRIGHT	D55973	10:00	SIERSMA ✓
2-2-16	Hazel Alvarado	X93682	10:10	Torres ✓
2-2-16	Conti Fatynne	U51951	10:10	Daly ✓
2-2-16	Ortiz JAIL	X86106	10:10	Alvarado ✓
2-2-16	SABATER, NATASHA	X90127	10:11	ALVARADO ✓
2/2/16	Culhuro Roman	E05887	10:20	Campes ✓
2/2/16	Degelemann James	J18718	10:20	Campes ✓
2/1/16	JUAN BOLIVAR	X82684	11:25	ALVARADO ✓
2/1/16	Wade	ZP3603	10:30	FLAYSON ✓
2/2/16	MATTHEW HOLOWINSKI	D61959	10:30	SEARSMAN ✓
2/2/16	Anumada Julius	X87074	10:30	Alvarado ✓
2/2/16	Francisco Rivera	X03695	10:30	Hill OFFICER ✓
2-2-16	Brandi Diblaci	X94409	10:30	Hill ✓
2-2-16	Banculdes, Andres	X92348	10:30	officer Hill ✓
2-2-16	Isabelle Renee	DANZINA	10:30	officer wise ✓

Jan. 2017

Florida Department of Corrections

SUBSEQUENT REPORT

Please PRINT legibly

OFFENDER SIGN-IN LOG

CLAIM # 2

2

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
4-17	Hardrick, Reginald	358426	9:00	Crespo
4-17	Floris, Del	DL5408	9:08	Campos
4-17	Sweet, KENNIE	D44481	9:10	Hill
4-17	Hoelzel, Charles	O24157	0930	Aponte
4-17	BEE, DAVE	M87102	9:05	Local
4-17	James Lucas	308651	9:05	Wise
4-17	Petra Gonzalez	X88477	9:50	Campos
4-17	LUIS V COTTO	X54604	9:50	Campos
4-17	CAMBOIM, ANDERSON	X90443	9:13	BRYANT
4-17	Solomon DAVID	022324	9:20	Campos
4-17	Smith ANTHONY	290349	9:20	OFFICER. CLEGG
4-17	HUDSON KATHY	B07459	9:20	Campos
4-17	WELLER, DANIEL	X70723	9:25	CRESPO
4-17	ALBRIGHT, RONALD	D55973	9:29	SIER SMA
4-17	Samuel Melo	X88371	9:29	Campos
4-17	Tirado, Alvaro	X91064	9:29	Wise
4-17	Ramon Rivera	X35728	9:30	BRYANT
4-17	Annette Linas		9:32	Hill
4-16	AMBER SOLBIZ	X93547	9:35	DAILY
4-16	MATTHEW HOLLOWINSKI	D61959	9:34	MARK SIER SMA
4-16	CAROLAKIS THOMAS	K08673	9:35	CAMPOS
4-17	Harvey Joshua	X02850	9:35	Bryant
4-17	Swanson GIZAN	X39130	9:35	DAILY
4-17	Jordan, Rynell	G26017	9:35	Wise
4-17	Maudie Smith		9:40	DAILY
4-17	BRIAN K GEGUS	X46355	9:40	KLEGG
4-17	Greenidge, Michael	060 D60228	9:41	Campos
4-17	Kerrin D. Alvarado	X25362	9:45	Daily
4-17	CITIZEN THOMAS	X76619	9:45	Hill
4-17	Heineman, Cheryl	X90333	9:47	Bryant
4-17	Teston, George	I02971	9:48	Mrs. Wise
4-17	Brittany Love	D59245	10:00	Aponte
4-17	BYRON VASCONEZ	X48283	9:50	SIER SMA
4-17	Roberts Amanda	I10605	9:59	Daily
4-17	VELEZ, LUIS A	X94244	10:00	DESIREE CRESPO P
4-17	KEVIN THOMAS	E09998	10:AM	SIER SMA
4-17	Richard Browne	J14083	10:4am	CLEGG P
4-17	Perdomo Hector	X92443	10:09	Hill
4-17	Dominic Barros	X80018	10:10	Hill
4-17	Alexis Perdomo	X67743	10:10	Patricia
4-17	Doreen Lopez	X68190	10:12	Patricia
4-17	HOUSER, MARK	043-949	10:10	SIER SMA
4-17	Morales, Yadzia	X85920	10:10	Aponte
4-17	YVES SANTANA	X49715		

**Feb. 2017**  
**SUBSEQUENT**  
**REPORT**

Florida Department of Corrections

**OFFENDER SIGN-IN LOG**

2

Please PRINT legibly

**CLAIM #2**

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
2-14-17	<del>Ellis Raheen</del>	<del>80507</del>	9:00	E Goubault ✓
2-14-17	RONALD ALBRIGHT	D55973	9:30	SIEREMA ✓
2-14-17	Yamil Lacaye	X93114	9:30	LOVELL ✓
2-14-17	Serrano, Santos	Q23666	9:35	APONTE ✓
2-14-17	<del>Max Zander</del> <del>John</del>	<del>W47050</del>	9:35	<del>Goubault</del> ✓
2-14-17	Rodriguez, Joe	X65291	9:40	ELLWOOD ✓
2-14-17	Randall Nichelle	X95781	9:40 am	Elizabeth Goubault ✓
2-14-17	Nelson Rodriguez	C/C368	9:41	APONTE ✓
2-14-17	Drake, Jason	H47756	9:43	LOVELL ✓
2-14-17	Rajkumar, Ryan	X89424	9:41	Laseter ✓
2-14-17	Jafferson Donta	X37520	9:47	Grant ✓
2-14-17	Rivera Eliesel	D49846	9:47	LOVELL ✓
2-14-17	<del>Willa Arnold</del> <del>Arnaldo</del>	<del>X91890</del>	9:47	<del>Goubault</del> ✓
2-14-17	Barbosa Camilo	U56213	9:50	Siersma ✓
2-14-17	Torres Adianis	X93232	9:55	LAMORE ✓
2-14-17	KAREN CASTILLO	X94672	9:57	FRANKLIN ✓
2-14-17	BEE, DAVE	M87102	9:58	LOVELL ✓
2-14-17	Cardarick Nicholas	X94085	9:58	LAMORE ✓
2-14-17	BYRON GUASCONER	X48283	10:05	MARK SIEREMA ✓
2-14-17	VAZQUEZ, JORGE	X38206	10:05	APONTE ✓
2-14-17	Fremont, Catherine	X84222	10:10	Goubault ✓
2-14-17	Edwards, Willie	X94374	10:10	LOVELL ✓
2-14-17	Carter Samie	H46658	10:10	ELLWOOD ✓
2-14-17	Downing Matthew	X33928	10:10	ELLWOOD ✓
2-14-17	Colon, Christian	X93536	10:15	APONTE ✓
2-14-17	Della's Serrano	X-72517	10:16	Siersma ✓
2-14-17	Peters Cory	R84482	10:19	Goubault ✓
2-14-17	WITING, DAN	R76639	10:28	SIEREMA ✓
2-14-17	Palmer, Kendeem	X93796	10:28	LOVELL ✓
2-14-17	Campbell Abelle	X95243	10:30	Goubault ✓
2-14-17	Crispo Kimberly	X93947	10:30	ELLWOOD ✓
2-14-17	Alex Ally	X90800	10:32	LOVELL ✓
2-14-17	<del>Richard</del> <del>Arroyo</del>	<del>X82422</del>	10:35	<del>LOVELL</del> ✓
2-14-17	LETTON GORDON	S19266	10:35	Goubault ✓
2-14-17	Chambers Micah	V22500	10:35	Franklin-Torres ✓
2-14-17	CARRI D'Almeida	X89036	10:41	TORRES ✓
2-14-17	Trinidad Bryan	X92292	10:45	APONTE ✓
2-14-17	Biller Christine	X95455	10:45	Goubault ✓
2-14-17	Addison, Brack	X94899	10:45	Goubault ✓
2-14-17	Teach, Solomon	X73694	10:45	Laseter ✓
2-14-17	Schwartz Daniel	X92252	10:47	APONTE ✓
2-14-17	medina Ricardo	X86281	10:50	LOVELL ✓
2-14-17	Travis Sterling	X45253	10:50	Goubault ✓
2-14-17			11:00	LOVELL ✓

Claim #3

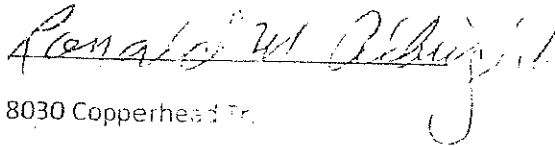
Allegedly changing residences without permission

To whom it may concern,

My name is Ronald M. Albright and I am the father of Ronald C. Albright. My son lives in a cottage house on my property that is his official residence for parole. He was accused of changing his residence without permission. He has lived here the entire two years that he has been out and has never moved with or without permission. As a matter of fact, his belongings are still here to this day, along with business mail addressed to him coming to his home. I hope this sworn affidavit is sufficient evidence. Thank you for your time and consideration in the matter.

Sincerely,

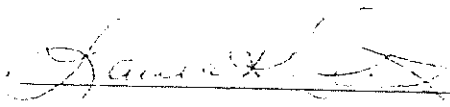
Ronald M. Albright



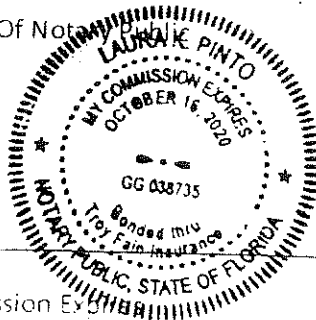
8030 Copperhead Tr.

Kissimmee Fl. 34747

(407)397-1937 507-1508



Signature Of Notary



10/16/20

My Commission Expires

~~ATTACH (6)~~

CAW199311017  
CAW199404001  
CAW199404002  
D610718  
D610721

PAROLE  
ARREST WARRANT

Judgment Number: 1993 GS 25-1935  
Warrant Number: W 48 17 0041  
State Identification No. (SID): 00867210

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF COLUMBIA AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT

It appearing from the attached affidavit that there are reasonable grounds to believe that RONALD ALBRIGHT, do on the 8TH day of MARCH, 2017 violates the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE

Ronald Albright violation conditions 1, 2, 4, 6, 8, and 10 of his parole as ordered pursuant to the Certificate of Parole issued on May 27, 2015 by the SC Department of Probation, Parole and Pardon Services

Now, therefore, you are empowered and directed to arrest the said defendant and bring RONALD ALBRIGHT before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at COLUMBIA, S.C. the 08th day of MARCH, 2017.

*Victoria Jakes*  
Signature of Probation and Parole Agent

County of \_\_\_\_\_ County of \_\_\_\_\_  
STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one VICTORIA JAKES, who first being duly sworn, deposes and says that Defendant's Name is \_\_\_\_\_ within this County and State on the 8th day of March, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

Ronald Albright violation conditions 1, 2, 4, 6, 8, and 10 of his parole as ordered pursuant to the Certificate of Parole issued on May 27, 2015 by the SC Department of Probation, Parole and Pardon Services

FILED

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth and that such probable cause is based on the following facts: THE FOLLOWING WERE NOT "FACTS" THAT THIS WARRANT WAS BASED ON.

As evidenced by the Offender Violation Reports dated 12/05/16 and 02/11/17 submitted by the state of FL Ronald Albright failed to report upon his release from jail on 12/03/16 as required and has missed all subsequent reports. A home visit on 02/19/2017 revealed the offender is no longer living at his approved residence of 8030 Copperhead Tr., Kissimmee, FL. The offender, without permission to an unknown location, thereby, absconding supervision. That he associated with Samantha Mabry who has a criminal record from her arrest in Osceola County, FL on 12/03/16 for Grand Theft that he failed to refrain from violating the law in that there is probable cause he committed the crime of Grand Theft in Osceola County, FL on 12/03/16 as evidenced by the Osceola County Sheriff's Office Charging Affidavit dated 12/02/16 by absconding he is out of the state of SC without authorization which is a failure to follow the instructions of his agent and failure to abide by the conditions on the SC application dated 03/23/15

Sworn to and Subscribed before me  
this 8th day of March, 2017

*Victoria Jakes*  
Affiant

Address: 2221 Devine Street  
P.O. Box 50686, Columbia, SC, 29250  
903-734-9229

*Alison W. ...*  
Signature of Notary Public

03/02/2016  
My Commission Expires

(Form Continues on Back)

THE SOUTH CAROLINA DEPT. OF  
PROBATION, PAROLE, AND PARDON  
SERVICES ~ P.O. Box 207  
COLUMBIA, S. C. 29202

RONALD C. ALBRIGHT #211533  
L.C.I. ~ SB-38 P.O. Box 205  
RIDGEVILLE, SC. 29472

3/2/2023

PETITION FOR REHEARING  
FOR DENIAL ON: 3/2/2023

PAROLEE RESPECTFULLY SUBMITS THIS PLEA FOR RECON-  
SIDERATION AS THIS IS HIS THIRD HEARING AND THIRD TIME  
SUBMITTING NUMEROUS ITEMS OF EXCULPATORY EVIDENCE, AS  
DIRECTED BY THE HEARING JUSTICE IN MY PRELIMINARY HEARING,  
TO THE PAROLE BOARD FOR REVIEW. PAROLEE HAS FAITHFULLY  
FOLLOWED THAT DIRECTIVE EVERY TIME HE'S COME BEFORE THIS  
BOARD, WITHOUT SO MUCH AS A REPLY OR DETERMINATION RE-  
GARDING THESE ISSUES, THE CLOSEST I'VE GOTTEN TO A  
RESPONSE WAS DURING MY SECOND TIME UP FOR PAROLE  
WHEN I ASKED IF THEY HAD EVER RECEIVED MY PACKET  
SINCE THEY NEVER RESPONDED, AND ONE OF THE BOARD MEMBERS  
PICKED UP A SINGLE PIECE OF PAPER OFF OF THE TABLE AND  
WAVED IT, SAYING "YEAH WE GOT IT", EVEN THOUGH WHAT I  
SENT WAS A PACKET OF APPROX 8+ PAGES, OF DOCUMENTS.

AFTER RECEIPT OF THESE DOCUMENTS, IT'S DIFFICULT  
TO UNDERSTAND HOW THE BOARD STILL FEELS IT'S JUST AND  
FAIR THAT IT BASED ITS PAST AND CONTINUING DECISIONS  
ON ALLEGATIONS THAT HAVE BEEN PROVEN TO BE UNTRUE.  
HOW COULD ANYONE REASONABLY OR OBJECTIVELY COME TO THE  
CONCLUSION THAT THE FLORIDA PAROLE AGENTS ALLEGATIONS  
WERE TRUE, WHEN I'VE PROVEN EVERY POINT ON THE  
"PAROLE VIOLATION WARRANT" WAS FALSE? BUT YET IT'S  
STILL BEING RELIED ON TO CONTINUE TO DENY THE  
PAROLEE THE FAIR CHANCE THAT THIS BOARD SO GRACIOUSLY  
AFFORDED HIM TO BEGIN WITH. NOT ONE OR TWO OF YOU,  
BUT UNANIMOUSLY YOU CAME TO THIS CONCLUSION WHICH  
LEADS ME TO THE SAME QUESTION I'VE BEEN ASKING THE  
BOARD . . .

(1)

(CONTINUED)

... DID ANYONE EVEN BOTHER TO LOOK AT THE EVIDENCE PRESENTED IN MY DEFENSE? NOTICE FROM THE FLORIDA STATES ATTORNEY, AFFIDAVIT, SIGN-IN SHEETS, ? I'VE SENT THEM SO MANY TIMES, I'M SURE THERE'S A PILE OF THEM SOMEWHERE BUT NOT ONE REPLY, RESPONSE, OR DETERMINATION, JUST DENIAL AFTER "ROUTINE" DENIAL, WHICH I'M TOLD IS SHIELDED FROM QUESTION OR REVIEW.

CAN THE BOARD AT LEAST TELL ME SOMETHING ON THESE ISSUES, SO I CAN MOVE FORWARD AND HAVE THEM LOOKED AT BY SOMEONE? MY ENTIRE RETAKING AND REVOCATION PROCESS WAS BOTCHED ACCORDING TO THE (ICAOS) GUIDELINES I THOUGHT WE WERE BOTH SUPPOSED TO FOLLOW. I JUST WANT A CHANCE TO DEFEND MYSELF AGAINST THE FALSE ALLEGATIONS LODGED AGAINST ME. I WAS SUPPOSED TO HAVE HAD THAT RIGHT BEFORE I WAS 'RETAKEN' BUT THAT PROCESS WAS ALTERED AND THAT DEPARTMENT FROM THE (ICAOS) REGULATIONS DENIED ME THAT RIGHT. THE PAROLE BOARD DON'T SEEM TO WANT TO HEAR OR ADDRESS THESE ISSUES EITHER. WHAT CAN I DO? PAROLEE IS OF THE BELIEF THAT THREE TIMES SUBMITTING THIS EVIDENCE TO THE BOARD CONSTITUTES A 'GOOD FAITH EFFORT' ON HIS PART.

PAROLEE HAS SERVED OVER 28 YEARS AND IN ALL OF THAT TIME, NEVER HAD ONE VIOLENT INCIDENT, OUTBURST, OR DISCIPLINARY... WHY? BECAUSE I'M NON-VIOLENT AND NOT A THREAT TO ANYONE AS THE BOARD CORRECTLY AND UNANIMOUSLY 7/0 AGREED TO IN 2015 TO GRANT MY PAROLE. NOTHING HAS CHANGED, I'M STILL NOT A THREAT TO SOCIETY OR ANYONE. MY CRIME WAS THE RESULT OF "THE HAND OF ONE IS THE HAND OF ALL" AND I'M DEEPLY REMORSEFUL AND ASHAMED OF MY PARTICIPATION IN IT, BUT I HAVE SERVED A RIGOROUS LENGTHY PUNISHMENT FOR THAT AND HAVE REGRETTED IT EVERY 10,250 DAYS SINCE

WHEREFORE PAROLEE PRAYS FOR CONSIDERATION OF THE EVIDENCE PRESENTED AND RECONSIDERATION OF YOUR REJECTION AND PLEASE RE-INSTATE MY PAROLE WITH THE STRICTEST STIPULATIONS AS YOU SEE FIT.

RESPECTFULLY SIGNED,  
Ronald A. Allwright

(2)

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

---

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

---

**APPENDIX E**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Correspondence with the S.C. Court of Appeals concerning the  
premature filing of it’s Order dated: 7/03/2023”**

**Pages**

<b>Exhibit 1.</b>	<b>Letter from S.C. Court of Appeals notifying Appellant of the 10 days to respond to Respondent’s Motion to Strike Appellant’s Designation of Matter.....</b>	<b>1</b>
<b>Exhibit 2.</b>	<b>Respondent’s Motion to Strike Designation of Matter..</b>	<b>2-5</b>
<b>Exhibit 3.</b>	<b>Appellant’s Opposition to Motion to Strike.....</b>	<b>6-8</b>
<b>Exhibit 4.</b>	<b>Order from S.C. Court of Appeals Dismissing all of Appellant’s Motions.....</b>	<b>9</b>
<b>Exhibit 5.</b>	<b>Letter to S.C. Court of Appeals Clerk addressing the filing of the Order before the time to Respond elapsed.....</b>	<b>10</b>
<b>Exhibit 6.</b>	<b>Appellant’s Petition for Reconsideration of Order....</b>	<b>11-12</b>



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE (803) 734-1850  
FAX (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 29, 2023

Ronald L. Albright, 00211533  
Lieber Correctional Institution  
P. O. Box 205  
Ridgeville SC 29472

Re: Ronald C. Albright, #211533 v. SCDPPPS  
Appellate Case No. 2023-000847

Dear Mr. Albright:

The Court received your letter inquiring about your appellant's initial brief. We accepted your appellant's initial brief as filed, then sent a deficiency letter indicating you had not filed a designation of matter. We received your designation of matter; however, the respondent has filed a motion to strike your designation of matter. You may file a return in opposition to the respondent's motion within 10 days of the date of this letter. The appeal will be held in abeyance pending a ruling of the Court on the respondent's motion.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Matthew C. Buchanan, Esquire

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from the Administrative Law Court  
The Honorable Robert L. Reibold, Administrative Law Judge  
Docket Number 23-ALJ-15-0001-AP

---

Appellate Case No.: 2023-000847

---

RONALD C. ALBRIGHT, #217218.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND  
PARDON SERVICES,.....RESPONDENT

---

**MOTION TO STRIKE DESIGNATION  
OF MATTER OF APPELLANT**

---

**Matthew C. Buchanan, #73740  
General Counsel**

**South Carolina Department of Probation,  
Parole and Pardon Services  
P.O. Box 207  
Columbia, South Carolina 20202  
(803) 734-9220**

**ATTORNEY FOR RESPONDENT**

Now comes Respondent, through its counsel and pursuant to Rule 240, SCACR, respectfully objecting to and moving to strike Appellant's designation of matter.

Appellant's designation of matter consists entirely of items that were not presented to the lower court or tribunal; therefore, may not be included in the record on appeal and should be stricken from his designation of matter. Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."). Not only has Appellant designated matter that was not presented to the lower court, in regard to certain items he is now, by way of that designation of matter, demanding production or creation of matter that has heretofore not been created, such as transcripts from hearings that are not the proper subject of this appeal. Indeed, Respondent respectfully submits that Appellant's designation of matter contains materials not relevant to the appeal in violation of Rule 209(b), SCACR.

**1. The Designation of Matter contains materials not presented to the lower court.**

Appellant proposes four categories of items to be included in the Designation of Matter. The first of which is, "Transcript of parolee's preliminary/probable cause hearing (the hearing prior to the revocation hearing.)" (Emphasis in original). This matter was not included before the Administrative Law Court because it does not exist. Respondent's record retention schedule for the recordings of preliminary hearings are for one year. Transcripts of the hearings are not made of the recordings. Appellant is only now requesting a transcript of a recording of a hearing that occurred roughly six years ago.

Appellant's next item for the Designation of Matter is, "any affidavits, teletypes, or other documents or evidence relied upon by the Respondant (sic), the S.C.D.P.P.P.S., to obtain the 'parole violation warrant', extradition, and subsequent revocation in the above referenced case."

Because the ALC granted Respondent's motion to dismiss pursuant to S.C. Code § 24-21-680, these documents were also not presented to the lower court by either party.

The third item in Appellant's motion is for the transcript of his parole revocation hearing. As stated earlier, the ALC dismissed the appeal for lack of jurisdiction because revocations of parole cannot be appealed per § 24-21-680. The transcript was also not before the lower court.

Appellant is also designating an "outstanding motion for designation from A.L.C. and its (sic) documents." Respondent submits that there should not be any outstanding motions before the ALC at this stage because the appeal was dismissed, so this item cannot be complied with.

Rule 210(c) states clearly that, "The Record shall not, however, include matter which was not presented to the lower court or tribunal." Therefore, Respondent respectfully objects to and respectfully asks this Court to strike Appellant's Designation of Matter.

**2. The proposed matter is not relevant to the appeal.**

Respondent respectfully submits that this appeal should be limited to the grounds for which the ALC dismissed Appellant's action. The ALC judge dismissed the action for lack of jurisdiction because § 24-21-680 does not allow for appeals from revocations of parole. Instead, § 17-27-20(A)(5) allows for Post-Conviction Relief actions to address challenges to a revocation of parole.

Because the ALC dismissed the appeal on jurisdictional grounds, the only matter before this Court is whether the ALC erred in doing so. Appellant's materials all go to his challenge of his 2017 parole revocation, not to the ALC's dismissal of his current appeal for lack of jurisdiction. Consequently, his designation of matter should be stricken as including matter irrelevant to his appeal.

For all of these reasons, Respondent respectfully objects to the Appellant's Designation of Matter and asks that it be stricken.

Respectfully submitted,



**Matthew C. Buchanan**  
**General Counsel**

South Carolina Department of Probation,  
Parole and Pardon Services  
P.O. Box 293  
Columbia, South Carolina 29202  
(803) 734-9220

Columbia, South Carolina  
June 20, 2023

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court  
The Honorable Robert L. Reibold, Administrative Law Judge  
Docket Number 23-ALJ-15-0001-AP

Appellate Case No : 2023-000847

RONALD C ALBRIGHT, #211533 ..... APPELLANT

v.

S C. DEPARTMENT OF PROBATION, PAROLE AND  
PARDON SERVICES, ..... RESPONDENT

APPELLANT'S RESPONSE TO "MOTION TO STRIKE DESIGNATION"

6-30-2023  
DATED

Ronald C Albright  
RONALD C ALBRIGHT

APPELLANT WAS GIVEN A TEN DAY PERIOD BY THE APPELLATE CLERK OF COURT TO CORRECT A DEFICIENCY IN THE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED. APPELLANT COMPLIED AND SUBMITTED A COMPLETE LISTING OF MATTER WITHIN THAT TEN DAY PERIOD.

THIS MATTER WAS PRESENTED TO THE S.C. DPPPS FUNCTIONING AS AN ADMINISTRATIVE TRIBUNAL AND RE-SUBMITTED AT EVERY OPPORTUNITY AT A REHEARING, SATISFYING RULE 210(C) AND FURTHER PROPOSED TO THE ALC FOR REVIEW, AS "REQUESTED FROM RESPONDENT" BUT BECAUSE OF THE COURT'S ERRONEOUS GRANTING OF THE RESPONDENT'S MOTION TO DISMISS, IT WAS ONLY REFERENCED BY THE ALC AND NOT PUT INTO RECORD.

APPELLANT AND THE ALC JUDGE REFERENCED THESE PROCEEDINGS THAT THE TRANSCRIPTS WOULD DETAIL. THE DEPARTURE FROM THE RULES AND REGULATIONS IN THE AGENCY'S PROCEEDINGS IS PRECISELY WHAT IS BEING CHALLENGED AND A RECORD OF THOSE PROCEEDINGS IS CRUCIAL; FOR HOW CAN ONE DETERMINE IF THE PROCESS WAS DEFICIENT IF THE RECORD OF THE PROCEEDINGS IS KEPT FROM THE COURTS?

THE RESPONDENT CLAIMS THE INABILITY TO PRODUCE THE RECORDS OF THE PROCEEDINGS BEING CHALLENGED. IN "RIDDLE" v. STATE 282 S.E.2d 863; 277 S.C.110, THE CASE WAS REMANDED FOR A DE NOVO HEARING BECAUSE THE REVOCATION PROCEEDINGS WERE SO SUMMARY THAT THE RECORD WAS INSUFFICIENT FOR THE APPELLATE COURT TO REVIEW. IF IT PLEASURES THE COURT APPELLANT RESPECTFULLY REQUESTS THIS IN LIGHT OF THESE CIRCUMSTANCES IN THE PRESENT CASE.

APPELLANT CONTENDS THAT HIS REMAINING MATTER SHOULD NOT BE STRICKEN BECAUSE OF THE AGENCY'S INABILITY TO PRODUCE A RECORD OF THE PROCEEDINGS BEING CHALLENGED. THE RESPONDENT IS ALREADY TRYING TO INDEFINATELY DELAY MY APPEAL FOR THEIR INABILITY TO PRODUCE THE WRITTEN FINAL ORDER OF REVOCATION TO BEGIN THE TOLLING OF THE TIMELINE.

AS TO RELEVANCE, THE REASON THE RESPONDENT SEES THE MATTER AS IRRELEVANT IS BECAUSE OF THEIR CONTINUED "MISTAKING" OR MIS-APPLYING APPELLANT'S CHALLENGES TO THE AGENCY'S DECISIONS AND SUBSEQUENT ROUTINE DENIALS OF PAROLE AND CITING 24-21-680 AD NAUSEAM. THE CHALLENGE LIES WITH THE PROCEDURES EMPLOYED AND THE EVIDENCE RELIED UPON TO REACH THOSE DECISIONS, NOT THE DECISIONS THEMSELVES. EVEN 24-21-680 REQUIRES SOME PROCESS TO DETERMINE ITS FIRST TWO WORDS "UPON FAILURE". THIS STATUTE DOES NOT, NOR CAN NOT, GRANT THE AGENCY THE POWER TO ABBROGATE CONSTITUTIONAL DUE PROCESS RIGHTS AS UNDER THE COLOR OF LAW THAT THE RESPONDENT CLAIMS, THAT THIS STATUTE PROVIDES THEM.

THE REASON THIS MATTER IS RELEVANT AND SHOULD BE INCLUDED AND REVIEWED IS THAT IT'S DIRECTLY RESPONSIBLE FOR GIVING THE COURTS JURISDICTION TO HEAR THE CASE. THE COURTS CANT APPLY § 1-23-380 (b) (a-f) WITHOUT FIRST REVIEWING AND WEIGHING THE CLAIMS AND EVIDENCE BROUGHT BY AN APPELLANT, AGAINST § 1-23-380 (b) (a-f) TO SEE IF THEY APPLY OR MEET THE STANDARD. THATS LIKE SAYING THEY WOULDNT HAVE JURISDICTION TO REVIEW THE CIRCUMSTANCES THAT WOULD GIVE THEM JURISDICTION.

PER § 1-23-380 APPELLANT CLAIMED THE AGENCY DECISIONS WERE: (5)-(c, e, and f)

- c.) "MADE UPON UNLAWFUL PROCEDURE" (BECAUSE THE LAWFUL PROCEDURE IN THIS CASE WAS FOR THE AGENCY TO FOLLOW THE ICJOS PROCEDURES FOR A RETAKING)
- e.) "CLEARLY ERRONEOUS IN VIEW OF RELIABLE EVIDENCE ON THE WHOLE RECORD." (APPELLANTS EVIDENCE AND DOCUMENTS WERE EXCULPATORY AND THE AGENCYS WAS UNFOUNDED 3<sup>RD</sup> PERSON TESTIMONY.)
- f.) "ARBITRARY AND CAPRICIOUS AND CLEARLY UNWARRANTED EXERCISE OF DISCRETION." (THE AGENCYS INFERRING THE FIRST TWO WORDS OF 24-21-680 "UPON FAILURE" WITHOUT PROOF, TO IMPLY THAT MERE ALLEGATIONS WERE ACTUAL VIOLATIONS COMMITTED.)

§ 1-23-380 (4) \* IN CASES OF ALLEGED IRREGULARITIES IN PROCEDURE BEFORE THE AGENCY, NOT SHOWN IN THE RECORD, AND ESTABLISHED BY PROOF SATISFACTORY TO THE COURT, THE CASE MAY BE REMANDED TO THE AGENCY FOR ACTION AS THE COURT CONSIDERS APPROPRIATE. \* (i.e. JURISDICTION) FOR HOW CAN THE COURT DETERMINE IF THE ABOVE MENTIONED PROOF IS "SATISFACTORY" UNLESS ITS ALLOWED TO REVIEW IT, AND TO REVIEW THIS MATTER, IT MUST BE INCLUDED IN THE RECORD

SO, SCAUR R. 209 (b) ISNT VIOLATED FOR IRRELEVANCE AS RESPONDANT CLAIMS BECAUSE THESE MATTERS ARE RELEVANT TO THIS CASE AND THE ALLS RULING.

WHEREFORE APPELLANT PLEADS WITH THIS COURT TO DENY RESPONDANTS "MOTION TO STRIKE" AND ALLOW THE MATTER TO BE INCLUDED IN THE RECORD FOR THIS AND FUTURE COURTS REVIEWS. THERES NO VALID REASON FOR THE RESPONDENT IN THE INTEREST OF TRUTH, JUSTICE, AND FUNDAMENTAL FAIRNESS TO KEEP THIS EVIDENCE FROM THE COURTS REVIEW.

I FURTHER CERTIFY THAT ALL MATTER IN APPELLANTS "MOTION FOR DESIGNATION" IS RELEVANT TO THE APPELLANTS CLAIMS AND HAS DIRECT RELEVANCE TO JURISDICTION AS OUTLINED IN THIS REPLY AND WOULD GIVE JURISDICTION TO THIS COURT AS WELL AS THE ALL UNDER § 1-23-380 (a-f) AND § 1-23-610 (b) (a-f) + (a) (1).

Ronald C. Wright

# The South Carolina Court of Appeals

Ronald C. Albright, #211533, Appellant,

v.

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

Appellate Case No. 2023-000847

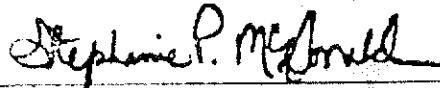
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## ORDER

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Appellant's "petition for equitable tolling," motion to proceed without costs, motion for the production of transcripts, "motion to compel issuance of final order of revocation," and motion to appoint counsel are hereby denied. *See James v. S.C. Dep't of Probation, Parole, and Pardon Servs.*, 377 S.C. 564, 660 S.E.2d 288 (Ct. App. 2008) (the denial of an inmate's parole request, absent a permanent denial of parole eligibility, does not implicate a state-created liberty interest); Rule 207(b), SCACR (the appellant shall make arrangements to obtain transcripts); Rule 210, SCACR (the appellant shall compile and serve the record on appeal).

Respondent's motion to strike Appellant's designation of matter is granted. Within twenty days of the date of this order, Appellant shall serve and file an amended designation of matter which shall only include matters that were presented to the Administrative Law Court. *See* Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal.").



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FOR THE COURT

Columbia, South Carolina

cc:

Ronald L. Albright, 00211533

Matthew C. Buchanan, Esquire

**FILED**  
**Jul 03 2023**

**S.C. Court of Appeals**  
**Hon. Jenny A. Kitchings- Clerk**  
**P.O. Box 11629**  
**Columbia, SC. 29211**

7/10/2023

Dear Hon. Clerk of Court.

Appellant received the Respondent's Brief, "Motion to Strike Appellant's Designation of Matter", and Respondent's "Designation of Matter" on 6/26/2023. Appellant immediately prepared and sent a "Reply Brief" and "Opposition/Response to Motion to Strike" on 6/30/2023, within the 10 days allowed by SCACR. This was on a Friday, which the Court would not have gotten it until 7/5/2023 due to the Holiday on the 4<sup>th</sup>. But still within the 10 days. On 7/10/2023 Appellant received an Order from the S.C. Court of Appeals dated Filed: 7/03/2023 stating that the Respondent's Motion to Strike had been granted and the Appellant's Motions had been denied. This would mean that the Court had made it's determination BEFORE the Appellant's response had even arrived. This is contrary to SCACR and the letter received from this Clerk on 7/05/2023 informing Appellant that he had 10 days from the date of that letter to file an opposition. The Court made it's determination 2 days before Appellant even received the letter. My question is how can the Court rule on the motions before the replies are received, and how does the Appellant rectify this, or is the Court just predetermined to rule in the favor of the Respondent regardless of the content of the Responses? Also, The Court and Respondents are still referencing and citing Denials of Parole do not create a Liberty Interest and are not Appealable. Appellant is NOT challenging the denials of Parole, but the Procedure and evidence relied upon in the Revocation proceedings, which is reviewable.

The Matter Appellant is including in the R.O.A. has been presented to the Administrative Agency Tribunal (SCDPPPS) and the Administrative Law Court. Appellant can not help that the Respondent refuses to acknowledge receipt of such, or if the ALC, because of an erroneous granting of a "Motion to Dismiss," left these Matters unresolved. They were presented numerous times. Appellant received the Court's Order that was dated 7/3/2023 on 7/10/2023 a full week later and it states that Appellant should serve and file an amended designation of Matter. Does this time toll from the date of the order or the date of receipt? If this Court has already made it's decision in this present case before the motions are even finished, or the arguments have even commenced, then Appellant respectfully requests this case move on to the next level of review because Appellant has Valid Constitutional issues that the Supreme Courts have deemed meritorious and the Appellant does not want to waste this Court's or his valuable time and resources if the outcome here has been predetermined. Appellant is stating this with the utmost respect and only trying to have his issues heard and if this isn't the venue for that, then Appellant must seek elsewhere.

Attachments: Certificate of Service,  
Order of S.C. Court of Appeals,  
Letter from Clerk of Court

Cc: **S.C.D.P.P.P.S.;**  
**The Administrative Law Court;**  
**Files**

Respectfully Submitted,

  
RONALD C. ALBRIGHT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from the Administrative Law Court  
The Honorable Robert L. Reibold, Administrative Law Judge  
Docket Number 23-ALJ-15-0001-AP

---

Appellate Case No.: 2023-000847

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RONALD C. ALBRIGHT, #217218.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND  
PARDON SERVICES,.....RESPONDENT

**PETITION FOR RECONSIDERATION OF ORDER**

Appellant moves this Court to reconsider it's recent Order denying Appellant's Motions to: "Proceed Without Costs or Fees/In Forma Pauperis", "Production of Transcripts and Documents", and "Motion to Compel Issuance of Written Final Order from the Agency".

This Order was Dated Filed: 7/3/23 and received by Appellant on 7/10/23 and this Petition for Rehearing is being filed within 5 days of receipt of the Order. This Court ruled on these Motions only 5 days after Appellant received the Respondent's "Motion to Strike", Well before the 10 days allowed by SCACR had elapsed to submit an Opposition to Respondent's Motion. Appellant timely filed a Response to Respondent's Motion, that due to the 4<sup>th</sup> of July Holiday, couldn't have been received by this Court until the 5<sup>th</sup> of July, but still well within the 10 day period from receipt to respond. This can only mean that the Court could not have factored Appellant's Opposition to the Motion into it's decision as it's Order was signed 7/3/23 by a "Stephanie P. McDonald - For the Court" no Title or Identifier listed.

In support of this Petition, Appellant submits to this Court that both it and the Administrative Law Court have been purposefully misdirected by the Respondent and if the Court fully understood the scope of Appellant's challenge, then it may come to a different conclusion on it's determination of these Motions. The Respondent, SCDPPPS knows full well that Appellant is and always has been challenging the procedures employed by the Agency and the evidence relied upon to reach their decision, which by law IS reviewable.

The Respondent continually chooses to misdirect the Court to a completely irrelevant unchallenged point, claiming that the Appellant is challenging the routine denials of parole which ARE non reviewable and do not create a Liberty Interest. They do this because a Statute supports this point, But Appellant is not nor has ever been challenging the denials of Parole and has repeatedly stated this fact. This diverting attention away from the actual challenge and directing the Court's attention to an irrelevant matter that's not being challenged, is deliberate misrepresentation of the facts of this case to the Court and Appellant feels this negatively influenced the court's decision on these motions.

If the Court followed the misdirection of the Respondent, then the Designation of Matter would seem irrelevant but when applied to the actual challenge of the Procedure employed by the Agency and the evidence relied upon to reach that decision, Then this matter is Most relevant. For it gave the ALC and this Court jurisdiction to not only hear this case, but to rectify the challenged issues.

As one can infer, To determine if the proper procedure was followed or if the evidence relied upon to make the decision was based on facts, One must first review these proceedings and evidence and to review the proceedings and evidence relied upon, it must be allowed into the record.

As to the denial of Appellant's "Motion to Proceed In Forma Pauperis", The Appellant has never abused this indigent status and has zero strikes against him for frivolous litigations and is indigent and there's no valid reason to deny this Motion.

As to the denial of Appellant's "Motion to Compel the Issuance of the Written Final Order of Revocation from the Agency", This Order has been denied or unreasonably delayed for 5 years and the withholding of this Order is denying the Appellant proper redress of his grievances. There's no valid reason to deny this motion for a final Order that should have been issued by SCDPPPS long ago.

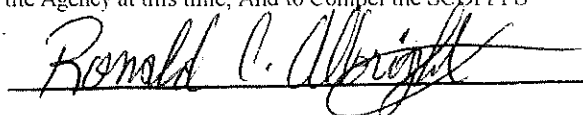
As to the denial of Appellant's "Motion to Appoint Counsel", Appellant appreciates this Court's consideration and accepts it's denial, as it is not mandated by law for the Court to appoint counsel in these matters, So, Appellant will continue Pro Se as best he can.

Wherefore the Appellant prays this Court reconsider it's Order to dismiss Appellant's Motions and to ask itself why the Respondent would want to keep a record of it's own proceedings from the eyes of the Court for review/Appellant claims it's because the Respondent's wholesale departure from the lawful procedure laid out in the ICAOS Compact to which the compacting states are bound to follow. And this is what was being challenged in the ALC and why all of the matter designated was and is relevant to the present case.

**RELIEF REQUESTED**

Allow the Appellant's Designation of Matter to stand and allow him to proceed with the compiling and submission of the Record on Appeal, To allow the Appellant to Proceed In Forma Pauperis as the Appellant truly is indigent and can't afford to order the necessary transcripts from the Agency at this time, And to Compel the SCDPPPS to deliver the written final Order of Revocation to the Appellant.

7-11-2023  
DATED



STATE OF SOUTH CAROLINA  
In the Supreme Court

---

In the Original Jurisdiction  
Appellate Case No. 2023-000847

---

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

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**APPENDIX F**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Motions denied by the S.C. Court of Appeals due to  
Respondent’s Misrepresentation of Appellant’s challenges”**

	<u>Pages</u>
<b>Exhibit 1. Motion to Compel Issuance of the Written Final Order of Revocation from SCDPPPS.....</b>	<b>1-2</b>
<b>Exhibit 2. Motion to Proceed without Costs or Fees.....</b>	<b>3</b>
<b>Exhibit 3. Motion for Production of Transcripts and Documents ....</b>	<b>4</b>
<b>Exhibit 4. Motion for Appointment of Counsel Representation.....</b>	<b>5</b>
<b>Exhibit 5. Petition for Equitable Tolling.....</b>	<b>6-9</b>

The State of South Carolina  
In The Court of Appeals

Appeal From the Administrative Law Court

Case: 211533/D55973 SCDC/FDOC Docket # 23-ALJ-15-0001  
Contested State Agency Decision

A.L.C. Decision Dated: 5-2-23 Final Order Received: 5-4-23

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondant

PO Box 207  
Columbia, SC 29202  
dppps.sc.gov

v.

Ronald C. Albright #211533  
PO Box 205-SB-38  
Ridgeville, SC 29472

Appellant  
(Pro Se)

MOTION TO COMPEL ISSUANCE OF FINAL ORDER OF REVOCATION

APPELLANT, RONALD ALBRIGHT, MOVES THIS COURT FOR AN ORDER COMPELLING THE S.C. DEPT OF P.P.P. SERVICES TO PRODUCE AND DELIVER TO THE APPELLANT: THE WRITTEN FINAL ORDER OF PAROLE REVOCATION - IN THE ABOVE REFERENCED CASE. THIS ORDER HAS BEEN DENIED OR UNREASONABLY DELAYED AND THE REFUSAL BY THE AGENCY TO DELIVER THIS ORDER IS BARRING PAROLEE FROM APPEALING OR REDRESS OF GRIEVANCES. APPELLANT HAS REQUESTED THIS ORDER, (OR REVIEW WITHOUT THE ORDER), SEVERAL TIMES, THE LATEST BEING 3-13-23. THE A.L.C. NOTED: "FOR BENEFIT OF THE APPELLANT, (IT) WAS NOT THE PROPER FORUM TO SEEK SUCH AN ORDER, BUT DIDNT SUGGEST WHICH FORUM WAS. (\* SEE BELOW)

IN SUPPORT OF THIS MOTION, PETITIONER SUBMITS THE FOLLOWING AND DEMONSTRATED A GOOD FAITH EFFORT MADE TO THE AGENCY BEFORE HAVING TO FILE THIS MOTION:

(CONTINUED)

Respectfully Submitted,

Ronald C. Albright

Signed-Preparer of Document

5-11-2023

Dated

(CC: THE ADMINISTRATIVE LAW COURT; §  
THE S.C. DEPT. OF P.P.P. SERVICES

\* 5 U.S.C.A. §706; S.C. CODE 1976 § 24-21-690  
"FINAL DETERMINATION"; (S.C. R.P. V R. 34 -  
ALC ORDER FOOTNOTE #2 (PRODUCTION OF DOCUMENTS))

(1) of 2

IN SUPPORT OF MOTION

1.) THE APPELLANT HAS SUBMITTED AFFIDAVITS, DOCUMENTS, AND NOTICES TO THE AGENCY FOR A DETERMINATION OF THESE ISSUES, IN THE ABSENCE OF THE FINAL ORDER, NUMEROUS TIMES INCLUDING: PRE-11/15/18, 1-14-21, 12-5-22, 5-2-23, 3-13-23 (VERIFIED IN BRIEF)

2.) THE AGENCY DID NOT RESPOND, REPLY, OR RETURN AN ANSWER OR DETERMINATION ON ANY OF THE MATERIAL SUBMITTED.

3.) THE AGENCY'S RESPONSES ONLY ADDRESSED THE SUBSEQUENT "ROUTINE DENIALS OF PAROLE" AND THE UNCHANGABLE, "BOILER PLATE" REASONS FOR THEM, BUT NONE OF WHICH ADDRESSED APPELLANT'S INTERROGATORIES.

4.) FAILURE OF RESPONDANT TO ISSUE A WRITTEN FINAL ORDER OF REVOCATION AS PROVIDED BY § 24-21-680 IS DELAYING OR DENYING THE PAROLEE THE RIGHT TO APPEAL BECAUSE TOLLING OF THE TIMELINE CANT BEGIN UNTIL THIS ORDER IS RECEIVED.  
(ALC RULE 23)

5.) APPELLANT MOTIONED FOR THIS ORDER ONE MORE TIME ON 3-13-23 AND RESPONDANT CLAIMED PAROLEE SIGNED FOR AND RECEIVED THE ORDER IN AUG 2017 BUT "HAS NO COPY OF SUCH TO SUBMIT TO THE COURTS" THAT'S BECAUSE PAROLEE SIGNED FOR AND RECEIVED ONLY A COPY OF THE PAROLE VIOLATION WARRANT WITH INCORPORATED AFFIDAVIT, BUT THIS WAS BY NO MEANS THE FINAL ORDER.

PURSUANT TO 5 U.S.C.A. I CHAP 7 § 706(1)(2d)

- 1.) COMPEL AGENCY ACTION UNLAWFULLY WITHHELD OR UNREASONABLY DELAYED; AND
- 2.) (d) WITHOUT OBSERVANCE OF PROCEDURE REQUIRED BY LAW.

WHEREFORE, APPELLANT PRAYS THAT THIS COURT ENTER AN ORDER COMPELLING THE SC DEPT. OF PPP SERVICES TO PRODUCE AND DELIVER THE WRITTEN FINAL ORDER OF PAROLE REVOCATION TO THE APPELLANT.

RESPECTFULLY  
SUBMITTED BY  
Ronald C. Clough

5-11-2023  
MOTION TO COMPEL ISSUANCE

(2) of 2

The State of South Carolina  
In The Court of Appeals

APPEAL from the Administrative LAW Court

Case: 211533/D55973 Docket: # 23-ALT-15-0001  
SCDC/FDOC

A.L.C. Decision Dated: 5-2-23 Final Order Received: 5-4-23

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondant

PO Box 207  
Columbia, SC 29202  
dppps.sc.gov

v.

Ronald C. Albright #211533

Appellant  
(Pro Se)

PO Box 205-SB-38  
Ridgeville, SC 29472

**"MOTION TO PROCEED WITHOUT COSTS OR FEES"**

(IN FORMA PAUPERIS)

THE APPELLANT, RONALD ALBRIGHT, MOVES THE COURT FOR AN ORDER PERMITTING THEM TO PROCEED IN THIS ACTION WITHOUT PAYMENT OF FEES OR COSTS ON ACCOUNT OF THEIR POVERTY. IN SUPPORT OF THE MOTION, THE APPELLANT SUBMITS THE ATTACHED AFFIDAVIT AND FINANCIAL STATEMENT. (GRIFFIN V ILLINOIS 76 S CT 535; 351 U.S. 12; AND THE EQUAL PROTECTION CLAUSE OF THE 14TH AMEND) SUPPORT THE FOLLOWING REQUESTS:

WHEREFORE, THE APPELLANT RESPECTFULLY REQUESTS THE COURT TO ALLOW THEM TO PROCEED WITHOUT COSTS OR FEES IN THIS ACTION AND FOR SUCH OTHER, (TRANSCRIPTS) AND FURTHER RELIEF IN FAVOR OF THE APPLICANT, THAT THE COURT DEEMS JUST AND APPROPRIATE, (TO INCLUDE THE TRANSCRIPT OF THE PRELIMINARY HEARING AND ANY DOCUMENTS, TELETYPES, OR OTHER EVIDENCE RELIED ON BY SC DPPPS AND THE ALC TO MAKE THEIR DECISIONS, TO PREPARE PAROLEE'S APPEAL)

\* ATTACHMENTS: AFFIDAVIT IN SUPPORT OF MOTION,  
LETTER TO S.C.P.P.P.S REQUESTING DOCUMENTS AND THINGS,

5-11-2023

Dated

Respectfully Submitted,



Signed-Preparer of Document

(C.C: ADMINISTRATIVE LAW COURT, }  
THE S.C. DEPT. OF P.P.P. SERVICES)

FROM: 3 SC. LIT. FORMS ANALYSIS § 39:2

(1) of 1

The State of South Carolina  
In The Court of Appeals

Appeal From the Administrative Law Court

Case: 211533/D55973 Docket: \*23-ALJ-15-0001  
SCDC/FDOC

Agency Decision Dated: 5-2-23 Final Order Received: 5-4-23

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondant

PO Box 207  
Columbia, SC 29202  
dppps.sc.gov

v.

Ronald C. Albright #211533

Appellant  
(Pro Se)

PO Box 205-SB-38  
Ridgeville, SC 29472

**MOTION FOR PRODUCTION OF TRANSCRIPTS/REQUEST FOR COMPLETE RECORD**

THE APPELLANT, RONALD ALBRIGHT, MOVES THIS COURT FOR THE FILING OF A COMPLETE RECORD BY THE ALC AND THE S.C. DEPT. OF P.P.S. TO INCLUDE TRANSCRIPTS, AFFIDAVITS, TELETYPES, DOCUMENTS, AND ANY OTHER EVIDENCE RELIED ON TO REACH THEIR DECISIONS, TO PERFECT HIS APPEAL. APPELLANT HAS ALSO SUBMITTED A MOTION TO PROCEED WITHOUT COSTS OR FEES DUE TO HIS POVERTY, AND REQUESTS A COPY OF EACH OF THE ABOVE REQUESTED MATERIALS SENT TO HIM.

I HEREBY CERTIFY THAT ALL OF THE REQUESTED MATERIAL IS RELEVANT TO THIS CASE AND NEEDED IN PREPARATION AND PERFECTION OF MY APPEAL, AND CAN NOT AFFORD TO ORDER IT.

I HAVE ALSO SERVED A COPY OF ALL MOTIONS AND FILINGS ON BOTH THE ALC AND THE CONTESTED AGENCY, IN COMPLIANCE WITH RULES OF COURT.

5-11-2023

Dated

Respectfully Submitted,

*Ronald C. Albright*

Signed-Preparer of Document

(C.C. THE ADMINISTRATIVE LAW COURT;  
THE S.C. DEPT. OF P.P.S. SERVICES)

(1) of 1

The State of South Carolina  
In The Court of Appeals

Appeal From the Administrative Law Court

Case: 211533/D55973 SCDC/FDOC Docket # 23-ALJ-15-0001  
Contested State Agency Decision

A.L.C. Decision Dated: 5-2-23 Final Order Received: 5-4-23

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondant

PO Box 207  
Columbia, SC 29202  
dppps.sc.gov

v.

Ronald C. Albright #211533

Appellant  
(Pro Se)

PO Box 205-SB-38  
Ridgeville, SC 29472

MOTION FOR APPOINTMENT OF COUNSEL REPRESENTATION

THE APPELLANT, RONALD ALBRIGHT, MOVES THIS COURT FOR AN ORDER APPOINTING COUNSEL REPRESENTATION, DUE TO HIS POVERTY AND THE COMPLEX NATURE OF THIS CASE. THIS CASE INVOLVES TWO SEPARATE SOVEREIGN STATES, AN INTERSTATE COMPACT UNDER (\*ICAOs) FEDERAL QUESTION JURISDICTION, A SENDING STATE WITH ORIGINAL JURISDICTION, AND A RECEIVING STATE SENDING INACCURATE TELE-TYPES. APPELLANT IS OVERWHELMED AND CONTENDS THAT ENOUGH OF HIS RIGHTS HAVE ALREADY BEEN TRAMPLED ON BY NOT BEING REPRESENTED BY COUNSEL IN THESE PROCEEDINGS AND LEFT ALONE TO TRY TO FIGURE OUT THIS ENTIRE PROCESS, ALL WHILE TRYING TO FIGHT FOR HIS FREEDOM AND PRESERVE HIS ISSUES AND NOT KNOWING WHEN, WHERE, OR WHAT TO FILE, BECAUSE OF HIS IGNORANCE AND POVERTY AND REQUESTS EQUAL PROTECTION OF LAW.

WHEREFORE, APPELLANT PRAYS THIS COURT APPOINT COUNSEL IN THIS CASE.

\* (ICAOs) INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

5-11-2023

Dated

Respectfully Submitted,

Ronald C. Albright

Signed Preparer of Document

(C.C. ADMINISTRATIVE LAW COURT, §  
THE S.C. DEPT. OF P.P.P. SERVICES)

The State of South Carolina  
In The Court of Appeals

Appeal From the Administrative Law Court

Case: 211533/D55973 Docket # 23-ALJ-15-0001  
SCDC/FDOC Contested State Agency Decision

A.L.C. Decision Dated: 5-2-23 Final Order Received: 5-4-23

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondant

PO Box 207  
Columbia, SC 29202  
dppps.sc.gov

v.

Ronald C. Albright #211533

Appellant  
(Pro Se)

PO Box 205-SB-38  
Ridgeville, SC 29472

PETITION FOR EQUITABLE TOLLING

APPELLANT, RONALD ALBRIGHT, PETITIONS THIS COURT TO APPLY THE DOCTRINE OF EQUITABLE TOLLING IN ITS SCOPE OF REVIEW, DUE TO THE CONSTITUTIONAL RIGHTS THAT WOULD OTHERWISE BE ABRROGATED BY THE PROCEDURES AND CIRCUMSTANCES OF THIS PARTICULAR CASE. THE DOCTRINE OF EQUITABLE TOLLING MAY BE APPLIED WHEN IT IS JUSTIFIED BY ALL OF THE CIRCUMSTANCES ON THE RECORD ON WHOLE. TO BE ENTITLED TO EQUITABLE TOLLING, PETITIONER MUST SHOW: 1.) THAT HE HAS BEEN PURSUING HIS RIGHTS DILIGENTLY, AND 2.) THAT SOME EXTRAORDINARY CIRCUMSTANCES STOOD IN HIS WAY AND PREVENTED A TIMELY FILING. PETITIONER MUST ALSO SHOW A 'CASUAL CONNECTION' BETWEEN THE IMPEDIMENT(S) AND AN UNTIMELY FILING, (HOLLAND v. FLORIDA 130 S.Ct. 2549; 177 L. Ed. 2d 130-2010). PETITIONER MUST ALSO SHOW AN EXERCISE OF REASONABLE DILIGENCE IN INVESTIGATING AND BRINGING HIS CLAIMS, (MILLER v. N.J. Doc 145F.31 616)

IN SUPPORT OF THIS PETITION, APPELLANT WILL SHOW THAT HE HAS MET AND SATISFIED ALL OF THE REQUISITES OF APPLYING EQUITABLE TOLLING IN THE FOLLOWING POINTS: ...

(CONTINUED)

5-11-2023

Dated

Respectfully Submitted,

Ronald C. Albright

Signed Preparer of Document

(C.C.: ADMINISTRATIVE LAW COURT, §  
THE S.C. DEPT. OF P.P.P. SERVICES)

(1) of 4

### POINT ONE

APPELLANT IN THIS CASE DIDNT TAKE AN EXTENDED BREAK AND ALL OF THE SUDDEN DECIDE TO BRING THESE CLAIMS, HE HAS VEHEMENTLY DENIED THE ALLEGATIONS AGAINST HIM FROM DAY ONE AND HAS DILIGENTLY PURSUED HIS CLAIMS AND DEFENSES AND RIGHTS AS EVIDENCED BY NUMEROUS INQUIRIES, EVIDENCE SUBMISSIONS, AND PLEADINGS TO THE RESPONDANT AS DIRECTED BY THE PRELIMINARY HEARING ADMINISTRATOR, WITHOUT A REPLY OR DETERMINATION ON THESE MATTERS. ALL OF THESE ATTEMPTS ARE IN THE RECORD AND VERIFIABLE. (APPELLANT'S PREHEARING A.L.C. BRIEF AND R.O.A.)

### POINT TWO

THE "EXTRAORDINARY CIRCUMSTANCES" THAT STOOD IN THE WAY OF A TIMELY FILING FOR JUDICIAL REVIEW WAS THREEFOLD: FIRSTLY, A STATE STATUTE (S.C. CODE 1976 § 1-23-350, 360, 380) AND RULES OF COURT (A.L.C.R. 23) PREVENTED THE FILING FOR JUDICIAL REVIEW UNTIL THE BEGINING OF THE TOLLING OF THE TIMELINE, AND UNTIL A WRITTEN FINAL ORDER FROM THE STATE AGENCY IS RECEIVED, THIS TOLLING DOES NOT BEGIN. THIS WRITTEN FINAL ORDER OF REVOCATION HAS YET TO BE RECEIVED DESPITE REPEATED REQUESTS FOR SUCH. THE FACT THAT THERE HAVE SINCE BEEN OTHER NON-REVIEWABLE DETERMINATIONS (SUBSEQUENT DENIALS OF PAROLE) MADE ON THIS CASE, DOES NOT COVER OVER THE CONSTITUTIONALLY PROTECTED REVIEW OF THE ACTUAL REVOCATION PROCESS WHICH BRINGS ABOUT THE SUBSEQUENT NON REVIEWABLE DENIALS OF PAROLE.

SECONDLY, THE DIRECTIVES OF THE PRELIMINARY HEARING ADMINISTRATOR ERRONEOUSLY LED PAROLEE TO BELIEVE THAT THE PROPER TIME AND FORMAT TO PRESENT THESE ISSUES AND DEFENSES TO WAS, "TO THE BOARD WHEN YOU GO BACK IN FRONT OF THEM." INSTEAD OF TO HER, RIGHT THEN AND THERE, TO DETERMINE IF THERE WAS PROBABLE CAUSE, AND TO PRESERVE THE ISSUES RAISED BY THE PAROLEE. THE APPELLANT, BEING A LAYMAN AND UNREPRESENTED BY COUNSEL, TRUSTED THESE DIRECTIVES, WHICH ARE NOW ATTEMPTING TO BE USED AGAINST HIM TO BAR HIS CLAIMS AND DEFENSES FROM BEING PROPERLY HEARD OR ADJUDICATED ON.

THIRDLY, AS TO THE "CASUAL CONNECTION" BETWEEN THE IMPEDIMENTS AND NOT FILING FOR JUDICIAL REVIEW IN A TIMELY MANNER TO BE SHOWN BY A PETITIONER FOR EQUITABLE TOLLING, ITS EVIDENCED BY THE PRECEEDING TWO PARAGRAPHS AND THE RECORD ON WHOLE. THESE SHOW NOT ONLY A "CASUAL CONNECTION" BUT AN INTIMATE AND DIRECT CONNECTION

4TH CIRCUITS "EXTRAORDINARY CIRCUMSTANCES" TEST IN: (ROUSE v. LEE, 339 F.3d. 238, 246, 4th Cir. 2003), PETITIONER IS ONLY ENTITLED TO EQUITABLE TOLLING IF HE PRESENTS: 1.) EXTRAORDINARY CIRCUMSTANCES, 2.) BEYOND HIS CONTROL, OR EXTERNAL TO HIS OWN CONDUCT, THAT 3.) PREVENTED HIM FROM FILING ON TIME. APPELLANT'S CASE AND CIRCUMSTANCES BOTH MEET AND PASS THIS TEST.

EXTRAORDINARY CIRCUMSTANCES, "MAY BE PRESENT IN SITUATIONS WHERE A PETITIONER ALLEGES ABANDONMENT EVIDENCED BY A FAILURE TO RESPOND TO PETITIONER'S MANY INQUIRIES AND REQUESTS OVER A PERIOD OF SEVERAL YEARS." (HOLLAND, 130 S.Ct. at 2563)

IN APPELLANT'S PRESENT CASE, HE ALSO HAS BEEN ABANDONED OVER A PERIOD OF SEVERAL YEARS, BY THE SYSTEM, AND LEFT TO FEND FOR HIMSELF, WITHOUT AN OPPORTUNITY TO MEET THE CLAIM OF VIOLATIONS AGAINST HIM, IN FRONT OF A NEUTRAL AND DETACHED HEARING ADMINISTRATOR, AGAINST A NON-RESPONDING STATE AGENCY (THE S.C.D.P.P.S.), DESPITE NUMEROUS ATTEMPTS ON RECORD

IN THE EVENT THAT THE COURT IS APPREHENSIVE OF APPLYING THIS DOCTRINE TO THIS PARTICULAR CASE, THE FOLLOWING EXPLANATIONS SEEM TO ALLOW THIS DISCRETION TO JUSTICES, ALONG WITH THE EXISTENCE OF "TESTS" FOR MEETING THE REQUIREMENTS OF APPLYING THE DOCTRINE OF EQUITABLE TOLLING. IF THIS DOCTRINE WAS NOT ENVISIONED TO BE APPLIED TO DIFFERENT SITUATIONS, THEN THERE WOULD BE NO NEED FOR SUCH TESTS OF APPLICABILITY, ALTHOUGH TO BE USED WITH CAUTION, AND ONLY IN CASES TO EFFECTUATE JUSTICE AND FUNDAMENTAL FAIRNESS AND WHERE ALL OF THE CIRCUMSTANCES HAVE BEEN MET. APPELLANT CONTENDS, THAT EVEN THIS IS A NOVEL APPLICATION FOR THIS DOCTRINE, IT'S STILL UNDER THE COURTS DISCRETION AND THIS CASE MORE THAN MEETS THE REQUIREMENTS TO QUALIFY FOR ITS APPLICATION.

THE DOCTRINE OF EQUITABLE TOLLING IS A TRADITIONAL FEATURE OF AMERICAN JURISPRUDENCE AND A BACKGROUND PRINCIPLE AGAINST WHICH CONGRESS DRAFTS LIMITATION PERIODS FLEXIBILITY INHERENT IN EQUITABLE PROCEEDINGS ENABLES COURTS TO MEET NEW SITUATIONS THAT DEMAND EQUITABLE INTERVENTION AND TO ACCORD ALL RELIEF NECESSARY TO CORRECT PARTICULAR INJUSTICES, AS APPELLANT CLAIMS IN THIS CASE. THE INJUSTICE THAT OCCURS BY NOT ALLOWING EQUITABLE TOLLING IN THIS CASE IS THE ABRIGATION AND DEPRIVATION OF DUE PROCESS RIGHTS AFFORDED ALL CITIZENS BY THE CONSTITUTION, IN THE DEFENSE OF ALLEGATIONS AGAINST THEM.

BOTH 'EQUITABLE TOLLING' AND 'SCOPE OF REVIEW' GO HAND IN HAND WITH PROCEDURES CREATED WITH THE INTENT OF EQUITY AND FUNDAMENTAL FAIRNESS IN THE JUDICIAL REVIEW OF CASES.

5 U.S.C.A. I CHAP 7 § 706 "SCOPE OF REVIEW"

TO THE EXTENT NECESSARY TO DECISION AND WHEN PRESENTED, THE REVIEWING COURT SHALL DECIDE ALL RELEVANT QUESTIONS OF LAW, INTERPRET CONSTITUTIONAL AND STATUTORY PROVISIONS, AND DETERMINE THE MEANING OR APPLICABILITY OF THE TERMS OF AN AGENCY ACTION. THE REVIEWING COURT SHALL: 1.) COMPEL AGENCY ACTION UNLAWFULLY WITHHELD OR UNREASONABLY DELAYED, AND; ... (CONTINUED)

... 2.) HOLD UNLAWFUL AND SET ASIDE AGENCY ACTIONS, FINDINGS, AND CONCLUSIONS FOUND TO BE:


- A.) ARBITRARY, CAPRICIOUS, AN ABUSE OF DISCRETION, OR OTHERWISE NOT IN ACCORDANCE WITH LAW;
- B.) CONTRARY TO CONSTITUTIONAL RIGHT, POWER, PRIVILEGE, OR IMMUNITY;
- C.) IN EXCESS OF STATUTORY JURISDICTION, AUTHORITY, OR LIMITATIONS, OR SHORT OF STATUTORY RIGHT;
- D.) WITHOUT OBSERVANCE OF PROCEDURE REQUIRED BY LAW;
- E.) UNSUPPORTED BY SUBSTANTIAL EVIDENCE IN A CASE SUBJECT TO SECT. 556-57 OF THIS TITLE OR OTHERWISE REVIEWED ON THE RECORD OF AN AGENCY HEARING PROVIDED BY STATUTE OR;
- F.) UNWARRANTED BY THE FACTS TO THE EXTENT THAT THE FACTS ARE SUBJECT TO TRIAL DE NOVO BY THE REVIEWING COURT.

IN MAKING THE FOREGOING DETERMINATIONS, THE COURT SHALL REVIEW THE WHOLE RECORD OR THOSE PARTS OF IT CITED BY A PARTY, AND DUE ACCOUNT SHALL BE TAKEN OF THE RULE OF PREJUDICIAL ERROR. APPELLANT CLAIMS, NOT ONLY ONE, BUT ALL OF THE ABOVE POINTS ARE EVIDENCED IN THIS CASE AND JUDICIAL REVIEW AND ACTION IS WARRANTED AND REQUESTED.

PETITIONER CONTENDS THAT HE HAS SATISFIED THE REQUIREMENTS OF THE ACTION REQUESTED OF THE COURT AND PRAYS HE HAS PRESENTED A REASONABLE AND COMPELLING ENOUGH ARGUMENT FOR THE COURT TO AGREE WITH HIM ON THIS POSITION AND APPLY THE DOCTRINE OF EQUITABLE TOLLING TO THIS CASE IN THE COURTS SCOPE OF REVIEW.

DATED THIS 11<sup>TH</sup> DAY OF MAY, 2023

CC: THE ADMINISTRATIVE LAW COURT  
THE S.C. DEPT OF P.P.P. SERVICES  
FILES.

RESPECTFULLY  
SUBMITTED,  
  
RONALD C. ALBRIGHT - Pro Se

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

---

**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

---

Ronald C. Albright #211533..... APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

---

**APPENDIX G**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“Motions denied by the S.C. Court of Appeals due to  
Respondent’s Misrepresentation of Appellant’s challenges”**

	<u>Pages</u>
<b>Exhibit 1. Summons.....</b>	<b>1</b>
<b>Exhibit 2. Complaint.....</b>	<b>2-6</b>
<b>Exhibit 3. Certificate of Attempted Consultation with Respondent...7</b>	
<b>Exhibit 4. Interstate Compact for Adult Offender Supervision Rules 4.109 and 5.108 (a-g).....</b>	<b>8-9</b>

**THE SUPREME COURT OF THE STATE OF SOUTH  
CAROLINA IN THE ORIGINAL JURISDICTION**

RONALD C. ALBRIGHT #211533 )  
 )  
 v. )  
 )  
SCDPPPS )  
 )

Civil Action No. \_\_\_\_\_

PETITION FOR WRIT OF  
MANDAMUS IN THE  
ORIGINAL JURISDICTION OF  
THE SUPREME COURT AS  
INJUNCTIVE RELIEF IN THE  
FORM OF A REMEDIAL WRIT

SUMMONS IN A CIVIL ACTION

To: S.C.D.P.P.P.S.  
Matthew C. Buchanan Counsel for Respondent  
P.O. Box 207  
Columbia, SC. 29201

A lawsuit has been filed against you.

Within 21 days after Service of this Summons on you (not counting the day you received it) – Or 60 days if you are the United States or a United States Agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff an answer to the attached complaint or a Motion under Rule 12 of the Fed. Rules of Civil Procedure. The answer or Motion must be served on the Plaintiff or the Plaintiff's attorney, whose name and address are:

RONALD C. ALBRIGHT #211533  
Lieber Correctional Institution SB-21  
P.O. Box 205  
Ridgeville, S.C. 29472

If you fail to Respond, judgment by default will be entered against you for the relief demanded in the Complaint. You also must file your answer or Motion with the Court.

Clerk of Court

Date: \_\_\_\_\_

THE SUPREME COURT OF THE STATE OF  
SOUTH CAROLINA

RONALD C. ALBRIGHT #211533

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

S.C.D.P.P.P.S.

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*

**Complaint for Violation of Civil Rights**

(Prisoner Complaint)

Case No. \_\_\_\_\_  
*(to be filled in by the Clerk's Office)*

Jury Trial:  Yes  No  
*(check one)*

WRIT OF MANDAMUS  
as Injunctive Relief in the  
form of a REMEDIAL WRIT

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

II. PLACE OF PRESENT CONFINEMENT

A. Name of Prison/Jail/Institution: LIEBER CORRECTIONAL INSTITUTION RIDGEVILLE, S.C.

B. What are the issues that you are attempting to litigate in the above-captioned case? 1) DENIED OR UNREASONABLY DELAYED FINAL ORDER OF A STATE AGENCY 2) DELIBERATE MISREPRESENTATION TO LOWER COURTS BY RESPONDENT AGAIN TO SCRCP RULE 60(B)(3) AND 3) AN ORDER FILED BY THE S.C. COURT OF APPEALS BEFORE THE 10 DAYS TO RESPOND HAD EXPIRED AND BEFORE RECEIPT OF APPELLANT'S TIMELY RESPONSE

C. (1) Is there a prisoner grievance procedure in this institution? Yes N/A No \_\_\_\_\_  
(2) Did you file a grievance concerning the claims you are raising in this matter? Yes \_\_\_\_\_ No \_\_\_\_\_  
When \_\_\_\_\_ Grievance Number (if available) \_\_\_\_\_

D. Have you received a final agency/departamental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes \_\_\_\_\_ No N/A

E. When was the final agency/departamental/institutional answer or determination received by you? NEVER RECEIVED, BUT REQUESTED AND MOTIONED TO COMPEL ISSUANCE IN TWO DIFFERENT COURTS FOR THE FINAL ORDER.  
If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.

F. If there is no prison grievance procedures in this institution, did you complain to prison, jail, or institutional authorities? Yes N/A No \_\_\_\_\_

G. If your answer is YES:

- 1. What steps did you take? CONTESTED CASE HEARING IN THE ALC AND DIRECT APPEAL
- 2. What was the result? DISMISSED W/ PREJUDICE AND ONGOING

III. PARTIES

In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: RONALD C. ALBRIGHT Inmate No.: 211533  
Address: L.C.I. SB-58 P.O. Box 205 RIDGEVILLE, SC. 29472

In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any

B. Name of Defendant: S.C.D.P.P.S. Position: STATE AGENCY  
Place of Employment: \_\_\_\_\_

C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

IV STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

DETAILED IN PETITION FOR WRIT OF MANDAMUS  
(ENCLOSED)

1. A DENIED OR UNREASONABLE DELAY OF A WRITTEN FINAL ORDER FROM A STATE AGENCY.

2. DELIBERATE MISREPRESENTATION OF APPELLANT'S CHALLENGES TO THE ADMINISTRATIVE LAW COURT AND THE SC COURT OF APPEALS (AKIN TO SCRCP RULE 60(b)(3))

3. A PREMATURELY FILED ORDER OF THE S.C. COURT OF APPEALS BEFORE THE 10 DAYS TO RESPOND HAD EXPIRED AND BEFORE THE RECEIPT OF APPELLANT'S TIMELY FILED OPPOSITION.



V. RELIEF

State briefly and exactly what you want the court to do for you.

GRANT THE ENCLOSED WRIT OF MANDAMUS, COMPEL THE STATE AGENCY SCDPPS TO ISSUE THE WRITTEN FINAL ORDER OF REVOCATION TO APPELLANT, REVIEW THE PRE-MATURE FILING OF THE ORDER BY THE S.C. COURT OF APPEALS, ALLOW THE APPELLANT'S DESIGNATION OF MATTER TO STAND, ALLOW THE APPELLANT TO PROCEED IN FORMA PAUPERIS. AND HOLD THE DIRECT APPEAL IN ABEYANCE UNTIL THESE MATTERS ARE RESOLVED.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2013



Signature of Plaintiff

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

---

**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

---

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.S.....RESPONDENT.

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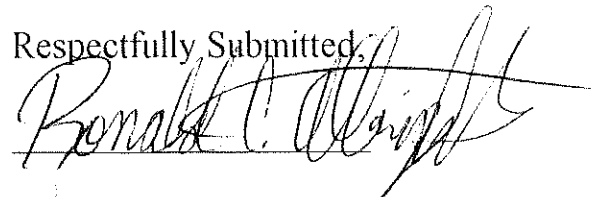
**CERTIFICATION OF ATTEMPTED CONSULTATION**  
**(On the Injunctive relief in the form of a Remedial Writ)**

---

The Petitioner, Ronald C. Albright, Hereby Certifies that Consultation has been attempted numerous times with Respondent about these Matters and Petitioner is of the belief that further attempts would serve no useful purpose.

Submitted this 1<sup>ST</sup> day of AUG., 2023

Respectfully Submitted,



(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

- ✓ 1. Written notice of the alleged violation(s);
- ✗ 2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
- ✗ 3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
- ✗ 4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

- 1. Continue supervision if the offender is not in custody.
- 2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
- 3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

FL. STATES ATTORNEYS  
NOTICE  
APPX. D. EXHIBIT 2  
Pg. 5 →

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain--

1. offender's name and location;
2. offender's state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
7. name and title of the officer making the report;
8. if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

---

**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

---

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

---

**APPENDIX H**  
**(IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI)**

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**“S.C. Court of Appeals Final Order, Appellant’s Petition for Rehearing, Petition for Original Jurisdiction and Writ of Mandamus Proceedings”**

	<u>Pages</u>
Exhibit 1. Letter from Clerk of the Supreme Court.....	1
Exhibit 2. Letter to the Clerk of the Supreme Court.....	2
Exhibit 3. Letter to Attorney General Alan Wilson.....	3-5
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Exhibit 5. Summons.....	7
Exhibit 6. Notice of Petition for Original Jurisdiction.....	8
Exhibit 7. Petition for Original Jurisdiction.....	9-15
Exhibit 8. Motion for Court to Exercise Original Jurisdiction...	16-18
Exhibit 9. Petition for Writ of Mandamus.....	19-27
Exhibit 10. S.C. Court of Appeals Order of Dismissal.....	28
Exhibit 11. Petition for Rehearing.....	29



# The Supreme Court of South Carolina

PATRICIA A. HOWARD  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 1136  
COLUMBIA, SOUTH CAROLINA  
29211  
TELEPHONE (803) 734-1100  
FAX (803) 734-1139

July 20, 2023

Ronald C. Albright  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

Dear Mr. Albright:

It appears you are seeking to file writ of mandamus under Rule 245 of the South Carolina Appellate Court Rules (SCACR). There is no filing fee for filing a petition for relief under Rule 245, but please be advised that the petition must comply with the requirements set forth in that Rule and Rule 240, SCACR. The requirements include providing proof that you served the petition on the Attorney General's Office. You are not required to file copies of your petition.

Sincerely,

*Patricia A. Howard*

Patricia A. Howard  
Clerk of Court

cc: Alan Wilson, Esquire (with copy of correspondence)

The Supreme Court of South Carolina  
Hon. Patricia A. Howard – Clerk  
P.O. Box 11330  
Columbia, SC. 29211

1<sup>st</sup> of August, 2023

**RE: Petition for Original Jurisdiction and Writ of Mandamus  
as Injunctive relief in the form of a Remedial Writ  
Ronald C. Albright #211533 v. SCDPPPS App. Case No. 2023-000847**

Dear Mrs. Howard,

Please find enclosed pursuant to SCACR Rules 240 and 245, A true and correct copy of the following documents:

- 1) Notice of Petition for Original Jurisdiction
- 2) Petition for Original Jurisdiction
- 3) Motion for Court to exercise Original Jurisdiction
- 4) Petition for Writ of Mandamus as Injunctive relief in the form of a remedial writ
- 5) Appendices in support of Writ of Mandamus (Summons and Complaint in Appendix G, Exhibits 1 and 2)
- 6) Certificate of Service

A true and correct copy of each of the above have been served on all parties in this action and a copy of each of the above submissions sent to the Attorney General of South Carolina, Alan Wilson by Certified mail on 8/01/2023. I will immediately send you the return receipt for filing as soon as I get it back.

Could you kindly send me a filed/dated stamped copy of the cover pages of each of the above submissions in the enclosed S.A.S.E. Your assistance in this matter is greatly appreciated. If there are any mistakes, please let me know, as I am proceeding pro se and I'm a layman and doing the best I can to present my issues. Thank you once again.

Respectfully Submitted,

  
Ronald C. Albright Petitioner pro se

Alan Wilson Esq. Attorney General of  
The State of South Carolina  
P.O. Box 11549  
Columbia, SC. 29211

1<sup>st</sup> of August, 2023

**RE: Petition for Original Jurisdiction and Writ of Mandamus  
as Injunctive relief in the form of a Remedial Writ  
Ronald C. Albright #211533 v. SCDPPPS App. Case No. 2023-000847**

Dear Mr. Wilson,

Please find enclosed pursuant to SCACR Rules 240 and 245, A true and correct copy of the following documents.

- 1) Notice of Petition for Original Jurisdiction
- 2) Petition for Original Jurisdiction
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- 4) Petition for Writ of Mandamus as Injunctive relief in the form of a remedial writ
- 5) Appendices in support of Writ of Mandamus (Summons and Complaint in Appx G, Exhibits 1 and 2)

A true and correct copy of each of the above have been served on all parties in this action

Petitioner is seeking Injunctive relief in the Original Jurisdiction of the Supreme Court of South Carolina on a couple of issues. First, is a denied or unreasonably delayed Written Final Order of a State Agency (SCDPPPS). Second, is an Order of the S.C. Court of Appeals filed before the Appellant's timely filed opposition was received by the Court and before the 10 days allowed by SCACR to respond had expired, and thirdly, A deliberate misrepresentation by the Respondent to both the Administrative Law Court and the S.C. Court of Appeals as to Appellant's challenges (Akin to SCRCP 60 (b)(3) "Fraud, Misrepresentation, or other misconduct of an adverse party."

The Respondent SCDPPPS is trying everything to keep it's own unlawful procedures and Appellant's exculpatory evidence from review of the Courts, including misrepresentation of material facts as laid out in the enclosed Petitions for Original Jurisdiction and Writ of Mandamus

This case is presently in Direct Appeal and this Order being contested and the Respondent's continual misrepresentation is barring Appellant from a proper redress of grievances that he has not been permitted, to this point in time, defend himself against the unfounded allegations lodged against him.

This case is a Parole revocation case that was under the rules and regulations of the Interstate Compact for Adult Offender Supervision, or ICAOS hereafter, to which all compacting states are bound to uphold under 24-21-1220(B)(2), and are considered as Statutory under 24-21-1130(2), and supersede either of the individual State's usual customs under 24-21-1220(A)(2) State Courts and Executive Agencies are supposed to uphold the Compact under 24-21-1170(b)

The SCDPPPS's wholesale departure from the ICAOS protocols (especially Rule 5.108(a-g)) circumvented the very mechanism put in place by the Compact to protect Parolee's Due Process rights. The Respondent has constantly misinformed the Lower Courts that the Parolee is trying to challenge his subsequent routine denials of Parole. This misdirection is why Appellant is seeking Injunctive relief Respondent's tactics have prejudiced Appellant and Muddied the waters as to the reasoning of the previous Courts Appellant is and always has been trying to challenge. The procedures employed by the Agency and the evidence relied upon to reach their decision.

I will send the Clerk of the Supreme Court the Certified mail return receipt for filing as soon as I receive it back. Thank you for your assistance in this matter.

Respectfully Submitted,



Ronald C. Albright, Petitioner pro se

Cc: The Supreme Court of South Carolina  
S.C. Court of Appeals  
SCDPPPS  
The Administrative Law Court

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.S.....RESPONDENT.

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**CERTIFICATE OF SERVICE**

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The undersigned, Ronald C. Albright hereby certifies that he has served a true and correct copy of "Notice of Petition for Original Jurisdiction", "Petition for Original Jurisdiction", "Motion for Court to exercise Original Jurisdiction", "Petition for Writ of Mandamus with Appendices", "Summons and Complaint – in Appx. G, Exhibits 1 and 2" On all Parties involved in this Action as required by Court Rules, by placing a copy in the Lieber Correctional Institution mailroom labeled Attn: Interdepartmental Legal Mail, on this 1<sup>st</sup> day of August, 2023. Addressed as follows:

SCDPPPS Legal Div.	S.C. Court of Appeals	Administrative Law Court
Matthew C. Buchanan Esq	Hon. Jenny A. Kitchings - Clerk	Hon. James Harrison - Clerk
P.O. Box 207	P.O. Box 11629	1205 Pendleton St.
Columbia, SC. 29201	Columbia, SC. 29211	Columbia, SC. 29201

A true and correct copy was also sent by Certified mail to

Alan Wilson - Attorney General for the State of South Carolina  
REMBERT DENNIS Bldg. 1000 ASSEMBLY ST. Rm. 509  
Columbia, SC. 29201

As soon as Petitioner receives the return receipt from the certified letter, it will be sent to the Clerk of the Supreme Court for filing

Dated 8/01/2023

**Respectfully Submitted,**  
  
Ronald C. Albright Petitioner pro se

**THE SUPREME COURT OF THE STATE OF SOUTH  
CAROLINA IN THE ORIGINAL JURISDICTION**

RONALD C. ALBRIGHT #211533 )  
 )  
 v. )  
 )  
SCDPPPS )  
 )

Civil Action No \_\_\_\_\_

PETITION FOR WRIT OF  
MANDAMUS IN THE  
ORIGINAL JURISDICTION OF  
THE SUPREME COURT AS  
INJUNCTIVE RELIEF IN THE  
FORM OF A REMEDIAL WRIT

SUMMONS IN A CIVIL ACTION

To S C D P P P S  
Matthew C. Buchanan Counsel for Respondent  
P O. Box 207  
Columbia, SC 29201

A lawsuit has been filed against you

Within 21 days after Service of this Summons on you (not counting the day you received it) – Or 60 days if you are the United States or a United States Agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff an answer to the attached complaint or a Motion under Rule 12 of the Fed. Rules of Civil Procedure. The answer or Motion must be served on the Plaintiff or the Plaintiff's attorney, whose name and address are:

RONALD C. ALBRIGHT #211533  
Lieber Correctional Institution SB-21  
P O. Box 205  
Ridgeville, S C 29472

If you fail to Respond, judgment by default will be entered against you for the relief demanded in the Complaint. You also must file your answer or Motion with the Court.

Clerk of Court

Date \_\_\_\_\_

STATE OF SOUTH CAROLINA  
In the Supreme Court

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In the Original Jurisdiction  
Appellate Case No. 2023-000847

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.S.....RESPONDENT.

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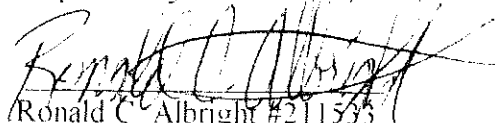
**NOTICE OF PETITION FOR ORIGINAL JURISDICTION**  
**(On the Injunctive relief in the form of a Remedial Writ)**

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Pursuant to Rule 245(c), SCACR, Petitioner hereby gives NOTICE to the Respondents that they have twenty (20) days from the date of service to serve and file a Return to this Petition. [...] Any Party opposing the Petition shall have twenty (20) days from the date of Service to file an original and six (6) copies of it's Return to the Clerk of the South Carolina Supreme Court, and serve on all parties a copy of the Return. Failure of a Party to timely file a Return may be deemed consent thereby that Party to the matter being heard in the Original Jurisdiction. Unless otherwise ordered by the Supreme Court, the Petition shall be decided without oral argument. If the Petition is granted, the Respondents shall have thirty (30) days to serve and file an Answer to the Petition

Submitted this 1<sup>ST</sup> day of AUG, 2023

Respectfully Submitted,

  
Ronald C. Albright #211533  
L C I SB-58 P.O BOX 205  
Ridgeville, S C. 29472

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

---

Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

---

**PETITION FOR ORIGINAL JURISDICTION**  
**(On the Injunctive relief in the form of a Remedial Writ)**

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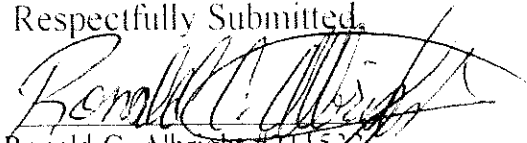
Petitioner hereby moves this Honorable Court. Pursuant to Rule 245, SCACR, to take Original Jurisdiction of the matter alleged herein the attached Writ of Mandamus as Injunctive relief for reasons set forth herein

**JURISDICTION**

Pursuant to Rule 245, SCACR, S.C. Code Ann. Sect. 14-3-310, S.C. Constitution Art. I Sect. 3; and S.C. Constitution Art. V Sect. 5, Petitioner in the above-captioned matter hereby respectfully requests that the S.C. Supreme Court entertain this matter in Original Jurisdiction for Injunctive relief in the form of a Writ of Mandamus for the following stated reasons:

Submitted this 15<sup>th</sup> day of AUG. 2023

Respectfully Submitted,

  
Ronald C. Albright #211533  
L.C.I. SB-58 P.O. BOX 205  
Ridgeville, S.C. 29472

## **PETITION FOR ORIGINAL JURISDICTION(Contin.)**

### **Specification of Grounds for this Honorable Court to Exercise Original Jurisdiction in this Matter**

1. A Denied or unreasonably delayed Written Final Order of Revocation from the State Agency Respondent (SCDPPPS);
2. Deliberate misrepresentation by the Respondent of the Appellant's challenges to the Lower Courts, Akin to SCRCF Rule 60 (b)(3),
3. An Order of the S.C. Court of Appeals filed before the receipt of the Appellant's Response and before the 10 days allowed to respond had expired

Petitioner seeks issuance of an extraordinary Writ in the Original Jurisdiction of this Honorable Court to allow the Petitioner an opportunity to challenge: A Denied or unreasonably delayed Written Final Order of Revocation from the State Agency Respondent (SCDPPPS), Deliberate misrepresentation by the Respondent of the Appellant's challenges to the Lower Courts, Akin to SCRCF Rule 60 (b)(3), and An Order of the S.C. Court of Appeals filed before the receipt of the Appellant's Response and before the 10 days allowed to respond had expired

Petitioner challenges these Orders under extraordinary circumstances as will be sufficiently set forth herein. This Court enjoys Jurisdiction to hear and rule on Petitioner's claims, which were raised in a Contested Case Hearing of a State

Agency in the Administrative Law Court, and on Direct Appeal to the S C Court of Appeals, and a Petition for reconsideration of an Order denying all of Appellant's Motions before the time to respond had expired. But was not raised on a Petition for Writ of Certiorari as the Direct Appeal is still ongoing. Appellant is seeking this Court's Jurisdiction and this action as Injunctive relief on both the Court Order from the S.C. Court of Appeals that seriously impedes the perfection of the Appeal and proper redress of grievances and an Order denied or unreasonably delayed by the State Agency Respondent (SCDPPPS), In essence barring review indefinitely because the timeline to Appeal can not begin to toll until the issuance and delivery of the Written Final Order of the Agency, and asks that the present Appeal be held in abeyance until these Matters are resolved

The Petitioner contends that good reason exists as to why the Original Jurisdiction of the S C Supreme Court should be exercised to entertain petitioner's claim of A Denied or unreasonably delayed Written Final Order of Revocation from the State Agency Respondent (SCDPPPS), Deliberate misrepresentation by the Respondent of the Appellant's challenges to the Lower Courts, Akin to SCRCP Rule 60 (b)(3) "Fraud, Misrepresentation, or other Misconduct of an adverse Party", and An Order of the S C Court of Appeals filed before the receipt of the Appellant's Response and before the 10 days allowed to respond had expired

Good reason being. That this deliberate Misrepresentation by Respondent has "Muddied the Waters" of both the Lower Courts reasoning and resulted in the dismissal of all of Appellant's Motions Appx. C, Exhibit 1 and Appx. E, Exhibit 4 pg.9 The Respondent has continually Misdirected both the ALC and the S.C. Court of Appeals away from Appellant's actual challenges of "Procedures employed by the Agency and evidence relied upon to reach that decision"... to a totally irrelevant and unchallenged claim of "Routine denials of Parole" which Appellant is fully aware that this issue is non-reviewable per Statute 24-21-680 and has repeatedly stated that this is NOT what he is challenging. Both Courts claim lack of Jurisdiction due to the Misdirection of the Respondent and the misplaced reliance on 24-21-680 which doesn't apply to Appellant's actual claims. Respondent used this Misdirection and Statute to convince the Lower Courts that Appellant's Motions and Designation of Matter was irrelevant to the ALC case and the present Direct Appeal. But this Designation of Matter was Most relevant to Appellant's actual challenges and most definitely submitted to both the Lower Courts and to the Agency numerous times. Appx. D, Exhibits 1 and 2

The S.C. Court of Appeals Order confirms their reliance on Respondent's Misdirection by citing in their Order Appx. E, Exhibit 4, pg. 9. (James v SCDPPPS 377 S.C. 564 660 S.E. 2d 288 (Ct. App. 2008) "The denial of an inmate's parole request, absent a permanent denial of parole eligibility, does not implicate a State created Liberty Interest") This issue and cite has absolutely

nothing to do with what Appellant is challenging and shows that the Respondent's tactics in misdirecting the Court has succeeded. The Liberty Interest in this present case derives from the already granted parole and the procedures employed by the Agency and the evidence relied upon in reaching their decision is a cognizable claim.

The S.C. Court of Appeals granting Respondent's Motion to Strike Appellant's Designation of Matter and their dismissal of all of Appellant's motions, is based upon the Court's misunderstanding of Appellant's actual claims due to the Respondent's misrepresentation of those claims. IF this matter was applied as to relevance against a "routine denial of Parole" claim, (which isn't allowed by Statute and is why Respondent is citing it) Then yes, it would seem irrelevant to the Court. But Appellant isn't challenging this and submits that not only has the S.C. Court of Appeals been misdirected by Respondent as to what is actually being challenged, but also has been the ALC which is what the Direct Appeal was detailing i.e. Why the ALC could and should have reviewed this case under 24-21-1170(b). This is and has been Appellant's challenge all along. 24-21-1170(b) States the Courts and Executive Agencies are supposed to uphold the ICAOS Compact to which all Compacting States are bound under 24-21-1220(B)(2), and are considered as Statutory under 24-21-1130(2), and Supersede any individual State's customs under 24-21-1220(A)(2).

The Lower Courts can't rule on compliance to lawful procedure or evidence relied upon without first reviewing those procedures and evidence. And to review this, these procedures and evidence must be allowed into the record for review at some point. The lawful time and place for this according to the ICAOS Rules 5.108 (a-g) was in the receiving State of Florida BEFORE extradition at a Preliminary Probable Cause Hearing, but due to SCDPPPS's wholesale departure from the Lawful procedure, and their continual misdirection to the Courts, this evidence and Appellant's claims are attempting to be buried by the Respondent without proper review by anyone.

That's why the Appellant respectfully requests the jurisdiction of this Honorable Court to hear the merits of and grant the attached Writ of Mandamus. The Respondent is doing everything possible to keep a record of their own proceedings and Appellant's exculpatory evidence Appx. D, Exhibits 1 and 2, from review of the Courts, and has thus far succeeded.

Granting this Writ would be a means of correcting a fundamental miscarriage of Justice, and would prevent the Respondent from keeping their unlawful proceedings from the eyes and review of the Court, and allowing a proper redress of grievances. The denial or unreasonable delay of the Written Final Order from the Agency is a substantive and procedural Due Process claim(1) and under 14-3-330 (3) "The Supreme Court shall have Appellate

Jurisdiction for correction of errors of law and shall review a final order affecting a substantial right made in any special proceeding "

Also, the S.C. Court of Appeals premature dismissal of all of Appellant's Motions before the Court even received Appellant's timely filed Opposition and Reply to Respondent's Motion to Strike, shows an Arbitrary predisposed outcome to these proceedings in favor of the Respondent

**Wherefore**, based on the foregoing reasons and as presented in the attached Petition, the Petitioner respectfully requests that this Honorable Court take Original Jurisdiction of this Matter to protect Petitioner's inalienable rights to Due Process of Law and to allow a proper redress of grievances

Submitted this Day of 8/1/2023

Respectfully Submitted,

  
Ronald C. Albright

1) People's Fed. Sav. & Loan Assoc. v. Graham 291 S.C. 178 352 S.E.2d 511 "Right to Appeal was not prejudiced by not having been served the decree, since the time to Appeal would not begin to run until such time as they were given the notice that the decree had been rendered."

**STATE OF SOUTH CAROLINA**  
**In the Supreme Court**

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**In the Original Jurisdiction**  
**Appellate Case No. 2023-000847**

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Ronald C. Albright #211533.....APPELLANT,

v.

S.C.D.P.P.P.S.....RESPONDENT.

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**MOTION FOR THE COURT TO EXERCISE ORIGINAL  
JURISDICTION**  
**(On the Injunctive relief in the form of a Remedial Writ)**

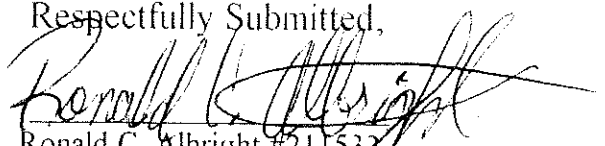
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Pursuant to Rule 245(c), SCACR, Petitioner hereby moves this Honorable Court to exercise Original Jurisdiction in the above referenced Petition for Writ of Mandamus. Petitioner submits that Respondents were provided a twenty (20) day Notice to file a Return to the Petition dated: 1<sup>st</sup> of Aug, 2023. Respondent was notified that failure to timely file a Return may be deemed consent to the matter being heard in the Original Jurisdiction.

Petitioner's right to Due Process of Law and a fair trial guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and South Carolina law were violated by the Respondent's misrepresentation of Appellant's arguments and challenges to the Lower Courts which created a materially false impression of the facts, (as evidenced in the S.C. Appellate Court's Order citing of claims NOT being challenged), which was reasonably likely to have affected both the Administrative Law Court's ruling and the S.C. Court of Appeal's denial of all of Appellant's motions. (Included in Appx. F).

Submitted this 12 day of Aug, 2023

Respectfully Submitted,

  
Ronald C. Albright #211533  
L.C.I. SB-58 P.O. BOX 205  
Ridgeville, S.C. 29472

## Motion for the Supreme Court to Exercise Original Jurisdiction (Continued)

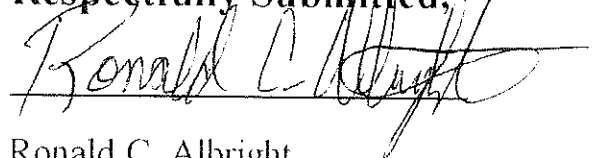
A proper Appeal or redress of grievances can not take place without first, the review of the procedures employed by the Agency, to be weighed against the lawful procedure of the ICAOS Compact to which the Compacting States are bound, and a review of the evidence relied upon by the Agency to make it's decision. Due Process is commanded in these circumstances to distinguish allegation from fact when a revocation of an already granted Parole is at stake. (1)

Neither the Agency nor the Lower Courts will review Appellant's actual claims and evidence. This Honorable Court's jurisdiction is needed in the interest of Justice and fundamental fairness to allow the Appellant the right due to him to defend himself against unfounded allegations. A proper Appeal from a State Agency's decision really can't begin until the Written Final Order from that Agency is issued and delivered to the aggrieved Party to begin the tolling of the timeline to Appeal a Final Order. (2,3) SCACR 203 (b)(1)(6) Appellant has requested this Order numerous times from the Respondent and Motioned two different Courts to Compel the Agency to deliver this Order, Appx. A, Exhibit 2 and Appx. F, Exhibit 1. The ALC claimed it had no Jurisdiction to Compel a State Agency to issue an Order and the S.C. Court of Appeals just dismissed the Motion for it to Compel SCDPPPS to issue the Final Order of Revocation.

**Wherefore,** Petitioner moves this Honorable Court to Exercise Original Jurisdiction in this matter and grant the enclosed Petition or Order the Respondent to serve and file an answer to the Petition. (4)

8/1/23

**Respectfully Submitted,**



Ronald C. Albright

- 1.) Hinton v. SCDPPPS 357 S.C. 327 (S.C. App. Ct.) "It was found unacceptable that the Parole Board should look to the "so called facts" to make it's determination. for the "facts" are almost always disputed and neither this Court nor the Parole Board has any way of extricating which particular "facts" were true or not. The Parole Board should not undertake such a determination in what would amount to an egregious Due Process violation."
- 2.) People's Fed. Sav. & Loan Assoc. v. Graham 291 S.C. 178 352 S.E. 2d 511 "Right to Appeal was not prejudiced by not having been served the decree. since the time to Appeal would not begin to run until such time as they were given notice that the decree had been rendered."
- 3.) Upchurch v. Upchurch (SC 2006) 367 S.C. 16 624 S.E. 2d 643
- 4.) The Supreme Court will require strict adherence to the requirement of Sup. Ct. Rule 1 Sect. 1 (E)(2) "[A] Statement of when Appellant received notice of the Order from which the Appeal was taken." Appellant has yet to receive the Written Final Order from the Agency. Wells Fargo Bank N.A. v. Fallon Properties of S.C. LLC (S.C. 2018) 422 S.C. 211 810 S.E. 2d 856 "When Determining whether the service of the Notice of Appeal is timely. an Appellate Court will look into the date the Parties received Written Notice of entry of an Order of Judgment. Unlike the Notice of Appeal. there is no requirement that the written Notice of entry of an Order or Judgment be served upon the Parties. and all that is required to trigger the time to Appeal is. that the Parties receive such Notice."

STATE OF SOUTH CAROLINA  
In the Supreme Court

In the Original Jurisdiction  
Appellate Case No. 2023-000847

Ronald C. Albright #211533..... APPELLANT,

v.

S.C.D.P.P.P.S..... RESPONDENT.

**PETITION FOR WRIT OF MANDAMUS**  
**(As Injunctive relief in the form of a Remedial Writ)**

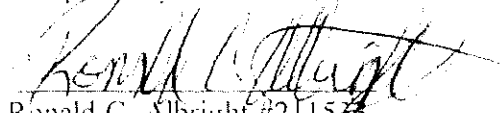
**Jurisdiction**

This Matter is before the Honorable Court following the Petition for Original Jurisdiction filed pursuant to Rule 245 SCACR, S.C. Code Ann. Sect. 14-3-310, S.C. Constitution Art. I Sect. 3; and S.C. Constitution Art. V, Sect. 5.

The Petitioner Ronald C. Albright, moves this Honorable Court pursuant to SCRPC Rule 65(f) for a Writ of Mandamus as Injunctive Relief on a denied or unreasonably delayed Written Final Order of a State Agency (SCDPPPS), and a prematurely filed Order by the S.C. Court of Appeals before the Court received Appellant's Response and before the 10 days to Respond were expired, dismissing all of Appellant's Motions. In support of this Motion, Petitioner shows the following to the Court.

Submitted this 1<sup>ST</sup> day of Aug., 2023

Respectfully Submitted,

  
Ronald C. Albright #211533  
L.C.I. SB-58 P.O. BOX 205  
Ridgeville, S.C. 29472

## PETITION FOR WRIT OF MANDAMUS (Contin.)

### Specification of Grounds for the Writ

- 1 A Denied or unreasonably delayed Written Final Order of Revocation from the State Agency Respondent (SCDPPPS).
- 2 Deliberate misrepresentation by the Respondent of the Appellant's challenges to the Lower Courts, Akin to SCRCP Rule 60 (b)(3).
- 3 An Order of the S C Court of Appeals filed before the receipt of the Appellant's Response and before the 10 days allowed to respond had expired

If needed a Summons and Complaint are attached to the Writ in Appendix G as Exhibits 1 and 2 along with a Certification of Attempted Consultation with the Respondent on these Matters as Exhibit 3.

### Statement of Case

The Petitioner, Ronald C. Albright, ("Appellant Parolee") was granted Parole in May 2015 and had supervision transferred to his home state of Florida under the Interstate Compact for Adult Offender Supervision or ICAOS hereafter. Two years into that supervision, the Florida Parole officer submitted erroneous reports to South Carolina S C prematurely issued a warrant and had Parolee extradited back to S C without a preliminary Probable Cause Hearing in the Receiving State as mandated by the ICAOS Rule 5.108 (a-g) Appx. G, Exhibit 4, pg. 8 A S C Parole Agent, who knew nothing of the case, Swore 3<sup>rd</sup> party to the validity of a summary of the Florida Parole officer's

unfounded allegations to obtain a warrant, extradition, and subsequent revocation

Warrant Affidavit at Appx. D, Exhibit 2, pg. 11

After Parolee's return to S.C., an "After-the-Fact" attempt was made by SCDPPPS to satisfy the ICAOS requirement of a Preliminary Probable Cause hearing on the already issued warrant and executed extradition. Totally backwards from the lawful procedure the Compacting States are bound to follow under ICAOS Rule 5.108(a-g). At this hearing, Parolee was erroneously told by the hearing Administrator to "Tell all of that, (Parolee's defenses and evidence) to the Parole Board when you go in front of them". This was error on the part of the Hearing Administrator because the Parolee should have been given the opportunity right then and there to present his defenses and evidence to a "fair, neutral, and unbiased" hearing Justice, ( even though this whole proceeding was held in the wrong State )

The erroneous directives of this Hearing Administrator, coupled with the denial or unreasonable delay of the Written Final Order of Revocation from SCDPPPS is the extraordinary circumstances that delayed Parolee's seeking of judicial review of the unlawful Procedures employed by the Agency and the evidence relied upon to reach their decision. Parolee still obeyed these directives of the hearing Admin. Although erroneous and submitted his defenses "To the Board" every time he went in front of them and petitioned for numerous reconsiderations as well Appx. D, Exhibit 2, pgs. 3-13

The Respondent SCDPPPS refused to acknowledge, respond, or answer anything to do with Parolee's Revocation proceedings or evidence submitted. Only responding with denial after denial of Parole and reasons for those denials. After presenting defenses and evidence at 3 consecutive parole hearings, showing both Due Diligence and a Good Faith Effort to allow the Agency to handle these matters. Parolee sought Judicial review of the procedures and his exculpatory evidence in the form of a Contested Case Hearing of a State Agency in the Administrative Law Court despite not yet having received the Written Final Order from the Agency. Parolee Petitioned the Administrative Law Court to either hear the case without the final Order, or to Compel the Agency to Issue and Deliver the Final Order to the Parolee to begin the tolling of the timeline to Appeal. Appx. A, Exhibit 2, pgs. 2-3

The Administrative Law Court stated in its Order to Dismiss, that it wasn't the venue to Compel a State Agency to Issue an Order, but didn't suggest who was Appx. C, Exhibit 1, pg.7 footnote2. The ALC then granted the Respondent's Motion to Dismiss for Timeliness and Jurisdiction even though the Judge stated "Certainly no party has submitted a copy of any 2017 Written Order revoking Parole to this Court. If Appellant's assertions regarding receipt of such an Order are correct, then the time to Appeal the 2017 Revocation of Parole may not have begun to run, see, e.g. SCALC Rule 59, and in the absence of a final Order, no Appeal of the Revocation has commenced" Appx. C, Exhibit 1, pgs. 4-5

As to the Jurisdictional reasons for the ALC's dismissal, this was once again due to the Respondent's purposeful misdirection of the court as to Parolee's challenges and to Statute 24-21-680 and claiming Appellant was attempting to challenge a non-reviewable routine denial of Parole and therefore "No Court has Jurisdiction to review a Parole revocation" Respondent's Motion to Dismiss Appx. B, Exhibit 1, pg. 2. Even though the Parolee was challenging the procedures employed by the Agency and the evidence relied upon to reach their decision. A State Agency acting under the color of law of a Statute, or a Statute itself, can not be permitted to abrogate The Due Process Clause of the U.S. Constitution. The ALC Judge even recognized and stated that "The Court does not dispute Appellant's concern that 24-21-680 requires certain process to be afforded in cases involving Parole violations" Appx. C, Exhibit 1, pg.5 prgh.6 and pg. 6 footnote 1, but still declined to review this "process" for adherence to the lawful procedure of the ICAOS rules and regulations under 24-21-1170(b). The ALC in erroneously granting the Respondent's Motion to Dismiss, left Appellant's Motions and Designation of Matter unresolved and out of the record even though they WERE presented Appx. D, Exhibit 1 and 2 and were directly relative to the Jurisdiction of the ALC to hear this case under 24-21-1170(b), and 1-23-380 (5)(a-f)

Parolee appealed the ALC's Final Order claiming that the ALC did have Jurisdiction not only to hear this case, but to "modify, amend, correct" or reverse under 1-23-380 (5)(a-f). And as to the timeliness claim, The Agency's denial or unreasonable delay of the issuance and delivery of the Final Order of Revocation could in essence bar proper redress of grievances indefinitely for as long as they wish to withhold it. The

Respondent claims in their Motion to Dismiss the Appeal that Parolee signed for and received the Order on Aug. 30, 2017 but they "don't have a copy of it to submit to the Court" Appx. B, Exhibit 1, pg. 2 footnote 1. That's because what Parolee signed for and received was a copy of the warrant and incorporated Affidavit and by no means the Written Final Order of Revocation. Parolee has requested this Order several times from the Agency.

On Direct Appeal of the ALC's decision, Respondent motioned the Court to Strike Appellant's Designation of Matter. Appx. E, Exhibit 2. Once again Misdirecting yet another Court to the irrelevant and unchallenged Matter of "Routine denials of Parole" and their omnipotent status of non review to that particular challenge and claiming that the matter had not been presented to the Lower Courts or Executive Agency Tribunal (SCDPPPS). The only matter that wasn't presented was the transcripts of the Parole proceedings and documents requested by Parolee which Respondents refuse to produce. Respondent proposed striking the whole designation due to them not being able to produce the transcripts of their own proceedings.

Appellant timely filed an Opposition to Respondent's Motion to Strike Appellant's Designation of Matter Appx. E, Exhibit 3, but soon found out that the SC Court of Appeals ruled in Respondent's favor before the 10 days allowed by SC ACR for Appellant to Respond and before the timely filed Response by Appellant was even received. "Order" Appx. E, Exhibit 4 granting Respondent's Motion to Strike and dismissing all of Appellant's Motions of "Designation of Matter", "Motion to Compel

Issuance of the Final Order", "Motion to Proceed In Forma Pauperis", "Motion to Appoint Counsel", "Motion to Produce Documents", and a "Petition for Equitable Tolling". This "Order" was signed only Stephanie P. McDonald "For the Court". No Title or Identifier listed. Appellant immediately filed for a Petition for Reconsideration of the Order Appx. E, Exhibit 6 as there was no valid reason to deny Appellant's Motions as detailed in a letter to the S.C. Court of Appeals Clerk Appx. E, Exhibit 5

Appellant has no other remedy available to compel the Agency to issue and deliver an Order that should have been delivered by the Agency long ago. Appellant also prays for this Court's Original Jurisdiction on these Matters as both the ALC and the S.C. Court of Appeals judgment has been clouded by the constant misdirection and misinformation provided by the Respondent as to the actual challenges and review being sought by the Appellant. The Respondent is trying everything to keep the record of it's own unlawful proceedings from the eyes and review of the Courts, as "Irrelevant" or "Not presented to the Lower Courts". Even though this Matter is most relevant to Appellant's actual challenges and has been presented to both the Executive Agency and the Lower Courts numerous times. Documentation of this fact is included in Appx. D, Exhibits 1 and 2

Respondent is only now claiming that a P.C.R. was the proper venue to bring Appellant's claims in an attempt to send Appellant all of the way back to a process that would have to come back to the Court of Appeals which he's in now, if the outcome of the P.C.R. was unfavorable. Even though the Appellant filed a "Motion to

Designate Transfer case to cure want of Jurisdiction” Appx. A, Exhibit I Both the ALC and the Respondent were served copies of this Motion and nothing was mentioned of a PCR then, and the Administrative Law Court properly accepted a contested case hearing of a State Agency and review of the ALC’s decision was properly in the SC Court of Appeals per SCACR 201. Should Appellant have to go back and file a PCR only to come back to a Court he’s already in? Can Appellant do this without the receipt of the Written Final Order of the State Agency? Or, Can this Court grant the Writ of Mandamus to review the SC Court of Appeals premature Order, allow the Designation of Matter to stand, and Compel the State Agency to deliver the Written Final Order of Revocation, and hold the present Appeal in abeyance until these Matters are resolved and then proceed with the Direct Appeal?

**Or should Appellant move for Original Jurisdiction of this Honorable Court to hear this whole case as a Habeas Corpus?**

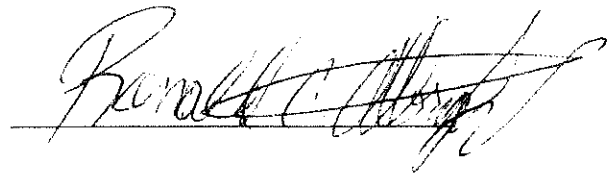
Appellant has shown cause for a Constitutional Claim to both of the Lower Courts and due to Respondent’s misdirection, the waters have been muddied and attention directed away from the actual valid claims and to matters not even being challenged and in effect barring judicial review of Appellant’s claims. Fundamental fairness requires a review at some point of the evidence and claims brought by the Appellant. If the Administrative Hearing Justice, SCDPSS, The Administrative Law Court, nor the SC Court of Appeals refuse to review what is actually being challenged, the Appellant has no other remedy available to redress his grievances (1)

**Wherefore,** Petitioner prays this Honorable Court grant the Writ of Mandamus to Compel the State Agency, SCDPPPS to issue and deliver the Written Final Order of Revocation, Review the premature filing of the Order of the S.C. Court of Appeals to let the Appellant's Designation of Matter to stand and compel the Agency to produce a record of it's proceedings to be reviewed by the courts as to adherence to lawful procedure and Due Process requirements, allow the Appellant to proceed In Forma Pauperis, and hold the present Appeal in abeyance until these matters are resolved

Respectfully Submitted,

8/1/23

Dated



Ronald C. Albright

1) "Mandamus will lie to Compel inferior Court to proceed where court has erroneously dismissed cause for want of Jurisdiction" Herzog v. Bramel 82 Utah 216, 23 P2d 345, - State ex rel Pryor v. Paul 5 Wash 2d 90, 104 P2d 745 - State ex rel Wabash Co v. Shain 341 Mo. 19, 106 S.W. 2d 898

# The South Carolina Court of Appeals

Ronald C. Albright, #211533, Appellant,

v.

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

Appellate Case No. 2023-000847

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## ORDER

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Appellant's response to Respondent's motion to strike was received and considered by this court. However, Appellant's petition for reconsideration of this court's July 3, 2023 order is denied. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."). Additionally, Appellant is not entitled to proceed without costs and Appellant has failed to pay the \$250 filing fee for the notice of appeal; accordingly, this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.

 C.J.  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 31 2023**

cc:

Ronald L. Albright, 00211533

Matthew C. Buchanan, Esquire

## The South Carolina Court of Appeals

Ronald C. Albright #211533, Appellant,

v.

S.C.D.P.P.P.S., Respondent.

Appellate Case No. 2023-000847

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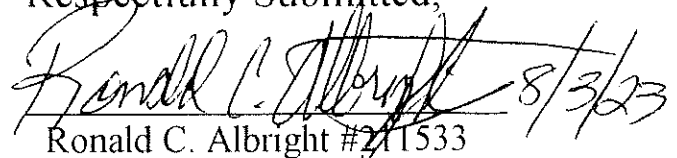
### **Petition for Rehearing on Order dated: 7/31/2023**

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Appellant pleads with this Honorable Court to reconsider it's above referenced Order dismissing the Appeal for not being able to afford the \$250 filing fee due to his incarceration and financial status. Appellant has never abused the Indigent Status and has zero strikes against him for frivolous litigations. Dismissing the Appeal for this reason, as stated in the Order, when Appellant motioned this Court as to his indigent status and to proceed In Forma Pauperis, is unfair and contrary to both State and U.S. Constitutional provisions of access to the Courts and redress of grievances despite one's race, religion, or financial status. U.S.C.A. Amend. 1, 5, 6, 14, and 15. "Equal Protection"

Cc: S.C.D.P.P.P.S.;  
The Administrative Law Court;  
The Supreme Court of South Carolina;  
Files.

Respectfully Submitted,

  
Ronald C. Albright #211533 8/3/23