

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

ANTRONE JONES # 286594,  
APPELLANT,  
v.

DOCKET#: 13-ALJ-04-0345-

SOUTH CAROLINA DEPT. CORR.,  
RESPONDENT,

AUG, 27, 2013

RECEIVED  
SEP 03 2013  
SC Court of Appeals

RECEIVED  
SEP 02 2013  
SC Court of Appeals

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PETITION TO AMEND BRIEF

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THE APPELLANT WOULD LIKE TO PETITION THE COURT TO AMEND BRIEF GIVEN THE FACT THAT ON MAY THE 16th, 2013, THE APPELLANT FILED A NOTICE OF APPEAL REGARDING THE HONORABLE JUDGE S. PHILLIP LENSKI ORDER GRANTING MOTION TO DISMISS CASE # 13-ALJ-04-0011-AP .

APPELLANT WAS APPOINTED ASSISTANT COUNSEL CHRISTOPHER D. FLORIAN AS NOTIFIED ON MAY, 29, 2013, BY THE SOUTH CAROLINA COURT OF APPEALS FOLLOWING THE NOTICE OF APPEAL FILED MAY, 16, 2013.

COUNSEL CHRISTOPHER D. FLORIAN FAILED TO COMPLY WITH THE COURTS ON JUNE, 20, 2013, AND JUNE, 20, 2013, AND AS A RESULT THE APPELLANT ORDER RECEIVED AN ORDER TO DISMISS CASE # 2013-001069 ON, 7, 16, 2013.

IN EFFECT, ON JULY, 23, 2013 APPELLANT FILED A PETITION FOR REHEARING TO THE COURT OF APPEALS REGARDING INEFFECTIVE ASSISTANCE OF COUNSEL.

ON AUG, 23, 2013 APPELLANT RECEIVED AN ORDER OF DISMISSAL UNDER ALC RULE 60, STATING THAT APPELLANT FILED A PROOF OF SERVICE ON, AUG, 14, 2013 OF THE NOTICE OF APPEAL ON THE DEPARTMENT AND THE COURT ON, AUG, 13, 2013 WITH NO MENTION OF BRIEF OR ANY DOCUMENTS ATTACHED TO IT.


IN THE APPELLANT PETITION FOR REHEARING, HE WOULD LIKE TO PROCEED PRO-SE LITIGANT IN ORDER TO AMEND AND COMPLY WITH THE COURTS ACCORDINGLY.

CERTIFIED TRUE COPY  
of original

RESPECTFULLY SUBMITTED.

29<sup>th</sup> August 2013

  
Notary Public for South Carolina

  
ANTRONE JONES #  
286594

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

ANTRONE JONES # 286594,  
APPELLANT,  
V.

DOCKET# 13-ALJ-04-0345-AP

SOUTH CAROLINA DEPT. CORR,  
RESPONDENT,

(APPELLANT BRIEF)

AUG, 27, 2013

PROCEDURAL HISTORY

THE APPELLANT FILED A STEP 1. GRIEVANCE APPEALING HIS JUNE, 19, 2012 CONVICTION OF (855) SMUGGLING AND/ OR CONSPIRACY TO SMUGGLE IN CONTRABAND. ON, AUG, 30, 2012 THE STEP 1. GRIEVANCE WAS DENIED AND APPELLANT SUBMITTED A STEP 2. GRIEVANCE. THE STEP 2. WAS DENIED ON, JAN, 07, 2013 and APPELLANT TIMELY FILED NOTICE TO THE ALC. ON, APRIL, 19, 2013 THE ALC REDUCED THE (855) SMUGGLING AND/ OR CONSPIRACY TO SMUGGLE IN CONTRABAND TO THE INITIAL CHARGE BY OFFICER CPL. FORD OF POSSESSION OF CONTRABAND. THE APPELLANT FILED TO APPEAL THE ALC DECISION ON, MAY, 1, 2013 AS REQUIRED BY THIS COURT.

ISSUES PRESENTED

1. THE RESPONDENT MISCONSTRUED APPELLANTS LANGUAGE WHICH WAS FOUNDED AND BASED ON THE CHARGE FOR THE LESSER INCLUDED OFFENSE FOR WHICH HE WAS CHARGED RATHER THAN EXONERATED.
2. THE FALSIFIED AND FORGED DOCUMENT'S BY OFFICER CPL. FORD WAS EXECUTED UPON APPELLANT IN RETALIATION.
3. THE RESPONDENT LACKED THE EVIDENCE TO SUPPORT THE CHARGE
3. THE RESPONDENT LACKED THE EVIDENCE TO SUPPORT THE CHARGE FOR POSSESSION OF CONTRABAND AND/ OR ATTEMPT TO POSSESS WHICH WAS ALLEGEDLY FOUND IN A, " COMMON AREA " .

ARGUMENTS

1. MISCONSTRUED LANGUAGE

THE APPELLANT CONTENDS THAT IN THE RESPONDENT'S , " ORDER GRANTING MOTION TO DISMISS," DOCKET# 13-ALJ-04-0011-AP FILED MAY, 03, 2013 THE RESPONDENT MISCONSTRUED THE LANGUAGE OF THE APPELLANT STEP 2. GRIEVANCE DATED: SEP, 6, 2012 WHICH WAS THE SOLE BASIS WHERE THE DETERMINATION OF THE LESSER INCLUDED OFFENCE FOR POSSESSION OF CONTRABAND WAS MADE BY THE RESPONDENT WITHOUT FURTHER SUBSTANTIATING THE TRUE FACTS THAT WERE PRESENTED ON THE WHOLE RECORD. SEE STEP 2. GRIEVANCE DATED: SEP, 6, 2012 AND TAKE NOTICE OF THE RATHER MORE OBVIOUS AND CONCISE CONVEYANCE BY THE APPELLANT STATING THAT THE VINDICTIVE REASONS FOR TURBEVILLE UPGRADING THE INITIAL CHARGE FROM POSSESSION OF CONTRABAND TO SMUGGLING AND/ OR CONSPIRACY TO SMUGGLE IN CONTRABAND WAS DUE TO THE FACT THAT A POSSESSION OF CONTRABAND CHARGE IS ONLY A LEVEL 3 OFFENCE, WHICH WILL NOT PROCEED .

TO THE (DHO) WHERE MUCH MORE SEVER PUNISHMENT COULD BE IMPOSED, BUT RATHER APPEAR BEFORE A CAPTAIN, MAJOR OR A LIEUTENANT WHERE MOLLIFIED DISCIPLINE WOULD BE EXECUTED. AND THIS WAS VERY WELL KNOWN BY TURBEVILLE OFFICIALS WHICH WAS WHY ~~THE~~ INITIAL CHARGE WAS UPGRADED.

## 2. FORGED DOCUMENTS

THE APPELLANT PRESENTED FALSIFIED AND FORGED DOCUMENTS THAT OFFICER CPL. FORD MALICIOUSLY FILED AGAINST HIM PRIOR TO OFFICER CPL. FORD ULTIMATELY FALSELY ACCUSED THE APPELLANT OF POSSESSION OF CONTRABAND. REVIEW INCIDENT REPORT DATED: 5,17,2012 AND COMPARE TO INCIDENT REPORT DATED: 6,1,2012 AND TAKE NOTICE THAT BOTH INCIDENT REPORTS ARE UNDOUBTEDLY BY OFFICER CPL. FORD. HOWEVER, EVEN THOUGH THESE FACTS WERE PRESENTED, THEY NEVER WERE CONSIDERED, RULED ON, OR RESPONDED TO ACCORDINGLY. AS THE RESULT, THE APPELLANT WAS REMOVED FROM THE PALMER PRE-RELEASE CENTER WITH THE CONTINUITY OF INJUSTICES AND SUFFERING. WHICH DEPRIVES THE APPELLANT OF DUE PROCESS, " MINIMUM REQUIREMENTS OF DUE PROCESS " .MORRISSEY V. BREWER, 408 U.S. 471,489 (1972) (EMPHASIS ADDED) THE COURT APPARENTLY HOLDS THAT INMATE'S " LIBERTY " IS PROTECTED BY DUE PROCESS WHENEVER, " A MAJOR CHANGE IN THE CONDITIONS OF CONFINEMENT " IS IMPOSED AS PUNISHMENT FOR MISCONDUCT. IBID. I AGREE. SEE PALMIGIANO V. baxter, 487 F 2d 1280, 1284 (CA 1 1973.) ALSO SEE MORRISSEY V. BREWER, SUPRA, at 489; IN re OLIVER, 333 U.S. 257,273 (1948.)

## 3. INSUBSTANTIAL EVIDENCE

THE APPELLANT CONTENDS THAT THE EVIDENCE WHICH THE RESPONDENT RELIED ON TO SUPPORT A FINDING OF GUILT WAS INSUFFICIENT AND WAS NEVER BASED UPON THE FACTS THAT WAS PRESENTED. GOMES V. TRAVISONO, 510, F 2d 537,540 (1st cir.1974) MUST DISCLOSE MORE THAN A MERE, " RELIANCE ON SPECULATION AND FACTS NOT IN THE RECORDS. " OFFICER CPL. FORD STATED ON RECORD THAT HE NEVER SAW APPELLANT IN POSSESSION OF THE ALLEGED CONTRABAND NOR DID HE SEEN HIM PUT ANYTHING INTO THE GARBAGE WHICH IS A, " COMMON AREA " WHERE HUNDREDS OF INMATE'S FREQUENT AND HAVE ACCESS TO. WHICH SHOULD HAVE CLEARLY EXONERATED THE APPELLANT OF NOT ONLY THE (855) SMUGGLING AND/ OR CONSPIRACY TO SMUGGLE IN CONTRABAND, BUT ALSO THE POSSESSION OF CONTRABAND AND/ OR ATTEMPT TO POSSESS CONTRABAND DUE TO THE LACK OF EVIDENCE THEREOF.

## CONCLUSION

BASED ON THE FOLLOWING, THE APPELLANT WOULD LIKE TO REQUEST THAT THE COURT VACATE THE POSSESSION OF CONTRABAND AND/ OR ATTEMPT TO POSSESS CONTRABAND AND RESTORE ALL LOSS OF GOOD TIME CREDITS, PRIVILEGE LOSS, M.O. CUSTODY AND RETURNED BACK TO THE PALMER PRE-RELEASE CENTER.

RESPECTFULLY SUBMITTED.

CERTIFIED TRUE COPY  
of original

29th August 2013  
Date  
Elizabeth L. L. L.  
Notary Public for South Carolina

(2)

ANTRONE JONES # 286594  
PRO-SE

*Antrone Jones*

My Commission Expires: My Commission Expires May 30, 2017

THE STATE OF SOUTH CAROLINA  
[ IN THE ADMINISTRATIVE LAW COURT ]

APPEAL FROM RICHLAND COUNTY  
ADMINISTRATIVE LAW COURT

S. PHILLIP LENSKI, ALC JUDGE

DOCKET# 13-ALJ-04-0345-AP

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**SC Court of Appeals**

SCDC....., RESPONDENT  
V.

ANTRONE JONES, .... APPELLANT,

~~RECEIVED~~

~~SEP 02 2013~~

~~SC Court of Appeals~~

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE NOTICE OF APPEAL ON SCDC GENERAL COUNSEL, P.O. BOX 21787, COLUMBIA S.C. 29221-1787, THE COURT OF APPEALS, P.O. BOX 11629, COLUMBIA S.C. 29211, AND THE HONORABLE JUDGE S. PHILLIP LENSKI, 1205 PENDLETON STREET, SUITE 224, COLUMBIA, S.C. 29201, BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, POSTAGE PREPAID, [BY PERSONALLY DELIVERING A COPY TO EACH PARTY ON, AUG, 27, 2013.]

*Antrone Jones #286599*

PRO-SE

M.C.I. W6-51 B

502 BECKMAN DR.

COLUMBIA, S.C. 29203

CERTIFIED TRUE COPY  
of original

29th AUGUST 2013

*Elizabeth Woodard*  
Notary Public for South Carolina

My Commission Expires: My Commission Expires May 30, 2017