

STATE OF SOUTH CAROLINA

Jerome Curry # 253067

Appellant

vs.

South Carolina Department of Corrections
Respondent

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE STATE OF SOUTH CAROLINA

APPEAL OF STATE OF SOUTH CAROLINA Administrative Law Court

ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

Docket No: 24-ALJ-04-0511-IJ

Notice of Appeal towards Judgment Entered By

Administrative Law Judge S. Phillip Lenczi Entered Based

upon void Judgment Entered in violation of Due Process,

fairness, Procedural Due Process violation, Fraud upon

The Court, AS PURSUANT TO SCRPC Rule 60(c)(4)(3)

void & Fraud Judgment Entered on October 7, 2024

Received by me from Broad River Cor Inst. Mailroom on

OCT 18, 2024 signed by me on OCT 18, 2024. Further

Judgment Entered due to Abuse of Discretion, Error of Law

and Justice, Conspiracy to Deprive Civil Rights

STATEMENT OF FACTS/Jurisdiction of The Court.

Now comes the Appellant pro se with this above entitled Notice of Appeal I hereby certify that all statements stated herein are true and correct so help me God. Appellant filed Notice of Appeal on July 11, 2024 past deadline to file due to fraud upon him and conspiracy due to SCRC failing to advise or provide the Appellate of any judgments entered and without serving the Appellant any Appeal forms. The Appellate due to no ^{Fault} of his own further due to fraud and conspiracy filed Appeal notice of such appeal due to never being allowed at any of these hearing without notice of hearing, without notice of Appeal, without copy of judgments, until time to file such was already passed. This procedural due process violation.

STATEMENT OF FACTS/Jurisdiction of The Court

All done in bad faith, unclean hands doctrine, in violation of Due Process, Procedural Due Process, rendering such judgments void therefore, as in accordance with SCRPC Rule 60(c)(4)(3) and further based upon fraud all done so that the Appellate would not be able to file any Appeal towards these sham judgments based upon perjury, fraud, due process violation, equal protection violation, and conspiracy to deprive civil rights to fairness, due process, equal protection, under the Federal and State Constitutions. In which is Supreme

2 STATEMENT OF FACTS / Jurisdiction of Court

Law of the Land further all courts within United States of America are governed by the Constitution of the United States. And all judicial officers as well as administrators of law officers have sworn an oath to uphold the Constitution in which these officers within this case has failed and refused to do. Appellate if he never went to (PCR) post conviction relief hearing held on March 13, 2024 he would have never found out about the 53 major disciplinary hearing charges in which was used at this hearing by the South Carolina Attorney General Danielle Dixon court appoint PCR Counsel Dennis Swope as well as court appointed PCR Guardian ad Litem Blake Abbott in which resulted in having the Appellate declared incompetent to proceed forward with PCR hearing entering judgment thereof in that case with also the Appellate being sent to the Gilliam Center Leaveland Corr. Inst.

STATEMENT OF FACTS / Jurisdiction of Court

Appellate was told by staff while at Lee Corr Inst while he was on the unit lock-up status that he was on such status awaiting to be transferred to Leiber Corr. Inst. In which later found to be not true. Instead he was charged ~~without~~ without notice or knowing or served charges or allowed at DHO disciplinary hearing without being allowed to defend himself, question charging officers, entering evidence in his own behalf, without being given appeal rights that he was entitled to appeal, without being provided with any of these judgments entered against him at all whatsoever Procedural Due Process violation Rendering judgment void How could the Appellate file appeal in time under these circumstances it would be impossible for him to do so knowing these stated facts.

STATEMENTS OF FACTS / Jurisdiction of Court

Thus rendering judgment entered by DHO officer void and unconstitutional. The Constitution states that no person shall be denied the right to life liberty or property without due process of Law, nor denied equal protection of the laws, further that no laws, statutes, rules shall be used to deny Constitutional Rights

STATEMENT OF FACTS/Jurisdiction of court

Appellate states that he has been mentally incompetent further found and declared to be mentally incompetent mentally ill since 2020 and appointed guardian ad litem by the Court of Common Pleas Ninth Judicial Circuit Court as well as by the Department of Mental Health in Columbia SC. Due to these stated facts see PCL Case and Judgment order appointing Guardian ad litem due to mental illnesses and denial of mental health meds, programs & treatment PCL Cases # 2022-CP-10-2017, 2020-CP-10-05357. Therefore knowing these stated facts Appellate suffering from PTSD, Bipolar Disorder, Anti social disorder, & Paranoid Schizophrenia and being denied treatment, meds, counseling, programs, as well as being incompetent label by courts and Department of mental health as so how so under these circumstances and knowing these stated facts can court still dismiss Appellate case thus Judgment entered void and unconstitutional abuse of discretion error of law.

STATEMENT OF FACTS/Jurisdiction of court

Furthermore it is a proven fact even up until now and ongoing that SSCC mail room Staff have been for a long time withholding Appellates legal mail, not marking it out on time sending back stamping return to sender inmate refused knowing these mail have never been presented to the Appellate at all whatsoever, as well as the stealing of documents from ~~out~~ ^{out} of incoming and outgoing legal mail ~~and~~ further not mailing some legal mail out at all. Therefore knowing these stated facts how so still can Respondent use claims of Appeal notice being sent pass (30) day time limit knowing if so it was not done due or to fault of the Appellate but due to SSCC mailroom staff done in bad faith unclear hands doctrine conspiracy to deprive civil rights due process, fairness, equal protection and access to the courts further mail fraud all Presented in 1983 Civil Rights lawsuit Federal District Court Case # ~~0:23-cv-03255-JDA~~ 0:23-cv-03255-JDA Filed 7/10/23 with Exhibits of mail being stamp-by SSCC and stating return to sender knowing such mail was never issued to the Appellate including order from court in which this Appeal is based upon received signed by Appellate 10/18/24.

4
STATEMENT OF FACTS/Jurisdiction of Court

these cases used in the Judgment in denying the Appellate Appeal in the Administrative Law Court and Judge Judgment based upon Cases Meads 337 SE2d 206 (1985); State v. Brown 543 SE.2d 569 (Ct. App. 2001) SCALC Rules 54, 59, and 62 stating Appeal must be served upon Respondent within (30) days in which was impossible based upon fraud upon the Court and DHO hearing and procedural Due Process violation, as well as the Administrative Law Act and Constitutional violation Wolff v. McDonnell US Supreme Court Due Process in Major Disciplinary hearings violation as well as SDC policy on Due Process in Disciplinary hearing cases, Further charging officer fired for being gang member and bringing in drugs into prison to Blodes and corps later fired, Cpt Greene. As well as the Appellate mental health level of level 3 at that time changed 5 times in due process violation without seeing any mental health specialist, Rendering all Judgments void Appellant good time was taken canteen phone custody Level from MIE to Close with over 11 months on Rhu unit phone taken also until pass sept of 2025, From May 19, 2023,

STATEMENT OF FACTS/Jurisdiction of Court

The Appellate states that this Court has Jurisdiction to hear and entertain this case as well as to enter Judgment in this case as in accordance with the laws, Statutes, rules and cases as well as in accordance with the US Constitution as well as the state constitution.

Conclusion of Law & FACTS

Base upon these stated facts stated herein today I move this Honorable Court to vacate known void Judgment based upon fraud, perjury, conspiracy to deprive Civil Rights due process fairness equal protection further based upon and Entered based on an abuse of discretion as well as an error of Law: A void Judgment is as if no judgment was entered at all its a nullity cannot be supported, upheld, affirmed nor enforced.

Conclusion of Law & FACTS

A void Judgment can be raised at anytime by anyone there is no deadline for void Judgment claims to be presented before the courts. Void Judgments are as if no Judgments have been entered at all It is mandatory not discretionary that once a void Judgment has been declared to be void courts, judges must vacate such known void and unconstitutional judgments, to do otherwise would be a denial of Justice, Due Process, fairness, further would be a miscarriage of Justice, abuse of discretion and a error of Law.

Conclusion of Law & FACTS

Void Judgments are judgments entered without subject matter jurisdiction, personal jurisdiction, as well as judgments entered without due process of law Sanders v. Smith, Gainey v. Gainey, Ware v. Ware, SCRP Rule 60(b)(4),(3)

Conclusion of Law & FACTS

Due to these stated facts I move court to vacate known void Judgment entered based upon Due Process violations, fairness, equal protection of laws, Federal and State, Based upon fraud upon the Court, perjury, prejudice, Abuse of discretion, error of law, denial of Justice, as well as miscarriage of Justice done in bad faith unclear hands doctrine further based upon conspiracy to deprive civil rights to due process fairness, equal protection

Conclusion of Law & FACTS

As stated Before I move so thereof pro se for court to vacate void Judgment restore good time credits phone, canteen, ME custody level as well as damages civil for false imprisonment time on RHN lock-up for over 11 to 15 months and courtings.

Respectfully submitted BY/IS/ Jerome Amy
 Pro Se: Jerome Amy #253067

RECEIVED

OCT 23 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

Jerome Curry #253067

V.

IN THE SOUTH CAROLINA COURT OF APPEALS

FOR THE STATE OF SOUTH CAROLINA

Docket No: 24-ALJ-04-0511-IT

AFFIDAVIT OF SERVICE BY MAIL

South Carolina Department of Corrections

AFFIDAVIT OF SERVICE BY MAIL

1. I am the Appellee in this action pending before this Honorable Court herein today pro se with this Notice of Appeal

2. I certify that I have served this Appeal Notice thereof to all of the following addresses listed below on this 19th day of October 2024 By placing in the hands of RTHU unit Correctional officer's hands to be mailed to all addresses to parties listed below for me due to my 24 hour a day 7 days a week lock down with denial of Law library, Bible, TV, music, radio, letters, or copies allowed I am force to rely and depend on officer to mail for me I am not allowed to mail personally myself.

Respectfully submitted By (S) Jerome Curry
Pro se: Jerome Curry #253067

South Carolina Supreme Court
Clerk of Court / Patricia A. Howard
Post office Box [redacted] 11330
Columbia SC 29211

South Carolina Department of Corrections
Office of General Counsel (SGCO)
4444 Broad River Rd.
Post office Box 21787
Columbia SC 29221-1787

THE Supreme Court of South Carolina ^{7.}

Clerk of Court/Patricia A. Howard

Post office Box 11330

Columbia SC 29211

OCT 21, 2024

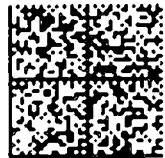
RE: Jerome Cury #253067 V. South Carolina Dept of
Corr.

Docket No: 24-ALJ-04-0511-IJ

Dear Clerk of Court;

Enclosed is notice of Appeal to be filed with the South Carolina Court of Appeals, I understand that this is the South Carolina Supreme Court, But due to my unlawful confinement and placement in RHU unit solitary confinement locked in cell 24/7 365 days a year with all legal property taken on 10/9/24 by staff that refuse to give back all addresses legal property in connection to all cases pending before the courts are within their possession making it impossible to make deadline file responses in pending PDC cases, Federal Habeas Corpus case, Civil Rights 1983 Lawsuits in Federal Court, Administrative Law Cases, Police Services Complaints and grievances filed against SCDC and their employees. Further with SCDC mailroom staff against SCDC policy withholding of incoming legal mail pass 48 hours held most time pass (30) days pass court deadlines and time to respond to court orders, some legal mail incoming never give to me by mail room stamped on outside on envelope inmate refused return to sender knowing such legal mail was never presented to me, documents taken out of incoming legal mail and outgoing legal mail some legal mail never mailed out to courts and attorneys with legal property being read and destroyed by SCDC staff in violation of due process equal protection of laws denial access to courts done in bad faith unclean-hands-doctrine further done so that petitioner would not be able to move forward with cases further LT Watters went in my cell and took envelope with administrative law court address and order that I am appealing, now that LT took it out of my cell so that I would not be able to respond and later so that General Counsel of SCDC can use as a defense to have case dismissed when not timely filed please forward for me to court of Appeals for me send back stamp file & check copy for proff court received. Thank you

Jerome Curry # 253067
Broad River [REDACTED] Court Inst / SA # 137
4460 Broad River Rd
Columbia SC 29201



US POSTAGE PAID PITNEY BOWES



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S.C. SUPREME COURT

Legal mail

South Carolina Supreme Court

Legal

mail

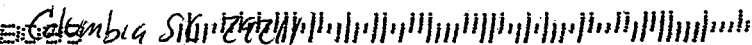
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OCT 22 2024

BPCI
MAILROOM