

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

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APP. CASE No.

SC Court of Appeals

APPEAL FROM AN ORDER BY THE A.L.C. OF THE DENIAL
OF APPELLANT'S MOTION FOR DISCOVERY TO COMPLETE THE R.O.A.

A.L.C. CASE No. 25-ALJ-15-0004-HDN. RALPH K. ANDERSON III

RONALD C. ALBRIGHT

APPELLANT,

v.

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

RESPONDENT.

PETITION/MOTION FOR REHEARING

PURSUANT TO SCACR 201, 221, AND 240, APPELLANT, RONALD C. ALBRIGHT, MOVES THIS COURT TO RECONSIDER THE ORDER DENYING APPELLANT'S MOTION FOR DISCOVERY AND SUPPLEMENTATION OF THE RECORD DATED ON 4-15-25, DUE TO THE FOLLOWING:

THE A.L.C. OVERLOOKED RULE 36(B) OF THE RULES OF PROCEDURE FOR THE A.L.C. "CONTENT OF R.O.A." WHICH STATES: THE R.O.A. IS TO CONTAIN (B)(1) ALL PLEADINGS, MOTIONS, AND INTERMEDIATE RULINGS; AND (B)(2) "ALL EVIDENCE RECEIVED AND CONSIDERED?"

APPELLANT BROUGHT IT TO THE A.L.C.'S ATTENTION THAT THE R.O.A. RECEIVED FROM THE RESPONDENT ON 4-3-25 WAS INCOMPLETE AND MISSING THE MAIN DOCUMENT OF CONTENTION, THE "PAROLE FILE SUMMARY."

IN A LETTER OF DENIAL OF PAROLE FROM RESPONDENT, DATED 4-9-25, SCDPPPS REFERENCED THE PAROLE FILE SUMMARY IN THEIR REVIEW OF THEIR DECISION, BUT OBJECT TO IT BEING INCLUDED IN THE R.O.A., IN VIOLATION OF RULE 36(B)(1,2) OF A.L.C. PROCEDURES, AS IT IS "EVIDENCE RECEIVED OR CONSIDERED" IN THE DECISION BEING APPEALED. (LETTER INCLUDED IN THE "AFFIDAVIT AND DOCUMENTS IN SUPPORT OF" PACKET, PER SCACR 240(C)(3))

HOW CAN RESPONDENT REFERENCE A DOCUMENT AS BEING CONSIDERED IN THEIR DECISION PROCESS AND THEN OBJECT TO IT BEING INCLUDED IN THE R.O.A.?, FOR REVIEW BY THE COURTS?

THE A.L.C. ALSO STATED IN ITS ORDER DENYING APPELLANT'S MOTION FOR DISCOVERY DATED 4-15-25, THAT APPELLANT HAS NOT CITED TO ANY AUTHORITY... IN RULES OF PROCEDURE OR OTHERWISE TO GRANT DISCOVERY" (ORDER Pg.1, LNS. 11-12)

(CONTINUED)

THE ALC OVERLOOKED THE STATUTES AND CASES APPELLANT CITED IN HIS "REPLY TO RESPONDENT'S OPPOSITION TO DISCOVERY" PAGE 1, PARAG. 2, LN. 5 - S.C. CODE 1976 § 1-23-380(5)(c) WHICH IS THE A.P.A. REVIEW STANDARD STATUTE OF WHICH APPELLANT CLAIMS RESPONDENT'S DECISION WAS ERRONEOUSLY BASED UPON. AND PAGE 1, PARAG. 3, LNS. 10 & 12 S.C. CODE 1976 24-21-1170, 24-21-1130, 24-21-1220(A)(2)(B)(2) AND Pg. 1, PARAG. 4, LN. 1 "COOPER V. S.C.D.P.P.S." 377 S.C. 489.

1-23-380 (5)(c) PROVIDES FOR JUDICIAL REVIEW IF THE DECISION IN QUESTION WAS "CLEARLY ERRONEOUS IN VIEW OF THE RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD" AND (5)(c), "MADE UPON UNLAWFUL PROCEDURE". THE CORRECT PROCEDURE IN THIS CASE WAS ICAOS RULE 5.108(a-g). THE ERRORS AND UNFOUNDED ALLEGATIONS IN THE PAROLE FILE SUMMARY CAME DIRECTLY FROM THE RESPONDENT'S UNLAWFUL REVOCATION PROCEDURE AND HAVE POISONED EVERY PAROLE DECISION SINCE.

HOW CAN A DECISION BE DEEMED AS ERRONEOUS IF THE "WHOLE RECORD" IT WAS BASED ON, CAN NOT BE REVIEWED FOR ERROR BY THE COURTS? APPELLANT DID NOT ASK THE A.L.C. TO SUBSTITUTE IT'S JUDGEMENT FOR THAT OF THE BOARD'S, HE SIMPLY ASKED THAT THE EVIDENCE THAT THE BOARD ADMITTEDLY RELIED UPON BE INCLUDED IN THE R.O.A. TO PROVE OR DISPROVE A GENUINE DISPUTE OF MATERIAL FACT, OF WHETHER OR NOT THAT EVIDENCE RELIED ON WAS ERROR OR FACTS.

ALSO, THE A.L.C.'S STATING THAT THIS IS AN APPEAL OF "DENYING HIM PAROLE" (ORDER pg. 1, LN. 4) SHOWS THAT RESPONDENT COUNSEL WAS ONCE AGAIN SUCCESSFUL IN MIS-DIRECTING YET ANOTHER COURT AS TO WHAT APPELLANT IS CHALLENGING. RESPONDENT WISHES TO SWAY THE COURT TO BELIEVE THAT APPELLANT IS CHALLENGING A "ROUTINE DENIAL OF PAROLE" IN ORDER TO HAVE THE APPEAL DISMISSED AND TO KEEP THEIR PAROLE FILE SUMMARY, WHICH IS FULL OF ERRORS AND UNFOUNDED ALLEGATIONS, OUT OF THE R.O.A. AND JUDICIAL REVIEW.

APPELLANT'S CHALLENGES REQUIRE A REVIEW OF THE MATERIAL BEING SOUGHT IN DISCOVERY AND SINCE RESPONDENT REFERENCED THIS MATERIAL IN A LETTER OF DENIAL, THEN IT SHOULD BE INCLUDED IN THE R.O.A. PER. RULE 36(B)(1,2) OF THE A.L.C. PROCEDURES.

THE DECISION OF THE A.L.C. SHOULD HAVE BEEN TO GRANT APPELLANT'S MOTION FOR DISCOVERY AND TO COMPEL RESPONDENT TO PRODUCE THE "PAROLE FILE SUMMARY" AND "MODIFIED PAROLE FILE SUMMARY" AS PART OF THE COMPLETE R.O.A. SINCE IT WAS A MAIN COMPONENT OF EVIDENCE CONSIDERED IN THEIR DECISION BEING APPEALED IN THIS CASE.

(CONTINUED)

TO BE CLEAR, APPELLANT IS CHALLENGING THE PROCEDURE EMPLOYED BY THE AGENCY AND THE EVIDENCE RELIED UPON IN REACHING THAT DECISION, TO WHICH THE A.L.C. HAS STANDING TO REVIEW AND RULE UPON. A DECISION BY THE AGENCY BASED UPON ERROR OR UNLAWFUL PROCEDURE IS VOID. APPELLANT IS ONLY SEEKING A FAIR CHANCE AT PAROLE BASED UPON FACTS NOT A RECORD FULL OF ERRORS. DOESN'T FUNDAMENTAL FAIRNESS REQUIRE THIS?

WHEREFORE APPELLANT PRAYS THIS HONORABLE COURT REVERSE THE ORDER DENYING DISCOVERY AND SUPPLEMENTATION OF THE R.O.A., AS IT'S ACTUALLY NOT "SUPPLEMENTING" THE RECORD, BUT MAKING IT COMPLETE TO CONFORM TO THE RULES OF COURT, AND REMAND THE MATTER BACK TO THE A.L.C. TO COMPEL RESPONDENT TO PRODUCE THE REQUESTED DOCUMENTS, AND CONSIDER THEM IN IT'S RULING IN THIS CASE.

4-28-25

DATED

RESPECTFULLY SUBMITTED,

Ronald C. Albright

RONALD C. ALBRIGHT #211533
LIEBER CORRECTIONAL INSTITUTION
P.O. BOX 205
RIDGEVILLE, SC. 29472

C.C.:

S.C. ADMINISTRATIVE LAW COURT
HON. RALPH K. ANDERSON III
1205 PENDLETON ST. SUITE-224
COLUMBIA, SC. 29201;

S.C. DEPT. OF P.P.P. SERVICES
DEPUTY DIRECTOR OF LEGAL SERVICES
P.O. BOX 207
COLUMBIA, SC. 29202;

FILES.

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A.L.C. CASE No. 25-ALJ-15-0004 - HON. RALPH K. ANDERSON III

RONALD C. ALBRIGHT

APPELLANT,

v.

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

RESPONDENT.

PROOF OF SERVICE


I, RONALD C. ALBRIGHT - APPELLANT, HEREBY CERTIFY THAT I HAVE A TRUE AND CORRECT COPY OF THE FOLLOWING ON ALL PARTIES INVOLVED IN THIS MATTER BY DEPOSITING THESE COPIES IN THE LIEBER CORRECTIONAL INSTITUTIONAL MAIL BOX ON 4-28-25, ADDRESSED AS LISTED BELOW.

- 1.) NOTICE OF APPEAL,
- 2.) MOTION FOR REHEARING,
- 3.) MOTION FOR STAY AND SUPERSEDEAS,
- 4.) DESIGNATION OF MATTER TO BE INCLUDED IN R.O.A.,
- 5.) AFFIDAVIT AND DOCUMENTS IN SUPPORT OF PACKET,
- 6.) A.L.C. ORDER BEING APPEALED.

SERVED TO: AS INTERDEPARTMENTAL LEGAL MAIL

S.C. DEPT. OF P.P.P. SERVICES
DEPUTY DIRECTOR OF LEGAL SERVICES
P.O. Box 207
COLUMBIA, SC. 29202

S.C. ADMINISTRATIVE LAW COURT
HON. RALPH K. ANDERSON III
1205 PENDLETON ST. SUITE-224
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RONALD C. ALBRIGHT #211533
LIEBER CORRECTIONAL INSTITUT.
P.O. Box 205
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4-28-25

DATED

RONALD C. ALBRIGHT #211533
Lieber Correctional Institution WB-135
P.O. Box 205 Ridgeville, S.C. 29472

MAY 05 2025

SC Court of Appeals

S.C. COURT OF APPEALS
JENNY A. KITCHINGS - CLERK
P.O. Box 11629
COLUMBIA, SC. 29211

4/28/25
Dated

RE: NOTICE OF APPEAL AND MOTIONS FROM THE A.L.C.
CASE No. 25-ALJ-15-0004 - HON. RALPH K. ANDERSON III

Dear MRS. KITCHINGS,

PLEASE FIND ENCLOSED FOR FILING: (1) ONE "NOTICE OF APPEAL" OF AN ORDER FROM THE A.L.C., (2) ONE "PROOF OF SERVICE", (3) ONE COPY OF ORDER BEING APPEALED, (4) ONE "PETITION/MOTION FOR REHEARING", (5) ONE "PETITION/MOTION FOR STAY & SUPERSEDEAS", AND (6) ONE "AFFIDAVIT & DOCUMENTS" PACKET IN SUPPORT OF MOTIONS. (7) APPELLANT & RESPONDENT'S REPLIES PRIOR TO CONTESTED A.L.C. ORDER. (8) DESIGNATION OF MATTER TO BE INCLUDED IN THE R.D.A. COULD YOU PLEASE KINDLY SEND ME A FILE/DATE STAMPED COPY OF THESE DOCUMENTS WHEN THEY ARE FILED, FOR MY RECORDS? THANK YOU.

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

Respectfully Submitted,
Ronald C. Albright
Ronald C. Albright #211533

RONALD C. ALBRIGHT
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JENNY A. KITCHINGS - CLERK
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