

The State of South Carolina  
In The Court of Appeals

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Appeal From Administrative Law Court

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Appellate Cases: 2013-000852 and 2013-000864

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Billy Lee Lisenby JR, #200273

Appellant

RECEIVED

NOV 06 2013

SC Court of Appeals

v.

South Carolina Department of Corrections

Respondent

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Request For Extension of Time

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The above Appellant moves for an Extension of Time to file his Final Brief. Appellant is being denied access to the courts by Respondents. He has over 20 cases pending in South Carolina Courts, and MRS. Smith and MRS. Melton Refuse to provide him with over (3) envelopes. Ranging at approx. 12 envelopes a month, and 4 brown envelopes. There is no way I can fight 20 cases with the amount of legal supplies they are providing Appellant.

Also MRS. Desai Refuses to provide Appellant with more than 3 hours law library time a week. He has explained over and over again and she refuses to provide him with extra law library time. She gives him law library time from 9:00 AM to 12:00 PM on Mondays this is the time Appellant goes to pick up legal mail and grievance in which all deal with legal issues.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

File No(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MOTION FOR  
APPROPRIATE RELIEF**

)  
)  
)  
)  
)

Defendant.

STATE OF NORTH CAROLINA

v.

NOW COMES

\_\_\_\_\_, Defendant *pro se* in the above-captioned case(s), and respectfully moves the Court, pursuant to G.S. 15A-1411, *et seq.*, for appropriate relief from the Defendant's conviction and sentence in said case(s). In support of this Motion, Defendant shows the Court:

(1)

I am asking the Court to review the legality of the following conviction(s) which I am presently obligated to serve

Date of conviction(s): \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

Plea (guilty or not guilty): \_\_\_\_\_

Offense(s) convicted of: \_\_\_\_\_

Sentence(s): \_\_\_\_\_

(2)

Here is a brief statement of facts that shows that I am legally entitled to relief from my conviction(s) and/or sentence(s). (Use additional paper if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Also he is receiving a hardtime sending out legalmail and receiving it, even though he has deadlines. The mailroom personnel is MRS. Estridge and MRS. Michal.

Appellant ask that an extension be granted in this case, and MRS. Smith, and MRS. Melton be directed to provide Appellant with the needed legal supplies to fight his 20 cases; and MRS. Desai afford Appellant with extra law library time to properly litigant his 20 cases, and that MRS. Estridge and MRS. Michal be directed to provide him with his incoming legalmail and send his outgoing mail out asap.

See Exhibits 1-12 to support his claims.

Dated: Nov. 1<sup>st</sup> 2013

Respectfully Submitted,

Billy Lee Lisenby

Billy Lee Lisenby JR, #200273  
990 Wisacky Hwy.  
Lee C. I  
Bishopville S.C. 29010

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

\_\_\_\_\_ ) Civil Action No. \_\_\_\_\_  
*[Enter the full name of the plaintiff in this action]* ) *(to be assigned by Clerk)*  
 )  
 )  
v. ) **COMPLAINT**  
 ) **State Prisoner**  
 )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
*Enter above the full name of defendant(s) in this action* )

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes \_\_\_\_\_ No \_\_\_\_\_
- B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.
1. Parties to this previous lawsuit:  
Plaintiff: \_\_\_\_\_  
Defendant(s): \_\_\_\_\_
  2. Court: \_\_\_\_\_  
*(If federal court, name the district; if state court, name the county)*
  3. Docket Number: \_\_\_\_\_
  4. Name(s) of Judge(s) to whom case was assigned: \_\_\_\_\_
  5. Disposition: \_\_\_\_\_  
*(For example, was the case dismissed? Appealed? Pending?)*
  6. Approximate date of filing lawsuit: \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

The State of South Carolina  
In The Court of Appeals

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Billy Lee Lisenby JR, #200273

Appellant

v.

South Carolina Department of Corrections

Respondent

---

PROOF OF SERVICE

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The above Appellant swears under penalty of perjury that he has served a copy of Appellant's Request For Extension of Time on the Respondents by sending their attorney a copy at the following address:

Dated: Nov. 15<sup>th</sup> 2013  
Christophe D. Florian  
P.O. Box 21787  
Columbia, S.C. 29221

Respectfully Submitted,

Billy Lee Lisenby

Billy Lee Lisenby JR, #200273  
990 Wisacky Hwy.  
Lee C. I  
Bishopville S.C. 29010



**AGREEMENT TO DEBIT E.H. COOPER ACCOUNT**

Inmate's Name: <i>Billy Lisenby</i>	SCDC #: <i>200270</i>	Housing Unit: <i>Chr. A. 1152</i>	Date: <i>Oct. 8, 2013</i>
--	--------------------------	--------------------------------------	------------------------------

**GENERAL MATERIAL**

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other	<i>[Signature]</i>	
Sub-Total:		

**RECEIVED**

OCT 7 2013

LEE CI BUSINESS OFFICE

*A Needed  
Order*

**RECEIVED**

OCT 10 2013

LEE CI BUSINESS OFFICE

**LEGAL MATERIAL**

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope	<i>14 3</i>	
Pen	<i>1</i>	
Paper	<i>30 20</i>	
Postage		
Other	<i>1 8 Big Blue Envelopes</i>	
Sub-Total:		<i>1.05</i>

*2012-CP-14-00132*

*2012-212336*

*2013-000853*

*2013-000864*

*2013-000852*

*2013-CP-42-00139*

*13 ALJ-04-0203 AP*

*5:13-2106-DCM*

*R. R 2013*

*CP-13-734*

**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount	Cost
Photocopies		
Sub-Total:		<i>1.05</i>

**TOTAL**

*Billy Lisenby*  
Inmate's Signature

*[Signature]*  
Mailroom/Canteen Signature (Request filled by)

*10/16/13*  
Date

*Exhibit #1*

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**

**OFFICE OF GENERAL COUNSEL**

**RESPONSE TO INMATE CORRESPONDENCE**

INMATE: Billy Lee Lisenby Jr. #200273

INSTITUTION: Lee CI

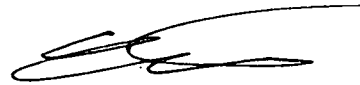
FROM: Christopher Florian

SUBJECT: Law Library

DATE: 9/25/13

Institutional records reflect you have been provided OTR's for the library on multiple occasions in the last two weeks.

S/



---

Christopher Florian  
Deputy General Counsel

Exhibit #2

GRIEVANCE Clerk MRS. RIVERA

Oct. 1<sup>st</sup> 2013

Billy Lisenby

# 200273

Lee Corr. Inst.

Ch N. 1152

I have several court deadlines and I have been constantly waiting the business office and they will not send me the needed legal supplies.

Will you please look into this?

Exhibit #3

You need to send a RTS to the Business Office -

10/7/13

K. Rivera

If you continue to not honor my request and deny me access to the courts I will be forced to file for injunctive relief in 20 cases to have the courts compell you to provide me with the needed legal supplies.

I take my legal work very serious. This is my 2nd letter to you. I will not work again. You will force me to barter and trade to obtain supplies and I will do this to fight my cases.

Exhibit #4

Respectfully,

I believe our correspondence <sup>is</sup> <sup>status</sup> "Crossed in mail" so I did not speak. I filled an order on 9/17/13 but the Lt. didn't get it until 9/19/13. You ~~should~~ should have

received it by now.

9/20/13

Amrita

Business Office

RECEIVED

Sept. 17, 2013

Billy Lisenby

SEP 17 2013

#200273

LEE CI BUSINESS OFFICE

Lee C. I

Ch. N. 1152

I have sent you 3 debit forms for legal supplies and you have fail to respond.



Lisenby -

First of all we do not fill orders daily - we try to fill them once a week if not more.

Second the Lt has to pick up the material to deliver to you.

I filled an order for you on 9/4/13 and again 9/12/13.

I have two Debt forms from you now they will be filled later today.

Smith 9/17/13

Exhibit #5

MRS. Melton

Oct. 10<sup>th</sup> 2013

Billy Lisenby

**RECEIVED**

#200293

OCT 16 2013

Lee C. T.

LEE CI BUSINESS OFFICE

Ch. N. 1152

Why are you not giving me the needed amount of legal supplies? I have cases ready to go out but I cannot send them because you will not give my legal pleas that I need.

Again I have over 20 cases pending in S.C. alone.

Lisenby,

We are filling orders from you quite often.

Sometimes you send us a Form 10-14, before we can get it filled we get another from you.

That's why it was marked "Duplicate" and sent back to you  
10/16/13 *Smiles*

Exhibit #6

Warden Nolan

Sept. 12<sup>th</sup> 2013

Billy Lisenby

#200277

Lee Ann Just

Che N: 1152

I sent 8 letters out in which all were legal mail, on September 4<sup>th</sup> 2013. MRS. Eastridge the mailroom supervisor sent them back on September 10<sup>th</sup> 2013 with a note on them saying "need proof." I had a letter in there to the United States Court of Appeals, with a deadline for Sept. 6<sup>th</sup> 2013. It had her (7) days to send my legal mail back.

I still couldn't get it sent out until Sept. 12<sup>th</sup> 2013 because we were locked down on Sept. 11<sup>th</sup> 2013, and September 12<sup>th</sup> 2013. Our mail is not being handled pursuant to policy and law.

Will you look into this?

Thanking you in advance!

Billy

Exhibit #7

Copies have been forwarded to A/W Dean and the mail room

A/W Nolan

cc: Alw Dean

Assoc. Nolan (Warden)

Sept. 19<sup>th</sup> 2013

Billy Livshy

#206273

Lee C. I

Che. N. 1152

On Sept. 18<sup>th</sup> 2013 several inmates and myself had OTR's for the mailroom when Count Clear for 1 hr. Co Stucky refused to honor this. Co Stucky said L.T. Shaw said "we had to wait until tomorrow." Once I got to the plaza gate Sgt. Volten made me stand there nearly 25 mins. Once I got through the mailroom MRS Eastridge (name maybe misspelled) was very nasty and said "tomorrow." I tried to explain and she constantly cut me off.

There is no excuse for her to hold my mail. Sgt. Volten (name maybe misspelled) explained it was her vault not mine. MRS. Eastridge does not understand the importance of legal mail.

I ask that somebody look into our constant complaints about the mailroom. Also our mail and legal mail is two weeks behind. When we are on lock-down we cannot send our mail out legal or non legal. I have 20 or more pending cases in S.C. Courts.

Thanking you in advance!

Billy

Exhibit # 3

I am sending your request to Alw Dean because he is over the mail room.

10/1/13

Alw Nolan

General Counsel

RECEIVED

Sept. 4<sup>th</sup> 2013

Billy Lisenby

SEP 4 2013

INMATE GRIEVANCE

#200273

Lee County C.I

Ch. N. 1152

The mailroom and officers here are violating policy and procedure along with state and Federal law. I arrived at this prison on Aug. 20<sup>th</sup> 2013 and sometime afterwards the mailroom staff sent me an OTR for legal mail in which I never received. On Aug. 30<sup>th</sup> 2013 I went to the mailroom and they provided my legal mail stating "they had been sent me an OTR."

Next my legal mail I sent out has been sitting on L.T. Jack Brown's and L.T. Davis desk since Aug. 30<sup>th</sup> 2013. I asked L.T. Davis for it yesterday and he said "I'll give it to you but never did."

I have to notify the courts of any address change on my case is subject to dismissal. On Sept 4<sup>th</sup> 2013 the mailroom return (9) nine of my legal letters in the regular mail without giving me a reason. Also these letters were sent out different days so it's obvious they are holding my mail. Also they must give me a reason for returning my legal mail. They do not suppose to return my legal mail with the regular mail.

Also we are not receiving our OTR's and mail in the Chesterfield Unit. I ask that you please look into this. I send out and receive large amounts of legal mail. I have over 15 cases pending in court right now, and this can be verified by the general counsels.

Thanking you in advance!

Exhibit #9

Billy L.

Forward to Operations 9.30.2013 Ann Hallman

ANN HALLMAN  
INMATE GRIEVANCE  
BRANCH CHIEF

LEGAL MAIL

Grievance Clerk MRS Rivera

SEP 24 2013

Sept. 19<sup>th</sup> 2013.

Billy Lisenby

#200273

Lee C. I

Ch. N. 1152

On Sept 18<sup>th</sup> 2013 several inmates and myself had UTR's for the mailroom when count clear for 1 hr. C/o Stucky refused to honor this. C/o Stucky, said L.T. Shaw said "we had to wait until tomorrow". Once I got to the plaza gate SGT. Volter made me stand there nearly 25 mins. Once I got through the mail lady MRS. Easteridge (name maybe misspelled) was very nasty and said "tomorrow". I tried to explain and she constantly cut me off.

There is no excuse for her to hold my mail. SGT. Volter (name maybe misspelled) explained it was her vault not mine. MRS. Easteridge does not understand the importance of legal mail.

I ask that somebody look into our constant complaints about the mailroom. Also our mail and legal mail is two weeks behind. When we are on lock-down we cannot send our mail and legal or nonlegal. I have 20 or more pending cases in S.C. Courts.

Thanking you in advance!

Billy

Exhibit #10

You need to send this RTS to Mrs. Easteridge.

Thank you.

K. Lwin 9/25/13

Grievance Clerk MRS. Rivers

SEP 24 2013

Sept. 19<sup>th</sup> 2013

Billy Lisaboy

# 200290

Lee C. T

Ch. No. 1152

On Sept. 19<sup>th</sup> 2013 we were on lock-down because the Agency Search Team were conducting shakedowns. I asked L. T. Davis (S) times to send my legal mail out for me, because I had a deadline. I also, asked Co Fitee and Co Boatwright.

When I was here in 2011 I won a grievance that directed the officers to bring a locked box around to obtain our legalmail, mail, and grievances.

I ask that you please look into this.

Thanking you in advance!

Beltz

Exhibit # 11

You need to write DW Davis a Capt-Commander about this -

Shaban  
K. Lwin 9/25/13

Law Library

Sept. 10, <sup>th</sup> 2013

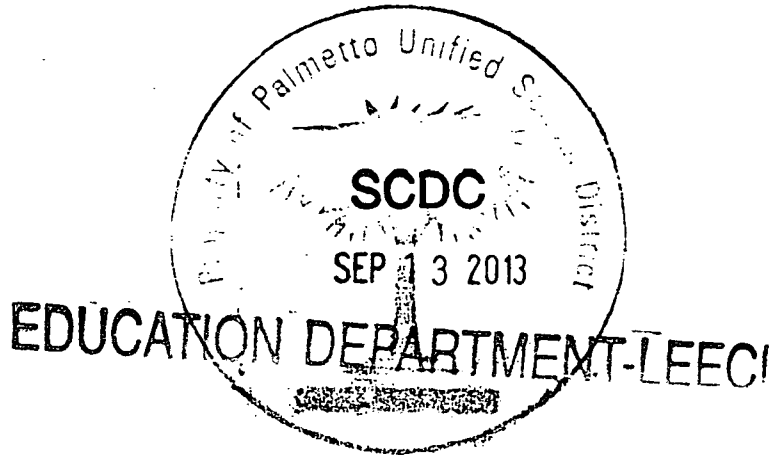
Billy Lisenby

#200273

Lee Corr. Inst.

Ch. 11152

I have several deadlines and I need law library time. I have over 20 cases pending in S.C.



See Exhibit #12

Please follow through:  
9/13

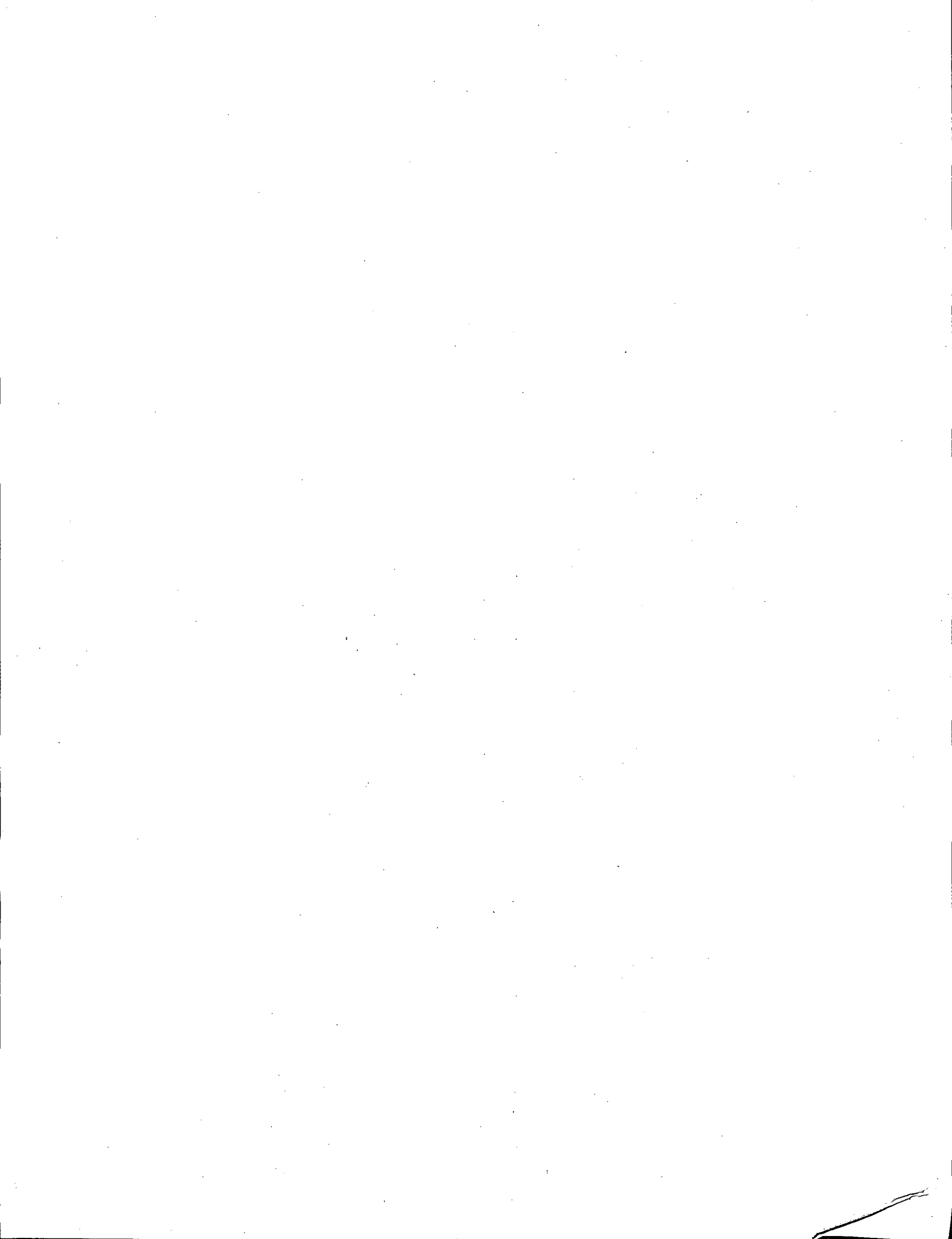
You are approved for the following days:

9.16.13

9.23.13

9.30.13

@ 9:00-12:00 <sup>noon</sup>



RECEIVED

Business Office MRS Smith

OCT 02 2013

Sept 27<sup>th</sup> 2013

Billy Lisenby

LEE CI BUSINESS OFFICE

#200273

Lee C. I

Ch. N1154

I have been trying to get legal supplies for two weeks.

Lisenby -

I filled orders for you on 9/4, 9/12,  
9/17 and 10/1.

Smith 10/2/13

Law library

Sept. 1<sup>st</sup> 2013

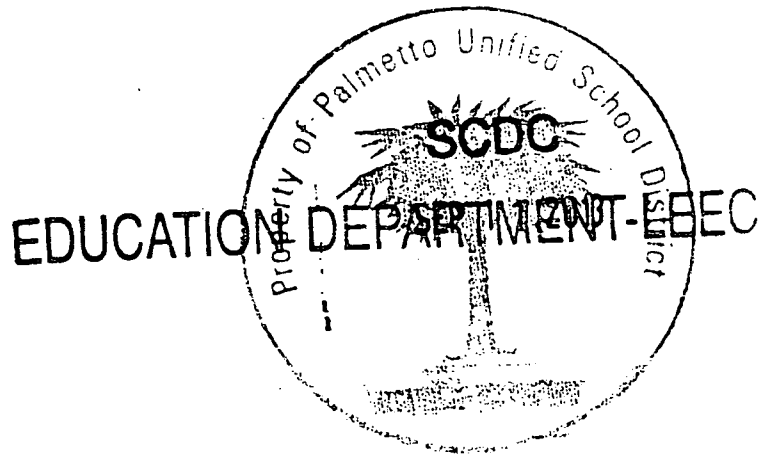
Billy Lisenby

#200270

Lee C. I

Ch. No. 2118

I have several court deadlines. Would please afford me extra ~~at~~ law library time.



Please follow through!

A) 9/11

You are approved for the following days

9-16-13 }  
 9-23-13 } @ 9:00-12:00  
 9-30-13 }