

Wanda M Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

November 16, 2013

Ms. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29221

RECEIVED
NOV 21 2013
SC Court of Appeals

Re: Matthew B. Fullbright SCDC 349468 Appellate Case # 2012-207553

Dear Ms. Kitchings

I am writing this letter in regards to SCDC Inmate Matthew B. Fullbright SCDC #349468 who is housed at Lieber Correctional Institution, residing in Dorm: Edisto- B-56.

My intention and scope of this letter is to alert the Appeals Court and Supreme Court of South Carolina of some incidents that have occurred with Matthews' legal discovery. I previously wrote to Warden J. McFadden and SCDC Officer of General Counsel David Tartarsky concerning the seizing and review of Matthews' legal discovery which was seized on August 19, 2013. This legal discovery was mailed directly to him from his trial attorney Scott Robinson. This legal discovery was opened in Matthews' presence and mailroom worker Lurdean Bryant with Lieber Correctional informed Matthew that since the discovery contained crime scene pictures, it was being sent to SCDC CRC review in Columbia, SC. Per our (myself and Matthews') phone conversation, Lurdean Bryant refused to seal said discovery in his presence, and told him she would seal it later when she had time. This was witnessed by a couple of inmates and I have in my possession their affidavits attesting to that fact. This legal discovery contained approximately 4000 pages with 927 pictures in total. When his legal discovery was returned to him on October 24, 2013, many documents were missing and only 26 pictures were returned to him. The precise documents not returned to him nor the exact amount of pages I am not sure of, nor is Matthew because this is the 2nd time his legal discovery has been seized within SCDC. The first incident occurred when Matthew was at Lee Correctional Institution located in Bishopville, SC.

This letter is multifaceted with problems. The original reason I contacted Warden McFadden and Mr. Tartarsky was to inquire what SC Law State and Federal laws, statutes, rules, policies governed the seizing of said legal discovery and equally important I have come to find out that **MY** personal and his families personal information are contained within that discovery. **These items include names, addresses telephone numbers and social security numbers.** The Warden responded with a formatted letter stating that Mr. Fullbright was aware it was to be seized because of the content and to whom he should address this to which is the mailroom worker Lurdean Bryant and where he could locate the policy, but never gave mention to what that SC Law/Orders/Policies is to me in my letter. However, more disturbing to me, is the content which surrounds **MY** personal information and his families and who all has had possession of that information. **The Warden never addressed that concern of mine. Mr. Tartarsky never responded at all.** I am enclosing copies of my letters to them and the one response from Warden McFadden. I find it irresponsible on Warden McFadden, his staff, and SCDC because I

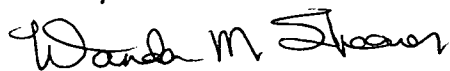
have written Warden McFadden and Mr. Tartarsky and **specifically** asked about the legal discovery seizure **and** the inquiry as to **MY** personal information, and in seeking policy, state and federal law and policy which allows them to seize legal documents from said trial attorney and you will see in the enclosed letter from Warden McFadden it is very vague and answers nothing in that regard. The seizing of Matthews' legal discovery has greatly hampered him from working with that discovery to perfect his case for appeals. Now that many documents are missing and the majority of pictures have been removed, this has in turn rendered him with an incomplete legal discovery. You will also find another incident which occurred with Matthew and an officer at Lieber Correctional involving staff there are aware of the legal discovery being taken and the conversation the officer had with Matthew about the discovery. Highly unethical that his legal discovery is basically common knowledge within the institution **and I nor his family know who all has had access to our personal information, not to mention Matthews' legal confidentiality of the lawyer/client relationship has been totally violated.**

Matthews' Jackson v Denno hearing from November 2011 is also in question because his testimony was removed from the transcript. I was at that hearing and have forwarded Matthew a copy of that affidavit that I was witness to his testimony as was his father, step-mother, and minister who have all sent affidavits to Matthew. I have a copy of that transcript and his testimony is not there, nor do the timelines that I have from the court reporter line up with the hearing. I also have those in my records since they are addressed to his appellate attorney Susan Hackett of Columbia, SC. His transcript ends on a recess and not on an adjournment, and the court reporter timeline reflects that there is an approximate 10 minutes missing from the transcript, based on her letter that I have in my possession, that her times are conflicting with her transcript.

In summation, I am alerting the Supreme Court of South Carolina and the Appeals Court of South Carolina per these highly unethical and I feel highly illegal incidents that Mr. Matthew Fullbrights' appeal will greatly become an injustice to him in trying to show where the trial court was in error.

Please time stamp and date this letter and enclosed documents within your facility and kindly respond to me in writing that this letter will be submitted with Matthews' appeal case, and send one copy to me, and one copy to Matthew Fullbright at Lieber Correctional Institution. I appreciate your timely response.

Sincerely



Wanda M. Shearer

Cc:

Matthew B Fullbright

Marshall Fullbright

David Tartarsky

Warden Joseph McFadden

Susan Hackett

Jenny Abbott Kitchings

Daniel Shearouse

Brenda Shealy

Bryan P Stirling

Wanda M. Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

November 16, 2013

Mr. Joseph McFadden
Warden, Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Incident of October 23, 2013 and Matthew B Fullbright SCDC #349468, Ongoing Concern with Legal Discovery

Dear Mr. McFadden

On October 23, 2013, I received a call from inmate Matthew B Fullbright , SCDC 349468 precisely at 130pm concerning an incident in the dining area with one of your staff members, Charles Turbide ID # 047990. This incident occurred at 105 pm in said dining area. Per Matthews' conversation with me, he was asked by an inmate if Matthew wanted something left over from his tray. Matthew said sure, and apparently this does occur between inmates on a regular basis, being that one will ask another if they are interested in leftover items on a tray. According to Matthew, Charles Turbide told him that he couldn't have the tray, yelling and cursing at him about the tray and Matthew informed him that he was hungry and he knew he had received food items before from other inmates in the dining area , so he didn't see the problem with accepting again. However, today, Mr. Turbide said it wasn't happening, so he wanted Matthews' ID to write him up. Matthew wanted to know why he was being written up for accepting food when he sees this happening everyday with "other" inmates and Mr. Turbide sees it happening. Mr. Turbide evidently turned a deaf ear on that and wanted Matthews' ID.

This letter is now 2 fold in essence. I have received a copy of the SCDC inmate information guide authored by Jon Ozmint SCSC Policy ADM-11.34 where employee and inmate relations consist of courtesy , mutual respect and proper demeanor when discussing problems, answering questions, etc. As I stated 2 fold, disrespect by an officer when there is no need for the confrontation. But secondly, and **MOST** important refers back to my letter you received from me, dated September 27, 2013.

Evidently Mr. Turbide made a comment to Matthew and it went in the following format:

"Yeah Fullbright, I know you. You're always that one doing the law work in the library and writing people up about your legal discovery." Matthew asked him, "What do you mean my legal discovery?"
Mr. Turbides' response was, " Your discovery is going to keep you in prison."

So, as you see this goes back to my original letter to you sent about his legal discovery. Your response I did read answered **NOTHING** of what I asked you to identify as to **MY** personal information contained within that legal discovery. Your letter gives me the generic format letter as to why in general terms according to SCDC policy which you never stated, nor referenced, and where Matthew could locate this rule regarding mail, etc....but you evaded my question concerning **MY** information. Please spare me the format letter again, because I know Matthew has received his legal discovery from SCDC CRC review. This goes well beyond that reason now. Now it seems that not only you as the Warden, Lurdean Bryant, and now it seems apparently random officers know about Matthews' legal discovery being seized. Now, I find this situation with Mr. Turbide outrageous and very unethical, and let me take a great stab at this

highly illegal, because now I am sure your staff, other inmates, etc. know things in that legal discovery that DO NOT concern them. We all know that staff members in their capacity have a way of disclosing information concerning other inmates and this is not only unethical, unprofessional, but I consider highly illegal. So again, spare me the honesty and professionalism that your officers would never discuss another inmate.

Another interesting incident concerning Matthew and C. Turbide occurred on October 24, 2013 at approximately at 130 pm. He (Turbide) made a comment to Matthew again in the dining area. Format as follows:

“Don’t be surprised if medicine is found in your cell that you haven’t been taking, so don’t say I didn’t warn you if your door gets kicked in and they find medicine and charge you.”

Seriously, this sounds like a setup to me. It seems apparent that you have no control over events and your staff at your institution.

Now to sum this up:

1. The only staff in your institution who should have known about Matthews’ legal discovery that was seized was yourself as Warden, the mailroom worker L Bryant, SCDC CRC review in Columbia, but it is now apparently widespread to other staff within your facility.
2. **Again who has privy to the legal discovery in regards to my personal information, because again you failed and evaded that in your response letter to me.**
3. Evidently, the staff in your institution does not live up to the standard set forth in the SCDC policy Number : ADM-11.34 Issue Date July 1 2004.
4. I feel and so will Matthews’ family who will be receiving a copy of this letter, that charges placed upon Matthew will and are to be questioned since your staff seems to have an overwhelming amount of knowledge concerning his legal discovery and in knowing that whomever in your facility has had said knowledge know that their own personal information is also being compromised as has mine. This has really become apparent to me since I have started receiving telephone calls over the last few months that someone “somewhere within the SCDC prison system” is making. I make a firm suggestion to you as a Warden overseeing an institution and an employee within the SCDC system that those calls to me cease **IMMEDIATELY** wherever and for what- ever reason they are being instigated.
5. Since you personally as Warden of said facility, and David Tartarsky with SCDC have failed to inform me of **MY** personal information and who has had access, why, what is being done with it, and if questioned to what extent, I have decided to take this out of your hands as the Warden and make a formal declaration to higher government authorities, including state, national and media outlets.

These few incidents with legal discovery, staff involvement, etc. are not the only above mentioned items that will be addressed to authorities and media. The totality concerning many issues within the SCDC system and Inmate Matthew Fullbright have led me to decide it is time for the people of this state and other states to get a glimpse of our prison system within South Carolina.

I am alerting his family to question if, and if they do not hear from Matthew be it in the form of calls, visits, and writing that his correspondence with me and his family cease or become very structured and vague in time and concept. He has a right to contact myself and family members should and if any personal, mental, and/or physical harm come to Matthew within any SCDC system we, as his family, will promptly address this to local and national authorities.

Sincerely

A handwritten signature in cursive script that reads "Wanda M. Shearer".

Wanda M. Shearer

cc: Matthew Fullbright

David Tartarsky

Marshall Fullbright

Daniel Shearouse, SC Supreme Court Clerk of Court

Jenny Abbott Kitchings, SC Court of Appeals

Brenda F Shealy, Deputy Clerk of Court, SC Supreme Court

Susan Hackett, SCCID Appellate Attorney

Bryan P Stirling

Wanda M. Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

September 27, 2013

Mr. Joseph McFadden
Warden, Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

RE: Confidential Information, Matthew B Fullbright SCDC # 349468, Legal Discovery

Dear Mr. McFadden

I am writing you today concerning information that has been brought to my attention concerning an inmate at your facility, named Matthew B. Fullbright, SCDC #349468, housed in Ashley -B- 49.

On August 19, 2013, Mr. Fullbrights' legal discovery was seized by a person named L. Bryant who works for your mailroom at Lieber Correctional. I would like to know what SCDC policy governs the seizing and review of an inmates' legal discovery. My personal information is in that legal discovery. This has been brought to my attention and I would like to know who, why, and what policy governs that my personal information is being put at risk, questioned, and reviewed.

Mr. Fullbright has been having his personal and legal mail tampered with in ways not allowed by SCDC policy. And now to learn that my personal information in his legal discovery is at the risk of being tampered with is unsettling to me. I question you as Warden as to how my information is being used and how do I now assume my personal information is safe. Mr. Fullbrights' legal discovery and other legal effects have been confiscated at your facility. All of these occurrences are and will affect his ability to perfect his appeal for his criminal convictions.

I am aware as you are that Mr. Fullbright has written an emergency grievance (LCI-1258-13) and (LCI-1317-13) in an effort to ensure a proper place and proper time are afforded to Mr. Fullbright to look through his legal discovery upon its immediate return to Lieber Correctional Institution. These grievances were deemed non-emergency in nature by Lieber Grievance Personnel, however any seizure of his legal discovery, again affects his ability to perfect his criminal appeal, which in effect deems this an emergency.

He needs your help and so do I in these matters. The entire contents of this letter rest upon your shoulders as Warden of Lieber Correctional Institution. I hope you take care of these issues to ensure that my personal information is kept safe and that all of Mr. Fullbrights' legal discovery is given back to him.

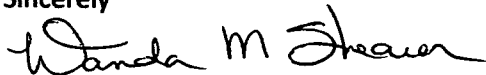
To sum this letter:

1. I would like to know your intentions in writing to me in regards to these issues.
2. I want specific and detailed SCDC policy on the seizure and review of his legal discovery, and why this was conducted.
3. I want Federal and State Laws, Regulations, Statutes, that govern your facility to seize and review his legal discovery.
4. How and what personal information of mine is in question, how is it being used, and who (all parties) have had access to my information.

Please send me written responses to the above mentioned inquiries from your facility, SCDC, and Federal, and State with dates that each policy, policy numbers, statute, regulation and law are and when they were placed in effect.

You will have ten (10) days to respond to me in writing concerning these issues. Failure, to do so, will compel me to contact appropriate authorities.

Sincerely

A handwritten signature in cursive script that reads "Wanda M. Shearer".

Wanda M. Shearer

Wanda M. Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

September 27, 2013

Mr. David Tatarsky, Attorney
SCDC/Office of General Counsel
4444 Broad River Road
Columbia, SC 29221

Re: Confidential Information, Matthew B. Fullbright, SCDC# 349468, Legal Discovery

Dear Mr. Tatarsky

I am writing to you today concerning Matthew Fullbrights' legal discovery that was seized by the mailroom clerk (L. Bryant) at Lieber Correctional Institution on August 19, 2013. I was informed by Matthew that his legal discovery was sent to SCDC headquarters to the correspondence review committee.

It has come to my attention recently that my personal information is within his legal discovery. I am in need of answers concerning this new found information. What are you, the SCDC doing with my personal information? In other words, what capacity are you using my personal information? Is the SCDC copying my information, using it in any capacity, and who all has had access to my information since the legal discovery was seized at Lieber Correctional Institution.

I want to know the exact laws that are governing these issues:

1. Why was Mr. Fullbrights' legal discovery taken and turned over to SCDC for review?
2. Is it being censored, and if so, why and what constitutes in law, SCDC, State, and Federal that gives that right?
3. What is happening with my personal information, who has had possession, why and what access to that personal information is needed by SCDC entities.
4. What assurance do I have in your agency and any person(s) looking at my personal information to safeguard and keep safe and confidential.

While you are in possession of this letter, Warden McFadden at Lieber Correctional has also received a letter from me concerning this same issue. As I have requested written policy(s), law(s) and dates they are placed in effect within your system, I am requesting the same information from you in writing as to the precise and detailed information as to the legal discovery seized from Lieber and submitted to SCDC, what is happening to get Mr. Fullbrights' complete legal discovery returned to him for his inspection of its full contents so he may perfect his criminal appeal, and what is and who is looking, using, and obtaining personal information concerning myself?

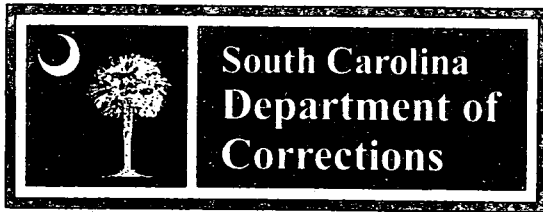
As with Warden McFadden, I am in need of your help in answers to these questions. You will have ten (10) days to respond to me in writing concerning these issues, before I feel I am compelled to contact appropriate authorities.

I appreciate your timely response to my letter.

Sincerely

Wanda M Shearer

Wanda M. Shearer



NIKKI R. HALEY, Governor
WILLIAM R. BYARS, JR., Director

Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

October 3, 2013

Wanda Shearer
101 Saluda Pointe Drive – Unit 517
Lexington, SC 29072

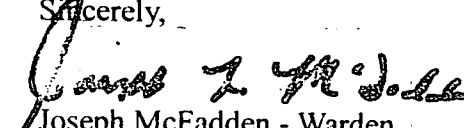
Re: Inmate Matthew Fullbright

SCDC#349468

Dear Ms. Shearer:

I am receipt of your letter dated September 27, 2013 and received my office on October 2, 2013. Your letter was regarding the above referenced inmate. In your letter you stated that Ms. Lurdean Bryant, Postal Director, mishandled Inmate Fullbright's legal mail. This issue has already been addressed with Inmate Fullbright and his family. Our General Counsel is aware of this incident and Ms. Bryant acted appropriately and followed SCDC Policy and Procedure regarding this matter. In the future, if Inmate Fullbright is not sure what kind of documentation he can receive and under what circumstances that his correspondence will be subject to review, he needs to address his questions to the mail room or read the policy regarding legal mail, etc. which is located in the law library for his review. Inmate Fullbright was made aware why the documentation was sent to the Correspondence Review Committee (CRC).

Sincerely,


Joseph McFadden - Warden
Lieber Correctional Institution