

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

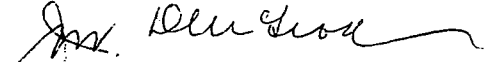
Emmanuel McFadden, #124011) Docket No. 13-ALJ-15-0035-AP
)
Appellant,)
)
vs.)
)
) **ORDER OF DISMISSAL**
)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Respondent.)
_____)

This matter is before the Administrative Law Court (“ALC”) pursuant to the appeal of the above named “Appellant”, an inmate incarcerated with the South Carolina Department of Corrections. This appeal of a parole denial was assigned to me on August 15, 2013. Pursuant to ALC Rule 60(A), Appellant was required to file an original brief with respect to this appeal within sixty-five (65) days after the Date of Assignment.

On November 6, 2013, Respondent South Carolina Department of Probation, Parole and Pardon Services filed its original brief. Pursuant to Rule 60(A), Appellant was supposed to file his original brief on appeal on or before October 21, 2013, prior to Respondent filing its brief. Instead, Appellant filed a “Reply to the Respondent Brief” on November 20, 2013.

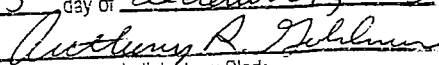
Pursuant to ALC Rule 62, an Administrative Law Judge may dismiss an appeal for failure to comply with the rules of procedure for appeals, including the failure to comply with any time limits set forth in the rules of procedure for appeals. Appellant’s failed to file an original brief as set forth in ALC Rule 60(A).

IT IS THEREFORE ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**



John D. McLeod, Judge
S.C. Administrative Law Court

December 5, 2013
Columbia, S.C.

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 5 day of December, 2013
By: 
Judicial Law Clerk

FILED
DEC 05 2013
SC ADMIN. LAW COURT

Leach Downs

date.yer. Each Month

6-29-13

6-30-13

7-27-13

8-6-13

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9-29-13

10-1-13

10-2-13

10-5-13

10-24-13

10-25-13

10-27-13

10-28-13

10-31-13

Exhibit (1)

Exhibit (2)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

RECEIVED
DC Page 1 of 1

Institution / Center: Juvenile Correctional Institute

Date of Report: Oct. 2, 2013 Time of Report: 2:30 PM

Reporting Official: Samantha Cowley Date of Incident: OCT. 21 2013

Location of Incident: Education I Time of Incident: Approx 11:30

| Inmate(s)/Resident: | SCDC# | Age | Race | Sex | Employee(s) Involved: |
|----------------------|----------|-----|------|-----|-----------------------|
| 1. Wetzel Anthony | 00243942 | | | | Samantha Cowley |
| 2. McFadden Emmanuel | 00124011 | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

On the above date and approximate time:

While conducting a shake down search in the office area inside of education I found a folder with 4m McFadden Emmanuel scdc# 00124011 legal materials, and 4m Wetzel Anthony scdc# 00243942 work keys materials. 4m McFadden was not in education here today. 4m Wetzel is assigned to this area. Inmate Wetzel approach me and asked about the folder and I asked him why did he have 4m McFadden legal material. 4m Wetzel stated that he was helping him. 4m Wetzel is assigned to Fed 1 to do janitor work not legal work. There also was several blank copies of legal material that are not allowed to be copied unless the inmate request for it that are housed in 817. Request 4m wetzel be remove for Education I.

Signature: [Signature]

Evidence: 21 pages legal material, 12 pgs work key 1, staff request

Witness(es): CONFIDENTIAL

Supervisor's Comments: Refer to Admin Hearing for 817 Possession of Contraband

Signature: [Signature] Title: Capt Date/Time: 10/21/13 4:15pm

Major / Responsible Authority: forwarded for Admin Hearing for 817 Charge. No Mental Health

Signature: [Signature] Title: Major Date: 10/31/13

STG Related - Refer to STG Committee
() Yes No () Unknown

This Incident is DRUG related
() Yes No () Unknown

Action Taken

() Informal Resolution

Administrative Resolution

() Refer to Disciplinary Hearing