

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEAL

 ROBERT BROOKS, # 216605

NOTICE OF APPEAL

VS

SOUTH CAROLINA DEPARTMENT
OF
CORRECTION

DOCKET NO.: 13-ALJ-04-0868-AP

RECEIVED

JAN 27 2014

SC Court of Appeals

FACTS

ON JULY 7TH, 2013, AT APPROXIMATELY 3:15 P.M., APPELLANT WERE CHARGED WITH AN (B9E) "POSSESSION OF ANY CELLPHONE, OR OTHER TYPE OF COMMUNICATION DEVICE" BY SGT. V. SMITH. SGT V. SMITH'S (S.C.D.C. 19-29A, "INCIDENT REPORT") INDICATES, "A CELLPHONE BATTERY, BLACK & GREY, SAMSUNG, HAS BEEN ENTERED AS EVIDENCE."

AUGUST 1ST, 2013, A MAJOR DISCIPLINARY HEARING WERE HELDED AT 12:45 P.M. BY DISCIPLINARY HEARING OFFICER (D.H.O.) ANGELA R. BROWN. IN THE (S.C.D.C. 19-69, "DISCIPLINARY REPORT & HEARING RECORD") THE "HEARING INFORMATION" WERE NOT COMPLETE. TAPE, SIDE, START NOR END WERE COMPLETED.

D.H.O. ANGELA R. BROWN DID NOT ASKED APPELLANT ANY QUESTIONS ABOUT THE PICTURED BATTERY IN THE WRITTEN TRANSCRIPT, BUT WROTE ON THE (S.C.D.C. 19-69) FORM, "PICTURE OF BATTERY WAS SUBMITTED"; ALSO ON THE (S.C.D.C. 19-29A) FORM AS EVIDENCE.

APPELLANT WOULD LIKE TO BRING TO THE ATTENTION OF THE COURT, ON THE (S.C.D.C. 19-69) FORM, "EXPLAIN BELOW BY NUMBER(S):

* (5) EVIDENCE WAS EXCLUDED FROM THE HEARING."

D.H.O. ANGELA R. BROWN DID NOT ENTERED THE EVIDENCE, "WRITTEN STATEMENT", SHE EXCLUDED FROM THE HEARING ON THE (S.C.D.C. 19-69) FORM, BUT IT IS CLEARLY STATED BY D.H.O. ANGELA R. BROWN IN THE WRITTEN TRANSCRIPT ON [PC.#5, LINE(S) #7 & #9], LINE #7, "NO I'M NOT GONNA READ IT FOR THE RECORD", & LINE #9, "I DON'T NEED TO READ IT FOR THE RECORD."

THESE TWO STATEMENTS WERE VOICED BY D.H.O. ANGELA R. BROWN AFTER APPELLANT ASKED HER, (D.H.O. ANGELA R. BROWN) TO READ THE WRITTEN STATEMENT FOR THE RECORD, [PC.#5, LINE#6].

D.H.O. ANGELA R. BROWN DELIBERATELY EXCLUDED/WITH HELDED SUBSTANTIAL EVIDENCE THAT WOULD HAVE MADE A VALUEABLE DIFFERENCE IN THIS DISCIPLINARY HEARING. ON THE (S.C.D.C. 19-69) FORM, D.H.O. ANGELA R. BROWN STATED, "INMATE WAS FOUND GUILTY BASED ON (B), OFFICER'S REPORT.

D.H.O. ANGELA R. BROWN, TOOK THE INITIATIVE TO USE THE ACCUSING SGT., SGT. V. SMITH'S (S.C.D.C. 19-29A) "WRITTEN STATEMENT" AS EVIDENCE, [PC.#4, LINE(S) #13 & #14] & (S.C.D.C. 19-69) TO CONVICT APPELLANT OF THE CHARGE (B9B) "POSSESSION OF ANY CELLPHONE, OR OTHER TYPE OF COMMUNICATION DEVICE", BUT DELIBERATELY EXCLUDED/WITH HELDED, "REFUSED TO READ THE WRITTEN STATEMENT" THAT WOULD HAVE PROVEN APPELLANT'S INNOCENCE, [PC.#5, LINE(S) #7 & #9].

D.H.O. ANGELA R. BROWN TOOK SGT. V. SMITH'S "WRITTEN STATEMENT" TO BE TRUE, [PC.#4, LINE(S) #16 & #17], BUT "DELIBERATELY REFUSED TO ENTERTAIN THE WRITTEN STATEMENT APPELLANT ASKED HER (D.H.O. ANGELA R. BROWN) TO ENTER INTO THE RECORD," [PC.#5, LINE(S) #7 & #9].

THE WRITTEN STATEMENT APPELLANT ASKED D.H.O. ANGELA R. BROWN TO READ INTO THE RECORD HAS ALSO BEEN EXCLUDED FROM THE PACKAGE THAT CONSISTED OF THE RESPONDENT'S RECORD; INMATE GRIEVANCE LC1-2058-13; DISCIPLINARY REPORT & HEARING RECORD; INCIDENT REPORT AND DISCIPLINARY TRANSCRIPT THAT WERE FORWARDED TO:

HONORABLE JUDGE DEBORAH BROOKS DURDEN
SOUTH CAROLINA ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BUILDING, STE.#224
1205 PENDLETON STREET
COLUMBIA, SOUTH CAROLINA

29201

CONCLUSION

THE EXCLUDING OF SUBSTANTIAL EVIDENCE BY D.H.O. ANGELA R. BROWN IS A VIOLATION OF "DUE PROCESS RIGHTS" OF THE CONSTITUTIONS OF THE UNITED STATES 1ST, 4TH, 5TH, 8TH & 14TH AMENDMENT WHICH GOVERNS THE "FUNDAMENTAL FAIRNESS" D.H.O. ANGELA R. BROWN STATED ON [PG.#1, LINE #1] OF THE WRITTEN TRANSCRIPT.

RELIEF

APPELLANT PRAY THAT THE COURT GRANT SUMMARY JUDGMENT IN CASE #200, TO HAVE ALL IMPOSED SANCTIONS EXPUNGED FROM APPELLANT'S DISCIPLINARY RECORD, & REINSTATE ALL SANCTIONS TO WHERE APPELLANT'S PROJECTED MAX-OUT DATE REFLECTS THE DATE OF SEPTEMBER 16TH, 2015.

JANUARY 21ST, 2014
DATE

Mr. Robert D. Brooks
APPELLANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I, ROBERT BROOKS, #216605
ON THE 21ST DAY OF JANUARY, 2014, IN RIDGEVILLE, SOUTH CAROLINA,
SERVED A COPY OF THE FOREGOING NOTICE OF APPEAL BY DEPOSITING
THE SAME IN THE UNITED STATES MAIL, POSTAGE PAID, OR IN THE
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ROBERT BROOKS, #216605

JANUARY 21ST, 2014

Mr. Robert Brooks, #216605

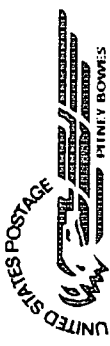
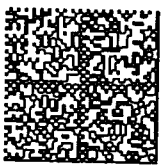
LIEBER C.I., ASHLEY-B³⁴

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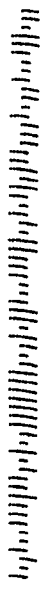
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THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

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