

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

APPEAL FROM ADMINISTRATIVE LAW COURT      JAN 31 2014

Administrative Law Judge Deborah Brooks Durden      **SC Court of Appeals**

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Case No. 12-ALJ-04-0606-AP

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Billy Lisenby, # 200273,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

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**REPLY TO APPELLANT'S RESPONSE TO  
RESPONDENT'S MOTION TO COMPEL APPELLANT TO SUPPLEMENT  
THE RECORD**

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Comes now, respondent, the South Carolina Department of Corrections (SCDC), and submits this reply to appellant's response to SCDC's motion to compel appellant to supplement the record. In reply, SCDC shows this Honorable Court the following:

1. In his response, appellant claims he does not have access to the materials missing from the record on appeal because they were taken by employees of SCDC.
2. In an effort to resolve this matter efficiently, appellant is being provided a copy of the documents missing from the record. Specifically, attached to this motion are the following:
  - a. Incident Report from Officer Channell dated February 24, 2012 regarding appellant.

- b. Incident Report from Sergeant Sweet dated March 6, 2012 regarding appellant.
  - c. Transcript of March 6, 2012 disciplinary hearing.
  - d. Disciplinary Report and Hearing Record for appellant's case number 124
  - e. Step One Inmate Grievance Form for Grievance Number KRCI 0369-12.
  - f. Step Two Inmate Grievance Form for Grievance Number KRCI 0369-12.
  - g. Appellant's Notice of Appeal filed in the Administrative Law Court.
3. It is impossible to conduct meaningful appellate review of this matter without inclusion of the above referenced materials in the record.

WHEREFORE, respondent respectfully renews its request that this Honorable Court ORDER appellant to file and serve a Supplemental Record on Appeal with the above listed materials. Respondent further requests that this Honorable Court ORDER that the final briefs shall be served and filed within twenty days of service of the Supplemental Record on Appeal.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS

Attorney for Respondent



Christopher D. Florian  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787

Columbia, SC 29221-1787  
Attorney for Respondent

Columbia, SC  
January 27, 2014

3119  
314

33

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

022408

Page 1 of 1

Institution/Center: <i>Kerci</i>				
Date of Report: <i>2/24/12</i>			Time of Report: <i>6:45 pm</i>	
Reporting Official: <i>William Channell 047859</i>			Date of Incident: <i>2/24/12</i>	
Location of Incident: <i>OAKA</i>			Time of Incident: <i>6:40 pm</i>	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex
1. <i>Billy Lisenby</i>	<i>200273</i>		<i>B</i>	<i>M</i>
2.				
3.				
4.		<i>0A11</i>		
5.				

24

On the above date and approximate time: *During the evening pill line inmate Billy Lisenby scdc # 200273 was trying to go to the pill line with a 1300 pm pill line pass. Inmate Billy Lisenby (200273) was advised that the nurse would reschedule his medicine pick up because he had missed the movement. Inmate Billy Lisenby stated that he would be beat my pat cracker ass that he need to go. Inmate B. Lisenby continued to curse at me. Inmate Billy Lisenby (200273) was identified by his scdc flash card and is being charged with 809, threatening to inflict harm.*

Signature: *W. Channell*

Evidence:

Witness(es):

Supervisor's Comments: *FORWARD TO MAJOR for further*

ACTION

Signature: *T. Smith* Title: *U* Date/Time: *2:00pm 2-25-12*

Major / Responsible Authority: *FORWARDED TO DHO, I'm charged with 809*

Signature: *[Signature]* Title: *MAJ* Date: *2/24/12*

STG Related - Refer to STG Committee  
 Yes  No  Unknown

This Incident is DRUG related  
 Yes  No  Unknown

*DMH 10.0*

Action Taken

Informal Resolution

Administrative Resolution

Refer to Disciplinary Hearing

*2/28*

*5/22/2016 300*

# 030611

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

Page 1 of 1

Institution/Center: <i>Kershaw CI</i>	
Date of Report: <i>3-6-12</i>	Time of Report: <i>10:15 A.M.</i>
Reporting Official: <i>Sgt. Kristopher Sweet #032784</i>	Date of Incident: <i>3-6-12</i>
Location of Incident: <i>OAK A</i>	Time of Incident: <i>9:30 A.M.</i>
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. <i>Lisenby, Billy #200273 B/m</i>	1. <i>Sally Crowe #048262</i>
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: *I, Sgt. Kristopher Sweet #032784, wrote a pass for inmate Billy Lisenby #200273 to report to His DMH hearing. Inmate Lisenby arrived in visitation for his hearing, but left shortly after. Per Ofc. Sally Crowe #048262, Inmate Lisenby did not attend his hearing before leaving.*

Signature: *Sgt. Kristopher Sweet*

Evidence:

Witness(es):

Supervisor's Comments:

Signature: Title: Date/Time:

Major / Responsible Authority:

Signature: Title: Date:

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

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY HEARING PROCEDURE**

**DOCKET No.: 12-ALJ-04-0606-AP      GRIEVANCE No.: KRCI-0369-11**

**INMATE NAME: Billy Lisenby      SCDC No.: 200273**

**INSTITUTION: Kershaw Correctional Institution**

**DATE: March 6, 2012**

**CHARGE: 809-Threatening to Inflict Harm on/Assaulting an Employee and/or  
Members of the Public**

DHO: The purpose of this hearing is to treat this matter before me with fundamental fairness and arrive at a just decision. All parties must conduct themselves properly. Failure to do so will result in removal. I am Mrs. Sellers, Disciplinary Hearing Officer for Kershaw Correctional Institution. This is the Disciplinary Hearing of Inmate Billy Lisenby, 200273, uh, being recorded on March the 6<sup>th</sup>, 2012, at approximately 11:05 a.m. Inmate Lisenby, um, reported to the hearing area and exited without permission. He's being represented by Counsel Substitute Armstrong and this hearing will be conducted in his absence due to the Incident Report that was survive...provided from Sergeant Sweet, which will be read for the record by Mr. Armstrong, who is representing Inmate Lisenby. Mr. Armstrong, would you read it now for the record, sir?

C/S: Yes ma'am. We got a Incident Report from Sergeant Kristopher Sweet, dated 03/06/2012 at 10:15 a.m. Um, it's in reference to Billy Linsby, 200273, black male. I, Sergeant Kristopher Sweet, wrote a pass for Inmate Billy Linsby, 200273, to report to his DHO Hearing. Inmate Lisby by...arrive...arrived in visitation for his hearing but left shortly after per Officer Sally Crowe. Inmate Linsby did not attend his hearing before leaving. I reviewed his 19-69 and his 19-29. Found both of them to be in order. I have no other witness statement or voluntary statement in reference to this charge.

**DHO: Disciplinary Hearing Officer**

**C/S: Counsel Substitute**

DHO: At this time, I'm gonna read the Incident Report that was submitted from Officer Channell and the Report Number is 022408; Dated: February 24, 2012; 6:40 p.m.; Location is Oak A; and it reads: During the evening pill line, Inmate Billy Lisenby, 200273, was trying to go to the pill line with a 1300 p.m. pill line pass. Inmate Billy Lisenby, 200273, was advised that the nurse would reschedule his medicine pick-up because he had missed the movement. Inmate Billy Lisenby stated that he would be...he would...he would be...beat my fat cracker ass, that he needed to go. Inmate Billy Lisenby continued to curse at me. Inmate Billy Lisenby, 200273, was identified by his SCDC Flash Card and is being charged with 809-Threatening to Inflict Harm. He was served this offense on February 29<sup>th</sup>, 2012, at approximately 12:47 a.m. and he was served by Sergeant Watson. Um, a plea of none has been entered on behalf of Inmate Lisenby. He is represented by Counsel Substitute Armstrong. Mr. Armstrong, do you want to make a statement on behalf of Inmate Lisenby.

C/S: No ma'am.

DHO: At this time, I'm going to recess this hearing to arrive at a decision.

DHO: We will now go on the record with the hearing of Inmate Lisenby. I did find him guilty of the offense 809, based on the written report of Channell. The sanction for this offense is: 90 days disciplinary detention; 90 plus 180 equal 270 days loss of privileges; and 60 days loss of good time. This do to it being his second offense of 809. Inmate Lisenby will receive a copy of the Hearing Record explaining the results and appeal process. This is hearing is now concluded.


STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW JUDGE COURT

Billy Lisenby, #200273 )  
Appellant, )  
-vs- )  
South Carolina Department of Corrections, )  
Respondent. )  
\_\_\_\_\_ )

**CERTIFIED TRANSCRIPT**  
Docket No.: 12-ALJ-04-0606-AP

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.

  
Cheron M. Hess  
Transcriptionist  
Office of General Counsel  
South Carolina Department  
of Corrections

SWORN TO before me this  
4th day of September, 2012

N. Dwayne Heile (L. S.)  
Notary Public for South Carolina  
My Commission Expires: 4/6/14

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW JUDGE COURT

Billy Lisenby, #200273

Appellant,

-vs-

South Carolina Department of Corrections,

Respondent.

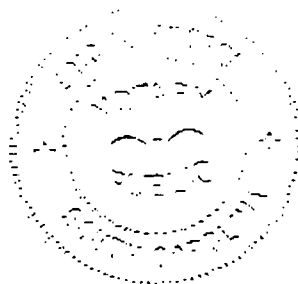
**CERTIFICATION**  
Docket No.: 12-ALI-04-0606-AP

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.

*Donnie Sellers*  
Disciplinary Hearing Officer  
South Carolina Department of Corrections

SWORN TO before me this  
30<sup>th</sup> day of August, 2012.

*C. S. Cooper* (L. S.)  
Notary Public for South Carolina  
My Commission Expires: Feb. 9<sup>th</sup>, 2020



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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT AND HEARING RECORD

J

Case#: 124 Inmate Name: Lisenby, Billy SCDC#: 200273  
Living Area: 0A11 Job: NA Custody: NAJ  
Offense Date: 2/24/12 Offense Time: 6:40 AM/PM Institution: Kershaw

Offense Description:  
809 Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure the person or commit a violent or unlawful act dangerous to human life, but does not result in bodily harm.  
Charging Officer/Employee: William Channell (B1) Title: Officer  
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:  
 I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING  
 I DO NOT WANT TO BE PRESENT AT MY HEARING  
 I DO WANT MY ACCUSER PRESENT AT THE HEARING  
 I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING  
 I WAIVE MY RIGHT TO A HEARING  
 SMU/SEGREGATION ONLY  
 I WANT A COUNSEL SUBSTITUTE  
 I DO NOT WANT A COUNSEL SUBSTITUTE  
Date & Time Notified: 22 129 2012 12:47 AM/PM By (Print): Sgt. Reginald Watson  
Inmate Signature: Billy Lisenby SCDC#: 200273 Date: 02 129 2012

HEARING INFORMATION:  
10 Hearing Date: 3/6/12 Hearing Time: 11:050 am/pm Tape: / Side: / Start: / End: /

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING  
nm# 10.0 ATV See attached report due to Jm leaving the area without permission.

OFFENSE CODES	<u>809</u>			
INMATE PLEA (G, NG, None)	<u>None</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Written report of Channell.

HEARING LENGTH: 7 (MINUTES) 5/22/2016 300  
SANCTIONS:  
Loss of Privileges (Days) \_\_\_\_\_ Reprimand: \_\_\_\_\_ Loss of Good Time (days): 60  
\* Property (Days) \_\_\_\_\_ Extra Duty: \_\_\_\_\_ Restitution: \$ \_\_\_\_\_\*\*  
\* Canteen (Days) 90+180=270 Visit Suspension Thru 1/1 90+180=270  
\* Other phone (Days) 90+180=270 Cell Restriction (Days): \_\_\_\_\_  
\* Disciplinary Detention (Days): 90

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 2nd offense of 809.

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS \_\_\_\_\_  
DATE INMATE PLACED IN PHD 1/1  
INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Quavalabeta Sgo DATE: 3-6-12  
HEARING OFFICER (PRINT NAME): William Channell  
APPROVED/REVERSE/MODIFY William Channell Warden REASON \_\_\_\_\_

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.  
White - Institutional Record Canary - Inmate (Service of Disciplinary Report)  
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record  
\*\*(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)  
SCDC 19-69 (Rev. May 2007)

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM**

**STEP 1**

INMATE NAME: Billy Lee Lisenby JR.

MAR 12 2012

SCDC NUMBER: #200273

**RECEIVED**

INSTITUTION: Leashaw C I

MAR 13 2012

HOUSING UNIT: Dak All

LEASHAW CI  
GRIEVANCE

WORK ASSIGNMENT: N/A

Office Use Only

Grievance No. KRCF-0369-12

Code: General

Policy \_\_\_\_\_

Disc. Hear. #009 # 174

Class. #0 3/12/12

Date Received 3/13/12

IGC Initials AW

**STATE GRIEVANCE** (include documentation, and date of incident; if SCDC Policy, indicate which policy) *On 3-6-12 I was found guilty by Mrs. A. Sellers in my absence, of the charge of 309 Breaching to Infract. Please note I was never notified of my hearing. OP-22.19 Section 14 states in part "If an inmate refuses to appear at the hearing or fails to appear at the scheduled time, one is unavailable the hearing may be conducted in the inmate's absence." Notify means to give notice to; inform. Notice means a formal warning of intention to end an agreement or contract at a certain time." I was never notified that a hearing was being held, nor was I notified of a time. In SCDC the proper protocol, or procedure is to provide me with an OTR (order to report) so that I will sign for my notification and if I refuse to appear I can be charged pursuant to SCDC policy OP-22.14. I was never given any type of notification to go to the D.H.U. In order to go through the plate gate I must have an OTR. So there is no way I could've went to the D.H.U even if I wanted to. On 2-27-12 I checked "I want a counsel substitute." Beside it it states "Armstrong." Well I never spoke to my counsel substitute. Even though I sent him and the D.H.U a report to staff asking for them to have my witnesses present. My counsel substitute was suppose to get with me prior to my hearing, then he would've known I did not want to have my case heard in my absence. Also I did not check that "I DO NOT want to be present at my hearing." By me not checking this the D.H.U and my counsel substitute should have contacted me prior to having my hearing in my absence. Policy OP-22.14 Section 7.2 states in part "Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and tape recorded." Nothing on the Form 1969 states or shows my hearing was recorded. Policy OP-22.14 Section 12.3 states in part "The tape number/date and the counter strip/stamp reading for each hearing conducted will be recorded in SCDC Form 1969." This was not done. Even though it's digital the Start and Ending time should be listed. The first thing I heard about a hearing was at approx. 5:00 PM SGT. Gordon showed SGT. Sweets who I was and SGT. Sweets ask me why I did not go to my D.H.U hearing. I said I did not know I had to go. He stated "he told Channell". That is a conflict of interest Ch Channell is the officer who woke me up. He never told me anything. Also I have*

**ACTION REQUESTED:** *I ask that my case be overruled and that the tape recording be made available to the appropriate reviewing authority before deciding my appeal as stated in OP-22.14 Section 23.4* See Attachment #1

**SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:**

Appeal

Billy Lee Lisenby March 10<sup>th</sup> 12  
Grievant Signature Date

**ACTION TAKEN BY IGC:**

*Reviewed disciplinary documentation  
See Warden's response.*

P. Nugh 3/20/12  
IGC Signature Date  
N/A  
Grievant Signature Date

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

WARDEN'S DECISION AND REASON:

Inmate Lisenby;

This is in response to KRCI-0369-12 You have appealed the results of your 3/6/12 Disciplinary Hearing where you were found guilty on the charge of 809 Threatening to Inflict Harm on an Employee. The issues you stated do not warrant a reversal of the charge. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence was noted and the decision of the Disciplinary Hearing Officer was based on substantial evidence. Based on this information, your appeal is without merit and therefore denied.

If not satisfied with my response, see Step 5 below.

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Billy Lisenby                      3-27-12  
Grievant Signature                      Date

[Signature]                      3-23-12  
Warden Signature                      Date

[Signature]                      3/27/12  
IGC Signature                      Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

Constantly complained about Yo Channell's conduct towards me. How can my accused be the person who suppose to notify me, who's to say I was even in the down. On the day of the alleged hearing, I had an OTR to the grievance office, mailbox, and law library.

Due to me not being properly notified of my D.H.O <sup>hearing</sup> and me not raising my right to my hearing I ask my case be overturned.

Attachment #1

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

APR 02 2012

STEP 2

366  
DUE  
4/3/12 0369-12  
Office Use Only

INMATE NAME: Billie Lee Loney JR.

MAR 30 2012

SCDC NUMBER: 200203

INSTITUTION: Kershaw Corr Inst.

APR 02 2012

HOUSING UNIT: D-111

KERSHAW CI

WORK ASSIGNMENT: M/H

GRIEVANCE

Grievance No. 1111-1  
Code: General [redacted]  
Policy \_\_\_\_\_  
Disc. Hear. 309 #124  
Class. 110 3-6-12  
Date Received 4/2/12  
IGC Initials [signature]

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I contend that I was not notified to be at the

DHO as stated in OP 22.14 Section 11 states in part "If an inmate wishes to appeal at the hearing or fails to appear at the scheduled time, he is considered

Recommend overturning for following reasons: handwriting doesn't match either grievance form (appeal form / evidence

form) IGC Designee charged inmate when Designee is not suppose to read grievances only give them a number. IGC

Designee gave full grievance form to Disciplinary Hearing Officer as evidence without redacting confidential information.

Per Ann Hallman even if I wanted to, on 2-27-12 I checked "I want a counsel substitute". Since that states "denying" well I never went to

my counsel counsel substitute. Even though I sent him and the DHO a request to start today but then to have my witnesses present. My counsel never showed

suppose to get with me prior to my hearing, then he would be known I did not want to have my case heard in my absence. Also I did not check that "I do not

want to be present at my hearing." By not checking this the DHO and my counsel substitute should have contacted me prior to hearing my hearing in my absence.

They OP 22.14 Section 7.2 states in part "Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and the

hearing will be held in the inmate's absence and the hearing will be held in the inmate's absence and the hearing will be held in the inmate's absence and the

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hearing will be held in the inmate's absence and the hearing will be held in the inmate's absence and the hearing will be held in the inmate's absence and the

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Threatening to Inflict Harm on an Employee and/or Members of the Public (809) on March 6, 2012, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated September 1, 2009, and the sanction(s) imposed, which included the loss of 60 days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received twenty-four (24) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 5/15/12  
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature Date IGC Signature Date



Policy OP-22.14 Section 7.2 states in part "Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and tape recorded." Nothing on the Form 19-69 states or shows my hearing was recorded. Policy OP-22.14 Section 12.3 states in part "The tape number/date and counter stop/start reading for each hearing will be recorded on S.C. DC. Form 1969." This was not done. Even though it's digital the start and ending time should be listed. The first thing I heard about a hearing at approx. 5:00 PM SGT. Goodwin showed SGT. Sweets who I was and SGT. Sweets ask me why I did not go to my D.H.O hearing. I said I did not know I had to go. He stated "he to Channell." That is a conflict of interest C/o Channell is the officer who wrote me up. He never told me anything. Also I have constantly complained ~~about~~<sup>about</sup> C/o Channell's towards me. How can my accuser be the person who suppose to notify me. Who's to say I was even in the dorm. On the day of the alleged hearing, I had an DTR. to the grievance office, mailroom, and law library.

Due to me not being properly notified of my D.H.O hearing and me not hearing my right to my hearing my case should be overturned.

Russ v. Medical University of South Carolina 328 S.C. 51 492 S.E. 2d 62 (S.C. 1997)  
State South Carolina Constitution of 1795 p. 21 1969 Article I, § 22 provides in part  
No person shall be finally bound by judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and opportunity to be heard, nor shall he be subject to the same person for both prosecution and adjudication.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

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Case No. 12-ALJ-04-0606-AP

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Billy Lisenby, # 200273,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

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**CERTIFICATE OF SERVICE**

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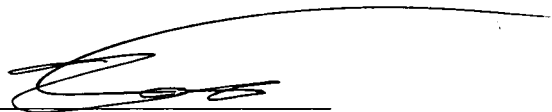
I hereby certify that I have served Appellant a copy of Respondent's Reply to Appellant's Response to Respondent's Motion to Compel Appellant to Supplement the Record by depositing a copy of same in the United States Mail, postage prepaid, on January 27, 2014, addressed to the Appellant as follows:

**RECEIVED**

JAN 31 2014

**SC Court of Appeals**

Mr. Billy Lisenby, # 200273  
Lee River Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010



Christopher D. Florian  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
Attorney for Respondent

The Honorable Jenny A. Kitchings  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

Priority Mail  
ComBasPrice



UNITED STATES POSTAGE  
EAGLE  
PHENIX BROWES  
\$ 05.320  
02 1M  
000 8002496  
JAN 27 2014  
MAILED FROM ZIP CODE 29210

RECEIVED

JAN 31 2014

SC Court of Appeals