

STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM S.C. ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE DEBORAH B. BURDEN
CASE NO. 13-ALJ-04-0965-AP

RECEIVED

FEB 21 2014

APPELLATE CASE NO. 2014-000226

SC Court of Appeals

MICHAEL JONES # 23716A, - - - - - APPELLANT

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS - - - - - RESPONDENT

MOTION TO COMPEL RESPONDENT TO PROVIDE
SUPPLEMENT THE RECORD

COMES NOW, APPELLANT, MICHAEL JONES, AND REQUESTS THAT THIS HONORABLE COURT ORDER RESPONDENT TO PROVIDE THE APPELLANT WITH A CERTIFIED COPY OF NOVEMBER 6TH, 2012 INITIAL INMATE CLASSIFICATION COMMITTEE ADMINISTRATION SEGREGATION REVIEW HEARINGS; NOVEMBER 6TH, 2012 SCOC FORM 18-1 "INMATE COMMITTEE DOCKET"; AND DECEMBER 2012 THROUGH CURRENT TIME OF THIS APPEAL ALL SCOC FORMS 18-68 "STAFF MEMORANDA", ALL OF WHICH IS THE PROPER AND RELEVANT RECORD ON APPEAL. IN SUPPORT OF THIS REQUEST, APPELLANT SHOWS THIS HONORABLE COURT THE FOLLOWING:

- 1) ON NOVEMBER 6TH, 2012 APPELLANT'S TESTIMONY WAS TAKEN DURING THIS APPEAL'S INITIAL REVIEW HEARING PROCEDURE WHICH DECIDED TO INDEFINITELY SEGREGATE APPELLANT TO SOLITARY CONFINEMENT
- 2) THE NOVEMBER 6TH, 2012 SCOC FORM 18-1 "INMATE COMMITTEE DOCKET" WHICH CONTAINS THE JUSTIFYING REASON GIVEN TO JUSTIFY APPELLANT'S ISOLATION
- 3) ALL SCOC FORMS 18-68 "STAFF MEMORANDA" WHICH CONTAINS THE JUSTIFICATION OF ALL (30) THIRTY DAY PERIODIC REVIEW HEARINGS REASON FOR CONTINUOUS INDEFINITE ISOLATION

4) S.C. CODE ANN. § 1-23-380(4) REQUIRES THE REVIEWING APPELLATE COURT DECISIONS TO BE CONFINED TO THE RECORD. THE ADMINISTRATIVE LAW COURT HONORABLE JUDGE DEBORAH B. DURDEN DISMISSED THE CASE BEFORE SCDC COULD PROVIDE THE RECORD PROCEDURAL HEARING TRANSCRIPT, COMMITTEE DOCKET, AND SUBSEQUENT STAFF MEMORANDA ALL OF WHICH MAKE UP THE APPELLATE RECORD SEE: ALSHABAZZ V. STATE, 587 S.E.2D 742, 754 (S.C. 2000)

5) AT NO TIME HAS THE APPELLANT BEEN GIVEN A COPY OF THESE DOCUMENTS TO ADEQUATELY PROVIDE THIS HONORABLE COURT WITH HIS DESIGNATION OF MATTER AND RECORD ON APPEAL

6) APPELLANT DID TIMELY FILE SCACR RULE 201 RECORD TRANSCRIPT REQUEST TO THE S.C. ADMINISTRATIVE LAW COURT OF WHICH REQUEST WAS DENIED

7) S.C. CODE ANN. § 1-23-610(B) DICTATES THIS REVIEWING APPELLATE COURT'S DECISIONS BE CONFINED TO THE RECORD ON APPEAL OF WHICH THERE IS NONE UNLESS THIS HONORABLE COURT GRANTS THIS HUMBLE REQUEST. (SEE ALSO: PEARSON V. JPS CONVERTER & INDUS. CORP., 489 S.E.2D 219, 221 (Ct. App. 1997)).

CONCLUSION

WHEREFORE, THE ABOVE FOREGOING REASONS OF PROVIDING AN ADEQUATE RECORD ON APPEAL ~~FOR PROPER CONCISE SCACR GOOD LITIGATION~~ FOR PROPER CONCISE SCACR GOOD LITIGATION, THE APPELLANT PRAYS THIS REQUEST BE GRANTED FOR PRODUCTION OF THE RECORD ON APPEAL.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 18TH DAY OF FEBRUARY, 2014.

Nancy C. Muddat (L.S.)

NOTARY PUBLIC:

1-23-2023

MY COMMISSION EXPIRES:

RESPECTFULLY SUBMITTED,

MR. Michael L. Jones

MR. MICHAEL L. JONES

PCI D-X#21

430 OAKLAND RD.

Pelzer, SC 29669

STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE DEBORAH B. DURDEN
CASE NO. 13-ALJ-04-0965-AP

APPELLATE CASE NO. 2014-000226

Michael Jones, #237769, ----- APPELLANT,
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ----- RESPONDENT.

PROOF OF SERVICE

I, hereby CERTIFY THAT I DID SERVE THIS 18th DAY OF February 2014 A COPY OF THE enclosed
herewith APPELLANT'S Motion to Compel Record on Appeal UPON THE following:

1) S.C. COURT OF APPEALS, JENNY A. KITCHINGS, CLERK, P.O. BOX 11629 COLUMBIA, SC 29211

2) SCDC OFFICE OF GENERAL COUNSEL, CHRISTOPHER D. MORIAN, P.O. BOX 21787 COLUMBIA, SC 29221

USING PERRY CORR. INST. U.S. MAILING SYSTEM.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 18th DAY OF FEBRUARY 2014.

Days Muckest (L.S.)

NOTARY PUBLIC:

1-23-2023

MY COMMISSION EXPIRES:

RESPECTFULLY SUBMITTED,

Mr. Michael L. Jones

MR. MICHAEL L. JONES

PCI D-X # 21

430 OAKLAND RD.

PELZER, SC 29669

Memorandum

TO: APPELLANT

FROM: CLERK'S OFFICE

DATE: 2-6-2014

The information you filed with the administrative Law Court is being returned to you for the following reason(s):

A fee of \$5.00 is required for copies of 10 pages or less. For copies of 10 or more pages is \$.50 per page. Future requests for copies will be returned without the proper fee enclosed.

This office cannot assist you with this request. For assistance, please contact your Inmate Grievance Coordinator.

Please note that the ALC have no waiver forms for DOC appeals. You can only file 3 appeals in a calendar year, after that a \$25.00 fee is required for the 4th appeal.

Please sign, date, and return the enclosed Notice of Appeal.

The Administrative Law Court does not have statutory authority to hear Tort Claim actions. Pursuant to the South Carolina Tort Claims Act, S.C. Code Ann.15-78-10 et seq., the appropriate venue for filing this type of action is in circuit court.

This office cannot assist you with your request. For transcripts, contact the S. C. Court Administration, Court Reporting Section, 1015 Sumter St., Suite 200, Columbia, S.C. 29201

Any questions concerning appeals to the Court of Appeals, please contact the Court of Appeals Clerk's Office:

The S. C. Court of Appeals
Tanya A. Gee
PO Box 11629
Columbia, S.C. 29211

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Michael Jones, #237769,
Appellant,

v.

SOUTH CAROLINA DEPT' OF CORRECTIONS,
Respondent.

) PCI GRIEVANCE NO. 1795-13
) DOCKET NO. 13-ALJ-04-0965-AP
) ORDER OF DISMISSAL BY THE HONORABLE
) JUDGE DEBORAH B. DURDEN
) COURT OF APPEALS SCACR RULE 207
) APPEAL RECORD REQUEST
)
)

THE APPELLANT, DID RECEIVE ON JANUARY 21, 2014 HONORABLE JUDGE DEBORAH B. DURDEN'S ORDER OF DISMISSAL OF JANUARY 16, 2014. PURSUANT TO THE COURT OF APPEALS SCACR RULE 207 APPEAL TRANSCRIPT REQUEST, APPELLANT WITHIN (10) DAY TIME LIMIT REQUEST APPEAL TRANSCRIPT RECORD BE PROVIDED FOR APPEAL PROCESS.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 23rd DAY OF JANUARY, 2014.
Nancy C. Muehau (L.S.)
NOTARY PUBLIC

1-23-2014
MY COMMISSION EXPIRES:

RESPECTFULLY SUBMITTED,
MR. Michael L. Jones
MR. Michael L. Jones #237769
PCI D-X#21
430 OAKLAND Rd.
Pelzer, SC 29669

FILED
JAN 31 2014
SC ADMIN. LAW COURT

CERTIFICATE OF SERVICE

I, Michael L. Jones, ATTEST I DID SERVE SCACR RULE 207 RECORD TRANSCRIPT REQUEST UPON THE ADMINISTRATIVE LAW COURT AND SCAC GENERAL COUNSEL USING U.S. MAILING SERVICES THIS 23rd DAY OF JANUARY 2014.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 23rd DAY OF JANUARY 2014.

Nancy C. Munkant (L.S.)

NOTARY PUBLIC:

1-23-2021

MY COMMISSION EXPIRES:

MR. Michael L. Jones

MR. MICHAEL L. JONES # 2377169

PEI D-X#21

430 OAKLAND RD

PALZER, SC 291669

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FEB 21 2014

SC Court of Appeals

FILED

JAN 31 2014

SC ADMIN. LAW COURT

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MR. MICHAEL L. JONES # 237769

PCI D-X # 21

430 OAKLAWN Rd.

PALZER, SC 29669

February 18, 2014

Jenny A. Kitchings, Clerk
SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
Columbia, SC 29211

RE: MICHAEL JONES - VS - SCOC
APPELLATE CASE NO. 2014-000226

DEAR CLERK:

THIS IS NOT A REQUEST FOR LEGAL ASSISTANCE. IT IS A REQUEST FOR CLARIFICATION. THE APPELLANT HAS READ SCACR RULE 208 WHICH STATES INITIAL APPELLANT BRIEF SHALL BE FILED WITHIN (30) DAYS OF RECEIPT OF THE RECORD ON APPEAL. APPELLANT HAS ADHERED TO SCACR RULE 207 AND TIMELY FILED TO THE ADMINISTRATIVE LAW COURT FOR THE RECORD ON APPEAL, THE ALC DISMISSED THIS CASE ERRONEOUSLY BEFORE RESPONDENT PROVIDED THE RECORD TO BE ON APPEAL BEFORE THIS COURT SO THE APPELLANT HAS NO RECORD AND THUS HAS FILED A MOTION TO COMPEL THE RECORD TO BE ON APPEAL BEFORE THIS HONORABLE COURT. THE QUESTION I PRESENT IS NOT COVERED IN THE SCACR RULES AND THE APPELLANT IS AN UNSKILLED PRO-SE LITIGANT. DOES THE APPELLANT'S (30) DAY TIME LIMIT BEGIN WITH THE GRANTING OF HIS MOTION FOR IN FORMA PAUPERIS OR WITH A RULING ON HIS MOTION TO COMPEL GRANTING OR DENIAL? PLEASE NOTE ANY ASSISTANCE TO AID THE PRO-SE LITIGANT OBSERVE THE PROPER ETIQUETTE'S PROSCRIBED BY THIS HONORABLE TO ENSURE CLEAR AND CONCISE LITIGATIONS WILL BE GRATELY APPRECIATED. THANK YOU SINCERELY FOR YOUR ATTENTION IN THIS MATTER.

Perry Corr. INST.

Palzer, South Carolina

February 18, 2014.

KINDLY I AM,

Mr. Michael L. Jones

MR. MICHAEL L. JONES

PCI D-X # 21

430 OAKLAWN Rd.

Palzer, SC 29669

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FEB 21 2014

SC Court of Appeals

Mr. Michael L. Jones #2377169
PGI D-X #21
430 OAKLAND RD.
PALZER, SC 29669

Jenny A. Kitchings, Clerk
S.C. COURT OF APPEALS
P.O. BOX 11629
Columbia, SC 29211

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FEB 21 2014

SC Court of Appeals

AMS

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED THIS
ITEM. THEREFORE THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ANY INFORMATION CONTAINED
IN CORRECTIONS.