

The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Administrative Law Court Carolyn C. Matthews

Docket Number: 13-ALJ-04-0200-AP
Appellant Case NO: 2013-002276

Billy Lee Lisenby JR, #200273 Appellant
v.
South Carolina Department of Corrections Respondent

Appellant's Reply Brief

Dated: Feb. 24th 2014

Billy Lee Lisenby JR, #200273
990 Wisacky HWY.
Lee Corr. Inst.
Bishopville S.C. 29010
Pro-Se Litigant

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The Respondent's intentionally misled the courts on page (5) of their final Brief by stating:

"Appellant argued that the weapons were in the room before he was assigned to it; however, even if that is the case, Appellant's decision to not report the weapons and keep them in his room amounted to possession of the weapons."

There is no evidence Appellant knew these weapons were hid in the window behind a wire mesh wrapped in newspaper. Note they had to call a maintenance worker to remove the wire mesh to find the weapons. Appellant contends he did not know the knives were in the window. They were not visible.

Appellant contends that he moved in the alleged cell #14 in August 2012. Prior to Appellant moving in cell #14 on July 27, 2012 SGT. Fowler found a note stating a knife was in room #14. SGT. Fowler and C/O Bo Bo conducted a shake-down of room #14 that was recorded. [The incident report is part of the enclosed record on appeal.] On July 27, 2012 they never checked the window and never had maintenance remove the metal cage or wire mesh from the window. Less than a month later they come back and find a knife in a area they didn't search.

By them having a tip a knife was in the room they should've taken the metal cage or wire mesh off during the July 27, 2012 shake-down. Evermore a person has access to room #14's window from the outside as well.

Appellant asked the D.H.O to view the video of the July 27, 2012 shake-down, to show them room was not properly searched prior to moving Appellant in the room. This violates due process because the D.H.O must take in light all evidence in Appellant's behalf. See Howard v. U.S. Bureau of Prisons 487 F.3d 808, 813-814 (10th Cir. 2007) Refusal of hearing officer to consider prison video tape of fight violated due process.

Conclusion

Appellant ask that his case be overturned.

Date: Feb. 24th 2014

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151 Billy Lee Lisenby

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PROOF OF SERVICE

I swear under penalty of perjury that I have served one copy of The enclosed Appellant's Reply Brief on the following:

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