

The State of South Carolina
In The Court of Appeals

Appeal From The Administrative Law Court
Deborah Brooks Darden, Judge
Appellate Case No. 2012-213396
(Consolidated Case (7) And (8))

Billy Lee Lisenby JR;
Appellant

v.
South Carolina Department of Corrections,
Respondent

Amendment TO Appellant's Final Brief

Dated: Feb. 5th 2014

Billy Lee Lisenby JR;
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SC Court of Appeals

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No Cases

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Statement of Issues on Appeal

1. Did The ALJ err in failing to rule in Appellant's favor when the Respondent's didn't provide any evidence that a window had been broken?
2. Did the ALJ err in failing to find the Respondent's violated policy by charging and convicting Appellant with (3) non-assaultive disciplinaries in one day?

Statement of The Case

On Jan. 5th 2013 Appellant was convicted of 85L Damage, Loss, Destruction, or Defacing property. He appealed through step 1 and step 2 of SC.D.C's grievance system and the conviction was affirmed. He then appealed to the ALJ and it was denied on October 3, 2012 by Deborah Brooks Darden, Judge.

Argument(s) 1

It's merely impossible for Appellant to bust his window, because his door has a complete cage over his food service flap window to prevent him from breaking it. The D.H.O refused to hear this, but he noted it on tape, and his counsel substitute verified it. They didn't provide any pictures or any evidence to prove the window had been busted. By policy they were suppose to take pictures of the broken window. It's humanly impossible for Appellant to bust the window from the inside of his cell.

The Staff did not present a photo of the window. Also a photo would show a cage protects the window. This is a violation of Policy OP-22.14 "Inmate Disciplinary Policy" Section 3.2 A description of the facts of the offenses, to include, at a minimum:

- a full statement of the facts underlying the offense, to include witnesses, evidence, and disposition of evidence.
- the reporting employee's signature, title, list of any evidence, and disposition of evidence.

This was not done.

Argument #2

This is the exact argument in the initial brief in which the Appellant argues in Argument #3 stating "The respondents' violated policy by charging and convicting Appellant with (3) non-assaultive disciplinarys in one day. This charge at hand is one of the (3) charges and Argument (2) in the amended brief, and argument #3 in the original brief are identical, this is why he had the cases consolidated.

Appellant ask that those (2) arguments be ruled on together.

Conclusion

For the reasons stated, this Court should Reverse the judgment of the Administrative Law Court.

Date:  Feb. 5th 2011

Respectfully Submitted,
Billy Lee Leaff

The State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Court
Deborah Brooks Durden, Administrative Law Judge

Case No. 2012-213396

Billy Lee Lisenby JR; Appellant

vs.

S.C.D.C. Respondent

PROOF OF SERVICE

I certify that I have served the Amendment TO Appellant's Final Brief
by depositing a copy of each in the United States Mail, postage prepaid on Feb
5th, 2014 addressed to the General Counsel P.O. Box 21787, Columbia, S.C. 29221
and South Carolina Admin. Law Court 1205 Pendleton Street, Suite 224 Columbia, S.C. 29201.

Dated: Feb. 5th, 2014

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