

THE STATE of South Carolina  
IN the Court of Appeals

The Honorable Jenny ABBOTT Kitchings  
Clerk SC Court of Appeals  
P.O. Box - 11629  
Columbia, SC 29211

RE: JERRY MASSEY JR. Filing Pro-se, Appellant  
V.

S.C.D.C., Respondent

Appellate Case NO: 2014-000279

DEAR MRS. Kitchings:

- 1.) PROOF of SERVICE
- 2.) A Copy of the ORDER which is to be Challenged ON Appeal.
- 3.) This Appeal is being filed with your office because I strongly disagree with the decision of the A.L.C AS A MATTER of LAW.
- 4.) A Request for WAIVER of filing FEE, I put together myself.

DATE: MARCH 5, 2014

Sincerely,

Mr. Jerry Massey #184059

T.R.C.I Unit - 2-B-44-A

84 Green House Rd

Trenton, SC

29847

CC: Dept of General Counsel  
A.L.C  
File

3-7-2014

RECEIVED

MAR 14 2014

SC Court of Appeals

Dear MRS. Kitchings:

I was transferred to Trenton Correctional Institution 2-19-2014, and on 3-3-2014 I went to Kirkland Institution for an over night eye exam, I came back to Trenton Tuesday 3-4-2014. I was called to the mail room 3-6-2014 to receive your letter that's dated - 2-26-2014. I have enclosed a copy of your letter and the stamped date of - 3-6-2014.

Thanks for your time in this matter.

Sincerely

Jerry Massey

MAR 06 2014



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 26, 2014

Jerry M. Massey, 00184059  
Walden Correctional Institution  
4340 Broad River Road  
Columbia SC 29210

**RECEIVED**

MAR 14 2014

**SC Court of Appeals**

Re: Jerry Massey, Jr. v. SCDC  
Appellate Case No. 2014-000279

Dear Mr. Massey:

This will acknowledge receipt of your documents in the above entitled matter. According to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must include the name of the court from which the appeal is taken; the judge's name; the lower court docket number; the date of the order being appealed; a statement of when the appealing party received the decision from which the appeal is taken; the name of the appealing party; and the names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each. A copy of the order being challenged on appeal, a certificate of service showing the notice has been timely served on all respondents, and a filing fee of \$100.00 must accompany the notice of appeal.

Within ten (10) days of the date of this letter, you must provide the Court with the following:

- (1) A notice of appeal containing all information required in Rule 203, SCACR.
- (2) The one-hundred dollar (\$100) filing fee.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jerry Massey, #184059,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 13-ALJ-04-0830-AP

Grievance No.: RCI 384-13

**ORDER OF DISMISSAL**

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed October 29, 2013 by Jerry Massey ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Appellant appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good-time credits; Appellant made no claim for the loss of any other state-created liberty interest; and made no contention that his sentence, sentence related credits, or custody status have been erroneously calculated. There is no state-created liberty interest in the loss of opportunity to earn additional good-time credits. Howard v. S.C. Dep't of Corr., 399 S.C. 618, 733 S.E.2d 211 (2012); see also S.C. Code Ann. § 1-23-600 (D) (2012).

Under Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Id. at 331, 605 S.E.2d at 508. Such is the case present. It is therefore,

**ORDERED** that this appeal is **DISMISSED, WITH PREJUDICE**.

**AND IT IS SO ORDERED.**

  
CAROLYN C. MATTHEWS  
S.C. Administrative Law Court

January 30, 2014  
Columbia, South Carolina

CERTIFICATE OF SERVICE  
This is to certify that the undersigned on this date served this order in the above entitled matter upon all parties to this cause by depositing a copy of the order in the United States mail, postage paid, to the Interagency Mail Service addressed to the party or their attorney(s).

TO: 30<sup>th</sup> day of January, 2014  
By: WWR  
Judicial Law Clerk

**FILED**

JAN 30 2014

SC ADMIN. LAW COURT

The State of South Carolina  
IN the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT  
OF CORRECTION

CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE

APPELLATE CASE NO: 2014-000279

S.C. D.C, Respondent

V.

JERRY MASSEY SR. Appellant

NOTICE OF APPEAL FROM THE DECISION  
OF THE ADMINISTRATIVE LAW JUDGE

TO: JENNY ABBOTT KITCHINGS, CLERK  
P.O. BOX - 11629  
COLUMBIA, SC 29211

DEAR MRS. KITCHINGS,

I, Jerry Massey Sr - # 184059, BRING THIS MATTER BEFORE THE SOUTH CAROLINA  
COURT OF APPEALS. I'VE HAD A BAD DECISION RENDERED AGAINST ME.

FACTS / PROCEDURAL HISTORY

ON MAY-1, 2013 THE APPELLANT AT RIDGE LAND CORRECTIONAL INSTITUTION WAS FOUND  
GUILTY OF A 898/CELLPHONE. APPELLANT FILED A STEP-1 GRIEVANCE AND STEP-2 GRIEVANCE  
IN WHICH BOTH WERE DENIED. THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SCDC) ISSUED  
ITS FINAL DECISION UP HOLDING THE CONVICTION. THE APPELLANT FILED A APPEAL TO THE  
ADMINISTRATIVE LAW COURT IN WHICH WAS DISMISSED BY JUDGE CAROLYN MATTHEWS  
JANUARY 30, 2014.

APPELLANT'S APPEAL IS NOT BASED ON THE LOSS OF GOOD TIME OR FAILURE TO EARN  
GOOD TIME AS ARGUED BY RESPONDENT AND DISMISSED BY THE A.L.C JUDGE CAROLYN  
MATTHEWS, APPELLANT CONTENDED THAT "THERE IS A MISINTERPRETATION OF THE CONTRACT"  
PAGE 1 OF 3

Appellant was wrongfully convicted of an cellphone charge when Respondant showed no evidence to support the charge of a cellphone. However due process requires at a minimum that there be some evidence in the record to support the disciplinary decision.

Under the Administrative Procedures Act (APA), Appellant appealed SCDC's findings to the ALC. Appellant is appealing the ALC's dismissal pursuant to Rule 204 (b), SCACR.

### Standard of Review

The (APA) establishes the standard of review and the Court's Authority in reviewing decisions of the ALC. The reviewing of the Administrative Law Judge order must be confined to the record. The reviewing Tribunal may affirm the decision or remand the case for further proceedings, or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the findings, conclusion or decision is: A) in violation of constitutional statutory provisions. B) in excess of the statutory authority of the agency. C) made upon unlawful procedure. D) affected by other error of law. E) clearly erroneous in view of the reliable, probative and substantial evidence on the record, or F) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code ANN, 1-23-610(B) (Supp 2008)

### Insufficiency of Evidence

Error of appropriate charge of contraband. NO cellphone or cellphone attachments to support the charge of a cellphone device. All items of the evidence presented was purchased at the South Carolina Department of Corrections - Cantren. (T.V Adaptor and Koss Head phone plug.) All altered together. The charging officer wasn't a witness nor the accuser, which is a violation of constitution rights to due process and equal protection of laws under the 14th Amendment. The evidence presented was clearly a contraband charge.

### Compliance with Policy

The contraband has no evidence to support the charge of a 09B/cellphone device Superintendent, Mass Correctional Inst. v. Hill, 472 U.S. 445, 454 105 S. Ct 2768 2774. 86 L. Ed. 2d 356 (1985). The charging officer's testimony was hearsay because he wasn't present when the contraband was found, violation of South Carolina Department of Corrections OP 22.19, Prisons - 13 (D) - Prison disciplinary proceedings are overturned only where no evidence

in Record supports the decision. Smith v. RABALAIS, 659 F.2d 539 545 (5th Cir. 1981)

BROUSSARD V. Johnson 253 F.3d 874 (5th Cir 2nd)

Conclusion

Appellant was wrongfully convicted of a cell phone charge where the evidence does not meet the elements of the offense nor definition. Under the Administrative Procedures Act (APA) Appellant Request the Supreme Court to REVERSE OR modify the decision.

Date - March - 5, 2014

Respectfully Submitted

Mr. Jenny Maxey Jr #194059

Trenton Institution - Unit - 2-B44A

84 Greenhouse Rd

Trenton, SC 29847

CC: Jenny ABBOTT Kitchings, Clerk  
Dept of General Counsel  
Judge Carolyn C. MATTHEWS, ALC  
file

The State of South Carolina  
In The Court of Appeals

Appeal from the South Carolina  
Department of Correction

Cardyn C. Matthews, Administrative Law Judge  
Appellate Case No: 2014-000279

South Carolina Department of Corrections, Respondant

V.

Jerry Massey, Appellant

[ Proof of Service ]

I certify that I served the notice of Appeal on  
Jenny Kitchings by depositing a copy of it in the U.S. Mail,  
Postage Prepaid, on March-5-2014 Addressed to:

Jenny Abbott Kitchings, Clerk

Post box - 11629

Columbia, SC 29211

DATE: March-5-2014

Mr. Jerry Massey Jr - #184059  
Trenton Correctional Institution  
Unit - 2-B-44  
84 Greenhouse Rd  
Trenton, SC 29844

The State of South Carolina  
In The Court of Appeals

Appeal from The South Carolina  
Department of Correction

Carolyn C. Matthews, Administrative Law Judge  
Appellate Case NO: 2014-000279

South Carolina Department of Corrections, Respondant  
v.

Jerry Massey Jr. Appellant

[Proof of Service]

I certify that I served the notice of Appeal on S.C.D.C.  
by depositing a copy of it in the U.S. Mail postage prepaid, on March 5  
2014 addressed to: Department of General Counsel  
S.C.D.C.  
P.O. Box - 21787  
Columbia, SC 29221

Date: March 5, 2014

Mr. Jerry Massey Jr - 184059  
Trenton Correctional Institution  
Unit - 2-B-44  
84 Green House Rd  
Trenton, SC  
29847

The State of South Carolina  
In The Court of Appeals

APPEAL from The South Carolina  
Department of Corrections

Carolyn C. Matthews Administrative Law Judge

Appellate Case NO: 2014-000279

South Carolina Department of Corrections, Respondent  
V,

JERRY MASSEY JR. Appellant

[Proof of Service]

I certify that I served the notice of Appeal on S.C.DC by depositing a copy of it in the U.S. mail postage prepaid, on March-5-2014 addressed to:

Judge Carolyn C. Matthews  
Edgar A. Brown Building  
1205 Pendleton St, Suite 224  
Columbia, SC 29201

Date: March-5-2014

Mr Jerry Massey Jr - #184059  
Trenton Correctional Institution  
Unit - 2-B-44  
84 Green House Rd  
Trenton, SC  
29847

The STATE of South Carolina  
In The Court of Appeals

The Honorable Jenny ABBOTT Kitchings,  
Clerk, SC Court of Appeals  
P.O. Box - 11629  
Columbia, SC 29211

South Carolina Department of Correction, Respondent  
v.  
JERRY MASSEY JR. Appellant

RE: Request for WAIVER filing FEE  
Appellate Case No: 2014-000379

Dear Mrs. Kitchings: I Jerry Massey #184059 unable to pay The filing fee. This is my request for waiver form I'm filing with the Clerk of Court. I understand that the Request for waiver forms shall be issued by the Clerk of Court. I recently learned from your office that I may draw one up and mail it to you.

I, The Appellant, Jerry Massey #184059, filing PRO-SE, PRAYS This Court grant this Request for the waiver filing fee. I have been incarcerated since December 13, 2004.

Date - March - 5 - 2014

Sincerely Respectfully Submitted.

Mr. Jerry Massey Jr - #184059

Trenton Correctional Institution

Unit - 2-B-44-A

84 Greenhouse Rd

Trenton, SC 29847

Ms Jenny Massey Gm - #184059

Trenton Coeducational Institution

Unit - 2-B-44

By Green house Rd

Trenton, SC

29847

~~990~~

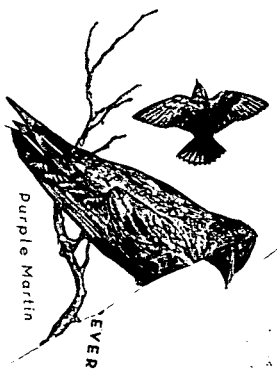
MAR 10 2014

Ms. Jenny ABBott Kitchings, Clerk

P.Ost Box - 11629

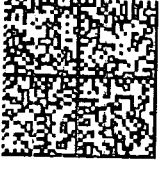
Columbia, SC

29211



Purple Martin

EVER



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