

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 14 2014
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Administrative Law Court
John D. McLeod, Judge

Cavanaugh Alvin, #141090,

Appellant.

v.

S.C.D.C.

Respondent.

Appellate Case No# 2014-000075

Amendment of Appellate Issues

On 6.5.13 Cavanaugh Alvin #141090 was charged with (898 The possession of any Communication Device.) and (855 Smuggling and/or conspiracy to smuggle contra-band.)

On 6.6.13 Officer Alicia Adams filed an incident report stating that she opened an envelope and noticed a Pre-Paid Phone card. Officer Adams filed a 10-7 notice of Rejected Incoming/Outgoing Correspondence.

After closer review, the Appellant in this case wishes to amend his pleadings.

On the (898) charge of: THE POSSESSION OF ANY COMMUNICATION DEVICE; clearly states, the possession, receipt, use, concealment, storage, purchase, sale or facilitation of cellular phones or other communications equipment and/or components thereof. The Appellant contends that he was not in possession of above-mentioned device and there is a misinterpretation of evidence, that is based purely on speculation, therefore on the (898) charge should be dismissed.

On the (855) charge of SMUGGLING AND/OR CONSPIRACY TO SMUGGLE CONTRABAND.

A. In the incident report filed by Off. Alicia Adams ~~clearly~~ clearly states that she noticed a phone card, and quite properly sent a 10-7 Notice of Rejected Incoming / Outgoing Correspondence.

B. On 6-5-13 Off. Adams photo-copied only part of the evidence, which is where the Appellant would like to raise a definite procedural error. In the evidence what is missing is a photo-copy of

either the envelope which would have a clocked stamped date in which senders location could be compared to return address or correspondence that contained any information that would lead one to believe that a conspiracy had in fact occurred. Again the (855) charge is based purely on speculation with absolutely no tangible evidence and should be dismissed.

CERTIFICATE OF SERVICE

I hereby certify that I Cavanaugh Alvin, on the day of March, 2014, in Ridgeville South Carolina, served a copy of an Amendment of Appellate Issues on both parties to this matter by depositing the same in the U.S. Mail addressed as follows: signed: Cavanaugh Alvin

South Carolina Court of Appeals
v. Claire Allen, Deputy Clerk
1015 Sumpter St.
Columbia S.C. 29201 } and Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St. Suite 224
Columbia S.C. 29201
% Christopher D. Florian, Esquire

FEB 10TH 2014

CAVANAUGH ALVIN #141090
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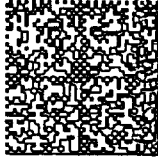
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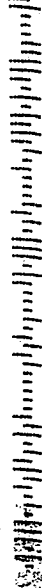
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SC Court of Appeals



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