

The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court

Case No. [REDACTED] TyRCI-1471-12

Billy Lee Lisenby JR; Appellant,

v.

South Carolina Department of Corrections..... Respondent

Notice of Appeal

The Appellant, Billy Lee Lisenby JR, hereby appeals The ALC order dated 3-28-14. Appellant received notice of the order on 4-5-14, a copy is enclosed.

Dated: April 9th 2014

Respondent's Counsel
Christophe D. Florian
P.O. Box 21787
Columbia, S.C. 29221

Billy Lee Lisenby JR.
Billy Lee Lisenby JR; #200273
386 ~~RD~~ Redemption Way
McCormick S.C. 29899

RECEIVED

APR 17 2014

SC Court of Appeals

LEGAL MAIL

Memorandum

TO: APPELLANT
FROM: CLERK'S OFFICE
DATE: 3-28-14

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

SC Court of Appeals

Billy Lee Lisenby JR, #200273

Appellant,

vs.

South Carolina Department of Corrections,

Respondent

Docket NO _____ - ALJ-04- _____ - _____

GRIEVANCE NO: TyrcI-1471-12

Request For Waiver Fee Rule 71(B)

I am unable to pay the \$25.00 filing fee to challenge my case. I ask that this court please waive my fee, or provide me with the appropriate form to do so.

Dated: March 20th 2014

Respectfully Submitted,

Billy Lee Lisenby JR.

Billy Lee Lisenby JR, #200273

M^oCumick Corr. Inst.

386 Redemption Way

B-21 S.M.U.

M^oCumick, S.C. 29899

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Billy Lee Lisenby JR, #200273

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-

GRIEVANCE NO.: TyrcI-1471-12

Notice is hereby given that Billy Lee Lisenby JR, does hereby appeal the final decision of the South Carolina Department of Corrections dated 2-23-2013 and received on 3-12-14, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant contends he was denied his right to call Gb Treatham as a witness. His counsel substitute did not abide by policy, because he did not contact any of Appellant's witnesses. Appellant is the only inmate who has been charged with reusing an envelope for in house reasons. This denies him the right to be treated equal and is a violation of U.S. Const. amend. XIV § 1; SC. Const. art. I, §3. Anything I write Ann Hallman is confidential. S.C. DC inmates are being denied Judicial Review if no good time is taken. Here Appellant fail to earn 20 days goodtime for the month. S.C. Code Ann §1-23-560(D) Amended by Act 334(2008) holds that the ALC no longer hears appeals based on failure to earn goodtime credits. This is Unconstitutional. As already establish, in Funkick, the Court held that the U.S. Supreme Court noted in Wolff that punishment in the form of "the... Withholding of goodtime credits" affects the term confinement. Failure to earn goodtime credits and the withholding of goodtime credits is the something, a matter of only legal jargon.

Billy Lee Lisenby JR;

Appellant's Name

Billy Lee Lisenby JR.

Signed

386 Redemption Way B-21 SMU

Mailing Address

March 20th 2014

Dated

McCormick, S.C. 29899

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Billy Lisenby (your name), on the 20th day of March, 2014, in McCormick (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Clerk's Office

Address: 1205 Radleton St, Suite 224

City, State, Zip Code: Columbia S.C. 29201

Billy Lee Lisenby JR;

Print your name:

Billy Lee Lisenby JR.

Sign your name:

(See reverse side for instructions)

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

www: 1-5

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

REC'D JAN 3

INMATE NAME: Billy Lisenby
 SCDC NUMBER: #200273
 INSTITUTION: Essexville C.I. Lee
 HOUSING UNIT: SMU #48
 WORK ASSIGNMENT: NA

Office Use Only
 Grievance No. TVSC1-
 Code: General _____
 Policy _____
 Disc. Hear. +132 817
 Class. 40-11-19-13
 Date Received 2-1-13
 IGC Initials (JL) 8/2/13

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *I was denied my right to call C/O Trathum as my witness. My counsel substitute did not abide by policy, because he did not contact any of my witnesses. See my Step 1 where Policy GA, of 12 Section 4 Confidentiality where my confidential rights were violated. I am the only inmate who has been charged with this even though others do it. This denies me the right to be treated equal and is a violation of U.S. Const. amend. XIV § 1; S.C. Const. art. I, § 2. Anything I wrote Ann Hallman is Confidential. Plus they disposed of my grievance, that was in the envelope.*

Per Policy OP-22.14 I only suppose to go to the D.H.U. once per month. See Section 21. I went on Nov. 5th 2012, and 19th

View my Step 1

Billy Lisenby 1-29-13
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Possession of Contraband (817) on November 19, 2012, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated July 1, 2012, and the sanctions imposed, which included the loss of -0- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 03/23/2013
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Billy Lisenby 3-12-14
 Grievant Signature Date

[Signature] 9/5/13
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Billy Lee Kirby Jr, #200273

McCormick C. I

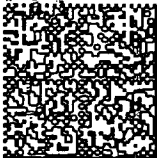
386 Redemption Way

McCormick S.C. 29899

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AUGUSTA, GA 309

15 APR 2014 PM



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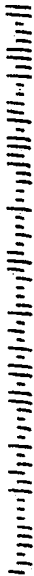
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29201

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APR 17 2014

SC Court of Appeals

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LEGAL MAIL

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