

SCDC,

Respondent,

Matthew B. Fullbright #349468

v.

Appellant.

AFFIDAVIT of SERVICE

Appeal From Lee Correctional Institution
Hearing Officer... Ms. Patterson
Grievance ... Ms. Johnson

The Appellant hereby certifies that he has served the enclosed contents on the following by depositing the same in the United States Mail, Mailing by weight, on this 10th day of April, 2013:

(1) Clerk of Court Admin. Law Court Edgar A. Brown Bldg. 1205 Pendleton St. Columbia, S.C. 29201	(2) Clerk of Court S.C. Supreme Court P.O. Box 11330 Columbia, S.C. 29211	(3) Ann Hallman SCDC Headquarters 4444 Broad River Rd. Columbia, S.C. 29221	(4) Marshall Fullbright 106 Dogwood Dr. Belton, S.C. 29627
(5) Susan B. Hackett, Esq. Div. of Appellate Defense P.O. Box 11589 Columbia, S.C. 29211	(6) S.C. Court of Appeals Clerk of Court P.O. Box 11629 Columbia, S.C. 29211	(7) Office of General Counsel P.O. Box 21787 Columbia, S.C. 29221-1787	

Deposited in the United States Mail by Hand delivery to the Lee Correctional Institution mail room clerk.

Sworn and Subscribed before me
on this 10 day of April, 2013

Notary Public For South Carolina

s/ Debra Juro

My Commission Expires: 11-4-2015

RECEIVED

APR 12 2013

SC Court of Appeals

s/ Matthew B. Fullbright

Matthew B. Fullbright
SCDC # 349468

Lee Correctional Institution
Dorm: Florence-North-1148
990 Wisacky Hwy.
Bishopville, S.C. 29010

Matthew B. Fullbright #349468
Lee Correctional Florence N. #1148
990 Wisacky Highway
Bishopville, South Carolina 29010

Jenny A. Kitchings / clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Date: 4-10-13

Re: Timely Grievance, Procedural Error,
Timely Filing

RECEIVED
APR 12 2013
SC Court of Appeals

Dear Ms. Kitchings: I am encountering filing issues regarding grievances. I have supportive documentation and paperwork which will substantiate my allegations. I have enclosed the following:

- 1). Step one grievance (Lee CI 0715-13) 2 pages - this was returned unprocessed and also in the "action taken by IGC" section, it states that I must resubmit no later than 03/09/13- which brings me to the next document:
- 2). One request form dated 03/11/13, that was filled out by Ofc. Williams stating that I did not receive the above grievance until the 11th of March, 2013, thus, it was not possible to file timely;
- 3). Step one grievance (Lee CI 0952-13) 2 pages
- 4). Step one grievance (Lee CI 0951-13) 1 page
- 5). The two above grievances (3 and 4) were returned unprocessed because it was alleged that they were not timely filed, however, I have included the following that will contradict that allegation:
- 6). One affidavit from Associate Warden Dean's aide, and inmate representative committee secretary Howard Thompson III, which states that he and officers alike witnessed the above grievances go into the grievance box timely on 03/14/13;
- 7). Statement from Talvin Johnson stating he witnessed me deposit the grievances referenced above in the box on 03/14/13;
- 8). Statement from Rodrigues Carter stating he witnessed me deposit the grievances referenced above in the box on 03/14/13;
- 9). One affidavit from Christopher Williams stating he witnessed me deposited the grievances referenced above in the box on 03/14/13;

- 10). Statement from Casey Lenahan stating he witnessed me deposit the grievances referenced above in the box on 03/14/13;

Thus, the timely errors has been the result of the grievance system here at Lee Correctional Institution (LCI). This can be easily inferred from the above evidence. In the upper right hand corner of grievance no.: Lee CI 0715-13, there is a hand written note from Ms. Johnson. The note reads "that she is giving me until 03/15/13 to refile; and this after I spoke with her and showed her the request form from Ofc. Williams, showing her of the timing issues within the grievance here at LCI. I have other grievances that has been returned for timely filing issues, however, I am not including them because I believe I have sufficient evidence to show error on their part and not on mine.

I am requesting that i be allowed to refile my grievances. I am glad I took the measurements/precautions of obtaining the witnesses statements, affidavits, etc. to show I timely filed; as these issues are very important to me. My wrongful conviction has prevented me from going to canteen or ordering much needed shoes, and has most importantly prevented me from seeing my son and family. It has also prevented me from using the phone to contact my family and my attorney. By my cell door being purposely left unlocked on 01/25/13, I have been unable to pursue my appeal because several legal transcripts and papers have gone missing/stolen as a direct result. Additionally, I lost my personal belongings and canteen.

I have tried to prevent my family's involvement, however, they are now involved. My father, Marshall Fullbright, can be reached on his cell at (864) 933-8900 between 8am till 5:30pm. My mother, Kathy Fullbright, can be reached at the Anderson County Court House

(864) 260-4225 between the hours of 9am until 5:30pm. They both can be reached at (864) 338-4096 after 5:30pm. We are now in the process of acquiring civil counsel along with my newly acquired criminal counsel. I am intent on retrieving my missing/stolen legal transcripts, lab results, paper work, etc., my missing/stolen property, and also to have my privileges reinstated.

I am filing a grievance against Ms. Johnson about the frivolous reasons that all of my previous grievances have been returned unprocessed. Additionally, I am experiencing reprisals from Lt. Kirkland -severely. I have written several request forms regarding these matters with no replies. I have followed the chain-of-command protocol. I consider these issues (upon your receipt of this letter/package) fully exhausted administratively. I plan to appeal these issues to the Administrative Law Court (ALC). I am requesting that you send to me the ALC Court Rules and necessary forms I will need for that process.

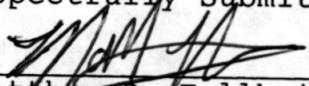
The following I have included and was given to Disciplinary Hearing Officer Patterson at my hearing held on 02/21/13. I wish to place the following on the record:

- a). One Page incident report from Ofc. Lineberry;
- b). One page statement from James Aiken;
- c). One page statement from Jason Marshall;
- d). One page statement from Joseph Booth;
- e). One page statement from Barry Greeley;
- f). One page incident report from Lt. Kirkland;
- g). One page request form to and from C.S. Williams;
- h). One page emergency grievance to and from Ann Hallman.

Please make a copy of these papers and documents and send them to me along with your reply. Thank you.

Respectfully Submitted,

S/


Matthew B. Fullbright #349468
Lee C.I. Florence N. #1148
990 Wisacky Highway
Bishopville, S.C. 29010

CC:

Clerk of Court / Admin. Law Court
Clerk of Court / S.C. Supreme Court
Ann Hallman / SCOC Headquarters
Marshall Fullbright / Father
Susan B. Hackett, Esq.
Clerk of Court / S.C. Court of Appeals
Office of General Counsel

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

will accept Grievance
no later than
3/15/13
JP

INMATE NAME: Matthew B. Fullbright
SCDC NUMBER: 349468
INSTITUTION: Lee Correctional Institution
HOUSING UNIT: Florence-North-1148
WORK ASSIGNMENT: Library

Office Use Only
Grievance No. LEECI 0715-13
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 3-4-13
IGC Initials [Signature]

MAR 01 2013
DP

* See attached *

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) This grievance is to appeal my conviction on 2/21/13. The issue being grieved is due process violation, how it prejudiced me and the technicalities thereof. In this grievance I will list (1): the due process violation, (2): the prejudice sustained and (3): the applicable policy number and section that provides the guidelines and technical information. According to policy number GA-01.12 section 7.5 I have the right to appeal (singular) a guilty verdict (singular) based on the technicalities (plural) within that one issue (due process violation), that one issue contains the following points: A (1) I was handcuffed upon entering the hearing room and remained handcuffed the entire time although I exhibited no threat or violence (2): this prevented me from presenting my case, move and read prepared documents, statements, etc. (3): OP-22.4 sections 14.4; 15.2; 15.7. B (1): I was denied a counsel substitute although I filed a timely request form to Counsel Substitute...
* See attached *

ACTION REQUESTED: I request that my conviction be overturned, that the charges be expunged and that my visitation, canteen and telephone privileges be reinstated and given back to me.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:
I tried to resolve with Lt. Kirkland on 1-25-13 after she searched my cell and allegedly found contraband. I denied ownership of any/all contraband and tried to verbally resolve the issue.

[Signature] 2-26-13
Grievant Signature Date

ACTION TAKEN BY IGC:
This grievance is being returned to you unprocessed. It is noted you appeared before the DHO on 02/21/13 for the charge of 817 and 898. You have failed to state which offense you a grieving nor have your provided the offense number. You can only grieve one (1) disciplinary/conviction per grievance form. If you wish to resubmit a new grievance on this issue it must be received no later than 03/09/13. Remember you must submit each disciplinary appeal on a separate grievance form. Attach this grievance form with the new grievance form for date verification. Your grievance is being returned with no action taken.

[Signature] 3/4/13
IGC Signature Date

I accept the action taken by the IGC and consider the matter closed.
 I do not accept the action taken and wish to appeal.

Date: 2-26-13

Cont

... Williams explaining that my roommate at the time of the search in question (1-25-13) was transferred to another institution on (1-28-13) and that I wished to call him as a witness; also I wrote that I wanted other witnesses called and I named them on the same request form; I wrote that the case involved the collection and presentation of evidence I could not obtain, C.S. Williams responded back and wrote that I was not eligible for a counsel substitute, (2): this made it impossible for the hearing officer to reach a fair and fully informed conclusion and verdict, (3): OP-22.14 sections 8.1.3; 8.1.6; 9.1; 15.2; 15.7. C(1): On the 19-69 form which was served on me on 2-1-13 by Sgt. Simon, I checked the appropriate box stating that I wanted my accuser (Lt. Kirkland) present, however she was not present at the hearing at all, (2): this prevented me from adequate cross examination and the ability to impeach my accuser, the incident report and her testimony, (3): OP-22.14 Sections 15.4; 15.7.1, D(i): During the taking of evidence phase of the disciplinary hearing, hearing officer Patterson stopped the recording several times (2): this prevents the record from being complete and all evidence to be on the record which hinders and cripples the appeal process, (3): OP-22.14 section 12.1. E(1): Lt. Kirkland's incident report regarding the search itself (1-25-13) did not contain the minimum requirements of naming all witnesses, and also the failure of writing in the disposition of where the contraband was allegedly found e.g., a certain locker, under a mattress, a common area, in a box, in a bag, etc. (2): this prevented me from preparing any type of defense as I don't know to this day where the alleged contraband originated from, (3): Policy Number OP-22.14 section 3.1, F(i): I brought three statements, a copy of the request form I sent to C.S. Williams (sent on 2-4-13), an incident report from Officer Lineberry, and also actual policy and notes showing the multiple points on the issue of due process violation as well as other non-frivolous documentation that contradicted Lt. Kirkland's allegations, hearing officer Patterson did not consider or even read any of the above mentioned affects (2): this prevented me an opportunity to have the hearing officer weigh and consider my presentation of evidence to determine guilt based on a preponderance of the evidence (3): OP-22.14 sections 9.1; 15.2; 16.1; 16.2 — The policy statement (OP-22.14) states my due process (singular) protection is governed by FEDERAL and STATE statutes, rules and regulations. I, Matthew B. Follbright hereby appeal my conviction in my own writing and in my own hand.

S/ ~~Matthew B. Follbright~~

Matthew B. Follbright, SCDC # 349468

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Officer Williams	TITLE: Dorm Officer	DATE: 3/11/13
INMATE'S NAME: Matthew B. Fullbright		SCDC #: 349468
INSTITUTION: Lee Correctional Institution		LIVING QUARTERS: Florence-North-1148

I am asking and requesting that officer Williams sign and state that I just received back my grievance form that I sent out on 2-26-13. It states that I have until 3/9/13 to respond, Today is 3/11/13. I received the grievance around 7:15 PM. I am therefore unable to file timely. I need to resubmit.

C/O [Signature]

C/O [Signature]

C/O Williams
Delivery mail on 3/11/2013 [Signature]

DISPOSITION BY STAFF MEMBER:
I C/O S. Williams delivery this grievance to I/M Matthew Fullbright #349468 on 3/11/2013 at 7:15 PM.

DATE: 3/11/2013	SIGNATURE: [Signature]
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Matthew B. Fullbright
SCDC NUMBER: 349468
INSTITUTION: Lee Correctional Institution
HOUSING UNIT: Florence-North-1148 **MAR 19 2013**
WORK ASSIGNMENT: Library

Office Use Only
Grievance No. LECT 0952-13
Code: General
Policy Case # 1
Disc. Hear. 898
Class. 2/21/13
Date Received 3-22-13
IGC Initials [Signature]

** See Attached **

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) This grievance is to appeal my conviction of 888 ("cell phone") on 2/21/13. The issue being grieved is due process violation, how it prejudiced me and the technicalities thereof. In this grievance I will list (1): the due process violation, (2): the prejudice sustained and (3): the applicable policy number and section that provides the guidelines and technical information. According to policy number GA-06.12 section 7.5 I have the right to appeal (singular) a guilty verdict (singular) based on the technicalities (plural), within that one issue (due process violation) That one issue contains the following points: A (1): I was handcuffed upon entering the hearing room and remained so the entire time although I exhibited no threat or violence 2): this prevented me from presenting my case, move and read prepared documents, statements etc. (3): OP-22.4 sections 14.4, 15.2, 15.7. B (1): I was denied my right to a counsel substitute although I filed a timely request form to counsel substitute Williams *see attached*

ACTION REQUESTED: I request that my conviction be overturned, that the charge be expunged and that my visitation, canteen and telephone privileges be reinstated and given back to me.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: I tried to resolve with Lt. Kirkland on 1-25-13 after she searched my cell and allegedly found contraband. I denied ownership of any/all contraband and tried to verbally resolve the issue at hand. I also tried to resolve verbally at the DHO (2/21/13).

[Signature] 3/14/13
Grievant Signature Date

ACTION TAKEN BY IGC:

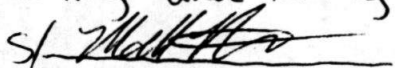
Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. It is noted that you met with me and you informed me that you did not receive your unprocessed grievance in a timely manner. I gave you additional time to resubmit a new grievance on your disciplinary appeal. You were given until 3/15/13 to get the new grievance back to me. Your grievance was not received by the designee until 3/19/13. Therefore you failed to follow the instructions that were given to you. You will not be given any further time to resubmit a grievance regarding this matter.

I accept the action taken by the IGC and consider the matter closed.
 I do not accept the action taken and wish to appeal.

J. Johns 3/22/13
IGC Signature Date

Date: 5/17/13

... explaining that my roommate at the time of the search in question (1/25/13) was transferred to another institution on (1/28/13) and that I wished to call him as a witness; also that I wanted other witnesses called and I named them on the same request form; I also wrote that the case involved the collection and presentation of evidence I could not obtain, C.S. Williams responded back on 1/8/13 and he wrote that I was not eligible for a counsel substitute, (2): This made it impossible for the hearing officer to reach a fair and fully informed conclusion and verdict, (3): OP-22.14 Sections 8.1.3, 8.1.6, 9.1, 15.2, 15.7. C(1): On the 19-69 form which was served on me on 2/1/13 by Sgt. Simon, I checked the box which stated that I wanted my accuser (Lt. Kirkland) present at the hearing, however she was not present at the hearing, (2): this prevented me from adequate cross-examination and the ability to impeach my accuser, the incident report and her allegations as testimony, (3): OP-22.14 sections 15.4, 15.7.1. D(1): During the taking of evidence phase of the disciplinary hearing, hearing officer Patterson stopped the recording several times, (2): this prevents the record from being complete and all evidence to be on the record; which hinders and cripples the appeal process, (3): OP-22.14 section 12.1. E(1): Lt. Kirkland's incident report regarding the search itself (1/25/13) did not contain the minimum requirements of naming all witnesses and also the failure of writing in the disposition of where the contraband was allegedly found e.g., a certain locker, under a mattress, a common area, in a box, in a bag, etc. (2): this prevented me from preparing any type of defense as I don't know to this day where the alleged contraband originated from, (3): OP-22.14 Section 3.1. F(1): I brought three statements, a copy of the request form I sent to C.S. Williams (sent on 2/4/13), an incident report from Officer Lineberry, and also actual policy and notes showing the multiple violations within the issue of due process (singular), as well as other non-frivolous documentation that contradicted Lt. Kirkland's allegations, hearing officer Patterson did not consider or even read any of the above mentioned effects, (2): this prevented me an opportunity to have the hearing officer weigh and consider my presentation of evidence to determine guilt based on a preponderance of the evidence, (3): OP-22.14 Sections 9.1, 15.2, 16.1, 16.2 - The policy statement (OP-22.14) states my due process (singular) protection is governed by FEDERAL and STATE statutes, rules and regulations. I, Matthew B. Fullbright hereby appeal my conviction for the possession of any communication device (898) in my own writing and in my own hand.



Matthew B. Fullbright, SCDC # 349468

* I also request that the hearing record be made available. *
per policy number OP-22.14 section 23.4

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Matthew B. Fullbright
SCDC NUMBER: 349468
INSTITUTION: Lee Correctional Institution
HOUSING UNIT: Florence-North-1148
WORK ASSIGNMENT: Library

MAR 19 2013
DP

Office Use Only
Grievance No. LEC10951-13
Code: General
Policy Case # 2
Disc. Hear. 817
Class. 2-21-13
Date Received 3/22/13
IGC Initials AG

This filed in response to G.O. stating only 1 charge at a time.

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I am submitting this grievance to appeal my conviction of 817 ("tobacco") on 2/21/13. The issue I am grieving is due process. According to policy number OP-22.14 section 15.1 the hearing officer must have available a copy of form 19-79, "controlled substance testing and disposition form," she did not have this necessary form which would show that in fact that the substance in regards to the 817 charge was tobacco. I was prejudiced by this in that I was found guilty for the alleged possession of an unknown substance.

~~On another grievance it was stated "only 1 charge per grievance"~~

ACTION REQUESTED: I request that my conviction be overturned, that the charge be expunged and that my visitation, canteen and telephone privileges be reinstated and given back to me.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: I tried to resolve with Lt. Kirkland on 1-25-13 after she searched my cell and allegedly found contraband. I denied ownership of any/all contraband and tried to verbally resolve the issue at hand. I also tried to resolve verbally at the DHO (2/21/13).

[Signature] 3/14/13
Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. It is noted that you met with me and informed me that you did not receive your unprocessed grievance in a timely manner therefore, I gave you additional time to resubmit your new grievance. You were given until 03/15/13 to get the new resubmitted grievance back. Your grievance was not received by the designee until 03/19/13. Therefore you failed to follow the instructions that were given to you. You will not be given any further time to resubmit a grievance regarding this matter.

[Signature] 3/22/13
IGC Signature Date

Grievant Signature Date

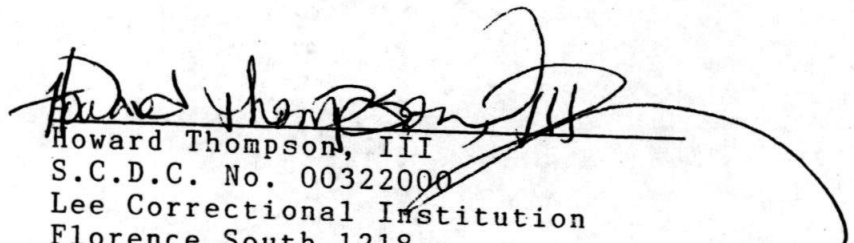
- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

AFFIDAVIT
(Howard Thompson, III)

I, Howard Thompson, III, hereby deposes and says, the following:

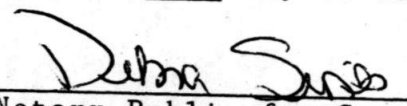
1. I am an Inmate within the South Carolina Department of Corrections pursuant to Orders of Commitment by the Anderson County Clerk of Court.
2. I am housed at the facility of Lee Correctional Institution in Bishopville, South Carolina.
3. I am a member of the Inmate Representative Committee, also known as The IRC, as a Representative of Florence South and as the Secretary of the Inmate Representative Committee.
4. I have, on March 14, 2013, visually witnessed Inmate Matthew Fullbright, Agency Number 00349468, place a **HEFTY** package into the Grievance Box located outside of the East Yard Cafeteria, after Inmate Fullbright was being told by several officials, such as Lieutenant Smith, Sergeant Anderson, Sergeant Reames, and Sergeant Marquez, that he needed a witness to sign a Request to Staff Member stating that they witnessed him placing the package in the Grievance Box on that date. See Grievance No. LeeCI-0715-13.
5. That I have acknowledged that I am under the penalty of perjury and that I may be held accountable for any untrue statements made under oath or affirmation. That the above is true and accurate as to the visual comprehension of events happened.

AFFIANT FURTHER SAYETH NOT.


Howard Thompson, III
S.C.D.C. No. 00322000
Lee Correctional Institution
Florence South 1218
990 Wisacky Highway
Bishopville, South Carolina 29010

AFFIANT

SWORN TO and SUBSCRIBED TO before
me this 15 day of March, 2013.



Notary Public for South Carolina (L.S.)

My Commission Expires: 11-4-2015

I did witness Matthew Fullbright drop grievance in the grievance box on the east yard on March 14th 2013. Several officers were present. It was myself and other co-workers Matthew asked us all to witness him do so. It's for his appeal for refiling

S/ Talvin Johnson

Talvin Johnson - Flo - N - 2147

I Talvin Johnson #323094, left the library at approximately 4:15 P.M. 2/26/13, I walked to the cafeteria along with my other co-workers per Sgt. Gregg's directive. Matthew Fullbright was among this group as he works in the library also. Once we arrived at the cafeteria door we had to wait for Sgt. Gregg & Sgt. Anderson to unlock the cafeteria doors, as we were waiting and as the officers were making their way to the cafeteria, Matthew Fullbright showed Sgt. Gregg a grievance form with a paper attached and asked her to identify the grievance, she responded (after a minute or so inspection) that it was a grievance appealing a conviction of M.F.'S for 898. He then pointed out the ~~address~~ date(s) and times of some of the subject matter, he then asked her to witness him putting the grievance to appeal his conviction on 2/1/13 (I overheard her say the date and M.F.) into the correct grievance box in front of the cafeteria on the east yard at Lee Coll. Ins.

Talvin Johnson
Talvin Johnson #323094

I did see Matthew Fullbright, SCDC # 349468 drop some grievances into the box just outside of our cafeteria on the east yard. A couple of officers also saw him do this. This took place on March 14, 2013. I heard him telling the officers that the grievances he was putting in were to refile on an appeal or something. This is what I remember.

Rudges Carter
Rudges CARTER #326053
LEE Corr. Inst. Flo-N 2135B

AFFIDAVIT

I, Christopher Williams #351924, did on March 14, 2013, witness the following:

Matthew Fullbright asked several officers in and out of the cafeteria on the East Yard here at Lee C.I. to sign a request form stating that he was seen to have placed a grievance form (4 pages total) with grievance numbers Lee C.I. 0715-13 attached to Lee C. I. 0952-13 into the grievance box. He did show the officers the 4 pages and verified the above numbers and that the pages pertained to an appeal to a conviction of 898 on February 21, 2013.

I state that the above is true and correct to the best of my memory and knowledge.

s/ Chris Williams
Christopher Williams #351924

Sworn and Subscribed to before me
on this 15 day of March, 2013.

[Signature]
Notary Public for South Carolina


8-5-2014
My Commission Expires

AFFIDAVIT

My name is Casey Lenahan, and I am an inmate here at Lee Corr. Inst.

On 03/14/13 I witnessed inmate Matthew Fullbright place grievances into the grievance box on the East Yard. He asked several officers to witness this, which they did. He mentioned to the Officers that he had experienced timely filing issues in the past and therefore, wanted them to witness the timely filing.

This is all true and right.



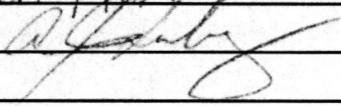
Mr. Casey Lenahan #142859
Lee Corr. Inst., Flo. N. 2138
990 Wisacky Hwy.
Bishopville, S.C. 29010-1775

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT**

Page 1 of 1

Institution / Center: <u>Lee CI</u>				
Date of Report: <u>01/25/2013</u>		Time of Report: <u>Approximately 7:05pm</u>		
Reporting Official: <u>A Lineberry</u>		Date of Incident: <u>01/25/2013</u>		
Location of Incident: <u>Unit South Rm 1148</u>		Time of Incident: <u>Approximately 1:30pm</u>		
Inmate(s)/Resident:	SCDC#	Age	Race	Sex
1.				1.
2.				2.
3.				3.
4.				4.
5.				5.

On the above date and approximate time: I Ofc Lineberry was approached by Inmate Matthew Fulbright #349468 he said that fifteen items was missing for the following reason:
 Lt McCollum and Lt Kirkland entered room 1148. They conducted a room search for approximate 20min. I Ofc Lineberry asked the Lt's if I could continue to let Inmate's out of the cells. I was told yes while I was completing rounds they finished with the search and escorted Inmate Fulbright to the wing door where I let them out. The Lt's escorted Fulbright to the front office at Ofc Lineberry back to lock the door (1148) The following is missing (1) Sony radio (1) hot pot (1) electric razor (2) law books part of legal papers and trial transcripts and approximately \$350 worth of canteen items.

Signature: 

Evidence:

Witness(es):

Supervisor's Comments:

Signature: _____ Title: _____ Date/Time: _____

Major / Responsible Authority:

Signature: _____ Title: _____ Date: _____

STG Related - Refer to STG Committee <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
This Incident is DRUG related <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Action Taken
<input type="checkbox"/> Informal Resolution <input type="checkbox"/> Administrative Resolution <input type="checkbox"/> Refer to Disciplinary Hearing

On January 25, 2013, at approximately 4:00 PM I was returning from Juvvach when Lts McCollough and Kirkland went to search Matthew's FullBright's room. While escorting FullBright into the hallway I heard FullBright say that stuff isn't mine and that they needed to ask his roommate about the contraband.

Also, I heard FullBright tell both Lts that his door was left unlocked and that somebody need to secure it.

While in the hallway I witnessed several inmates go in FullBright's room and carry out his personal canteen property. This is all I can remember of the incident.

James Aiken
294853

At approximately 4:38pm on 1/25/13 I, Jason Marshall witnessed several inmates going in and taking belongings and papers of some kind out of cell 1148 in Sumter South,

There were no officers in the dorm at this time and cell 1148 was unlocked as a result of a cell search by Lt. Kinkland and Lt. McCullough. Ofc. Lineberry was the dorm officer at this time.

I cannot say for sure who the inmates were who were involved with the stealing of the belongings and paper works. The above is true and correct to the best of my ability.

S/ Jason Marshall

#341824

RECEIVED

APR 12 2013

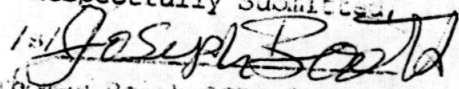
SC Court of Appeals

To Whom This May Concern?

On 01/25/2013, while sitting in the corner of the Dorm [Sunder South] close to the Rec Field Door Area, I observed Lieutenants Kirkland and McCollough shaking down room 1148. this took place at or around 04:20 pm, I remember this because my companions and I were waiting to go to show. The two occupants of this cell at the time were MR. Matthew Fullbright and MR. Justin Kimmerlin. As the search came to a close, MR. Fullbright could be heard to say, that any contra-band found, did not belong to him. The two Lts asked Mr. Fullbright to drag out a Plastic Bag containing several items that had been confiscated from the room, they wanted his assistance in taking this bag out of the dorm. This Door to room 1148, was at NO time secured by the Lts nor the wing Officer. This is a total Breach in Security. MR. Fullbright asked the Lts to please secure his door, but this did not happen. Not long after they all [Lts McCollough and Kirkland, and MR. Fullbright] left the dorm, several individuals went into his room and removed several items. I did not observe who these people were, I am a Prisoner, and I mind my own business as a Rule. I don't associate with a lot of people, so the individuals are not known to me.

I have known MR. Fullbright now for a while, and I know that he is trying to work on his case, so that he can gain his freedom. As far as any habits of a Questionable Nature? I have NO direct knowledge of this from MR. Fullbright.

Respectfully Submitted,



MR. Joseph Thomas Booth SDC #254056

On 1-25-13 I Barry Creeley was working out in front of
Ivonne PullBright door, when he state to officer
A^l Coulough that the man the brand wasnt his. She then
asked the man state if he didnt take ownership
she would lock him up, and then ship him to
chesterfield. Ivonne PullBright state the officer
left my door unlock, all my things is missing
it no telling who put what in here, or how
long my door been open.

#110

N# #

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

1301474

Page of

Institution / Center: Lee Correctional Institution	
Date of Report: 1/25/13	Time of Report: 4:45 pm Approx
Reporting Official: Lt. S. Kirkland #028182	Date of Incident: 1/25/13
Location of Incident: Sumter South Rm #1148	Time of Incident: 4:00 pm Approx
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Matthew Fullbright 349468 W/M	1. Lt. McCullough
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I Lt. S. Kirkland #028182 was assisting with a random cell search. I was assisting Lt. McCullough in Sumter South Rm #1148. Upon shaking down I found the following items in the room ① Black LG phone, ② Black Huawei phone, ③ cell phone chargers (black), + ④ El Paso jars filled with tobacco. Inmate Matthew Fullbright SCDC# 349468 claimed ownership. Inmate is being charged with 898 = Possession of Any Cell Phone, 817 = Possession of Contraband

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JAN 28 2013

LEECI MAJOR'S OFFICE

Signature: [Signature] 2/1/13

Evidence: ① Black LG phone, ① Black Huawei phone, ② cell phone chargers ③ El Paso jars filled with tobacco

Supervisor's Comments: I M Fullbright Matthew was inform of his charges 898, and 817

Signature: [Signature] Title: Lt Date/Time: 1-25-13 approx 6:58 pm

Major / Responsible Authority: [Signature] 898, 817

Signature: [Signature] Title: Capt. Date: 1-28-13

STG Related - Refer to STG Committee
 Yes No Unknown

This Incident is DRUG related
 Yes No Unknown

Action Taken

Informal Resolution
 Administrative Resolution
 Refer to Disciplinary Hearing

To:

Counsel Substitute

Name:

Matthew B. Fullbright

Institution:

Lee C. I.

Date:

^{TWO}
2/4/13

SCDC #:

349468

Living Quarters:

Summer-South-1148

RE: C.P. Section 8 - 8.1.3, 8.1.6 SCDC policy

I am expecting a disciplinary hearing to come out of my cell being searched and contraband being found by Lt. Kirkland and Lt. McCullough on 1/25/13. The case gained complexity when (for one) my then roommate moved to a different institution on 2/4/13. Also I have witnesses involved in this case: James Aiken, Barry Greeley, R. Carter Room 2135 J. Kennedy. I checked the box on my charge paper stating that I wanted representation.

I look forward to talking to you.

Disposition: Inmate Fullbright you will need to get your witness to write a SCDC written statement and bring all of the statements with you on your hearing day. You don't qualify for a Counsel Substitute.

DHO
2/13/13

FEB 08 2013

Date: 2/8/13

Signature: CS M Williams

44
SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS
REQUEST TO STAFF MEMBER

RECEIVED

To: Ann Hallman

Date: 1/4/13

Name: Matthew B. Fullbright

FEB 12 2013

SCDC #: 349468

Institution: Lee C. I

INMATE GRIEVANCE

Living Quarters:

Saniter-South-1148

EMERGENCY GRIEVANCE I had my cell searched by Lt. Kirkland and Lt. McCullough on 1/25/13 at approx. 4:30 PM. As a result of this search my cell door was left unlocked and unattended by any officers. When the search ended, Lt. Kirkland ordered myself and Ofc. Lineberry into the sally port. Thus, Lt. McCullough also going into the sally port with us left no staff inside the dorm when my room was still unlocked. I told Lt. Kirkland at my cell door, as we were walking towards the wing door and outside in the sally port that my cell door needed to be locked back. Lt. Kirkland told me to "keep walking." This shows intent outside the scope of her duties. From this incident I am missing the following: One Sony radio, one hot pot, legal books, one electric razor, legal documents, one pair of five star boots, approx. \$300.00 in canteen items, family photos, and many miscellaneous items and affects. I have receipts and documents for the things that I'm missing. I also have witnesses and affidavits to support these matters. I am in writing to you because my grievances are being returned for frivolous reasons.

Thank you for your attention to this matter.

Disposition:

You have a pending grievance on this issue. You will get a response once your grievance is processed

3.7.2013 Ann Hallman
March Chuy

Date:

Signature: