

Honorable Jean H. Toal
Chief Justice
1231 Grevaiss St.
P.O. Box 12456
Columbia, SC 29211-2456

RECEIVED

AUG 08 2014

S.C. SUPREME COURT

Re: Key v. Currie / extraordinary circumstances

Dear Honorable Toal,

Per attached EXHIBIT #228 - 5/22/14 Court of Appeals order, I Filed the enclosed Petition For Writ of Certiorari with this Court, with proof of service showing I served the Counsel For Respondent on 5/29/13, see also the In Forma pauperis motion notarized on 5/29/13.

THEREFORE, I was kind of shocked when I received EXHIBIT #229 - the 7/11/14 Remittitur from the Court of Appeals when I already served this Court for writ.

Pursuant to Key v. Currie, 406 S.E.2d 355, I move that this Court entertains this matter as if brought in your original jurisdiction. This case is extremely extraordinary because I gave it to the S.C. staff to mail out. see Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2378 (U.S. Tenn. 1988), a pro se prisoner's control over the processing of his notice (legal mail) necessary ceases as soon as he hands it over to the only public officials to whom he has access - the prison authorities.

I Filed the writ on the same day that I had the In Forma pauperis Motion notarized, **THEREFORE**, in the interest of justice I shouldn't be punished for something out of my control.

WHEREFORE, I pray that this Court entertains my writ.

8/04/14, sc
dated

Cc: Shanika K. Johnson, Esq.
Counsel For Respondent

x. T. Terrell Bryan
T. Terrell Bryan

#254638, SMO-N43, Lee C.I.
990 Wixacky Hwy
Bishopville, SC 29010

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From South Carolina Court of Appeals
Honorable Jasper M. Cureton, AJ
Appellate Case No. 2014-000110
ALC Docket No. 14-ALC-04-N/A-AP
Cric. No. MCCI 1098-13

RECEIVED

AUG 08 2014
S.C. SUPREME COURT

T. Terrell Bryan,

Petitioner,

v.

SCOC,

Respondent.

PETITION FOR WRIT OF CERTIORARI

T. Terrell Bryan

#257638, SMU-B19, MCCI

386 Redemption Way

MCCORMICK, SC 29899

PRO SE PETITIONER

Shanika K. Johnson, Esq.

General Counsel

4444 Broad River Rd.

Columbia, SC 29210

COUNSEL FOR RESPONDENT

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I. THE COURT OF APPEALS ERR BY NOT REMANDING TO THE ALC FOR A FINAL JUDGMENT WHERE THE ALC'S CLERK'S MEMO IS NOT APPEALABLE.

Conclusion

Document	APPENDIX
79	Step 1 grievance/MCCI 1138-13
80	letter to Judge Censki
81	SCAC stamp received 12/18/13 envelope
82	12/24/13 letter
83	clerk's memo

TABLE OF AUTHORITIES

I. STATUTES

S.C. Code Ann. § 1-23-610(A)(1) (Supp. 2009)

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II. CASES

Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 55 (S.C. 2012)

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Kriti Ripley, LLC v. Emerald Inv., LLC, 404 S.C. 367, 746 S.E.2d 26 (S.C. 2013)

6

III. COURT RULES

STATEMENT OF ISSUES ON CERTIORARI

DID THE COURT OF APPEALS ERR BY NOT REMANDING TO THE ALC FOR A FINAL JUDGMENT & IS THE MEMO OF THE CLERK A VIOLATION OF ACCESS TO THE COURT.

STATEMENT OF THE CASE

I filed a step 1 grievance on 12/06/13 which was not processed. see EXHIBIT #79 - step 1 grievance/MCC 1138-13. Being a Final decision by SDC, I timely appealed to the ALC, Filed by the ALC on 12/19/13, see EXHIBIT #80 & #81 letter to Judge Lenski & SDC stamp received 12/18/13. see also EXHIBIT #82 - previous 12/04/13 letter.

Per EXHIBIT #83 - clerk's memo, the clerk denied me a case number because I've filed three appeals to the ALC already in the 2013 year.

I timely filed a Notice of Appeal to the S.C. Court of Appeals on 1/08/14, see EXHIBIT #157 - 1/08/14 letter to S.C. Court of Appeals & EXHIBIT #158 - 3/13/14 order, the court dismissed the appeal because there was no final judgment, appealable order or decision. I petition the court for Reinstatement/Reconsideration. The petition was denied on 5/22/14, see EXHIBIT #203 - ORDER

Thus is this timely Writ of Certiorari

ARGUMENT

I. THE COURT OF APPEALS ERR BY NOT REMANDING TO THE ALC FOR A FINAL JUDGMENT WHERE THE ALC'S CLERK'S MEMO IS NOT APPEALABLE.

FACTS

When I filed a Notice of Appeal to the ALC & the clerk issued me a memorandum thus dismissing the appeal without an order from a judge. I timely appealed to the S.C. Court of Appeals, the Court of Appeals dismissed the appeal holding the clerk's practice of issuing a memo is not a final appealable order, but did not REMAND back to the ALC.

LAW

Under the "Finality Rule" a final judgment is an order that "dispose[s] of the cause ... reserving no further questions or directions for future determination. It must finally dispose of the whole subject-matter or be a termination of the particular proceedings been determined." Kriti Ripley, LLC v. Emerald Inv. LLC, 404 S.C. 387, 746 S.E.2d 26 (S.C. 2013). See also Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (S.C. 2012) citing S.C. Code Ann. §1-23-610 (A)(1) (supp. 2009), which allows judicial review only from "final decisions" of the ALC.

ARGUMENT

The ALC clerk & any reasonable judge has foreseeability that the memo of the ALC clerk is not an appealable final order & thus would deny an appellant review by the S.C. Court of Appeals, thus such practice by the clerk of issuing such memo is unconstitutional & the Court of Appeals erred by failing to REMAND to the ALC.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From South Carolina Court of Appeals
Honorable Jasper M. Cureton, MS
Appellate Case NO. 2014-000110
ALC Docket NO. 14-ALJ-04-N/A - AP
Gric. No. MCCI 1098-13

T. Terrell Bryan,

Petitioner,

v.

SCDC,

Respondent.

PROOF OF SERVICE

I hereby certify that I served a copy of the "Petition For Writ of Certiorari" & "In Forma Pauperis Motion", on: Shanika K. Johnson, Esq.; General Counsel; 4444 Broad River Rd.; Columbia, SC 29210.

5/29/14, SC
dated

X. TF of B
T. Terrell Bryan
#051638, SMU-B19, MCCI
386 Redemption Way
McCormick, SC 29899

APPENDIX

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed), for the time frames on filing briefs and other matters.

Case Number	Inmate Number	Inmate First Name	Inmate Last Name	Grievance No	Respondent	Filing Date	Date Assigned	Judge Last Name
14C0002	254638	TERELL	BRYAN	MCCI 263-13	DOC	1/2/2014	1/16/2014	DURDEN

EXHIBIT
#63

FILED

JAN 16 2014

ADMIN. LAW COUR

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

The South Carolina Court of Appeals

T. Terell Bryan, 254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-000110

EXHIBIT
#228

ORDER

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AUG 08 2014

S.C. SUPREME COURT

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

H. Bruce Allen J.

John D. Weather J.

Jasqueline Carter A.J.

Columbia, South Carolina

cc:

Terence Terell Bryan, 00254638
Shanika Kenyetta Johnson, Esquire

FILED
5/22/14



The South Carolina Court of Appeals

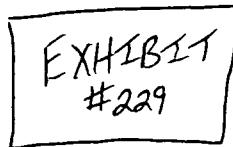
JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
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July 11, 2014

The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street
Suite 224
Columbia SC 29201



REMITTITUR

Re: T. Terell Bryan v. SCDC (20)
Appellate Case No. 2014-000110

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Terence Terell Bryan, 00254638
Shanika Kenyetta Johnson, Esquire

RECEIVED

AUG 5 2014

LEE CI MAIL ROOM

Interagency Meeting

T. Terrell Brown
#254655, SIMU-1445, Bee C. I.
990 Wilsack, Hwy
Bishopville, SC 29010

Office of Special Counsel
Honorable Jean H. Taal
Chief Justice
1231 Greivais St.
P.O. Box 12456
Columbia, SC 29211-2456

LEGAL MAIL ONLY

