

S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211-1330

Re: Writ of Certiorari of Bryan V. SLOE, App. Case No. 2014-000366

Dear Clerk,

Enclosed for your filing is a "Petition For Writ of Certiorari", Proof of Service, & IN FORMA PAUPERIS Motion. The EXHIBITS are not attached, they are being copied.

9/11/14, SC  
dated

Thank you,  
T. Terch Bryan  
#254538, MA125, LLC  
P.O. Box 205  
Ridgeville, SC 29472

**RECEIVED**

SEP 15 2014  
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal From South Carolina Court of Appeals

Honorable James E. Lockemy

Appellate Case No. 2014-000366

T. Terrell Bryan,

Petitioner,

v.

SCDL,

Respondent.

PETITION FOR WRIT OF CERTIORARI

T. Terrell Bryan

#254638, MAHAS, LLC

P.O. Box 205

Ridgeville, SC 29472

PRO SE PETITIONER

Chris P. Florian, Esq.

Deputy General Counsel

4444 Broad River Rd.

Columbia, SC 29214

COUNSEL FOR RESPONDENT

# TABLE OF CONTENTS

	Page
Cover Page	
Table of Contents	1
Table of Authorities	2
Statement of Issues on Appeal	3
Statement of the Case	4
	5

## Argument

I. THE CLERK ERRED BY HOLDING APPELLANT FILED 3 APPEALS WHERE HE ONLY FILED ONE NOTICE OF APPEAL.

II. NOT ONLY DOES THE POLICY OF TOTAL DENIAL OF EDUCATIONAL MATERIALS DO NOT MAKE SENSE, IT IS MALICIOUSLY DESIGNED TO ENSURE INMATES DO NOT SUCCEED!! RECIDIVISM!!

## CONCLUSION

## APPENDIX

- 1 EXHIBIT # 278 - 5/23/14 order
- 2 EXHIBIT # 206 - 6/18/14 order
- 3 EXHIBIT # 278 - 8/20/14 Remittitur

# TABLE OF AUTHORITIES

## I. STATUTES

Page

## II. CASES

Morrissey v. Brewer, 92 S.Ct. 2593 (1972)

7

Turner

7

## III. COURT RULES

ALC's Rules of Procedure, v. Special Appeals §55 & 59(B)

6

## STATEMENT OF ISSUES ON APPEAL

I. DID THE CLERK OF THE ALC ERR BY HOLDING APPELLANT FILED 3 APPEALS?

II. DOES SCDC POLICY OF TOTAL DENIAL OF EDUCATIONAL MATERIALS A VIOLATION OF APPELLANT'S STATE CREATED LIBERTY INTEREST?

## STATEMENT OF THE CASE

This case involves several Step 1 grievances: MCEI 0263-13, 1129-13, 1123-13, 1109-13, & 1131-13. I LOST NINE DAYS ACCRUED GOOD TIME PLUS THREE DAYS. I Filed the step one grievance on 3/18/13 which was denied on 4/17/13. I Filed the step two on 4/23/14.

I timely Filed one Notice of Appeal to the ALC. The ALC clerk divided the case into three cases.

The Ct. of App. dismissed on 5/23/14, see EXHIBIT #298 - 5/23/14 order. I Filed a motion for more definite order on 5/27/14. I was from MCEI to Lee C.I. on 6/03/14. I repeatedly request my case file in this case from Respondent & was denied. On 6/18/14 rehearing was denied. see EXHIBIT #206 - 6/18/14 order. I was transferred from Lee C.I. to Lieber C.I. on 8/14/14. on 8/28/14 Capt. Brightarp gave me my case file, it was in a legal box I never seen before. The Remittitur was received by me on 8/27/14. see EXHIBIT #277 - 8/20/14 Remittitur. From 6/03/14, the date I was transferred from MCEI to Lee C.I. until 8/28/14 when Capt. Brightarp gave me my case file, the time should be telled, thus voiding the Remittitur, where I would of Filed this writ two three days after the 6/18/14 order.

Thus is this timely writ.

# ARGUMENT

## I. THE CLERK ERRED BY HOLDING APPELLANT FILED 3 APPEAL WHERE HE ONLY FILED ONE NOTICE OF APPEAL.

On 1/02/14 I timely Filed one Notice of Appeal citing several grievance numbers. The Clerk of the ALC divided the one Appeal into three stating I "... Can File an 1 appeal per step 1 &/or per step 2." **THIS WAS AN ERROR.**

Per the ALC's Rules of Procedure, V. special Appeals § 55 & § 59(B), the clerk erred.

Rule 55 reads:

Docket Number. The clerk of the court shall assign a docket number to each case.

Rule 59(B) reads:

Notice of Appeal. The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the court ... a brief factual basis for each expressly & specifically asserted constitutional violation.

The ALC clerk erred, where only one docket number can be assigned to a case &/or Notice of Appeal. The record shows only one case &/or Notice of Appeal was before the ALC court. The Factual basis of the (ALC) Notice of Appeal shows an intent on my part to file only one appeal. **MY INTENT MUST BE UPHOLD,** & the grievances should be consolidated back together.

## ARGUMENT

### II. NOT ONLY DOES THE POLICY OF TOTAL DENIAL OF EDUCATIONAL MATERIALS DO NOT MAKE SENSE, IT IS MALICIOUSLY DESIGNED TO ENSURE INMATES DO NOT SUCCEED!! RECIDIVISM!!

I have a liberty interest in independently, rehabilitation &/or educating ones ownself, helping one's self to "... reintegrate into society as [a] constructive individual..." see Morrissey v. Brewer, 92 S.Ct. 2593 (1972). Noting I am eligible to earn EEC (Earned Educational Credits).

Per SCDC'S policy PS-08.06, titled Education Program (March 1, 2010) §3.2 "SCDC will make available comprehensive & flexible education programs to all inmates meeting specific criteria. While not all inmates will be eligible to participate in all education programs... some type of educational access, outside of mere novels or mystery books, will be accessible to SMU inmates." §3.3 "... Independent study..."

SCDC refuses to make accessible to Appellant educational programs or materials because he is an SMU Inmate with a mere G.E.D.

PS-12.08 Inmate Correspondance Policy, an Inmate on SMU Can not receive through the mail any educational materials.

SCDC will not provide me educational materials & will not allow me to receive any through the mail. Leaving me no way to independently, rehabilitate &/or educate myself, helping myself to "... reintegrate into society as [a] constructive individual..." Morrissey, supra.

SCDC can not survive the Turner test because SCDC can not justify why they are prohibiting me to complete my college course through the mail. The college course is mailed to me, I complete it, I mail it back. SCDC is no more involved then as if I am writing a friend back & forth. Stopping me from completing my college course through the mail simply makes no sense!!!

### EEC

Per SCDC'S policy PS-12.08, §8.2, "for those inmates with 'No Parole' sentences, no more than 72 days will be awarded during any 12-month period."

Not only is RECIDIVISM a proximate cause but keeping inmates in prison longer SCDC do not want to award SMU inmates 72 days EEC.

## CONCLUSION

- I. I pray certiorari is granted & I be allowed to fully brief the arguments.
- II. This case remanded to the ARC with instruction to consolidate the three case back together.
- III. SCOC's educational department provide spw I/mS educational materials & I be allowed to complete my college course through the mail.

9/11/14 isc  
dated

X. T. T. Bryan  
T. Terrell Bryan  
#354638, MA125, L&I  
P.O. Box 205  
Ridgeville, SC 29472

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal From South Carolina Court of Appeals  
Honorable James E. Lockem  
Appellate Case No. 2014-00366

---

T. Terrell Bryan,

Petitioner,

v.

SCOC,

Respondent.

---

PROOF OF SERVICE

---

I hereby certify that I served Chris D. Florian; Deputy General Counsel; 4444  
Broad River Rd.; Columbia, SC 29210, by Inter-Agency mail, a copy of Petition For Writ of  
Certiorari, w/EXHIBITS, & in forma pauperis motion.

9/11/14, SC  
dated

X. T. Terrell Bryan

T. Terrell Bryan  
#254638, MA125, LE 2  
P.O. Box 205  
Ridgelyville, SC 29472

**RECEIVED**

SEP 15 2014

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal From South Carolina Court of Appeals

Honorable James E. Lockery

Appellate Case No. 2014-000366

T. Terrell Bryan,

Petitioner,

v.

SCDC,

Respondent.

IN FORMA PAUPERIS MOTION

I, T. Terrell Bryan, hereby apply for leave to proceed in this action in forma pauperis, in support of this motion I affirm under penalty of perjury, 28 U.S.C. §1746 & 18 U.S.C. §1621, that the following is true:

1. I am the Petitioner in this action & believe that I am entitled to redress.
2. Because of my poverty I am unable to pay the costs of said proceedings, or give security thereof.

9/11/14, SC  
dated

X. T. Terrell Bryan  
T. Terrell Bryan

#254638, MA125, LCII

P.O. Box 205

Ridgeville, SC 29472

COPIES

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_ (L.S.)

My Commission Expires: \_\_\_\_\_

TRUCK PRINTING CO

REBOARD

210 SYSTEM COURT  
MAY 17 1984

APPENDIX

T. Terrell Bryan  
#254638, NHAAS, LLC  
P.O. Box 205  
Ridgelyville, SC 29472

**RECEIVED**

SEP 12 2014  
MAILROOM  
LIEBER CI

S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211-1330

**FOR LEGAL USE ONLY**

SEP 12 2014

POSTNET

FIRST CLASS



UNITED STATES POSTAGE  
02 TM  
0004238017  
MAILED FROM ZIP CODE 29472  
SEP 12 2014  
**\$ 00.690**