

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

T. Terell Bryan, #254638,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 14-ALJ-04-0459-AP
Grievance No. MCCI 0019-14

**ORDER GRANTING RESPONDENT'S
MOTION FOR REMAND
AND DENYING APPELLANT'S
MOTION FOR COSTS**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed June 23, 2014, by Appellant (Bryan), above named, who is incarcerated with the South Carolina Department of Corrections (SCDC). On August 29, 2014, Respondent filed a Motion to Remand with the Court stating SCDC has elected to overturn the case due to errors in the disciplinary hearing process. SCDC stated in its motion that the charge will be re-heard at a later date. This Court has received a revised Step 2 Grievance Form showing that the 854 conviction will be overturned, all sanctions will be lifted, to include 60 days loss of good time. However, due to the seriousness of this offense a rehearing will be granted upon issuance of this Order.

The purpose of inmate appeals of disciplinary matters before the Administrative Law Court is to assure that the inmate's due process rights are protected in decisions made by SCDC. Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506, (2004). A remand of this case will afford the inmate a new hearing and serve to protect his due process rights.

On September 5, 2014, Bryan filed a motion for costs. He asks that the Court order SCDC to pay the Court a \$25.00 fee, so that he may file another appeal before having to pay filing fees. The Court rules contain no provision for awarding costs in the present situation, and Inmate has offered no authority in support of his request.

IT IS THEREFORE ORDERED that Appellant's Motion for Costs is **DENIED**.

FILED

SEP 15 2014

SC ADMIN. LAW COURT

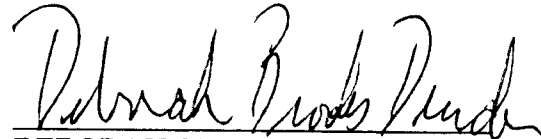
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SC Court of Appeals

IT IS ALSO ORDERED that the above-captioned matter is **REMANDED** for a new hearing. With this order this Court closes the docket in this matter. Should Appellant desire review of the Department's decision on remand, he will be required to file a separate notice of appeal from that determination.

AND IT IS SO ORDERED.

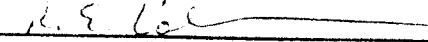

DEBORAH BROOKS DURDEN
Administrative Law Judge

September 15, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 15th day of September 2014

By: 
Judicial Law Clerk

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Hon. Deborah Bruce Durkin

ALC Docket No. 14-ALJ-04-0459-AP

Grievance No. M-0019-14

T. Terrell Bryan, 254638, Appellant,

v.

South Carolina Department of Correction, Respondent

PROOF OF SERVICE

I hereby certify that I have served a copy of 1) this, & 2) 9/15/14 (ALC) order, on: A.) S.C. Admin. Law Court; 1205 Perfection St., #204; Columbia, SC 29201, B.) Chris D. Florian, Deputy General Counsel (State Agency Mail).

10/23/14, SC
dated

X. T. Terrell Bryan

T. Terrell Bryan
#254638, MAILS, LLC

P.O. Box 205
Ridgely, SC 29472

OTHER COUNSEL OF RECORD

Chris D. Florian

Deputy General Counsel

(State Agency Mail)

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SC Court of Appeals

S.C. Court of Appeals
Ms. Jenny A. Kitchens
P.O. Box 11629
Columbia, SC 29211-1629

RE: T. Terrell Bryan v. ~~SCDC~~ (24)
Appellate case No. 2014-002035

Dear Ms. Kitchens,

You are denying my access to the courts & due process rights by changing the address in this case. All the papers I sent you in this case has the below stated address. Why have you change my address, thus delaying my mail?

Enclosed for your filing is the 9/15/14 (ALC) order & proof of service.

10/03/14, SC
dated

Thank you,
T. Terrell Bryan
#254638, MAIL, LLC
P.O. Box 205
Ridgeville, SC 29472

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T. Trell Bryan
#254633, MAILS, LLC
P.O. Box 205
Ridgeville, SC 29472

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S.C. Court of Appeals
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