

RECEIVED

SEP 24 2014

SEP

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

S.C. SUPREME COURT

S.C. SUPREME COURT

Re: Writ of Certiorari of ~~the~~ Bryan v. SEC, Appellate Case No. 2014-000367

Dear clerk,

Enclosed for your filing is a ~~petition~~ petition for Writ of Certiorari, w/EXHIBITS,  
proof of service, & in forma pauperis motion.

9/18/14, SC  
dated

Thank you,  
T. Terell Bryan  
#254538, MA125, LC1  
P.O. Box 205  
Ridgewood, SC 29472

REQUEST

APR 02 2014

RECEIVED

A. Hallman / IGA  
T. Terrell Bryan  
MCCI

TRUCC/AMERHUB

3/31/14  
GRIEVANCE  
254638  
SMU-B19

MAR 31 2014

MCCI  
MAIL ROOM

Per attached EXHIBIT # 119 - 2/28/14 letter to chief Appellate Judge, "cc" to Shanika Kenyetta Johnson about packer failing to enforce GA-01. 03 § 9.2, Johnson has not responded. What do I do next?

Forwarded to Mrs Johnson

4/18/2014

AD

A. HALLMAN  
INMATE GRIEVANCE  
BRANCH CHIEF

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from South Carolina Court of Appeals  
Honorable Jasper M. Cureton, AJ  
Appellate Case No. 2014-000367

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T. Terrell Bryan,

Petitioner,

v.

SCDC,

Respondent.

PETITION FOR WRIT OF CERTIORARI

T. Terrell Bryan  
#254638, MA125, LCI  
P.O. Box 205  
Ridgeville, SC 29472  
PRO SE PETITIONER

Chris D. Florian  
Deputy General Counsel  
4444 Broad River Rd.  
Columbia, SC 29210  
COUNSEL FOR RESPONDENT

# REQUEST

Division of Food Service  
T. Terrell Bryan  
MCCI

5/05/14  
254538  
SMU-B19

To: Food Service Branch Chief

ADM-16.05 §7.6, Food service is suppose to come on the SMU's rock area to inspect for quality, quantity & service of three meals per week & to answer I/M's questions. Lt. S. Terry is refusing to let Food service come on the wing to talk to us & forging the log book as if Food service is coming on the wing.

cc: Div. of Food serv.

Send back to MCCI

EXHIBIT  
#174

Lt. Terry has nothing to do with Food Service. We will not be coming on the Rock to see Inmates any more. Any concerns about the food from the Cafeteria should be sent 1st to Food Service. If you can't see the inmate from his cell to talk with him about complaints if necessary. Directors inspect their SMU Kitchens (2) per week. If you send a letter to Headquarters first, it will be returned for FSD in their Institution's answer 1st. All meals are inspected from the institution Cafeteria 1st.

Quantity Manager FSDVT

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II. THE ALC CLERK VIOLATED MY DUE PROCESS RIGHTS WHERE I ONLY FILED ONE NOTICE OF APPEAL & THE CLERK DIVIDED IT INTO THREE.

III. THE ALC ERRED WHERE RESPONDENT CAN NOT SATISFY THEIR BURDEN OF PROOF WHERE NON-EXHAUSTION MUST BE BOTH PLED & PROVEN BY THE RESPONDENT.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

**RECEIVED**  
STEP 1

INMATE NAME: <u>T. Terrell Bryan</u>	Grievance No: <u>MCC1007514</u>
SCDC NUMBER: <u>254638</u>	Code: General <u>IP/IS</u>
INSTITUTION: <u>MCCI</u>	Policy _____
HOUSING UNIT: <u>SMD-B19</u>	Disc. Hear. <input checked="" type="checkbox"/>
WORK ASSIGNMENT: <u>N/A</u>	Class. _____
<u>FEB 03 2014</u>	PREA _____
	Date Received <u>02-03-14</u>
	IGC Initials <u>PT</u>

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

Per the ~~4/23~~<sup>5/23</sup> memo of A. Hallman IGB, subject: charges to GAR-01.2 § 12, "If an ~~inmate~~ Inmate needs to listen to the disciplinary recording, any information discovered can be put in the step 2 appeal. SCDC has responded to the step 2 appeal & have fail to afford me the chance to listen to the OHO tape, violating policy & my due process rights."

**SEE ATTACHED STEP 2  
RESPONSE**  
DATE: 2-27-2014

ACTION REQUESTED: Case # 128 vacated.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
see attached EXHIBIT #29 1/24/14 request to Talbert & EXHIBIT #28 1/21/14 request to Mursier.  
MMB 1/31/14  
Grievant Signature Date

IV. CT. OF APP. ERRED HOLDING I DID NOT FILE AN "INITIAL BRIEF" & NOT RULE ON MY "PETITION FOR REINSTATEMENT/ RECONSIDERATION."

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CONCLUSION

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## APPENDIX

Document

- 1 4/02/14 Request to Ann Hallman/IGA
- 2 Initial Brief of Respor
- 3 8/20/14 Remittitur
- 4 7/11/14 Order
- 5 1/22/14 Order of Dismissal
- 6 7/11/14 Order
- 7 Petition for Reinstatement/ Reconsideration.
- 8 2/15/13 letter from Uni. of SC. School of med.
- 9 2/26/14 Request to Dir./med. Serv.
- 10 Meloxicam label
- 11 5/24/14 Request to Ann Hallman - chief/IGB
- 12 3/13/14 Request to Jan Vreccis/ Region one Reg. Dir.

# REQUEST

A. Hallman / Chief - IGB  
T. Terrell Bryan  
MCL I

2/10/14  
254638  
7MU-319

To: A. Hallman / Chief - IGB

I personally spoke to A/Warden Lewis & he promised me a special visit. My kids' rights are being violated by them not being able to see me. Per attached EXHIBIT #51, I wrote Lewis on 11/06/13 & again on 1/15/14, the mailroom is so messed up I doubt Lewis got my requests.

What do I do next?

CC: ON FILE

CC: A/Warden Lewis

Forward to Regional Director,  
Mr. Anthony Padula  
3/5/2014 Ann Hale

ANN HALLMAN  
INMATE GRIEVANCE  
BRANCH CHIEF

EXHIBIT  
#93

# TABLE OF AUTHORITIES

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## I. STATUTES

§1997(a)(2) \_\_\_\_\_

PLRA \_\_\_\_\_

Penalty of perjury, 28 U.S.C. §1746 & 18 U.S.C. §1621 \_\_\_\_\_

## II. CASES

Anderson v. XYZ Correctional Health Services, Inc., 407 F.3d 674, 682 (4th Cir. 2005) \_\_\_\_\_

Conner v. Martinez, 2006 WL 2668977, at \*2 (D. Ariz. Sept. 14, 2006) \_\_\_\_\_

Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379 (U.S. Tenn. 1988) \_\_\_\_\_

Woodford v. Ngo, 126 S.Ct. 2378 (2006) \_\_\_\_\_

## III. COURT RULES

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

REQUEST

A/Warden Lewis  
T. Terrell Bryan  
MCCI

11/06/13 / 1/15/14  
254833  
SMU-719

You said you will allow me a special visit. I request for ~~two~~ my two kids,  
my two brothers, mom & dad. Is that too many?  
Please respond.

EXHIBIT  
#51

## STATEMENT OF ISSUES ON APPEAL

- I. CONSTRUING §1997a(c) TO REQUIRE PROPER EXHAUSTION ALSO SERVES THE PLRA'S GOALS IT GIVES PRISONERS AN EFFECTIVE INCENTIVE TO MAKE FULL USE OF THE PRISON GRIEVANCE PROCESS, IS THE REVERSAL TRUE THAT IT GIVES PRISONS AN EFFECTIVE INCENTIVE TO MAKE FULL USE OF THE PRISON GRIEVANCE PROCESS TO CORRECT THEIR OWN ERRORS? & WOULD SUCH WARRANT SCDC TO PROVIDE ME THE NEEDED MEDICAL CARE?
- II. IS IT A DUE PROCESS VIOLATION WHERE THE CLERK DIVIDED INTO THREE APPEALS WHERE I ONLY FILED ONE NOTICE OF APPEAL & I ONLY INTEND TO FILE ONE APPEAL?
- III. WHETHER THE ALC ERRED BY DISMISSING MY APPEAL WHERE RESPONDENT CAN NOT SATISFY THEIR BURDEN OF PROOF & FAILED TO BOTH PLED & PROVE NON-EXHAUSTION?
- IV. WHETHER THE CT. OF APP. ERRED HOLDING I DID FILE AN "INITIAL BRIEF" WHERE THE RECORD SHOWS RESPONDENT RESPONDED TO MY BRIEF?

REQUEST

Food Service Branch Chief  
T. Terrell Bryan  
MCCZ

5/05/14  
254638  
SMU-B19

To: Food Service Branch Chief

ADM-16.05 §7.6, Food service is suppose to come on the SMU's rock area to inspect for quality, quantity & service of three meals per week & to answer I/M's questions. Lt. S. Terry is refusing to let food service ~~to~~ come on the wing to talk to us & forging the log book as if food service is coming on the wing.

cc: Div. of Food Serv.

Send back to MCEL

*[Faint, illegible handwritten notes and markings]*

EXHIBIT  
#175

## STATEMENT OF THE CASE

This case involves several step 1 grievances: MCC# 0263-13, 1129-13, 1128-13, 1109-13, & 1131-13. I LOST NINE DAYS ACCRUED GOOD TIME PLUS THREE DAYS. I filed the step one grievance which was unprocessed. Per Document #1 - I cannot appeal to the step 2 level an unprocessed grievance, because an unprocessed grievance is an Agency's Final response.

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

I timely filed a Notice of Appeal to the S.C. Court of Appeals on 2/20/14. The Ct. of App. dismissed on 7/11/14 - Document #4. I filed a "Petition for Reinstatement/Reconsideration" on 7/28/14

I was transferred from MCC# to Lee CI on 6/03/14. I repeatedly requested my full case file in the present case from Respondent & was denied. I was transferred from Lee CI to Lieber CI on 8/19/14. Per Document #3 - the Remittitur was sent on 8/20/14. On 8/28/14 Capt. Brightbairp gave me a legal box I never seen before with my legal material in it, I got the rest of my case file.

From 6/03/14, the date I was transferred from MCC# to Lee CI until 8/28/14 when Capt. Brightbairp gave me my case file, the time should be tolled, thus voiding the Remittitur, where I would of filed this writ two or three days after the 7/11/14 Order, noting I filed a "Petition for Reinstatement/Reconsideration" on 7/28/14.

FOR SOME REASON the Ct. of App. ignored my Appellant's Brief, Appellant's Reply Brief & Petition for Reinstatement/Reconsideration. WHY???



# 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  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

March 13, 2014

Terence Terell Bryan, 00254638  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899

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

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Shanika Kenyetta Johnson, Esquire

# ARGUMENT

I. §1997a(e) & THE PLRA PLACES A DUTY OF PROPER EXHAUSTION FOR BOTH PARTIES, THUS SCDC SHOULD MAKE FULL USE OF THE PRISON GRIEVANCE PROCESS TO CORRECT THEIR OWN ERRORS, WHERE IF THIS WERE CLEARLY ESTABLISHED SCDC WOULD OF PROCESSED MY GRIEVANCE & PROVIDED ME THE NEEDED MEDICAL CARE.

Pursuant to Woodford v. Ngo, 126 S.Ct. 2373 (2006), Construing §1997 a(e) to require proper exhaustion also serves the PLRA's goals, it gives prisoners an effective incentive to make full use of the prison grievance process, thus providing prisoners with a fair opportunity to correct their own errors. Exhaustion often results in the creation of an administrative record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified & questioned while memories are still fresh, & EVIDENCE CAN BE GATHERED & PRESERVED. Thus, Respondent have a duty to identify & question witnesses & gather & preserve evidence.

THEREFORE, §1997 a(e) & the PLRA places a duty of proper exhaustion for both parties, thus prisons should make full use of the prison grievance process to correct their own errors! MOREOVER, where if this were clearly established scdc would of provide me regular neurosurgeon & baclofin for back spasms. see Document #9-12.

~~affidavit~~

~~On the Kee field Scitsbug told Brian T. Texell that they  
wanted something in writing saying that Brian will throw away  
his legal work & stop seeing Scyc & Scyc's employees.~~

~~suborn to before me this  
12<sup>th</sup> day of March 2014~~

~~Perjury of Mortar (2.5)~~

~~all Commission Expires: Feb 28, 2018~~

~~Carol Pratt  
238944 Since 138...~~

EXHIBIT  
#106

# ARGUMENT

II. THE ALC CLERK VIOLATED MY DUE PROCESS RIGHTS WHERE I ONLY FILED ONE NOTICE OF APPEAL & THE CLERK DIVIDED IT INTO THREE.

I filed one Notice of Appeal to the ALC citing several grievance numbers. The clerk only having one Notice of Appeal, assigned three docket numbers to one Notice of Appeal. THIS WAS ERROR!

The clerk violated the ALC Rules of Procedure, v. special Appeals § 55 ("Document Number. The Clerk of Court shall assign a docket number to each [Notice of Appeal]"). & § 54(b) ("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...") THEREFORE, only one docket number can be assigned to a Notice of Appeal.

The record before the ~~court~~ Court shows that only one Notice of Appeal was before the ALC. MY INTENT MUST BE UPHELD, & the grievances consolidated back to one Notice of Appeal.

# The South Carolina Court of Appeals

T. Terell Bryan, 254638, Appellant,

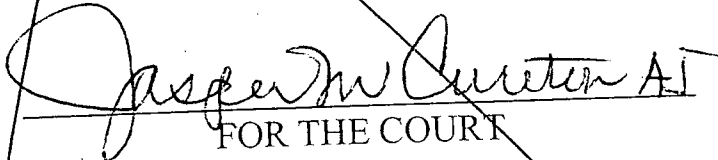
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-000110

ORDER

Appellant has filed a notice of appeal from a memorandum of the Administrative Law Court Clerk's Office, which indicates his appeal will not be processed unless it is accompanied by the appropriate fee pursuant to section 1-23-670 of the South Carolina Code (Supp. 2013). Because this clerk's office memorandum is not a final order, this appeal is dismissed. See Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any *final* judgment, appealable order or decision." (emphasis added)).


  
FOR THE COURT

Columbia, South Carolina

cc:

Terence Terell Bryan, 00254638  
Shanika Kenyetta Johnson, Esquire

**FILED**

3/13/14 

# ARGUMENT

III. THE ALC ERRED WHERE RESPONDENT CAN NOT SATISFY THEIR BURDEN OF PROOF WHERE NON-EXHAUSTION MUST BE BOTH PLED & PROVEN BY THE RESPONDENT.

In Document #5 - order of Dismissal, the ALC held, "[b]y failing to obtain a final decision from SCOC, [I have] failed to exhaust [my] administrative remedies ... " **THIS IS ERROR!** Noting Respondent has filed no brief, where the ALC sua sponte dismissed before either could file a brief.

It is Respondent's burden to prove I failed to exhaust my administrative remedies. Anderson v. XYZ Correctional Health Services, Inc. 407 F.3d 674, 683 (4th Cir. 2005) (Inmate's failure to exhaust administrative remedies is an affirmative defense to be both pled & proven by the defendant); Conner v. Martinez, 2006 WL 2668977, at \*2 (D. Ariz. Sept. 14, 2006) ("Defendant bears the burden of specifying what remedies were 'available' to Plaintiff.") Additionally, per Document #1 - I cannot appeal to the step 2 level on unprocessed grievance, because an ~~unprocessed~~ unprocessed grievance is an Agency's Final response. **THEREFORE**, by law, I have exhausted my administrative remedies, & the ALC erred holding I did not.

UNITED STATES DISTRICT COURT

For the

District of South Carolina

Timothy L. Wright #331298  
Plaintiff

v.

Albert L. Mack  
Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER: 5:12-2232-TMC-KDW

I, Timothy L. Wright #331298 declare that I am the (check appropriate box)  
 petitioner/plaintiff/movant  other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?  Yes  No (If "No," go to Part 2)

If "Yes," state the place of your incarceration Lieber Correctional Institution

Are you employed at the institution? N/A Do you receive any payment from the institution? N/A

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions:

2. Are you currently employed?  Yes  No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. N/A

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. N/A

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment  Yes  No
- b. Rent payments, interest or dividends  Yes  No
- c. Pensions, annuities or life insurance payments  Yes  No
- d. Disability or workers compensation payments  Yes  No
- e. Gifts or inheritances  Yes  No
- f. Any other sources  Yes  No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive. N/A

# ARGUMENT

IV CT. OF APP. ERRED HOLDING I DID NOT FILE AN "INITIAL BRIEF" & NOT RULING ON MY "PETITION FOR REINSTATEMENT/RECONSIDERATION."

Per Document #6 - 7/11/14 order of Ct. of App. the Ct. held I failed to file an "Initial Brief", per Document #2 - Initial Brief of Respondent, page 6, they state in section "II", first line "[I]n his brief..." THIS IS EVIDENCE I FILED A BRIEF.

Per Document #7 - 7/18/14 petition for Reinstatement/Reconsideration, I proved by clear & convincing evidence I filed a brief & this petition should of stayed the Remittitur. THIS IS ERROR BY THE CT. OF APP.

Pursuant to Horston v. Lack, 487 U.S. 266, 108 S.Ct. 2379 (U.S. Tenn. 1988), a pro se prisoner's control over the processing of his legal mail necessarily ceases as soon as he hands it over to the prison staff. THEREFORE, documents are deemed filed as of the time I gave it to prison staff. MOREOVER, I affirm under penalty of perjury, 28 U.S.C. § 1746 & 18 U.S.C. § 16a1, that I filed an Initial Brief titled "Appellant's Brief."

# REQUEST

Division of Food Service  
T. Terrell Bryan  
MCCI

5/05/14  
254533  
SMU-B19

To: Food Service Branch Chief

ADM-16.05 §7.6, Food Service is suppose to come on the SMU's rock area to inspect for quality, quantity & service of three meals per week & to answer I/M's questions. Lt. S. Terry is refusing to let Food Service come on the wing to talk to JS & forging the log book as if Food Service is coming on the wing.

cc: Div. of Food Serv.

Sent back to ~~me~~

EXHIBIT  
#174

Lt. Terry has nothing to do with Food Service. We will not be coming on the Rock to see I/M's any more. Any concerns about the food from the Cafeteria should be sent 1st to Food Service. Quantities Mess. If there is a need or concern Food Service will full the inmate from his cell to talk with him about complaints if necessary. Directors inspect their SMU Kitchens (2) per week. If you send a letter to Headquarters first, it will be returned for FSD in their Institution's answer 1st. All meals are inspected from the institution Cafeteria 1st

Quantities Mess FSDVT

## CONCLUSION

I. I pray that this court hold that Respondent have a duty to make full use of the grievance process to correct their own errors!

II. This case REMANDED to the ALC with instructions to consolidate the three cases to one Notice of Appeal.

III. This case REMANDED to the ALC to allow briefing on the issue of exhaustion of administrative remedies.

IV. This case REMANDED to Ct. of App. with instructions to entertain &/or rule on "Appellant Brief", "Appellant's Reply Brief" & "Petition for Reinstatement/Reconsideration."

V. I pray certiorari is granted & I be allowed to fully brief my arguments.

9/18/14, SC  
dated

x. T. Terrell Bryan  
T. Terrell Bryan  
#254638, MA125, LC=1  
P.O. Box 225  
Ridgelyville, SC 29472

REQUEST

Food Service Branch Chief  
T. Terrell Bryan  
MCCZ

5/05/14  
254638  
SMU-1319

To: Food Service Branch Chief

ADM-16.05 § 9.6, Food Service is suppose to come on the SMU's rock area to inspect for quality, quantity & service of three meals per week & to answer I/M's questions. Lt. S. Terry is refusing to let food service come on the wing to talk to us & forging the log book as if food service is coming on the wing.

cc: Div. of Food Serv.

Send back to [unclear]

*[Faint, illegible handwritten notes and markings]*

EXHIBIT  
#175

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal From South Carolina Court of Appeals  
Honorable Jasper M. Cureton, AJ  
Appellate Case No. 2014-000367

---

T. Terrell Bryan,

Petitioner,

v.

SCOC,

Respondent

---

PROOF OF SERVICE

---

I hereby certify that I served Chris D. Florian; Deputy General Counsel; 4884  
Broad River Rd.; Columbia, SC 29210, by Inter-Agency Mail, a copy of Petition For Writ  
Of Certiorari, w/ EXHIBITS, & In Forma pauperis motion.

9/18/14, SC  
dated

X. T. Terrell Bryan

T. Terrell Bryan  
#254638, MA125, LCI  
P.O. Box 205  
Ridgerville, SC 29472

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal From South Carolina Court of Appeals  
Honorable <sup>Jasper M. Cureton, AS</sup> ~~V. Claire Allen, Deputy~~  
Appellate Case No. 2014-000367

---

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, as U.S.C. § 1796 & 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.

9/18/14, s.c.  
dated

X. T. Terrell Bryan

T. Terrell Bryan

#954638, MAHES, LLC

P.O. Box 205

Ridgeway, SC 29472

sworn to before me this

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

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

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

REQUEST

A. Hallman / IGA  
T. Terrell Bryan  
MCCZ

4/02/14  
254633  
SMU-B19

RECEIVED

APR 08 2014

INMATE GRIEVANCE

The MCCZ/IGA unprocessed my grievance, please provide me a step 2 grievance form so I can appeal to the next level.

Thank you.

EXHIBIT  
#210

You cannot appeal to the Step 2 level an unprocessed grievance. You have received the Agency's final response.



Ann Hallman, Inmate Grievance Branch, Chief

April 18, 2014

Document  
#1

Document  
#2

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

SEP 24 2014

S.C. SUPREME COURT

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

Case No. Docket No.: 14-ALJ-04-0004-IJ  
*(2) 000357*

T. Terrell Bryan, # 254638,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

**INITIAL BRIEF OF RESPONDENT**

March 27, 2014

South Carolina Department of Corrections

Christopher D. Florian  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

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## STATEMENT OF THE ISSUES ON APPEAL

- I. DID THE ADMINISTRATIVE LAW COURT CORRECTLY DISMISS THIS APPEAL BECAUSE APPELLANT HAS NOT EXHAUSTED ADMINISTRATIVE REMEDIES WITHIN THE AGENCY AND OBTAINED A FINAL AGENCY DECISION?
  
- II. SHOULD THE COURT DECLINE TO CONSIDER THE REMAINING ISSUES PRESENTED BY APPELLANT BECAUSE THOSE ISSUES ARE NOT PROPERLY PRESENTED FOR THE COURT'S REVIEW?

## STATEMENT OF CASE

This matter comes before this Court pursuant to the appeal of T. Terrell Bryan, (“appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC”).

On January 2, 2014, appellant filed a Notice of Appeal in the Administrative Law Court (ALC) purporting to challenge decisions in several inmate grievances, specifically, grievance numbers MCCI 263-13, 1129-13, 1123-13, 1109-13, and 1131-13. Appellant attached a copy of a Step One and Step Two grievance for grievance number MCCI 0263-13 and a Step One grievance for grievance number MCCI 1131-13. (ALC Notice of Appeal).

The ALC docketed separately docketed three of the appeals referenced in the Notice of Appeal. Grievance number MCCI 1123-13 was docketed in the present case on appeal. MCCI 1139-13 was assigned to docket number 14-ALJ-04-0003-IJ, which is now the subject of a separate appeal pending before this court. Finally, MCCI 263-13 was assigned a third docket number, which is not at issue in this appeal.<sup>1</sup> (ALC Letters Confirming Filing).

On January 22, 2014, Administrative Law Judge Deborah Brooks Durden issued an Order dismissing the appeal, noting that the S.C. Code Ann. § 1-23-380 provides, “A party who has **exhausted all administrative remedies within the agency** and who is aggrieved by a **final decision** in a contested case is entitled to judicial review.” Judge Durden found appellant had not provided a copy of a final agency decision and appellant

had not exhausted his administrative remedies. Therefore, the ALC dismissed the appeal.  
(ALC Order 14-ALJ-04-0004-IJ).

Appellant has now appealed the ALC's decision. For the reasons that follow,  
SCDC respectfully submits the ALC's decision should be affirmed.

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<sup>1</sup> As of the date of this brief, the appeal of MCCI 263-13 remains pending in the ALC.

## STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The court may not substitute its judgment for the judgment of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

See also S.C. Code Ann. § 1-23-380(A)(5); Al-Shabazz v. State, 338 S.C. 354, 380, 527 S.E.2d 742, 756 (2000).

In an appeal of the final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. See S.C. Code Ann. § 1-23-610(B). A reviewing Court shall not substitute its judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions which are controlled by error of law or are clearly erroneous in view of the substantial evidence on the record as a whole. Id. In determining whether the ALC's decision was supported by substantial evidence, the Court need only find, considering the record as a whole,

evidence from which reasonable minds could reach the same conclusion that the ALC reached. Durant v. S.C. Dep't of Health & Environmental Control, 361 S.C. 416, 420, 604 S.E.2d 704, 706 (Ct. App. 2004). The mere possibility of drawing two inconsistent conclusions from the evidence does not prevent a finding from being supported by substantial evidence. Id. at 420.

### ARGUMENT AND CITATION OF AUTHORITY

**I. THE ADMINISTRATIVE LAW COURT CORRECTLY DISMISSED THIS APPEAL BECAUSE APPELLANT HAS NOT EXHAUSTED ADMINISTRATIVE REMEDIES WITHIN THE AGENCY AND OBTAINED A FINAL AGENCY DECISION.**

The ALC correctly dismissed this appeal because appellant has not yet exhausted available administrative remedies by obtaining a final agency decision.

As an initial matter the ALC's determination that appellant had not exhausted his administrative remedies is the law of the case. See Lucas v. Rawl Family Ltd. Partnership, 359 S.C. 505, 511, 598 S.E.2d 712, 715 (2004) (holding that an unappealed ruling, whether right or wrong, becomes the law of the case). Appellant does not challenge the ALC's ruling that he had not exhausted available remedies in his Brief to this Court; therefore, that ruling cannot be overturned on appeal.

An inmate may seek review of SCDC's final decisions in an administrative matter under the Administrative Procedures Act (APA). Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). In order to obtain a final agency decision, an inmate must complete SCDC's two-step inmate grievance process. Id. at 373, 527 S.E.2d at 752. The inmate may then appeal the final agency decision pursuant to the APA by filing a notice

of appeal in the ALC. Id. at 376-77, 527 S.E.2d at 754. Appeal to the ALC pursuant to the APA is appropriate only if a party has exhausted all administrative remedies available within the agency and is aggrieved by a final decision. S.C. Code Ann. § 1-23-380.

A Notice of Appeal filed in the ALC shall include a copy of the final decision which is the subject of the appeal and the date received. SCALC Rule 59(C). The ALC may dismiss an appeal due to a party's failure to comply with its rules of procedure. See SCALC Rule 62.

In the case at hand, appellant filed a Notice of Appeal purporting to appeal multiple inmate grievances. However, appellant did not attach a final agency decision for many of the grievances he was attempting to appeal, including the grievance at issue in this case. (Notice of Appeal). Therefore, the ALC correctly dismissed the appeal because appellant failed to provide a copy of the final agency decision showing he had exhausted his remedies within SCDC.<sup>2</sup>

Because the ALC correctly dismissed this appeal, SCDC respectfully requests the Court uphold the ALC's decision in this matter.

## **II. THE REMAINING ISSUES PRESENTED BY APPELLANT ARE NOT PROPERLY BEFORE THE COURT**

In his brief, appellant asserts that the ALC should not have docketed his appeals separately and that he should be permitted to receive allegedly "educational materials" through the mail. Neither of these arguments is properly before this Court because they were not raised to and ruled upon by the ALC.

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<sup>2</sup> The ALC separately docketed the appeal of the only grievance appellant showed he had exhausted, grievance number MCCI 263-13. That grievance is not at issue in this appeal.

It is a well-settled principle of South Carolina law that, if an issue was not raised and ruled upon below, it will not be considered for the first time on appeal. Brown v. S.C. Dep't of Health & Environmental Control, 348 S.C. 507, 560 S.E.2d 410 (2002) (“[I]ssues not raised to and ruled upon by the ALJ are not preserved for appellate consideration.”). An issue may not be raised for the first time on appeal, but must have been properly preserved for appellate review. See State v. Walker, 366 S.C. 643, 623 S.E.2d 122 (Ct. App. 2005); State v. Carlson, 363 S.C. 586, 611 S.E.2d 283 (Ct. App. 2005).

The only issues presented to the ALC prior to the dismissal of the appeal were those listed in appellant's Notice of Appeal filed in the ALC. Neither the issue of the separate docketing of the appeals nor the receipt of incoming correspondence was properly raised to the ALC. (ALC Notice of Appeal). Moreover, neither the separation of appellant's appeals nor the limitations on incoming inmate correspondence were ruled upon by the ALC. (ALC Order 14-ALJ-04-0004-IJ). Therefore, those issues are not properly presented for this Court's review.

Moreover, neither issue is necessary to resolution of this appeal in view of the fact appellant failed to exhaust available administrative remedies. See Futch v. McAllister Towing of Georgetown, 335 S.C. 598, 612, 518 S.E.2d 591, 598 (1999) (restating the rule that an appellate court need not address remaining issues when disposition of prior issue is dispositive).

Therefore, this Court should decline to address the additional issues raised by appellant on appeal.

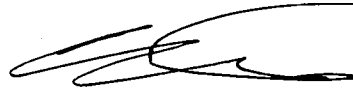
## CONCLUSION

For the reasons stated above, SCDC respectfully requests that the ALC's decision be affirmed.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS

Attorney for Respondent



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Christopher D. Florian  
Deputy General Counsel  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, South Carolina 29210  
(803) 896-8508

Columbia, South Carolina  
March 27, 2014



# 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  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

August 20, 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 (22)  
Lower Court Case No. 2014ALJ040004IJ  
Appellate Case No. 2014-000367

DOCUMENT  
#3

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  
Christopher D. Florian, Esquire

# The South Carolina Court of Appeals

T. Terell Bryan, #254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-000367

The Honorable Deb̄or̄ah Brooks Durden  
Trial Court Case No. 2014ALJ040004IJ

Document  
#4

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## ORDER

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Appellant has failed to provide the notice of appeal filing fee and to timely serve and file the appellant's initial brief and designation of matter, as required by Rules 203, 208, and 209 of the South Carolina Appellate Court Rules, the Court's order dated May 1, 2014, and the Court's letter dated June 8, 2014 . Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

FILED

SF 7/11/14

cc:

Terence Terell Bryan, 00254638

Christopher D. Florian, Esquire

EXHIBIT  
#60

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

T. Terell Bryan, #254638,

Docket No. 14-ALJ-04-0004-IJ

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate filed a Notice of Appeal for Grievance Nos. MCCI 0263-13, 1129-13, 1123-13, 1109-13 and 1131-13, of which a copy of his Step 1 Grievance No. MCCI 1123-13 was included. The Notice of Appeal does not contain a copy of a final decision of SCDC which is the subject of the appeal as required by ALC Rule 59(C).

By failing to obtain a final decision from SCDC, Inmate has failed to exhaust his administrative remedies and has thus failed to meet the requirements of the Administrative Procedures Act for review by this Court: "(A) A party who has **exhausted all administrative remedies within the agency** and who is aggrieved by a **final decision** in a contested case is entitled to review under this article, Article I, and Article 5. § 1-23-380, S.C. Code of Laws, Annotated." (Emphasis supplied).

Thus, this matter is not properly before this Court. Therefore,

**IT IS ORDERED** that this appeal be and hereby is **DISMISSED, WITH PREJUDICE.**

DOCUMENT  
#5

*Deborah Brooks Durden*  
Deborah Brooks Durden, Judge  
S.C. Administrative Law Court

January 22, 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 22<sup>nd</sup> day of January 2014  
By: R E [Signature]  
Judicial Law Clerk

FILED

JAN 22 2014

SC ADMIN. LAW COURT

.21

# The South Carolina Court of Appeals

T. Terell Bryan, #254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-000367

The Honorable Deborah Brooks Durden  
Trial Court Case No. 2014ALJ040004IJ

DOCUMENT  
# 6

ORDER

Appellant has failed to provide the notice of appeal filing fee and to timely serve and file the appellant's initial brief and designation of matter, as required by Rules 203, 208, and 209 of the South Carolina Appellate Court Rules, the Court's order dated May 1, 2014, and the Court's letter dated June 8, 2014 . Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

FILED

SF 7/11/14

cc:

Terence Terell Bryan, 00254638  
Christopher D. Florian, Esquire

# THE SOUTH CAROLINA COURT OF APPEALS

T. Terrell Bryan, #254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.  
Appellate Case No. 2014-000367

DOCUMENT  
# 7

The Honorable Deborah Brooks Durden  
Trial Court Case No. 2014AL504000415

## PETITION FOR REINSTATEMENT/RECONSIDERATION

I hereby petition this court for Reinstatement/Reconsideration, & states:

1. Deputy clerk, V. Claire Allen dismissed this case for allegedly failing to timely serve the Appellant's initial Brief. I hereby move for a Reinstatement/Reconsideration En Banc.

### ISSUE TO CONSIDER

2. I timely filed a Notice of Appeal on 2/20/14. on or about 2/27/14, I filed an "Appellant's Brief" with "Designation of matter to be included in the Record on Appeal", see attached Document #1, I did not keep a copy of my Brief but Respondent has a copy.
3. on 3/27/14 Respondent filed an "Initial Brief of Respondent", I then filed an "Appellant's Reply Brief", see attached Document #3.
- 4 - WHEREFORE, I request for an order EN BANC of how I did not file an initial Brief, where I went to the extent to file a Reply Brief.

7/28/14, SC  
dated

X. T. Terrell Bryan  
T. Terrell Bryan  
#254638, SMU-N43, Lec C.I.  
990 W. Sackly Hwy  
Bishopville, SC 29310

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

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

(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?

Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?  Yes  No

(4) Did you appeal from the denial of your motion or petition?  Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):



UNIVERSITY OF SOUTH CAROLINA  
SCHOOL OF MEDICINE  
UNIVERSITY SPECIALTY CLINICS®

February 15, 2013

Dear Patient,

This is to inform you that the University of South Carolina School of Medicine Department of Neurosurgery transitioned and became part of Palmetto Health effective February 17, 2013. This is to let you know that Palmetto Health will continue to provide you with the same quality medical and surgical services you have received from the University of South Carolina, School of Medicine. You will continue to see your regular neurosurgeon and the staff who have cared for you. There has not been a change in the location of the practice and you may call the same number to make an appointment or talk to your physician or office staff.

Your health and medical well-being are important to us and the Department of Neurosurgery is available for any questions you may have during this process.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Anderson".

William D. Anderson, M.D.  
Chief Medical Officer

DOCUMENT  
#8

EXHIBIT  
#35

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

RECEIVED

TO: NAME: <i>No longer @ SCDC</i> <del>Dr. Thomas</del> <i>Dir. Dir. / med. serv.</i>	DATE: MAR 07 2014 2/26/14 <b>MEDICAL</b>
INMATE'S NAME: T. Terrell Bryan	SCDC #: 254638
INSTITUTION: McCI	LIVING QUARTERS: 5M0-014

on 2/25/14 Nurse Keelie L. Brewer brought me meloxicam 15 mg tab pills, for back spasms. previously I was given meloxicam & I informed medical they do not help. Dr. J. McKee was deliberately indifferent to my serious medical needs in failing to make an informed decision by reviewing my medical records, if McKee did he would see that meloxicam do not work & would not prescribe it.

In Steele v. Shah, 87 F.3d 1266, 1270 (11th Cir. 1996) the court denied summary judgment because prison doctor fail to review I/m's medical records.

Noting that the doctor took me off baclofen out of the blue. If I can not have baclofen for back spasms, please give me Neurontin.

**DISPOSITION BY STAFF MEMBER:**

254638 Bryan, T. Terrell      2014 02.26 McCI  
 The physician has not currently seen any clinical indication to start you on either a muscle relaxer or on Neurontin.

DOCUMENT #9

DATE: 3/10/14	SIGNATURE: 
------------------	----------------

Terance Bryan

254638

McCormick SMU B19.

**RECEIVED**

MAR 04 2014

MCCI  
MAIL ROOM

T Terell Bryan  
#254638  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

KIRKLAND PHARMACY - KCI  
 4344 BROAD RIVER RD - COLUMBIA, SC  
 1771607 J. MCREE 02/21/14  
 BRYAN, TERANCE 00254638  
 MCCORMICK - B0019A  
 TAKE ONE TABLET(S) EACH DAY BY  
 MOUTH WITH FOOD FOR 30 DAYS

MELOXICAM\* 15MG TAB #30  
 CARLSBAD T Substituted For MOBIC  
 (0)Refills 02/21/2014 NH Exp-03/25/14

CAUTION: Federal/State law prohibits transfer of this drug  
 to any person other than patient for whom prescribed.

NDC: 51442-0127-01

DOCUMENT  
#10

REQUEST

Ann Hallman - chief/EG8

8/24/14

T. Terrell Bryan

054638

MCCI

SMU-1319

Per attached EXHIBIT #253 - 3/13/14 Request to Jan Wreccics/  
Region one Reg. Dir. ; Wreccics said the doctor said that haven't  
seen any indication, how? The doctor has never seen me?

Wreccics has not responded, what do I do next?

- forward to Health Services for a response.

m white 8/22/14  
INMATE GRIEVANCE ADMINISTRATOR

DOCUMENT  
#11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
HEALTH INFORMATION RESOURCES

INMATE CORRESPONDENCE


TO: 254638 Terell Bryan LOC: McCormick CI SMU B-19  
FROM: Health Information Resources / Central Office Annex  
SUBJECT: Medical Records Request  
DATE: April 14, 2014

This will acknowledge receipt of your correspondence to Health Information Resources concerning your medical information. Please read the following:

- > You have access to your records by making an appointment with the record specialist at your institution to review your record. At that time, you may make notes of pertinent information if you desire.
- > If these records are needed for continuity of care, you may have your personal physician request your medical information from us at no charge. You will need to sign his/her consent form giving him/her permission to obtain your medical record.
- > If these records are needed for Social Security Administration (SSA), Department of Disabilities Services (DDS), or Vocational Rehabilitation, etc., it is customary for those agencies to request medical information on all clients that they represent along with a signed release. Fill it out and send it back to them, which they will send to us. When received, copies of your record will be sent to that agency.
- > If you have any mental health history with SCDC, and wish to have your mental health information from the automated medical record (AMR) of your record, you MUST submit a "Request to Staff Member form" (SCDC 19-11) to the Mental Health Director, Dr. B. Wood, who is located at KIRKLAND CORRECTIONAL INSTITUTION, and ask for approval to have your mental health information. When the Director of Mental Health notifies this office of such approval, then HIR will process the request and copying fee will apply in addition and will be separate from the copying fees for your medical information. Keep in mind that HIR WILL NOT SUBMIT A REQUEST FOR YOU.

Please sign your name and indicate which option below that applies (#1 or #2), and return to Health Information Resources. The cost for making copies is as follows: \$15.00 administrative fee, plus .65¢ for the 1<sup>st</sup> 30 pages and .50¢ for each additional page. If you choose to return this form, your Cooper Trust Account (even if you are indigent) will be debited in the amount which will be determined by the total numbers of pages plus the administrative fee in accordance to agency policy HS-18.07, section 4.4.

1. If these records are for legal purposes, please have your attorney submit a request to our office: HIR/Central Office Annex, 4542 Broad River Road, Columbia, SC 29210. If you are representing yourself, be advised that in order for you to receive copies of your record, you will need to provide us with a docket number and the cost for copies is outlined in the paragraph above.
2. The "Freedom of Information Act" (FOIA) guidelines does not include request for medical information. The guidelines are for public records. Medical records are private not public. If you wish copies of your medical information for your personal record, the cost is outlined in the paragraph above.

  
Your Signature

Yes, I desire a copy of my Medical Records and understand the costs.

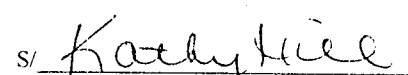
*For the 2012 year until the present, only.*

Option # 1 & 2

Docket No # Terell Bryan  SCDC (22)  
(if applicable)

Appellate Case No. 2014-000387

*personal use to aid medical staff in providing quality medical care.*

  
Kathy Hill, Administrative Asst.

# REQUEST

San Wreatics/Region One Reg. Dir.  
T. Terrell Bryan  
MCCI

3/13/14  
254538  
SMD-B19

Per your 3/10/14 disposition you stated that "[t]he physician has not currently seen any clinical indication to start [me] on either a muscle relaxer or ~~or~~ on Neurontin."

My medical records reveal that the doctor has neglected to see me, this is why the doctor has no clinical indication, please direct that I be seen by a doctor.

Thank you.

cc:in file

EXHIBIT  
#203

DOCUMENT  
#12

# REQUEST

Lt. Terry  
T. Terry Bryan  
MCCI

2/10/14  
354433  
SMU-BM

To: Lt. Terry & Law Library

- I request two (2) SCOC Form 9-2 "Law Book Request"

- I have shown Corp. Hines my court deadline in Bryan v. SCOC (20), Appellate Case No. 2014-00010, A/Warden Rastler stated my requests "will be filled within 24 hours." Please let me know if you need any additional information ~~(to process my request)~~. Please call the law library & ensure I get the legal materials within 24 hours.

**PLEASE RESPOND.**

cc: Lt. Terry  
(Law Library)  
Shavika Johnson / General Counsel

EXHIBIT  
#149

T. Terrell Bryan  
#254838, MAILS, LCI  
P.O. Box 205  
Ridgeville, SC 29472

**RECEIVED**

SEP 19 2014

MAILROOM  
LIEBER CL

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

**FOR LEGAL USE ONLY**