

The State of South Carolina  
In The Court of Appeals

Appeal From The Administrative Court

Deborah Brooks Dunden - Administrative Law Judge

Case No-13-ALT-04-0772-AP-Appellate Case No. 2014-001060

Charles R Carter 246054  
V

Appellant

South Carolina Department  
of Corrections

Respondent

Reply To Respondent Initial Brief

September 25th-2014

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**SC Court of Appeals**

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Contrary to Respondent's assertion on Page 4 of his initial Brief in the Last Paragraph- Appellant is Appealing the agency's Final decision of his step 11 Grievance- not the agency's action Regarding a Request to Recalculate his Sentence Because Appellant has never seen such a Request- Because no such Request exists. Appellant's Sentencing Sheet reads 102- 30 years PWID crack- There is no 4453-375B on no 3rd offense or no 114. Appellant's indictment does not contain the statute of 0114- Drugs- Manufacture, distribution- ETC- ice-cocaine- crack Cocaine 3rd or more. Respondent states that in 2013- this court and the Supreme Court's case Law- new rules emerged that did not exist in 1998- Therefore, it is a violation of the Ex Post-Facto clause to place Appellant under these new laws and stricter punishment which increased the amount of time he must serve without him knowing. Pursuant to Tant and Wampler- NO SCDC Records Clerk or Clerk of Court

2. Length of inmates incarceration implicates a constitutional liberty interest for due process purposes.

Can modify an inmates sentence or can completely rewrite his sentencing sheet and enter a new code into its computer system which manufactures a new indictment and a new sentence without affording him due process of law. Pursuant to *Tant vs SCDC* Department of Corrections was limited to considering sentencing sheets when there is no ambiguity in sentencing sheets. In *Hill vs US Ex Rel Wampler* 298 US 460 the only sentence known to law is the sentence or the judgment entered upon records of the court and if entry is inaccurate, there is remedy by motion to correct it, but judgment imports verity when collaterally assailed. Warrant of commitment departing in matter of substance from judgment back of it is void. If judgment and sentence do not authorize accused detention, no mittimus will avail to make detention lawful. Therefore Appellants sentence is void, pursuant to the *Wampler* holdings. In *Tant vs SCDC* 759 SE 2d 398 when the NOC decides that the its original recordation of a sentence is erroneous, it must afford the inmate formal notice of the amended sentence and advise him of his opportunity to be heard through the grievance procedure. Fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way and judicial review which was never afforded for Appellant. This was all done by SCDC without affording Appellant due process of law.

Charles R Carter.

3.

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Appeals From The Administrative Law Court  
Deborah Brooks Darden - Administrative Law Court  
Case no-13 ALS-04-0772-AP- Appellate Case no-2014-001060.

Charles R Carter

Appellant

v

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Respondent

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Certificate of Service

**SC Court of Appeals**

I certify that I have served a copy of Appellant's  
Initial Brief on All Parties by  
depositing a copy of it in the US Mail with  
postage prepaid, addressed to South Carolina  
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