

The State of South Carolina
In the Court of Appeals
[IN The Supreme Court]

Appeal From State of South Carolina
Administrative Law Court

SHIRLEY C. ROBINSON
Administrative Law Judge

Case # 14-ALJ-040934-AP
Grievance # PCI 0444-14

Antoine Jermaine China # 292911
- US -

South Carolina Department of Corrections

NOTICE OF APPEAL

Antoine J. China appeals the order [Judgment] of Honorable SHIRLEY C. Robinson, dated October 27, 2014. Appellant received written Notice of entry of this order [Judgment] on October 30, 2014.

S/ Antoine J. China
Antoine J. China # 292911
Perry CI / SMU EX-12
430 Oaklawn Road
Pelzer S.C. 29669

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SC Court of Appeals

Antoine J. China # 292911
P.C.I / SMU-C-X-12
420 OAKLAWN Road
Pelzer S.C. 29669

Case # 14-ALJ-04-0934-AP
Grievance # PCF 044414

RE: Altere Amend Judgment
Vacate ORDER of Magistrate
for Ulickia V. Special Appeal
WD. BRIEF.

Magistrate has issued a order of Dismissal on Appellant Docket No. 14-ALJ-04-0934-AP
Grievance No: PCF 0444-14 Filed 10/16/2014, which was Assigned 10/24/2014 to Judge Robinson
Magistrate stated Appellant has not alleged deprivation of a state-created Liberty or
property interest citing Furtick V. South Carolina Department of Corrections 374 S.C. 337
419 S.E.2d 35 (2007).

Appellant was given a Notice of Appeal to give a "General Statement" of the grounds
for appeal is (see S.C. Code ANW § 1-23-380 (A) (6)): Appellant stated on the
Notice briefly that respondent violated due process right that clearly establish.
Moreover, The Inmate Grievance Coordinator (IGC) and Warden failed to
properly investigate the Grievance as requested by Appellant as required
by SCDC Policy/procedure 0P-22.14 Inmate Discipline system....
That argument alone is were he was going to state in his brief that the state
created Liberty or property interest. Furtick
Appellant was denied V. SPECIAL Appeal Section 60. (Brief) once his case
was file to the magistrate on Oct 24, 2014. Unless otherwise ordered, the party first noticing
the appeal shall file an original brief within sixty (60) days after the date of assignment. Within eight (8)
days after the date of assignment, the respondent shall file an original brief in response.
A reply brief may be filed within and 95 days after date of assignment. Section 62 Dismissal of
Appeal Sections, "SHALL" be void because appellant wasn't allowed a Brief once case was
filed to judge. see Sturper V. State South Carolina 305 S.E.2d 247

Magistrate acted upon it discretion to give a order of Dismissal were
their isn't no frivolous claim to the issue at hand. Magistrate should
have allowed Appellant a Evidentiary Hearing on the record to
show his brief has merits.

Due to the above issue, magistrate order should be dismissed with prejudice.

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APPEAL from the State of South Carolina
Administrative Law Court

SHIRLEY C. Robinson
Administrative Law Judge

case # 14-ALJ-04-0934-AP
Grievance # PCI-0444-14

Antoine Jarmaine China #292911
- US -

South Carolina Department of Corrections

PROFF OF SERVICE

I, certify that I have served the Notice of Appeal
on the above respondent by depositing a copy of it in
the United States Mail, postage prepaid on 11-5-14
address to his attorney of record, at the Clerk of Court and deputy
Clerk of the Supreme Court:

Antoine J. China

Antoine J. China #292911
Peru C.I. ISMU-C-X-12
420 Oaklawn Road
Pelzer S.C. 29106-9

Sworn before me on day _____

5th of November, 2014

Nancy C. Muehler
Notary of South Carolina

My commission expires 1-23-2021

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SC Court of Appeals

AMS

Antoine China #292911

PCI CX12

430 Oaklawn- Del.

Orlando, SC 29668

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SCDC

P.C.I. MAILROOM

NOV 27 '14

COMMISSARY

Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals