

The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Deborah Brooks Darden ALJ

Case NO. 12-AJ-04-0006-AP

Billy Lee Lisenby JR, #200273 Appellant

v.

South Carolina Department of Corrections Respondent

Final Brief For Appellant

Dated: Nov. 20th, 2014

Attorney For Respondent
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Billy Lee Lisenby
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Table of Authorities

NO Statutes

NO Cases

Statement of Issues on Appeal

1. Did the Administrative Law Judge err in dismissing Appellant's appeal for not filing in 30 days?

1.

2024 10/11

Statement of The Case

Appellant was found guilty on 3-6-12 by MRS. A. Sellers in his absence of the charge of 809
Threatening to Inflict. He appealed through Step 1 & Step 2 of the grievance process, and on May 23rd 2012
he filed a timely notice of appeal. On April 12th 2013 Judge Deborah Brooks Darden denied his appeal.

Argument 1

The Administrative Law Judge did in fact err in dismissing Appellant's appeal for not filing in 30 days. Appellant contends that the ALJ has erred, because he contends, that he sent his appeal on May 27, 2012, along with the following appeals:

1. 903 Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs

Docket No. 12-ALJ-04-0547-AP

Grievance No. KRCI 0235-12

Appellate Case No. 2013-000852

2. 893 Possession of Any Cell Phone or other Type of Communication Device.

Docket No. 12-ALJ-04-0546-AP

Grievance No. KRCI 0233-12

Appellate Case No. 2013-000364

All these appeals were filed the same day. All (3) filing fees were paid the same day. Appellant thinks the court made a mistake by putting 6-27-13 on the \$75.00 receipt. It was suppose to be 5-27-13. See Receipt in the record.

Appellant had to pay \$25.00's for each filing and he filed (3) cases in the same day, which equal to \$75.00's. On all (3) charges he received the agency's decision on May 22, 2012, and had all (3) in the U.S. Postal by May 27th 2012.

On October 17, 2012 Staff Attorney Shanika Johnson filed a Respondent's Brief and no where did she argue that Appellant's appeal was late, or not timely filed. Nor was it a defense in the other (2) cases 12-ALJ-04-0546-AP and 12-ALJ-04-0547-AP. All (3) Respondent's briefs are enclosed in the record. How could one case be late and not the other and Appellant received all the agency responses on the same day May 22nd 2012, and filed all (3) on the same day May 27th 2012.

Appellant further argues that it shows they received his payment on 6-27-12, but his case wasn't filed until 19 days later. But if Appellant's Notice of Appeal is viewed carefully it has been altered. It's enclosed in the record. There is no way he paid for his appeal before he filed it. Please view the clerk's stamp dated July 16th 2012, it's been altered.

Appellant contends that he sent all (3) appeals in the Sunday, in a timely matter. The courts
DER respondents can dispute that. The respondents didn't attempt to argue this. Based on the facts
given and the ALC's error Appellant should be granted relief.

Conclusion

Appellant ask that his case be remanded back to the ALC to be heard based on
its merits.

Dated: Nov 20th 2014.

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The State of South Carolina

In The Court of Appeals

Appeal From Administrative Law Court
Deborah Brooks Dunder ALJ

Case No. 12-ALJ-04-0600-AP

Billy Lee Lisenby JR, #200273 Appellant,

v.

South Carolina Department of Corrections Respondent.

Certificate of Service

I hereby certify that I have served Respondent's a copy of Appellant's Initial Brief by depositing a copy of same in the United States Mail, postage prepaid, Nov, 20th, 2011, addressed to the Respondent's as follows:

Christopher D. Florian

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The South Carolina Court of Appeals

Billy Lisenby, Jr., #200273, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-000958

The Honorable Deborah Brooks Durden
Trial Court Case No. 2012ALJ040606AP

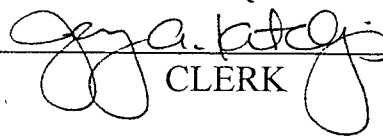
ORDER

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The time for serving and filing the appellant's final brief is hereby extended until December 3, 2014.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

FILED

SF 11/13/14

cc:

Billy Lee Lisenby, Jr., 200273
Christopher D. Florian, Esquire
Daniel John Crooks, III, Esquire