

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Case No. 14-ALS-04-0459-AP

T. Terrell Bryan, 254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.

APPELLANT'S REPLY

I, T. Terrell Bryan, the pro se Appellant, hereby replies to Respondent's "Motion to Dismiss Appeal or, Alternatively, Deny IFP" & states:

JOIN/CONSOLIDATE

1. On page 6 of my Brief I moved this court to join/consolidate this case with Bryan v. SCOC, ALC Docket No. 14-ALS-04-N/A-AP, Grievance No. Lee CZ 0785-14. See Local Rule 28(a). Respondent made no mention of this in their motion. An adverse inference should be held.
2. These cases entwine together, where being the decision in this case was REMAND &/OR REVERSED, then on REHEARING I was Found not guilty. By law, Rule 39(a)(3), SCRCP, if the judgment is REVERSED, costs are taxed against the Appellee. This is the law in this court & should be applied

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SC Court of Appeals

in the ALC.

3. **MOREOVER**, these cases again entwine where viewing both cases together the court can see a pattern of habits of SOCC employees lying on I/MS. Pursuant to Denton v. Hernandez, 112 S.Ct. 1728, (the magistrates reasoned that "each complaint", taken separately, is not necessarily frivolous, but that "a different picture emerges from a reading of all five complaints together." In the present case the purported modus operandi of the officers is identical in every case. At the hearing, despite the truth, the officers merely reiterate the lies inside of their report. The officers know that the DHO will ask the **FAMOUS QUESTION**: Is your report true & correct? The officer says, the I/MS is found guilty per the officer's report despite the inconsistencies.

see Tr. p. 4, L. 7 & 8

DHO: Is your report true & correct as written?

OFC: It most certainly is.

See also L. 12 & 13

DHO: & are you certain that it was Inmate Terance Bryan that you saw?

OFC: Absolutely positive.

4. In the present case the DHO refused to consider that the OFC lied on me because she was angry that she was written up for not walking

NO BRIEF

18. Respondent's motion is not a substitute for a Brief, see Rule 28 (a)(1)-(9) & (11); nor does it conform to the requirements of Rule 27 (a)(1) & (2).
19. WHEREFORE, for that reason alone, their motion to Dismiss should be denied.

NUMEROUS REVERSALS

20. Respondent has never cited other cases of mine in any appeal before. The reason they are now is because they are afraid, very much, of a transcript being made of the 2nd hearing in this case & if consolidated the pattern both transcripts would show. Both cases shows a pattern of habits of SCDC employees lying on I/MS. In the consolidated case the OFC. recanted their whole testimony! The entire testimony, saying they thought I was some one else!!
21. Respondent would not respond to the fact that I prevailed on 8 charges straight at Perry CI, then 6 plus 1 REMANIO = 7 charges at McCormick CI, for a total of 15 charges straight. I prevailed over Respondent's false charges from 2012 until about June 2014! 15 frivolous charges design to & is keeping me on lock-up. Noting I had a contract with SCDC at Perry CI to stop suing SCDC, SCDC employees & stop teaching I/MS civil law & I'll be released

the nurse & making her rounds. see Tr.p.5, L.7-17.

5. Per Tr.p.7, L.12-14, the officer said I had on a t-shirt & some boxers, then on rehearing (I believe) the ofc said I had on only a pair of boxers.

6. Per Tr.p.8, L.14, the ofc. said she do not remember which side of the nurse ~~was~~^{she} was standing on, on rehearing (I believe) she said left side.

7. There were about 2 to 3 other contradictions made by the officer that I can not cite off the top of my head. I am writing a Request to Major Nettles to listen to the DHO tape, then amend my reply. see attached Request.

EXTENSION OF TIME

8. WHEREFORE, I move the court for an extension of time of 20 days, delaying any ruling in this case, until I listen to the DHO tape & complete my reply.

BRYAN V. SCDC, ALC Docket NO. 14-ALJ-04-N/A-AP
Grievance NO. Lec CZ 0785-14

9. I Filed my Brief, in the above cited case, on 10/09/14.

10. I move the court to proceed in Forma pauperis. Where this case involves 9 (nine) days loss of good-time credits, I am entitled to proceed in Forma pauperis. Furtick v. SCDC, 374 S.C. 334, 340, 649 S.E. 2d 35, 38 (2007)

(Finding the loss of good-time credits implicates a state-created liberty interest).

11. WHEREFORE, I pray in forma pauperis is granted.

MOTION FOR TRANSCRIPT

12. I hereby move the court to order Respondent to prepare the transcript(s) of both DHO hearings per this consolidation & states:

13. A court may authorize the preparation of a transcript at government [Respondent] expense where the litigant proceeds in forma pauperis & has shown the existence of a substantial question for appeal. 28 USC § 753(F) (2012). see Ortiz v. Greyhound Corp., 192 F. Supp. 903, 905 (D. Md. 1959) (defining substantial question), see also Rhodes v. Corps of Eng'rs of U.S. Army, 589 F.2d 358, 359 (8th Cir. 1978).

SUBSTANTIAL QUESTION

14. Per my INITIAL BRIEF, I argued:

II. DID THE IGC VIOLATE MY DUE PROCESS RIGHTS BY FAILING TO CREATE AN ADMINISTRATIVE RECORD?

III. IS A COUNSELOR QUALIFIED TO
SUBMIT A FINDING OF GBNA TO THE
DHD?

IV. DID THE ALS VIOLATE MY RIGHT OF
ACCESS & DUE PROCESS BY DENYING
MY MOTION FOR COSTS?

15. These are substantial questions &

I. WAS APPELLANT AFFORDED DUE PROCESS
IN THE HANDLING OF HIS DISCIPLINARY
MATTER?

16. On this question, per my Initial Brief, I am clearly entitled to relief,
Bryan I, II, III, & IV were REVERSED per my due process right to
call witnesses were violated. MOREOVER, the charge should be vacated
with prejudice where the officer confused me with some one else & could
not describe me.

17. WHEREFORE, I pray the court authorize the preparation of the transcript
at Respondent's expense, noting Respondent usually prepare it at their expense.
in the REC. see-attached 11/17/14 Request to General Counsel/Cheron Hess.

to the yard. see attached "Agreement" (Contract w/MCCI).

22. WHEREFORE, I pray the Court order Respondent to reply to the above & order the transcripts prepared!

11/17/14, SC
dated

X. T. T. Bryan
T. Terrell Bryan
#254638, MB1W, LCI
P.O. Box 205
Ridgeville, SC 29472

CERTIFICATE OF SERVICE

I hereby certify I served a copy of this on: Daniel J. Crooks III;
Staff Attorney; P.O. Box 21787; Columbia, SC 29221.

REQUEST

Major Nettles
T. Terrell Bryan
LCI

11/17/14
254638
MB141

To: Major Nettles,

I know you are busy, in the next 20 days, will you allow me to listen to two OTH hearings: Rehearing of Case # 120, Hearing Date: 9/25/14, Hearing Time: 9:25 am, Case # 130, Hearing Date: 6/27/14, Hearing Time: 10:37 am.

Thank you!

Capt. JERRY A. KITCHENS / Clerk
Daniel J. Crooks, III, Esq.

REQUEST

General Counsel, Cheron M. Hess, Transcriptionist
T. Terrell Bryan
LCS

11/17/14
254038
MB141

This is my 2nd request to you. Per Bryan v. SCOC (29),
Appellate case No. 2014-002035, please transcribe off
hearings: Rehearing of Case#: 128, Hearing Date: 9/28/14,
Hearing Time: 9:25 am, & Case#: 130, Hearing Date: 6/27/14,
Hearing Time: 10:37 am.

Thank you!

cc: Hon. Jenny A. Kitchen | Clerk
Daniel J. Crooks III, Esq.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 25, 2014

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

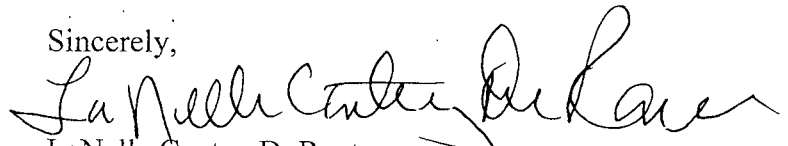
Re: Your case

Dear Mr. Bryan:

Enclosed are 2 copies of the contract you sent to me to copy for you. I will put the original in your file.

EXHIBIT
#91

Sincerely,


LaNelle Cantey DuRant
Appellate Defender

LCD/mpm

Enclosure

