

SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211-1629

Re: T. Teren Bryan v. SCOC (24)
Appellate Case No. 2014-002035

Dear Clerk,

Enclosed for your filing is a petition for rehearing en banc.

12/15/14, SC
dated

Thank you,
T. Teren Bryan
#254638, MB141, LCI
P.O. Box 205
Ridgeville, SC 29472

RECEIVED

DEC 18 2014

SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS

T. Terrell Bryan, #254638, Appellant,

v.

South Carolina Department of Corrections, Respondent.
Appellate Case No. 2014-002035

RECEIVED

DEC 18 2014

SC Court of Appeals

PETITION FOR REHEARING EN BANC

I hereby petition this Court, pursuant to Rule 221(a), SEARCH, for Rehearing En Banc & states:

FINAL JUDGMENT

1. In the Court's 12/02/14 order the Court is saying the judgment is not final & leaves open questions of fact, but the Court does not say what. If the Court is speaking on the Re-hearing of these charges, per attached EXHIBIT #356-Disciplinary Report & Hearing Record, I've been found not guilty. I AM LOST as to what I overlooked. I pray a full panel Court specify what I overlooked, & for REMAND to the ALC with instructions to issue a final Judgment in the interest of fundamental fairness & for due process.
2. WHEREFORE, such relief I pray.

JOIN/CONSOLIDATE

3. On page 6 of my Brief I moved this Court for several reliefs to include to join/consolidate this case with Bryan v SCOC, ALC Docket No. 14-ALJ-04-NIA-AP, Grievance No. Lee CI 0785-M, see attached letter to Judge McDonald, see also Local Rule 28(a). These cases entwine together, where being the decision in this case was REMAND & or REVERSED, then on REHEARING I was found not guilty, see EXHIBIT #356. By law, Rule 39(a)(3), SEARCH, if the judgment is

REVERSED, Costs are taxed against the Appellee. This is the law in this Court & should be in the ALR.

4. WHEREFORE, I pray this Court issue a final Judgment ruling on all motions & issues in this case.

12/15/14, SC
dated

x. mm

T. Terrell Bryan
#254236, MBM, LCI
P.O. Box 205
Ridgeville, SC 29472

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of this w/attachment on Daniel J. Crooks III, Staff Attorney, by Inter-Agency mail.

RECEIVED

DEC 18 2014

SC Court of Appeals

Reserve for re-hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 128 Inmate Name: Bryan, Terrance SCDC#: 254638
Living Area: MA125 Job: _____ Custody: DD3
Offense Date: 12 22 13 Offense Time: 310 AM/PM Institution: McCormick CI - SMU B-wing

Offense Description: (854) Exhibitionism and Public Masturbation; (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person.

Charging Officer/Employee: Young, A Title: SGT
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
☐ I WAIVE MY RIGHT TO A HEARING
☐ SMU/SEGREGATION ONLY
☒ I WANT A COUNSEL SUBSTITUTE
☐ I DO NOT WANT A COUNSEL SUBSTITUTE

CS: Atchley - lockup, MH4, RL 0.0

Date & Time Notified: 9/15/14 730 AM/PM By (Print): Off Allen Roberts
Inmate Signature: T. Terrance Bryan SCDC#: 254638 Date: 9/15/14

HEARING INFORMATION:

Hearing Date: 9/25/14 Hearing Time: 9:25 am/pm Tape: _____ Side: _____ Start: _____ End: _____

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

Mental Health Statement Provided. Inmate able to make own decisions.

OFFENSE CODES	<u>854</u>			
INMATE PLEA (G, NG, None)	<u>NG</u>			
FINDINGS (G, NG, DS)	<u>NG</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: _____

HEARING LENGTH: _____ (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
* Property (Days) _____
* Canteen (Days) _____
* Other (Days) _____
* Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru ____/____/____
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: \$ _____ **

EXHIBIT
#356

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Post 21 days to hear
Step 2 Summary, was approved 8/28/14. 21st day 9/15/14

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD ____/____/____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature] DATE: 9/25/14

HEARING OFFICER (PRINT NAME) Erica [Signature]

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record

Canary - Inmate (Service of Disciplinary Report)

Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)

Pink - Central Record

** (Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

Judge Stephanie P. McDonald
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211-1629

Re: T. Terrell Bryan v. SCDC, ALC Docket No. 14-ALJ-04-NIA-AP
GRIEVANCE NO. LEC C-I. 0785-14

Dear Your Honor,

I filed a Notice of Appeal & etc. to this Court on 10/01/14. As to this date I've heard nothing about the Appeal.

Please look into this & have the clerk provide me an Appellate Case No.

12/15/14, SC
dated

cc: Daniel J. Crooks III
Staff Attorney

Thank you,

T. Terrell Bryan
#254638, MB141, LCI
P.O. Box 205
Ridgeville, SC 29472

T. Terrell Bryan
#254638, MBM, LCI
P.O. Box 205
Ridgely, SC 29472

RECEIVED

DEC 15 2014

MAILROOM
LIEBER CI

S.C. Court of Appeals
P.O. Box 1629
Columbia, SC 29211-1629

RECEIVED

DEC 18 2014

SC Court of Appeals

FOR LEGAL USE ONLY