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DEC 22 2014

SC Court of Appeals

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To: THE SOUTH CAROLINA COURT OF APPEALS

PROSE Aggriever PROTOCOL RE-Submitted ⊗ RE-Submitted ⊗

⊗ CASE NO. 2014, 002629 # ⊗

PRESERVE FEDERAL  
X LAWS → COURT'S

INTRODUCTION - RE-submitted - PROSE ~~protocol~~ PROTOCOL "DAMAGES"  
MEMORANDUM OF LAW. OF PREJUDICE - biased - deprivation. Condition

Under: Stay of MANDATE. F.R.A.P. Rule 41. (d) Rule Local Rules 41.

(SEE) UNITED STATE SUPREME COURTS SUPPORTING PRECEDENTS U.S. CASE'S!

⊗ PROSE PROTOCOL CAUSATION FOR TORT ⊗ AFFIDAVIT WITH SERVICE

PROSE LITIGANT: PROTOCOL WITHOUT ASSISTANCE APPROPRIATE APPELLATE COUNSEL:  
Case No: 2014-002629

That THE Aggriever PROSE LITIGANT. UNDER INFORMAL PAUPER'S, DECLARE, THIS  
DATE OF 2014. RETURN, DISPUTE: RE-SUBMITT. WITH

ALL ARCHIVE DOCUMENTATION, AFFIXED, CONTAINING TO NOTICE OF APPEALS.  
BEING NEEDED. ACCESS TO COURT'S PROSE WITHOUT COUNSEL DRAFTING APPEALS, BRIEF.

Under: Lewis v. Casey. 518 U.S. 343 1996

Bonds v. Smith 430 U.S. 817-1977.

THE FOURTH CIRCUIT COURT APPEALS. TAKEN CONCERN'S ON PROSE, "SCRUTINY"  
WITHOUT, ATTORNEY (DRAFTING). UNDER DUE PROCESS OF THE FOURTEENTH AMENDMENT'S

CLAUSE OF FUNDAMENTAL FAIRNESS OPPORTUNITY. ACCESS TO COURT'S. THEREFORE THIS

COURT NOT ACCEPTING THIS CLAIM UNDER PROSE LITIGANT WITH PENDING MATTER WITHOUT

ASSISTANCE COUNSEL, HAS RIGHT PURSUANT. TO FEDERAL COURTS, SEE: EXHIBIT (A) 9-25-14

SO, BY DISMISSING THIS CLAIM, AGGRIEVER HAS DUE PROCESS RIGHT. PURSUANT.

TO THE ~~COURT~~ DISTRICT COURTS TO FOURTH CIRCUIT COURT'S APPEALS.

BEING DENIED, ACCESS COURT? CHALLENGE CLAIMS AGAINST SOUTH CAROLINA  
DEPARTMENT? ADMINISTRATIVE LAWS COURTS SEE: U.S. PRECEDENT

CRUZ v. Beto. 405 U.S. 319-1972 PROSE LITIGANT, LITIGATION

\*I DO CLARE, UNDER PENALTY OF PERJURY U.S.C. § 1746, TO BE SEVERE  
ON PARTY ABOVE SOUTH CAROLINA COURT OF APPEALS

AFFIDAVIT OF SERVICE

SWORN AND SUBSCRIBED BEFORE ME  
THIS DATE OF DECEMBER 19, 2014

Judith B. Buyant  
NOTARY PUBLIC FOR SOUTH CAROLINA

\*Calvin Gaddy s.c.c.  
Calvin Gaddy s.c.c.

MY COMMISSION EXPIRES

May 26, 2020

Calvin Gaddy # 323591 s.c.c. #  
Edisto 546 P.O. BOX 205 #  
Ridgerville SC 29742 #

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

(B) 1#  
DAMAGE'S

\* MOST GROSS MISARRIAGE OF JUSTICE

Case Number	Inmate Number	Inmate First Name	Inmate Last Name	Grievance No	Response	Filing Date	Date Assigned	Judge Name
14C0466-IJ	323551	CALVIN	GADDY	LCI 424-14	DOC	6/17/2014	6/18/2014	ROBINSON

(illegally)  
 Sentence's  
 NEVER CONVICTED  
 FELONY by STATE  
 LAW STATUTE  
 § 14-9-210  
 CORRUPTION FRAUD  
 F.B.I. INVESTIGATION  
 RECORDS  
 PRIMA FACIE  
 OF  
 DISCUSSION  
 INVOLVEMENTS  
 COLOR ACTOR  
 FAILURE FEDERAL LAW  
 CONSPIRACIE  
 F.B.I.  
 FILED JUN 18 2014  
 SC ADMIN. LAW COURT

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.



# \* The South Carolina Court of Appeals \*

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

December 12, 2014

Calvin Lyndale Gaddy, 00323551  
Lieber Correctional Institution  
P. O. Box 205  
Ridgeville SC 29472

RETURN FOR REASONS  
below !! DAMAGE'S \$\$\$

RE submitted REASON  
below, biased - PREJUDICE (NEGLECTED)  
SEE Lewis v. CASEY.

Re: Calvin Gaddy v. SCDC  
Appellate Case No. 2014-002629

U.S. 18. 343 1996

Dear Mr. Gaddy:

PROSE Litigation without  
CONUNSEL ASSISTANCE  
DAFTING APPEALS

Upon reviewing your motion to proceed in forma pauperis, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- Affidavit of service was made under "perjury"
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Appealing Administrative Law Court for Remedies

ADDRESS ERROR'S  
On stay of mandate  
F.R.A.P 41(d)  
LOCAL RULES  
41(d).

SEE: \* SANDIN v. CONNER \*  
515 U.S. 472. 483-84. (1995)

Very truly yours,  
V. Claire Allen, Deputy

CLERK

cc: Daniel John Crooks, III, Esquire

\* Statements for "NEWS" presentation - Publicize \*

RE-submitted for public advertisement (deliberate + indifference) of ONE Liberty of interest, at stake. damage imminent LIFE damage INJURY indiscriminated, Neglected - Negligence. 18 U.S.C. § 3626 PROSE, Aggriever, HAS due process Clause of the Fourteenth Amendment U.S.C. Conts. to: subpoena duce TECM: Ahh Legal mail MATERIAL, of debt FORM. by S.C. DC. 10-19 FORM, Informal pauperis. Though Lieber Correctional Mail Room Contesting his Requirement, Tried SETTLE, RESOLVEMENTS. before seeking PURSUNT. TITLE 28. U.S.C. § 1983. 42. U.S.C. § 1983.

Under - Color - of STATE LAWS, damage's - deprivation - ON VIOLATION OF South CAROLINA Administrative law Courts This Agency for South CAROLINA is NOT ABOVE THE SUPREMACY CLAUSE, it TIME FOR, THE JIM CROW. Republican Court, system, of THE Good ole boys Ethical - CONSPIRACY. To END, hiding (SKELTON) in (CLOSET), (SECRECY) (SHAM) (True billing) (Indictments) by State Solicitor, Scheming STATE payer \$ & dollars \$ & \$ . Like (lower COURT) 2001-65-29-880. S.C. Code § 16-3-10 MURDER

Never placed before LIVE GRAND JURY. PREJURY testimony. State Solicitor Comitted CRIME Against peace's of JUSTICES' duty (protection) SCHEME. STATE OF South CAROLINA high COURT, has "hedged", hiding there ERROR That, harmful, to (CITIZEN), illegally sentence's by STATE. That South CAROLINA (GOVERNOR \* NIKKA R. HOULY) CAN PROVE, THE Contesting (ARCHIVE) Record, Affirmative Opinion. Judgment's

PROSE Aggriever, under indiscriminated sentence, deprivation. his family's other supporter Ready let public know, what kind of STATE GOVERNOR GOVERNMENT, NO better than THE GREAT WATER GATE Sham - Scheming Taxe dollar \$ & \$ . (SCANDAL) Aggriever, been more than patient, FOR SETTLEMENTS now it's time FOR STATE pay up their debt. 7 year's (NOT) (ARCHIVE) Felony by STATE LAWS, Affirmative Opinion. Judgment. it's time GO public, (PRISON legal news.)

Sixity minute, I do have Address. Protest. for SETTLEMENTS \$ \$ \$ \$ 2015. damage's

(SEE) AFFIDAVIT OF SERVICE'S ON [Opponent's] UNCONSTITUTIONAL ACT'S \* (STATE)

HAS ACTUAL - Notice's - CONSTITUTIONAL - VIOLATION - (NEGLICTED) FAILURE, CORRECT SERIOUS HARM - deprived Liberty of interest



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

(April 7, 2010)



Chief Deputy Appellate Defender Wanda H. Carter  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

*NO FINAL JUDGEMENT ~~MADE~~  
AFFIRMATIVE / AFFIRMED*

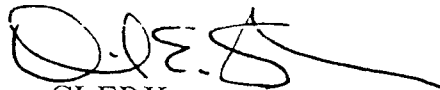
Re: Gaddy, Calvin Lyndale v. The State

Dear Counsel: *NO WRITTEN WAIVER PRESENTMENT. STATUTORY -  
MANDATORY STATUTE §§ 17-23-130-140.*

Enclosed is the order issued in the above entitled matter. *lesser included offense  
§ 16-3-50. 25 year  
FILED TRUE CONTRACT*

By copy of this letter and order, we are advising all interested parties of the action by the Court.

Very truly yours,

  
CLERK

DES/jj

cc: Calvin Lyndale Gaddy #323551  
Assistant Attorney General Suzanne H. White

SOUTH CAROLINA COURTS OF APPEALS  
P.O. Box 11629  
Columbia South Carolina 29211

Introduction: PROSE Litigant Aggriever  
Motion TO Appeal: IN PROCEED INFORMA PAUPERIS  
TO: SOUTH CAROLINA COURTS OF ADMINISTRATIVE LAW COURT'S DECISIONS:  
OF DISMISSAL ORDER. WITH MERITS OF STATE OFFICER  
HARASSMENT TO MENTAL HEALTH OUT PATIENT'S

Motion - Request, OF ~~THE~~ - Appeal, ORDER - DISMISSAL -  
CASE \* WITH MERITS \* APPEARS

TO: ETHICAL EXTRAORDINARY CIRCUMSTANCE CREATE LIBERTY OF INTEREST  
SEE PARHAM - V - JOHNSON 126 F.3d 454-461. 3 C.R. 1997

PRAYER: Aggriever, PREPARE THIS AFFIXED. Request FOR Appeal:  
CLEARLY ESTABLISHED PROSE LIBERTY OF INTEREST  
WITHOUT ATTORNEY: IF THERE'S ANY ERRORS, TO BRING IN PROPER  
FORMAL TO FILED IN THIS COURT CLERK OFFICE PLEASE NOTIFY AT ADDRESS BELOW

x Calvin Daally 323551 S.C.D.C.#  
Calvin Lyndale Gaddy S.C.D.C. 323551  
Lieber Correctional Institution  
Edisto b<sup>+</sup> 54. P.O. Box 205  
Ridgeville S.C. 29472<sup>+</sup>

To be filed

South Carolina Courts of Appeals  
P.O. Box 11629  
Columbia, South Carolina - 29211

Notice of Appeal, Clerk Office's

From. South Carolina Administrative Law Courts, decision. Order:  
with merits, that was not dismissed frivolous / malicious / mooted /  
prose aggrieved, prays this appeal be accepted in this court.  
And if, there's any error, to be corrected in notice appeal. To,  
this filing, Clerk of Courts: Motion To Appeal:

Please notify him. At Lieber Correctional. Edisto B St.  
P.O. Box 205 Ridgville S.C. 29472<sup>H</sup>  
To, correct any charges need corrected to,  
bring proper orders to be filed.

With Affidavit of Service At, Conclusion

Aggrieved, Contesting he's entitled, to Remedie of  
Redress, of this claim brough on State Officer Conduct,  
Harassment Claim while on Stay of Mandate  
F.R.A.P. Rules 4(a) & Local Rule 41 - imminent dangerment

To be Filed: C.C.

B

\* Calvin Lyndale Gaddy S.C. dc # 323551  
Edisto b St.  
Lieber Correctional Institutional  
P.O. Box 205  
Ridgville, S.C. 29472<sup>H</sup>  
DATE 11-19 2014

To: South CAROLINA Courts Appeals  
P.O. Box 11629 Columbia S.C 29211

Calvin Lyndale Gaddy, S.C. dc # 323551

Aggriever / petitioner

Case:  
No:

VS

South CAROLINA Administrative LAW Court's

Defendants - Opponent

S.C Code Ann's 1-23-320 to 310 1986 & Supp. 1999

DECLARATION in support:  
of, Motion to proceed in  
in FORMA PAUPERIS in this Court's  
Jurisdiction.  
CASE: Action No.

I, Aggriever, Calvin Lyndale Gaddy, S.C. dc # 323551, in the above entitled case:  
in support of my motion to proceed without being required to prepay fees,  
OR cost or give security. Therefore, I state that because of my poverty, I am  
UNABLE to pay cost of said proceeding or to give security.  
Therefore, and that I believe I am entitled to redress of 1st Amendment  
petition Government for redress of Grievances.

I do declare; This motion request for appeal, from, the South Carolina Court's  
Administrative Law of Court is TRUE & CORRECT below Reason  
Civil Rights of Institutionalized persons Act. 42 U.S.C. §§ 1997-1997j; 1994. Supp 1999.  
28. C.F.R. §§ 40.1 to 40.22 1998.

1) I am not presently employed. by state, prose litigant has been  
granted. in forma pauperis in South Carolina district court proceeding.  
Case on stay of mandate. F.R. a.p. 41(A) and Local Rules 41.

2) I have not received any money, in the past twelve months  
pays to bring this appeal under in forma pauperis. for  
EXTRAORDINARY Ethic Circumstance, Create, Liberty of interest. of  
Harassment claim into this Court's Jurisdiction.

I do declare under penalty of perjury 28 U.S.C. § 1746. 28. USC § 1746<sup>th</sup>  
that the foregoing is true & correct.

DATE 11-14-2014

2014

Signed. \*

EHCI101D

SCDC INMATE FINANCIAL SYSTEM

10/29/13

E. H. COOPER

C049761

ACCOUNT SUMMARY

ACCOUNT TYPE: I ACCOUNT ID: 323551

CURR LOC: 0421 LIEBER

GADDY, CALVIN LYNDAL

TYPE OF FREEZE : NONE

SUSPENSE DTE.....: 00/00/00

AMOUNT OF FREEZE: 0.00

REST. HOLD AMOUNT: 9.93

CASH WITHDRAWALS: 0.00

LAST UPDATE : INPEHCXF DATE: 10/02/13

CANTEEN PURCHASE: 0.00

TEXT :

\*\*\*\*\*

DATE	REF-NUM	TYPE	DEPOSIT	WITHDRWL	BALANCE
10/12/13	INTEREST	INTEREST	0.03	0.00	10.03
10/02/13	760146	DISTRICT COU	0.00	2.30	10.00
10/02/13	760146	DISTRICT COU	0.00	8.66	12.30
10/02/13	760145	APPELLATE CO	0.00	6.66	20.96
09/18/13	758789	CANTEEN PURC	0.00	0.92	27.62
09/13/13	758288	CANTEEN PURC	0.00	5.44	28.54
09/05/13	757876	COPIES	0.00	33.80	33.98
09/05/13	757876	RX COPAY	0.00	5.00	67.78

PAGE: 0001

ACCOUNT TRANSACTION HISTORY DISPLAYED...

PF4=> MODIFY ENTER=> DISPLAY PF7=> FORWARD PF8=> BACKWARD

4-© 1 Sess-1 167.7.50.33 SCDC1813 4/31

South Carolina Courts of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Notice of Appeal.

Calvin L Gaddy, S.C. # 323551  
Aggriever, petitioner

VS-

South Carolina Administrative Law Court's  
defendants / opponent's

Notice of Appeal  
CAUSATION

To be filed in this court  
with Affidavit of Service's

\* Significant and Atypical Standard \*  
To Create NEW Liberty of interest in,  
involvement. deprivation. State Custody  
illegally Restrains Prison Condition:

To: This Clerk Office's Court  
P.O. Box 11629  
Columbia S.C. 29211 Appeal  
OF, dismissal ORDER:  
From, South Carolina Court of,  
Administrative Law Court  
\* Harassment Claim with Merit's

(SEE): CASE v. NEBRASKA, 381 U.S. 336, 85 S.Ct.  
\* 1486, 14 L.Ed. 2d. 422 1965 \*

PRAYER OF Appeal to, decision / order /  
by S.C. Administrative Law Court

\* Ethical. EXTRAORDINARY \* CASE: CIRCUMSTANCE'S

BACK GROUND FOR Appeals / history. / of CASE'S

\* PRETRIAL DETAINEE: illegally prison condition. State Prisoner;  
State Custody illegally prison condition.

NEVER FORMAL CONVICTED by STATE GRAND JURY § 14-9. 210  
(SEE) UNDER: NUMBER ONE U.S. PRECEDENT CASE, PRETRIAL DETAINEE'S

BELL - v. WOLFISH, 44 U.S. 520 (1979)

CRUEL - AND. UNUSUAL PUNISHMENT - That's Prohibit  
by UNITED CONSTITUTIONAL - AND. South Carolina Constitution  
OF THE Eighth Amendment. OF illegally INCARCERATED  
PRISON Condition:

OF: Ethical. EXTRAORDINARY ~~circumstance's~~ CIRCUMSTANCE'S.

(SEE) WOLFF vs. MCDONNELL 418 U.S. 539 (1974)

(SEE) SANDIN vs. CONNER 515 U.S. 472 (1995)  
TO CREATED New Standard Liberty of loss; interest  
FOR NEW Standard REVIEW 2014. PRETRIAL DETAINEE  
With Liberty of interest. Ethical Violation

(SEE) MITCHELL - v. HORN 318 F. 3d 523 3d. Cir (2003)

SOUTH CAROLINA COURT OF APPEALS

P.O. Box 11629

COLUMBIA, S.C. 29211

Calvin Lyndale Gaddy, S.C. dc# 323551

vs

Aggriever / petitionee

SC. CODE ANN § 1-23-320-370  
1986-9 Supp 1999

South Carolina Administrative Law Court's  
defendant's opponent's

Affidavit of Services

Notice of Appeal

CAUSATION

To be Filed

Notice of Appeal

Under: Civil Rights of Institutionalized

Prison's Act. Grievance U.S.C.A.

Constitutional Amendments 14; § 2-12-42.

28 C.F.R. §§ 40.1 to 40.22

42 U.S.C.A. §§ 1997-1997;

Violation of ONE Civil Rights of Illegally Restrains.

by STATE PRISON CONDITION PRETRIAL DETAINEE'S, NEVER CONVICTED "FELONY"

While ACTION WAS PENDING ON STAY OF MANDATE F.R.A.P. Rule 4(K) LOCAL RULE 4

SEE: Following U.S. COURT PRECEDENT / SOUTH CAROLINA PRECEDENT

To Support Appeal for New STANDARD REVIEW CREATED Liberty-Interest  
imminent Remedy for Redress damages, dangerment, Mental Health patient

SEE WOLFF-V-McDONNELL 418 U.S. 539 (1974)

SEE SANDIN-V-CONNER 515 U.S. 472 (1995)

SEE AL-SHABAZZ-V-STATE 527 S.E.2d 742, S.C. CODE ANN § 1-23-310 (3) SUPP 1999

\* \* \* Number ONE PRECEDENT FOR PRETRIAL DETAINEE'S

BEHN-V-WOLFISH 441 U.S. 520, 1979. PRETRIAL DETAINEE'S. UNTIL  
S.C. CONST ARTICLE I, § 22

This State, of South Carolina. GOVERNMENT OR GOVERNOR, HAS THE,  
Contesting ARCHIVE AFFIRMATIVE CONVICTED FELONY by STATE LAW OR STATUTE;  
OF CRIME, Committed. AFFIRMATIVE by State Constitution LAW § 14-9-210.

With Proving, ARCHIVE RECORDS support the holding opinion ORDER. AFFIRMATIVE.  
Aggriever has due PROCESS OF FOURTEETH Amendment bring this Claim of.

HARASSMENT Claim. Under Behn-v-Wolfish 441 U.S. 520, 1979.

CRUEL AND UNUSUAL PUNISHMENT: Aggriever NEVER FORMAL CONVICTED

by South Carolina Statute Felony by LAWS AFFIRMATIVE, SC CODE § 16-3-50

Waiver Agreement's mandatory-Statutory § 17-23-130-140

SEE Ground of Appeal.

S.C. CODE ANN § 1-23-320-370 (1986 & Supp. 1999)

Continue Next Page.

Continue of appeal.

\* Lack of subject matter jurisdiction, by state prison system. illegally activity. To, hold in state custody. Restrains. Government can't contest...

\* Ground 1<sup>st</sup> South Carolina Article 1 § 11 V § 22. Const: HARASSMENT CLAIM, prison condition illegally activity.

Aggrieved brought Complaint of GRIEVANCE, on state officer. For UNCONSTITUTIONAL CONDUCT OF HARASSMENT. being state of South Carolina Court of General Session, never recorded ARCHIVE FILED COMMITMENT ORDER. being convicted by state court general session term by state grand jury. § 14-9-210. South Carolina Rules of Court's. To indict & prepare & find indictment 2007-65-29-880.

S.C Code § 16-3-10 murder. Ethical violation perjury by state solicitor. SC Code Ann's 16-9-10. True billing state indictment. § 14-9-210

\* Ground 2<sup>nd</sup> HARASSMENT TO MENTAL HEALTH OUT PATIENT

This complaint was made to Lieber Correctional Administration & GRIEVANCE OFFICE'S. TO PROCESS APPEAL, CORRECT ERRORS OF REDRESS. AND APPEAL, TO SOUTH CAROLINA ADMINISTRATIVE LAW COURT'S.

JURISDICTION - ADMINISTRATIVE PROCEDURE'S ACT A. P. A. TO EXHAUST REMEDIE OR REDRESS OF PRETRIAL DETAINEE.

TO SOUTH CAROLINA STATE COURT'S, UNTIL SOUTH CAROLINA GOVERNOR PROVE HIS DISCOVERY OF ARCHIVE RECORDS. Conviction sentence AFFIRM OPINION TO HOLD IN STATE CUSTODY. Felony. SC Code § 17-23-130-140.

Sign waiver contract order AGREEMENTS THATS REQUIRE & MANDATORY STATUTE by South Carolina Constitution Rule of COURT LAW.

by South Carolina supreme Court's. OF SC CODES 14-9-210 GRAND JURY in terms. To indict. Article 1 § 11, V § 22.

Found Recorder. Indictment 2007-65-29-880 murder. 16-3-10. Contract agreement of § 17-23-140. lesser plea sign waiver.

Authority for governor to hold. Under perjury S.C Code Ann's 16-9-10. by state solicitor,

TO THIS INCARCERATION ARCHIVE RECORDS PROVING. Aggrieved has due process of civil right. bring this HARASSMENT CLAIM / COMPLAINT

SC. Code Ann's 1-23-310 (3) supp. (1999) ON SOUTH CAROLINA DEPARTMENT CORRECTION GRIEVANCE'S.

and is not be HARASSED by NO MEANS. WHILE ON stay of mandate F.R.A.P. Rule 41(A) & LOCAL Rule 41

pending Ruling

EHCI101D

SCDC INMATE FINANCIAL SYSTEM  
E. H. COOPER  
ACCOUNT SUMMARY

10/29/13  
C049761

ACCOUNT TYPE: I ACCOUNT ID: 323551 CURR LOC: 0421 LIEBER  
GADDY, CALVIN LYNDALD

TYPE OF FREEZE : NONE SUSPENSE DTE.....: 00/00/00  
AMOUNT OF FREEZE: 0.00 REST. HOLD AMOUNT: 9.93  
CASH WITHDRAWALS: 0.00 LAST UPDATE : INPEHCXF DATE: 10/02/13  
CANTEEN PURCHASE: 0.00  
TEXT :

\*\*\*\*\*

	DATE	REF-NUM	TYPE	DEPOSIT	WITHDRWL	BALANCE
-	09/05/13	757876	POSTAGE REST	0.00	0.20	97.69
-	09/05/13	757876	MEDICAL CO-P	0.00	5.00	97.89
-	09/05/13	757944	DNA PROCESSI	0.00	5.00	102.89
-	09/04/13	2478136	MONEY ORDER	100.00	0.00	107.89
-	08/21/13	757203	CANTEEN PURC	0.00	4.99	7.89
-	08/14/13	756893	POSTAGE	0.00	1.12	12.88
-	08/13/13	756673	POSTAGE REST	0.00	2.37	14.00
-	08/13/13	756673	POSTAGE REST	0.00	5.22	16.37

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PF4=> MODIFY ENTER=> DISPLAY PF7=>FORWARD PF8=> BACKWARD

4-©

1 Sess-1

167.7.50.33

SCDC1813

4/31

Therefore under PRISON KEY 276<sup>th</sup> Appeal  
Administrative Procedures Act's A.P.A. OF ISSUE OF illegally  
HARASSMENT claim, in STATE custody [UNDER] Ethics Violation. OF STATE LAWS.  
To Appeal Should be granted. For deprivation, created OF Liberty; LOSS,  
OF imminent-damages OF HARASSMENT-UNCONSTITUTIONAL Sentence's  
FOR NEW EXTRAORDINARY Circumstance Ethic's ~~Violation~~ ERROR's Violation  
FOR NEW Created OF Liberty OF Interest-OF STATE HARASSMENT Claim

I do declare, This Appeal has been prepared by PROSE Litigant AGGRIEVER.  
To be Forwarded to SOUTH CAROLINA Court's Appeals. P.O. Box 11629  
Columbia South CAROLINA 29211  
by Lieber Correctional Mail Room is true? CORRECT

Affidavit of Service's

x Calli Deen  
Lieber Correction  
Estat B 54

Sworn and subscribed before me.  
This date November 14

2014

Ludman Bryant  
Notary Public for South Carolina

My Commission Expires May 26, 2020

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT'S  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201#

Calvin L Gaddy 323551  
Agg. Revers  
V-5-

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT'S  
Defendant - Opponents

MEMORANDUM OF LAW: Complaint  
Affidavit of Service to be Filed.  
Case No: docket 14-A-EJ. 04.0933A-P.  
Grievance's NO: L.C.I. 04-24-14.  
Objection decline order dismissal  
with merits for motion 59(E)  
Reconsideration - Reconcile Merits  
of bias - prejudice favoritism order.  
All state Remedy has Exhausted.  
To: File in this Court's Jurisdiction  
in Caption Above NEGLIGENCE of duty.

### BACK Ground of illegally Activity CAUSE FOR ACTION

Prose Litigant Calvin Lyndale Gaddy S.C. dc# 323551, illegally Restrains  
HAS due process of Liberty - of interest, of THE fourth Amendment Clause  
OF Equal Rights (AND) protection, being held illegally in STATE custody.  
Has Equal Right of Opportunity of This Clause, of Claims of Merit.  
OF This biased, ORDER with Merits, WAS brought under HARRASSMENT  
Claim on Sgt CHARIE'S Turbide Conduct. on Mental Health prison-  
Condition on (Edisto) Unit. being HARRASSED. While this prose litigant  
HAS Action pending on Stay of Mandate: F.R.A.P. 41(A) STATE LAWS.  
Violation: That has Rights bring this Claim: Under:  
Aishabazz v- State. 338, S.C. 354, 369. 527. S.E. 2d 742, 750. (2000)  
SEE SANDIN v- CONNER 515. U.S. 472, 483, 84. (1995). on AND New:  
Establish CREATED Law. Violation of illegally imprisonment,  
into. question into U.S. department of Justices FEDERAL BUREAU:  
investigation 170. MARCCH DRIVE WINCHESTER V.A. 22602 4843  
OF one's interest one due process Condition of illegally STATE custody.  
That FURTICK v- South Carolina department of Correctional.  
374. S.C. 334. 649. S.E. 2d 35 (2007) biased, prejudiced.  
Contagious? CONTRARY. SEE Smith v- MURRAY 477. U.S. 478, 494. 1986.  
MISCARRIAGE OF JUSTICE, OF EXTRAORDINARY CASE. While ACTION pending  
on Stay of Mandate's. F.R.A.P. RULE 41(A) OF illegally prison- Condition.  
SEE SANDIN v- CONNER 515 U.S. 472, 483, 84. (1995).  
FOR NEW Standard Review. To Establish. Exist on HARRASSMENT  
Claim. illegally Sentences by STATE LAWS. Violation. of PERJURY  
S.C. code's 16-9-10. Indictment by STATE prosecutor:

CONTINUE FROM page 1<sup>st</sup>

Ethic, EXTRAORDINARY CIRCUMSTANCE OF illegally imprisonment  
Conditions. of Complete gross FUNDAMENTAL MISCARRIAGE of Justice  
by This South CAROLINA Administrative Law Courts. FAVORITISM.

protecting South CAROLINA department illegally Activity. CAUSATION.  
while 28. U.S.C. § 2254. pending violation of STATE LAWS.

There's NO CONFIRMED, ASSURANCES'S ADVOCATED. APPROPRIATE  
ARCHIVE, RECORDS PROVING STATE HAS SUBJECT MATTER. ~~CONFIRMED~~ JURISDICTION.  
Hold Felony by State LAWS. That CASE'S 2007-65-29-880. S.C. Code 16-3-10  
Skipper - v - South CAROLINA department of CORRECTION 370. S.E. 267, 273-74-  
Q006) SLEZAK - v - South CAROLINA dept CORR. 361. S.C. 327.

605 S.E.2d 506 (2004) IS CONTRARY bias UNCONSTITUTIONAL  
OF ISSUES RAISE. IN DOCKET NO: 14-A.L.J. 04-0933-AP.

GRIEVANCES NO: L.C.I. 04-24-14. WITH APPROPRIATE STANDARD.  
REVIEW. OF MERITS. TO CREATE NEW STANDARD OF LIBERTY OF INTEREST.  
BIASED ORDER. FROM A.L.C. FURTICK - v - South CAROLINA dept. CORR.

374 S.C. 334. 649 S.E.2d (35) 2007. UNCONSTITUTIONAL WHEN PROSE  
LITIGANT'S HELD ILLEGALLY IN STATE'S CUSTODY: OF COMPLETE GROSS MOST.  
MISCARRIAGE OF JUSTICE HAS OCCURRED IN THIS COURT?

FOR FEDERAL BUREAU INVESTIGATION ON South CAROLINA department of CORRECTION  
hold illegally State INMATES IN illegally CUSTODY. UNDER: ONE CASE.  
CARR. Beck - v - Wolfish 441. U.S. 520 (1979) CRUEL AND UNUSUAL PUNISHMENT  
UNDER VIOLATION OF COLOR OF STATE LAWS. UNCONSTITUTIONAL SENTENCE'S.

FOR CLAIMS OF LIBERTY OF INTEREST AT SAKE; PERSONAL INVOLVEMENT'S OF  
LIBERTY OF INTEREST. DISMISSAL OF ORDER WITH MERITS, CLAIM OF HARASSMENT.  
THAT INMATES STILL BEING HARASSMENT, NOT EQUAL TIME TO EAT.

BEING RUN OUT MESS HALL. NOT GETTING FULL TIME EAT MEALS. OF  
UNCONSTITUTIONAL OF LIBERTY OF PROPERTY. CAUSE FOR ACTION  
FOR HARASSMENT CLAIMS UNDER COLOR OF STATE LAWS

ACTION PENDING UNDER F.R.A.P. STAY OF MANDATE RULE 41(A).  
PRISON CONDITION OF HARASSMENT BY STATE OFFICER IN

LIEBER CORRECTIONAL MESS HALL. INMATE GADY WAS PLACE ON  
DEAD LOCK. BY SINGLE TURBIDE. THAT HAD CONSTITUTIONAL RIGHT OF  
INTEREST. OF DUE PROCESS UNDER ~~THE~~ ILLEGALLY PRISON CONDITION.

THEREFORE PROSE LITIGANT CALVIN LYNDALE GADY. PETITION FOR  
ACTION ON THIS CONTINUE HARASSMENT IN LIEBER CORRECTION  
MESS HALL OFFICER. NOT GETTING FULL TIME EAT. WHILE PREPARING

SEND TO. U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU.  
INVESTIGATION 176. MARCEH DRIVE WINCHESTER V.A.  
22602 4843.

\* CONCLUSION \*

Therefore prose litigant under pending litigation  
ON F.R.A.P. RULE 41A Stay of mandate has All Legal Right.  
TO PURSUANT THESE MATTER'S PRIMA-FACIE DOCUMENTATION  
OF PREPONDERANCE EXHIBIT'S / EVIDENCE. TO:

THE U.S. DEPARTMENT OF JUSTICE OF  
FEDERAL BUREAU OF INVESTIGATION  
170 MARCEL DRIVE WINCHESTER V.A.  
22602. 4843.

TO BE SERVICE ON PARTY IN THIS CAPTION  
SOUTH CAROLINA. STATE ADMINISTRATIVE LAW COURTS

AFFIDAVIT OF SERVICE

I do declare this date of 11-02. 2014. These  
ISSUES ARE TRUE; CORRECT. UNDER PENALTY OF PERJURY

\*Calvin Gaddy

SWORN AND SUBSCRIBED before ME

this date of NOV 3, 2014 2014

Lauchean Bryant  
NOTARY PUBLIC FOR SOUTH CAROLINA

my Commission Expires

MAY 26, 2028

CALVINHYWDALE GADDA #323551  
lieber Correctional Edisto B 54#  
Mental Health Unit. P.O. Box 205  
Ridgeville SC. 29472

\*

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

September 30, 2014

Calvin Lyndale Gaddy  
#3235551  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

RE: Calvin L. Gaddy

Dear Mr. Gaddy:

In reply to your letter or submission, received September 16, 2014, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

Your papers are herewith returned.

*(decline) perjured & biased  
of denying Government  
\* forms & Rule Book's \*  
to Guide  
PROSE Litigant  
to: File proper  
WRIT'S CERTIORARI*

Sincerely,  
Scott S. Harris, Clerk  
By: *Clayton R. Higgins, Jr.*  
Clayton R. Higgins, Jr.  
(202) 479-3019

*pending "matter"*

Enclosures

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Calvin Lyndale Gaddy  
S.c.d.c # 323551  
Appellant,

vs.

South Carolina Department of Corrections,  
Respondent.

WARDEN Joseph Mc Fadden

INMATE COPY

(A)

(NOTICE OF APPEAL)

DOCKET NO. ALJ-04-  
GRIEVANCE NO.: K.C.I. 0424-14

Notice is hereby given that I, CALVIN L GADDY SEEKING ? does hereby appeal the final decision of the South Carolina Department of Corrections dated 6-12-14 and received on June 12<sup>th</sup>, 2014, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)): FAILURE TO INVESTIGATE SGT CHARLIE'S TURBIDE HARRASSMENT. CONDUCT UNDER S.C.D.C POLICY A.D.M. 11-17.

MR WARDEN Joseph Mc Fadden. FAILED, AS WARDEN WORKING UNDER OF COLOR OF STATE LAW. AT LIBER CI. INSTITUTIONAL. DIDNT RESPOND TO, WITH PROPER ATTENTION OF REQUEST TO STAFF. ON THIS OFFICE CONDUCT. OF HARRASSMENT. IN A REQUEST TO STAFF MAY 09<sup>th</sup> 2014. WARDEN, HAS FAILED, TO PROVE ANY INVESTIGATION ON STATE EMPLOYEE OF SERVE COMPLAINT MADE ON THIS SGT CHARLIE TURBIDE. CONDUCT TOWARD. EDISTO MENTAL HEALTH INMATE, IN LIEBER MESS. HALL, OF ILLEGALLY - UNCONSTITUTIONAL - CONDUCT. THAT AN INJUNCTION ON S.C.D.C<sup>#</sup> MISTREATING MENTAL HEALTH INMATE'S

Calvin Lyndale Gaddy S.c.d.c # 323551  
Appellant's Name

Calvin Gaddy DAMAGES  
Signed

Lieber Correctional Edisto 6<sup>th</sup> St.  
Mailing Address  
P.O. Box 205

JUNE 13<sup>th</sup> 2014  
Dated

City, State, Zip Code  
Ridgeville SC. 29472<sup>H</sup>

CERTIFICATE OF SERVICE

I hereby certify that I, Calvin Gaddy (your name), on the 13 day of June, 20 14 in Ridgeville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: WARDEN Joseph Mc Fadden

Address: Lieber Correctional Institutional

City, State, Zip Code: P.O. Box 205 - Ridgeville SC 29472<sup>H</sup>

Print your name Sign your name  
(See reverse side for instructions)

FILED

OCT 16 2014

ADMIN. LAW COU'

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Calvin Lyndale Gaddy, )

Appellant, )

vs. )

South Carolina Department of Corrections, )

Respondent. )

MR WARDEN Joseph Mc Fadden )

NOTICE OF APPEAL

DOCKET NO. ALJ-04- \_\_\_\_\_

GRIEVANCE NO.: L.C.I. 0424-14

RE Submitted Again (SEE) Exhibit (A) (B)  
(4#) Inmate Copies

Notice is hereby given that I, Calvin Lyndale Gaddy, Submitt's Again does hereby appeal the final decision of the South Carolina Department of Corrections dated 10-09-14 and received on 10-09-14, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)): RE Submitted Again See Exhibit's (4) #  
Refiled (L.C.I. 0368-14) Inmate Copy, prose Litigant Aggrevce.

bring these matter under Wilson-v-Seiter Sol. U.S. 294 (1991),  
VANCE'S -V- PETERS 97. F.3d. 987 1# Cir 1996. Aggrevce had made Report's  
Complaint by Request to Staff, of The HARRASSMENT ON S. Sgt. CHARL TURBIDE  
Conduct. ASKING into investigation of his Conduct. That CASES ALREADY pending  
ON Another State Officer. For and illegally ASSAULT. OCCURRED, While AT PEEL  
C.I. Aggrevce made Complaint's of HARRASSMENT. TO WARDEN, ASSICOATE  
WARDEN Black Wehr. PRISON Administration CANNOT ignore. Complaint's made  
by State Inmate That Feels (HARRASSED) (THREATING). of ONE Civil  
Rights. AS State Inmate:

Calvin L Gaddy 323551  
Appellant's Name

Calvin Gaddy 323551  
Signed

Lieber C.I. Edisto B St  
Mailing Address  
P.O. Box 205

10-09-14  
Dated

City, State, Zip Code

Ridgville SC. 29472

CERTIFICATE OF SERVICE

I hereby certify that I, Calvin Gaddy (your name), on the 9 day of October, 2014, in Ridgville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: WARDEN Joseph Mc Fadden

Address: Lieber Correctional Institutional

City, State, Zip Code: P.O. Box 205 Ridgville SC. 29472

Print your name: Calvin L Gaddy  
(See reverse side for instructions)

Sign your name: Calvin Gaddy

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

DUE BY: 6.17.14

JUN 13 2014

STEP 2

INMATE COPY

Office Use Only

Grievance No. LCI-0424-14  
Code: General UC/IS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 6.10.14  
IGC Initials MD

INMATE NAME: Gaddy, Calvin  
SCDC NUMBER: 323551  
INSTITUTION: Lieber Correctional  
HOUSING UNIT: Edisto 54#  
WORK ASSIGNMENT: Mental Health out patient

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Claim, has ~~not~~ give proper attempt under policy A.d.m. 11.17, on S.g.t. Turbide Conduct. SEE Exhibit 1 TO support Appeals. OF CONTRARY TO: WARDEN decision, he didnt state any policy. under, A.d.m 11.17. Claimant has ACTION pending in case. NO 97535 S.C.D.C # File No. 2013254. ON Antonio officer, under color of state law. OF UNCONSTITUTIONAL PRISON-CONDITION. While pending, he's not to be HARASSED by any state Employee. SEE ALL Exhibit's of PREPONDERANCE EVIDENCE / Exhibit to support PRIMA-FACIE CASE. ON Lieber WARDEN Joseph Mac Edden. 1<sup>st</sup> Failure answer document of 5-9-2014 Request to STAFF, dont look good, WARDEN. Calvin Gaddy 6-12-14  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

DAMAGES

Per GA-01.12, the grievance form should contain a brief statement of the circumstances of the grievance. This must be on the Inmate Grievance Form SCDC 10-5/10-5A with no additional pages permitted. Attachments will only be accepted if they are actual documentation such as property inventories, disciplinary documentation, answered requests, etc. You have 5 days to refile this grievance on the attached Step 2 to meet the above criteria. You must return the unprocessed grievance with any refile for data verification purposes. **DUE BY JUNE 21, 2014**

[Signature] 06/16/14  
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

N/A  
Grievant Signature Date

N/A  
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Motions for Reconsideration  
are Prohibited.  
See ALC Rule 65.

**FILED**

NOV 03 2014

Closed

SC ADMIN LAW COURT

STATE OF South CAROLINA  
Administrative Law Court's  
Edgar. A. Brown building 1205.  
Pendleton Street, Suite 224  
Columbia, South Carolina 29201

\*CALVIN Lyndale Gaddy "323551" X  
- ~~XXXXXXXXXX~~ X AggRIEVER X

- V-S-  
\* STATE OF South CAROLINA X  
Administrative Law Court X

\* ~~XXXXXXXXXX~~ X DEFENDANT'S X  
\* ~~XXXXXXXXXX~~ X Opponent's X

*[Faint, mostly illegible text, possibly a stamp or form header]*

INTRODUCTION  
OF MEMORANDUM OF LAW: COMPLAINT  
AFFIDAVIT OF SERVICES TO BE FILED.  
Case NO: docket. 14-ALJ-04 0933 AP.  
GRIEVANCE NO: L.C.I. 0424-14  
\* OBJECTION DECLINED REJECT (ORDER X)  
WITH MERITS FOR MOTION 59(E) X  
RECONSIDERATION - RECONCILE MERITS  
OF BIASED - PREJUDICED - FAVORITISM - DISMISSAL  
ALL STATE REMEDIES HAS EXHAUSTED.  
FOR NEGLIGENCE - NEGLECTED OF DUTY:

DAMAGE'S

BACKGROUNDS OF UNCONSTITUTIONAL ACTIVITY FOR CAUSATION:  
OF ONE PROSE LITIGANT'S CIVIL RIGHTS OF LIBERTY OF INTEREST TO ESTABLISH &  
NEW CREATED. Liberty of interest FOR NEW STARTER STANDARD REVIEW:  
PROSE LITIGANT CALVIN LYNDAL GADDY IN ILLEGALLY STATE CUSTODY RESTRAINS  
OF ILLEGALLY PRISON-CONDITIONS, HAS DUE PROCESS OF EQUAL LIBERTY OF INTEREST  
OF FOURTEENTH AMENDMENT CLAUSE OF UNITED STATE CONSTITUTION. HAS CLAIMS  
OF MERITS OF UNCONSTITUTIONAL HARASSMENT; WAS BROUGHT INTO THIS A.L.C.  
JURISDICTION OF STATE OFFICER MISCONDUCT. WHILE WORKING UNDER COLOR OF STATE LAWS.  
OF MENTAL HEALTH OUT PATIENT. Edisto Mental Health Unit. being HARASSED.  
WHILE THIS PROSE LITIGATOR PENDING ON F.R.A.P. 41(A) STAY OF MANDATE. OF  
UNCONSTITUTIONAL ACTIVITY IN STATE COURTS; STATE LAWS. VIOLATION THAT HAS RIGHTS  
BRING CLAIM OF HARASSMENT UNDER ALSHABAZZ-V-STATE. SEE  
338, S.C. 354, 369. 527, S.E.2d 742, 750 (2000)  
(SEE) SANDIN-V-CONNER 515, U.S. 472, 483-84 (1995)  
FOR NEW STANDARD ESTABLISHED CREATED OF PROPERTY OF LIBERTY  
CREATED LAW. VIOLATION OF DUE PROCESS ILLEGALLY PRISON-CONDITION IMPRISONMENT  
INTO QUESTION FOR U.S. DEPARTMENT OF JUSTICES OF FEDERAL BUREAU.  
INVESTIGATION. RESOLUTIONS. OF ONE DUE PROCESS CONDITION OF ILLEGALLY  
STATE CUSTODY RESTRAINS. UNDER COLOR OF STATE LAWS  
AT: 170) MARCHE DRIVE WINCHESTER V.A. 22602. 4893.  
THAT FURTICK-V-SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
374, S.C. 334, 649 S.E.2d 35 (2001) BIASED-PREJUDICED  
CONTAGIOUS; CONTRARY; SEE. SMITH-V-MURRAY 477 U.S. 478, 494 (1986)  
MISARRIAGE OF JUSTICE OF EXTRAORDINARY HARASSMENT.  
WHILE CASE PENDING OF STAY OF MANDATE F.R.A.P. 41(A).  
Continue next page!

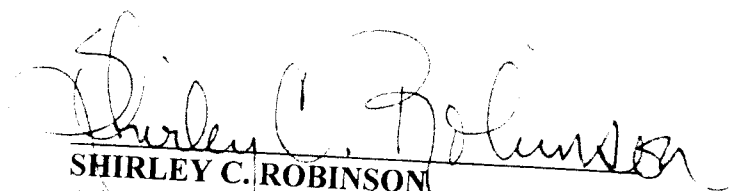




unexpected manner as to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” Sandin v. Conner, 515 U.S. 472, 483-84 (1995); see Sullivan, 355 S.C. at 443, 586 S.E.2d at 127 (applying Sandin to resolve a “condition of confinement claim”).

Here, Appellant complains an SCDC employee assaulted him and continues to threaten him with bodily harm. This complaint does not arise from punishment administered for a disciplinary conviction, nor does it relate to Appellant’s sentence, sentence-related credits, or custody. Moreover, this is not an “atypical” condition of restraint. Accordingly, Appellant has not alleged deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling, and the case is dismissed for lack of jurisdiction.

**IT IS HEREBY ORDERED** that this appeal is **DISMISSED, with prejudice.**  
**AND IT IS SO ORDERED.**

  
**SHIRLEY C. ROBINSON**  
Administrative Law Judge

October <sup>28</sup> 2014  
Columbia, South Carolina

Administrative Law Judge  
Shirley C. Robinson  
1000 ...  
Columbia, South Carolina  
29201-1000  
Tel: 803-732-1000  
Fax: 803-732-1000  
www.scdca.gov

⊗ Continue Memorandum of Law ⊗

Therefore Aggrieved without, proper Attorney Skills At Law, Proceeding  
PROSE, TO draft Appeals, Claims, has due process of fourth Amendment  
Equal Right. TO proceed, TO FEDERAL LAW COURT'S. This was not dismissed  
FRIVOLOUS, OR MALICIOUS. FAILURE STATE CLAIM. FOR RELIEF

TO proceed UNDER: AL SHABAZZ - V - STATE. 527. SE.2d 742 2001

TO FAIR hearing, STANDARD de novo REVIEW OF Liberty of interest.

Under: CREATED EXCLUSIVE ESTABLISHMENT EXTRAORDINARY.

CASE. pending ON stays of MANDATE. F.R.A.P RULE 41(d)

LOCAL RULES 41(d) "STATE LAWS QUESTION" disposition - FINALITY.

⊗ question OF IS THIS AND ILLEGALLY UNCONSTITUTIONAL PRISON.

CONDITION, TO CREATE NEW [ESTABLISHMENT]

Therefore, Aggrieved has Right Motion FOR Subpoena duce TECUM: Mail out:

All debt FORMS, Legal Mail Receipt's, TO All OPPONENT'S

IN CASE OF CONSPIRACY SECRETLY ACTION by These COURT'S (COME'S)

OF blocking PROSE litigation Protocol ~~litigation~~ LITIGATION

ACCESS TO LAW COURT'S

(See) PRETRIAL detainee's Sixth Amendment's Counsel protection.

UNTIL ⊗ GOVERNOR NIKKI R. HALEY. ⊗

⊗ BRYAN P. STIRLING DIRECTOR ⊗

PROVE, All, ORDER. CANNON OF LAWS. ARCHIVE RECORDS OF

AUGUST 02, 2007. GRAND JURY ACTION. ARTICLE 1 § 11. VS § 22. § 14-9-210.

PROSE Aggrieved UNDER. UNITED STATE PRECEDENT'S

AN EIGHTH AMENDMENT VIOLATION THAT PROHIBIT'S. BY SOUTH CAROLINA

CRUEL AND UNUSUAL PUNISHMENT. PRETRIAL-DETAINNESS.

ON STAY OF MANDATE. F.R.A.P. 41(d) LOCAL RULE 41(d)

(SEE) BEHL - V - WOLFISH, 441. U.S. 520. 1979.

TO SUPPORT PRIMA FACIE CASE ON APPEALS



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender  
Joseph L. Savitz, III, Senior Appellate Defender

April 28, 2010



A 9-25-14

Mr. Calvin Lyndale Gaddy #323551  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

THE GREAT WRIT'S OF HABEAS CORPUS  
Filed, July 6<sup>th</sup> 2010 #  
NO FINAL AFFIRMING  
OF THIS CONVICTION OR SENTENCE

Dear Mr. Gaddy:

Enclosed please find a copy of the order of the South Carolina Supreme Court denying your petition for writ of certiorari. This means that the lower court's decision in your case stands and you have exhausted your state remedies. Note the time limits for filing future actions based on the date of the denial of this PCR appeal action via the federal habeas statute of limitations.

Should you have any questions concerning this matter, please contact me.

Evidence  
for F.R.C.P.  
MATE MASTER decision  
Rule 53 (c)

Sincerely,

Wanda H. Carter  
Deputy Chief Appellate Defender

WHC/mwl

Enclosure

MERIT'S

(3) Proof of service showing that a copy has been served on the Administrative Law Court, as Required by Rule 203(b)(6), SCACR.

Failure to provide the requested items will result in dismissal of your appeal.

Please be advised that the time limits for perfecting this appeal are not held in abeyance.

If you intend to proceed with this appeal pro se, the fact that you are not an attorney does not relieve you of the responsibility to perfect your appeal in accordance with the South Carolina

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Daniel John Crooks, III, Esquire  
Jana E. Shealy

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT  
LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ANNEX  
1100 EAST MAIN STREET, SUITE 501  
RICHMOND, VIRGINIA 23219-3517  
[WWW.CA4.USCOURTS.GOV](http://WWW.CA4.USCOURTS.GOV)

PATRICIA S. CONNOR  
CLERK

TELEPHONE  
(804) 916-2700

April 15, 2014

Robin L. Blume, Clerk  
U.S. District Court  
District of South Carolina  
P. O. Box 10768  
Greenville, SC 29603-0768

April 24<sup>th</sup>  
2014

Re: Calvin L. Gaddy, etc. v. Mr. Robert Ward, et al.  
8:12-cv-03549-JFA

Dear Ms. Blume:

Review of the district court docket discloses that the district court is considering a motion under Fed. R. Civ. P. 50(b)(for judgment), 52(b)(to amend or make additional findings), 59(to alter or amend judgment or for new trial), or 60 (to vacate) filed within 28 days of entry of judgment. Under Fed. R. App. P. 4(a)(4), a notice of appeal filed after entry of judgment but before disposition of such a motion becomes effective upon entry of an order disposing of the last such motion.

This court will treat the notice of appeal as filed as of the date the district court disposes of such motion, and will docket the appeal following disposition of the motion. Please notify this court upon entry of an order disposing of the motion.

If a party wishes to appeal the district court's disposition of the motion, a notice of appeal or amended notice of appeal must be filed within the time prescribed for appeal, measured from entry of the order disposing of the last such motion.

Yours truly,

*s/ Ashley B. Webb*

Ashley B. Webb

*pending matter*

cc: Calvin L. Gaddy  
Steven Michael Pruitt, Esq.

[Faint stamp or signature]

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Number	Appellate Number	Appellate First Name	Appellate Last Name	Grievance No	Respondent	Filing Date	Date Assigned	Judge Last Name
14C0933	323551	CALVIN	GADDY	LCI 424-14	DOC	10/16/2014	10/24/2014	ROBINSON

⊗ PART (Two)  
⊗ FROM (ONE)

F.B.I  
FAILURE  
investigation

**FILED**  
OCT 24 2014  
ADMIN. LAW CO'

FAILURE ACT'S  
Neglected duty  
TORT [Impeachment]

CORRUPTION

Petition

\* GOVERNOR NIKK R HALCOMB

FOR REDRESS

RELIEF :

1st Amendment

Rights

U.S Constitution

Act by Congress

28. U.S.C. § 2254 =

Pending on

STATE LAWS ??

##

⊗ PRISON CONDITION KEY ⊗  
312, 313. S.Ct. 2460 1996

KEY 314. Judgment Relief  
18. U.S.C.A. § 3626.

(b)(2)

PIYER. V. MOORE

See

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

~~FRONT~~ back's

documentation of damage's  
\* DUE PROCESS CLAUSE VIOLATION \*

deprivation (damaging)  
of [Liberty of interest]

\* INFERENCE \*

\* INFRINGEMENT \* by (STATE)  
INDISCRIMINATELY  
NEGLECT Negligence

Settlement's "DUE"  
\$ \$ \$ \$

\* 18 U.S.C S 3626 \*

RECEIVED  
AUG 04 2014  
SOUTH CAROLINA  
COURT ADMINISTRATION

Alvin Lyndale Gaddy  
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE  
(Bail Proceeding Form 2)

Offense Charged: Murder

At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both)

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Exhibit (A) July 29<sup>th</sup> 2014

SEE Exhibit 2007-65-29-880

TO APPEAR General sessions terms August 6, 2007

(Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ ( % ) of this bond in cash, this amount being \$ \_\_\_\_\_. The defendant will be obligated to the State in the full amount of \$ \_\_\_\_\_, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$ 100,000

3. That the defendant shall appear at (check one):

the term of the court of general sessions beginning on (Date): Aug 6, 07 at (Time): 9:30 o'clock, A.M., at (Place): Courthouse Calhoun Co. and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of magistrate/municipal (circle one) court beginning on (Date): \_\_\_\_\_ at (Time): \_\_\_\_\_ o'clock, \_\_\_\_\_ M., at (Place): \_\_\_\_\_. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant LVG

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Lee Reed  
Signature of Judge

7/28/07  
Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

3155 MATHE EUNDEL RD  
Address

Lanesta SC 29720  
City/State/Zip

251-3347 42 286-9607  
Social Security Number/Telephone No.

Alvin Lyndale Gaddy  
Signature of Defendant

7/28/07  
Date

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.

Original copy for the Trial Court - Copy for the Defendant

FORM CONTINUES ON BACK

STATE OF SOUTH CAROLINA  
COUNTY OF LANCASTER  
CALVIN L. GADDY

Applicant

STATE OF SOUTH CAROLINA

Respondent

IN THE COMMON PLEAS COURT

DOCKET NO.: 2008-CP-29-154

AMENDED APPLICATION FOR POST  
CONVICTION RELIEF(8)

FILED  
OFFICE OF CLERK  
OF COURT  
2009 AUG 24 PM 12:34  
CLERK OF COURT  
LANCASTER COUNTY, SC

*Example*

The Applicant through undersigned Counsel states that the Amended Application for Post Conviction Relief was filed on February 11, 2008, and wishes to add the following to that application:

*Exhibit (K) vol*

**S. C. CONSTITUTION PROVISION REGARDING INDICTMENT  
SEE S. C. CONSTITUTION ARTICLE 1, § 11**

No Person may be held to answer for any crime the jurisdiction over which is not within the magistrate court. Unless on a presentment or indictment of a grand jury of the county where crime has been committed.

Code of Laws of South Carolina 1976 annotated currentness, Title 17, Criminal procedures Chapter 19 Indictments, § 17-19-30, Allegations sufficient for indictment for murder. Every indictment for murder shall be deemed and adjudged sufficient and good in law which, in addition to setting forth the time and place together with a plain statement, divested of all useless phraseology, of the matter in which the death of deceased was caused: charges that defendant did feloniously, willfully and of his malice aforethought kill and murder the deceased...

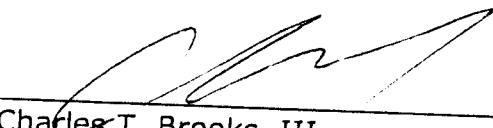
Also the autopsy reports on page 6 within the context provided cause of death could be listed as asphyxiation during sexual activity, contributing factor was cocaine ingestion. The manner of death is not determined through autopsy examination. Autopsy report(s) shows the cocaine played a part in the death, and the records don't conclusively refute.

ERRORS OF THE Magistrate Judge of the Report  
[And] Recommendation

SEE: Ground ONE

RESPECTFULLY SUBMITTED ON BEHALF OF  
APPLICANT, Calvin L. Gaddy

petitioner, Counsel  
pro se

  
Charles T. Brooks, III  
Attorney for Applicant  
309 Broad Street  
Post office Box 3512  
Sumter, South Carolina, 29150  
(803) 418-5708

May 11, 2009

SEE, E.g. CKUZ v. Beto 405 U.S. 319 (1972)

SEE, Weller v. Dept of Soc. Servs- Tol Field,  
387 4th Cir 1990 SEE. Appendix d

petitioner, Filed on February 11<sup>th</sup> 2008, Application  
for Relief...

this be added

to the following

post conviction relief

[And] ASK THAT !!!



2010

28 U.S.C. § 2254 (E)(1)

Appendix D

Q7: AUC00062  
CUNNINGHAM, ARETHA JENNIFER

CASE NO 8:10-CV-01743 JFA-JDA  
28 USC § 2254 E (1)  
EXHIBIT

FINAL SUMMARY

The decedent was a 35 year old woman who was found expired in bed following (sexual activity) Her cohort allegedly claimed to have engaged in an act of strangulation during (sexual activity) but did not expect or realize that she had expired afterward. He allegedly left the scene of the incident, later found her dead in bed, and subsequently turned himself into police. Postmortem confirmed trauma to the neck consistent with strangulation and asphyxiation. There was no additional marks or injuries. A blood cocaine level was obtained and found to be 360 ng/ml. The level is consistent with cocaine use proximate to the time of death. Cocaine metabolite of Benzoylcegonine was identified at 4300 ng/ml. The level of cocaine is not that which is commonly reported in (lethal) exposure, however, the range of cocaine toxicity is very broad. That most commonly reported in lethal exposures is between 1000 and 20,000 ng/ml. Within the context provided, cause of death could be listed as asphyxiation during sexual activity / Contributory factor is Cocaine ingestion. The manner of (death) is not determined through autopsy examination.

\* \* EXCULPATORY - EXCLAMATORY - death was not Resolved  
Why was not this on 8-11-07 shown to Applicant  
\* by an Legally GRAND JURY August 2, 2007  
This Fall on a (FUNDAMENTAL) Right to a (FAIR TRIAL)  
28 U.S.C. § 2254 E (1)  
DUE PROCESS OF LAW.

Fifth Amendment AN Fourteenth Amendment

Applicant was denied disclose (EVIDENCE)

MATERIAL to guilt; page 7<sup>th</sup> of court transcript

January 30<sup>th</sup>  
2014

EXHIBIT B<sup>#</sup>  
B

13, 14, 15, 16, 17, 18)

page 10<sup>th</sup> (court transcript)

Case no:  
8:10 CV-01743 JFA

①, ②, "the" "DISCUSSION" (was plead to this) IF'S  
been work out

⑥ May 22<sup>nd</sup>, 2014

D

STATE OF SOUTH CAROLINA, )  
 ) IN THE COURT OF GENERAL SESSIONS  
 ) FOR THE SIXTH JUDICIAL CIRCUIT  
 ) WARRANT NO.: K124617  
COUNTY OF LANCASTER. )

STATE OF SOUTH CAROLINA, )  
 )  
vs. ) (ORDER SETTING BOND)  
 )  
CALVIN LYDELL GADDY, )  
 )  
Defendant. )

Motion is made that the above captioned Defendant be released upon the posting of a surety bond. Exhibit (B) July 29, 2014

The Defendant was arrested on June 9, 2007, and is charged with Murder. It appears that the Defendant appeared before the Magistrate at the Lancaster County Detention Center and bond was denied. It appears that the Defendant is still detained at the Lancaster County Detention Center.

THEREFORE, IT IS ORDERED that the Defendant be released pending a trial on the charge(s) indicated upon the posting of a surety bond in the amount of One Hundred Thousand (\$100,000.00) Dollars, said bond is to be approved as to the form and sufficiency by the Clerk of Court, subject to the following conditions:

- #  
Aled
- \* 1. Defendant shall personally appear in Lancaster County General Sessions Court  
\* on August 6, 2007, at 9:30 a.m. at 104 North Main Street, Lancaster, South Carolina, and \*  
remain there throughout that term of Court. If no disposition is made during that term,

STATE OF SOUTH CAROLINNA, )  
 )  
 )  
 )  
COUNTY OF LANCASTER. )

IN THE COURT OF GENERAL SESSSIONS  
FOR THE SIXTH JUDICIAL CIRCUIT  
INDICTMENT NO.: \_\_\_\_\_

STATE OF SOUTH CAROLINA, )  
 )  
 )  
VS. )  
 )  
CALVIN LYDELL GADDY, )  
Murder, )  
 )  
 )  
DEFENDANT. )

MOTION FOR DISCOVERY  
AND DISCLOSURE OF EVIDENCE

NO. Indictment number  
OR

Filed date of 2007\*

RE-submitted

The above named defendant, would through his lawyer, respectfully request the following information:

1. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent;

2. A copy of Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney of the prosecution;

3. Any books, papers, documents, photographs, tangible objects, building or places, or copies of portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of the defense or are

(C)

Exhibit (C)  
July 29<sup>th</sup>, 2014

*this was filed with my 1st MABAS Colaps for Support*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )  
 )  
CALVIN L. GADDY )  
 )  
Applicant )  
 )  
 )  
STATE OF SOUTH CAROLINA )  
 )  
Respondent, )  
\_\_\_\_\_ )

IN THE COMMON PLEAS COURT  
  
DOCKET NO.: 2008-CP-29-154  
  
MOTION FOR DISCOVERY  
PURSUANT TO RULE 26, 20, 37  
Of the S.C.R.C.P and 17-27-150(A)

*(d) July 29<sup>th</sup>, 2014*

The Applicant through undersigned Counsel comes sub judice before this honorable Court of South Carolina and in accordance with the South Carolina Rule of Civil Procedure and Statutory Law, pursuant to Rule 26, 29, 37, and South Carolina Code of Law, 17-27-150(A).

The Applicant would motion this honorable Court of South Carolina, for reproduction of this file, the transcript of record of the Grand Jury proceeding and minutes, as well as grand jury presentment waived before defendant signed them.

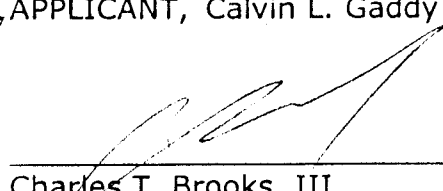
Plaintiff herewith respectfully moves the court to entertain the following motion:

Plaintiff has made multiple attempts to obtain discovery as provided for in S.C.R.C.P. Rule 34. After initial request was submitted for access to information requested, having received no response from counsel on motion filed pro se, plaintiff hereby request an order from this court compelling production of ministerial records of the grand jury. Said failure to engage in the discovery process or even respond to plaintiff's request as provided for in S.C.R.C.P. Rule 12 brings a presumption on the part of plaintiff that his allegation regarding trial court's Lack of Subject matter jurisdiction is correct as the State bears the burden of proof in this

*Exhibit -> (A)*


matter. State v Parker, 294 S.C. 465, 366, S.E. 10(1988), Code Ann. §17-29-80, and State v. Gunn, 437 S.E. 2d 75, (1993) and S. C. Code Ann. §14-7-1700(Law co-op Supp. 1998). In Nixon the Court found the interest necessary to support the access right in inter alia the citizens desire to keep a watchful eye on the working of public agencies, Appellant who is incarcerated as a result of the grand jury's process has more than a citizens right to seek access.

RESPECTFULLY SUBMITTED ON BEHALF OF  
APPLICANT, Calvin L. Gaddy



---

Charles T. Brooks, III  
Attorney for Applicant  
309 Broad Street  
Post office Box 3512  
Sumter, South Carolina, 29150  
(803) 418-5708

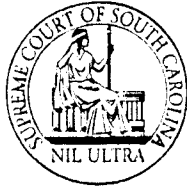


June 4, 2009

July 29<sup>th</sup>, 2014

± Exhibit → (ES)

Exhibit → (F)



South Carolina Court Administration  
South Carolina Supreme Court  
Columbia, South Carolina

1015 SUMTER STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201

September 27, 2010

The Honorable Sue K. Carpenter  
PO Drawer 580  
140 Main Street  
Chester, SC 29706

Exhibit (E) (+) July 29, 2014

General session was in Chester SC  
August, 30, 31, 1, 2, 3

RE: Calvin L. Gaddy

[See] Exhibit A, b, c, d,

S.C. Judicial department - calendar

Dear Clerk Carpenter:

Enclosed is a copy of a letter this office received from the above-referenced person. It would be appreciated if you would review this matter to assist him.

Sincerely,  
Court Services Section

cc: Mr. Calvin L. Gaddy #323551  
Perry Correctional Institution  
Q-3A-113  
430 Oaklawn Road  
Pelzer, SC 29669

D) 3-20-13

RECEIVED  
OCT 01 2010  
P.C.I. MAILROOM

Exhibit B

CASE NO 8:10-cv-01743 JFA

Terms of Circuit and Family Court  
 July 2007

CASE NO: 210 cv. 01134 JFA-RSC

Circuit Number	7/2/2007	7/9/2007	7/16/2007	7/23/2007	7/30/2007
6		Common Pleas Non-Jury Goode, Kenneth  <b>TRACY</b>		Common Pleas Lancaster Goode, Kenneth  <b>WATKINS 23</b> <b>NO CR</b> <b>NEEDED 24,</b> 25, 26, 27	General Sessions  Chester Goldsmith, Brooks  <b>WATKINS</b>  Common Pleas Fairfield Goode, Kenneth  <b>TRACY (30, 31)</b> <b>NO CR</b> <b>NEEDED (2, 3)</b>
		Family Court Fairfield / Chester  Gibbons, Brian M.  <b>PERRY</b>	Family Court Lancaster Gibbons, Brian M.  <b>PERRY</b>	Family Court Chester Murdock, Jamie Lee Sitting With: Jenkinson, Gordon  <b>PERRY 23, 24</b> am <b>GRAINGER</b> 24 pm <b>PERRY 25, 26,</b> 27	Family Court Lancaster Gibbons, Brian M.  <b>PERRY</b>

(true documents)

(Exhibits)

"Evidence"

that general session was in  
 Chester SC ON 8/02/2007

(NOT) Lancaster County

Exhibit 1963 (1) "A" 2013

2007-65-29-880

July 24, 2014

VERIFIED TRUE COPY  
 South Carolina Court Administration



NO general session on 8/02/2007 (Exhibits) 6#  
in "LANCASTER County" (Evidence) PAGE 6#

(B)

# Calendar for August 2007 (United States)

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			(Chester)	(Chester)	(Chester)	
5	6	7	8	9	10	11
	Open	LANCASTER County TERMS				
12	13	14	15	16	17	18
	2007-65-29-880 July 24 <sup>th</sup> , 2014					
19	20	21	22	23	24	25
26	27	28	29	30	31	

Phases of the moon: 5: 12: 20: 28: 0

Calendar generated on [www.timeanddate.com/calendar](http://www.timeanddate.com/calendar)

(Exhibits) 6#  
(Evidence)

Exhibit  
PAGE 6#

(CASE NO 210-CV-01734 JFA-RSL)  
(CASE NO 8:10-CV-01743 JFA-JDA)

1963(3) = 2013      9-01-2011

Calendar Documents  
2007-65-29-880 July 24<sup>th</sup>, 2014

August 02 2007 was in CHESTER SC (NOT)

"LANCASTER COUNTY" ON August 17<sup>th</sup> (2001) MR CALVIN Gaddy # 323551 guilty plea was in LANCASTER County

ON 8/17/207 # 2007-65-29-880

by the LANCASTER County Grand Jury

See page 2<sup>nd</sup> (Exhibit 1)<sup>th</sup>


"NO" general session on 8/02/2007 Evidence  
in LANCASTER County

**Terms of Circuit and Family Court  
 August 2007**

Circuit Number	8/6/2007	8/13/2007	8/20/2007	8/27/2007
6	General Sessions Chester Goldsmith, Brooks  <b>WATKINS</b> 6, 7, 8, 9 <b>RICH</b> 10  General Sessions Lancaster Goode, Kenneth  <b>BARRETT</b>	General Sessions Fairfield Nicholson, J.  <b>WATKINS</b>  General Sessions Lancaster Goode, Kenneth  <b>BROOM</b>		Common Pleas Non- Jury/PCR Goldsmith, Brooks  <b>WATKINS</b>  General Sessions Fairfield Goode, Kenneth  <b>TRACY</b> 27, 28, 29, 30 <b>YOUNG</b> 31
	Family Court Fairfield Gibbons, Brian M.  <b>PERRY</b>	Family Court Chester McGowan, Joseph W.  <b>MITCHELL</b>  Family Court Lancaster Gibbons, Brian M.  <b>PERRY</b>		Family Court Lancaster Gibbons, Brian M.  <b>PERRY</b>

2007-65-29-880  
 July 24th 2014

Exhibit  
 19163-4-1 2013

CERTIFIED TRUE COPY,  
  
 with Clerks of Court Administration

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )  
 )  
CALVIN L. GADDY )  
 )  
Applicant )  
 )  
 )  
STATE OF SOUTH CAROLINA )  
 )  
Respondent, )  
\_\_\_\_\_ )

IN THE COMMON PLEAS COURT

DOCKET NO.: 2008-CP-29-154

AMENDED APPLICATION FOR POST  
CONVICTION RELIEF

EXHIBIT 0001  
2007-65-29-880  
July 29, 2014

FILED  
CLERK OF COURT  
LANCASTER COUNTY  
SOUTH CAROLINA  
JUL 29 2014

The Applicant through undersigned Counsel comes before the Court of an Application for Post Conviction Relief filed on February 11, 2008.

The Applicant is presently confined in the McCormick Correctional Institution of the South Carolina Department of Corrections (order) of commitment of the Clerk of Court for Lancaster County. The Applicant was (indicted) at the August 2, 2007, term of the court of General Sessions for Lancaster County for murder (07-GS-29-880) and was represented by William Frick.

The applicant pled to twenty-five (25) years. The Applicant contends that his conviction was unlawful and he asserts such facts and mentioned in this PCR

affixed. 2007-65-29-880 July 29<sup>#</sup> 2014

RESPECTFULLY SUBMITTED ON BEHALF OF  
APPLICANT Calvin L. Gaddy

Charles F. Brooks, III  
Attorney for Applicant  
10 Broad Street  
Greenville, SC 29615

Phone: 864.233.1111  
Fax: 864.233.1112



#  
0002  
July 29, 2014

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT  
  
BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

NO CONFIRMATIVE  
AFFIRMATIVE  
JUDGMENT FILED

2007-65-29-880

POST OFFICE BOX 11130  
COLUMBIA, SOUTH CAROLINA 29211  
  
(803) 734-1000  
FAX (803) 734-1499

SC Code § 16-3-50  
Voluntary manslaughter

April 23, 2010

Exhibit  
A  
(2014)

REMITTITUR

Key 2377

NO WRITTEN WAIVER

NEW TRIAL

PRESENTMENT

The Honorable Jeff L. Hammond  
104 N Main St  
PO Box 1809  
Lancaster, SC 29721-1809

ETAMPLE

Guilty pleas

Evidence

mandated - mandatory  
S.C. Laws Statute

\* Re: Gaddy, Calvin Lyndale v. The State - 2008-CP-29-00154

Statutory

Dear Mr. Hammond: NO COMMITMENT ORDER OR

WRITTEN WAIVER. PRESENTMENT. § 17-23-130-140.

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

(REMITTITUR) 4.3 million dollar  
damages

GROSS - MOST - PROSECUTORIAL

Very truly yours,

CONDUCT

CLERK

Key F.R.C.P. 2377.

\* KEY 2377  
\* KEY 16-3-50  
\* NEW TRIAL

Negligence

EXHIBIT A

2014

§ 16-3-50

damages

3-01-14

Calvin Lyndale Gaddy #323551

Key 16-3-50

Deputy Appellate Defender Wanda H. Carter

Assistant Attorney General Suzanne H. White

ETHICAL - VIOLATION - EXHIBIT

DISBARMENT

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
INFORMAL BRIEF FOR HABEAS AND SECTION 2255 CASES**

No. 11-7424, Calvin Gaddy v. Michael McCall  
8:10-cv-01743-JFA

[L]

**1. Jurisdiction**

- A. Name of court from which you are appealing:
- B. Date(s) of order or orders you are appealing:

**2. Timeliness of notice of appeal (for prisoners)**

Exact date on which notice of appeal was placed in institution's internal mailing system for mailing to District Court:

28. U.S.C. § 2675 (A) 2013 Claim

**3. Certificate of Appealability**

Did the district court grant a certificate of appealability? Yes [ ] No []  
If Yes, do you want the Court of Appeals to review additional issues that were not certified for review by the district court? Yes [] No [ ]

If Yes, you must list below the issues you wish to add to the certificate of appealability issued by the district court. If you do not list additional issues, the Court will limit its review to those issues on which the district court granted the certificate.

28. U.S.C. § 2675 (A) 2013 #

28 U.S.C. § 2254 E (1) impeach  
Conflict of interest + [SALANDAT]

Example / Preponderance / Evidence's 2013 #

**4. Issues on Appeal**

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider on appeal. You must include any issue you wish the Court to consider, regardless of whether the district court granted a certificate of appealability as to that issue. You may cite case law, but citations are not required.

**Issue 1.** The petitioner is actually innocent of his murder charge

**Supporting Facts and Argument.** The petitioner was charged with murder; however, after his counsel advised him to plead guilty to manslaughter, he was provided an "Autopsy Report" showing that the "victim died as a result of cocaine ingestion" and not as a result of any illegal conduct by the petitioner. The petitioner pre-

presented the "Autopsy Report" to the District Court and argued that it proved that he was "factually innocent" of his murder charge to excuse his procedural bar to entitle him to a habeas corpus review on the merits of his actual innocent claim. This District Court denied petitioner's claim without addressing the merits and denied petitioner a Certificate of Appealability (COA). The facts and evidence contained in petitioner's "Autopsy Report" unquestionably demonstrates that a miscarriage of justice will result if this Court does not grant a COA to review the district court's erroneous ruling. A fundamental miscarriage of justice exception to rule barring procedurally barred habeas petition is relegated to cases of "actual innocence" where the petitioner shows, as a factual matter, that he did not commit the crime of conviction. *Ward v. Cain*, 53 F.3d 106 (5th Cir. 1995).

**Issue 2.** The Trial Court Lacked Subject-Matter Jurisdiction to adjudicate the Petitioner's murder offense.

**Supporting Facts and Argument.** The petitioner's murder indictment indicates that he was indicted by a Lancaster County Grand Jury during the "August 2, 2007" term of general sessions court. Conversely, the petitioner was provided a general sessions court calendar by the SC Court of Administration showing that there was no "August 2, 2007", term of general sessions court held in Lancaster County. Under SC Statutory Laws a grand jury must meet with the general sessions court at its term to return indictments. Neither the district court nor the State denied petitioner's claim on the merits, but rather argued that "subject-matter jurisdiction" is a state law issue that is not cognizable in federal habeas petition. Contrary to the district court's ruling, the U.S. Supreme Court has held that indictment issues are cognizable in federal habeas petition on the Fourteenth Amendment Equal Protection Clause if a state statutory or constitutional laws authorize prosecution by indictments. Therefore, this court should grant a COA to review the district erroneous ruling.

**Issue 3.** The Trial Court Lacked Power (Subject-matter jurisdiction) to Accept the Petitioner's Guilty Plea to manslaughter without a Signed Waiver of Indictment for this offense.

**Supporting Facts and Argument.** The petitioner was charged with murder in this case but plead guilty to the lesser-included offense of manslaughter without signing a waiver of presentment by a grand jury of this offense. The South Carolina Statutory Laws mandates that a defendant must sign a waiver of the lesser-included offense before a circuit court can accept his guilty plea. S.C. Code. §§17-23-130140. Likewise, the S.C. Supreme Court has held that in the absence of a signed waiver of the lesser-included offense the court lacks power (subject-matter jurisdiction) to accept a defendant's guilty plea. As shown in Issue 2, this issue is cognizable in federal habeas corpus petition. Therefore, this Court should grant a COA to review the District Court clearly erroneous ruling.

Issue 4.

Supporting Facts and Argument

Conflict of interest  
Example 2013#

28. U.S.C. § 2675(A)  
Claim 2013#

WITNESSES

J. Wanda Owens - LCSO #07-14474

DOCKET NO. 2007-GS-24-890

The State of South Carolina  
County of Lancaster

COURT OF GENERAL SESSIONS

AUGUST TERM 2007

ARREST WARRANT NUMBER/DOA

124617 (DOA-6-9-07)

ACTION OF GRAND JURY

THE STATE  
vs.

Calvin Lyndale Gaddy

TRUE BILL

*[Signature]*

representative of Grand Jury  
date: AUG 02 2007

VERDICT

Indictment for  
Murder

SC Code: §16-3-10  
CDR Code: 0116  
Class: Felony, EXM

NO FILED DATE by Clerk of Court  
Exhibit (F)  
July 29<sup>th</sup> 2014

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

INDICTMENT

At a Court of General Sessions, convened on August 2, 2007, the Grand Jurors of Lancaster County present upon their oath:

MURDER

That Calvin Lyndale Gaddy did at 3155 Major Evans Road, in Lancaster County on or about June 8, 2007, feloniously, willfully, and of his malice aforethought kill and murder Aretha Cunningham by choking her with his hands and the victim did die as the proximate cause thereof on June 8, 2007, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*.

NO FILED date's  
by LANCASTER COUNTY CLERK OF COURT

Exhibit (G)  
July 29<sup>th</sup> 2014

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Thomas A. Barfield, Jr., SOLICITOR

INMATE COPY

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT  
LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ANNEX  
1100 EAST MAIN STREET, SUITE 501  
RICHMOND, VIRGINIA 23219-3517  
WWW.CA4.USCOURTS.GOV

PATRICIA S. CONNOR  
CLERK

TELEPHONE  
(804) 916-2700

April 4, 2014

Calvin Lyndale Gaddy  
323551  
Cooper Dorm room 40#A  
Lieber Correctional Institution  
PO Box 205  
Ridgeville, SC 29472

Re: Gaddy v. Ward, et al.

DSC: 8:12-cv-03549-JFA-JDA

Gaddy v. South Carolina District Courts, The

DSC: 8:13-cv-02387-JFA

*CLEAR ERROR  
was filed  
June 26<sup>th</sup> 2013  
SEE Exhibit's  
June 24.  
U.S. District  
Greenville 1:05<sup>#</sup>*

Dear Mr. Gaddy:

This acknowledges receipt by this court of your proposed filings with respect to the above-referenced matters. Please be advised that this court has jurisdiction over matters appealed from federal district courts within our circuit, original proceedings arising from federal district courts within our circuit, and appeals from certain agencies and neither case has been appealed to this court. However, a review of both district court dockets indicates that court entered orders on March 18, 2014, adopting the report and recommendation in each case. Should you wish to appeal these orders by the district court, enclosed are two form notices of appeal. The notices of appeal should be filed in the district court.

Yours truly,



Mark J. Zanchelli  
Chief Deputy Clerk

MJZ:cad  
Enclosures

**FILED**

Oct 16 2014

ADMIN. LAW COI'



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

December 12, 2014

Calvin Lyndale Gaddy, 00323551  
Lieber Correctional Institution  
P. O. Box 205  
Ridgeville SC 29472

Re: Calvin Gaddy v. SCDC  
Appellate Case No. 2014-002629

Dear Mr. Gaddy:

This will acknowledge receipt of your documents in the above entitled matter. According to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must include the name of the court from which the appeal is taken; the judge's name; the lower court docket number; the date of the order being appealed; a statement of when the appealing party received the decision from which the appeal is taken; the name of the appealing party; and the names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each. A copy of the order being challenged on appeal, a certificate of service showing the notice has been timely served on all respondents, and a filing fee of \$100.00 must accompany the notice of appeal.

Within ten (10) days of the date of this letter, you must provide the Court with the following:

- (1) A notice of appeal containing all information required in Rule 203, SCACR.
- (2) Proof of service naming the documents served and showing you timely served all parties to the appeal.

↓ deprivation

\* PROSE Litigant Calvin Gaddy \*

\* Aggrieved CAN Request for [Motion] \*

\* Subpoena duces TECM \*

\* ALL debt forms Evidence \*

\* been mail out to [ALL] opponent's \*

\* Administrative LAW Court's \*

\* General Counsel Office \*

\* South CAROLINA Court's Appeals \*

\* Contest Protocol \*

(I AM Challegne) Administrative Court's ERROR'S  
NO ONE ABOVE SUPREMACY CLAUSE DAMAGE

\* RE View Exhibit. Filed (without) [redacted]

Appellate → ASSISTANCE OF COUNSEL Sixth Amendment's



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender  
Joseph L. Savitz, III, Senior Appellate Defender

April 28, 2010



THE GREAT WRIT OF HABEAS CORPUS  
Filed, July 6<sup>th</sup> 2010 #  
NO FINAL AFFIRMING  
OF THIS CONVICTION OR SENTENCE

Mr. Calvin Lyndale Gaddy #323551  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

Dear Mr. Gaddy:

Enclosed please find a copy of the order of the South Carolina Supreme Court denying your petition for writ of certiorari. This means that the lower court's decision in your case stands and you have exhausted your state remedies. Note the time limits for filing future actions based on the date of the denial of this PCR appeal action via the federal habeas statute of limitations.

Should you have any questions concerning this matter, please contact me.

Sincerely,

Wanda H. Carter  
Deputy Chief Appellate Defender

WHC/mwl

Enclosure

**"The Discussion"**

**SENTENCING ADVICE**

The defendant was told to plead to this charge of involuntary manslaughter. A few years and parole eligibility that was the deal, not 25 years violent..the plea was non-violent. Applicant did what counsel told him to do. "He stated he and the Judge had discussed things and everything was worked out. Just plea to my advice." That's why applicant told the Judge that he understood everything he asked in his trial hearing.

The resolution of this question involves the application of the two prong test in Strickland.

First the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the counsel guaranteed by the Sixth Amendment. The defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

**STRADER VS GARRISON, 611 F 2D 61 (1979)**

**UNITED STATES COURT OF APPEALS, FOURTH CIRCUIT**

**ARGUED JAN. 12, 1979, DECIDED DEC. 20, 1979**

Criminal Law Key, 273.1(4)

Ordinarily, parole eligibility is an indirect and collateral consequence of which a defendant need not be specifically advised by the court or counsel before a guilty plea.

[Ineffective Assistance of Trial] and [Appellate Counsel:] Supporting Facts: Counsel failed to inform petitioner that the autopsy report, which was part of discovery, specified that the death was undetermined. Petitioner had no indication that the intent to cause death was a [sic] element of manslaughter. (Appellate counsel failed to raise other issues) Defense counsel also did not explain to him that his plea would be a [sic] admission of the design to effect the death, the reason being the autopsy report which is exculpatory.

The Magistrate Judge properly suggests that this claim of ineffective assistance of counsel is also procedurally barred because the petitioner failed to raise the claim before the (PCR court.) The undersigned concludes that petitioner has not shown sufficient (cause) and (prejudice) or a (miscarriage of justice,) to overcome the default.

Ground 4

[C]

In Ground 4 of his petition, the petitioner states:

[Conviction] obtained by use of coerced confession. Supporting Facts: Petitioner was deliberately deceived to plead guilty thinking he would get 5 years after counsel advise him that the time would not be severe, [several family members testified on record to counsel conduct in reference to pleading to a lesser included offense, without informing defendant that he may not have caused the death.]

Here, the Magistrate Judge found that this claim was most likely barred from federal habeas review because petitioner failed to allege in his PCR proceedings that his confession was coerced. The Magistrate Judge also suggested that the claim should be construed as one [of ineffective assistance of counsel.]

In his objections to the Report, the respondent asserts that this is not a matter of whether the procedural default is questionable, but whether the *interpretation* of the issue is questionable. In other words, the respondent argues that the claim is what it purports to be and should be considered procedurally defaulted as initially suggested by the Magistrate

Appendix

D

07:AUG00062

CUNNINGHAM, ARETHA JENNIFER

CASE NO 8:10-CV-01743 JFA-JJA  
28 USC § 2254 E (1)

EXHIBIT

FINAL SUMMARY

The decedent was a 35 year old woman who was found expired in bed following (sexual activity) Her cohort allegedly claimed to have engaged in an act of strangulation during (sexual activity) but did not expect or realize that she had expired afterward. He allegedly left the scene of the incident, later found her dead in bed, and subsequently turned himself into police. Postmortem confirmed trauma to the neck consistent with strangulation and asphyxiation. There was no additional marks or injuries. A blood cocaine level was obtained and found to be 360 ng/ml. The level is consistent with cocaine use proximate to the time of death. Cocaine metabolite of Benzoylcegonine was identified at 4300 ng/ml. The level of Cocaine is not that which is commonly reported in (lethal) exposure, however, the range of cocaine toxicity is very broad. That most commonly reported in lethal exposures is between 1000 and 20,000 ng/ml. Within the context provided, cause of death could be listed as asphyxiation during sexual activity. Contributory factor is Cocaine ingestion. The manner of (death) is not determined through autopsy examination.

\* EXCULPATORY - EXCIAMATORY - death was not Resolved  
Why was not this on 8-11-07 shown to Applicant  
\* by a Legally Grand Jury August 2, 2007  
This Fall on a (Fundamental) Right to a (Fair Trial)  
28 U.S.C. § 2254 E (1)  
due process of law.

D

Fifth Amendment AN Fourteenth Amendment

Applicant was denied disclose (evidence)

MATERIAL to guilt; page 7<sup>th</sup> of court transcripts

January 30<sup>th</sup> 2014

13, 14, 15, 16, 17, 18)

Exhibit B

page 10<sup>th</sup> (Court transcripts)

Case no: 8:10 CV-01743 JFA

①, ②, "the Discussion" (was plead to this) it's been work out

⑤ May 22<sup>nd</sup> 2014

Sessions court held in Lancaster County then present a murder indictment to the Grand Jury. Thus, the petitioner again argues that the trial court lacked subject matter jurisdiction to adjudicate his case.

Finally, petitioner contends that he was allegedly indicted for murder, but pled guilty to the lesser included offense of manslaughter and because there was no presentment of an indictment for that offense and no (valid waiver) of this charge to invoke subject matter jurisdiction to accept his guilty plea.

The issues raised in petitioner's objections to the Report are merely repetitive of those raised in his original petition and in his response to the respondent's motion for summary judgment. The issues have already been addressed by the Magistrate Judge and this court. As such, the objections are overruled.

The court further finds that petitioner has failed to show cause and prejudice for his defaults or that a fundamental miscarriage of justice occurred or that he is factually innocent of the offense for which he was convicted.

CONCLUSION

[C]

After carefully reviewing the record in this case, the Report and Recommendation of the Magistrate Judge, and the parties' objections thereto, the court has concluded that summary judgment for the respondent is appropriate on all claims. The court adopts the Report and Recommendation and incorporates the same herein by reference, except as to the reasoning set forth under Ground 3.

31 #

C#

**CLAIM FOR DAMAGE,  
INJURY, OR DEATH**

**INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED  
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

Wis State Court of Appeals 4th Cir  
1100, East Street suite 501  
Richmond Virginia 23219

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.

Lieber Correctional Institutional  
Edisto be 54<sup>th</sup> p.o. Box 205  
Ridgerville S.C. 29472

3. TYPE OF EMPLOYMENT

MILITARY  CIVILIAN

4. DATE OF BIRTH

10-26-63

5. MARITAL STATUS

Single

6. DATE AND DAY OF ACCIDENT

1-20-13

7. TIME (A.M. OR P.M.)

9:30 AM

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

Negligence - outrageous - conduct unconstitutional conduct  
Pretrial - detainee / False Imprisonment /  
SEE. Behl-v-s-Wolfish 441 U.S. 520 1979  
NO CONFIRMED / AFFIRMATIVE / Judgment Filed / Conviction

**PROPERTY DAMAGE**

9. NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

~~ASS~~ ASSAULTED by state officer while on stay of mandate. F.R. Ap 41<sup>st</sup>

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).

SEE: medical mental Health documents  
of JANUARY 20<sup>th</sup> 2013. Exhibit A, B, C, D.

**PERSONAL INJURY/WRONGFUL DEATH**

10. STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

This COURT has - Negligence - this pretrial detainee never convicted Felony by Laws. That File Habeas Corpus 28. U.S.C. § 2254.  
July 6<sup>th</sup> 2010. NO Final disposition Judgment AFFIRMED

**WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

(C) 8/1 10-21-14

12. (See instructions on reverse).

**AMOUNT OF CLAIM (in dollars)**

12a. PROPERTY DAMAGE

~~350,000~~ 4.3 million

12b. PERSONAL INJURY

TO, FACE'S ERRORS  
by Hand CUFF.

12c. WRONGFUL DEATH

Anytime / damage

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

mental Health patients

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

Calvin Hadley

13b. PHONE NUMBER OF PERSON SIGNING FORM

14. DATE OF SIGNATURE

1-03-14

**CIVIL PENALTY FOR PRESENTING  
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT  
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001)

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance?  Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number.  No

IN illegally state custody that this court involve denying my Habeas Corpus of illegally Imprisonment

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible?  Yes  No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

19. Do you carry public liability and property damage insurance?  Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code).  No

(C) 8/2<sup>#</sup>  
10-21-14

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14

B. Principal Purpose: The information requested is to be used in evaluating claims.  
C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Paperwork Reduction Project (0418-0188), Washington, DC 20503.

FILED: September 25, 2014

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 14-6662  
(8:12-cv-03549-JFA)

CALVIN L. GADDY, a/k/a Calvin Lyndale Gaddy

Plaintiff - Appellant

v.

MR. ROBERT WARD; MRS. ANN HALLMAN; WARDEN LARRY  
CARTLEDGE; AMY MACHANN, FSS# (ATTORNEY GENERAL'S OFFICE)

Defendants - Appellees

and

DONALD ALTMAN, Perry C.I., SCDC #261468

Defendant

SEE: PRISON CONDITION  
Key 10<sup>th</sup> False Imprisonment  
That can be subjected  
back to

South Carolina Supreme  
Court's Negligence duty

Sic cont Article 1 § 11

V § 22. § 17-19-30

Indictment provision

(B) 7<sup>#</sup>  
10-21-14

MANDATE

The judgment of this court, entered September 3, 2014, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

FILED: September 3, 2014

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

45-90

days

No. 14-6661  
(8:13-cv-02387-JFA)

CALVIN LYNDAL GADDY

Plaintiff - Appellant

v.

THE SOUTH CAROLINA DISTRICT COURTS, For recusal/bias, For Bivens  
Action/Prejudices

Defendant - Appellee

(B) 8<sup>#</sup>

10-21-14

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

Pending

s/ PATRICIA S. CONNOR, CLERK



South Carolina Court Administration  
South Carolina Supreme Court  
Columbia, South Carolina

ROSALYN W. FRIERSON  
DIRECTOR

1015 SUMTER STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1800  
FAX: (803) 734-1355  
E-MAIL: rfrierson@sccourts.org

(SEE) Indictment 2007-65-29-880. FRAUD.

~~Conspiracy~~

August 7, 2014

CONSPIRED ACTION  
CONSPIRATOR / CONSPIRACIES

RE-SUBMITTED AND DECLINE

OF AND COMPLETE MISCARRIAGE OF  
JUSTICE OF MOST GROSS CONSPIRACY

Mr. Calvin L. Gaddy, #323551  
Lieber Correctional Institution  
Edisto b 54  
P.O. Box 205  
Ridgeville, SC 29472

SEE WARD v. ~~W~~ CAINE:

NO. 53, F.3d 106 5th Circuit (1995)

The South Carolina OF ADMINISTRATION

Judicial Calendar OF August 2, 2007

was in Chester County Jurisdiction, TO PROVE AND

Dear Mr. Gaddy:

CONSPIRACY CONVECTION, CONSPIRED CONSPIRATOR  
These Calendar was TRUE CERTIFIED by this COURT

We received a second correspondence from you on August 6, 2014. However, this correspondence, also, did not contain the information needed for this office to make a determination on your request. If you have a request of South Carolina Court Administration, please be more specific. Seeking 95th F.T.C.A. FOLD DAMAGES 4.3 million CONSPIRACY

If you are seeking to file documents with a court of law, please note that Court Administration is an administrative agency and is not a court of law. Therefore, the document which you have submitted to us is being returned to you.

Sincerely,

DAMAGES

Staff Attorney  
Court Administration

INFORMAL NOTICES These documentation been

FORWARD TO UNITED STATE COURT APPEALS

FOURTH CIRCUIT COURT APPEALS CONSPIRACY

100 E. WASHINGTON STREET SUITE 501

RICHMOND, VIRGINIA 23211-3517. SEEKING AND

F.T.C.A. INVESTIGATION OF THE CONSPIRACY IN

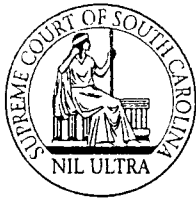
RE JUDICIAL CALENDAR OF JULY 30, 31, AUGUST

U.S. L. 2007 AND CONSPIRACY AND COMPLETE

MISCARRIAGE JUSTICE. SEE WARD v. CAINE 53 F.3d

NO. 53, F.3d 106 5th Circuit (1995)

THE SOUTH CAROLINA COURT OF ADMINISTRATION



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

(April 7, 2010)



Chief Deputy Appellate Defender Wanda H. Carter  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

\* (NO FINAL JUDGEMENT ~~MADE~~  
AFFIRMATIVE / AFFIRMED)

Re: Gaddy, Calvin Lyndale v. The State

Dear Counsel:

NO WRITTEN WAIVER PRESENTMENT. STATUTORY -  
MANDATORY STATUTE §§ 17-23-130-140.  
Lesser included offense.  
Sec 16-3-50. 25 Year  
FILED TRUE CONTRACT

Enclosed is the order issued in the above entitled matter.

By copy of this letter and order, we are advising all interested parties of the action by the Court.

DAMAGES

Very truly yours,

CLERK

DES/jj

cc: Calvin Lyndale Gaddy #323551  
Assistant Attorney General Suzanne H. White

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Calvin Lyndale Gaddy, #323551, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 South Carolina Supreme Court's District of )  
 Columbia, South Carolina; Jean H. Toal, )  
 Chief Justice, Under Color of State Law, )  
 )  
 Defendants. )

C/A No. 8:13-2541-JFA-JDA

ORDER  
 Limitation  
 (Not)  
 BARRED YET  
 UNDER due PROCESS  
 Violation  
 Fourteenth Amendment  
INTENTIONAL TORT CLAIM

The *pro se* plaintiff, Calvin Gaddy, is an inmate at the Perry Correctional Institution. He brings this action under 42 U.S.C. § 1983 contending that the defendants violated his constitutional rights. *There still time FOR PRIMA FACIE TORT INVESTIGATION REVIEW 2014.*

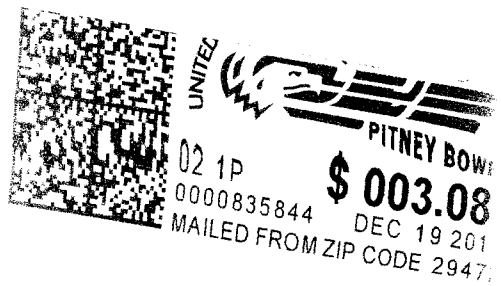
The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the complaint should be summarily dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation. *SEE: Civil Rights Key 185-3 (21) CONDITION OF CONFINEMENT'S AT PRISON*

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on September 27, 2013. However, the plaintiff failed to file objections and the deadline within which to do so has expired. In the

---

<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Elmer*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

addy. Sc. dc 323551  
institutional



**RECEIVED**

DEC 22 2014

**SC Court of Appeals**

TO: THE SOUTH CAROLINA COURT APPEALS  
CLERK OF COURT OFFICES

POST OFFICES BOX 11629

COLUMBIA SOUTH CAROLINA 29211

3.08

