

IN THE STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

Matthew B. Follbright, #349468,  
Appellant,

v.

S.C. Dep't of Corrections,  
Respondent.

Appellate Case Number:  
2014-001684

MOTION NOT TO DISMISS AND  
FOR THIS COURT TO RULE ON  
THESE CONSTITUTIONAL  
VIOLATIONS

**RECEIVED**

JAN 1 2 2015

**SC Court of Appeals**

According to Rule 240(e), SCACR, as an Appellant, I have ten (10) days from the date of service on SCDC's (Respondent) Motion to dismiss to file a return.

The date on SCDC's motion is December 23, 2014. The date I was called to the mail-room to sign for that motion was December 31, 2014, a total of eight days. I have enclosed the envelope (copy) to verify this.

Rule 240 (e), SCACR includes "...The Court may in its discretion enlarge or limit the time for filing the return." Pray this Court receive the current Appellant's MOTION NOT TO DISMISS AND FOR THIS COURT TO RULE ON THESE CONSTITUTIONAL VIOLATIONS, as timely, pray.

And next, Appellant's arguments in support of opposition.

In response to Respondent's December 23, 2014 motion to dismiss, Appellant has Four (4) objections regarding falseness and incorrectness in said motion, and they are:

**OBJECTION ONE:** Most importantly, let me start by setting a cornerstone fact of law - SCDC is trying to have this appeal dismissed saying "appellant received all of his legal mail back after we took it out of his presence and reviewed it." The U.S. Supreme Court in Turner v. Safley, 482 U.S. 78 (1987) and Wolff v. McDonnell 418 U.S. 539 (1974) make it absolutely clear that an Inmate's legal mail/correspondence from a legal entity is to be opened **ONLY** in the presence of the Inmate to ensure that no contraband is inside and then to give the contents to the Inmate.

Here, SCDC took my 3,000 +/- page legal casefile containing attorney work-product, privileged Attorney / Client communications, strategy for future proceedings, records, files, notes, on and on and on. SCDC took all of this from me the day it arrived here at Lieber C. I., August 20, 2013. SCDC then sent the entire package to their Columbia Headquarters, spread it out on tables, editing this, redacting that, removing photographs and documents, all being vital to my

Freedom, and since the casefile belongs to me, in its entirety according to In Re Matter of Haddock, 321 S.E.2d 601, SC (1984), and other common law, etc., this whole affair clearly implicates a liberty as well as a property interest.

In short, my first objection is to state to This Court, that SCDC should never have taken my legal casefile away from me in the first place.

SCDC is saying that all of it was given back to me and that's false, less than a third of it was given back to me. Supporting this first objection I have attached and enclosed the following:

The below listed enclosures are exhibits from Appellant's Designation of Matter to be Included in The Record on Appeal, Now needed to be included in this Return in order to overcome:

EXHIBIT E-15 (1pg.) This is just one of many SLED Reports that were/are in my legal casefile, as you can see, just on this single document alone, there are nine-hundred and thirty-eight (938) photographs listed as evidence. In fact, in my casefile, there are/were thousands.

EXHIBIT E-12 (2pgs.) This is what Appellant wrote by hand as my discovery/legal file was being seized. I list that, as Ms. Bryant (Lieber C.I.) is flipping through it, I see approximately five-

hundred (500) photographs, not to mention several hundred more as Ms. Bryant flipped more, refusing to flip through a huge portion left.

EXHIBIT E-8 (1pg.) This is Warden Joseph McFadden's reply to Appellant asking "How many photographs and what all is in your possession that was removed from my casefile?" Warden McFadden says there are six (6) photos and a bank statement. So what happened to the hundreds of photographs that were in my discovery before it went to SCDC headquarters?

EXHIBIT May 28, 2014, Page 2 (1pg.) This is page two of a three page letter written by SCDC staff attorney David J. Crooks III. In the center of the page a footnote reads that there are only three (3) photos (contradicting the six listed in EXHIBIT E-8, above) in the Warden's possession. Also, in that footnote there is a comment that Appellant never asked to review the photographs, see next EXHIBIT.

EXHIBIT E-6 (1pg.) This is a Request to Staff Member From Appellant to Major Nettles requesting to see the photographs. At the bottom: "COMPLETED ON 10/29/13, MAJOR NETTLES."

EXHIBIT E-~~4~~<sup>1</sup> 4 (1pg.) This one page handwritten document, which is EXHIBIT E-4, was written by Appellant on October 26, 2013, after receiving the casefile back from

SCDC Headquarters, listing many, many documents missing besides just the photographs in question.

EXHIBIT K-1, 2, and 3 (3 pgs.) Though there are several more, these three documents by themselves clearly show that while my legal casefile was in SCDC control, for a period exceeding sixty (60) days, the casefile was copied and haphazardly written on by who knows who. From these documents there is an impression the legal materials were handled maliciously, carelessly and without regard for the integrity or Attorney/Client Privilege these legal documents once contained.

It would doubtless be overwhelming to include all applicable exhibits to these arguments at this juncture.

**OBJECTION TWO:** The bottom paragraph of page one of Respondent's December 23, 2014 Motion To Dismiss states:

"Appellant has filed an appeal challenging the ALC's remand of a case to the department. In the response to this remand, the Department wrote a letter to Judge Matthews. In that letter, the Department explained how it intended to proceed in light of the remand."

Here, SCDC is attempting to pull the wool over This Court's eyes, just like they attempted in the ALC. Appellant is happy.

to break down the above excerpt. Also, since what SCDC Staff attorney Daniel J. Crooks III (Mr. Crooks) is in black and white, it cannot be changed.

Appellant's current objection will show the need to overcome Respondent's motion to dismiss, the need of This Court to rule on these Constitutional violations committed by SCDC, and to ORDER SCDC to pay for the entire legal casefile to be recopied, sent to, and handed over, in its entirety to Appellant.

There was only one ORDER OF REMAND given by ALJ Carolyn C. Matthews ("ALJ Matthews"), It ORDERED:

" IT IS THEREFORE ORDERED that this matter is REMANDED as a Request of Staff to Ann Hallman, Branch Chief of Inmate Grievance, to determine what papers and discovery Appellant is entitled to.

AND IT IS SO ORDERED."

That is taken directly from ALJ Matthews' May 21, 2014 Filing in the ALC. So, ALJ Matthews is telling SCDC to have Branch Chief Ann Hallman ("Ms. Hallman") to look at the emergency grievance filed by Appellant, and to make a determination Appellant is ENTITLED TO.

Let's now look at SCDC's response to that REMAND, it's the same REMAND which Mr. Crooks is referring to in his Dec. 23, 2014 MOTION to Dismiss:

SCDC letter of reply to ALJ Matthews' REMAND,  
dated May 28, 2014, PAGE ONE, First paragraph:

"This letter is in response to the Court's May 21, 2014 Order of Remand in the above referenced case. In the Order, the Court remanded the case as a Request to Staff to Ann Hallman. However, because the documents were sent directly to the Department's Correspondence Review Committee (CRC), Ms. Hallman was not privy to the contents of the mailing Mr. Fullbright received. Therefore, I have construed the Court's Order as one requiring the Department to respond to Mr. Fullbright's access to the materials taken on August 20, 2013. Please allow this letter to address this issue."

Now, let's contrast that with Respondent's Second Motion to Dismiss dated April 3, 2014 (Certificate of Service) filed with the ALC, page three, Bottom paragraph:

"Instead of complying with the instructions on the grievance form, Appellant prematurely filed a Notice of Appeal in this Court seeking relief in the form of the Court's review of the unprocessed Step 1 Grievance. As this Court is aware, THE PURPOSE OF ALLOWING ANN HALLMAN, INMATE GRIEVANCE BRANCH CHIEF, TO REVIEW THE UNPROCESSING OF A GRIEVANCE IS TO ALLOW HER TO EVALUATE WHETHER UNIQUE CIRCUMSTANCES EXIST SUCH THAT THE UNPROCESSED grievance should be RE-OPENED and PROCESSED." (Emphasis is mine.)

Both the April 3, 2014 motion and the May 28, 2014 letter were written by the same SCDC staff attorney, namely, David J. Crooks III.

To clarify, way back in April 2014, Mr. Crooks asks ALJ Matthews to dismiss the appeal BECAUSE Ann Hallman never had a chance to review the grievance. On May 21, 2014, ALJ Matthews Orders SCDC to do that very thing - to have Ann Hallman review the grievance and determine what Appellant is entitled to. However, instead of complying with that Order, SCDC misconstrues the Order saying that "Ann Hallman is not privy to the contents of Mr. Fullbright's legal casefile."

Did ALJ Matthews Order for Ann Hallman to go through the legal casefile itself, or to have Ms. Hallman to look at the grievance/Request to Staff? The answer: ALJ Matthews Ordered SCDC to have Ms. Hallman look at the grievance/Request to Staff - NOT to go through the legal casefile itself. Therefore Mr. Crooks and SCDC has misconstrued ALJ Matthews' Order.

Just as Appellant has shown in black and white how SCDC and Mr. Crooks change their story mid-stream, and do all of this half-step litigation, Appellant offers to this Court to see that SCDC and Mr. Crooks are doing the same now - This matter needs to come before This Court through Brief and Designation, and to be ruled upon.

**OBJECTION THREE:** Appellant objects as False and incorrect regarding page one of Respondent's December 23, 2014 motion to dismiss, bottom of page one and continuing into page two which reads:

"Subsequently, in response to correspondence from Appellant, Judge Matthews wrote to Appellant and explained that the Department has already returned to Appellant that material to which he was permitted access."

The enclosures and attachments to this reply, expanded upon in Appellant's Objection One, go to the heart and matter of fact: That I, the Appellant in this Appeal did not receive all of the legal documents, sent by my trial attorney, back from SCDC's Correspondence Review Committee ("SCDC/CRC"). In fact, the bulk of, and a greater majority of, my legal casefile, never came back from SCDC/CRC.

To further show that Appellant did not receive all legal effects back from SCDC/CRC, Appellant has enclosed and attached to this Return, additional exhibits in support of Objection Three.

But First, Appellant thinks addressing ALJ Matthews' statement that "... the Department [SCDC] has already returned to Appellant that material [seized casefile]

(cont.) to which he was permitted access." Should be addressed.

Nothing in the Record supports ALJ Matthews' assumption that I got everything back from SCDC/CRC except SCDC telling ALJ Matthews that I did, for example line one, second paragraph, page one of Respondent's May 28, 2014 Filing.

It sounds good when Mr. Crooks says "... the Department unequivocally denies withholding anything more than crime scene photographs..." (quote, supra) but there are contradictions amongst SCDC personnel just how many photos were removed, how many were in the legal casefile to begin with, where they are now, whether Appellant has asked to / has reviewed the photos, etc.

It's so unprofessional, appalling, and throws caution to the wind when dealing with this very important evidence and legal casefile.

SCDC has nothing but their word, which Appellant has shown to be suspect to 'prove' that all of my legal casefile was returned from SCDC/CRC review.

Appellant however does have documentation clearly

demonstrating that not all was given back to me.

Besides the initially labeled exhibits supporting argument one of this reply, I have also attached:

EXHIBIT F-17: (1 pg.) Certificate of Service which my my father, Marshall H. Fullbright, sent along with various documents, which were sent to his house anonymously, after those documents found their way out of SCDC/CRC's control somehow.

EXHIBITS N-1, 2, 3 and 17: (4 pgs.) These contain Appellant's Father's affidavit about receiving the documents through the mail (apparently the documents were carelessly guarded or locked-up/secured by SCDC/CRC); Then the other three documents N-1, N-3, and N-17 are copies of the actual documents which were sent to Appellant's Father. The magic marker "editing", if you will, on EXHIBIT N-3, matches the other magic marker "editing" on other documents after the legal casefile was returned from SCDC/CRC. EXHIBIT N-17 is a copy of the envelope which the 14 anonymous documents arrived to Appellant's Father's house in.

The other documents sent in that anonymous package are part of Appellant's Designation of Matter.

**OBJECTION FOUR:** This last objection by Appellant touches on the most troubling part of Mr. Crook's, thus, SCDC's December 23, 2014 Motion to Dismiss, Found on page two, in the first sentence of the last paragraph, Mr. Daniel J. Crooks III, AN ATTORNEY, being bound by ethical oaths, who surely, as someone who has passed South Carolina's bar examination and knows the Bill of Rights and Supreme Court Law of both This State and The United States when it concerns inmates, is telling This Court, and I quote directly:

"... considering that Appellant's rights are not prejudiced... the Department respectfully requests that the Court dispense with further briefing..."

Daniel J. Crooks III  
SCDC Staff Attorney

The quote is nothing less than shocking.

I, Matthew B. Fullbright, Appellant, have a pending appeal, a criminal appeal from Anderson County, within This Court, The South Carolina Court of Appeals.

In that appeal, there are conflicts of record, the need to support meritorious issues, an investigation

pending regarding that appeal, Appellant needs to assist his appellate attorney in ways which are confidential between attorney and Appellant, and all of those legal needs and requirements are intertwined and bound up completely in and with and regarding the very legal casefile which SCDC has edited, copied, redacted and removed portions of.

As I sit today, I am prejudiced by all of this.

My Constitutional Rights of Access To The Courts, protection against UNREASONABLE searches and SEIZURES, protection against deprivation of property without Due Process of Law, Assistance of Counsel For My Defense, protection against Cruel and Unusual Punishment, all Privileges and Immunities Guaranteed to me by being born a United States citizen which are Found in the Const. Amends. IV, V, VI, VIII, and XIV, Article VII, of the U.S. Constitution.

Also, all similar Articles and Sections of the South Carolina Constitution, being in accord and applicable in this appeal, also violated by my protected legal casefile being seized, edited, copied, etc. by SCDC.

Also, much common law is applicable. Tests,

and mandates set forth by The United States Supreme Court apply:

Wolff v. McDonnell, 418 U.S. 539, 556 "There is no iron curtain drawn between the Constitution and the prisons of this country. Prisoners have been held to enjoy... the right of access to the courts... Prisoners may also claim protections of the Due Process Clause. They may not be deprived of life, liberty, or property without due process of law."

Appellant will be prejudiced unless this Court rules that SCDC provide Appellant with the full complete and unredacted legal casefile which Appellant needs to perfect his current criminal appeal and many other time sensitive legal endeavors.

Expounding upon the intricacies and details of these legal ambitions may waive certain confidentiality and privileges which exist between Appellant and his trial and appellate attorneys, what privacy there is left, that is, since SCDC has copied my legal casefile, redacted it to the point of uselessness and made themselves privy and acquainted with all of the formerly confidential documents.

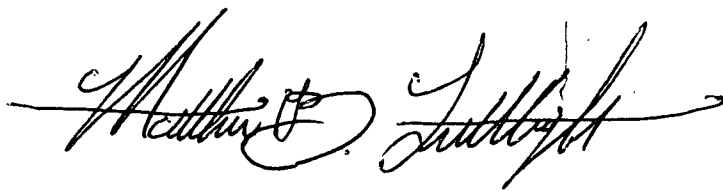
For the foregoing reasons, Appellant requests this Court to NOT DISMISS this appeal, accept and read Appellant's Initial Brief, rule in Appellant's favor, and speedily, as Appellant's criminal appeal, now pending within the S.C. Court of Appeals, and other legal actions are intertwined with Appellant obtaining a complete copy of his legal casefile, free from arbitrary government intrusion or censorship.

\* See attached affidavit regarding retaliation by SCDC regarding Appellant/Affiant seeking relief, civil and otherwise.\*

\$25.00 Filing Fee Attached

Completed Today, January 3rd, 2015,

Grateful of My Citizenship,  
and its Rights Attached,



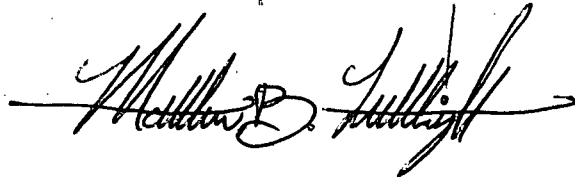
Matthew B. Fullbright  
# 349468  
Lieber Corr. Inst., E-B-56  
P.O. Box 205  
Ridgeville, S.C. 29472  
APPELLANT, PRO SE

CC: SCDC;  
Appellant's Family;  
File;  
Powers of Attorneys.

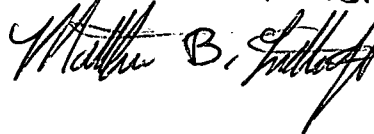
If any SCDC personell wishes for any copy of any legal document, affiant will authorize such transaction.

Given under penalty of perjury,

I am,



Matthew B. Fullbright



Sworn to and Subscribed Befor Be  
On this 6<sup>th</sup> Day of January, 2015,

Andreas Bryant  
Notary Public For South Carolina

My Commission Ends:

May 26, 2020

IN THE STATE OF SOUTH CAROLINA  
In The South Carolina Court of Appeals

Appellate Case Number:

2014-001684

CERTIFICATE OF SERVICE

I, the Appellant in the above case, certify that on the below date, via U.S. Mail, handed over to the mail room personnell the attached MOTION NOT TO DISMISS AND FOR THIS COURT TO RULE ON THESE CONSTITUTIONAL VIOLATIONS, addressed to the below parties:

1. General Counsel, SCDC, 444 Broad River Rd., Columbia, S.C. 29221;
2. P.O.A. Marshall H. Fullbright, 106 Dogwood Dr., Belton, S.C. 29627;
3. P.O.A. Wanda M. Shearer, P.O. Box 212234, Columbia, S.C. 29221

On This 6th Day of January 2015,

And I am, 

Matthew B. Fullbright  
#349468, Appellant, Pro Se  
Ridgeville, S.C. 29472

## AFFIDAVIT

I, the undersigned, affiant, Matthew B. Fullbright write this affidavit and swear under penalty of perjury that what I write is true, subject to penalty of perjury - under the fullest extent of the law:

I am informed and believe that SDC will attempt to place me under some frivolous investigation, move me to another facility and/or "lose" my legal materials and/or work-product during said move.

This/These tactics are frequently utilized by SDC to hinder or prevent further or pending litigation by select inmates.

I have two (2) Power-of-Attorneys, both bearing durable rights, communications established with the Law Offices of Nelson & Mullins, and a private-investigator under retainer.

My Father, Marshall H. Fullbright is a Special Power-of-Attorney, capable of signing or doing ANYTHING in or on my behalf, etc. Mr. Fullbright's cellphone # is (864)-933-8900 and home phone # is (864)-338-4096. He can be reached Monday through Friday from 8 a.m. until 9 p.m. In the event of myself being placed on

lock-up or under investigation Mr. Fullbright should be notified and our Private Investigator contacted to work hand-in-hand with all on-site and involved SCDC personell to ensure there is no arbitrary actions undertaken by SCDC staff regarding any dealings with myself.

Also, SCDC taught me a lesson back in January of 2013 when I was housed in Dorm Sumter-South at Lee Corr. Inst.

While there, during that time, two Lieutenants conducted a "random" cell-search, leaving my cell door unsecure and ordering affiant out of the dorm after the search, affiant lost all personal property and legal work, including other affidavits and affiant's work-product.

Since that time, affiant has developed a filing system utilizing algebraic notation and has a duplicate copy of EVERY SINGLE DOCUMENT, in affiant's cell at any given time, relevant to any legal endeavors,

It's August 19. Seizing discovery from Scott!

\* Ms. Bryant is flipping through it at my request \*

Contents noted at window now:

Letters, Scott / Com 1

Phone records approx 200

Photographs approx 30

SLED reports approx 50

Statements approx 20

Lab results approx 30

Letters / Scott approx 10

Photographs approx 150

Statements approx 30

Phone records approx 100

\* Ms. Bryant is dropping papers, won't pick them up \*

\* She's impatient for me asking to see its contents now \*

Scott's work notes approx 10

Letters P. Defender approx 10

SLED papers approx 200

Photography approx 300

M. Dawson reports approx 40

Supp. Reports approx 100

\* She's argumentative and is stopping \*

Misc. Notes approx 10 Scott?

Statements approx 20

Letters Prosecutor approx 10

Autopsy reports approx 30

SLED papers approx 150

\* She is refusing to let me see any more now \*

\* I'm begging her to please let me at least see more \*

From what I'm seeing as she flips the remainder  
there are more reports, some SLED stuff, MRC letters,  
phone records, MRC papers, photos, some cell tower  
stuff I saw at trial, she's dropping more papers,  
want pick them up!

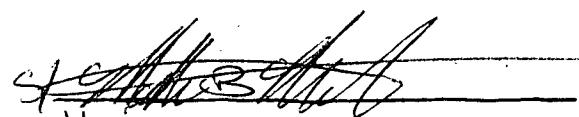
★ She's refusing to tape up the box! ★  
★ Papers and stuff sticking out, she's jamming it all in  
all kinds of ways! wow! ★

"EXHIBIT E-4"

Today is 26 October 2013. Two days ago I received my legal discovery back after CRC (SCDC) reviewed it and censored it. After comparing and contrasting its contents with records, notes, letters, memory, my family's records/notes, and other sources, this following is missing, has been removed by CRC:

1. All of attorney Scott D. Robinson's workfile and casefile.
2. All written correspondence of /between Anderson County's: Public Defender's Office, Solicitor, Clerk of Court, Chuck Anderson, Esq., Scott D. Robinson, Esq., Anderson County Courthouse, Myself.
3. All S.C. Indigent Forms from Anderson County Courthouse.
4. All reports, files, of Questionable Document Examiner Marvin H. Dawson.
5. All photographs, evidentiary and otherwise.
6. All juror notes.
7. A majority of Dr. Bret Woodard's reports, diagrams, etc.
8. Several pages of autopsy and post mortem reports, diagrams, etc.
9. Anderson County Transmittal Order.
10. Anderson County Grand Jury Calendar Re: The month of January 2010.
11. Many SLED laboratory results.
12. Miscellaneous diagrams, documents, reports, files, etc. The discovery skips pages and page numbers here and there also.

I give this and write this under penalty of perjury to be true.

  
Matthew B. Fullbright

26 October 2013,  
Ridgeville, S.C.

SC Code Ann. § 16-9-10(A)(2)  
18 U.S.C. § 1621, 1622  
28 U.S.C. § 1746

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

**RECEIVED**

TO: NAME: <i>Warden</i>	TITLE:	DATE: <i>OCT 28 2013</i> <i>10-24-13</i>
INMATE'S NAME: <i>Matthew B. Fullbright</i>	SCDC #:	<i>WARDEN'S OFFICE</i> <i>LIEBER C.I.</i> <i>349468</i>
INSTITUTION: <i>Lieber Corr.</i>	LIVING QUARTERS:	<i>E13-56</i>

I am requesting to see my pertinent evidence / pictures in your possession that was taken out of my discovery.  
Thanks.

**RECEIVED**

OCT 29 2013

MAJOR'S OFFICE  
LIEBER C.I.

DISPOSITION BY STAFF MEMBER:  
*Completed on 10/29/13*

DATE: <i>10/29/13</i>	SIGNATURE: <i>[Signature]</i>
--------------------------	----------------------------------

EXHIBIT E-6

DISPOSTION OF INMATE REQUEST

NAME: Inmate Matthew Fullbright AGENCY NUMBER#349468

LOCATION: Lieber Correctional Institution EB-56

DATE OF REQUEST: November 1, 2013

RESPONSE: All items sent to CRC are forwarded back to the Warden's Office to keep. There was 6 pages of photos and a bank statement. They are secured in the Warden's Office not your Warden's Jacket. Mrs. Leggins did not mention anything about removing any photos from the packet that was originally sent to her. If items were removed you would have been notified.

Multiple horizontal lines for additional notes or comments.

CC: Inmate's Warden Jacket

Signature: *Joseph R. Hudson*  
Title: Warden  
Date: 11/5/13

"EXHIBIT E-8"



SOUTH CAROLINA LAW ENFORCEMENT DIVISION  
LATENT PRINT/CRIME SCENE DEPARTMENT  
TABLE OF CONTENTS

Lab Number: L09-12861  
Examiner: Wallace  
Supplemental

Description	Number of Pages (Leave blank for those items that do not apply)
Table of Contents	1
Examination Worksheet	3
Photographs	938
Latent Print(s) Documentation	
FPC / MCR / PMCR Card(s) Documentation	
AFIS Worksheet	
AFIS Latent Search Verification	
Footwear Documentation:	
Standard(s)	
Unknown Impression(s)	
Test Impression(s)	
Tire Tread Documentation:	
Standard(s)	
Unknown Impression(s)	
Test Impression(s)	
Other Impression(s) Documentation	
Blood Stain	
Crime Scene Documentation:	
Data Sheet	1
Response Sheet	1
Diagram	
Notes	5
Search Warrants	
Consent to Search	
Chain of Custody	1
Log	
Miscellaneous:	
Reports, statements, paperwork, ILAB	228

Complete a new Table of Contents form for any subsequent supplemental reports.

Signature: \_\_\_\_\_

Date: 1/09/11

"EXHIBIT E-15"

# Administrative Law Court

Carolyn C. Matthews  
Administrative Law Judge

PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCALC.NET

July 7, 2014

Mr. Matthew Fullbright  
Lieber Correctional Institution  
135 Wilborn Avenue, P.O. Box 205  
Ridgeville, SC 29472

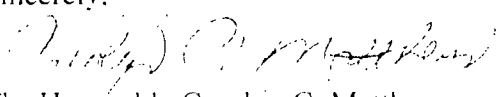
Re: Matthew Fullbright v. South Carolina Department of Corrections  
Docket No. 13-ALJ-04-0926-AP

Dear Mr. Fullbright:

The Court did receive your June 10, 2014 Motion, which requested the Administrative Law Court to force the South Carolina Department of Corrections to comply with the Order of Remand dated May 21, 2014. This Court no longer has jurisdiction over this matter. Further, it is the Court's understanding that the South Carolina Department of Corrections has provided you with all the legal materials you requested except for crime scene photographs and bank statements, which are not allowed in the possession of the inmate. However, an inmate is allowed to request access to the material and be able to review the material.

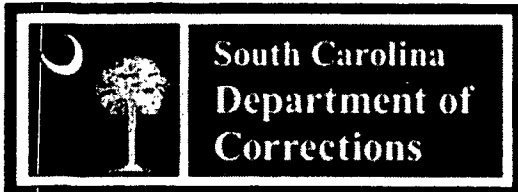
The Court recognizes your need to have access to all of your legal material to perfect your appeal with the South Carolina Court of Appeals. While you may not have possession of everything, you do have access to all of your legal material.

Sincerely,

  
The Honorable Carolyn C. Matthews

Enclosure

cc: Daniel J. Crooks, III, Esquire



NIKKI R. HALEY, Governor  
BRYAN P. STIRLING, Director

**OFFICE OF GENERAL COUNSEL**

May 28, 2014

The Honorable Carolyn C. Matthews  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, South Carolina 29201

Re: Order of Remand in Case No.: 13-ALJ-04-0926-AP

Dear Judge Matthews:

This letter is in response to the Court's May 21, 2014 Order of Remand in the above-referenced case. In the Order, the Court remanded the case as a Request to Staff to Ann Hallman. However, because the documents were sent directly to the Department's Correspondence Review Committee (CRC), Ms. Hallman was not privy to the contents of the mailing Mr. Fullbright received. Therefore, I have construed the Court's Order as one requiring the Department to respond to Mr. Fullbright's access to the materials taken on August 20, 2013. Please allow this letter to address this issue.

As an initial matter, and in response to Mr. Fullbright's allegations, the Department unequivocally denies withholding anything more than crime scene photographs and bank statements from the legal materials about which Mr. Fullbright filed his October 28, 2013 grievance. As the Court is aware, inmates are not permitted to maintain crime scene photographs in their cells; instead, the entire package containing the photographs is forwarded to the CRC.<sup>1</sup> Furthermore, inmates are not permitted to

<sup>1</sup> PS-10.08, § 19.1.9 ("Crime Scene Photos.") provides:

- Legal materials containing crime scene and/or autopsy photos will be reviewed through the CRC process. Any crime scene photos and/or autopsy photos will be separated from the rest of the legal material by the CRC and denoted as such. The package of legal material will then be sent to the institution to the attention of the Warden.
- Upon arrival at the institution, the Warden will ensure that the denoted material is removed from the package and secured in such a way as to ensure confidentiality (i.e. Property Control, Warden's safe, etc.). . . . The Warden will ensure that a process is in place that allows the inmate to request access to the material.

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555

<http://www.doc.sc.gov> E-mail: [corrections.info@doc.sc.gov](mailto:corrections.info@doc.sc.gov)

maintain copies of bank statements in their cells.<sup>2</sup> In cases where the bank statements are sent as part of an inmate's legal material—as was the case here—these statements are forwarded to the CRC and, when sent back to the institution, maintained by the warden of the institution in the same secure location as the crime scene photographs. Finally, once the CRC has received the legal materials that include the photographs and bank statements, it has 60 days from receipt of the materials to render a decision as to what documents the inmate is permitted to receive.<sup>3</sup>

Here, the CRC received the materials on August 30, 2013, and the committee approved the materials on October 21, 2013, with two exceptions pursuant to SCDC Policy PS-10.08: (1) personal information was redacted, and (2) crime scene photographs and bank statements were removed and sent to the warden for safekeeping. On May 28, 2014, I asked Angela Hardin, the Department's Mailroom Coordinator, to provide me with exactly where these photographs and bank statements are presently being kept. She replied with the following:

The above inmate's crime scene photos (3 photos) and bank statements (showing debits from an account) are in the Warden's Area. Per Ms. Booser, [the warden's administrative assistant] she does not recall this inmate ever asking to review them, only asked where they would be stored when they were returned from the CRC.

Additionally, I have attached a copy of the CRC's October 21, 2013 approval of the materials, with the notes indicating that "personal information [was] redacted" and that "crime scene photos [were] separated and bank statements [were put with] crime scene [photos]." Exhibit "A". As the documentation shows, the CRC approved the legal materials on October 21, 2013. Id. These materials were sent back to the institution and received by Mr. Fullbright at approximately 10:53 a.m. on October 24, 2013. Exhibit "B".

To be sure, the Department acknowledges the importance of an inmate's ability to timely communicate with the courts.

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<sup>2</sup> PS-10.08, § 6.1.13 provides:

Inmates will be prohibited from maintaining possession of any financial statements that show a balance of funds and/or provide information on financial assets that may be available to the inmate (bank deposit books; checking, savings, or other fund statements, credit reports, except for E. H. Cooper statements, and year-end statements for the purpose of filing tax returns, etc.).

<sup>3</sup> PS-10.08, § 19.4 provides:

Upon receipt, the CRC will have 60 working days to review the correspondence.

Nevertheless, it is incumbent upon the inmate and the inmate's attorney (in this case, Scott D. Robinson, Esquire) to communicate as to those materials that are permitted and those that are prohibited. In the case of the latter, the inmate and inmate's counsel must bear in mind SCDC's policies and delays in processing of certain mail when attempting to coordinate filings in active court cases.

I hope that this letter has fulfilled the Court's Order and has answered any questions about this case that the Court may have. If there is any additional information the Court would like, I will be happy to provide that information upon request. I am copying Mr. Fullbright on this letter so he can maintain a copy for his records in the event that this issue or a similar one arises in the future.

Respectfully,

  
Daniel J. Crooks III  
Staff Attorney

Cc: Matthew Fullbright, #349468, Lieber CI  
Ann Hallman, Chief, Inmate Grievance  
Angela Hardin, Agency Mailroom Coordinator  
ALC File

S. C. Court of Appeals

CERTIFICATE OF SERVICE

Appellate case no. 2012-207553

I, Marshall H. Fullbright, certify that I have deposited this 24 day of November 2013 a one page letter to all addressed below and three affidavits:

Clerk of Court, Supreme Court of SC, P O Box 11330, Columbia, SC 29211

Attorney General's Office of SC, 1000 Assembly Street, Columbia, SC 29211

Clerk of Court, SC Court of Appeals, P O Box 11629, Columbia, SC 29211

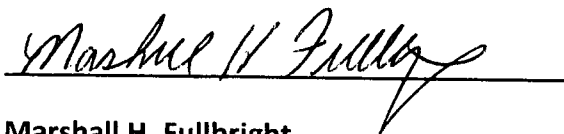
David M. Tatarsky, General Counsel/SCDC, 4444 Broad River Road, Columbia, SC 29211

Susan Hackett, Esquire, SCCID/Division of App Defense, P O Box 11589, Columbia, SC 29211

Matthew B. Fullbright, SCDC#349468, Lieber Corr Inst, Dorm Ashley B-49, P O Box 205, Ridgeville, SC 29472.

1. Marshall Fullbright giving an affidavit that in fact 14 pages that were received at my home, 106 Dogwood Drive, Belton, SC 29627, stating about Matthew's discovery would probably not be a complete package, there would be some things withheld. Before this came SCDC confiscated his mail of Motion of Discovery and did not give all to Matthew.
2. Letter of Affidavit asking what Federal and State Laws govern SCDC to be able to confiscate inmates mail of Motion of Discovery and not giving the entire Motion of Discovery to inmate.
3. Letter of Affidavit I have sent other letters on September 13, 2013 and October 17, 2013 with no response from either SCDC and Christopher Florial so I am sending Certified mail at this time.

On the above addresses, sending four pages total, this certifacte included, into the U S Mail by hand on this 24 day of November, 2013.



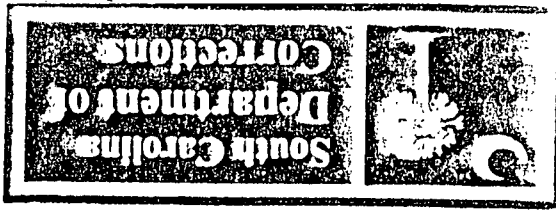
Marshall H. Fullbright

106 Dogwood Drive

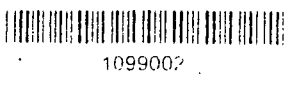
Belton, SC 29627

Notary: Karen B Miles  
on this date of 24 of November 2013  
expires 3-21-15

"EXHIBIT F-17"



RECOVERY ADDRESS  
LOCATION: 106 Blair Mill Rd, Belton, SC



ITEM #: Tools Red LED flashlight w/ yellow tape

Date/Time	Logged in User	Item moved to this Location
10/30/2009 3:05:15PM	J. Chris Wilson	Evidence Intake
12/30/2009 6:08:04PM	Tommy Clamp	Clean Lab
4/14/2010 3:47:49PM	Tommy Clamp	BIN 14D

End Chain of Custody for Item with Barcode #: 1099002 related to Case # 200957746

"EXHIBIT K-1"

NOTES:

RETURN

I received the attached Search Warrant, and have executed it as follows:

On 11-2-09, at 3:00 o'clock P.M., I searched (the person) described in the warrant and (the premises) I left a copy of the warrant with the vehicle searched

Name of person searched or "at the place of search" with the vehicle  
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

- 1 Map folded to Abbeville / McCormick Area
- 1 Map folded to Shaw / Iva Area
- 1 Zip lock bag of maps
- 3 Wild life Management maps
- 1 bag of Miscellaneous paperwast
- 3 Rolls of Duct tape
- 1 container of Rug Doctor Oxy-Steain Carpet Cleaner
- 1 Purple Alessetti wallet
- 1 Brown Eater LTD glasses case
- 1 pair of black pants hose
- 1 Gray Tarp
- 1 M&S Mobil 93A17 HMA Only rifle with Scope and Strap SN: 1082229
- M&S 336LS Micro-Groove Barrel Cal. 30/70 Win with Scope and Strap and 9 rounds of ammo
- 1 Machete in black sheath
- 1 pair of binoculars / Nikon Pro-Staff
- 1 Eagle Claw knife in Brown sheath
- 1 Camouflage Remington Jacket
- 1 Purple long sleeve shirt
- 1 pair of Camouflage weatherward pants with belt
- 1 Outfitter Ridge tool case
- 1 black climbing belt
- 1 Camouflage work pants with contacts
- 1 container of Benetton Cool Super clear Neutralizer
- 1 black bag with yellow rope inside
- 1 Brown glasses case with glasses

This inventory was made in the presence of \_\_\_\_\_ AND \_\_\_\_\_

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and Subscribed before me this 12 day of Nov 2009

Signature of Judge

Signature of Officer Executing Warrant

"EXHIBIT K-2"

Mario Leggin

Rm. 103

Rm. 103

October 18, 2013

TO THE FULLBRIGHT FAMILY

THERE IS A REAL GOOD CHANCE THAT THE COPIES OF THIS INFORMATION WILL NOT BE IN MATTHEWS' DISCOVERY WHEN IT IS RETURNED.

I THINK YOU MAY WANT TO HAVE THIS CHECKED OUT.....

"EXHIBIT N-1"

1817

In The State Of South Carolina

Appellate Case No. 2012-207553

I, Marshall Fullbright, am giving the following affidavit:

I Marshall Fullbright did receive these 14 pages of documents including the envelope that is enclosed with this affidavit. My wife was in attendance when this information was brought in from the mail box and opened with both of us present. This information was sent to us concerning Matthew's Motion of Discovery would probably not be complete when returned to him and should be checked out.

I give this affidavit under penalty of perjury.

Marshall N. Fullbright

Marshall Fullbright

Sworn before me this 24 day of

November, 2013.

Karen B. Mees

Notary Public for South Carolina

My Commission Expires: 3-21-15

"EXHIBIT N-2"

DISSEMINATION. \* \* \* CAUTION \* \* \* CHANGES TO THIS RECORD MAY OCCUR AT ANY TIME AND A NEW INQUIRY SHOULD BE MADE FOR SUBSEQUENT USE. THIS RECORD MUST NOT BE USED AFTER 2010-01-24 (NC)

\*\*\*\*\* IDENTIFICATION \*\*\*\*\*

Subject Name(s)

[REDACTED]

(AKA)

Subject Description

FBI Number

[REDACTED]

State Id Number

[REDACTED]

Social Security Number

[REDACTED]

Sex  
Male

Race  
Unknown

Skin Tone  
Medium

Height  
5'06"

Weight  
145

Date of Birth  
1959-08-01

Hair Color  
Black

Eye Color  
Brown

Place of Birth  
New York

\*\*\*\*\* CRIMINAL HISTORY \*\*\*\*\*

----- Cycle 1 -----

Tracking Number 01  
Earliest Event Date 1980-02-17

-----  
Arrest Date 1980-02-17  
Arrest Case Number [REDACTED]  
Arresting Agency NC0260100 FAYETTEVILLE PD CENTRAL RECORDS  
Subject's Name [REDACTED]  
Comment(s) Arrest Provisions: \$1000 SECURED BOND  
Charge 01  
Charge Literal MANSLAUGHTER

-----  
Court Disposition (Cycle 1)  
Court Case Number 1980CR 008178  
Court Agency NC026025J CUMBERLAND CO. DIST COURT - FAY  
Charge Literal INVOLUNTARY MANSLAUGHTER  
Counts 001  
Disposition ( 1980-04-16; Dismissed)  
Court Comment Special Condition: NO PROBABLE CAUSE

\*\*\*\*\* INDEX OF AGENCIES \*\*\*\*\*

Agency FAYETTEVILLE PD CENTRAL RECORDS; NC0260100;

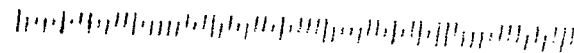
"EXHIBIT N-3" 3 of 17

A JONES  
DRAWER 9987  
CLINTON, SC 29325



MARSHALL FULLBRIGHT  
106 DOGWOOD DRIVE  
BELTON, SC 29627

2962742208 0003



"EXHIBIT N-17"



The Honorable Carolyn C. Matthews  
Administrative Law Court  
Edgar A. Brown Bldg., Suite 224  
1205 Pendleton Street  
Columbia, S.C. 29201

Date June 25, 2014

Re: Matthew B. Fullbright v. SCDC; Docket No.: 13-ALJ-04-0926-AP;  
Order of Remand Dated May 21, 2014; SCDC's Refusal to Comply with  
the May 21, 2014; This Court's intention/further action.

Dear Judge Matthews:

The purpose of this letter is to ascertain answers from  
this court regarding my two questions below, i.e., 1. and 2.:

1. Did this court receive my 10 June 2014 motion, requesting this  
court to enforce this court's 21 May 2014 ORDER OF REMAND  
which SCDC refuses to comply with?
2. What is this court's intentions as to any further actions and/  
or ORDERS, will this court enforce its 21 May 2014 ORDER?

For Consideration:

SCDC asked to dismiss this appeal because Ann Hallman did  
not have a chance to review the Request To Staff/Grievance  
("RTS") in SCDC's 6 May 2014 Response, Page 3.

This court ordered SCDC to have Ann Hallman review the  
RTS as SCDC wanted (This Court's 21 May 2014 ORDER)

SCDC now, in its 28 May 2014 refuses to follow this Court's 21 May 2014 order because Ann Hallman is not privy to the contents of the legal discovery itself.

Ms. Matthews, it seems SCDC is throwing your order in the trash.

Ms. Matthews, you ORDERED Ann Hallman to "review the REQUEST TO STAFF/GRIEVANCE" and to "DETERMINE WHAT THE APPELLANT IS ENTITLED TO"; you did not order for Ann Hallman to go through the legal discovery or mailing, but to look at the RTS and make a determination as to what I'm legally entitled to.

The Record Has Thus, NOT SAT SILENT. My Constitutional Rights have been abridged by SCDC. I NEED ALL OF MY DISCOVERY TO PERFECT MY APPEAL within the S.C. Court of Appeals!

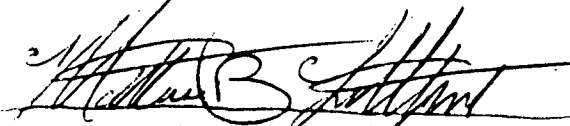
Ms. Matthews you said in your 21 May 2014 ORDER:

"determine what papers and discovery Appellant is entitled to," and "the issue does require a prompt conclusion."

I need you to enforce your 21 May 2014 ORDER so I can get my discovery, unredacted, uncensored, complete and full so as to perfect my appeal.

I've enclosed an unlimited Power-of-Attorney form granting Wanda M. Shearer to act, do, say, request, anything from, to, with this court on my behalf.

Determined More Than Ever,



Matthew B. Fullbright,  
Appellant Pro-Persona,  
CDC #349468

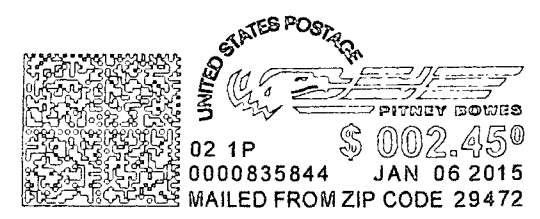
Ridgeway, S.C.,  
on This Day of  
25 June 2014

Matthew B. Fullbright, SCDC # 349468

Lieber Corr. Inst., Dorm: E-B-56

P.O. Box 205

Ridgeville, S.C. 29472



**RECEIVED**

JAN 06 2015  
MAIL ROOM  
LIEBER C

The South Carolina Court of Appeals

P.O. Box 11629

Columbia, S.C. 29211

**RECEIVED**

JAN 12 2015  
SC Court of Appeals

