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The State of South Carolina
In The Court of Appeals

Appeal From The Administrative Law Court

Administrative Law Judge-Deborah Brooks Dunden
Case no¹³ ALT-04-0772 AD

Charles R Carter 246054

Appellant

VS

South Carolina Department of Corrections- Respondent

Reply Brief To Respondent's
Final Brief

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Dec. 10 - 2014

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DEC 15 2014

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Cases = HILL VS U.S. Ex Rel - Wamphen 298 U.S. 460

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Reply and Citation of Authorities

Pursuant To Tan v South Carolina Department of Corrections May 28-2014-759-se2d-398-when The department of Corrections decides its original Recalculation of a sentence is erroneous it must afford The inmate Formal of The Amended Sentence and Advise Him of His opportunity To Be Heard Through The grievance procedure. The department is usually Confined To The Face of The Sentencing sheet in determining length of Sentence unless There is ambiguity in The Sentencing sheet. The Fundamental Requirements of Due process include Notice and an opportunity To Be Heard in a meaningful way. The length of an inmates incarceration implicates a constitutional liberty interest of Due process purposes. Ambiguity or Doubts Relative To a sentence should Be Resolved in Favor of The accused. In Respondent's Final Brief on Page 9-line 15-it is admitted By The Respondent That They changed Appellants CDR Code and Recalculated His sentence. But cannot show where due process was afforded To Appellant Pursuant To Hill VS U.S. Ex Rel-Wampler P. 460-The only sentence known To law are The Sentence or Judgment entered upon Records of The Courts and if entry is inaccurate There is Remedy By Motion To Correct it But Judgment imports verity when collaterally assailed. Warrant of Commitment departing in matter of Substance From Judgment Back of it is Void. If Judgment or Sentence does not make detention lawful, no writs will avail To make detention lawful. Provision in Commitment inserted By The Clerk But not included in Sentence Pronounced By The Judge is Void. Appellants Original Sentencing sheet Was Filled out and Signed By The Judge There fore The Modification And Recalculation By SCDJ is Void.

Conclusion

Therefore The Respondent Has admitted in its Final Brief That SCDC Did Modify and Recalculate Appellant's Sentence without affording him due Process of Law and Has also Admitted That There was no ambiguity in The Sentencing Sheet and That a New copy of a Sentencing Sheet was indeed Faxed By The York County Clerk of Court. Appellant's Original Sentence expired on 10-7-2013 and He Should Be Released immediately. Therefore Appellant Respectfully Request That This Court Reverse The ALC's decision and Order That He Be Released immediately.

Respectfully Submitted
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In The Court of Appeals

Appeal From The Administrative Law Court

Administrative Law Judge-Deborah Brooks Punder

Case # 2013-ALT-04-0772-AP
Appellate Case no-2014-001060

Charles R Garter

Appellant

South Carolina Department of Corrections Respondent

Certificate of Service

I Here By certify That I have served The Respondent with a Copy of
a Reply Brief To Respondent's Final Brief By Depositing a copy of it
in The U.S. Mail Postage Prepaid on 12-10-2014 addressed To
Respondent's as Follows.

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The undersigned hereby certifies that this
Reply Brief complies with Rule 211 B SCAC and
The Supreme Court's Order of August 13-2007.

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