

STATE OF SOUTH CAROLINA

In The South Carolina Court of Appeals

Appeal From The S.C. Administrative Law Court

Matthew B. Fullbright, # 349468,

Appellant,

v.

S.C. Dep't of Corrections,

Respondent.

Appellate Case No. 2014-001684

RECEIVED
FEB 06 2015
SC COURT OF APPEALS

DESIGNATION OF MATTER

TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal; This Designation has been divided into two parts to aid and assist the review of this Appellate Tribunal, and they are:

PART ONE: All exhibits (grievances, correspondence, etc.) prior to filing appeal within the S.C. ALC.

PART TWO: All filings, relevant, from the S.C. ALC.

All exhibits have been labeled by Appellant in the right-hand margin. The exhibits are labeled using a Letter / Number method.

The letter signifies that those exhibits touch on similar issues, matters, arguments, etc. The number following the letter is to ensure organization and ease of use.

Example:

"EXHIBIT E-13" 2 of 3

The above example means that this particular exhibit is in the "E" grouping, the 13th page of that group, and there are three pages belonging to that document, and this is page two of those three.

And now,

PART ONE:

EXHIBIT A: 1,2; Letter From Appellant to trial attorney Scott D. Robinson, Requesting entire casefile. Dated: 11 July 2013.

EXHIBIT B: The SCDC Form 10-6 "Notice to Withhold Incoming/Outgoing correspondence." 1pg. Dated: 20 August 2013.

EXHIBIT C: I can only name this "The False Photo. Form" because it was utilized administratively; Yet there is no SCDC Form Number assigned to it.

EXHIBIT D ^{40F} 1: An emergency grievance written by Appellant concerning an incident involving legal materials and work-product of Appellant From 1/4/13 [supposed to be 2/4/13]. The important fact of this exhibit is the

signature - Ann Hallman's - she receives emergencies directly.

EXHIBIT D-2: 8/30/13 (1 pg.) - Appellant's Emergency Grievance explaining the legal needs, prejudice, risk of harm, etc. of the legal casefile/discovery, to SCDC.

EXHIBIT D-3, 4: 9/10/13 (2 pgs.) - Appellant's Emergency Grievance with definitions, SCDC Policy, etc.

EXHIBIT D-5: 11/04/13 (1 pg.) - Appellant's Emergency Grievance detailing missing documents after SCDC's review of and censoring/copying of Appellant's legal casefile.

EXHIBIT D-6: 11/12/13 (1 pg.) - Same as "EXHIBIT D-5" above.

EXHIBIT E-1, 2: (written by Appellant during the moment of seizure of casefile) 8/20/13 (2 pgs.) - Handwritten notes of Appellant detailing what could be noted in casefile as mail room employee L. Bryant flipped through it.

EXHIBIT E-3: 8/23/13 (1 pg.) - Affidavit, as sworn by one Le-Vern McCree, SCDC # 348291, detailing the gross mishandling of Appellant's casefile, from his account.

EXHIBIT E-4: 10/26/13 (1 pg.) - Appellant's handwritten list of items missing and censored (to the point of uselessness in any litigation) after SCDC/CRC review.

EXHIBIT E-5: 10/24/13 (1 pg.) - Appellant's request of photographic index after SCDC/CRC review. The response: NO SIR!

EXHIBIT E-6: 10/24/13 (1 pg.) - Appellant's request to see all evidentiary, photographic, contents in SCDC's possession removed from the legal casefile. This Request shows this was "completed on 10/29/13."

EXHIBIT E-7: 10/30/13 (1 pg.) - Appellant's inquiry as to how many photographs in SCDC's control. Response unhelpful.

EXHIBIT E-8: 11/5/13 (1 pg.) - Warden McFadden telling Appellant that there "was [sic] 6 (six) pages of photos and a bank statement."

EXHIBIT E-9, 10, 11: 11/12/13 (3 pgs.) - Appellant's inquiries to Christopher Florian, David Tatarsky, and Maria Heggins - all with SCDC General Counsel - as answered by SCDC staff attorney Shanika Johnson, again, unhelpful.

EXHIBIT E-12, 13, 14: 10/24/13 (3 pgs.) - Affidavit of Terry L. Hutto, SCDC # 120283, detailing the contents of the seized legal casefile as he (Mr. Hutto) witnessed upon the return of said casefile.

EXHIBIT E-15: (1 pg.) - This document, part of the actual legal casefile from S.L.E.O. reads 938 (nine hundred-thirty-eight) photographs are in the casefile. In fact, there are thousands of photographs.

EXHIBIT F-1 through 4: 8/20/13 (4 pgs.) - Appellant's letter to SCDC General Counsel, David M. Tatarsky, attempting to remedy the constitutional violations - SCDC's response to the letter? A: a "post-it" note to "see policy" as answered FIVE MONTHS LATER by SCDC mail room coordinator Maria Heggins.

EXHIBIT F-5 through 8: 9/9/13 (4 pgs.) - My Family attempts to ascertain answers from SCDC/General Counsel.

EXHIBIT F-9: 9/17/13 (1 pg.) - Vague, unhelpful "answer" to my Family's inquiry in EXHIBIT F-5 through 8, above from Christopher Florian, Deputy General Counsel, SCDC.

EXHIBIT F-10 through 13: 9/27/13 (4 pgs.) - Here, my best friend and fiancé attempts to get answers, writing both to Warden McFadden and David Tatarsky, General Counsel.

EXHIBIT F-14: 10/3/13 (1 pg.) - More ambiguities and failure to answer the lawful questions as posed by Wanda M. Shearer in EXHIBIT F-10 through 13 above.

EXHIBIT F-15, 16, 17: 11/24/13 (3 pgs.) - Affidavits and a certificate of service sworn to by Appellant's father, Marshall H. Fullbright, stating that part(s) of the legal casefile seized by SCDC arrived anonymously at his (Mr. Fullbright's) house, post-marked with the exact same date and from the location where/when the casefile was sent to Appellant.

EXHIBIT G: Appellant has maintained diligence in obtaining these needed legal documents. Here, S.L.E.D. is going to charge Appellant \$826.20 to obtain documents to replace what SCDC redacted, took, censored.

EXHIBIT H-1 through 7: (7 pgs.) - These exhibits show that it's SCDC's habit to take Inmate's legal mail from and between them and their attorneys, Unbelievable.

EXHIBIT I: 11/14/13 (1pg.) - This one page memorandum of SCDC Office of General Counsel clearly states that the sending attorney of Inmate William Burnett, # 352645, was contacted about the legal mail that the attorney sent being "inadvertently opened" by SCDC. Appellant's attorney was not contacted involving SCDC purposefully opening and reading, copying, censoring, etc. Appellant's legal mail.

EXHIBIT J-1, 2: 12/5/13 (2 pgs.) - SCDC Staff attorney Shanika Johnson explains via this two page letter, to Appellant's Fiance, Wanda M. Shearer, that legal mail can "only be opened in the Inmate's presence." Admitting then, their own violation of that legal principle.

EXHIBIT K-1, 2, 3: These documents incriminate SCDC in that

Appellant's confidential, legal casefile from Appellant's attorney was mishandled, arbitrarily written on, copied, and censored as if by some children in a craft project.

EXHIBITS L-1, 2, 3: (3 pgs.) - SCDC allowed these documents, which contain personal data identifiers, to go directly to, and uncensored, to Inmate Steven L. Hewitt, # 303283.

EXHIBIT M-1, 2: (2 pgs.) - Appellant wrote this grievance on 2/22/12. The grievance was answered on 5/13/14! OVER TWO YEARS! IF Appellant had followed normal grievance timeframe(s) in a non-emergency method, Appellant's criminal appeal 2012-207553, and other legal endeavors involving the seized legal casefile would have come and gone.

EXHIBIT N1 through 17: (17 pgs.) - This exhibit contains everything anonymously sent from SCDC to Appellant's Father, Appellant's Father's affidavits and a copy of the envelope the package was sent in.

PART TWO:

[All dates are the dates on certificates of service]:

April 3, 2014 (5 pgs.) - Respondent's Second Motion to Dismiss.

April 17, 2014 (13 pgs.) - Appellant's Motion to Reinstate; and, Appellant's Motion Not to Dismiss.

May 6, 2014 (5 pgs.) - Respondent's Return to Appellant's Initial Brief.

May 19, 2014 (8 pgs.) - Appellant's Reply to Respondent's 6 May 2014 Return and Motions to Dismiss; and Request for Admissions.

May 21, 2014 (2 pgs.) - ALJ ORDER OF REMAND.

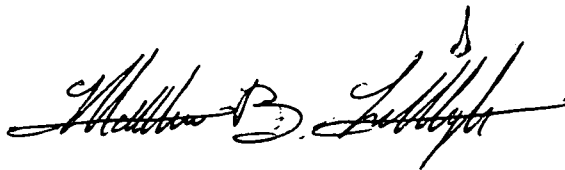
May 28, 2014 (6 pgs.) - Respondent's Misconstruction of the REMAND.

June 8, 2014 (2 pgs.) - Appellant's advisement to ALJ that SCDC refuses compliance with ALJ's ORDER.

June 26, 2014 (3 pgs.) - Receiving no answer, and with SCDC not giving me my legal casefile back in its entirety, Appellant wrote ALJ again - being diligent.

July 7, 2014 (1 pg.) - ALJ Matthews, not enforcing the ORDER states the ALC "no longer has jurisdiction over this matter" leaving Appellant no other option but appeal.

I, the undersigned Appellant, certify that this Designation contains no matter which is irrelevant to this appeal.

A handwritten signature in black ink, appearing to read "Matthew B. Fullbright". The signature is written in a cursive style with a prominent loop at the end.

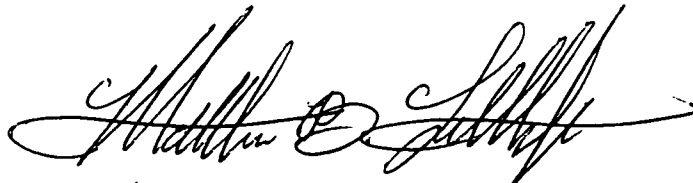
Matthew B. Fullbright
#349468
@Lieber C.I., E-B-56
Ridgeville, S.C. 29472
APPELLANT, PRO SE

9 January 2015

CERTIFICATE OF SERVICE

I, Matthew B. Fullbright, hereby certify that I have served the Designation of Matter to be Included in Record on Appeal in the foregoing action by depositing copies in the United States Mail addressed to Office of General Counsel For SCDC, 4444 Broad River Rd, Columbia, S.C. 29221

on This 12th day of January 2015



Matthew B. Fullbright

#349468

@Hieber C.I., E-B-56

Ridgeville, S.C. 29472

APPELLANT, PRO SE

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SC Court of Appeals

Affidavit, App. Case No. 2014-001684

I, the undersigned, swear under penalty of perjury to the fullest extent of every applicable law:

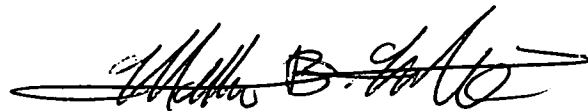
1. I signed for/received a one page letter from the clerk of Court, S.C. Court of Appeals (stating that the initial brief was not accompanied by the required designation, Appellate case no. 2014-001684, of which I am Appellant) on 29 January 2015.

2. That letter stated that I/Appellant have ten (10) days from the date of said letter (26 January 2015) to resolve deficiency.

3. That I/my dorm am locked down to such a degree that going to the mail room isn't possible. They simply are not letting us go, are not on the wing during the time window, etc., typical for this institution.

The foregoing is true and correct and will almost definitely result in the designation and maybe Record on Appeal in the above case from being timely filed.

And I am,



Matthew B. Fullbright
#349468

@Ridgeway, S.C. 29472
Appellant, Pro Se

Sworn to/Subscribed on
this 3rd day of Feb., 2015
Lucyann Bryant
Notary Public For S. Carolina
My Commission Ends on:
May 26, 2020

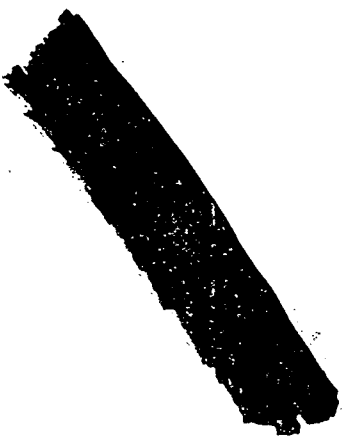
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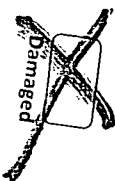
SC Court of Appeals

Matthews B. Fullbright, SCDC # 349468
Lieber Correctional Institution, Drawer B-56
P.O. Box 205
Ridgelyville, S.C. 29472

THE SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
Columbia, S.C. 29211



This mail was received in the Lieber
mailroom



5
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

29 January 2015
THURSDAY

RECEIVED

FEB 06 2015

Re: Matthew B. Fullbright v. SCDC; App. Case No. 2014-00000 of Appeals
Lock-Down; Delays; Problems with mailing Designation.

Dear Clerk:

I received a one page letter from This Office on 29 January 2015 stating the deficiency: "Initial brief is not accompanied by a designation of matter to be included in the record on appeal."

I mailed out the above named initial brief on 12 January 2015, in a separate envelope, I also mailed out the required designation.

On today's date, during mail-call, an envelope was slid under my door. I was trying to catch up on rest as a gang gentleman yells and beats on his cell door all night, keeping me awake. Well, that said manilla envelope is the one I mailed out on 12 January containing the Designation. Meaning, I was notified of the "deficiency" on the same date the "deficiency" was returned to me by SCDC.

The returned designation was/is wrinkled, torn, and has a sticker with two boxes to "check". Above the two boxes, the sticker reads: "This mail was received in the Lieber mailroom..." and the box reading "Damaged" has a red "X" through it, indicating that the designation was damaged upon coming in to the institution. Also, there are "squares" and "blocks" of black magic-marker on it. What has been "blacked-out" is unknown.

To cap this letter, so This Court understands, another incident occurred in my wing, B-Side, of my dorm, Edisto, in which another altercation between several inmates ended in trips to the emergency care unit, and E.R., lock-up, MSU, and other places. I was in the shower when the incident happened. We were all immediately locked in our cells and have been locked down since. That was 25 January 2015.

Through no fault of mine, I the Appellant have been impeded from going to the mailroom (hrs. are 10 a.m. - 11 a.m), use the kiosk (enter grievance or request, or attempt any remedy), or use the phone(s) to call my family in order for them to notify this Court of the situation.

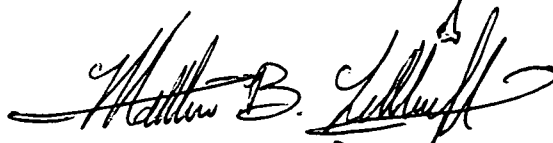
I am planning to make a copy of the envelope the designation was returned in. Also, I am breaking some personal rules by "knocking" repeatedly on my cell door during mail room hours so I can get the designation and Record on Appeal to This Court on time.

I am acquiring affidavits from Inmates and staff alike for prima facie reasons to substantiate this desperate situation right now.

I have an affidavit attached.

I, the Appellant in the above referenced matter will mail the designation, all copies, Record on Appeal, all enclosures THE MOMENT I am allowed.

Proud to be an American,
Grateful For my Rights,



Matthew B. Fullbright,
#349468,
@ Lieber C.I., E-B-56,
Ridgville, S.C. 29472
APPELLANT, PRO SE

cc: Office of Gen. Coun.
SCDC;
P.O. Attorneys;
File.