

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

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT
Carolyn C. Matthews, Administrative Law Judge

Matthew B. Fullbright, # 349468, _____ Appellant,

v.

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

RECORD ON APPEAL

Matthew B. Fullbright, # 349468
Lieber Corr. Inst., E-B-56
P.O. Box 205
Ridgeville, S.C. 29472
Appellant, Pro Se

General Counsel of SCDC,
Daniel J. Crooks III
4444 Broad River Rd.
Columbia, S.C. 29221
Attorney(s) for Respondent

RECEIVED

FEB 06 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE
ADMINISTRATIVE LAW COURT

Carolyn C. Matthews, Administrative
Law Judge

Case No. 2014-001684

Matthew B. Fullbright,
349468,

Appellant,

v.

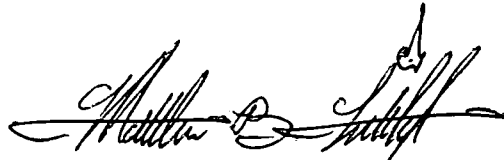
S.C. Dep't of Corrections,

Respondent.

PROOF OF SERVICE

I certify that I have served this Record on Appeal on SCDC by depositing a copy of it in the United States Mail, on the date below addressed to 4444 Broad River Rd., Columbia, S.C. 29221, A copy also sent to Powers of Attorneys: Marshall H. Fullbright and Wanda M. Shearer.

On February 3rd, 2015



Matthew B. Fullbright

#349468

@ Lieber C.I., E-B-5

Ridgeville, S.C. 29472

APPELLANT, PRO SE

Scott D. Robinson, Esq.
101 Lavinia Ave.
Greenville, S.C. 29601

Re: Discovery, Matter of Haddock, Case No. 2010-GS-04-00069/00072

Date: 11 July 2013

Mr. Robinson:

This is the fourth letter from myself, personally, requesting that you send me my casefile, workfile, and all discovery in your possession, pertaining to State v. Matthew Fullbright, in which you represented me.

I have sent this letter to you certified mail. You have signed for this imploration on my behalf.

I knowingly, voluntarily, and intelligently, now waive my attorney/client privilege and confidentiality for the sole purpose of allowing and authorizing you to release and send to me my entitled casefile, workfile, and all discovery, to include but not limited to the following:

1. The entire casefile, personal notes, correspondence between yourself and all parties involved;
2. The entire workfile, including all preparatory notes for the Jackson v. Denno hearing and the trial, and notice of appeal documentation, and all worktime logs and hours worked;
3. All notes and documents pertaining to the Jackson v. Denno hearing held on 17 November 2011;
4. All notes and documents pertaining to the trial held on 23-27 January 2012;
5. All juror notes, eight total;
6. All forensic tests, forensic results, and SLED documents;
7. All Anderson County Detention Center (ACDC) medical files and documents;
8. All pathologist's reports and diagrams;
9. All autopsy reports and documents;
10. All warrants, search, arrest, etc.;
11. All indictments and applicable documents;
12. All reports, documents, files, etc., pertaining to questionable document expert Marvin Dawson;
13. All phone records;
14. All maps and applicable papers and documents;
15. All EMS reports, documents, papers, etc., pertaining to Mark Henderson, et al;
16. All evidence logs, items seized, etc.;

"A-1"
EXHIBIT A-1
1042

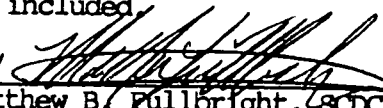
17. All NCIC reports, documents, papers, etc.;
18. All call logs;
19. All statements;
20. All bank records;
21. All crime scene logs;
22. All officer's notes with applicable reports, documents, papers, etc.;
23. All booking reports;
24. All post mortem reports;
25. All incident reports with applicable reports, documents, papers, etc.;
26. All State's discovery responses;
27. All expert witness reports, documents, papers, etc.;
28. All charts, diagrams, drawings, etc.;
29. All exhibits;
30. All reports, documents, papers, etc., pertaining to your representation involving my case, hearing, trial, etc.;
31. All lead sheets;
32. Everything pertaining to your representation.

I ask this according to the Matter of Haddock 321 SE2d 601 SC (1984).

Your office has received no less than ten requests for my casefile, workfile and discovery from my family and myself. We are informed each time that you are busy and will return the call but you never have.

A copy of this request is being sent to the SC Commission on Lawyer Conduct, The SC bar, my appellate attorney, the Anderson County Clerk of Court, as well as my family and file. Fortunately, I keep excellent records, and as such, every single paper that was in my discovery (which was kept by ACDC upon my transfer to SCDC, and has since disappeared), was recorded.

Please include a checklist along with your reply to ensure that all discovery is included.

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

cc: SC Commission on Lawyer Conduct;
SC Bar Association;
Susan Hackett, Esq., Appellate Counsel;
Clerk of Court, Anderson County;
The Fullbright Family.

"A-2"

21
"EXHIBIT A-2" 2082

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE COPY

DIVISION OF INMATE SERVICES

NOTICE TO WITHHOLD INCOMING/OUTGOING CORRESPONDENCE
AND
DISPOSITION OF CORRESPONDENCE

"B"

INMATE NAME:	SCDC#:	DATE:
Matthew Fullbright	349468	August 20, 2013



This notice is to advise you that you have received/attempted to send correspondence to/from Jim Fullbright you have receive legal which contained mail from Scott H Robinson legal mail which contain crime scene photograph. Per SCDC Policy all legal mail which contain crime scene have to go to the CRC. This is deemed questionable and requires further review by the Correspondence Review Committee (CRC) pursuant to SCDC Policy PS-10.08, "Inmate Correspondence Privileges." The Committee has 60 days (excluding weekends and holidays) to advise you of the decision. For Review.

DISPOSITION:

This notice is to advise you that the Correspondence Review Committee (CRC) has reviewed and disapproved the following correspondence: _____

- _____ The correspondence is being returned to sender at your expense by using Form 10-14, "Agreement to Debit E. H. Cooper Account." (Attached)
- _____ There are insufficient funds in your E. H. Cooper Trust Account to cover the cost of returning this correspondence. You have 30 days to advise the Mailroom of available funds or provide a pre-paid envelope. If funds are not available, the correspondence will be disposed of pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

B. Bryant

Postal Director/Staff/Designee

Lieber

Institution

White - Inmate
Canary - Mailroom
Pink - CRC/Sender/Property Control

"EXHIBIT B"

117 21-1317-13

RECEIVED RECEIVED MAINTAINING CRIME SCENE PHOTOS AND/OR AUTOPSY PHOTOS

OCT 23 2013

OCT 23 2013

RECEIVED
OCT 23 2013
MAIL ROOM
LIEBER C.I.

ROOM MAIL ROOM
LIEBER C.I. LIEBER C.I.

LEGAL MATERIALS CONTAINING CRIME SCENE AND/OR AUTOPSY PHOTOS WILL BE REVIEWED THROUGH THE CORRESPONDENCE REVIEW COMMITTEE (CRC) PROCESS.

ANY CRIME SCENE PHOTOS AND/OR AUTOPSY PHOTOS WILL BE SEPARATED FROM THE REST OF 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 (IN PROPERTY CONTROL, WARDEN'S SAFE, ETC). ***NOTE: THE MATERIAL SHOULD NOT BE MAINTAINED IN THE INMATE RECORD.*** THE WARDEN WILL ENSURE THAT A PROCESS IS IN PLACE THAT ALLOWS THE INMATE TO REQUEST ACCESS TO THE MATERIAL. THE INMATE SHOULD REVIEW THE MATERIAL IN A CONTROLLED ENVIRONMENT AND IT SHOULD BE RETURNED INTACT.

IF THE INMATE IS TRANSFERRED TO ANOTHER INSTITUTION, THE MATERIAL WILL BE SECURED WITH THE INMATE'S PROPERTY AND TRANSFERRED WITH THE INMATE. IT SHOULD BE CLEARLY MARKED SO THAT THE RECEIVING INSTITUTION CAN ACT ACCORDINGLY. IF THE INMATE IS RELEASED/PAROLED, THE MATERIAL SHOULD THEN BE GIVEN TO HIM/HER.

Inmate Fullbright the ID-6 Dated August 20, 2013 was approved by the CRC with stipulation. Please be advice ~~redacted~~ personal information on other was redacted.

Matthew Fullbright
#349468

The Crime Scene photos were Separated and the bank statement were placed with the Crime Scene photos Because of Policy 6.1.13 photos and Bank statement

Crime Scene have been forwarded to Warden Office Oct 23, 2013.

APPROVED

OCT 21 2013

SCDC CORRESPONDENCE REVIEW COMMITTEE

"EXHIBIT C"

AD

Exh. F-1

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS
REQUEST TO STAFF MEMBER

To: Ann Hallman

Name: Matthew B. Fullbright

Institution:

Lee C. I.

Date: 1/4/13

SCDC #: 349468

Living Quarters:

Summer-South-1148

EMERGENCY GRIEVANCE I had my cell searched by Lt. Kirkland and Lt. McCullough on 1/25/13 at approx. 4:30 P.M. As a result of this search my cell door was left unlocked and unattended by any officers. When the search ended, Lt. Kirkland ordered myself and Ofc. Linchberry into the sally port. Thus, Lt. McCullough also going into the sally port with us left no staff inside the dorm when my room was still unlocked. I told Lt. Kirkland at my cell door, as we were walking towards the wing door and outside in the sally port that my cell door needed to be locked back. Lt. Kirkland told me to "keep walking." This shows intent outside the scope of her duties. From this incident I am missing the following: One Sony radio, one hot pot, legal books, one electric razor, legal documents, one pair of five star boots, approx. \$300.00 in canteen items, family photos, and many miscellaneous items and affects. I have receipts and documents for the things that I'm missing. I also have witnesses and affidavits to support these matters. I am in writing to you because my grievances are being returned for frivolous reasons.

Thank you for your attention to this matter.

Disposition:

You have a pending grievance
on this issue. You
will get a response once
your grievance is processed

3.7.2013 Ann Hallman
Branch Chief

Date:

Signature:

4/7 LC1-1317-13

"EXHIBIT D-1"

AD 8

AUG 30 2013

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

INMATE COPY

STEP 1

INMATE NAME: Matthew B. FullbrightSCDC NUMBER: 349468INSTITUTION: Lieber Correctional InstitutionHOUSING UNIT: Ashley-B-49WORK ASSIGNMENT: Seeking Employment Since 4/31/13 here at Lieber.Grievance No. LU-1258-13Code: General MA/MKPolicy D-2Disc. Hear. D-2Class. D-2Date Received 8-30-13IGC Initials MD

OCT 14

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) **EMERGENCY GRIEVANCE**

My discovery from trial attorney Scott Robinson arrived at Lieber C.I. mailroom on 8/19/13. The entire discovery was seized by mailroom employee, Ms. Bryant. She informed me that the discovery would be sent to the Correspondence Review Committee (CRC) at SCDC Headquarters for censorship and editing. That discovery is pertinent to my appeal process at this immediate time. I have several conflicts of record, various meritorious issues, and other appeal/court issues and matters that are intimately involved with said discovery, some are time sensitive. I am now unable to perfect my appeal as a result of my legal discovery being confiscated. I'm writing to all applicable parties/courts to hold my appeals/matters in abeyance pending remedy of this grievance. As the SCDC General Counsel's Office and CRC are under the Attorney General's Office (AGO) I cannot disclose specific legal issues or matters. I have not waived any rights, especially attorney/client privilege. My attorney's (and therefore mine) workfile/casefile has been compromised and edited by my legal adversary. I also have sworn affidavits that Ms. Bryant mishandled the discovery, dropping papers from it, refusing to pick them up, and refusing to tape the box back up at my request, etc.

ACTION REQUESTED: That a coversheet/itemized checklist, including how many pages total (in number) have been left in the discovery, and how many pages total (in number) have been removed (taken), be prepared by the CRC and AGO and sent back along with the discovery. That I be allowed to verify the contents of the discovery upon re-arrival, before I sign for it (thus accepting it uncontested) and that the appropriate parties be present from the CRC and SCDC General Counsel's Office and the AGO when opened in my presence, to assure accuracy.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: By speaking with Ms. Bryant on 8/19/13 at the mailroom window. I asked her what Federal and/or State law(s) would allow my legal adversary to not only confiscate my entitled discovery, but to then remove papers from it. Immediately after speaking with Ms. Bryant I went to Major Nettles's office. I explained all of this to the Major. The discovery was brought into his office and looked through (in my presence). Major Nettles expressed that he saw no reason to confiscate the discovery. However, Ms. Bryant, who was within earshot, entered the office and said the discovery had to be confiscated, and thus it was.

[Signature] 8/25/13
Grievant Signature Date

ACTION TAKEN BY IGC:

You have failed to attach the answered Request to Staff Form regarding your informal resolution attempt on this issue as is required in GA-01.12 Inmate Grievance Procedures. You may re-file on a new grievance form within 5 days (due by **SEPTEMBER 06, 2013**) providing the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes. **REMINDER-Inmates will be allowed to file five (5) grievances per month, which shall include all grievances that are returned unprocessed. After the five (5) grievances have been accepted, all others will be returned unprocessed except disciplinary and classification hearings. This does include refiles if the 5 grievance limit has been reached.**

[Signature] 8/30/13
IGC Signature Date

N/A
Grievant Signature Date

- ☐ I accept the action taken by the IGC and consider the matter closed.
☒ I do not accept the action taken and wish to appeal.

"EXHIBIT D-2"

3/7 101-1317-12

SEP 10 2013

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE COPY
REFILE: LCI-1258-13
Due: 09/06/13

INMATE NAME: Fullbright, Matthew
SCDC NUMBER: 349468
INSTITUTION: Lieber Correctional Institution
HOUSING UNIT: AB-49
WORK ASSIGNMENT: Seeking employment since 4/30/13

Office Use Only
Grievance No. LCI-131713
Code: General MAIM
Policy 3
Disc. Hear: "D"
Class. 3
Date Received 9-10-13
IGC Initials MD
OCT 25 2013

1 of 2
"EXHIBIT D-3"

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) EMERGENCY GRIEVANCE
SCDC Policy GA-01.12 § 14.1 states: "An emergency grievance will encompass, but is not limited to, situations, actions, or conditions in which any person's health, safety, or welfare is threatened or in serious danger. It is the responsibility of the grievant to demonstrate the factors creating the substantial risk of personal injury or other serious and irreparable harm. The Institutional IGC will fax a copy of the grievance to the Chief/Designee I.G.Branch to determine if a substantial risk or serious harm is present and warrants the grievance being processed as an "emergency.""
Allow me to demonstrate those factors: Here is my emphasis added of the above-"AN EMERGENCY...IS NOT LIMITED TO...SITUATIONS, ACTIONS, OR CONDITIONS IN WHICH ANY PERSON'S...**WELFARE** IS THREATENED OR IN SERIOUS DANGER...OF...IRREPARABLE HARM. Definition of welfare: "the state of faring or doing well; the state or condition in regard to well-being. The definition of irreparable: Impossible to make good, undo, repiar or *SEE ATTATCHED*

ACTION REQUESTED:

Same as on the initial attatched LCI-1258-13, and also the further requested action on the one page attached re-file of the same.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Same as on the initial attached (LCI-1258-13)

[Signature] 9/4/13
Grievant Signature Date

ACTION TAKEN BY IGC:

Per GA-01.12 Inmate Grievance System, a grievance will be considered abandoned if the inmate refuses to follow through with the IGC's recommendations within five (5) days after the return of the inmate's unprocessed grievance. Therefore, this grievance is being returned unprocessed due to your failure to follow through with the instructions of the IGC to refile with corrections (providing the required answered Request to Staff Form) prior to 09/06/13. It is noted on 08/30/13 the Central Grievance Office determined grievance # LCI-1258-13 was NOT AN EMERGENCY as you failed to state any upcoming court deadlines or how you will be harmed by following normal time frames. Additional grievances on this issue will not be processed. **NO REFILE.** Unprocessed grievances may be appealed, utilizing SCDC Form 19-11 "Inmate Request to Staff Member", to the Branch Chief within ten (10) days of the grievance being returned to the inmate.

[Signature] 9/11/13
IGC Signature Date

N/A
Grievant Signature Date

- ☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

remedy. Legal discovery, sensitive legal information, my case file and work file, all regarding Anderson County indictment Nos.: 2010-GS-04-00068 through 00073, that may never have been privy to the SC Attorney General's Office (AGO), is now under REVIEW by the SCDC Office of General Counsel, Correspondence Review Committee (CRC), a branch of the AGO. My entitled US Constitutional and SC Constitutional (Const.) protected legal mail/ discovery should never have been 1) seized, 2) taken out of my presence, 3) to be subjected to REVIEW and CENSORSHIP, 4) by my legal adversary, 5) violating many of my FEDERAL and STATE constitutional rights, etc. "D-A"

Re: Informal resolution attempt-

An emergency grievance requires no informal resolution (IR) or else it would negate the factor of emergency. Also, the requirement of IR via request form to "prove" an IR is moot in this specific case as I tried to resolve this whole issue in the Major's office, with Major Nettles, Captain Sheppard, Lt. McGhee, and L. Bryant all present, within 10 minutes of the seizing of the discovery, well establishing an IR.

This discovery is almost certain to return before any non-emergency grievance procedure can get under way, what with all of the time consuming formalities. With this grievance I am attempting to have safeguards and precautions set in place when the discovery re-returns to Lieber from the CRC, which will help insure that the complete discovery is accounted for and that no pertinent papers are missing. This matter should be taken seriously by SCDC. The discovery should have been opened in a controlled environment in the first place, and not with me standing outside of the mail room where I can't possibly go through the over 1000-2000 pages or so.

This is all amplified by, because parts of this same discovery (in fact my whole legal box) was stolen/went missing as a result of my cell being purposefully left open, as the SCDC is well aware (see attached EMERGENCY GRIEVANCE to Ann Hallman; Officer Lineberry's Incident Report; and also pending grievance: LEECI-0464-13 at step 2 level [not attached]).

I have also attached the 10-6 form filled out by L. Bryant and also the affidavit of Levern McCrea, which further shows the mishandling of the discovery and the need to take steps to ensure that no further damage is sustained.

FURTHER ACTION REQUESTED: In addition to the initial grievance, LCI-1258-13 (attached), I also request to know all applicable FEDERAL and STATE laws, statutes, etc., and also all SCDC Policy that governs the seizing and editing of my legal mail/discovery.

Also that I be allowed to sign this grievance in person, as the attached initial does not bear my signature as I was never afforded an opportunity to sign.

If this EMERGENCY GRIEVANCE is not properly processed I will consider it

the agency's final decision regarding this grievance.


Matthew Fullbright, SCDC #349468

The Following 7 pgs. are included (attached): 1) ReFile of LCI-1258-13 2) with one page attachment 3) initial LCI-1258-13 4) EMERGENCY GRIEVANCE to Ann Hallman from 1/4/13 5) Ofc. Lineberry's Incident Report from 1/25/13 6) 10-6 Form from L. Bryant and 7) Affidavit from Levern McCrea

CC: Fullbright Family;
S.C. Court of Appeals, Clerk of Court;
Wanda Shearer;
CRC;
File;

NOV 01 2013

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

①

INMATE NAME: Matthew B. Fullbright
SCDC NUMBER: 349468
INSTITUTION: Lieber Corr. Inst.
HOUSING UNIT: Edisto-B-56
WORK ASSIGNMENT: Seeking Employment since 4/30/13

Office Use Only
Grievance No. LCI-1552-13
Code: General MA/ML
Policy 5
Disc. Hear. 11.04.13
Class. 11.04.13
Date Received 11.04.13
IGC Initials MD

EXHIBIT D-5

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

EMERGENCY GRIEVANCE I am missing a substantial amount of papers, reports, notes (even my lawyer's worknotes) from my discovery seized on 8/19/13 and sent to SCDC/ERC for over 60 days for review and censorship. The papers missing are vital to pending criminal charges, defenses, appeal(s) etc. I need these papers etc., immediately. My discovery was stolen during a malicious room search at Lee CI in January 2013. I have tolling timelines and am in great need of these immediately.

ACTION REQUESTED: That all seized documents be returned to me immediately and that all copies thereof in the possession of SCDC General Counsel and the SC Attorney General's Office be destroyed and the originals secured and sent to me.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

No informal resolution required per SCDC Policy.

[Signature] 28 October 2013
Grievant Signature Date

ACTION TAKEN BY IGC:

You have failed to attached the answered Request to Staff Form regarding your informal resolution attempt on this issue as is required in GA-01.12 Inmate Grievance Procedures. You may re-file on a new grievance form within 5 days (due by **NOVEMBER 11, 2013**) providing the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes. REMINDER-Inmates will be allowed to file five (5) grievances per month, which shall include all grievances that are returned unprocessed. After the five (5) grievances have been accepted, all others will be returned unprocessed except disciplinary and classification hearings. This does include refiles if the 5 grievance limit has been reached.

[Signature] 11/04/13
IGC Signature Date

N/A
Grievant Signature Date

☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

REFILE: LCI-1552-13

Due: 11/11/13

STEP 1

INMATE NAME: Fullbright, Matthew
SCDC NUMBER: 349468
INSTITUTION: Lieber Correctional Institution
HOUSING UNIT: EB-56
WORK ASSIGNMENT: Seeking Employment / Mental Health Status

Office Use Only
Grievance No. LCI-1552-13
Code: General MA/ML
Policy 6
Disc. Hear. 6
Class. 6
Date Received 11-12-13
IGC Initials MD
DEC 27 '13

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Same as Step 1 Emergency Grievance No.: LCI-1552-13 dated by myself as 28 October 2013 and received 11-04-13 (attached)

ACTION REQUESTED: Same as Step 1 Emergency Grievance No.: LCI-1552-13 dated by myself as 28 October 2013 and received 11-04-13 (attached)

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Same as Step 1 Emergency Grievance No.: LCI-1552-13 dated by myself as 28 October 2013 and received 11-04-13 (attached)

Matthew Fullbright 103 November 2013
Grievant Signature Date

ACTION TAKEN BY IGC:

Per GA-01.12 Inmate Grievance System, a grievance will be considered abandoned if the inmate refuses to follow through with the IGC's recommendations within five (5) days after the return of the inmate's unprocessed grievance. Therefore, this grievance is being returned unprocessed due to your failure to follow through with the instructions of the IGC to refile with corrections (providing the required answered Request to Staff Form) prior to 11/11/13. **NO REFILE.** Unprocessed grievances may be appealed, utilizing SCDC Form 19-11 "Inmate Request to Staff Member", to the Branch Chief within ten (10) days of the grievance being returned to the inmate.

MD 11/12/13
IGC Signature Date

MD
Grievant Signature Date

- ☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

EXHIBIT D-6

It's August 19. Seizing discovery from Scott!
★ Ms. Bryant is flipping through it at my request ★
Contents noted at window now:

Letter, Scott/Coner 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 worknotes 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 anymore now ★

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

"E-1"

"EXHIBIT E-1"

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!

"E-2"

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

AN Affidavit

"E-3"

My Name is LEVERN McCrea, SCDC # 348291
ON August 20, 2013, I did witness that Matthew Fullbright,
SCDC # 349468, just ahead of me in the mail room waiting
line, receive his box of discovery from his trial attorney Scott
"Something" Ms. Bryant (Mail Room worker) said this aloud.
Ms. Bryant was heard by myself to have dropped several papers
from said discovery onto the floor, Mr. Fullbright, asked her to
pick them up, she said she would later.
She said he couldn't have the discovery and that there would
have to be stuff taken from it. Mr. Fullbright asked them that
the box be immediately taped up, Ms. Bryant replied it would
be taped up, Ms. Bryant replied it would be taped up after
awhile, when she had time.

EXHIBIT E-3

This is true to the best of my abilities.

S/LEVERN McCrea

LEVERN McCrea #348291

Hirber Corr. Int.

Sworn and subscribed before me
on this 23rd day of August, 2013

Ludrean Bryant

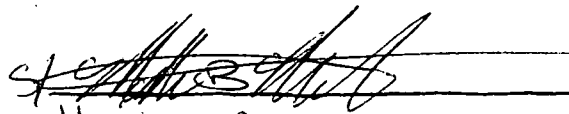
Notary Public for South Carolina

My Commission Expires: May 26, 2020

Today is 26 October 2013. Two days ago I received my legal discovery back after CRC (SCOC) 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 Woodland'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.

S.C. Code Ann. § 16-9-10(A)(2)

18 U.S.C. § 1621, 1622

28 U.S.C. § 1746

" EXHIBIT E-4 "

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

"E-5"

TO: NAME: Major Nettles	TITLE: Major	DATE: 10-24-13
INMATE'S NAME: Matthew B. Fullbright		SCDC #: 349468
INSTITUTION: Lieber Corr.		LIVING QUARTERS: Edisto-B-56

I received my seized discovery back from the CRC today. It is heavily censored with pen and magic marker and there are papers missing that I saw in it on 8/19/13 before it was taken.

I'm wondering if perhaps you can get headquarters to provide an index of what was removed besides photographs.

Thanks.

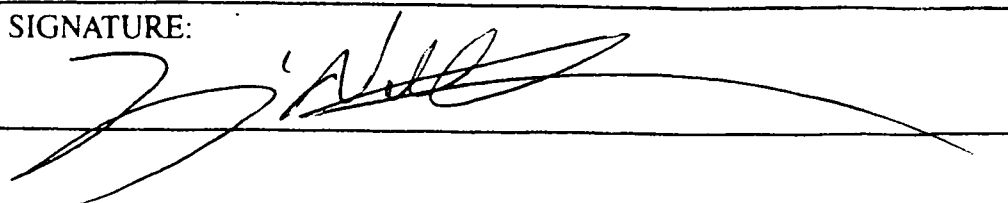
RECEIVED

OCT 29 2013

ASSOCIATE WARDEN'S OFFICE
LIEBER C.I.

DISPOSITION BY STAFF MEMBER:

NO Sir!
You can try if you need to.

DATE: 10/29/13	SIGNATURE: 
-------------------	--

"EXHIBIT E-5"

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

RECEIVED

E-6

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

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

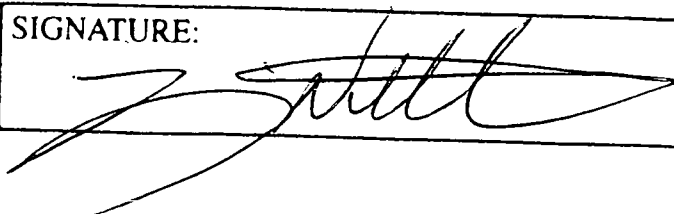
DATE: 10/29/13	SIGNATURE: 
-------------------	--

EXHIBIT E-6

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

"E-7"

TO: NAME: Major Nettles	TITLE: MAJOR	DATE: 10/30/13
INMATE'S NAME: Matthew B. Fullbright		SCDC #: 349468
INSTITUTION: Lieber Corr. Inst.		LIVING QUARTERS: Edisto - B - 56

"EXHIBIT E-7"

The other day when I came to your office to review the pictures removed from my discovery by CRE.

I'm requesting to know how many pictures are in that Folder(s).

Thanks

RECEIVED

NOV 01 2013

MAJOR'S OFFICE

URGENT

DISPOSITION BY STAFF MEMBER:

Warden Office has already responded

DATE: 11/01/13	SIGNATURE: P. B. [Signature] - Admon Ash
-------------------	---

Warden

DISPOSTION OF INMATE REQUEST

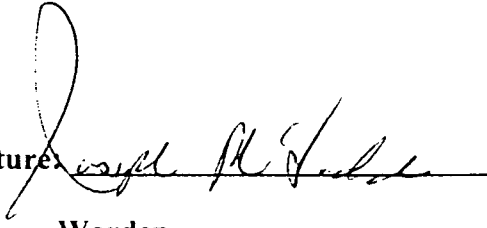
NAME: Inmate Matthew Fullbright AGENCY NUMBER #349468

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.

CC: Inmate's Warden Jacket

Signature: 

Title: Warden

Date: 11/5/13

" E-8 "

" EXHIBIT E-8 "

RECEIVED

NOV 14 2013

To: Christopher Florian SCDC Headquarters

Date: 11-10-13

From: Matthew B. Fullbright

SCDC#: 349468

Prison: Lieber Corr. Inst.

Dorm: Edisto-B-56

GENERAL COUNSEL

EXHIBIT E-9

I ask that you answer each of the 3 questions yourself:

1. How many pictures/photographs were removed from my discovery* while it was under review at SCDC/CRC?
2. What else was removed from my discovery* while it was in Columbia/CRC?
3. Who all was involved in my legal discovery* censorship?

* Discovery was seized by L. Bryant here at Lieber on 8/14/13 and was from my trial attorney Scott D. Robinson, Esq.

Disposition:

Dec. 11, 2013

Mr. Fullbright,

The CRC does not count the photos received in an inmate's discovery. Financial statements in your discovery were separated with the crime scene photos. Also, personal information was redacted. However, none of your documents were removed from your discovery.

Thanks,
Shanika Johnson
Staff Attorney

AD

Exh. H-1

SCDC Request to Staff

RECEIVED

NOV 14 2013

To: David Tatarsky	SCDC Headquarters	Date: 11-12-13
From: Matthew B. Fullbright		SCDC: 349468
Prison: Lieber Corr. Inst.		Dorm: Edisto-B-56

GENERAL COUNSEL

"E-10"

I ask that you answer each of the 3 questions yourself:

1. How many pictures/photographs were removed from my discovery* while it was under review at SCDC/CRC?
2. What else was removed from my discovery* while it was in Columbia/CRC?
3. Who all was involved in my legal discovery's* censorship?

* Discovery was seized by L. Bryant here at Lieber on 8/19/13 and was from my trial attorney Scott D. Robinson, Esq.

Disposition:

See response from Shanika Johnson (Staff Attorney) dated Dec. 11, 2013.

"EXHIBIT E-10"

SCDC Request To Staff

"E-11"

To: Maria Leggins SCDC Headquarters

Date: 11-12-13

From: Matthew B. Fullbright

SCDC #: 349468

Prison: Lieber Corr. Inst.

Dorm: Lieber C. I.

EXHIBIT E-11

I ask that you answer each of the 3 questions yourself:

1. How many pictures/photographs were removed from my discovery* while it was under review at SCDC/CRC?

2. What else was removed from my discovery* while it was in Columbia/CRC?

3. Who all was involved in my legal discovery* censorship?

*Discovery was seized by L Bryant here at Lieber on 8/19/13 and was from my trial attorney Scott O. Robinson, Esq.

K

D

DEC 31 2013
MAIL ROOM
LIEBER C.I.

RECEIVED
NOV 15 2013

GENERAL COUNSEL

Markos

Disposition:

See Response from
Shanika Johnson dated
12/11/2013.

Maria Leggins

Agency mailroom

coordination

12/11/2013

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

"E-12"

AFFIDAVIT OF TERRY LEE HUTTO #120283

I, Terry Lee Hutto, SCDC #120283 (hereinafter "Affiant"),
that the following facts are true and correct under the pen-
alty of perjury:

1. That Affiant is and, was, at all times relevant to this
Affidavit, a prisoner incarcerated within the South Carolina De-
partment of Corrections ("SCDC"), confined at the Lieber Correctional
Institution ("Lieber").

2. That Affiant while working in the ^{Lieber 12th} law library on Thur-
sday morning, October 24th, 2013, I checked Matthew
Fullbright, #349468 into the law library at approximately
6:50 a.m.

3. That Matthew Fullbright, #349468 (hereinafter "Fullb-
right") inquired as to "When the Lieber Correctional In-
stitution mailroom was opening that day?"

4. Affiant advised Fullbright "Anytime Ms. Bryant called
for "mailroom."

5. At approximately eleven (11:00) a.m., "Mailroom Call" was
announced in the education building.

6. That Fullbright went to the mailroom, and returned
approximately fifteen (15) to twenty (20) minutes later

#1 of 31 LTH

continued page #2

Affidavit of Terry Lee Hutto #128283
Page 2 of 3 12/14
October 24, 2013

"E-13"

2093

with a huge stack of papers. Fullbright stated this was his Discovery/Criminal Rules documents and defense file. E-13

7. The stack of papers was Fullbright's discovery and defense file in total disarray. Fullbright then requested that Affiant and another prisoner, "Eddie Golson," also request Terry Whisenhunt (another prisoner) to assist him (Fullbright) with sorting all documents in his file. EXHIBIT

8. On an unoccupied table in the law library, Affiant, Fullbright began sorting documents, while Golson and Whisenhunt observed. It was discovered that "Attorney notes" was missing, many, many photographs were removed, and many other documents were missing, several pertaining to pending conspiracy to commit murder and grand larceny charges.

9. That the above stated facts are what I would personally testify to under oath.

10. Affiant further states that on October 24th, 2013, he wrote an affidavit identical to this affidavit with the exception that first affidavit contained the following:

SWORN TO and SUBSCRIBED before me

Notary Public for South Carolina, this _____

day of _____, 2013.

My Commission Expires: _____

continued page #3 12/14

Affidavit of Terry Lee Hutto #120283
Page 3 of 3 12/14
October 24th, 2013

"E-14"

11. Ms. L. Bryant, Lieber Postal Worker/mailroom clerk refused to notarize affidavit for Affiant on October 24th, 2013, because as Ms. Bryant declared, "I cannot verify that the information is correct."

I declare under penalty of perjury that the facts stated herein are true and accurate, 28 U.S.C. § 1746 and § 16-9-10 of the S.C. Code Ann. and any other applicable perjury statutes/laws.

AFFIANT FURTHER SAYETH NAUGHT!

Terry Lee Hutto, Affiant
Terry Lee Hutto #120283
Lieber Corr. Inst. Stono B43
P.O. Box 205
Ridgeville, S.C. 29472-0205

3043
EXHIBIT E-14

"E-15"



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 / MCP / PMCP 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"

David M. Tatarsky, Attorney
Office of General Counsel/SCDC
4444 Broad River Rd.
Columbia, S.C. 29211

NA
RECEIVED

AUG 27 2013

"F-1"

RECEIVED

AUG 30 2013

GENERAL COUNSEL

GENERAL COUNSEL

Enclosed, please find a copy of correspondence addressed to:

- 1) Marshall and Kathy Fullbright (one page);
 - 2) David M. Tatarsky, Attorney, Office of General Counsel/SCDC (one page);
- concerning my discovery sent from Trial Attorney Scott O. Robinson, Esq., seized and censored by the Lieber Correctional Institution Mailroom worker Ms. L. Bryant. Also, that the discovery was forwarded to SCDC Headquarters for review, examination and censoring.

Please send me a clocked/Stamped/Dated copy of all enclosed along with your reply.

Respectfully and Gratefully Submitted,

S/ Matthew B. Fullbright

Matthew B. Fullbright, SCDC # 349468
Lieber Correctional Institution, Room: Ashley-B-49
P.O. Box 205
Ridgely, S.C. 29472

4 Number of TOTAL pages included within.

- Allegations are inaccurate.
- See policy.

Mama Kelly
11/14/14

"EXHIBIT F-1"

1 of 4

David M. Tatarsky, Attorney
Office of General Counsel/SCDC
4444 Broad River Rd.
Columbia, S.C. 29221-1787

20 August 2013

Re: State v. Matthew Fullbright, Appellate Case No. 2012-207553;
Wrongful/Arbitrary Confiscation of Pertinent Legal Discovery/Documentation.

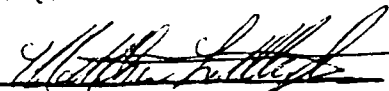
Dear Mr. Tatarsky:

I am again forced to write you concerning the above case. On 19 August, 2013, I received my "Discovery" motion from former trial counsel Scott D. Robinson, Esq., at the Lieber Correctional Institution ("LCI") mailroom.

Upon receipt of my discovery, LCI mailroom clerk Ms. L. Bryant, kept and censored my discovery and advised me that she had to forward the entire Rule 5/Brady Discovery to SCDC Headquarters for review, examination, and censorship. Upon seizing my discovery I was not given an index of total pages contained within the discovery package.

Now, GOD only knows when I will receive my discovery package from SCDC Headquarters — when, and if it does come back, I WILL HAVE NO WAY OF KNOWING WHAT HAS BEEN REMOVED FROM MY DISCOVERY. Should I then sign for that discovery package, I'm accepting that discovery package as complete. I now request that a) the mailroom supervisor at LCI verify said contents of the discovery with my former trial attorney Scott D. Robinson, Esq. before I sign and accept as complete and b) that the SCDC General Counsel number the pages and include a spreadsheet/checklist of the contents.

The discovery is crucial to establishing that my Record on Appeal is inaccurate, incomplete, as also it contains documents pertinent to various meritorious issues. Without this discovery I cannot effectively perfect my appeal.

S/ 

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

CC:

Clerk of Court, Supreme Court of S.C.;
Clerk of Court, S.C. Court of Appeals;
Office of General Counsel;
Attorney General's Office of S.C.;
Susan Hackett, Esq.;
Marshall and Kathy Fullbright;
File.

Marshall and Kathy Fullbright
106 Dogwood Dr.
Belton, S.C. 29627

20 August 2013

"F-3"

Re: Discovery from Scott D. Robinson, Esq.; Appellate Case No. 2012-207553;
Wrongful/Arbitrary Confiscation of Pertinent Legal Discovery/Documentation.

Dear Marshall and Kathy:

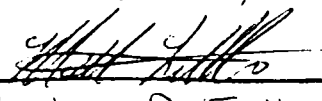
I am writing this formal letter to you in regards to what transpired yesterday. Namely - I went to the Lieber Corr. Inst. mailroom to sign for my discovery from Scott D. Robinson, Esq., Ms. Bryant, the mailroom personell, denied me to have this discovery, stating that it would have to go to SCDC Headquarters for examination.

I regret that all of your efforts to help me attain the discovery were so trumped, and for no clear reason. As you well know there is information pertinent to my appeal within that discovery. Also, there are vital papers and documents in that discovery which I need now to resolve conflicts of record and some clear error and other meritas issues.

I am wondering now, if there is not some sort of conspiracy or a partnership between the state of S.C. and the SCDC to thwart inmates' attempts to fight there cases and win their freedom.

I have enclosed all letters I have sent to other parties. I ask that you contact Susan Hackett by phone and with a follow up letter, requesting, with my permission, that my appeal be held in stay and abeyance until this matter is remedied as I cannot wait weeks to get this discovery back because I have a pending Court deadline now. I have notified SCDC that they will be held liable for any missing effects or documents from my Rule 5/Brady Discovery that was taken.

Thank You Both So Much,
I Love You,

S/ 

Matthew B. Fullbright, SCDC #349468
Lieber Corr. Inst., Doim: Ashley - B-49
P.O. Box 205
Ridgerville, S.C. 29472

CC:

Clerk of Court, Supreme Court of S.C.;
Clerk of Court, S.C. Court of Appeals;
Office of General Counsel/SCDC;
Attorney General's Office of S.C.;
Susan Hackett, Esq.;
Marshall and Kathy Fullbright;
File.

3 of 4

"EXHIBIT F-3"

In The State of South Carolina

CERTIFICATE OF SERVICE

Appellate Case No. 2012-207553

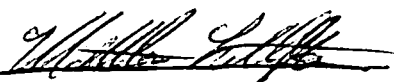
"F-4"

I ^{MAF}

I certify that on this _____ day of _____, 2013, I deposited the one page letter to my Father and Mother, the one page letter to Susan Haekett, Esq., the one page letter to the Clerk of the Supreme Court of S.C., the Clerk of the S.C. Court of Appeals, the one page letter to General Counsel of SCDC and one page letter to the Attorney General's Office of S.C. :

Clerk of Court Supreme Court of S.C. P.O. Box 11330 Columbia, S.C. 29211	Attorney General's Office of S.C. 1000 Assembly Street Columbia, S.C. 29211	Clerk of Court S.C. Court of Appeals P.O. Box ~~11629~~ 11629 Columbia, S.C. 29211- ~~11629~~
Marshall and Kathy Fullbright 106 Dogwood Dr. Belton, S.C. 29627	David M. Tatarsky, Attorney Office of General Counsel/SCDC 4444 Broad River Rd. Columbia, S.C. 29211	Susan Haekett, Esq. SCCID / Division of App. Defense P.O. Box 11589 Columbia, S.C. 29211-1589

On the above addresses, sending four pages total, this certificate included into the U.S. Mail by delivery to the Mailroom Clerk at Lieber Corr. Inst., by hand, on this _____ day of _____ 2013.

S/ 

Matthew B. Fullbright, SCDC # 349468
Lieber Corr. Inst., Dome: Ashley - B-49
P.O. Box 205
Ridgeville, S.C. 29472

"EXHIBIT F-4"

4084

General Counsel of SCDC
4444 Broad River Rd.
Columbia, S.C. 29221

"F-5"

1042
EXHIBIT F-5

Re: Inmate Matthew Fullbright(Matthew) SCDC #349468; Indictment Nos. 2010-GS-04_00068 through 00073; Appellate Case No. 2012-207553; Legal Discovery

Dear Appropriate Person/ Correspondence Review Committee:

I am Matthew's father. On August 19, 2013 at Liber Correctional Institution(LCI), Matthew recieved his legal discovery he has been awaiting from his trial attorney Scott Robinson. This discovery was seized by mail room employee L. Bryant and sent to SCDC's Office of General Counsel/ Correspondence Review Committee(CRC) for censorship and editing. Matthew has had issues with SCDC's negligence of this same discovery in the past.. Matthew has aquired several affidavits and witnesses present on 8/19/13 that admit L. Bryant was negligent and irresponsible in regards to handling Matthew's discovery. She dropped papers from it, refusing to pick them up and also refused to tape the box back up in which the discovery came.

My wife Kathy, Matthew, and myself request that the following be done to ensure that the discovery is complete(as the entire discovery is important to Matthew's immediate appeal and possible future appeal):

- 1) That the CRC provide in print/ on paper exactly how many pages total in number have been removed and how many pages total in number have not been removed, and that this be sent along back with the discovery when it is sent back from the CRC;
- 2) That SCDC General Counsel/CRC personnel, LCI staff be present(when the discovery is signed for by Matthew upon re-arrival);
- 3) That Matthew be afforded the time necessary to inspect the discovery when it arrives from the CRC, to ensure that it is complete and that everything is accounted for(as he has a legal right to) before being required to sign for it, thus accepting the discovery without any contention.

We are asking that you provide us with the FEDERAL and STATE laws which govern the confiscation and censorship of Matthew's discovery. Additionally, which SCDC policy(ies) govern as well.

We request that this letter is clocked/stamped and a copy of is sent along with your reply letter.

Respectfully requested,

/s/ Marshall H. Fullbright
Marshall H. Fullbright
106 Dogwood Dr.
Belton, S.C. 29627

cc: Clerk of Court, S.C. Court of Appeals;
Warden McFadden, LCI;
Scott D. Robinson, Esq.;
Matthew Fullbright;
File.

RECEIVED
CLERK OF COURT
GENERAL COUNSEL

IN THE STATE OF SOUTH CAROLINA
CERTIFICATE) OF SERVICE

Appellate Case No. 2012-207553

" F-6 "

I hereby certify that a copy of the one page enclosed letter addressed to The SCDC Office of General Counsel was sent to the following peoples/ places, on this date, by placing a copy of the same via mail to his/her last known address as follows:

- 1) Clerk of Court, S.C. Court of Appeals, P.O.Box 11629, Columbia, S.C. 29211
- 2) Scott D. Robinson Esq., 101 Lavinia Ave., Greenville, S.C. 29601
- 3) Warden McFadden, Lieber Corr. Inst., P.O.Box 205, Ridgeville, S.C. 29472
- 4) Matthew Fullbright SCDC #349468, Lieber Corr. Inst. Dorm:A-B-49, P.O.Box 205 Ridgeville, S.C. 29472

All sent out on this 9th day of September, 2013.

/s/ Marshall H. Fullbright
Marshall H. Fullbright
106 Dogwood Dr.
Belton, S.C. 29627

2012
" EXHIBIT F-6 "

David M. Tatarsky, Attorney
4444 Broad River Rd.
Columbia, S.C. 29221

Re: Inmate Matthew Fullbright (Matthew) SCDC #349468; Indictment Nos. 2010-GS-04_00068 through 00073; Appellant Case No. 2012-207553, Legal Discovery

Dear Mr. Tatarsky:

My name is Marshall Fullbright, I am Matthew's father. My wife Kathy and

I am writing this letter to as a follow up.

On August 19, 2013, at Liber Correctional Institution, mail room employee L. Bryant seized Matthew's legal discovery he has been anticipating from his trial attorney, Scott Robinson. L. Bryant sent the discovery to SCDC's Office of General Counsel Correspondence Review Committee for editing and censorship.

We want to know exactly which FEDERAL and STATE laws govern the confiscation and censorship of Matthew's discovery.

Additionally, we also want to know which SCDC policy(ies) govern this as well.

Please send a clocked/stamped copy of this along with your reply letter. We need a speedy answer to this inquiry.

This is the second time SCDC has allowed the taking of Matthew's entitled discovery. The first was on January 25, 2013 which he has a pending step 2 grievance.

Respectfully requested,

/s/ Marshall H. Fullbright
Marshall H. Fullbright
106 Dogwood Dr.
Belton, S.C. 29627

Please also send a copy of this with your reply letter to Matthew Fullbright at Lieber CI (see Certificate)

cc: Clerk of Court, S.C. Court of Appeals;
Scott D. Robinson, Esq.;
Warden McFadden, Lieber Correctional Institution;
Matthew Fullbright;
FFile.

"F-7"

GENERAL COUNSEL

"EXHIBIT F-7"

1042

AD

Exh. E-2

IN THE STATE OF SOUTH CAROLINA
CERTIFICATE OF SERVICE

Appellate Case No. 2012-207553

"F-8"

I hereby certify that a copy of the enclosed one page letter to David Tatarsky was sent to the following peoples/places, on this date, by placing a copy of the same via mail to his/her last known address as follows:

- 1) Clerk of Court, S.C. Court of Appeals, P.O.Box 11629, Columbia, S.C. 29211
- 2) Scott D. Robinso Esq., 101 Lavinia Ave., Greenville, S.C. 29601
- 3) Warden McFadden, Lieber Corr. Inst., P.P.Box 205, Ridgeville, S.C. 29472
- 4) Matthew Fullbright SCDC #349468, Lieber Corr. Inst., Dorm:A-B-49, P.O.Box 205, Ridgeville, S.C. 29472

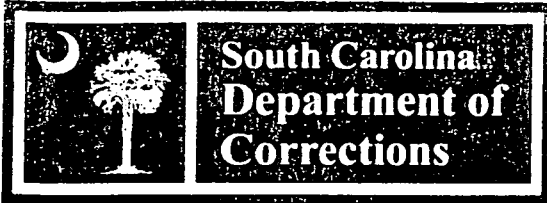
All sent out this 9th day of September, 2013.

/s/ Marshall H. Fullbright
Marshall H. Fullbright
106 Dogwood Dr.
Belton, S.C. 29627

"EXHIBIT F-8"

AD

Exh. E-2



NIKKI R. HALEY, Governor
WILLIAM R. BYARS, JR., Director

September 17, 2013

Marshall H. Fullbright
106 Dogwood Dr.
Belton, SC 29627

Re: Correspondence dated September 9, 2013
Regarding Inmate Matthew Fullbright #349468

Dear Mr. Fullbright:

The allegations contained regarding the mishandling of Mr. Fullbright's mail have been investigated, but they could not be substantiated. The materials are being reviewed by the CRC in compliance with SCDC policy, and they will be provided to Mr. Fullbright once sensitive personal information, such as Social Security numbers are redacted.

Sincerely,

Christopher Florian
Deputy General Counsel

Cc: Inmate Matthew Fullbright #349468
Maria Leggins

"F-9"
"EXHIBIT F-9"

Wanda M. Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

September 27, 2013

Mr. Joseph McFadden
Warden, Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

RE: Confidential Information, Matthew B Fullbright SCDC # 349468, Legal Discovery

Dear Mr. McFadden

I am writing you today concerning information that has been brought to my attention concerning an inmate at your facility, named Matthew B. Fullbright, SCDC #349468, housed in Ashley -B- 49.

On August 19, 2013, Mr. Fullbrights' legal discovery was seized by a person named L. Bryant who works for your mailroom at Lieber Correctional. I would like to know what SCDC policy governs the seizing and review of an inmates' legal discovery. My personal information is in that legal discovery. This has been brought to my attention and I would like to know who, why, and what policy governs that my personal information is being put at risk, questioned, and reviewed.

Mr. Fullbright has been having his personal and legal mail tampered with in ways not allowed by SCDC policy. And now to learn that my personal information in his legal discovery is at the risk of being tampered with is unsettling to me. I question you as Warden as to how my information is being used and how do I now assume my personal information is safe. Mr. Fullbrights' legal discovery and other legal effects have been confiscated at your facility. All of these occurrences are and will affect his ability to perfect his appeal for his criminal convictions.

I am aware as you are that Mr. Fullbright has written an emergency grievance (LCI-1258-13) and (LCI-1317-13) in an effort to ensure a proper place and proper time are afforded to Mr. Fullbright to look through his legal discovery upon its immediate return to Lieber Correctional Institution. These grievances were deemed non-emergency in nature by Lieber Grievance Personnel, however any seizure of his legal discovery, again affects his ability to perfect his criminal appeal, which in effect deems this an emergency.

He needs your help and so do I in these matters. The entire contents of this letter rest upon your shoulders as Warden of Lieber Correctional Institution. I hope you take care of these issues to ensure that my personal information is kept safe and that all of Mr. Fullbrights' legal discovery is given back to him.

"F-10"

"EXHIBIT F-10" 1082

" F-11 "

" EXHIBIT F-11 "

To sum this letter:

1. I would like to know your intentions in writing to me in regards to these issues.
2. I want specific and detailed SCDC policy on the seizure and review of his legal discovery, and why this was conducted.
3. I want Federal and State Laws, Regulations, Statutes, that govern your facility to seize and review his legal discovery.
4. How and what personal information of mine is in question, how is it being used, and who (all parties) have had access to my information.

Please send me written responses to the above mentioned inquiries from your facility, SCDC, and Federal, and State with dates that each policy, policy numbers, statute, regulation and law are and when they were placed in effect.

You will have ten (10) days to respond to me in writing concerning these issues. Failure, to do so, will compel me to contact appropriate authorities.

Sincerely



Wanda M. Shearer

Wanda M. Shearer
101 Saluda Pointe Drive
Unit 517
Lexington, SC 29072

September 27, 2013

Mr. David Tatarsky, Attorney
SCDC/Office of General Counsel
4444 Broad River Road
Columbia, SC 29221

Re: Confidential Information, Matthew B. Fullbright, SCDC# 349468, Legal Discovery

Dear Mr. Tatarsky

I am writing to you today concerning Matthew Fullbrights' legal discovery that was seized by the mailroom clerk (L. Bryant) at Lieber Correctional Institution on August 19, 2013. I was informed by Matthew that his legal discovery was sent to SCDC headquarters to the correspondence review committee.

It has come to my attention recently that my personal information is within his legal discovery. I am in need of answers concerning this new found information. What are you, the SCDC doing with my personal information? In other words, what capacity are you using my personal information? Is the SCDC copying my information, using it in any capacity, and who all has had access to my information since the legal discovery was seized at Lieber Correctional Institution.

I want to know the exact laws that are governing these issues:

1. Why was Mr. Fullbrights' legal discovery taken and turned over to SCDC for review?
2. Is it being censored, and if so, why and what constitutes in law, SCDC, State, and Federal that gives that right?
3. What is happening with my personal information, who has had possession, why and what access to that personal information is needed by SCDC entities.
4. What assurance do I have in your agency and any person(s) looking at my personal information to safeguard and keep safe and confidential.

While you are in possession of this letter, Warden McFadden at Lieber Correctional has also received a letter from me concerning this same issue. As I have requested written policy(s), law(s) and dates they are placed in effect within your system, I am requesting the same information from you in writing as to the precise and detailed information as to the legal discovery seized from Lieber and submitted to SCDC, what is happening to get Mr. Fullbrights' complete legal discovery returned to him for his inspection of its full contents so he may perfect his criminal appeal, and what is and who is looking, using, and obtaining personal information concerning myself?

As with Warden McFadden, I am in need of your help in answers to these questions. You will have ten (10) days to respond to me in writing concerning these issues, before I feel I am compelled to contact appropriate authorities.

"F-12"

1042
"EXHIBIT F-12"

I appreciate your timely response to my letter.

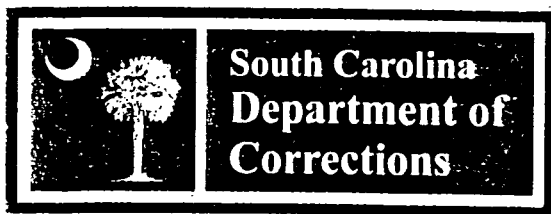
Sincerely

Wanda M Shearer

Wanda M. Shearer

"F-13"

"EXHIBIT F-13"



"F-14"

NIKKI R. HALEY, Governor
WILLIAM R. BYARS, JR., Director

"F-14"

EXHIBIT

Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

October 3, 2013

Wanda Shearer
101 Saluda Pointe Drive - Unit 517
Lexington, SC 29072

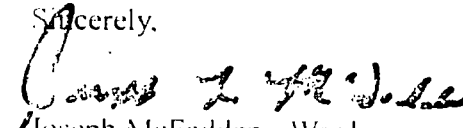
Re: Inmate Matthew Fullbright

SCDC#349468

Dear Ms. Shearer:

I am receipt of your letter dated September 27, 2013 and received my office on October 2, 2013. Your letter was regarding the above referenced inmate. In your letter you stated that Ms. Lurdean Bryant, Postal Director, mishandled Inmate Fullbright's legal mail. This issue has already been addressed with Inmate Fullbright and his family. Our General Counsel is aware of this incident and Ms. Bryant acted appropriately and followed SCDC Policy and Procedure regarding this matter. In the future, if Inmate Fullbright is not sure what kind of documentation he can receive and under what circumstances that his correspondence will be subject to review, he needs to address his questions to the mail room or read the policy regarding legal mail, etc. which is located in the law library for his review. Inmate Fullbright was made aware why the documentation was sent to the Correspondence Review Committee (CRC).

Sincerely,


Joseph McFadden - Warden
Lieber Correctional Institution

AD
Exh. E-5

In The State Of South Carolina

Appellate Case No. 2012-207553

" F-15 "

I, Marshall Fullbright, am giving the following affidavit:

I have written letters concerning what Federal and State Laws govern SCDC in the handling of mail for inmates, both incoming and outgoing. Matthew Fullbright's Motion of Discovery was confiscated when it came from his lawyer, Scott Robinson, and SCDC gave only part of this discovery back to Matthew.

I give this affidavit under penalty of perjury.

Marshall W Fullbright

Marshall Fullbright

Sworn before me this 24 day of
November, 2013.

Heaven B Miller

Notary Public for South Carolina

My Commission Expires: 3-21-15

" EXHIBIT F-15 "

In The State Of South Carolina

Appellate Case No. 2012-207553

" F-16 "

" EXHIBIT F-16 "

I, Marshall Fullbright, am giving the following affidavit:

I have sent out letters to General Counsel, SCDC and David Tatatsky of SCDC on September 9, 2013 asking what Federal or State laws govern confiscation and censorship of the Motion of Discovery received response from Christopher Florian dated September 17, 2013 and the question pertaining to motion of discovery of case 2012-207553 was not answered. I wrote letters again on September 23, 2013 and October 17, 2013 and have received no answers from either party. This is why we are certifying these letters. I Marshall Fullbright, wrote another letter requesting clarification on Federal and State laws that were not adhered to when the motion of discovery for case no. 2013-207553 was confiscated and censored. At this time the SCDC refuses to respond to our letters. I feel that I am entitled to this information in full.

I give this affidavit under penalty of perjury.

Marshall H. Fullbright

Marshall Fullbright

Sworn before me this 24 day of

November, 2013.

Karen B. Miles

Notary Public for South Carolina

My Commission Expires: 3-21-15

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 certifiacte included, into the U S Mail by hand on this 24 day of November, 2013.

Marshall H Fullbright
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

"F-17"

"EXHIBIT F-17"

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

February 17, 2014

Mr. Matthew B. Fullbright, #349468
Lieber Correctional Institution, Dorm: Edisto - B - 56
P.O. Box 205
Ridgeville, SC 29472

RE: Freedom of Information Act Request, FOIA 2013-916
SLED Forensic Services Laboratory Case No.: L09-12861

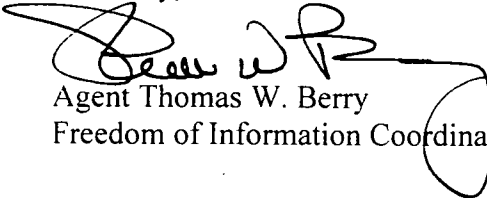
Dear Mr. Fullbright:

Listed below is a breakdown of the charges associated with your request.

Research & Copying Time 12 hr @ \$20/hr	240.00
1954 pages @ \$0.30/page	<u>586.20</u>
TOTAL	\$ 826.20

A money order in the exact amount of \$826.20 is required before these materials will be provided. Please make your money order payable to the State Law Enforcement Division and address your envelope to SLED FOIA Processing PO Box 21398, Columbia, SC 29221-1398. Please make sure your name and FOIA #2013-916 are referenced on the money order.

Sincerely,


Agent Thomas W. Berry
Freedom of Information Coordinator

TWB/mcp



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

" EXHIBIT G "

An Affidavit

" H-1 "

154

" EXHIBIT H-1 "

It's no secret, there's no privacy in prison. So, when Matthew Fullbright SCDC #349468 and myself requested Rule 5 legal discoveries from our respective attorneys, at different times, both of us encountering odd and unexplained problems with them, it was bound to be discussed between us. We have been roommates for the past four months or so. At all times in this affidavit Matthew Fullbright SCDC #349468 (hereafter "Cellmate") and myself have resided in Ashley Dorm, B Side, Cell 49 (AB-49).

My Cellmate received his Rule 5 legal discovery on 19 August 2013 at which time it was seized in its entirety and sent to SCDC's Correspondence Review Committee ("CRC") for review and censorship. As of today's date 24 September 2013, it is still at CRC and hasn't returned.

I received my requested Rule 5 legal discovery on July 30, 2013. Lieber mail room personnel L. Bryant flipped through it, in my presence, saw some evidentiary pictures within, and seized it in its entirety, sending it to CRC for review and censorship. The discovery re-returned from CRC on 21 August 2013 (hereafter "CRC Disc.") I quickly noticed many pages/papers missing (which I saw in it on 30 July 2013) and something other than the basic "review and censorship" had taken place by CRC. The CRC Disc. was now missing pictures, statements, attorney notes, etc. and also pertinent information such as Social Security numbers, names, and dates were marked out.

With no other means to obtain the missing pages/papers from CRC Disc. so I could later attach them to my PCR application, I wrote the Warden (McFadden), Lieber mail room personnel, my dorm Lieutenant, and others. I have never received a reply. So, with the PCR time still tolling and no remedy in sight, I re-wrote Mr. Walters (see attached letter to Mr. Walters dated 7 September 2013), and explained I needed him to re-send the same discovery minus the photos. He did so.

The Rule 5 legal discovery arrived today at my cell, AB-49, my Cellmate and I were both inside. Ofc. Ringold and Lt. Brown opened AB-49 around 10:40am, entered, called my name, stated I had legal mail, opened it in my presence, examined the Rule 5 legal discovery, thoroughly, stated that any photos would have to be removed, and had me sign for it. I asked them: "So, do you take out the photos or someone else?" They replied: "We take them with us now." And: "Well, looking

at these photos, only a map and a few face pics. and such, you can keep them." My Cellmate, witnessing this entire exchange is curious and asks: "What about the CRC and Social Security Numbers and such?" They replied: "What about them?" Cellmate: "It doesn't need to go to the CRC?" Them: "No."

The discovery I received today, 24 September 2013 (NON-CRC Disc.) was in fact full of pages/papers that were missing from the CRC Disc. upon re-return.

There are a few additional pages/papers which Mr. Walters must have inadvertently left out, but that is a matter I am to take up with Mr. Walters.

The issues I've laid out herein are that a) CRC did -in fact- remove pages/papers sensitive and pertinent to my appeal efforts both now and in the future; b) The unnecessary review and censoring of my Rule 5 legal discovery by CRC allowed tolling time to slip by, incurable; c) There is no law, Federal, State, or otherwise, no SCDC policy(ies) that govern/give authority to CRC to treat my legal documentation as if it were a publication, some book, and remove the contents "they felt" should not be within, in apparent disregard to whether the "censored" contents are relevant/pertinent to my appeals process or not.

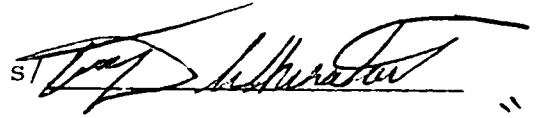
Now, my Cellmate and I have compared notes, documents, events, and other circumstances surrounding the seizing and alleged "censoring" of our discoveries and decided to draw up affidavits on behalf of ourselves as to the facts, so as to be relied upon to show proof, if later, litigation is involved with these discoveries.

Therefore, I write this. To this affidavit I have attached the following: 1) a copy of the envelope attached to CRC Disc., dated July 30, 2013 as "RECIEVED" and Aug. 21, 2013 as "Approved"; 2) A one page letter to Mr. Walters requesting my discovery dated 11 July 2013; 3) A one page letter to Mr. Walters dated 7 September 2013, re-requesting same discovery; 4) One page, "PROCEDURES FOR MAINTAINING CRIME SCENE PHOTOS AND/OR AUTOPSY PHOTOS", which was taped to the re-returned CRC Disc.

I altogether give this affidavit and all attached to my Cellmate, Matthew B. Fullbright, SCDC #349468, to use to corroborate or substantiate any allegations, issues, etc. he may raise or wishes to address, at all, in any proceeding, Court, setting, conversation, or in any way he deems fit and/or necessary concerning these matters or others.

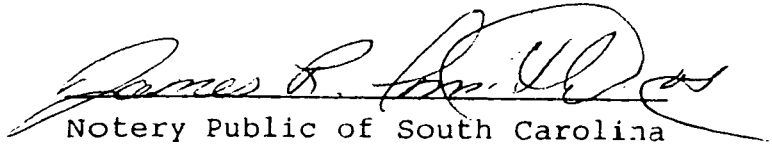
I do swear, attest, and affirm the foregoing to be true, so help me GOD. I have given this under penalty of perjury.

Terry Whisenhunt, SCDC #343850
Lieber C.I. Ashley B-49
P.O. Box 205
Ridgeville, S.C. 29472

ST 

"H-3"

Sworn and subscribed before me
this 26 day of September, 2013.


Notary Public of South Carolina

08-01-2022
My Commission Expires:

384
"EXHIBIT H-3"

PROCEDURES FOR MAINTAINING CRIME SCENE PHOTOS
AND/OR AUTOPSY PHOTOS

-LEGAL MATERIALS CONTAINING CRIME SCENE AND/OR AUTOPSY PHOTOS WILL BE REVIEWED THROUGH THE CORRESPONDENCE REVIEW COMMITTEE (CRC) PROCESS.

-ANY CRIME SCENE PHOTOS AND/OR AUTOPSY PHOTOS WILL BE SEPARATED FROM THE REST OF 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 (IN PROPERTY CONTROL, WARDEN'S SAFE, ETC). *****NOTE: THE MATERIAL SHOULD NOT BE MAINTAINED IN THE INMATE RECORD.***** THE WARDEN WILL ENSURE THAT A PROCESS IS IN PLACE THAT ALLOWS THE INMATE TO REQUEST ACCESS TO THE MATERIAL. THE INMATE SHOULD REVIEW THE MATERIAL IN A CONTROLLED ENVIRONMENT AND IT SHOULD BE RETURNED INTACT.

-IF THE INMATE IS TRANSFERRED TO ANOTHER INSTITUTION, THE MATERIAL WILL BE SECURED WITH THE INMATE'S PROPERTY AND TRANSFERRED WITH THE INMATE. IT SHOULD BE CLEARLY MARKED SO THAT THE RECEIVING INSTITUTION CAN ACT ACCORDINGLY. IF THE INMATE IS RELEASED/PAROLED, THE MATERIAL SHOULD THEN BE GIVEN TO HIM/HER.

Your mail of the
Crime Scene
Photo have
been forwarded
to the Warden
Office

Terry
Whisenhunt
ABUg

Terry
Whisenhunt
#343850

APPROVED

Feb 27 2013

40 2 1 2013
CRC CORRESPONDENCE
REVIEW COMMITTEE

424

"EXHIBIT H-4"

"H-4"

RECEIVED

MAY 28 2014

MAILROOM
LIEBER CI

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DIVISION OF INMATE SERVICES

NOTICE TO WITHHOLD INCOMING/OUTGOING CORRESPONDENCE
AND
DISPOSITION OF CORRESPONDENCE

EB 37
H-5
EXHIBIT H-5

INMATE NAME:	SCDC #:	DATE:
Tyrone Jenkins	2602141	April 28, 2014

- ☒ This notice is to advise you that you have received/attempted to send correspondence to/from Ylm Jenkins you have received legal mail from Staniford Law Firm LLC, 4214 1/2 Mayfair Street Suite B, Myrtle Beach SC 29577 which contain crime scene photos. Legal mail have been forwarded to
This is deemed questionable and requires further review by the Correspondence Review Committee (CRC) pursuant to SCDC Policy PS-10.08, "Inmate Correspondence Privileges." The Committee has 60 days (excluding weekends and holidays) to advise you of the decision.

DISPOSITION:

- ☐ This notice is to advise you that the Correspondence Review Committee (CRC) has reviewed and disapproved the following correspondence: _____

- _____ The correspondence is being returned to sender at your expense by using Form 10-14, "Agreement to Debit E. H. Cooper Account." (Attached)
- _____ There are insufficient funds in your E. H. Cooper Trust Account to cover the cost of returning this correspondence. You have 30 days to advise the Mailroom of available funds or provide a pre-paid envelope. If funds are not available, the correspondence will be disposed of pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

per info of others
retracted.

APPROVED

MAY 22 2014

SCDC CORRESPONDENCE
REVIEW COMMITTEE

Durant
Postal Director/Staff/Designee

Lieber
Institution

White - Inmate
Canary - Mailroom
Pink - CRC/Sender/Property Control

RECEIVED
MAY 05 2014
GENERAL COUNSEL

RECEIVED

MAY 28 2014

MAILROOM
LIEBER CI

2013

**PROCEDURES FOR MAINTAINING CRIME SCENE PHOTOS
AND/OR AUTOPSY PHOTOS**

-LEGAL MATERIALS CONTAINING CRIME SCENE AND/OR AUTOPSY PHOTOS WILL BE REVIEWED THROUGH THE CORRESPONDENCE REVIEW COMMITTEE (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 (IN PROPERTY CONTROL, WARDEN'S SAFE, ETC). ***NOTE: THE MATERIAL SHOULD NOT BE MAINTAINED IN THE INMATE RECORD.*** THE WARDEN WILL ENSURE THAT A PROCESS IS IN PLACE THAT ALLOWS THE INMATE TO REQUEST ACCESS TO THE MATERIAL. THE INMATE SHOULD REVIEW THE MATERIAL IN A CONTROLLED ENVIRONMENT AND IT SHOULD BE RETURNED INTACT.

-IF THE INMATE IS TRANSFERRED TO ANOTHER INSTITUTION, THE MATERIAL WILL BE SECURED WITH THE INMATE'S PROPERTY AND TRANSFERRED WITH THE INMATE. IT SHOULD BE CLEARLY MARKED SO THAT THE RECEIVING INSTITUTION CAN ACT ACCORDINGLY. IF THE INMATE IS RELEASED/PAROLED, THE MATERIAL SHOULD THEN BE GIVEN TO HIM/HER.

"H-6"

"EXHIBIT H-6"

Tyrone
Jenkins
#260214

APPROVED

MAY 21 2014

SCDC CORRESPONDENCE
REVIEW COMMITTEE

Inmate Jenkins your Crime
Scene photos have been forwarded
to property control to be placed in your
Property.

Forwarded to Property Control
May 28, 2014

STAMPFLE LAW FIRM

4214 Mayfair Street, Suite B • Myrtle Beach, SC 29577-5982
Ph: 843.445.9933 • Fax: 843.839.7397 • Email: rstampfle@msn.com

April 21, 2014

Lieber Correctional Institution/EB-37
INMATE: Tyrone Jenkins SCDC # 260214
P.O. Box 205
Ridgeville, SC 29472

RE: State of South Carolina vs. Abdul A-Mutakabbir Furquan
Warrant No: M841282, M841283 & M841285

Dear Mr. Jenkins:

Pursuant to your letter dated April 1, 2014, enclosed herein please find copies of all the discovery documents for the above case that I had received from the Horry County Solicitor's Office. Additionally, enclosed herein are 3 DVDs and 5 CDs that contain information about your case, which would be pictures, interviews, etc. I am not aware if you are permitted to have these items while incarcerated but I am still forwarding them to you per your request.

Please be advised that I have no further information or documentation in my possession for your case. I have forwarded to you the entire file that I had for this matter.

Sincerely,

RAS/CS

Ryan A. Stampfle
Attorney at Law

Cc: file

Enc: as noted

"EXHIBIT H-7"

3 of 3

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

OFFICE OF GENERAL COUNSEL

M E M O R A N D U M

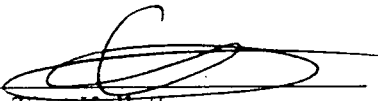
To: Mail Room
Lieber CI

From: Tina Kellett-896-8508 Fax- 896-1766
General Counsel's Office

RE: Inmate William Burnett #352645

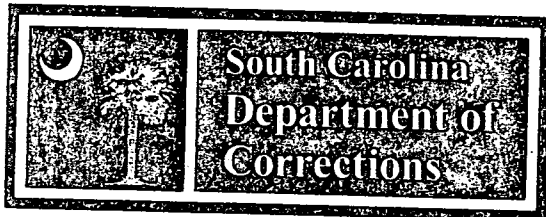
Date: 11-14-13

This envelope was inadvertently opened in our office after having been mailed to the wrong address. It apparently went to Ridgeland and they must have forwarded to our office. If Inmate Burnett questions why his legal mail was opened, please point out the attorney did not address it correctly and advise him that we immediately realized what had happened, did not read the contents and have contacted his attorney for him and provided them with the correct mailing address.

S/ 
Tina Kellett

" I "

" EXHIBIT I "



NIKKI R. HALEY, Gov.
BRYAN P. STIRLING, Acting Dir.

December 5, 2013

"J-1"

Wanda M. Shearer
101 Saluda Pointe Drive Unit 517
Lexington, South Carolina 29072

Re: Confidential Information, Matthew B. Fullbright, SCDC #349468, Legal Discovery

Dear Ms. Shearer:

Mr. David Tatarsky has received your letters regarding documents that were forwarded to the Correspondence Review Committee for review, and I am responding on his behalf. In your letter, you requested the policy/laws governing SCDC's actions, as well as details about Mr. Matthew Fullbright's legal mail. In regards to your personal information: if a committee member identifies personal information within an inmate's mail, such as a social security number, that information will be redacted. Other than the individuals who are tasked with reviewing the mail, Mr. Fullbright's legal mail will not be shared with other staff members nor will it be used by SCDC. Not only will Mr. Fullbright's legal mail not be shared with other Department staff, SCDC is not authorized to share Mr. Fullbright's legal information with you or other members of the public. As it relates to Mr. Fullbright's legal mail, the facts and holdings in Wolff v. McDonnell, 418 U.S. 539, 579, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974), support SCDC's actions. In Wolff, inmates challenged the inspection of their legal mail, specifically to and from attorneys, claiming the institution's policy permitting inspection of their legal mail was unconstitutional. The Court held that opening legal mail in the presence of the inmate does not amount to censorship and that opening the mail is justified to ensure the absence of contraband. Id., at 577, 94 S.Ct., at 2985.

You may also review the below listed SCDC policy and court cases which confirm SCDC has acted lawfully and within the authority and discretion given to it by the courts to limit and/or review an inmate's mail.

- Inmate correspondence (whether it is general mail, legal mail, or privileged mail) that is considered questionable by the mailroom staff will be forwarded to the Correspondence Review Committee (CRC) to be reviewed for compliance with policy. The correspondence can be read and/or scanned prior to receipt by the CRC if approval is given by the appropriate authority. SCDC Policy PS-10.08: Inmate Correspondence Privileges.
- Restrictions on the receipt of publications and photographs by inmates may be limited when the restriction reasonably relates to the legitimate penological interests of the institutions. Turner v. Safley, 482 U.S. 78, 89, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987).

"EXHIBIT J-1"

- " J-2 "
- 282
- If an inmate's constitutional rights are not violated and the inmate's confinement comply with the terms of his/her sentence, "the Due Process Clause does not in itself subject an inmate's treatment by prison authorities to judicial oversight." Montanye v. Haymes, 427 U.S. 236, 242, 96 S.Ct. 2543, 49 L.Ed.2d 466 (1976).
 - Prisoners do not hold a legitimate expectation of privacy. Hudson v. Palmer, 468 U.S. 517, 525, 104 S.Ct. 3194(1984) (quoting Smith v. Maryland, 442 U.S. 735, 740, 99 S.Ct. 2577, 61 L.Ed.2d 220 (1979)).

As aforementioned, SCDC has acted in accordance with the authority the courts have granted. Furthermore, the actions of our employees have been in compliance with SCDC policy. As an agency, we will continue to do what is necessary to maintain a safe and secure environment as it relates to the inmates in our custody.

I hope this response satisfies your inquiry.

Sincerely,



Shanika Johnson
Staff Attorney

" EXHIBIT J-2 "



"K-1"

"EXHIBIT K-1"

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



1099002

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

NOTES:

D-500

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 for Shaw / Iva Area
- 1 Zip lock bag of maps
- 3 Willife Management Maps
- 1 bag of Miscellaneous paperwork
- 3 Rolls of Duct tape
- 1 container of Rug Doctor Oxy-Steain Carpet Cleaner
- 1 Purple Aerosol Windex
- 1 Brown Enter LTD glasses case
- 1 pair of black pantsy hose
- 1 Gray Tarp
- 1 McNeil 93A17 H&M only rifle with Scope and Strap S.N. 1082229
- 1 No. 33625 Mier. Groove Barrel Cal. 30/70 Win with Rope and Strap and 8 rounds of ammo.
- 1 Machete in black sheath
- 1 pair of binoculars / Nikon Pro-Stuff
- 1 Eagle Claw knife in brown sheath
- 1 Camouflage Remington Jacket
- 1 Purple long sleeve shirt
- 1 pair of Camouflage weatherproof pants with belt
- 1 Outfitter Ridge tool case
- 1 black climbing belt
- 1 Camouflage back pack with contents
- 1 container of Perazit Car Super odor 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 Legging
Rm. 103

Rm. 103

Am. 103

Am. 103
Mario Legans

"K-3"

"EXHIBIT K-3"

AFFIDAVIT

"L-1"

1093
"EXHIBIT L-1"

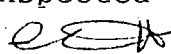
I, Steven L. Hewitt, tell and give this affidavit under penalty of perjury, the following being the truth:

Today, September 25, 2013 I was in the law library here at Lieber Correctional Institution (Lieber). Around 11:30AM I asked the clerk where I could find laws on personal information being in some legal discovery (discovery) I received Monday, September 23, 2013.

Hearing this, Matthew Fullbright SCDC# 349468 (Matthew) asked me if I would give him the facts about said discovery and a brief history of my dealings with my legal mail here at Lieber, highlighting any problems I may have encountered.

I told him and he then asked me if I would be willing to lay it out in an affidavit, I agreed, thus, the what you are reading.

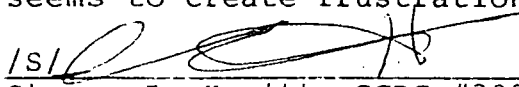
The facts as I explained to Matthew:

* The discovery I asked the clerk about today, came from some attorney's of an opposing party regarding a lawsuit I have pending against SCDC/Personnel in the District Court of SC. It contained Social Security Numbers, Dates of birth and other corresponding sensitive information, all of which was noted at the time it was inspected at the mail room window when I received it. (See attached two pages) 

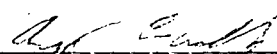
* I have had several problems with outgoing/incoming legal effects since I have been here at Lieber such as: mail that goes missing, is delayed, legal mail opened outside of my presence, etc.

* There have been many times when my legal mail has been inspected and sensitive information has been noted by the mail room personnel, but is has never been seized so as to take out any sensitive information, that would be illegal.

* I have had major troubles with Ms. Bryant, a mail room employee at Lieber: she doesn't stick to policy, changes requirements from day to day, and seems to create frustration for inmate's attempts to access the Courts.

/s/ 
Steven L. Hewitt, SCDC #303283

SWORN BEFORE ME AND SUBSCRIBED BEFORE ME
ON 'THIS 27 DAY OF September, 2013


NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXPIRES ON:

03-07-2016

Reply to:

Myrtle Beach

Imagee@RichardsonPlowden.com

Ext. 301

September 17, 2013

Steven L. Hewitt
SCDC ID No. 303283
c/o Lieber Correction Facility
136 Wilborn Ave.
Ridgeville, SC 29472

Re: Steven L. Hewitt v. Elizabeth Holcomb, NP
C/A No. : 0:13-1436-MGL-PJG
Our File No.: 181-695

Dear Mr. Hewitt:

Pursuant to the Privacy Rule, 45 C.F.R. § 164.512(e) of the regulations promulgated under the Health Insurance Portability and Accountability Act ("HIPAA"), I am providing you with notice that Lydia L. Magee, Esquire attorney for Defendant intends to subpoena Protected Health Information ("PHI") about Steven L. Hewitt from the medical records custodian, patient account services, and/or radiology department of the following, solely for purposes of this proceeding:

Bay Orthopedics
1001 N. Fraser
Georgetown, SC 29440

Georgetown Memorial Hospital
Attn: Medical Records
Patient Accounts
Radiology Department
PO Box 421718
Georgetown, SC 29442

I am enclosing copies of the subpoenas for your review. If you object to the subpoenas, then you must file a Motion to Quash or similar objection with the court, within fourteen (14) days hereof. If you do not file such objection on or before **October 2, 2013**, then we will serve the subpoenas on the health care providers referenced above, with a copy to you.

If you do not intend to file such a motion, please sign the consent on the bottom of this letter and return it to me via facsimile. I would very much appreciate your assistance in expediting this process.

Should you have any questions, please feel free to contact Marian or me.

283
L-2
EXHIBIT

REQUEST AND NOTICE OF SATISFACTORY ASSURANCE

A complete copy of your entire file (cover to cover) pertaining to the treatment of **Steven L. Hewitt** [DOB: 5/4/1971; SSN: 247-37-7976], including, but not limited to: admission summaries, discharge summaries, operative reports, all prescriptions, bills, invoices, telephone call or log records for medications, in-patient, out-patient and emergency medical records, medical reports, test results, lab test data, reports and results, diagnostic tests, x-rays, radiology reports, physician's reports, progress reports, consultation reports, office notes, nurses' notes, health care questionnaires, correspondence from any source, bills for services rendered, evaluations, interviews, charts, diagrams, treatment plans, telephone call reports, medical logs, disability determination information, questionnaires, and other written or printed information contained in your medical file concerning the above-named patient.

All records must be complete and include any and all above-referenced documents from any physician or department within your facility treating **Steven L. Hewitt**.

EXHIBIT L-3 3033

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Matthew B. Fullbright
SCDC NUMBER: 349468
INSTITUTION: Kirkland C. I.
HOUSING UNIT: F3/B-151
WORK ASSIGNMENT: _____

Office Use Only
Grievance No. 602026912
Code: General UC/TS
Policy _____
Disc. Hear. _____
Class. _____
Date Received 2-22-12
IGC Initials mt

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

An inmate (cadre) came to my cell door today asking if I can create portraits. I said yes. I asked the inmate to please bring me some textured drawing paper, and I may need a pencil. He took my name, but as he was walking away Officer K. Scott told him not to help me or put my name down, my roommate is a witness. I believe Ofc. Scott did this because I had to go to the Lt. to get request forms because he wouldn't give me any yesterday. We are only allowed to get them on Tue. and Thur., yesterday was Tue. I don't have any write-ups and I have no N.C.I.C. history prior to this at all. Lots of inmates here in F3/B are having issues with Ofc. Scott.

ACTION REQUESTED: Please bring me one piece of textured portrait paper and a pencil and one close up picture of a family member, I give my LORD thanks for my drawing abilities.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

There was nothing I could say because the Cadre inmate had already left and I was in my cell.

[Signature]
Grievant Signature

2-22-12
Date

ACTION TAKEN BY IGC:

IGC has reviewed. See warden response

[Signature]
IGC Signature

Date

[Signature]
Grievant Signature

Date

- ☒ I accept the action taken by the IGC and consider the matter closed.
☒ I do not accept the action taken and wish to appeal.

WARDEN'S DECISION AND REASON:

Inmate Fullbright:

This is in reference to grievance KCI 0269-12.

I have reviewed your grievance and the facts. The allegations you have raised against Officer Scott cannot be substantiated. Officer Scott is no longer employed with the Agency, and this should no longer be an issue/concern.

Therefore, your grievance is denied. If you are not satisfied with my decision you may appeal to the appropriate responsible official within five (5) days of receipt, via the Institutional Grievance Coordinator.

Bernie McKee 4/30/14
Warden Signature Date

- ☒ I accept the Warden's decision and consider the matter closed.
☐ I do not accept the Warden's decision and wish to appeal.

[Signature] 13 May 2014
Grievant Signature Date

[Signature] 4-30-14
IGC Signature Date
05-13-14

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

2082
"EXHIBIT M-2"

October 18, 2013

"N-1"

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" 1 of 17

In The State Of South Carolina

Appellate Case No. 2012-207553

"N-2"

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 A. Fullbright

Marshall Fullbright

Sworn before me this 24 day of

November, 2013.

Karen B. Moore

Notary Public for South Carolina

My Commission Expires: 3-21-15

"EXHIBIT N-2"

2817

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

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;

"N-3"

3 of 17
"EXHIBIT N-3"

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE 42 of _____ PAGES
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

"N-4"

from the distance of his house to his father's.

10/27/09 I was present on Olin Dr when Det. Beusse and Det. Collins interviewed Kenneth Burdette, but was called away before any written statement was taken.

10/27/09 I was advised to go to the Belton PD and offer any assistance needed pertaining to several cases they had pertaining to Fullbright. I was also advised to brief them on our interest in Fullbright and his possible connection tot his case. I, along with Det. Owens, met with Cpl Andy Smith and Steven Turner of the BPD. Turner was working a case where Fullbright was alleged to have stolen some property from his father Marshall Fullbright. Turner said that he had several contact with Marshall that day and that Marshall had confronted his son about it. Marshall told Turner that Matthew had agreed to meet him at home to return some property, but finding nobody home, Marshall entered the residence and looked for his son. Turner had lent Marshall a tape recorder in an attempt to gain a confession which he would turn over as evidence. Marshall contacted Turner and advised that he had found his son home and was just beginning to talk with him. Marshall asked for some time to speak with him, claiming that eh was messed up and needed to go to detox. A short time later, Turner contacted Marshall and Turner then went to speak with Matthew and gauge his level of intoxication (if any) and to further investigate his case. Turner returned later and said that Matthew had admitted to taking his father's property, but denied any other crimes. Turner said that Matthew did not seem under the influence of anything, but said that Marshall had inquired about taking him to detox and ANMED before bringing him tot the Belton PD to face charges, Turner agreed and allowed Marshall to check him in at the AAMC. I spoke with LT Major about these developments and it was decided to not approach Matthew while he was seeking treatment for possible drug use. Belton PD was to sign warrants the next day and planned on having Fullbright come turn himself in.

10/28/09 I went with Det. Beusse and Owens to the home of [REDACTED] to re-interview him after he had called Det. Beusse wishing to speak more about this case. During questioning [REDACTED] said that Fullbright had called him to pick him up on Friday night from a road off of hwy 413. When asked what road, he initially did not know the name but hat it began with "T" something. He said that the road off of 413 was only about a mile down 413 from Belton. I got my map from the car and red him the names of roads in the area that started with "T"- Tillotson, Triple, Turnston. None gained a reaction. I then read the names of several other streets in the area, mentioning Horton Last. I named Mayfield Heights, Jim Garrett, Mayfield School, George Bryant, then Horton. When I said Horton [REDACTED] turned suddenly as if surprised and reached out for the map. He said Horton was the road that he picked up Fullbright on. When asked why he had not mentioned this previously, he said that he had not remembered it. When asked what number Fullbright had called from, he claimed to not know. I asked if the number was in his phone and he handed it to me. I found no calls in the history though [REDACTED] claimed he had not erased any from the phone. He claims that Fullbright had borrowed his phone several times throughout the days he had known him and that he must have erased the numbers. He said that he had previously discussed going to hunt with Fullbright and said that after dropping him off at home, that he returned early to pick him up. He said that they went to Hardees then Wal-Mart where Fullbright purchased numerous

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNPROCESSED	☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
GEBING, R. K.	11/02/09		FOLLOW-UP INVESTIGATION ☒ YES ☐ NO		OFFICER BEUSSE, C. H.	10/26/09

"EXHIBIT N-4"

NAH

ADMIN

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,0,0,9,-,5,7,7,4,6,

NOC

IND. E

N

☐ ORIGINAL
REPORT

☒ SUPPLEMENTAL
REPORT

☐ ADDITIONAL
VICTIMS

☐ ADDITIONAL
STOLEN PROPERTY

PAGE 43

☐ MODIFIED
ORIGINAL

☐ CASE STATUS
CHANGE

☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
RECOVERED PROPERTY

items. He showed us items in the bed of his truck which he said Fullbright had purchased at Wal-Mart including a ball cap, towel, bag, some food items and an open package of new socks. He did sign a consent to search of his truck, but it was decided to seize the truck on a search warrant and process it later. [redacted] agreed to ride with us and show us where he picked up Matthew on Horton and led us to the area between where the car was found and an unoccupied house on Horton. When he told me to stop, I got out and took photos from that location in several direction indicating where he claimed he had stopped. I noticed that from where he said he stopped, he was pointing directly at the drive where the car was located. We checked the area and did find a beer can on the ground which was photographed and taken as evidence. [redacted] then showed us to the area of Monitor Dr but initially we passed the place he had gone. He claimed to remember some things but not everything because of a past car accident which eh claims left him with a neurological condition. After driving several minutes on Dobbins Bridge Rd, we learned that Marshall Fullbright had property on Monitor below Nina Circle. Upon approaching it from the direction of Dobbins Bridge Rd, [redacted] directed us to a dirt drive beside a metal building and onto the far back of the property. We could only drive a portion of the way back because of mud and had to walk the rest. [redacted] pointed out an area beside a swap where he claimed that Fullbright burnt items while he [redacted] was in a tree stand hunting. He said that they came here right after going to Wal-Mart and the gas station next to Wal-Mart. [redacted] claims to not know what was being burnt, but said that Matthew had brought several bags from his house when they left to go hunting this date. He claims that eh got mad when he suddenly heard a "whoosh" and realized Matthew was burning something, mad because it was going to scare away any deer. He stated that Fullbright had broken his E-tool having apparently used it to dig or bury the burn pile. [redacted] claims to not know where the broken e-tool is now. [redacted] was provided lunch and asked to accompany us back to the ACSO to prepare a written statement, which he agreed to do. At the ACSO, Det. Hendrix sat in on the interview as his statement was prepared by me and Det. Beusse. As his statement was being prepared, I asked him why he had never asked what this was all about. His answer was just that he did not know, that he didn't have anything to do with anything and figured it was serious. He claimed to have just been trying to help Matthew out by letting him use his phone and by giving him a ride, still not asking what all this was about. I asked him to ask me what this was about and he did. I told him that a woman was missing and that her car was found on Horton Rd. Det. Beusse showed him photos of the car and told him that blood was found inside and that the male owner was dead. [redacted] asked "did he get shot or hit with a hammer?" Det. Beusse questioned him as to why he would ask that and why he thought it was a hammer. [redacted] said that he just assumed that it had to be either a gunshot or a hammer because of the amount of blood in the car. I also asked him if he saw anything else on Horton Rd when he picked up Matthew and he said that he did not. I asked if he recalled seeing a car on the side of the road and he said that he did not. I explained to him that where he stopped us today, he would have been looking directly at where the car was located and that if his headlights were on, he would have likely seen the taillights from the victim's vehicle. He again said that he did not remember seeing anything else. I pointed out that when we were on Horton Rd earlier, he recalled turning around in a driveway beyond the car drop site and said that he remembered doing so and seeing cars through the trees when he did, but I found it odd that he would not recall seeing this car when he stopped to pick up Matthew. He said that he had no explanation for that but again claimed that he could not remember a lot of things. [redacted] finished the statement and was transported home by Det. Campbell.

SUBJECT IDENTIFIED

☒ YES ☐ NO

SUBJECT LOCATED

☒ YES ☐ NO

☒ ACTIVE ☐ ADM. CLOSED
☐ UNFOUNDED

☐ ARRESTED UNDER 18
☒ ARRESTED 18 AND OVER

☐ EX-CLEAR UNDER 18
☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)

DATE

UNIT
NUMBER

APPROVING OFFICER

DATE

UNIT
NUMBER

GEHING, R. K.

11/02/09

FOLLOW-UP

OFFICER

Michael Dennis Rice W/M | 321 9/20/77

"N-6"

GED

Can Read/Wr

5555 Trail Rd

SSN: 250-55-7448

Iva SC 29655

Ph 864-760-8481

Date

1/13/10

Page No.

STATEMENT OF

(M.R.)

I am allowing Det. Beusse to write this statement.

I live at 5555 Trail Rd Iva SC in a trailer that belongs to Ray Glasco who is my brother in laws father. In Dec. 2008 Ray started ~~renting~~^{MR} renting the trailer in front of me to [REDACTED]. I got to know [REDACTED] a little bit. [REDACTED] approached me one day and asked if I could buy some weed for him. This was maybe a month or so after he moved in. I took him to Parkview Apart. in Iva. [REDACTED] drove and I went and bought the weed. After I bought the weed for [REDACTED] we rode around and smoked it. This was around Jan. 09 or Feb. 09. When we were riding around we went down Hwy 184 back towards Abbeville and turned on Wilson Creek Rd and stop on a bridge. As we were talking [REDACTED] out of the blue ~~asked~~^{MR} asked me "If you had a body where would you put it so it would not be found?" I said there's all kinds of places out here we were in the country. I thought this was strange and did not know what he was thinking, so I answered him when he asked this question. He did not say much more about this. [REDACTED] wanted me to show him some back roads in the area. He asked like he was a hunter. We rode down Hwy 413 past the dump and turned on Audubon Place and went down Melrose Rd by the River. I told him I had fished right here. We got back on Abbeville Hwy and turned on Asaville Church and then got on Asaville School Rd, and Bear Creek Rd. I was

EXHIBIT N-6

Date

1/13/10

Page No.

STATEMENT OF:

MR.

This was to be my uncle Steve Beck sons son. land in the area off 185 Hwy. We actually pulled in my uncle's property. We were smoking the weed at the time.

I bought weed for [REDACTED] about four or five times before I came to jail on May 28, 2009. [REDACTED] was weird and acted strange. I did not understand why he said he was from the State of Washington, had Texas license plates and ended up in South Carolina where he did not know anybody. [REDACTED] told me that he was Cop one time but had got hurt on the job. He told me was in the army too. [REDACTED] told me for a long time after I was hurt he got mean and would get into fights and beat people up. I did not know how to take [REDACTED] [REDACTED] person would change at times.

MR.

End of Statement

CHARGES. CONTACT THE ARRESTING AGENCY FOR INFORMATION ON THE FORMAL CHARGES AND/OR DISPOSITIONS.

ARREST 1

DATE OF ARREST: 01/25/2000

NAME USED: [REDACTED]
CONTRIBUTING AGENCY: WA0270000 PIERCE COUNTY SHERIFF
LOCAL ID: [REDACTED] PCN: N/A

"N-8"

"EXHIBIT N-8"

ARREST OFFENSES
00816 RAPE OF A CHILD-1

RCW: 9A.44.073
CLASS A FELONY
ORIGINATING AGENCY: WA0270000
PIERCE COUNTY SHERIFF
OIN: 2000025038
DISPO RESPONSIBILITY: WA027013A
DATE OF OFFENSE: 01/25/2000
COMMENT: WRNT

DISPOSITION
CONTRIBUTOR OR RESPONSIBLE AGENCY

WA027013A PIERCE COUNTY
PROSECUTORS OFFICE
COURT CASE NO: 001002116

STATUS: DISMISSED
00816 RAPE OF A CHILD-1
RCW: 9A.44.073
CLASS A FELONY
STATUS DATE: 11/09/2000

ARREST 2

DATE OF ARREST: 06/06/2000

NAME USED: [REDACTED]
CONTRIBUTING AGENCY: WA0270000 PIERCE COUNTY SHERIFF
LOCAL ID: [REDACTED] PCN: N/A

ARREST OFFENSES
00816 RAPE OF A CHILD-1

RCW: 9A.44.073
CLASS A FELONY
ORIGINATING AGENCY: WA0270000
PIERCE COUNTY SHERIFF
OIN: 2000158038
DISPO RESPONSIBILITY: WA027013A
DATE OF OFFENSE: 06/06/2000

DISPOSITION
CONTRIBUTOR OR RESPONSIBLE AGENCY

WA027013A PIERCE COUNTY
PROSECUTORS OFFICE
STATUS DATE: 12/16/2005
STATUS: NO CHARGE FILED

NO KNOWN DEPARTMENT OF CORRECTIONS INFORMATION

**

GLOSSARY

CONTRIBUTING AGENCY: A LOCAL SHERIFF'S OFFICE, POLICE DEPARTMENT, JAIL OR CORRECTIONAL FACILITY THAT SUBMITS FINGERPRINT CARDS TO THE SECTION.

CONTRIBUTOR OR RESPONSIBLE AGENCY: THE AGENCY THAT SUBMITTED THE INFORMATION OR, PRIOR TO OCTOBER 1999, PRESUMED TO BE THE

--[Response: ANDSO008 -]--

TO: ANDSO008-22765 20091217 14:05:02 003F80161F
FROM: SCCH-8394271 20091217 14:05:02 05EF00288A

ICHR REQUEST FOR RAP SHEET

ORI-SC0040000 FBI- [REDACTED] PUR-C

ATN-INV CHRIS BEUSSE

ADR-305 CAMSON RD

CIS-ANDERSON, SC

ZIP- 29625

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/17/2009 TIME-14:04:29

REQ ORI-SC0040000 ANDERSON CNTY SO

SID [REDACTED]

NAME [REDACTED]

NMN

SEX-M RACE-W

HEIGHT-506 WEIGHT-198 EYES-BRO HAIR-BRO SKIN- BORN-NY
FPC- HENRY-

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--11/04/2009 DATE OF LAST UPDATE--11/04/2009

ADDITIONAL IDENTIFIERS

NAME [REDACTED]

BIRTH

DATES MARKS

08021959

SOC SEC [REDACTED]

MISC NUM

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

11/04/2009

SC0040000 ANDERSON CNTY SO

ATN-040000507485

WARR-J879766

CIT-16-11-330(A)-FELONY

ARREST CHARGE 01-ARMED ROBBER
Y ARMED WITH DEADLY WEAPON
OFFENSE DATE-11/04/2009
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-J879767

CIT-16-11-330(A)-FELONY

ARREST CHARGE 02-ARMED ROBBER
Y ARMED WITH DEADLY WEAPON
OFFENSE DATE-11/04/2009

WARR-J879768

CIT-16-3-10-FELONY

ARREST CHARGE 03-MURDER
OFFENSE DATE-11/04/2009

WARR-J879769

CIT-16-3-10-FELONY

ARREST CHARGE 04-MURDER
OFFENSE DATE-11/04/2009

WARR-J879770

"N-9"

"EXHIBIT N-9"

CIT-16-17-410-FELONY

ARREST CHARGE 05-CRIMINAL
CONSPIRACY
OFFENSE DATE-11/04/2009

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/ [REDACTED]
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

** S C CJIS END OF RECORD **

"N-10"

"EXHIBIT N-10"

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,009 - 57746

HCIC

NO.	EXTD.
N	N

☐ ORIGINAL
REPORT

☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT

☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS

☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY

☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 16 of _____ PAGES

I spoke with Tommy Taylor, 110 Blair Mill Rd, and obtained a written statement. Taylor stated that he knows of Matthew Fulbright and knows him in passing but do not hangout with him. Taylor stated that he lives two doors up the street from him. Taylor stated that over the past few weeks he has noticed Mathew hanging out with the guy who lives up the street. Taylor stated that he drives a greenish truck with side racks on it and it was towed yesterday by the police.

I spoke with Lisa Ann Clark, 109 Stevenson Dr, and obtained a written statement. Clark stated other than about two or three weeks ago she has not seen anyone over at 107 Stevenson Dr, next door. Clark stated that Matthew Fulbright, who lives up the street, was over there cutting the grass two or three weeks ago. Clark stated other than that she has not seen anyone over there. Clark stated that the house use to belong to Matthew's grandfather before he passed.

All the statements were turned over to Inv. C. Beusse.

10/30/09

On the above date I responded with the Dive Team to a pond/swamp area located on property off Monitor Dr. in reference to locating evidence. See Inv. N. Mitchell's dive supplemental for further detail.

11/2/09

On the above date I responded with the Dive Team to a pond/swamp area located on property off Monitor Dr. in reference to locating evidence. See Inv. N. Mitchell's dive supplemental for further detail.

11/3/09

On the above date I responded with the Dive Team to a creek located on property off Monitor Dr. adjacent to the pond/swamp area in reference to locating evidence. See Inv. N. Mitchell's dive supplemental for further detail.

11/9/09 10:30 a.m.

On the above date and time I spoke with Kathy Latham by phone. Latham stated that she had heard rumors around Homeland Park that a Kenneth Burdett was involved. Latham stated that this was before any arrests were made and that she did not know who she heard it from just that the rumors were that he might have been involved because he was mean. No further information.

DATA

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S) VOIGT, M.		DATE 10/26/09		UNIT NUMBER		APPROVING OFFICER BEUSSE, C. H.		DATE 10/26/09	
FOLLOW-UP INVESTIGATION		☒ YES ☐ NO		OFFICER		UNIT NUMBER			

EXHIBIT N-11

Case No: L09-12861
Agency: Anderson County Solicitor's Office
County: Anderson



"N-12"

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
CRIME SCENE DEPARTMENT

CRIME SCENE NOTES

PAGE 2 of 4

CS RESPONSE: 093010

Responded to Anderson County Impound (Old Armory, Mall Road) on 093010 in reference to processing/searching the victim vehicle for bloodstain pattern analysis/reconstruction. Arrived on scene at 1149 hours. Vehicle was secured inside a bay. The vehicle was unlocked and the headliner had been removed. The headliner was leaning against a wall behind the vehicle. Investigators advised that the seats had been removed from the vehicle and were not reattached, but just sitting in the vehicle. Vehicle windows appeared to have been processed with BP. In meeting with investigators and Assistant Solicitor Huey, the main area of focus or question to be answered was if the crime had to have been committed by at least two people.

Vehicle information: Toyota Corolla, 4DR, SC BWF870, VIN: JTDBR32E270126671

Vehicle was photographed and searched.

The following was observed:

Driver side: Larger stains present in the driver front door threshold, consistent with drips.

-Appears to be a void on the right shoulder of the driver front seat. The blood flow on the same side is consistent with the seat being somewhat reclined at some point. Stain continues onto plastic hinge.

-Stains consistent with spatter are visible on the driver side mirror, which is consistent with the window being down during at least a portion of the incident.

Windshield: Stains consistent with spatter stains on the front windshield. Larger amount on the driver side. Stains mostly traveling towards the windshield as opposed to across the windshield. Per Supplemental DNA report, the stains collected were negative for blood.

Front: A large portion of the stains in the front of the vehicle (driver/passenger seats, console, dash) consistent with transfers, spurts, and flow on the seats. Stains directly behind the seats are consistent with flow from the front seats to the rear floor/hump and blood dripping into blood.

-All leather type surfaces appear to be heavily coated with some type of protecting product. Blood appears to have beaded up once coming into contact with these surfaces. When collecting samples, swabs also slid across these surfaces, which is also consistent with a protecting product.

Passenger side: Both passenger doors (front and rear) were open at some point during the incident, due to blood in the threshold of the doors. Stains are directional stains. Stains were visible in the original photographs of the front passenger door.

"EXHIBIT N-12"



Anderson County Sheriff's Office
Case Lead Sheet

"N-13"

Case Number: 2009-57746	Lead Number: 26
Primary Investigator: C.H. Beusse	Submitting Investigator: C.H. Beusse
Incident Type: Homicide	
Purpose/Scope of Lead: Crime Stoppers Tip	

Interview:

Location: 1507 Olin Dr.	Date: 12/17/09	Time: 9:30 AM
Others Present: Det. J. Richey		

Person Interviewed:

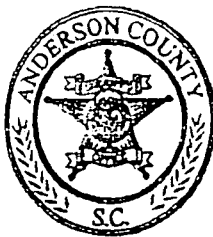
Full Name: Kenneth Duane Burdette		Nickname: K.B.	
Address: 1507 Olin Dr. Anderson SC			
Race: W	Sex: M	DOB: 7/16/61	SSN:
Height:	Weight:	Hair:	Eyes:
(H) Ph.:	(W) Ph.:	Cell: ~~904-388-2725~~	Pager:
Employment:		Address:	

Met with Kenneth Burdette at his residence in reference to Crime Stoppers tip. Burdette advised that he had not been at Wendy's with Beth who is Beth Hurley McDonald (DOB 2/6/59.) Kenneth Burdette was questioned again in reference to the listed incidents and gave the same information regarding in previous two statements. Kenneth advised that he had met Matthew Fullbright to sale some pills possibly on Friday night 10/23/09. Kenneth advised he was walking away from a truck when he met him. Kenneth stated Matthew Fullbright was not in the State's vehicle.

Beth McDonald was questioned in reference to being at Wendy's with Kenneth Burdette and having the conversation. Beth advised she had not been at Wendy's.

Additional information on back Yes _____ No X

"EXHIBIT N-13"



Anderson County Sheriff's Office
Case Lead Sheet

heet
"N-14"

Case Number: 2009-57746	Lead Number: 16
Primary Investigator: BEUSSE	Submitting Investigator: COLLINS/SIMPSON
Incident Type: HOMICIDE	
Purpose/Scope of Lead: CRIME STOPPER TIP 2009-00218431	

Interview:		
Location:	Date:	Time:
Others Present:		

Person Interviewed:				
Full Name: <u>Troyell Lymena Bell</u>			Nickname:	
Address: <u>804 Osborne Ave. Anderson SC.</u>				
Race: <u>D</u>	Sex: <u>M</u>	DOB: <u>8-17-79</u>	SSN: <u>078-14-0908</u>	
Height: <u>5'6"</u>	Weight: <u>140</u>	Hair: <u>Black</u>	Eyes: <u>Brown</u>	
(H) Ph.:	(W) Ph.:	Cell: <u>204-3818</u>	Pager:	
Employment:			Address:	

Made Contact with Bell by phone. He advised me that he had spoken with Kenneth Durdette about what had happen and what was on the news. He stated that Kenneth ~~was~~ acted nervous about talking about it. I set up an appointment to interview Bell that night but he never showed. We did ~~not~~ ~~contact~~ ~~each other~~ trying to set up another appointment but he didn't show. Was unable to ~~make~~ ~~contact~~ again after that.

Additional information on back Yes _____ No _____

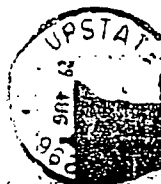
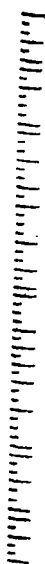
"N-15"

"EXHIBIT N-15"

W. MAIN STREET
ANDERSON, SC 29621



296212758



USA FIRST-CLASS PERMIT NO. 1000 ANDERSON, SC



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 certifiacte included, into the U S Mail by hand on this 24 day of November, 2013.

Marshall H. Fullbright

Marshall H. Fullbright

106 Dogwood Drive

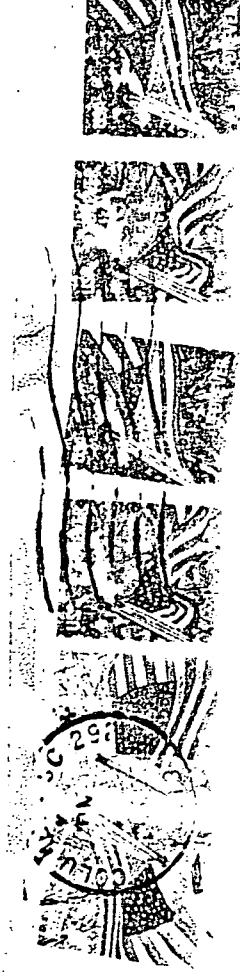
Belton, SC 29627

Notary: Karen B. Miles
this date of November 24th 2013
expires March 21, 2015

"N-16"

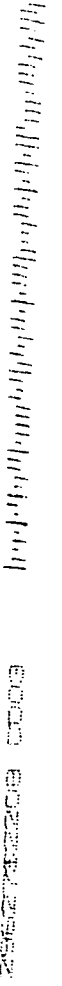
"EXHIBIT N-16"

A JONES
DRAWER 9987
CLINTON, SC 29325

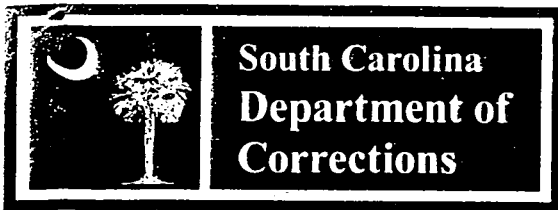


MARSHALL FULLBRIGHT
106 DOGWOOD DRIVE
BELTON, SC 29627

"N-17"



"EXHIBIT N-17" 17 of 17



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

April 3, 2014

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

Reference: Inmate Matthew Fullbright, #349468 vs. SCDC
Docket No. 13-ALJ-04-0926-AP

Dear Judge Matthews:

Find enclosed an original and one copy of the *Respondent's Second Motion to Dismiss* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Matthew Fullbright, #349468
File

April 3, 2014

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Matthew Fullbright, # 349468,	)	Docket No.: 13-ALJ-04-0926-AP
	)	[Grievance No.: LCI-1590-13]
Appellant,	)	
	)	<i>Honorable Carolyn C. Matthews</i>
v.	)	
	)	
South Carolina Department of Corrections,	)	RESPONDENT'S SECOND MOTION TO
	)	DISMISS
Respondent.	)	
	)	

STATEMENT OF FACTS

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of Matthew Fullbright ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). Appellant is currently serving a life sentence for murder; he is housed at Lieber Correctional Institution.

This case was assigned on December 18, 2013; SCDC filed the Record on Appeal on January 17, 2014. Having been served with no brief by Appellant within the time frame provided under Rule 62, SCDC filed its Motion to Dismiss on March 5, 2014. On March 10, 2014, the Court denied SCDC's motion and ordered it to file a brief.

SCDC now moves this Honorable Court for an Order dismissing this case on two separate grounds: first, because no state-created liberty or property interest is present, as explained in *Slezak v. S.C. Dep't of Corr.* and *Skipper v. S.C. Dep't of Corr.*; second, because Appellant has failed to exhaust SCDC's internal grievance system by failing properly appeal the unprocessing of grievance LCI-1590-13.¹

¹ 13.3 Unprocessed grievances may be appealed, utilizing SCDC Form 19-11, "Inmate Request To Staff Member," (RTSM) to the Branch Chief within ten (10) days of the grievance being returned to the inmate. The inmate must provide a copy of the unprocessed grievance with the RTSM. The inmate can not file a grievance against the IGC for un-processing the grievance.

ARGUMENTS

A. THE ADMINISTRATIVE LAW COURT SHOULD DISMISS THIS CASE UNDER *SLEZAK V. S.C. DEP'T OF CORR.*, 361 S.C. 327 (S.C. 2004) AND *SKIPPER V. S.C. DEP'T OF CORR.*, 370 S.C. 267 (S.C. Ct. App. 2006).

The ALC's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Subsequently, the South Carolina Supreme Court clarified the ALC's appellate jurisdiction over inmate appeals in *Slezak v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2004). The supreme court held that although the ALC had jurisdiction over all properly perfected inmate appeals, the ALC may summarily decide those appeals that do not implicate an inmate's state-created liberty or property interest. SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. Recently, the South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC "should" dismiss the appeal. *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

Here, the Court should dismiss this appeal because Appellant was not deprived of a liberty or property interest in this matter. Typically, an appeal will merit review by this Court if it arises in one of two ways: (1) when an inmate is disciplined and sufficient punishment is imposed; or (2) when an inmate is challenging the calculation of his sentence. See *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 441, 586 S.E.2d 124, 126 (2003) (citing *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750). Neither case is presented by this appeal. Instead, Appellant alleges that SCDC improperly unprocessed a grievance that addressed allegations that SCDC failed to follow its mailroom policies with respect to certain legal mail sent to Appellant.

For this reason, SCDC respectfully requests that the Court dismiss this case.

B. APPELLANT HAS FAILED TO EXHAUST HIS INTERNAL ADMINISTRATIVE REMEDIES BY NOT APPEALING THE UNPROCESSING OF HIS GRIEVANCE IN THIS MATTER

Appellant filed a Step 1 grievance on November 10, 2013 reiterating the requested actions found in grievance LCI-1552-13, which the Inmate Grievance Coordinator returned to Appellant on November 4, 2013 for failure to follow proper procedures (*i.e.*, completing a Request to Staff form). The current grievance (LCI-1590-13) was returned to Appellant unprocessed on November 12, 2013 with instructions that it "may be appealed, utilizing SCDC Form 19-11 'Inmate Request to Staff member', to the Branch Chief within ten (10) days of the grievance being returned to the inmate."

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. Ms. Hallman considers several factors in making the determination whether to re-open a grievance. In this case, SCDC was not permitted to complete its internal processing due to Appellant's premature filing of an appeal in this Court.

For this reason, SCDC respectfully requests that the Court dismiss this case.

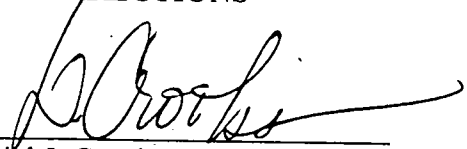
CONCLUSION

For the foregoing reasons, SCDC respectfully requests that the Court dismiss this case.

[signature block on following page]

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

Daniel J. Crooks III
Staff Attorney
Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1940

Columbia, S. C.

April 2, 2014

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

Date: 14 April 2014

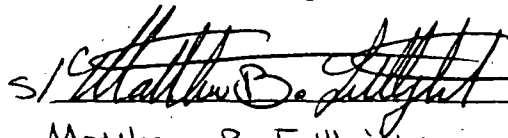
Re: Docket No.: 13-ALJ-04-0926-AP

Dear Judge Matthews:

Please find enclosed my reply to SCOC's second motion to dismiss from 3 April 2014, (a copy of the envelope their motion was sent in and a copy of the "ORDER-TO-REPORT," both to show the delay I'm dealing with in here). And motion to Reinstate.

Thank you Judge Matthews.

Grateful for my rights,

S/ 

Matthew B. Fullbright

Appellant, Pro-Se, SCOC # 349468

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

Ridgeville, S.C. 29472

STATE OF SOUTH CAROLINA
In The Administrative Law Court

Matthew B. Fullbright, SCDC # 349468,) Docket No.: 13-ALJ-04-0926-AP
Appellant,)
vs.) The Honorable Cardyn, C. Matthews
)
South Carolina Department of Corrections,) MOTION TO
Respondent.)
REINSTATE
)

Your Honor, you gave me 20 extra days from 10 March 2014 because of the problems and delays I've faced with Lieber C.I. and especially the institution's mail room.

SCDC alleged that I failed to exhaust administratively. What if they're wrong? That would mean your Order of Dismissal was based on their words and not mine.

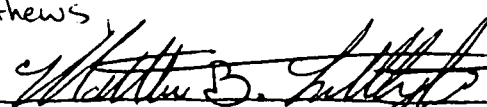
I did exhaust administratively, and according to SCDC Policy.

The problem lies within SCDC's failure to process my grievance as an emergency. My motion not to dismiss is enclosed and is my response to SCDC's second motion to dismiss. As you'll see, I filed a proper emergency grievance, which needs no SCDC Form 'Inmate Request To Staff Member' attached to it. An emergency grievance doesn't follow the same exhaustion requirements as a normal (non-emergency grievance).

I need the stuff they removed and redacted from my discovery to perfect my appeal in the S.C. Court of Appeals, and that case may be ruled upon before normal grievance timeframes will be exhausted.

It's definitely an emergency. As I've stated clearly in all of the grievances before you. Please REINSTATE THIS MATTER.

Thank You Judge Matthews,

S/ 

Matthew B. Fullbright,
Appellant Pro-Se, SCDC # 349468

@ Lieber Corr. Inst., Dorm: E-B-56
Rigdeville, S.C. 29472

16 April 2014

STATE OF SOUTH CAROLINA

Matthew B. Fullbright, SCDC # 349468,
Appellant,

V.

South Carolina Department of Corrections,
Respondent.

Docket No.: 13-ALJ-04-0926-AP

The Honorable Carolyn F. Matthews

APPELANT'S MOTION NOT
TO DISMISS

STATEMENT OF FACTS:

This appeal is before you regarding emergency grievances LCI-1258-13; LCI-1317-13; LCI-1552-13; and LCI-1590-13. I filed them all in regards to the confiscation, redaction, copying, mishandling, of my legal mail/discovery by SCOC.

This case was assigned on 18 December 2013, I wasn't able to file my brief timely due to delays and prevention of use of the law library and mail room. You graciously gave an ORDER TO FILE BRIEF, giving twenty (20) days to file from 10 March 2014. I encountered more prevention, but, was able to timely file on the last day per Rule 52, on Monday, 31 March 2014. I also filed the designation of matter along with the initial brief.

SCDC has filed a second motion to dismiss dated 3 April 2014. I didn't receive it until 9 April 2014; and to show you this delay,

(a fraction of these mail room issues), I've enclosed a copy of the "ORDER TO REPORT" and the envelope, both dated 9 April 2014, substantiating these delays I'm claiming.

Now, SCDC requests dismissal of this appeal on two separate grounds: 1) "no state-created liberty or property interest is present," and 2) "Appellant has failed to exhaust SCDC's internal grievance system by failing [to] properly the unprocessing of grievance LC1-1590-13."

A note before I begin my rebuttal to their arguments:

On page "2" of their 3 April 2014 motion to dismiss, SCDC sites the following four cases:

Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000);
Slezak v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2004);
Skipper v. S.C. Dep't of Corr., 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006);
and Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 441, 586 S.E.2d 124, 126 (2003).

Their sites for Slezak and Sullivan for the S.C. reporter conflict, and the S.E.2d reporter sites and years conflict. However, I'll give benefit as I'm sure it's a harmless oversight and I will argue against all four cases. The correct site for Slezak is:

Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004).

I would now offer counter arguments against SCDC's second motion to dismiss, state why this case is ripe for appeal, it should be adjudicated by you, now, and that this appeal definitely involves a state-created liberty AND property interest:

Argument 1

Upon appeal from a Final SCDC agency decision of a properly filed grievance involving a state-created liberty or property interest is to be adjudicated by the Administrative Law Court.

Focusing now on SCDC's "ARGUMENT A", page "2" of their motion to dismiss, SCDC cites Al-Shabazz, Slezak, Skipper, and Sullivan, all aforementioned.

This very appeal is before you because of the S.C. Supreme Court's decision in Al-Shabazz, giving the ALC jurisdiction to hear matters from final decisions of the SCDC agency.

Then they mention Slezak. Slezak filed 6 grievances, 5 of which were frivolous, and 1 was remanded back to the ALC because of possible parole issue technicalities that may have, perhaps, implicate a state-created liberty interest. And, look at the language of the S.C. Supreme Court in Slezak, which SCDC placed in their own argument: "the ALC may summarily decide those appeals that **do not implicate** an inmate's state-created liberty or property interest," emphasis mine.

They cite Skipper. Skipper claimed a Due Process violation because the institution refused to retest his urine after failing a random drug screening. As a result he lost his Prison Industries job ("P.I.") and was transferred to Lee Correctional Institution ("Lee C.I.").

Since the gas chromatography/mass spectrometry retest, the P.I. employment, nor his transfer were statutorily protected or fundamental rights - he failed to show a state-created liberty interest.

And then there's Sullivan. Sullivan raised a Due Process violation because, after completing "first phase" of sex offender treatment, he was denied "second phase" of the same. Again, that "second phase" of the treatment program wasn't a guaranteed right, covered by statutory provision, etc., thus, he was unable to show a state created liberty interest.

Now on to the facts of my case. My appeal with this Court implicates both a state-created liberty interest AND a property interest.

SCDC seized my 3,000-4,000 (or so) page legal mail/discovery, took it from my presence, redacted, censored, modified, and made copies of it, failed to guard it, allowing parts of it to be sent around the State, then giving it back to me, missing many files, reports, notes, and documents, saturated with censorship by magic marker and pen, with pages so badly damaged and torn, they are unable to copy or use in any Court.

And they contend as to it being a state-created liberty or property interest? Their claims are invalid and incorrect.

SCDC's actions in this case violate several Constitutional rights, and therefore automatically violate all rules, statutes, policies, cases, or any other authority which is/are aligned with those rights.

The discovery was my entitled PROPERTY by law. Falling under the Due Process clauses of both U.S.C.A. Const. Amendments V and IVX^(5,14) because the content of the discovery involves charges on appeal and charges pending. Attorney/Client privilege of Const. Amend. VI⁽⁶⁾ was violated; even taking my attorney's working file which is immune to discovery. The seizure and search of my discovery was in all specifics, illegal, thereby violating Const. Amend. IV⁽⁴⁾. Violating both access to the Courts and other provisions within Const. Amend. IVX⁽¹⁴⁾.

"Nor person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review." S.C. Const. Art. I § 22

"Constitutionally protected liberty interest encompasses far more than interest conferred by language in State statutes." "State statutes may create liberty interests that are entitled to the procedural protections of the Due Process clause of the 5th and 14th amendments."

U.S.C.A. Const. Amendments. V, IVX^(5,14)

"The only way for the ALJD to obtain subject matter jurisdiction over a prison inmate's grievance claim is if it implicates a state-created liberty interest, which is protected by the Due Process clause of U.S.C. Const. Amend. 14."

"Minimal Due Process is required for a prisoner's state-created liberty interest which are not necessarily limited to sentence credit issues and major disciplinary decisions." U.S.C. Const. Amend. **IVX**(14)

"A prisoner's state-created liberty interests are protected by the Due Process clause, will be limited to freedom from restraint that imposes atypical or significant hardship on the inmate in relation to the ordinary incidents of prison life." U.S.C. Const. Amend. **IVX**(14)

"Decision to withhold delivery of a particular letter to prisoner must be accompanied by procedural safeguards, because the interest of both the inmate and his correspondent in communication with each other, being grounded in Amendment One, constitutes a liberty interest."
Campbell v. Sumner, D.C. Nev. 1984, 587 F.Supp. 376

"Interest of prisoners and their correspondents in uncensored communications by letter is liberty interest within meaning of this amendment." Nachtigall v. Board of Charities and Corr.'s, D.C.S.D. 1984, 590 F.Supp. 1223.

"Turning on the facts of the instant case, the ALJ should not have summarily dismissed Appellant's appeal as it involved an

applied constitutional challenge to the policy, the ALC should have ruled on this claim." *Travelscape, LLC v. S.C. Dep't of Rev.*, 391 S.C. 89, 108-109, 705 S.E. 2d 28, 38-39 (2011)

"When a prison regulation or practice offends a fundamental constitutional guarantee, Federal courts will discharge their duty to protect constitutional rights." *Procunier v. Martinez*, 94 S.Ct., at 1807-08, 416 U.S. at 405, 406

"ALC has subject matter jurisdiction over prisoners' appeals from DOC where claim raises an as applied constitutional challenge to policy." Code 1976 § 1-23-310 et seq.

Your Honor, I have stated my Constitutional claims within my initial brief and this motion. As you know your job well, as SCDC pointed out in their motion, inmate appeals from SCDC are not limited to credit ("good-time") issues or just disciplinary issues. You have the authority and jurisdiction to rule on my case. My case implicates both a state-created liberty **AND** property interest.

Now, having established that, I would now show how I exceeded the exhaustion requirements of an emergency grievance, and how SCDC has had multiple opportunities to remedy these matters on appeal but Failed to do so:

Argument 2

The exhaustion requirements of emergency and non-emergency grievances are different; I correctly submitted these grievances as "emergency", having met all emergency grievance criteria; emergency grievances require no informal resolution, even still, myself, along with family and friends have went far beyond all reasonable attempts to properly grieve these wrongs.

To establish my exhaustion, we'll determine first that my grievances were correct in being submitted as "emergency", and then go on to show that I met the emergency grievance exhaustion requirements.

Question #1: What constitutes an emergency grievance, what makes it different from a standard non-emergency grievance?

Answer: Per SCDC Policy GA-01.12 "Inmate Grievance System" and §19. "DEFINITIONS": **Emergency Grievance** refers to any complaint which, if handled according to the regular time limits required by the inmate grievance system, would subject an inmate to substantial **risk** of personal injury or to **other serious** or irreparable harm" (emphasis both mine and SCDC's).

Question #2: Was/is there a substantial risk of serious or irreparable harm that may exist that justifies not using the three hundred and thirty one (plus) potential days it takes to exhaust through non-emergency grievance procedures?

Yes: to establish this, the following timeframes need to be applied in conjunction with SCDC's definition of an emergency grievance:

1. "the grievance process may exceed 261 days." SCDC Policy GA-01.12 (and this doesn't include the 20 days staff has to respond to a request form OR the additional time should staff not respond to the initial form [another 20 days] or the step after that [another 45 days], which is potential of over 346 days!),

versus the timelines for filing all appeals briefs in the South Carolina Court of Appeals ("S.C.Ct.App."), which I currently am on direct:

Per Rule 208 SCACR, the total time, added together, allowed to file all briefs is 100 days.

Since I'm on direct in the S.C.Ct.App, as I made clear in grievances LCI-1258-13; LCI-1317-13; LCI-1552-13; and LCI-1590-13, and I need the parts of my discovery removed and redacted by SCDC to resolve conflicts of record, support issues, and since the court may rule on my S.C.Ct.App. case **BEFORE** the normal (non-emergency) grievance procedure can be exhausted, there is a risk of irreparable harm to my S.C.Ct.App case by following the normal grievance procedures.

Additionally, in SCDC's second motion, page three, bottom paragraph, SCDC states that I should have sent a request form to Ann Hullman.

However, my grievance was an emergency and is an emergency.

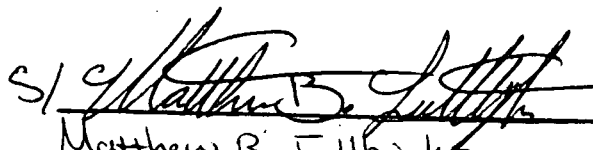
Thus, it should have been processed as an emergency as I've met the emergency criteria specified by SCDC Policy.

We are talking about clear constitutional violations.

Holding and withholding papers I need now to perfect my criminal appeal in the S.C. Ct. App., redacting and removing parts of my discovery, stepping in between my access to courts, talking uncensored to my attorney, etc. is an emergency as I've shown per SCDC's own definition.

Since SCDC failed to process my grievance as an emergency, I ask that you rule in my favor. By the time the normal grievance timeline would be exhausted, my criminal appeal may have come and gone as Rule 208 SCACR substantiates.

With
Thankfulness and Gratefulness,


Matthew B. Fullbright,
Appellant Pro-Se, SCDC # 349468
@ Lieber Corr. Inst., Dorm: Edisto-B-56
Ridgeville, S.C. 29472

Date: 14 April 2014

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

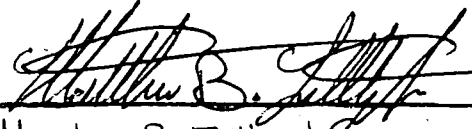
Matthew Fullbright, #349468	)	
Appellant,	)	
	)	Certificate of Service
vs.	)	
	)	Docket # 13-ALT-04-0926-AP
South Carolina Department of Corrections,	)	
Respondent.	)	
	)	

I hereby certify that a copy of the enclosed motion was this date served upon the following parties by placing a copy of the same via mail to their last known addresses:

1) General Counsel of
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, S.C. 29221

2) Wanda M. Shearer
101 Saluda Pointe Dr. Unit 517
Lexington, S.C. 29072

On this 17th day of April, 2014

S/ 
Matthew B. Fullbright

Appellant Pro-Se, SCDC # 349468
@ Lieber Corr. Inst., Dorm: Edisto-B-56
Ridgeville, S.C. 29472



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

May 6, 2014

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

Reference: Inmate Matthew Fullbright, #349468 vs. SCDC
Docket No. 13-ALJ-04-0926-AP

Dear Judge Matthews:

Find enclosed an original and one copy of the *Respondent's Return To Appellant's Initial Brief* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Matthew Fullbright, #349468
File

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Matthew Fullbright, #349468,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

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Certificate of Service

Docket# 13-ALJ-04-0926-AP

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Matthew Fullbright, #349468
Lieber Correctional Institution



E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

May 6, 2014

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Matthew Fullbright, # 349468,	)	Docket No.: 13-ALJ-04-0926-AP
	)	[<u>Grievance No.: LCI-1590-13</u>]
Appellant,	)	
	)	<i>Honorable Carolyn C. Matthews</i>
v.	)	
	)	
South Carolina Department of Corrections,	)	RESPONDENT'S RETURN TO
	)	APPELLANT'S INITIAL BRIEF
Respondent.	)	
	)	

SUMMARY OF PROCEDURAL HISTORY

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of Matthew Fullbright ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). Appellant is currently serving a life sentence for murder; he is housed at Lieber Correctional Institution.

This case was assigned on December 18, 2013; SCDC filed the Record on Appeal on January 17, 2014. Having been served with no brief by Appellant within the time frame provided under Rule 62, SCDC filed its first *Motion to Dismiss* on March 5, 2014. On March 10, 2014, the Court denied SCDC's motion and ordered it to file a brief. On April 2, 2014, SCDC filed a *Second Motion to Dismiss*, and the Court granted the motion on April 8, 2014. Thereafter, on April 17, 2014, Appellant filed a *Motion to Reinstate* and a *Motion Not to Dismiss*, and the Court granted this motion on April 24, 2014, allowing the Court "to thoroughly consider Appellant's response to Respondent's Motion to Dismiss." SCDC now files this return to address certain portions of Appellant's *Motion Not to Dismiss*.

As an initial matter, SCDC reiterates all of the arguments outlined in its *Second Motion to Dismiss*, and SCDC urges the Court to re-affirm its April 8, 2014 Order of Dismissal. That Order properly disposed of the issues presented by this appeal.

ARGUMENTS IN RETURN

I. Response to Appellant's First Argument

Appellant's first argument is that this Court should accept his appeal because it implicates both a liberty and property interest. However, there is no *state-created* property interest at stake here. *See, e.g., Brown v. S.C. Dep't of Corr.*, Docket No.: 14-ALJ-04-0206-AP (S.C. Admin. L. Ct., Mar. 31, 2014) (Durden, J.) (noting that because *Slezak* did not overrule *Wicker* and *Sullivan*, the focus is whether the property interest is state-created). Appellant's first argument is meritless. Therefore, this Court should affirm its April 8, 2014 Order and, again, dismiss this appeal.

II. Response to Appellant's Second Argument

Appellant's second argument is that he "exceeded the exhaustion requirements of an emergency grievance" App. Br. at 7. However, Appellant failed to exhaust his administrative remedies, as this Court has already found in its April 8, 2014 Order. *See* Order of Dismissal, at 1 ("There is no evidence Appellant has exhausted his administrative remedies through the SCDC grievance process.").

On October 28, 2013, Appellant filed a Step 1 grievance without first filing a Request to Staff ("RTS") on the issue. Instead, Appellant incorrectly characterized his grievance as an "emergency grievance."¹ On November 4, 2013, Lieber's Inmate Grievance Coordinator ("IGC") returned to Appellant this Step 1, informing Appellant that he had failed to submit proof of informal resolution² in the form of an answered

¹ According to SCDC Policy GA-01.02, § 14.1, "[a]n emergency will encompass, but is not limited to, situations, actions, or conditions in which any person's health, safety, or welfare is threatened or in serious danger." A complaint alleging that SCDC seized Appellant's papers does not rise to the level of an "emergency grievance." Moreover, to the extent Appellant argues that any alleged documents are necessary for a pending deadline, this argument only reinforces the propriety of filing a Request to Staff form. A Request to Staff form can be forwarded to the Warden or other designee and answered in an attempt to informally resolve the issue.

² According to SCDC Policy GA-01.02, § 13.2, "[i]nmates must make an effort to informally resolve a grievance by either submitting a Request to Staff Member Form or by discussing their complaint with the appropriate supervisor/staff."

RTS; the IGC gave Appellant the opportunity to re-file the grievance with a completed RTS within five days (*i.e.*, November 11, 2013). Instead of following instructions, however, Appellant filed another Step 1 on November 10, 2013, re-alleging the facts contained in his October 28, 2013 Step 1. On November 12, 2013, the IGC unprocessed Appellant's grievance due to Appellant's failure to follow through with the IGC's previous instructions. In effect, Appellant was deemed to have abandoned his grievance.

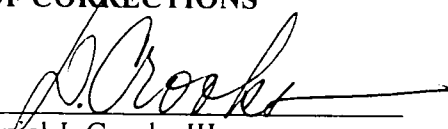
However, the IGC's November 12, 2013 reply told Appellant how he could *appeal* the decision to unprocess his grievance. That appeal, under SCDC policy, must be written in a RTS addressed to Ann Hallman, Branch Chief of Inmate Grievance, within ten days of the Step 1 grievance being returned to Appellant. Instead of complying with this procedure, Appellant appealed directly to this Court. Therefore, because Appellant did not appeal the IGC's decision, he failed to exhaust his administrative remedies.

CONCLUSION

For the foregoing reasons, for the reasons set forth in its *Second Motion to Dismiss*, and for the reasons outlined in this Court's April 8, 2014 Order, SCDC respectfully requests that the Court dismiss this appeal.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

Daniel J. Crooks III
Staff Attorney
Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1940

Columbia, S. C.
May 5, 2014

The Honorable Cardyn C. Matthews
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

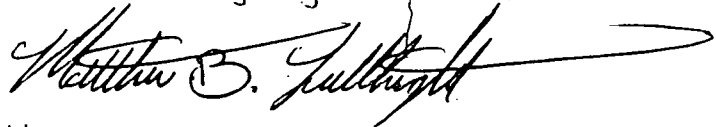
Date: 15 May 2014

Re: Matthew B. Fullbright v. SCDC; Docket No. 13-ALT-04-0926-AP

Dear Judge Matthews:

Enclosed you will find my reply to respondent's 6 May 2014 return,
one additional exhibit, certificate of service, request for admissions.

Grateful of My Rights, I am,



Matthew B. Fullbright
Appellant Pro-Se, #349468
Lieber Corr. Inst., Dome: Edisto-B-56
P.O. Box 205
Ridgeville, S.C. 29472

Enclosures

cc: SCDC Office of General Counsel;
Wanda H. Shearer;
File

IN THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew B. Fullbright,
Appellant Pro-Se, #349468,

vs.

South Carolina DOC,
Respondent

Certificate of Service
Docket # 13-ALT-04-0926-AP

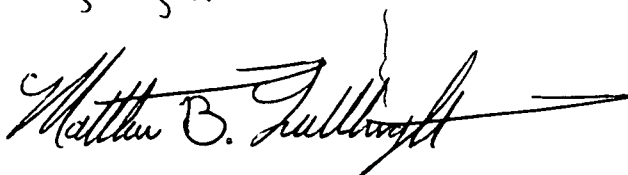
I certify that a copy of all enclosed documents have been this
date served upon the following parties, via mail to these addresses:

1) SCDC Headquarters
Office of General Counsel
4444 Broad River Rd.
Columbia, S.C. 29221

2) Wanda M. Shearer
101 Saluda Pointe Dr., Unit 517
Lexington, S.C. 29072

On This 19th day of May, 2014

By my Hand:



Matthew B. Fullbright
Appellant Pro-Se, #349468
Lieber Corr. Inst., Dorm: Edisto-B-56
P.O. Box 205
Ridgeway, S.C. 29472

IN THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Matthew B. Fullbright,
Appellant, Pro-Se,

vs.

South Carolina D.O.C.
Respondent.

Docket No.: 13-ALJ-04-0926-AP

The Honorable Cardyn C. Matthews

Appellant's Reply to

Respondent's 6 May 2014 Return
and Motions to Dismiss

and Motions to Dismiss

The Court gave an order of dismissal to this appeal on 8 April 2014. That order was based on the face value of SCIX's assertion that I didn't fully exhaust administratively. I filed a motion to Reinstate and a motion Not to Dismiss on 17 April 2014 and the Court granted those motions on 24 April 2014.

I will show this court that this appeal involves a State-Created property AND liberty interest, that I did fully exhaust all options required per SCDC policy before filing this appeal, and I contend and argue against every assertion in SCDC's Second Motion to Dismiss, as well as the 6 May Return.

Thanking the Court for allowing me to be heard regarding the matters in this appeal, I begin with this argument:

Argument 1. This case and appeal absolutely implicates a State-Created Property AND Liberty Interest

SCDC maintains there isn't a state-created property or liberty interest involved in this appeal. Being a pro-se litigant, I'm somewhat embarrassed to find myself breaking down the fundamentals of the laws of our Nation and State to staff attorneys regarding such an obvious and clear activation and attachment of state-created property and liberty interests in this case.

Necessarily then, I find no simpler or convincing method, other than reciting and explaining the most binding and powerful document of our State - The S.C. Constitution, Here are interests our State created in regards to property and liberty; and how they apply to my case:

S.C. Const. Art. 1 § 3 "The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of the law."

The legal discovery taken is my property. It's special property protected by attorney-client privilege and immune from censorship. Since I'm on direct appeal and thus not fully convicted, and, since the discovery contained evidence of pending charges, my state-created liberty interests are also intertwined.

As I've said before, inspecting for contraband in, even scan-reading to ensure the contents of my discovery was in fact legal in nature, are acceptable by the Courts. But, the moment that SCDC took it out of my presence to modify it, they broke the law and violated both ^{USF} the State and Federal Constitutions.

Where was the due process in taking my property? They seized it the moment it arrived, only to give me a "formal 'notice'" the following day (see exhibit C-1, SCDC Form 10-6, dated 8/20/13). They seized it first and asked questions afterwards, infringing upon yet another State-created property interest:

S.C. Const. Art. 1 § 10 "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated."

The seizure of my legal discovery with its attorney work product and working file, its transport to SCDC Headquarters [the central hub of my legal adversary in a Federal Habeas Corpus claim] for editing and censoring; it's beyond unreasonable in scope, it's unethical.

No laws exist giving SCDC the power to deem what I may or may not need in order to perfect my criminal appeal. The courts and our laws have already determined that. That's why the content of my discovery was as it was when it was sent to me in the first place on 8/19/13. I need it in its entirety before my appeal is over!

"Undelayed, UNCENSORED, unlimited use of mails is necessary to secure a prisoner's right to access to the courts". *McDonough v. Director of Patuxent*, 429 F.2d 1189 (Md. 1970) (Emphasis mine.)

"In assessing validity of a prison regulation that restricts prisoner correspondence, careful consideration should be given to possibility that a less restrictive regulation might suffice to promote the particular governmental interest that underlies the regulation." *U.S. ex. rel. Ratchford v. Jeffes*, 451 F.Supp. 675

Your Honor, in assessing the validity and reasonableness of the search and seizure of my legal discovery, I now show you SCOC Policy PS-10.08 "Inmate Correspondence Privileges" § 6.1.12. This section deals with handling Internal Revenue Service Forms, State income tax Forms and the like. It affords notice that these Forms have arrived, safeguards, proper procedures, and gives the inmate options and time to manage in regards to these financial Forms. It's reasonable.

Where is the reasonableness comparative of this, in contrast to seizing my entire constitutionally protected legal, confidential, discovery? It was snatched from me upon arrival, no notice, no process, no safeguards, no options, no time to protect anything precious within. They didn't ask if I was on appeal, If it was needed in a cause of action, didn't contact the Sending attorney. That is unreasonable.

"Prison inmate has a practically unrestricted right to correspond privately with courts and with his attorney." *Holt v. Hutto* 363 F.Supp 194.

They spread it out on tables at SCOC headquarters, copied it, blacked major portions of it out, admittedly censored it with pen and magic marker, members of the Attorney General's Office now have my lawyer's working file, they kept almost a third of the thousands of legal documents that they seized.

My legal, confidential, correspondence from my attorney is protected by the U.S. and S.C. Constitutions. Courts of all levels have said inspecting in the inmate's presence is acceptable; censoring, redacting, seizing, etc. is not acceptable and violates prisoners' State-created property AND liberty interests.

This Case and Appeal Implicates a State-Created Property Interest. That property is inseparably linked to a State-Created Liberty Interest.

Argument 2. I exhausted my administrative remedies required by SCDC policy; SCDC failed to process my situation as an emergency.

From the onset of this appeal SCDC has maintained that I've not exhausted my administrative options.

Your Honor, look at page two of SCDC's 5 May 2014 return. At the bottom, in Footnote two, it clearly says "According to SCDC Policy GA-01.12 § 13.2 "inmates must make an effort to informally resolve a grievance BY EITHER submitting a Request to Staff Member Form OR BY DISCUSSING THEIR COMPLAINT WITH THE APPROPRIATE SUPERVISOR/STAFF." Has SCDC's arguments about me not exhausting hinged solely upon the failure to attach a Request Form? You now have read what I've been stressing throughout this appeal - A request form is not required. In all of my grievances I've listed that I discussed my complaint with the appropriate staff.

Applying Rule 60(B)(3) of the AIC Rules, Special Appeals, that above reference to SCDC policy found in their 5 May return in Footnote two is binding, being stated as a fact in an argument.

As for SCDC's claim that I didn't appeal to Ann Hallman and therefore didn't exhaust administratively:

This claim is moot and overcome by their own policy: SCDC Policy GA-01.12 § 14.1 "An emergency will encompass, but is not limited to, situations, actions, or conditions in which any person's health, safety, or welfare is threatened or in serious danger. It is the responsibility of the grievant to demonstrate the factors creating the substantial risk of personal injury or other serious and irreparable harm. The IGC will Fax or Scan and e-mail a copy of the grievance to the **CHIEF, INMATE GRIEVANCE BRANCH, TO DETERMINE IF** a substantial or serious harm is present and warrants the grievance being processed as an "emergency."

Now read Grievance LCI-1317-13, in the "ACTION TAKEN BY IGC"

Section, it states that "on 8/30/13 the Central Grievance office determined grievance # LCI-1258-13 was NOT AN EMERGENCY." See? Ann Hallman was faxed, had to, because of the protocol set forth in GA-01.12 § 14.1 which we just read.

SCDC failed to process my grievance because I failed to attach a request form - we've seen (in Footnote 2 of page two of SCDC's return) a request form is not necessary.

SCDC now claims Ann Hallman never saw it. Applying GA-01.12 § 14.1 and the caption of Grievance LCI-1317-13 that's incorrect.

It's ultimately up to you Your Honor, Do I meet the criteria of the definition of an emergency grievance per SCDC policy: "any complaint which, if handled according to the regular time limits required by the grievance system, would subject an inmate to substantial risk of serious and irreparable harm."

Taking my constitutionally protected attorney-client privileged, attorney working file (virtually immune to discovery), with no notice, documents that I need to perfect my appeal, which will with all likely hood be ruled upon BEFORE normal grievance procedure timelines will be over.

SCDC failed in not processing my grievances as an emergency.

Attached is Grievance KCI-0264-12. I submitted that on 2-22-12 and SCDC didn't process it (A STEP 1!) for over 780 DAYS! I think it's safe to say I qualify, being on appeal in the S.C. ^{40F} Ct. App., needing the full discovery to perfect that appeal, as meeting SCDC emergency criteria, as there is a risk of serious harm to my appeal, and as the above grievance shows, normal grievance timeframes in SCDC can extend very far, thus creating the RISK that my appeal in the Ct. of App. will be over, leaving it unperfected due to not having shown them the documents SCDC took, seized, redacted, copied, etc. IT'S AN EMERGENCY!

Date: 15 May 2014



Matthew B. Fullbright,
Appellant, Pro-Se, # 344468
Ridgeville, S.C. 29472

IN THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew B. Fullbright,
Appellant, Pro-Se, #349468,

vs.

South Carolina D.O.C.,
Respondent.

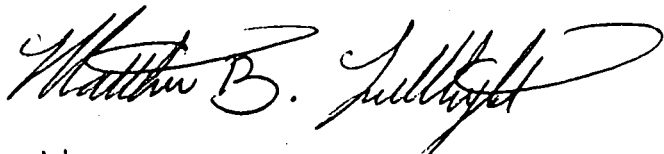
Request For Admissions

Docket # 13-ALJ-04-0926-AP

I, the undersigned Appellant, ask that SCDC admit that:

1. All applicable grievances in this appeal should have been processed, did meet SCDC's emergency grievance criteria, as specified/defined by SCDC Policy GA-01.12 § 19, that Appellant being on direct appeal in the S.C. Court of Appeals, which may be ruled upon before the over 780 day non-emergency grievance timeline may be exhausted, Appellant stands to risk serious and or irreparable harm to his criminal appeal, by not being able to perfect that appeal, because SCDC seized legal documents, files, discovery, attorney work product, etc. which Appellant needs to perfect that criminal appeal.
2. According to SCDC policy (FN 2, page 2, Respondent's 6 May 2014 return) I did exhaust my administrative options fully because Appellant did discuss these matters with the appropriate staff as outlined and explained in all grievances applicable to this appeal.

Thank You,



Matthew B. Fullbright,
Appellant, Pro-Se, #349468
Lieber Corr. Inst., Dorm: E-B 56
Ridgeway, S.C. 29472

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Matthew Fullbright, #349468,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 13-ALJ-04-0926-AP
Grievance No. LCI 1590-13

ORDER OF REMAND

This matter is before the Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed by Matthew Fullbright ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). The Appellant filed a Step One Grievance on November 10, 2013, which requested the same action as found in Grievance No. LCI 1552-13.¹ Grievance No. LCI 1552-13 was returned to Appellant on November 4, 2013 for failure to attach the answered Request to Staff Form. The grievance in this Appeal, Grievance No. LCI 1590-13, was returned to Appellant unprocessed on November 12, 2013 with the instructions to re-file with corrections. The Appellant was informed, through the returned Grievance, that the unprocessed Grievance "may be appealed, utilizing SCDC Form 19-11 'Inmate Request to Staff Member', to the Branch Chief within ten (10) days of the grievance being returned to the inmate."

The ALC dismissed the case on April 8, 2014 for Appellant's failure to exhaust all administrative remedies prior to filing this appeal. Appellant filed a Motion to Reinstate on April 17, 2014, which was granted on April 24, 2014. The ALC granted Appellant's Motion because the Appellant was not given ten (10) days to respond to Respondent's Motion to Dismiss as required by ALC Rule 63.

The Appellant claims that his grievance qualifies as an 'emergency grievance'. However, according to SCDC Policy GA-01.02 § 14.1, "[a]n emergency will encompass, but is not limited to, situations, actions, or conditions in which any person's health, safety, or welfare is threatened or in serious danger." The Appellant states that he has his underlying criminal case before the

¹ In Grievance No. LCI 1552-13, Appellant requested that "all seized documents be returned to me immediately and that all copies thereof in the possession of SCDC General Counsel and the SC Attorney General's Office be destroyed and the originals secured and sent to me."

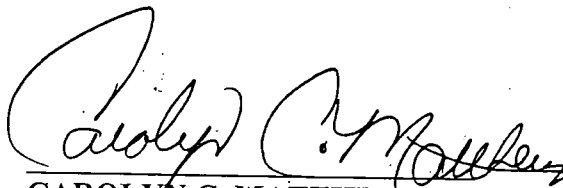
FILED

MAY 27 2014

South Carolina Court of Appeals and needs access to his complete record in order to effectively argue his case to the Court of Appeals. Appellant contends that "[h]olding and withholding papers" he needs for his appeal rises to the level of an 'emergency grievance'. While the Court does understand that the case before the Court of Appeals is a matter of utmost importance to the Appellant, the allegations of withholding papers does not meet the level of an 'emergency grievance' as the Appellant's health, safety, or welfare is not being threatened. Although the grievance filed by the Appellant does not rise to an 'emergency grievance', the issue does require a prompt conclusion. Therefore, to expedite the situation, the ALC will remand the grievance as a Request of Staff to Ann Hallman, Branch Chief of Inmate Grievance, to determine what papers and discovery Appellant is entitled to. A timely decision is necessary to make certain the Appellant has access to everything he is entitled to, in order to allow him the ability to proficiently argue his case to the Court of Appeals.

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.



CAROLYN C. MATTHEWS
Administrative Law Judge

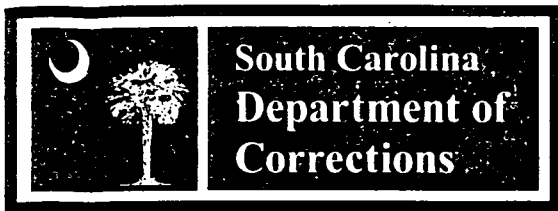
May 21, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 21st day of May 2014

BY Nickelz
Judicial Law Clerk



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.¹ Furthermore, inmates are not permitted to

¹ 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.

maintain copies of bank statements in their cells.² 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.³

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.

² 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.).

³ 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,

A handwritten signature in cursive script, reading "D. Crooks", with a long horizontal flourish extending to the right.

Daniel J. Crooks III
Staff Attorney

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Exhibit "A"

DIVISION OF INMATE SERVICES

NOTICE TO WITHHOLD INCOMING/OUTGOING CORRESPONDENCE
AND
DISPOSITION OF CORRESPONDENCE

INMATE NAME: <u>Matthew Fullbright</u>	SCDC #: <u>349468</u>	DATE: <u>August 20, 2013</u>
---	--------------------------	---------------------------------



This notice is to advise you that you have received/attempted to send correspondence to/from Jim Fullbright via home receive legal which contained mail from Scott N Robinson Leg. Mail with contain crime scene photographs Per SCDC Policy all legal mail which contain crime scene have to go to the CRC

This is deemed questionable and requires further review by the Correspondence Review Committee (CRC) pursuant to SCDC Policy PS-10.08, "Inmate Correspondence Privileges." The Committee has 60 days (excluding weekends and holidays) to advise you of the decision. For Review

DISF



Personnel information
Crime scene photos
Separate and
But students w/
one in

that the Correspondence Review Committee (CRC) has following correspondence: _____

g returned to sender at your expense by using "Debit E. H. Cooper Account." (Attached)

nds in your E. H. Cooper Trust Account to cover the correspondence. You have 30 days to advise the funds or provide a pre-paid envelope. If funds are not ondence will be disposed of pursuant to SCDC Policy ed Inmate Property and Disposition of Unauthorized

RECEIVED

AUG 30 2013

GENERAL COUNSEL

B. B. B.
Postal Director/Staff/Designee

L. B. B.
Institution

White - Inmate
Canary - Mailroom
Pink - CRC/Sender/Property Control

APPROVED

OCT 21 2013

SCDC CORRESPONDENCE
REVIEW COMMITTEE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DIVISION OF INMATE SERVICES

Exhibit "B"

NOTICE TO WITHHOLD INCOMING/OUTGOING CORRESPONDENCE
AND
DISPOSITION OF CORRESPONDENCE

INMATE NAME:	SCDC #:	DATE:



This notice is to advise you that you have received/attempted to send correspondence to/from _____ which contained _____

This is deemed questionable and requires further review by the Correspondence Review Committee (CRC) pursuant to SCDC Policy PS-10.08, "Inmate Correspondence Privileges." The Committee has 60 days (excluding weekends)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Operations

ORDER TO REPORT

APPROX 10:53 am
To Pick up his legal mail from the CRC Oct 24, 2013

SCDC #	Name	Area
		EB 56
REPORT TO _____ AT _____		
Bring All Belongings ☐ Bring State Clothing ☐ Bring Nothing ☐		
Date	Signed	
Date	Inmate's Signature	
Date	Staff Member's Signature	

SCDC 19-45 (Rev. August 1997)

CRC: Sender/Property Control

SCDC Form 10-5 (January 2005)

RECEIVED

OCT 23 2013

OCT 23 2013

MAINTAINING CRIME SCENE PHOTOS
AND/OR AUTOPSY PHOTOS

ROOM

MAIL ROOM

LEBER C.I.

LEBER C.I.

OCT 23 2013
MAIL ROOM
LEBER C.I.

LEGAL MATERIALS CONTAINING CRIME SCENE AND/OR AUTOPSY PHOTOS WILL BE REVIEWED THROUGH THE CORRESPONDENCE REVIEW COMMITTEE (CRC) PROCESS.

-ANY CRIME SCENE PHOTOS AND/OR AUTOPSY PHOTOS WILL BE SEPARATED FROM THE REST OF 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 (IN PROPERTY CONTROL, WARDEN'S SAFE, ETC). ***NOTE: THE MATERIAL SHOULD NOT BE MAINTAINED IN THE INMATE RECORD.*** THE WARDEN WILL ENSURE THAT A PROCESS IS IN PLACE THAT ALLOWS THE INMATE TO REQUEST ACCESS TO THE MATERIAL. THE INMATE SHOULD REVIEW THE MATERIAL IN A CONTROLLED ENVIRONMENT AND IT SHOULD BE RETURNED INTACT.

-IF THE INMATE IS TRANSFERRED TO ANOTHER INSTITUTION, THE MATERIAL WILL BE SECURED WITH THE INMATE'S PROPERTY AND TRANSFERRED WITH THE INMATE. IT SHOULD BE CLEARLY MARKED SO THAT THE RECEIVING INSTITUTION CAN ACT ACCORDINGLY. IF THE INMATE IS RELEASED/PAROLED, THE MATERIAL SHOULD THEN BE GIVEN TO HIM/HER.

Inmate Fullbright the 10-6 Dated August 20, 2013 was approved by the CRC with stipulation. Please be advised ~~redacted~~ personal information and other was redacted.

Matthew Fullbright

#349468

The Crime Scene photos were Separated and the bank statement were placed with the Crime Scene photos because of Policy 6.1.13 photos and Bank statement Crime Scene have been forwarded to Warden Office Oct 23, 2013.

APPROVED

OCT 21 2013

SCCC CORRESPONDENCE
REVIEW COMMITTEE

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

Date: 8 June 2014

Re: Matthew B. Fullbright v. SCDC; Docket No.: 13-ALJ-04-0926-1P.
Order of Remand Dated May 21, 2014; SCDC's Response To Remand.

Dear Judge Matthews:

SCDC refuses to comply with this Court's 21 May 2014 Order to have Ann Hallman determine what I'm entitled to have when it pertains to legal mail/discovery from my former trial attorney.

Your Honor, it's up to you. Order them (SCDC) to give me my complete and unredacted discovery which they unconstitutionally seized back in August of 2013. I NEED IT IN ITS ENTIRETY - NOW, I'M ON APPEAL IN THE SC COURT OF APPEALS ON DIRECT, I NEED IT TO SUPPORT MERITORIOUS ISSUES, RESOLVE CONFLICTS OF RECORD, ETC. SCDC is still taking the "fighting tooth and nail" approach as noted by Judge Barley in SCDC's mental health lawsuit, where people have died, rules and laws ignored (clearly), wasting money on appeals instead of simply fixing an obvious problem. It sounds familiar - though much less dramatic - it sounds like this very appeal. SCDC wanted you to dismiss this appeal because Ann Hallman "never got to determine the request form/grievance to see what Appellant is entitled too."

You have graciously gave them that very opportunity. You ORDERED that very thing.

They are now disobeying your ORDER and misconstruing

Your ORDER.

Let's get some justice here. I owe it to my family and my upbringing to be honest and do the best I can in all I do. I've done that in this appeal.

SCDC has been litigating far too many years not to know better. Is this my family's hard tax dollars at work? The money I paid over the years? Who needs to get involved to fix something so easy?

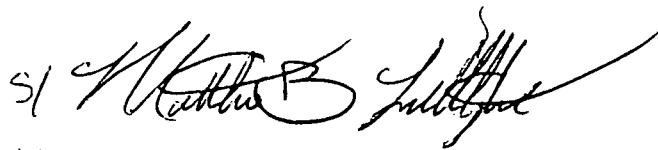
Get me a new complete copy of my discovery from my former trial attorney.

I need it. I'm entitled to all of it, UNREDACTED, UNCENSORED, PROTECTED BY OUR CONSTITUTIONS.

THEY WERE PROHIBITED BY LAW FROM TAKING IT AND DOING WHAT THEY DID TO IT, THEY BEING SCDC.

Nor about to stop,

Owing to all I'm grateful for,

S/ 

Matthew B. Fullbright,
Appellant, Pro-Persona,
SCDC # 349468
Lieber C.I., E-B-56
Ridgeville, S.C. 29472

Date: 8 June 2014

IN THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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

v.

South Carolina D.O.C.,
Respondent.

Certificate of

Docket No. :

13-AJ-04-0926-AP

RECEIVED

FEB 06 2015

SC Court of Appeals

I hereby certify that a copy of the foregoing documents was this date served upon the following parties by placing a copy of the same via mail to their last known address as follows:

1. Wanda M. Shearer
(My Power of Attorney)

2. Marshall H. Fullbright
(A party of Interest)

3. SCDC
Office of General Counsel
(Respondent)

June

~~25~~ 26, 2014
MBF



Matthew B. Fullbright,
Appellant, Pro-Persona,
SCDC # 349468,
Lieber Corr. Inst., Dorm: E-B-56
P.O. Box 205
Bridgville, S.C. 29472

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

Date June 25, 2014

RECEIVED
FEB 06 2015
SC Court of Appeals

Re: Matthew B. Fullbright v. SCDC; Docket No.: 13-ALJ-0001-0926-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!

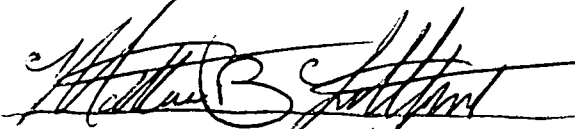
Ms. Matthews you said in your 21 May 2014 ORDER:

"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,
SCDC #349468

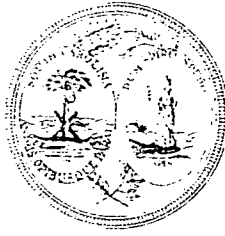
Ridgerville, S.C.,
On This Day of
25 June 2014

TWO

STATE OF SOUTH CAROLINA

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

RECEIVED

FEB 06 2015

SC Court of Appeals

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,

A handwritten signature in cursive script, appearing to read "Carolyn C. Matthews".

The Honorable Carolyn C. Matthews

Enclosure

cc: Daniel J. Crooks, III, Esquire

