

Hon. Donald W. Beatty,
S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED February 27, 2015
MAR 11 2015

SC Court of Appeals

Re: Motion to Intervene, McDonnell v. Collins and McDonnell v. S.C.D.C.

Dear Judge Beatty,

I would like to address two very serious matters with you, with the hopes that you take them very serious, because as it stand to this day inmates access to Court ends after the filing of his case in the Lower Courts.

My first concern: I ask that you except this letter, brief in lieu of a Motion to intervene.

You will notice I filed a Notice of Appeal in the ALC from a final decision of the Department of Corrections. You will also notice the grounds for which I appealed, which is due Process and Equal Protection for unnecessary and unjustifiable use of force, and went on to state other Public interest violation the Dept. of Corr. Committed. I ask that you take a good look at My grievances and find where I don't have a state created liberty interest from being free from assault by Public Officials.

Now I ask you to review the order of Dismissal by ALS Deborah Brooks Durden. My first Complaint, I will show you Ms. Durden was in error. Ms. Durden knew she was disqualified from hearing this case and was to recuse herself from this case as require under Canon 3 (A)(B)(1)-(E)(b). Judge Durden once was an employee of the Respondent under the supervision of the representing Attorney in this case. Thereby disqualifying her from hearing this case, which her impartiality is now in question, because of her ruling was based on bias and prejudice.

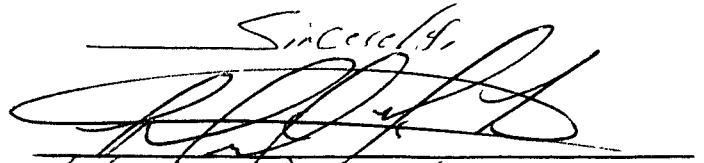
This Court ruled in Al-Shabazz, that the ALC shall have jurisdiction over inmates appeals in matters of loss of good time credits or Property interest and other condition of Confinement. This same Court ruled in Stezak, that Liberty interest is in both a security and health hazard to inmates, that adequately states a violation of an inmate liberty interest, so as to entitle him to a hearing before the ALC. An assault on an inmate by Prison Officials is a violation of security and a health hazard. Judge Durden knows this to be true. Her impartiality was based on bias and prejudice, because there is no specific fact in the record to support her ruling. Now I can't appeal her decision to the Court of Appeals, which is my next concern with this Court.

I filed a Notice of Appeal from the Court of Common Pleas to the Supreme Court, this Court transferred it to the S.C. Court of Appeals. My second concern is the filing fees.

I have attached a certified copy of my prison account, which you will notice I don't have a prison account. This Court has placed no protection against discrimination against poor inmates. I even filed a motion for appointment of counsel. The Court of Appeals Clerk of Court informed me that my motion will cost \$25.00 before she will file that motion. I'm not going to get into telling you what the Constitution says about an inmate's right to access to Court. What I'm going to ask you is, what State or U.S. Constitutional Standard that allows this Court to place a totalbooth before the footstep of its Courthouse against the poor?

This Court has no Court Rules in place that will allow a prisoner access to this Court from the appeal from the Court of Common Pleas other than a PCR. Let me show you how this Court has insured inmates. I filed a tort in the Court of Common Pleas. One Court ordered the Defendants to produce discovery. The Defendants refused. I then filed a protection order. Another Circuit Court Judge denied my motion because the Defendants told the Judge the first Judge did not order discovery. I'm retained. I filed a law suit against the Defendants Attorney for fraud upon the Court. I went before another Judge with proof (transcript) to prove that the Defendant's Attorney committed fraud up the Court. This Judge changed my claim and dismissed my suit on grounds that I never brought before the Court. I appealed this case but I could not get by this Court totalbooth. I don't know what to do now. I can't turn and drop my head in the face of injustice. So many blacks have died fighting to give me the rights to seek justice in our Court system.

All I ask, is that you investigate the following lower Court cases McDowell v. Collins, 2014-CP-08-00394 Appellate Case No. 2014-002669, and McDowell v. SCDL, Docket No. 14-ALS-04-1109-AP I have enclosed the orders. I ask that you review these two cases and intervene and reopen them to be reviewed on appeal in the Court of Appeals and the ALC. Thank you in advance for your devoted consideration, I am,

Sincerely,

Herbert McDowell #145167
Lieber Coll. Inst.
Post Office Box 205
Hidgenville, S.C. 29472

cc: Deborah Brooks Darden
v. Claire Allen

Note: This Office has copies
of the aforementioned
complaint

**INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES**

RECEIVED
Heber
JAN 27 2015
MAIL ROOM
EMERGENCY

RECEIVED
FEB 13 2015
MAIL ROOM
EMERGENCY

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. **When returned from Accounting, you must mail this form with any payment to the Court.**

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Herbert M. Dowell MB133

SCDC # 145167 INMATE SIGNATURE: [Signature]

I plan to file this action in the SC County of Richland

The section below is for SCDC - Financial Accounting Branch's use ONLY.

(1) Total deposits to inmate's account for preceding six months' period*	\$	<u>0</u>
(2) Twenty percent (20%) of line 1	\$	<u>0</u>
(3) Account balance - current date	\$	<u>0</u>
(4) PAYMENT AMOUNT** (lessor of line 2 or line 3) Enclosed check #	\$	<u>0</u>

****NOTE to COURT** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21737
Columbia, SC 29221-1737

*Additional case is noted here if inmate incarcerated less than six months _____

Prepared by [Signature] Accounting Branch - SCDC Date 2/11/15

Herbert M. Dowell #146162
Lieber Corr. Inst. MB 133
Post Office Box 205
Ridgerville S.C. 29472



RECEIVED
MAR 09 2015
MAIL ROOM
WEBER C1

V. Claire Allen, Deputy Clerk
So. Car. Court of Appeals
1015 Sumter St.
Columbia, S.C. 29201

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MAR 11 2015

SC Court of Appeals

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