

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

April 15, 2015

RECEIVED

MAY 04 2015

Re: Appellate Case No. 2014-001684;
Matthew B. Fullbright, # 349468 [APPELLANT]
v.
South Carolina Dep't of Corrections (SCDC) [RESPONDENT]

SC Court of Appeals

Dear Ms. Kitchings:

SCDC is actively denying Appellant access to This Court; This denial is on multiple fronts and on several levels.

The latest denial is this: SCDC submitted a motion to remand to This Court dated March 27, 2015. That motion arrived at Appellant's institution on April 01, 2015 and was withheld from Appellant until April 06, 2015. This delay prejudices Appellant because it denies Appellant a timely response to SCDC's motion to Remand, perhaps leaving This Court to conclude that Appellant chooses not to respond at all. Appellant completed the reply motion and has been trying to properly mail it to This Court since April 10, 2015.

It should be noted: SCDC as Respondent, having much interest in the outcome of this appeal, is also in total control of exactly when and how legal mail is delivered to Appellant - After all, access to the courts, among other issues, is at the core of the appeal itself.

Compounding these issues, Appellant is required by This Court to pay a \$25.00 filing fee with any motion.

To do this, Appellant must go in-person to the institutional mail room, fill out the SCDC Form 15-1 "COOPER TRUST FUND WITHDRAWAL," affix the necessary thumb/finger "print" and signature. Also, as Appellant stated to the Administrative Law Court via letter dated March 28, 2014, when this appeal was before that court:

"[The Lieber mail room] has made it clear that any package going to SCDC General Counsel is considered non-legal inter-departmental and cannot be sealed outside the presence of the mailroom staff. Because of this, I must go to the mailroom in person."

Amplifying all of this further is how difficult it is simply to get to the mail room itself. Here is how and why:

1. There are five dorms here at Lieber each with an assigned weekday to go to the mail room;
2. Appellant is housed in Edisto dorm, the assigned mail room weekday for Edisto is Thursdays;
3. Per SCDC Policy "any Inmate with time-sensitive legal and outgoing mail, needs a time-sensitive document notarized, must pay any filing fee to any court, and/or any other matters of a legal nature, must be afforded access to the institutional mail room, any day the mail room is operating; excluding holidays and weekends,";
4. Instead of complying with this, Lieber uses the dorm's assigned day criteria as a vehicle to continuously deny access to the mail room, thus, the courts;
5. It is the habit and practice of Lieber staff and personell to allow Inmates to use the mail room on a day other than the dorm's assigned day only with an SCDC Form "ORDER TO REPORT,";

6. An order to Report (OTR) is only given to an Inmate if the Inmate has received incoming legal mail, the Inmate is "ordered" to report to the mail room to pick up said legal mail;

7. Having no OTR readily usable on any non-assigned down-day to get to the mail room, Appellant will explain to This Court so as This Court can fully appreciate the situations surrounding EACH and EVERY Filing Appellant has filed and will need to file in the future - The Following "planets must be aligned":

a) good Fortune must allow Appellant to have the lone down officer in proximity (ear-shot) of Appellant's cell and this must also coincide with the small window of time that certain institutional movements are allowed,

b) if Appellant succeeds in having the lone down officer choose Appellant's cell out of the many others holding Inmates beating, banging and yelling, also trying to get out and conduct various matters and business, Appellant must then,

c) persuade the officer that Appellant needs to go somewhere and do something - Quoting Policy, Explaining Legal Rights, or the Importance or time-sensitivity of a matter is a sure-fire way for Appellant to be ignored. Once out of the cell Appellant still must,

d) Get out of the down and onto the yard itself. This usually depends on who is working and if the down Lieutenant is present in her office, again, explanation accomplishes nothing,

e) IF Appellant makes it this far, out on the yard, the next obstacle is the yard officer, and, depending on who's working almost always wants to see Appellant's OTR, again, this requires creative dialect to proceed any further without an OTR,

f) IF, miraculously, Appellant has passed all of these obstacles between himself and the courts, one major one remains,

g) Which is, as any Inmate at Lieber will quickly tell you, is the-impossible-to-get-through-without-an-OTR "ACCESS GATE." A large barbed-wire laden gate always locked which only the Officer operating can open. At this point it should be a no-brainer that, yep, without an OTR, Appellant cannot get through to the oasis of the mail room off in the distance.,

h) all along these various barricades, Appellant has asked to speak to Captains, Wardens, conference calls with SCDC General Counsel, has written Requests to Staff Forms, had Appellant's Family contact the courts and Lieber, grieved the issue, yet nothing changes.

Today, Appellant is being diligent in establishing This Court's grasp on the severity of Appellant's denial of access to the courts. Today Appellant made it out of the cell via dorm Officer, Sergeant Dina M. Carter, # 030879. The mail room, over the "radio" once again stated "OTR's only are to be released to the mail room." I asked Sgt. Carter to please call the mail room, she did and explained that Appellant informed her of the time-sensitive nature, the \$25.00 required filing fee - AND APPELLANT WAS ONCE AGAIN DENIED.

Since SCDC unlawfully seized Appellant's Privileged Attorney-Client casefile sent by Appellant's trial attorney on August 19, 2013, SCDC has attempted to win this case/appeal through default and other means by constantly frustrating and causing delays against Appellant.

As it stands today, this letter is all Appellant can send, no \$25.00 filing fee, just this. Before this Court does away with this appeal as if by a fault on behalf of Appellant, please consider:

- From March 10, 2014 - DENIAL OF MOTION, ORDER FOR BRIEF, BY THE ALJ:

"On January 17, 2014, the Appellant sent a letter to the ALC and SCDC regarding his difficulty preparing a brief and his problems with the mail-room at the correctional institution, this Court Finds that the Appellant made a good faith effort to timely file and serve the brief within the applicable time limit." "SCDC's Motion to Dismiss is DENIED."

- From April 14-16, 2014 - APPELLANT'S LETTER and MOTION TO REINSTATE:

"[A] copy of the envelope of SCDC's motion and of the "ORDER-TO-REPORT" are enclosed to show the delay I'm dealing with in here," and, "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," and, "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."

- From April 24, 2014 - ORDER TO VACATE AND REINSTATE, BY THE ALJ:

"Pursuant to ALC Order, the case was dismissed for the Appellant's failure to exhaust administratively. However, upon consideration of Appellant's Motion to Reinstate, the ALC failed to give Appellant ten (10) days to respond to Respondent's Motion to Dismiss and to thoroughly consider Appellant's response to Respondent's Motion to Dismiss."

- From November 4-7, 2014 - APPELLANT'S MOTION, EXTENSION OF TIME FOR BRIEF:

"Many circumstances have arisen over the past month, attempting to prevent me from filing my initial brief much less perfect the above captioned appeal [2014-001684]." and "This Court gave an order granting Appellant until November 10, 2014 to file his initial brief, however, Appellant did not receive the order until November 4, 2014, due to delay by SCDC..."

although it was postmarked October 29, 2014. The delay in receiving this Court's Order and the situations out of Appellant's control that have prevented Appellant's access to the law library."

- From January 3, 2015 - APPELLANT'S MOTION TO NOT DISMISS AND FOR THIS COURT TO RULE ON THESE CONSTITUTIONAL VIOLATIONS:

"According to Rule 240 (e), SCACR, as an Appellant, I have ten (10) days from the date of service on SCDC's (Respondent) Motion to Dismiss to file a return. The date on SCDC's motion is December 23, 2014. The date I was called to the mail room to sign for that motion was December 31, 2014, a total of eight days. I have enclosed the envelope (copy) to verify this."

- From January 11, 2015 - APPELLANT'S LETTER, S.C. Ct. App.:

"The law library is bringing our books to the dorm, and since we cannot go to the mail room, I can only mail this out as soon as possible. This case has been hindered and impeded and has [sic] so many obstacles prevent its perfection."

- From January 29, 2015 - Appellant's Letter and AFFIDAVIT, S.C. Ct. App.:

In short, these documents state that The S.C. Ct. App. noted that Appellant's Initial Brief did not include the Designation of Matter, Appellant sent back to The S.C. Ct. App. a copy of the "torn, wrinkled, and" with an arbitrary sticker attached. That SCDC held Appellant's Designation, sent out on January 12, 2015 by Appellant, until January 29, 2015, arbitrarily and capriciously.

Appellant has listed only a portion of SCDC's attempts to unlawfully and maliciously thwart this appeal from the start.

In closing, more than mere allegations, Appellant could very

easily verify that SCDC has returned envelope(s) claiming the postage wasn't enough to send them out when some of them contained only **ONE PIECE OF PAPER!** I can show SCDC has lied, covered up those lies, quoted "policy" that doesn't exist and more.

All of those issues are not for today in This Court.

Appellant has attached an affidavit adopting this entire eight page document dated by reference swearing that all of the words by Appellant within as true and correct under penalty of perjury.

Appellant is unsure when he will be allowed to go to the mail room and meet all of the legal requisites of This Court, I can only do them once and IF SCDC allows me to. Appellant will mail out his MOTION TO NOT DISMISS which is the reply to SCDC's MOTION TO REMAND, Send the \$25.00 Filing fee as soon as humanly possible. Appellant has it all ready, just being prevented from sending it.

If there are any other delay tactics, undue obstacles, or other issues with this appeal, now in This Court, or to any Higher Court on an emergency appeal from the result of a remand or dismissal as a result or connected to Appellant's denial of access to the courts, caused by SCDC, this entire document/affidavit will be referenced and all wording addressing these issues will be adopted by reference.

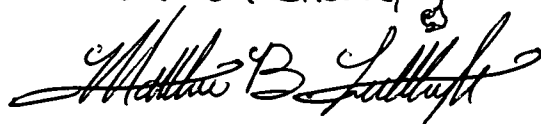
THE RECORD DOES NOT REMAIN SILENT ON THESE
ISSUES.

All of the foregoing, these eight pages addressing my denial to access to the courts by SCDC is true and correct. I SWEAR under the penalty of perjury that everything contained is true to the best of memory and reference.

Notarization unnecessary according to applicable State and Federal law.

[This, as all I do is dedicated to the Staton and Fullbright Families, who have been deprived and withheld the truth what happened in October of 2009.]

Grateful of My Rights,
An American,



Matthew B. Fullbright
APPELLANT, PRO SE

#349468

@ Lieber Corr. Inst. E-B-56
Ridgeville, S.C.

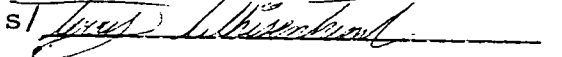
cc: SCDC Office of General Counsel;
P.O.A. Marshall H. Fullbright;
File.

Affidavit

I, Terry Whisenhunt SCDC# 343850, attest that the following is true under penalty of perjury:

Matthew Fullbright SCDC# 349468 and I were cellmates in Ashley-B-49, at Lieber Corr. Inst. from around the middle of may through October 2nd, 2013. During that timespan I personally witnessed him to write and submit many SCDC Request Forms (RF's) to various SCDC personnel. Being there when he wrote them, submitted them, and also during count when he and I were both together for mail call. I can say for absolute certainty that many, in fact, a greater majority of the RF's were never answered/returned. To venture a guess, I would say well over 75% of the RF's were never answered/returned, and that's a conservative estimate.

Additionally, I myself have had around the same percentage of my RF's answered/returned. It seems that the request submitted that are needed, important, or necessary to attach to a grievance are the ones not answered/returned. I have submitted grievances about imortant issues, the grievances return unprocessed because I don't have the proper RF attached, yet I cannot get the appropriate personnel to answer/return a RF. It's frustrating. The administration here at Lieber seems to be designed to quash any inmate's attempts to resolve their grievances. This is the truth.


Terry Whisenhunt SCDC# 343850

Lieber C.I.

P.O. Box 205

Ridgeville, S.C. 29472

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Appellate Case No.
2014-001684

CERTIFICATE OF SERVICE

I, the undersigned Appellant, certify that I have sent the enclosed eight page letter/affidavit addressing SCDC denying Appellant access to the courts, to SCDC Office of General Counsel, 4444 Broad River Rd., Columbia, S.C. 29221 and to Power-of-Attorney Marshall H. Fullbright, 106 Dogwood Dr., Belton, S.C. 29627

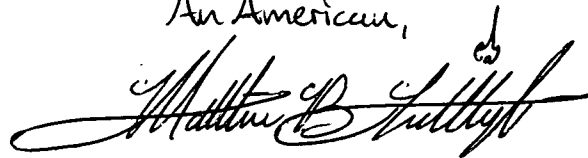
On This 16th Day of April, 2015

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SC Court of Appeals

By,
An American,



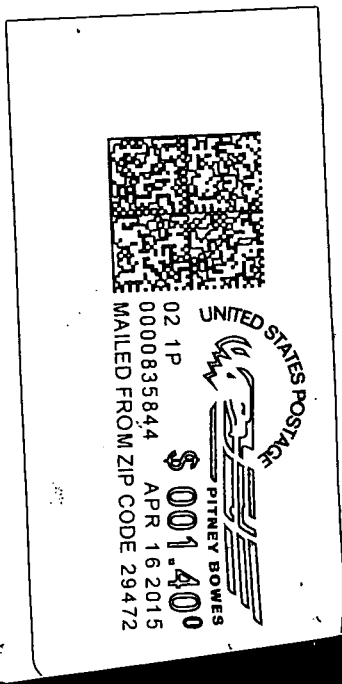
Matthew B. Fullbright
APPELLANT, PRO SE
#349468
@ Lieber Corr. Inst.
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MAIL ROOM
LIBER.C.1

The S.C. Court of Appeals
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