

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 10 2015

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Carolyn C. Matthews, Administrative Law Judge  
App. Case No. 2014-001684

Matthew B. Fullbright,

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  
Ridgevill, 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

INDEX

- Respondent's Second Motion to Dismiss-April 3, 2014
- Appellant's Motion to Reinstate and, Appellant's Motion Not to Dismiss-April 17, 2014
- Respondent's Return to Appellant's Initial Brief-May 6, 2014
- Appellant's Reply to Respondent's May 6, 2014 Return, Motions to Dismiss, along with Appellant's Request for Admissions-May 19, 2014
- ORDER OF REMAND-May 21, 2014
- Respondent's Misconstrution of the REMAND-May 28, 2014
- Appellant's advisement to ALJ that SCDC refused to comply with ALJ's ORDER-June 8, 2014  
Receiving no answer, and with SCDC not giving me my legal case file back in its entirety, Appellant wrote ALJ again - being diligent-June 7, 2014

EXHIBITS

- A:1,2 Letter from Appellant to trial attorney Scott D. Robinson, requesting entire case file. July 11, 2013
- B: The SCDC Form 10-6 "Notice to Withhold Incoming/Outgoing Correspondence." August 20, 2013
- C: I can only call this "The False Photo Form" because it was utilized administratively; yet there is no SCDC Form Number assigned to it.

D:1 An emergency grievance written by Appellant concerning an incident involving legal materials and work-product of Appellant from 1/4/13 [Supposed to be 2/4/13]. The importance of this exhibit is the signature-Ann Hallman's-she receives emergencies directly.

D:2 Appellant's Emergency Grievance explaining the legal needs, prejudice, risk of harm, etc., of the legal case-file discovery, to SCDC, 8/30/13

D:3,4 Appellant's Emergency Grievance with definitions, SCDC Policy, etc., 9/10/13

D:5 Appellant's Emergency Grievance detailing missing documents after SCDC's review of and censoring/copying of Appellant's legal case-file, 11/04/13

D:6 Same as D:5 above, but, dated 11/12/13

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

E:3 Affidavit, as sworn by one Le-Vern McRea, SCDC# 348291, detailing the gross mishandling of Appellant's case-file, from his account, 8/23/13

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

E:5 Appellant's request of photographic index after SCDC/CRC review, the response: NO SIR!, 10/24/13

E:6 Appellant's request to see all evidentiary, photographic, contents in SCDC's possession removed from the legal case-file. This Request shows this was completed on 10/29/13

E:7 Appellant's inquiry as to how many photographs in SCDC's control. Response unhelpful

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

E:9,10,11 Appellant's inquiries to Christopher Florian, David Tatarsky, and Maria Leggins, all with the SCDC General counsel-as answered by SCDC staff attorney Shanika Johnson, again, unhelpful, 11/12/13

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

E:15 This document, part of the actual legal case-file from S.L.E.D. reads 938 (nine-hundred-thirty-eight) photographs are in the case-file. In fact there are thousands of photographs

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

F:5-8 My family attempts to ascertain answers from SCDC/General Counsel 9/9/13

F:9 Vague, unhelpful "answer" to my family's inquiry in F:5-8 above from Christopher Florian, Deputy General Counsel, SCDC

F:10-13 Here, my best friend and fiancée attempts to get answers, writing both to Warden McFadden and David Tatarsky, General Counsel, 9/27/13

F:14 More ambiguities and failure to answer the lawful questions as posed by Wanda M. Shearer in Exhibit F:10-13 above, 10/3/13

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

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

H:1-7 These exhibits show that it's SCDC's habit to take Inmate's legal mail from and between them and their attorneys

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

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

K:1,2,3 These documents incriminate SCDC in that Appellant's confidential, legal case-file from Appellant's attorney was mishandled, arbitrarily written on, copied, and censored as if by some children in a craft project

L:1,2,3 SCDC allowed these documents, which contain personal data identifiers, to go directly to, and uncensored, to Inmate Stephen L. Hewitt, #303283

M:1,2 Appellant wrote this grievance on 2/22/12. The grievance was answered on 5/13/14! OVER TWO YEARS LATER! If Appellant had followed normal grievance timeframe(s) in this case in a non-emergency method, the risk of damaging Appellant's legal endeavors would have been much more severe

N:1-17 This exhibit contains everything anonymously sent from SCDC to Appellant's Father, Appellant's Father's affidavits and a copy of the envelope the package was sent in.

This record on appeal/index to contains orders, motions, and exhibits. Appellant has no way to create anything in a "bound" form, so this record/index is listed by date for the orders and motions, and by exhibit number for the exhibits, instead of page numbers.

A short description has been set for these items listed in this record on appeal as illustrated in the court rule book, and according to Rule 210, SCACR.

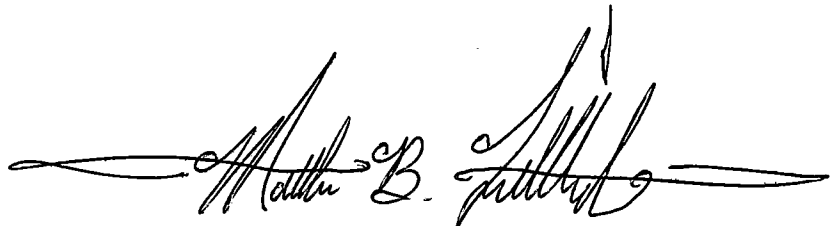
This Record On Appeal contains all things relevant to this appeal.

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

JUNE

~~JULY~~ 2, 2015

MBF

A handwritten signature in cursive script, reading "Matthew B. Fullbright", with decorative flourishes extending from the left and right sides.

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

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Corolyn C. Matthews, ALJ

Appellate Case No. 2014-001684

CERTIFICATE OF SERVICE

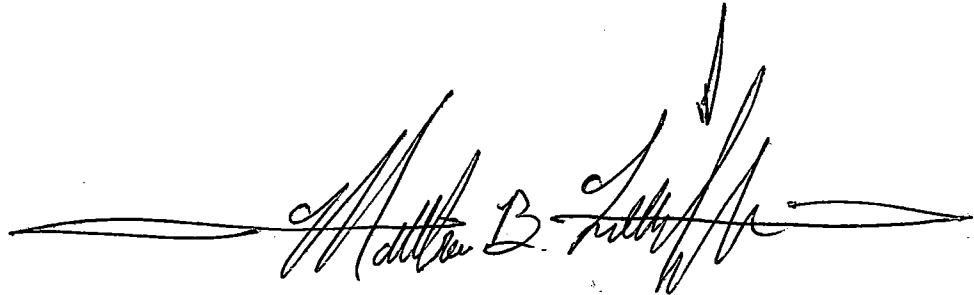
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SC Court of Appeals

I, the undersigned Appellant, certify that I have sent the enclosed index for the record on appeal for the above referenced case, 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 4<sup>th</sup> DAY OF June 2015,

A handwritten signature in black ink, reading "Matthew B. Fullbright". The signature is written over a horizontal line that extends across the page. There is a small arrow pointing down to the signature.

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

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

JUNE 2, 2015  
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JUN 10 2015  
SC Court of Appeals

Re: Matthew B. Fullbright v. SCDC;  
App. Case No. 2014-001684

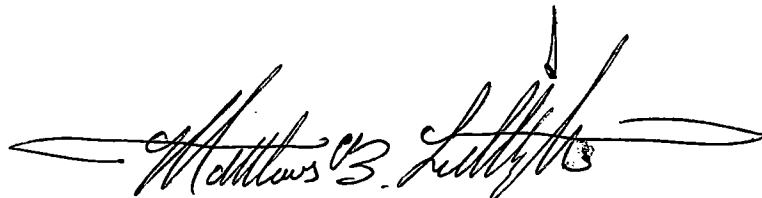
Dear Ms. Kitchings:

You wrote a letter to me dated May 27, 2015, notifying me that I have ten days from the date of that letter to correct the deficiency of attaching an index to the record on appeal for the above referenced case. Well, I didn't receive your letter until June 2, 2015. I sat down immediately and typed out this enclosed index as you addressed.

This may arrive to you after the ten window as prescribed by you due to the delays I frequently experience with my incoming/outgoing legal mail.

I pray that, under the circumstances that you would forgive any delay as it is through no fault of Appellant's. Also, I have notified my family and instructed them to call your office to inform you of my good faith efforts to reply timely. I'm having them do this because the penalty, according to your letter, should I fail to meet the ten day window would be that the appeal would be dismissed; I certainly don't want that.

Thank You As Always,  
Sincerely,



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

Matthew B. Fullbright, SCDC # 349468  
Lieber Correctional Institution, Edisto-B-56  
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Ridgeville, S.C. 29472

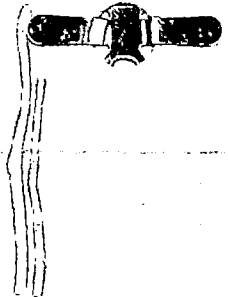
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JUN 04 2015  
MAIL ROOM  
LIEBER C.I

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

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THE DEPARTMENT OF CORRECTIONS HAS NOT  
INSPECTED OR CENSORED THIS ITEM; THEREFORE,  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS