

State of South Carolina
In The Court of Appeals

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SEP 02 2015

SC Court of Appeals

Appeal From The Administrative Law Court

The Honorable S. Phillip Lenski, Presiding Judge

Case No.: 2015-001674

Jamie Leamon, # 244584

Appellant,

v.

South Carolina Department of Corrections

Respondent.

Designation of Matter To Be Included
In The Record On Appeal

Appellant proposes the following be included in the record on Appeal:

1. 19-29A Department's Misconduct Report
2. Appellant's Step-1 Department's Agency Grievance
3. Appellant's Step-2 Department's Agency Grievance
4. Appellant's Filed (ALC) Appeal
5. Appellant's (ALC) Initial Brief
6. Respondent's Motion To Dismiss ALC Appeal...

...

dated June 25, 2015.

7. ALJ's Final Order of Dismissal, dated July 17, 2015.
8. The Department's/SCDC Offender Management System Disciplinary System Offense Inquiry (Print-out Sheet).
9. The Department's/SCDC Offender Management Systems Inmate Disciplinary System Display Offense Code Text. (Print-out sheet)

I certify that this designation contains no matter which is irrelevant to this appeal.

August 26th, 2015

sf Jamie Leamon

Jamie Leamon, #244584

Evans C.I. / F-4-B / Cell # 126

610 Highway 9 West

Bennettsville, SC 29512

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

#006

Institution/Center: BRC1	
Date of Report: 10/08/07	Time of Report: 10:40 AM
Reporting Official: J. BELUE #042784	Date of Incident: 10/08/07
Location of Incident: F1 Rm. 122	Time of Incident: 07:36 AM
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. LEAMON, JAMIE #244584 B m	1. J. BELUE
2. ELLIOTT, SANTANA #222429 B m	2. LT. SPANN
3.	3. LT. WILSON
4.	4. SGT. BRABHAM
5. 50120A 26 ST3	5. CPL. HARVIN

On the above date and approximate time: **WHILE LOCKING DOWN FOR COUNT I WENT PAST RM. 122 AND DID NOT LOCK IT I/M LEAMON AND I/M ELLIOTT STATED HE WAS TO BE OUT FOR EXTRA DUTY ON THE SHOWERS. I CAME BACK TO RM. 122 AND SAW I/M LEAMON USING A CELLPHONE DARK IN COLOR. I DEMANDED HIM TO GIVE ME THE PHONE. I/M LEAMON WOULD NOT AND MOVED OUT OF RM 122 TOWARD THE SHOWERS AND I/M ELLIOTT. I/M ELLIOTT THEN MOVE AROUND BEHIND I/M LEAMON TOOK THE PHONE AND PLACED IT IN HIS BACK POCKET AND RAN ALONG THE BOTTOM TIER TOWARD MY DESK. I THEN CALLED FIRST RESPONDERS AND FOLLOWED I/M ELLIOTT AND WATCHED HIM RUN ONTO THE ROCK AND TO THE 1ST TIER TOWARD THE DAY ROOM. FIRST RESPONDERS ARRIVED AND I HAD TO OPEN DOOR AND LOSE SIGHT OF I/M ELLIOTT. FIRST RESPONDERS ENTERED AND I/M LEAMON EXCORTE TO OPERATIONS. I/M ELLIOTT AND ALL OTHER I/M WERE LOCKED DOWN. COMMON AREAS, RMS. 126, 129, 139, & 235 SHOOK DOWN - NO CELLPHONE FOUND.**

Signature: *J. Belue*

Evidence:

Witness(es):

Supervisor's Comments: **Off Belue saw I/m leamon using cell phone and gave it to I/m Elliott who took off running. Phone not found after shake down. Placing both I/m's in I/cuba pending investigation.**

Signature: *[Signature]* Title: **Det.** Date/Time: **8:01 AM / 10/8/07**

Major/Responsible Authority: **Report to DAO for Charging of SCS / Poss of a cell phone**

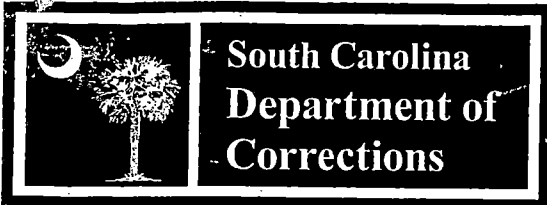
Signature: *[Signature]* Title: **Major** Date: **11/1/07**

STG Related - Refer to STG Committee
 Yes No Unknown

This Incident is DRUG related
 Yes No Unknown

Action Taken

Informal Resolution
 Administrative Resolution
 Refer to Disciplinary Hearing



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

May 13, 2015

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Jamie Leamon, #244584, vs. SCDC
Docket No. 15-ALJ-04-0143-AP

Dear Judge S. Phillip Lenski:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance ECI 580-14, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,

Cheron M. Hess
Administrative Assistant
Office of General Counsel

Enclosures

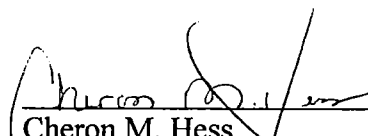
cc: Inmate Jamie Leamon, #244584
File

CERTIFICATE OF SERVICE

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

Inmate Jamie Leamon
Inmate Number: 244584
Dorm-Room-Bunk: 4B-0126-A
Evans Correctional Institution

Columbia, South Carolina
May 13, 2015


Cheron M. Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

"SEE Attachment"

STEP 1

INMATE NAME: Jamie Deamon
 SCDC NUMBER: 244584
 INSTITUTION: EVANS **RECEIVED**
 HOUSING UNIT: Wayhous B/2011 16 2014
 WORK ASSIGNMENT: _____ BY: [Signature]

Office Use Only
 Grievance No. FC7-0580-14
 Code: General [initials]
 Policy OP-22.14
 Disc. Hear. _____
 Class. _____
 Date Received 7-17-14
 IGC Initials EDM

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) This is a policy grievance. Namely, (OP-22.14, Section 898) (2007); Verses (OP-22.14, Section 898) (2012-2013). The (2007) OP-22.14, Section 898 was never constitutional and was misapplied which caused an adverse effect towards many inmates that violated inmates 8th Amendment, and 14th Amendment of the United States Constitution. In the year of 2007, the elements of audio/visual existed. However, in the year of 2012-2013, OP-22.14 had been revised and excluded the elements of audio/visual cause that section of OP-22.14, Sec. 898 was inconsistent with OP-22.14, Sec. 15, and 15.1 Therefore, unconstitutional. Additionally, policy grievances cannot be barred. (E.g. See, above typed statement, and SCDC Grievance policy GA-01.12...

ACTION REQUESTED: The issue herein investigated by adequate Personnel, and the reason why audio/visual was excluded after the year of (2007) From OP-22.14, section 898 cell phone offense.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

SEE SCDC policy/procedures GA-01.12, sections 7, and 7.1 (Policy/procedures grievances can be filed anytime).

[Signature] 7.15.14
 Grievant Signature Date

ACTION TAKEN BY IGC:

Please See warden's
Decision

[Signature] 7/17/14
 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 Leamon:

This is in response to grievance #0580-14.

You have addressed an issue against policy, which cannot be changed at this level. Policies are neither developed nor changed by the institution. Policy revision can only be done at the headquarters level. Evans is in compliance with agency policy OP-22.14, Inmate Disciplinary System.

If you wish to pursue this matter, please contact your grievance coordinator for the appropriate forms. You have five days from receipt of response to submit a Step 2 grievance form.

[Handwritten Signature] 7-21-14
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.

Jamie Leamon 8/4/14
Grievant Signature Date

Ms Redman-Miller 8/4/14
IGC Signature Date

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.

... Section 7, and 7.1 which states:

7. Grievable Issues: The following issues will be considered grievable:

7.1 "Department policies / procedures", directives, or conditions which directly affect the inmate;

Wherefore, this is a Department policy / procedure grievance pursuant to SCDC policy / procedure GA-01.13, Sections 7, and 7.1

s/ Jamie Beaman

cc: Ms. Anne Hallman

Ms. Redfearn-Miller

Jamie Beaman

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

DWC
7-9-14
STEP 2

INMATE NAME: Timie Lramon AUG 11 2014
 SCDC NUMBER: 244584
 INSTITUTION: Waxhaw B/126
 HOUSING UNIT: Waxhaw B/126 AUG 06 2014
 WORK ASSIGNMENT: _____ BY: OB

Office Use Only
 Grievance No. ECT 058014
 Code: General
 Policy OP 22.14
 Disc. Hear. _____
 Class. _____
 Date Received 8/6/14
 IGC Initials ELM

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): This is an Appeal of my Step 1 Policy Grievance. Namely, OP-22.14, Section 898, (2007); verses (OP-22.14), Section 898 (2012-2013). The (2007) OP-22.14, Section 898 was never Constitutional and was misapplied which caused an "adverse effect" towards many inmates, that violated inmates 8th Amendment, and 14th Amendment of the United States Constitution. In the year of 2007, the elements of audio/visual existed. However, in the years of 2012-2013, OP-22.14; had "obviously" been revised and excluded the elements of audio/visual cause that section of OP-22.14, Section 898 was inconsistent with OP-22.14, sec. 15, and 15.1; Therefore, unconstitutional, citing "Wolf v. McDonnell," 418 U.S. 539. Additionally, policy Grievances cannot be barred. Timie Lramon 8-4-14
 (E.g. See, OP-01.12, sec. 7 and 7.1). More cogently, Grievant Signature Date
 Please state why the audio/visual was added and then deleted.

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your allegation that the disciplinary offense of 898, "The Possession of Any Cell Phone or Other Type of Communication Device: Possession of, receives or uses (audio/visual), conceals, disposes, stores, facilitates, barter, buys, sales of cellular phones or other communications equipment and /or any components thereof," from the October 1, 2007 version of OP-22.14, "Inmate Disciplinary System," violated inmates 8th and 14th amendment of the United States Constitution, and determined that there was no violations. You failed to state how the 898 disciplinary offense was inconsistent with sections 15 and 15.1 of OP-22.14. The Office of Policy Development looked at the issue you raised, but could not find any inconsistencies. Since you stated in your grievance that the 2007 version of the 898 disciplinary offense was unconstitutional, and your action requested is to know the reason why "audio/visual" was excluded in the current version of OP-22.14, it appears that you are attempting again to appeal your October 2007 conviction of 898, and not submitting a "policy grievance."

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 3/4/15
 Signature _____ Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

 Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case number	Inmate number	Inmate first name	Inmate last name	Grievance No	Respondent	Filing date	Date Assigned	Judge last name
15C0143	244584	JAMIE	LEAMON	ECI 580-14	DOC	3/19/2015	4/2/2015	LENSKI

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

FILED

APR 02 2015

ADMIN. LAW COURT

State of South Carolina
Administrative Law Court

In The ALC

Docket No: _____

Jamie Leamon, #244584

Appellant, Pro Se.

VS.

S.C. Dept. of Corrections
Respondent.

Appellant's Brief

Statement OF The Case

This matter is before the Administrative Law Court pursuant to the appeal of Jamie Leamon, SCDC No.: 244584, "(Appellant)", an inmate within "(SCDC)." Appellant filed a STEP-ONE GRIEVANCE on July 15, 2014, Complaining of SCDC Policy / Procedures OP-22.14, Section 898, (Possession of Any Cell Phone or other Type of Communication Device) (2007 Policy) verses OP-22.14, Section(898) 2012-2013, SCDC Policy / Procedures.

The (IGC) E. Redfearn-Miller returned Appellant's Step-one grievance on August 4, 2014 and the...

... Warden's response of same is dated July 21, 2014. Appellant loss (2,680) days of Good Time, Under the (2007) 898 offense, misinterpretation of what Audio/visual really means.

Statement OF Issues

Did the respondent misinterpret the (2007) concept of Audio/visual that was located as an element in SCDC Policy / Procedure OP-22.14, Section (898)(2007)?

Did the SCDC agency remove Audio/visual from OP-22.14, Section 898, cause of the misapplication by SCDC officers / Employees and /or cause the same was unconstitutional?

Standard OF Review

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court case in Al-Shabazz v. State, 338 S.C. 354, 527 S.E. 2d 742 (2000). Subsequently, the Supreme Court clarified the ALC's appellate jurisdiction over inmates appeals in Sullivan v. SCDC, 355 S.C. 437, 526 S.E. 2d 124 (S.C. 2003); In affirming as modified, the ALC's en banc decision of McNeil v. SCDC, 09-ALJ-04-00336-AP (Sept. 5, 2001);

The Supreme Court held that the ALC's jurisdiction was limited to cases in which inmates contend that prison officials have erroneously calculated their sentences, sentence related credits, or custody status; cases in which SCDC has taken inmates state created liberty interest as punishment in major disciplinary hearings; or cases in which inmates confinement implicates a state-created-liberty-interest. See, Sullivan at 127. Normally, a reviewing court will not disturb findings of an administrative agency...

... if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Ind. Corp., 307 S.C. 393, 489 S.E.2d 219 (S.C. App. 1997).

For the purpose of judicial review to determine whether an agency's findings of fact are supported by substantial evidence, "substantial evidence" is not a mere scintilla of evidence; nor the evidence viewed blindly from one side of the case, but the evidence which would allow reasonable minds to reach the conclusion the administrative agency reached in order to justify its acts. See, Houston v. Deloach & Deloach, (SC App. 2008) 378 S.C. 543, 663 S.E.2d 85.

Argument

Prison disciplinary cases are not criminal trials in federal or state courts; they are administrative hearings in an institutional setting. As in the case of Wolf v. McDonnell, 418 U.S. 539 (1974).

Thus, SCDC officials have framed written regulations...

... dealing with procedures that mandates those officials in charge to apply them to ensure objectively and subjectively due process and equal protection.

Wherefore, in Appellant's present case; the (DHO) abused his discretionary review / responsibilities in failing to implement the due process and equal protection safeguards that is required in Wolf v. McDonnell, 418 U.S. 539 (1974); as they relate to the hearing phase of the disciplinary process, as follows:

1. Misconduct Report
2. Notice
3. Evidence
4. Confidential Informants
5. Disposition of Evidence

Hence, in Appellant's case, the SCDC report fails to alledge any evidence and/or disposition of any evidence. Nor does the 19-29A Misconduct report support the charge for (898) Possession of a Cell...

... phone cause (Reporting Official J. Belue) stated in the narrative that no cell phone was found. Therefore, Appellant was denied due process in violation of SCDC Policy / Procedures OP-22.14, Section (15). Presentation of Evidence At The Hearing:

(15.1) States in part; At the start of the hearing, the hearing officer will advise the inmate of the charges against him/her and will advise the inmate to enter a plea to each charge. If one or more of the charges involved the possession of contraband, the item(s) of contraband, a sample of the contraband, or a picture of the item should be produced at the hearing.

Hence, OFC. J. Belue's 19-29A misconduct report clearly states at the closing of his (OFC. J. Belue's) narrative; "NO CELL PHONE FOUND." Thus, violating Appellant's procedural due process and equal protection safeguards, pursuant to Wolf v. McDonnell, 418 U.S. 539 (1974), and SCDC policy / procedures OP-22.14, Section (15), and (15.1).

Appellant's foundation in regards of this appeal derived from Appellant's challenging SCDC's policy division when he (Appellant) discovered that Audio/Visual had been deleted from the SCDC policy/procedure for (898) Possession of a cell phone.

Appellant was found guilty under the audio/visual standard on October 23, 2007, at Broad River Correctional Institution. There was no cell phone found and no recording audio or visual produced at Appellant's disciplinary hearing. Neither ever existed; but Appellant was found guilty cause OFC. J. Belue, thought he saw Appellant using a cell phone.

OFC. J. Belue, called back up and Lt. Spann, Lt. Wilson, Sgt. Brabham, and CPL. Harvin all conducted a search and no cell phone was found. However, the Appellant was still found guilty cause SCDC employees were misinterpreting the audio/visual standard to mean; if an employee assumed an inmate had a cell phone or if it appeared that an inmate was in possession then that satisfy audio/visual...

... But that does not. Audio/Visual is a Video or Tape recording, simply put.

Appellant learned on or about July 2014, that audio/visual has been deleted from the policy infraction (898) Possession of a cell phone. Appellant became suspicious as to why the (2012-2013 SCDC policy) does not have audio/visual listed as element(s); as said policy (OP-22.14, Section 898, 2012-2013) did in the year of our Lord 2007.

Thus, Appellant filed a policy grievance pursuant to SCDC policy / GA-01-12, Section (7) and (7.1). Cause Audio/Visual had been deleted and Appellant believes that SCDC employees were misapplying the elements of Audio/visual as was done to many inmates who were convicted under the (2007) misapplication of Audio/visual where no video or tape recordings were being produced at inmates disciplinary hearings showing the inmates use and/or possession of cell phones, etc. (See, OP-22.14, section (15), and (15.1).)

Conclusion

The Due Process Clauses protect persons from being "deprived" of life, liberty, or property without due process. The word "deprived" in due process cases generally has its commonsense meaning, with one major exception. Negligence—i.e., lack of ordinary care—does not constitute a "deprivation" of liberty or property. See, Daniels v. Williams, 474 U.S. 327, 328, 106 S.Ct. 668 (1986); Davidson v. Cannon, 474 U.S. 344, 349, 106 S.Ct. 668 (1986).

However, if the deprivation of liberty or property is intentional, it is a deprivation for due process purposes, and it is no defense that officials were only negligent in denying you due process for that deprivation. Thus, if prison officials intentionally take away your good time (deprive you of liberty), but claim that they negligently failed to afford you the proper procedures, they are still liable for denying a prisoner due process. Citing, Daniels v. Williams, 474 U.S. at 333-34; Franklin v. Aycock, 795 F.2d 1053, 1061-62 (6th Cir. 1986); Sourbeer v. Robinson, 791 F.2d 1094, 1105 (3d Cir. 1986); ...

... See also, Maldonado Santiago v. Velasquez Garcia, 821 F.2d 822, 828 (7th Cir. 1987); also, Sample v. Diecks, 885 F.2d 1099, 1114 (3d Cir. 1989) (if officials authorize a system to deprive persons of life, liberty, or property, it is irrelevant whether they intend that it violate due process); Williams v. Wilkinson, 122 F.Supp. 2d 894, 904 & n. 10 (S.D. Ohio 2000)

Appellant Due Process was violated intentionally, when OFC. J. Belue, intentionally wrote up Appellant for an (898) possession of cell phone and OFC. J. Belue never seized and/or found any cell phone. The DHO J.C. Brown arbitrarily, found Appellant guilty of the 898 offense; contrary, to prison officials authorized system to deprive persons of life, liberty, or property (see, SCDC Policy/Procedures OP-22.14, Section (15), and (15.1)) The item of alleged contraband was not produced during Appellant's October 23, 2007, disciplinary hearing. Appellant request that his good time days be reinstated in the amount of (2,680), Two-thousand, Six-hundred and Eighty days.

"Appellant Hereby Moves" !!!

Certificate OF Service

I Jamie Leamon, SCDC No.: 244584; Pro se hereby certify that I have served the attached Initial Brief Docket No.: _____, upon the herein listed individuals at their last known addresses as listed via U.S. Mail/system with prepaid postage affixed to ensure proper delivery:

Clerk's Office

SC ALC

1205 Pendleton Street, Suite 201

Columbia, SC 29201

Cheron M. Hess

General Counsel

Po Box 21787

Columbia, SC 29221-1787

s/ Jamie Leamon
Jamie Leamon, # 244584

Sworn To Before Me This
____ Day of _____ 2014.

Notary Public For S.C.

My Commission Expires



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

June 25, 2015

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Jamie Leamon, #244584 v. SCDC
Docket No. 15-ALJ-04-0143-AP

Dear Judge Lenski:

Find enclosed an original and one copy of the *Respondent's 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 Jamie Leamon, #244584
File

limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. See *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Moreover, regarding categories (2) and (3), *supra*, the South Carolina Supreme Court has consistently emphasized that the liberty or property interest implicated must be one that is *state created*. See *Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (emphasizing that the ALC's jurisdiction extends only to those cases involving the denial of "state created liberty interests" and that the Court's holding [*i.e.*, in *Wicker*] "is not to be viewed as expanding the jurisdiction of the [ALC] in any other circumstance."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (emphasis added).

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).

ARGUMENT IN SUPPORT OF MOTION TO DISMISS

This case should be dismissed under *Slezak* and *Skipper*. Here, Appellant challenges the Department's application of prison policy as unconstitutional. Specifically, that inconsistent application of said policy rule led to loss of good time

credits in 2007. However, losing good time credits does not implicate a state-created liberty interest. Therefore, because no liberty or property interest is involved in this case, the Court should dismiss this case pursuant to *Slezak* and *Skipper*.

To the extent the Court does *not* dismiss this case, Respondent would respectfully request additional time to file a brief on the merits of the claims Appellant has raised.

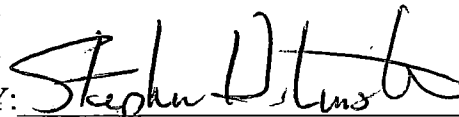
CONCLUSION

For the foregoing reasons, the Court should dismiss this appeal, with prejudice. Alternatively, if the Court declines to dismiss this appeal at this juncture in order to have Respondent address the merits, Respondent respectfully requests an additional twenty (20) days from the date of the Court's order to brief the issues.

Respectfully Submitted,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

BY:



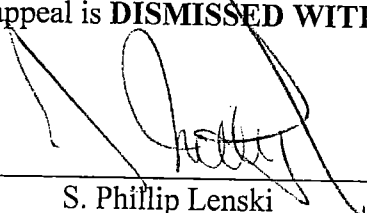
Stephen H. Lunsford
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road,
Columbia, South Carolina 29221
(803) 896-1940

Columbia, South Carolina
June 25, 2015

have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382; 527 S.E.2d at 757. "The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate's] claim is if it implicates a state-created liberty interest." *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127. Thus, in *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), cert. denied, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest." See also *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate's appeal appropriate because his grievance did not implicate a state-created liberty interest). Because the Appellant has not otherwise alleged a deprivation of a state-created liberty or property interest in this matter, the Court finds that summary dismissal is appropriate.

Accordingly,

IT IS HEREBY ORDERED that this appeal is **DISMISSED WITH PREJUDICE.**
AND IT IS SO ORDERED.

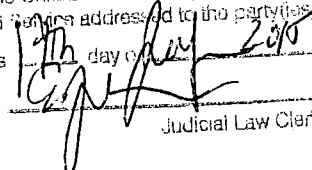


S. Phillip Lenski
Administrative Law Judge

July 17, 2015
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, in the United States Mail, postage paid, or in the appropriate mail service addressed to the party(ies) or their attorney(s).

This 17th day of July, 2015
By: 

Judicial Law Clerk

DISI110D
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY

SCDC#/CASE#: 244584 - 00006

LEAMON, JAMIE -

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE.: 898 POSS. OR/ATTEMPT TO POSS DATE: 10/08/07 TIME: 07:36 AM

OFFENSE LOCATION.: 0211 BROAD RIVER

OFFENSE CAT LVL.: 1

LOCATION IN INST.: 04 ALPHA/GAMMA AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.: J BELUE OFC.

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0211 BROAD RIVER

ACTUAL HEARING DATE: 10/23/07

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST.

REQ.: Y SCHD HEAR DATE: 10/23/07

DHO HEARING DEC: C CONVICTED

PLEA.....: N NOT GUILTY

CONVICTED OFF.: 898 POSS. OR/ATTEMPT TO

CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST....: 02680 APPRV.:

APPEAL DEADLINE: 11/07/07

GT RESTORED....: 00000

CREATED BY.....: WIGGINS, BARBARA

10/11/07

LAST UPDATED BY: WIGGINS, BARBARA

10/23/07

PF4-MODIFY DISC.

PF5-NARRATIVE INQUIRY

PF8-NEXT DISCIP

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT



NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE (NAME AND SCDC #) DID POSSESS A CELLULAR TELEPHONE AND/OR CELLULAR TELEPHONE EQUIPMENT (LIST TYPE OF EQUIPMENT) AND WHERE EQUIPMENT WAS FOUND.

MAJOR DISCIPLINARY HEARING OCTOBER 23, 2007. 898/GUILTY.
540 DAYS TELEPHONE, CANTEEN, PROPERTY (OPT B), VISITATION 04/15/09,
2680 DAYS GOOD TIME, **360 DAYS DD TIME**NO CREDIT FOR PHD TIME SERVED**
NATURE AND SEVERITY OF THE OFFENSE, COUPLED WITH INMATE'S DIS HISTORY WHICH
INDICATED 2ND OFFENSE OF THIS NATURE. JC BROWN, DHO
B. WIGGINS, BRCI RECORDER

CREATED BY.....: WIGGINS, BARBARA
LAST UPDATED BY: WIGGINS, BARBARA

10/11/07
10/23/07

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

The Honorable Jenny A. Kitchings
Court Of Appeals, South Carolina
Clerk Office

Post Office Box 11629

August 26, 2015
Date

RE: Jamie Leamon v. S.C. Dept of Corrections et al.
Case No.: 15-ALJ-04-0143-AP

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Initial Brief
in the above case. Also enclosed is the proof of ser-
vice verifying Respondent has been served with the
same.

Honorable Jenny A. Kitchings

cc: Honorable S. Phillip Lenski

Administrative Law Court

South Carolina

1205 Pendleton Street, suite 204

Columbia, S.C. 29201

Sincerely,

Jamie Leamon
Jamie Leamon, # 24 45 84

Evans c. I. / 4-B-126

610 Highway Nine West

Bennettsville, S.C. 29512-2130

State OF South Carolina
In The Court of Appeals
Appeal From Administrative Law Court
The Honorable S. Phillip Lenski, Presiding Judge
Case No.: 15-ALJ-04-0143-AP

Jamie Leamon, #244584

Appellant,

v.

South Carolina Department of Corrections

Respondent.

Initial Brief of Appellant

Jamie Leamon, #244584

Evans C.I./F-4-B/126

610 Highway West

Bennettsville, SC 29512

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(2012-13) OP-22.14, Section (898)

Statute(s)

S.C. code Ann. § 1-23-610 (B), § 1-23-380 (A)(4), § 1-23-3100;

S.C. code Ann. § 24-13-210

Statement OF The Issue(s) On Appeal

1. Did The Administrative Law Judge Err By Denying Appellant's Appeal Because Appellant Received No Loss Of Good Time?

2. Did The Administrative Law Judge Err By Stating The Appellant Did Not Allege A Deprivation Of A State-created Liberty Interest?

Statement OF The Case

This matter comes before the South Carolina Court of Appeals (SC Ct. App.) pursuant to the appeal of Jamie Leamon, an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department).

Background

The Appellant filed a Step 1 on July 15, 2014, stating that he was filing a "policy grievance," claiming that a recent change in Department policy regarding Possession of a Cell Phone or Other Type of - Communication Device (898) SCDC OP-22.14, Inmate Disciplinary System, was unconstitutional. The Warden denied the grievance, and advised the Appellant that Department policy could not be changed at that level. Policies are neither developed nor changed by the institution. Policy revision can only be done at the headquarters level. (E.g. See, Step-1 grievance, Warden's decision). The Appellant filed a Step-2 grievance on August 6, 2014, and was denied on March 16, 2015,...

... the Appellant filed a Notice of Appeal, contending that the policy was unconstitutional. The Appellant received Two-Thousand, six-hundred and Eighty days (2,680 days), loss of good time.

On June 26, 2015, the Department filed a Motion to Dismiss that appeal. On July 6, 2015, the Appellant filed a Reply, stating he would stipulate to his disciplinary conviction of October 23, 2007, in exchange for his illegally seized good time of 2,680 days, cause Respondent alleged in the order requesting the Administrative Law Judge to dismiss Appellant's appeal cause the Appellant had not been prejudice due to a State-created-liberty interest.

Discussion / Arguments

The Court'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 749 (2000) accord; S.C. Code Ann. §§ 1-23-610 (B) (6) (supp. 1999); 1-23-380(A)(1); See also...

• • • S.C. Code Ann. § 1-23-310 (a) (Supp. 1999)

While the substantive content of the petition must sufficiently explain the basis of the inmate's challenge, the Court, as in PCR proceedings, has the discretion to construe a pleading in the appropriate manner. See, Gibson v. State, 309 S.C. at 41, 495 S.E. 2d at 428 (habeas corpus petition may be construed as a PCR application); Hunter v. State, 316 S.C. 105, 447 S.E. 2d 203 (1994) (same), abrogated on other grounds by Simpson v. State, 309 S.C. 43, 495 S.E. 2d 429 (1998). An informal format or improperly titled petition ordinarily should not form the basis for summary dismissal.

An aggrieved party may obtain appellate review of any final judgment of the circuit court in the manner prescribed for civil cases. S.C. Code Ann. § 1-23-390 (1986). The party must properly serve a notice of appeal within thirty days after receipt of written notice of entry of the order or judgment. Rule 203(b)(5), SCACR.

See S.C. Code Ann. § 24-13-210 (Supp. 1999) (Good-Time Credits).

The Respondent alleged in the order of Dismissal that Appellant's loss of (2,680) days of good-time credits does not implicate a state created liberty interest (E.g. See orders for dismissal).

Facts

Appellant in this present case was charged and convicted of a major disciplinary hearing before a prison justice committee at Broad River Correctional Facility. A Jc Brown was the hearing officer, at that time, (October 23, 2007).

There were many inmates at various prisons throughout State of South Carolina who were charged with a Department Rules violation. Particularly, the 2007, 898 Possession and/or audio/visual of a cell phone or communication device, in violation of the "Department's..."

... Policy/procedures OP-22.14, Section 14 and 14.1 (formerly sections 15 and 15.1);

Where no videos or recordings of any type were presented as evidence against inmates whom were charged and convicted of 898 in the year of 2007. Majority of the inmates loss ample amounts of good-time credits (pursuant to S.C. Code Ann. § 24-13-210 (Supp. 1999) (good-time credits), and the "Department's" 2007 policy was made upon unlawful procedures.

The (2007) 898 Possession and/or audio/visual of a cellphone or communication device was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; Appellant's finding of guilty was arbitrary or capricious or characterized by abuse of discretion or clearly an unwarranted exercise of discretion (S.C. Code Ann. § 1-23-380 (1)(2)(3)(4)(5) (a), (c), (e), (F).

Thus, the "Department's" disciplinary hearing officer (Jc Brown) in 2007 failed to implement the Due Process safeguards as the same relates to the hearing phase of the disciplinary process in reference of Appellant's Jamie Leamon's (Oct. 23, 2007) 898 disciplinary conviction as follows:

1. Misconduct Report
2. Notice
3. "Evidence"
4. Confidential Informants
5. Disposition of Evidence

Appellant Leamon was charged on or about October 8th, 2007¹ and many other inmates without any evidence or a picture of the evidence being submitted at the inmates disciplinary hearings. (E.g. cell phones and/or Audio/Visual of same).

1. Please note that Appellant reopened this case via filing a policy grievance pursuant to Dept policy GA-01.12, sections 7, and 7.1 "Inmate Grievance System."

Simply put, the disciplinary hearing officers throughout the "Department" were misapplying the 2007 (898) cellphone or any communication device audio/visual element, at that time. The elements could only be proved via a video and/or recording.

Appellant Leamon, contends the (2007) (898) audio/visual was unconstitutional from the inception of said elements cause there was no cameras installed inside of the living areas for inmates who were being confined at Broad River Correctional Institution.

Additionally, there was no cellphone produced at Appellant's October 23, 2007, disciplinary hearing nor a photo of a cellphone as mandated by Respondent's own policy and procedures (OP-22.14 sections 14 and 14.1) (Formerly, sections 15 and 15.1) (Emphasis Added)

Hence, since a state-created liberty interest is involved; it is necessary to determine if the Appellant received Due Process. It is well settled that the "Department" must meet certain minimum Constitutional requirements for procedural due process in matters where an inmate is disciplined for serious misconduct. See "Wolf v. McDonnell," 418 U.S. 539 (1974), accord; "Al-Shabazz v. State," 338 S.C. 354, 507 S.E.2d 740, (507 S.E.2d at 750).

However, these requirements must be balanced against the need to maintain an orderly and safe prison environment. Id. To that end the Supreme Court has enunciated the following five requirements which, if established, will insure procedural due process in inmate disciplinary matters:

(1) that advance written notice of the charge be given to the inmate at least twenty-four hours before the hearing; (2) that factfinders must prepare a written statement of the evidence relied upon and reasons for the disciplinary action; (3) that...

... the inmate should be allowed to call witnesses and present documentary evidence; (4) that counsel substitute... should be allowed to represent illiterate inmates or inmates or in complex cases an inmate cannot handle alone; and (5) that the persons hearing the matter, who may be prison officials or employees must be impartial. Al-Shabazz, 527 S.E. 2d at 751, citing, Wolf v. McDonnell, 418 U.S. 539, 563-72, 94 S.Ct. 2963, 2978-82 (1974).

Subsequently, some courts have held that the "Brady rule," which requires the disclosure of material exculpatory evidence in criminal prosecutions, also applies to prison disciplinary proceedings. See Piggie v. Cotton, 344 F.3d at 678 (citing Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963)); Thompson v. Hawk, 978 F. Supp. 1421, 1424 (D. Kan. 1997).

Therefore, videotapes are a type of document, and courts have held that disciplinary bodies must review relevant videotapes, and prisoners must be shown videotapes that are used as evidence against them....

... See Howard v. U.S. Bureau of Prisons, 487 F.3d 808, 813-15 (7th Cir. 2007) (Where plaintiff alleged that a videotape existed and would exculpate him, failure to review it denied due process); Piggie v. Cotton, 344 F.3d 674, 678-79 (7th Cir. 2003) ("We have never approved of a blanket policy of keeping confidential security camera videotapes for safety reasons...; Where it is not apparent whether the tape is exculpatory or not, "minimal due process" requires that the district court review the tape in camera.); Phelps v. Tucker, 370 F. Supp. 2d 792, 797 (N.D. Ind. 2005) (refusal to review videotape denied due process notwithstanding officials claim that it was not very clear); Mayers v. Anderson, 93 F. Supp. 2d 962, 965-68 (N.D. Ind. 2000) (failure to review a requested videotape without a stated reason denied due process).

Hence, the disciplinary officer (J C Brown) violated number two (2) above; Cause Mr. Brown failed to state the evidence that he (Mr. Brown) relied upon to reach his factual finding that Appellant Leamon, was in fact; actually guilty; at that time.

As previously mentioned herein, several courts have held that the practice of simply adopting the report of staff members with no further explanation denies due process. Citing, Scrugg v. Jordan, 485 F.3d 934, 941 (7th Cir. 1981); quoting, Chavis v. Rowe, 643 F.2d 1281, 1287 (7th Cir. 1981) "Without a detailed statement of the disciplinary committee's findings and conclusions; a reviewing court (or agency) cannot determine whether the finding of guilt was based on substantial evidence or whether it was sufficiently, arbitrary."

Thus, Appellant Leamon has been prejudiced cause the Administrative Law Court's findings are in violation of Appellant's Fourteenth (14th) Amendment to the United States Constitution and Eighth Amendment.

The hearing officer (JC Brown) also violated the "Department's" policy/procedures OP-22.14, sections 15 and 15.1 where Appellant was found guilty on or about October 23, 2007, in violation of South Carolina Code Ann. § 1-23-380 (5), (a), (c), (d), (e), and (f)...

... (a) in violation of constitutional or statutory provisions;

(c) Made upon unlawful procedures;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

History: 1977 Act No. 176, Art. II, Section 8; 1993 Act No. 181, Section 18; 2006 Act No. 387, Section 2, eff July 1, 2006; 2008 Act No. 334, Section 5, eff June 16, 2008.

Wherefore, South Carolina Administrative Law Court (ALC) may summarily dismiss an inmate appeal that involves only the loss of the opportunity to earn sentence-related credits; however, a matter is reviewable by the ALC where an inmate's appeal also implicates a state-created liberty or property interest, such as the loss of accrued sentence-related credits. See Howard v. S.C. Dep't of Corr., 399 S.C. 618, 733 S.E.2d 11, 2012 Lexis 184 (S.C. 2012).

Hence, Appellant hereby contends that he lost (2,680) days of accrued good-time credits due to Respondent's unconstitutional Departmental policy OP-22.14, Section (898) (2007). Respondent convicted Appellant of 898 in 2007; under the elements of audio/visual; however, as of (2012-13) Appellant discovered that the audio/visual elements had been deleted from the Department's policy/procedures and filed a policy grievance in regards of the unconstitutionality of the 2007 (898) Possession audio/visual of a cellphone or communication device...

... policy.

Appellant contends there was never audio/visual produced at his October 23, 2007, disciplinary hearing as was required by former "Department" policy/procedures OP-22.14, Section 15 and 15.1 (currently OP-22.14, sections 14 and 14.1) Presentation of Evidence at the hearing.

OP-22.14 Sections 14 and 14.1 (Formerly: 15, and 15.1(2007)) States: At the start of the hearing, the Hearing Officer will advise the inmate of the charges against him/her and will advise the inmate to enter a plea to each charge. If one or more of the charges involved the possession of contraband, the item(s) of contraband, a sample of the contraband, or a picture of the item should be produced at the hearing.

However, in the year of 2007, inmates like Appellant, were being found guilty at Broad River Correctional Facility of (898) Possession ...

... audio/visual of a cellphone or communication device without any video or tape recording(s) presented at inmates disciplinary hearings. The Respondents are in violation of the Department's own policy/procedures where the elements of audio/visual were unconstitutional because those elements were made upon unlawful procedure. Citing, S.C. Code Ann. § 1-23-380 (5) (a), (c), (d), (e), and (f).

The Respondent stated in the Order/Motion to Dismiss that Appellant's case should have been dismissed cause Appellant's loss of (2,680) days of accrued good-time credits does not implicate a state-created liberty interest. The (ALJ) concurred (S. Phillip Lenski) and Dismissed Appellant's (ALC) appeal with prejudice via ORDER dated July 17, 2015.

Hence, Appellant's case was classified as a "major" disciplinary proceeding in which he faced the potential loss of sentence-related credits. An inmate has no protected liberty interest in a "minor" discipli-

... nary proceeding in which he does not face the potential loss of sentence-related credits, but only lesser penalties such as extra duty, loss of television privileges, or cell restriction. See, Wolf, 418 U.S. at 571 n. 19, 94 S.Ct. at 2982 n. 19, 41 L.Ed. 2d at 960 n. 19 ("We do not suggest, however, that the procedures required by today's decision for the deprivation of good-time would also be required for the imposition of lesser penalties such as the loss of privileges"). Nevertheless, we encourage Department to continue to provide all inmates a fair hearing under guidelines such as those established in its existing policies.

Appellant contends the Respondent has violated Department's policy/procedure OP-22.14; section 14 and 14.1 (Formerly, 15 and 15.1 (2007)); cause Respondent(s) convicted Appellant of (898) in the year of (2007), under the elements of audio/visual and however; removed those same elements on or about (2012-2013) because those elements were in violation of the South Carolina Constitution and/or made upon...

... unlawful procedure. Citing, S.C. Code Ann. § 1-23-380 A (5)(a), (c), (d), (e) and (f).

Conclusion

Appellant contends for the reason(s) stated that this court grant this petition by reinstating Appellant's (6, 280) days of sentence-related credits (Good-Time) days that were unconstitutionally taken away by the Department via the unconstitutional 2007 (898) Possession of a Cellphone or other communication device (audio/visual), policy / procedures.

South Carolina Court of Appeals

Clerk, Jenny Abbott Kitchings

Post Office Box 11629

Columbia, S.C. 29211

Honorable S. Phillip Lenski

S.C. Administrative Law Court

Edgar A. Brown Building, Suite 204

1205 Pendleton Street

Columbia, SC 29201

Office of General Counsel

E. Dee Dee Bowers

S.C. Dept of Corrections

Po Box 21787

Columbia, SC 29221-1787

Respectfully Submitted,

5/ Jamie Deamon

Evans Corr Inst / 4-B-126 /

6010 Highway Nine West

Bennettsville, S.C. 29512-2130

The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Honorable S. Phillip Lenski, Presiding Judge

Case No.: 15-ALJ-04-0143-AP

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SC Court of Appeals

Jamie Leamon, #244584

Appellant,

v.

South Carolina Department of Corrections

Respondent.

Proof of Service

I certify that I have served the Initial Brief by depositing a copy of it in the United States Mail, postage prepaid, on August 26, 2015, addressed to South Carolina Court of Appeals, Clerk Jenny A. Kitchings, P.O. Box 11629, Columbia, S.C. 29211, and Honorable S. Phillip Lenski, 1205 Pendleton St., Columbia, South Carolina Administrative Law Court

Jamie Leamon
Jamie Leamon, #244584

21.

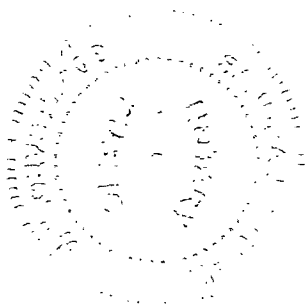
...

and other listed parties of record at the below listed addresses:

<u>S.C. Administrative Law Court</u>	<u>Office of General Counsel</u>
<u>Honorable S. Phillip Lenski</u>	<u>E. Dee Dee Bowers</u>
<u>Edgar A. Brown Buildings</u>	<u>S.C. Dept of Corrections</u>
<u>1205 Pendleton Street</u>	<u>Po Box 21787</u>
<u>Columbia, SC 29201</u>	<u>Columbia, SC 29221-1787</u>

By Jamie Harmon
Pro Se Appellant

Sworn To Before Me This
26 Day of August, 2015.
S. Sultan
 Notary Public For S.C.
2/24
 My commission Expires



State OF South Carolina
In The Court OF Appeal

Appeal From The Administrative Law Court
The Honorable S. Phillip Lenski, Presiding Judge

Case No.: 2015 - 001674

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Jamie Leamon, #244584

SC Court of Appeals,

V.

South Carolina Department of Corrections Respondent

Certificate OF Service

I Jamie Leamon, SCDC No.: 244584 Pro se hereby
certify that I have served the attached Designation
of Matter To Be Included In The Record on Appeal
on the below parties at their last known addresses
as listed herein via U.S. Mail/System with sufficient
prepaid postage affixed to insure proper delivery:

[Signature Block And Notary on Next Page]...

...

The S.C. Court of Appeals

Clerk, Claire Allen

Post Office Box 11689

Columbia, SC 29211

(803) 734-1890

The S.C. Administrative Law Court

Honorable S. Phillip Lenski

Edgar A. Brown Building, Suite 224

1205 Pendleton Street

Columbia, SC 29201

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E. Dee Dee Bowers

S.C. Dept of Corrections

Po Box 21787

Columbia, SC 29221

Appellant, Jamie Leamon, Pro Se

Evans C.F./F-4-B/cell # 126

610 Highway 9 West

Bennettsville, SC 29512-2130

sf Jamie Leamon
Jamie Leamon, #244584

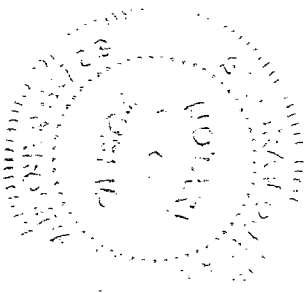
Sworn To Before Me This

26 Day OF August, 2015
S. Outlaw

Notary Public For S.C.

2/24

My commission Expires



S.C. Court of Appeals
Clerk, V. Claire Allen
Post Office Box 11629
Columbia, SC 29211

August 26, 2015
Date

Re: Jamie Leamon V SCDC(2)

Appellate Case No.: 2015-001674

Dear Clerk:

Please find enclosed Appellant's Designation
of matter to be included in the record on
appeal. And thank you for being patient to my
cause of action.

Sincerely,

Jamie Leamon
/ Jamie Leamon, #244584

cc: V. Claire Allen

E. Dee Dee Bowers

Judge S. Phillip Lenski

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SC Court of Appeals

August 26th, 2015
Date

Dear: Ms. V. Claire Allen:

Thank you for granting me an opportunity to correct my mistakes. However, Ten (10) days is not enough time from the date of your letter. Because it takes approximately six (6) days for me to receive your mail from the prison mail-clerk.

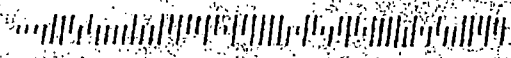
Also, please forward a filed-clock-stamped copy of all my documents. My (\$100.00) filing fee has been paid already.

s/ Jamie Pearson

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SEP 02 2015
SC Court of Appeals

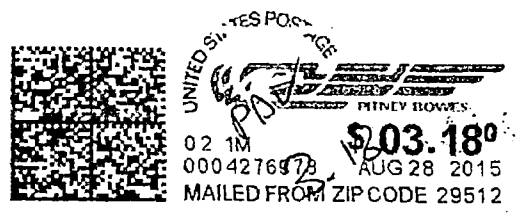
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S.C. Court of Appeals
Clerk, V. Claire Allen
Post Office Box 11629
Columbia, SC 29211