

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

J. CORDELL MADDOX, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2015-0000759
Trial Court No. 2014CP2305959

Billy Joe Cartrette, Appellant,

vs.

South Carolina Department of
Corrections, Respondent.

INITIAL REPLY BRIEF OF APPELLANT

Billy J. Cartrette, 122434
RCI, CA-52, POB 2039
Ridgeland, S. C. 29936

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1

SCDC v. Cartrette, 694 S.E.2d 18 (S.C. App. 2010)

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STATEMENT OF THE CASE

Respondent has filed and served 21 September 2015 Initial Brief of Respondent and etc.; appellant composes, generates and make the reply herein thereto. SCDC's brief comments, "Rather than prosecuting this controversy before the ALC, Cartrette appealed the circuit court's March 27, 2015 order to this Court."¹ (p. 4 of 15) He responds herein that the declaratory judgment act provides for right to appeal denial of declaratory judgments.

ARGUMENT(S)

I. THE CIRCUIT COURT ERRED FINDING THAT THERE WAS NO SUBJECT MATTER JURISDICTION TO ENTERTAIN CAUSE OF ACTION

The circuit court erred finding that there was no subject matter jurisdiction to entertain the cause of action which the element of a declaratory judgment is "justifiable" controversy. Surely, the lower court erred when it granted the motion to dismiss with prejudice on subject jurisdiction absence according to SCRCP, Rule 12(b)(1) (p. 5 of 15). Respondent's brief (p.7 of 15) set forth:

Cartrette, by erroneously contending that this Court issued "judgmental" concerning his prison industries pay claims in its 2010 decision, completely misapprehends and, frankly, ignores the rulings issued by this Court in its 2010 opinion regarding his appeal.

Further, respondent's brief cites "Prince v. Beaufort Memorial Hospital, 709 S.E.2d 122, 125" (S.C. App. 2011) which is mis-placed as therein Rainey v. Haley, 745 S.E.2d 31, 36 (2013)

¹Cartrette sent 8-7-15 certified mail to ALJ Anderson that contained Judge Maddox's order, (R. p)¹¹

set forth the proper rule:

pursuant to this broad constitutional provision, a circuit court has subject matter jurisdiction to hear any justiciable matter unless the General Assembly has conferred exclusive jurisdiction of the matter on an inferior court. . . .

... In determining whether the General Assembly "has given another entity exclusive jurisdiction over a case, a court must look to the relevant statute."

Even more, should the court look to the proceeding of 2006 at the consolidated oral argument(s) which proceeding(s) was affirmed by this Court in SCDC v. Cartrette, 694 S.E.2d 18 (S.C. App. 2010); it would note the Roseboro v. SCDC, 273339, C/A Nos. 06-CP-27-103 and 151, 2005-ALJ-01-00776 of 1-12-2007 (after-remand) before ALJ Anderson which stated, "that this case be REMANDED to the Department to hold a hearing" (R. p.) but see "ORDER" of 9/21/07 from this Court (R. p.) and this would be the law of the case on prevailing wage(s) (owed).

CONCLUSION

Appellant urges the Court to reverse the lower court's order, granting Cartrette declaratory judgment(s)

This 27 day of September 2015

/s/



Billy J. Cartrette, 122434
RCI, CA-52, POB 2039
Ridgeland, S.C. 29936

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GERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the 'INITIAL REPLY BRIEF OF APPELLANT', DESIGNATION and attachment(s) to be mailed, postage prepaid, to:

Lake E. Summers
339 Heyward St., Ste 200
Columbia, S. C. 29201

this 27 day of September 2015.

s/ Billy Joe Cartwright



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The South Carolina Court of Appeals Court of Appeals

JENNY ABBOTT KITCHINGS
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July 28, 2015

Billy Joe Cartrette, 122434
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland SC 29936

Re: Billy Joe Cartrette v. SCDC
Appellate Case No. 2015-000759

Dear Mr. Cartrette:

Upon reviewing your appellant's initial brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected upon the filing of the appellant's final brief:

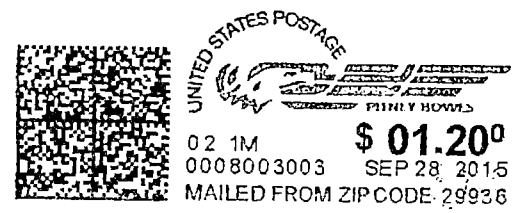
- The document must be single-sided as required by Rule 267(c), SCACR.
- The caption/title does not comply with Rule 267(a), SCACR. Specifically, it should read as follows:

Billy Joe Cartrette, #122434, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Joe Cartrette, 122434
Ind C.I.
ton 'A' Unit, Room 52
Box 2039
and, S.C. 29936



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TO: Honorable Jenny A. Kitchings,
CLERK, S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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