

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. 2014CP2305969

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OCT 07 2015

SC Court of Appeals

BILLY JOE CARTRETTE, 122434, Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Respondent.

TO: Lake E. Summers
339 Heyward Street, Ste. 200
Columbia, S. C. 29201

MOTION TO REMAND TO TRIAL COURT UNDER
SCACR 240 AND WHITEHEAD V. STATE

NOW COMES Cartrette who moves to remand the appeal herein on South Carolina Appellate Court Rules set forth above and Whitehead v. State, 574 S.E.2d 200, 201 (2002) as respondent has filed a meritless, mis-leading motion to strike item(s) (legal documents etc.) appellant's designation; Whitehead cites China v. Parrott, 162 S.E.2d 278 (1968). As Bureau of Labor Statistics was part of Complaint for Declaratory Judgment.

More Request(s) for Admission(s) had certificate of service so see attachment(s)(excerpts).

This 27 day of September 2015.

- /s/ Billy J. Cartrette

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

CERTIFICATE OF SERVICE

Appellant certifies that he has caused true and correct copies of the "Motion to Remand ..." and attachment(s) to be mailed, postage prepaid, to respondent's attorney set forth above this 27 day of September 2015.

/s/ Billy J. Cartrette

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SC Court of Appeals

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKREHISIMMER
2014 OCT 31 PM 3 18

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE }

IN THE COURT OF COMMON PLEAS

BILLY JOE CARTRETTE,)
Plaintiff,)
-VERSUS-)
SOUTH CAROLINA DEPARTMENT OF)
CORRECTIONS (SCDC),)
Defendant.)

COMPLAINT FOR DECLARATORY JUDGMENT(S)

2014-CP-23- 05969

Plaintiff Billy J. Cartrette (122434) complains, litigates and sues defendant [SCDC] and for cause(s) of action set forth:

FACT(S)

1. Plaintiff who is serving a long-term sentence within South Carolina Department of Corrections and while assigned to the Ridgeland Correctional institution was employed in prison industries from January 16, 1999 until October 23, 2003 where he was paid less than the prevailing wage for the job assignment that which he performed;
2. He filed a step 1 grievance which was denied; he filed a step 2 [grievance appeal]; it was denied so he filed a step 3 which was an appeal to the Administrative Law Court (ALC); it was granted in part. See SCDC v. Cartrette, 694 S.E.2d 18 (S.C. App. 2010);
3. He filed an appeal to South Carolina Supreme Court SCDC v. Cartrette, 722 S.E.2d 805 (2012).

For The First Cause of Action

4. Cartrette alleges that he and other [prisoners] are judgment creditor(s) with reference thereto discussion set forth above and below herein as there were wage disputes and retention(s) grievance(s) filed against defendant SCDC in 2004 and 2005 and prior thereto which resulted in judgment(s) against defendant (judgment debtor) in March 2006 from the ALC, the Court of Common

Pleas for Jasper County and South Carolina Court of Appeals. Judy v. Martin, 674 S.E.2d 151 (2009);

For Second Cause of Action

5. Plaintiff Cartratte alleges that in accordance with judgment of South Carolina Court of Appeals he is entitled to a declaratory judgment as far as the set prevailing wage(s) that this court determines in the first cause of action herein where he worked in the capacity of furniture assemble although the furniture was not made of wood;

6. There is a chart issued by South Carolina Department of Employment and Workforce's 'Occupational Employment And Wage Estimates for Low Country Non-Metropolitan Statistical Area' for 1999 through 2007 which gives estimation for entry, mean and experienced team assemblers; see attached,

For Third Cause of Action

7. Plaintiff should get the benefits of the 2010 WL10079906 decision of South Carolina Court of Appeals (cert. denied) in his request for declaratory judgment relief; no matter how the court of appeals ruled in Tomlin and Cartratte with reference to being a employee of KWALU, for he is/was a member of the sub-class which was addressed in the ALC's April 24th, 2006 'Order of Clarification' it would include any fringe benefit(s) Kwale Furniture granted to their employee, i.e. pension(s), profit and/or work sharing, perhaps four (4) weeks paid vacation each year of employment, holiday(s) and religious holiday pay, paid sick day(s) and etc.;

The evidence on pay scale material(s) set forth:

Year	Entry hourly	Mean hourly	Experienced hourly
	FURNITURE (Team) ASSEMBLERS		
1999	\$8.94	\$11.66	\$13.24
2000	9.10	12.69	14.43
2001	9.63	13.07	14.24
2002	9.82	13.31	14.63
2003	9.88	13.05	14.14

8. Plaintiff claims entitlement to pre-judgment, judgment and post-judgment interest which is set by "ORDER" of South Carolina Supreme Court: This section applies to all judgments entered on or after July 1, 2005. For judgments

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the 'Request(s) for Admission(s)' to be mailed, postage prepaid, to defendant's attorney who is identified above herein this 20 Day of January 2015.

s/ Billy J. Cartrette
Billy J. Cartrette

Billy Joe Cartrette, 122434
RIDGELAND C. I.
Charleston 'A' Unit, Room 52
P. O. Box 2039
Ridgeland, S. C. 29936

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SEP 17 2015

RIDGELAND CORRECTIONAL INSTITUTION SC Court of Appeals

SEP 28 2015

MAILROOM

Legal MAIL

HON. JENNY ABBOTT KITCHINGS
CLERK, S.C. COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

