

3

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Carolyn C. Matthews, Admin. Law Judge

Case No. : 2014-002172
Grievance No. : BRCI-0594-07

Joshua Cramer, # 251406, Appellant,
v.
South Carolina Department of Corrections, . . . Respondent.

APPELLANT'S FINAL REPLY BRIEF

Joshua Cramer
#251406
Lieber C/I; SA-17
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro Se

Other Counsel of Record:

Lake Summers
339 Heyward St., Suite 200
Columbia, SC 29201

TABLE OF CONTENTS

ARGUMENT	p. 1
CONCLUSION	p. 2

TABLE OF AUTHORITIES

<u>Goins v. SCDC</u> , No. 2014-UP-390, 2014 WL 584048	p. 1
<u>Risher v. S.C. Dept of Health & Env'tl. Control</u> , 393 S.C. 198, 712 S.E. 2d 428 (2011)	p. 1
S.C. Code Section 1-23-610	p. 1

ARGUMENT

Respondent relied upon Goins v. SCDC No. 2014-UP-390, 2014 WL 584048 citing Risher v. SC Dept of Health & Envtl. Control, 393 S.C. 198, 712 S.E. 2d 428 (2011) to support their assertion that Appellant failed to preserve issues one and two of his appeal when the ALC did not rule on the issues raised.

Appellant submits that Respondent's argument fails on three points:


- 1.) Goins is an unpublished opinion with no precedential value,
- 2.) Although Risher was an ALC case, it was not predicated upon the S.C. Administrative Law Court Rules, Section V Special Appeals, the pertains exclusively to appeals by inmates in the S.C DOC and
- 3.) Rule 65 of the above stated Rules of Court does not allow an inmate to file a Rule 59(e) (SCRCP) Motion to alter or amend the order: thus an inmate cannot move the ALC to include findings {which are required by all S.C. Court Rules, e.g. Rule 52, SCRCP} upon which an inmate may pursue in the Court of Appeals pursuant to S.C. Code Section 1-23-610.

CONCLUSION

Appellant properly raised to the ALC the issues of the statutory violation SCDC committed as it relates to denying appellant immediate access to his escrowed wages and paying a fair interest rate on said monies. Subsequently, Appellant properly raised said issues to this Court. Therefore, pursuant to S.D. Administrative Law Court Rules. Rule 65 Respondents argument concerning Appellant's issues not being preserved should be rejected. Appellant asks this Court to rule on all issues presented by Appellant and reverse and remand the SLC's decision.

June 22, 2015
Ridgeville, SC

Respectfully Submitted,


Joshua Cramer
#251406
Lieber C/I, SA-17
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro Se

5

CERTIFICATE OF PRO SE APPELLANT

Pro se Appellant certifies that this FINAL REPL BRIEF contains all relevant issues/matters to be included in this brief on appeal, and not any non-relevant issues/matters.

June 22, 2015
Ridgeville, SC

s/ Joshua Cramer
Joshua Cramer
#251406
Lieber C/I, SA-17
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro se

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8

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South Carolina Department of Corrections Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Final Reply Brief complies with Rule 211(b), SCACR; I also certify that the Final Brief complies with Rule 211(b), SCACR.

July 20, 2015
Ridgeville, SC

S/ Joshua Cramer
Joshua Cramer
#251406
Lieber C/I; SA-17
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro se