

Jose Alberto Maldonado, I/D#:312648
Kershaw SCDOC MB/Room, #59
4848 Goldmine Highway
Keshaw South Carolina 29067

Juanuary 6th, 2016.

RECEIVED

JAN 08 2016

SC Court of Appeals

Court of Appeals, S.C.
Clerk of Court
1015 Sumter Street
P.O.Box 11629,
Columbia, South Carolina 29211

Re: S.C. Dep't of Corrections, Lensky S. Phillip, ALC - Judge v. Jose A. Maldonado, #312648.

Dear Hon: Court of Appeals's Clerk

May you please present this file to the right Justice, and this Honorable Court of Appeals. To Compelling Discovery by ORDER, Filed on December 2 - 3, 2015: To Judge Lesky.

To find enclosed a proposed "NOTICE OF INTENT TO FILE WRIT OF MANDAMUS", "SUMMONS", and "WRIT OF MANDAMUS".

In reference to the above - captioned case. If this File cover up the "Applicant's Petition"; that you please sign and return a clock - stamped", for filing it in this Court, in the enclosed self-address stamped envelope!!!

Thank you.

Files: (3)

Attachments:(2. A/B)[Doc.1 SC. App.Ct.]

Attached:A.Doc.2 ALC/Exhibits:(1)
Attached:B.Doc.2 ALC/Exhibits:(1)
Attached:C.Doc.2 ALC/Exhibits:(1)

JAM/Lnk:Jg.

Sincerely,

Jose Alberto Maldonado, #312648
The Petitioner, Pro-Se.

Cc: See Certificate of Service, the opposite parties, have been serve only with the "Notice of Intent to File Writ of Mandamus", "Summons", and "Writ of Mandamus see also page 2 [fn.1] in such motion."

Jose Alberto Maldonado I/D#.:312648
Kershaw SCDoc MB/Room, #59
4848 Goldmine Highway
Kershaw South Carolina, 29067

December 2nd, 2015

RECEIVED

JAN 08 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
Clerk Of Court Office
ADMINISTRATIVE LAW COURT
Law Clerk: Vance Eaton
Edgar A. Brown Building
1205 Pendleton Street Suite 224
Columbia, South Carolina 29201

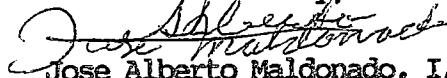
Re: Jose A. Maldonado v. BRYAN P. STIRLING, South Carolina DIRECTOR
of Department of Corrections.

Dear Clear,

May you please present this file to Honorable LENSKY Judge:
To find enclosed a proposed APPELLANT BRIEF/MOTION FOR LEAVE TO
CONDUCT DISCOVERY ORDER.

In reference to the above - captioned case. If this
"FILE" meets with your approval, that you please sign and
return's "clock - stamped"; for filing in the enclosed self -
addressed stamped envelope.

Sincerely,



Jose Alberto Maldonado, I/D#.:312649
Pro - Se Appellant

Files:(3)

Enclosures:(4)

Attachments:(2)

Attacheds:(B)/Exhibits(1)

JAM/INK:Jg.

Cc: BRYAN P. STIRLING, South Carolina DIRECTOR Of Dep't of Corrections;
South Carolina, Counsel of records: Alan Wilson's Office; and David
Tatarsky, General Counsel of South Carolina Dep't of Corrections.

(Attachment: A Doc. 1, in SC App. Ct)

(Attachment: A Doc. 1, in SC App. Ct)

STATE OF SOUTH CAROLINA)
ADMINISTRATIVE LAW COURT)

Jose Alberto Maldonado, I/D#: 312648)
Appellant, Pro - Se,)

V.)

BRYAN P. STIRLING, South Carolina)
DIRECTOR of Department of Corrections,)

Respondent.)

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Case Number: 15C0567

APPELLANT BRIEF/MOTION FOR
LEAVE TO CONDUCT DISCOVERY

ORDER

HONORABLE: JUDGE LENSKY
S. PHILLIP

Appellant, Jose A. Maldonado, by and through undersigned
pro se, hereby moves, pursuant to S.C. Code § 1-23-610, and §§
17-19-10/20, for leave to conduct discovery upon this Order.

And Pursuant to the Rules of Procedure for the Administrative
Law Court. Rule 21 DISCOVERY, and S.C. Code § 1-23-320 (2005).
In SUPPORT OF THIS BRIEF/MOTION FOR LEAVE TO CONDUCT DISCOVERY,
Appellant apprises the Court of the following facts and legal
principles within the SCDC POLICY/PROCEDURE: OP-21.09 §[2].

ACTIVATING INMATE RECORDS:

Statement of the Issues on Appeal

This case is before the Administrative Law Court pursuant
to the appeal of Jose Alberto Maldonado, I/D#: 312648. That
the ("Appellant") is a civil person without the original reco-
rds. And the Reception and Evaluation ("R & E") Inmate Records
Section at Kircland Correctional Institution had failed to rev-
iew his process, and entered sentencing documents to the inmate
Jose Alberto Maldonado received into the SCDC. See, the Policy

[OP-21.09 ¶2.1 through 2.18]; therein, the Appellant against the South Carolina Department of Corrections, because the (R & E), has the primary duty to received, process, and enter sentencing documents for all inmate received into the SCDC. See, ¶[2.2; 2.4-5; and 2.9] see also the policy at ¶[19.8; at ¶19, 8-4] ("the Inmate Records Office will be Responsible for verifying the 'authenticity of Court Order'"). "That's why the Mr. Maldonado, didn't qualify to be incarcerated by policy, at Session, S.C. Code §§ 17-19-10/20; and 17-19-50. See e.g., at (State v. Simmons, 209 S.C. 531, 41 S.E.2d 217-220 (1947))". Applying, § 17-19-100, when the Appellant remain into "SCDOC", without the activating inmate records. Thus, the Appellant against relief.

Statement of Concise History of the Proceeding

Appellant is now appealing the unilateral modification of the authenticity of the "Court Order's Documents with the ("SCDC") upon his sentence." See the (Attachments: B/Exhibits 1-through-5) therein's that hearing Appellant pursuing at (Step 1-IGP; on: Dec. 11, 2014) and do not say whether I have 20-years of my sentence? Pursuant an additional facts: (1) being mislead information of orders by the court; and (2) see, the (Attached: B/Exhibit (1)); into "Sentencing Sheet missed a Number of C/A#: 2003-GS-23-454 ... that's a proof to false documents in such indictment."

Date of Commencement of the Action

Appellant filed, "Pursuant's Step 1-IGP." On Dec. 11, 2014. This grievance was investigated on December 30, 2014; and denied Juanuary 2, 2015. The Appellant don't accept the warden is decision and "wish to appeal on January 8, 2015." Then the Clerk's returned the process filed Brief on: 11/2/2015 clocked Oct. 29, 2015. Appellant file it: (Doc.2 to, A.L.C.) on: December 2nd, 2015.

The Nature of The Action:

Thus, the Appellant, filed an appeal to the (A.L.C.) on:

October 19th, 2015. See the Attachment: A-) "Notice of Appeal"
GRIEVANCE No.: KRCI 4415 - 14. So now's an Order by this Honorable Judge LENSKY, to signed and enter this motion with a docket number, to carefully and thoughtfully consider the pleading upon both parties to "review" the records as whole: and compel disclosure, with held inside this court; and pursuing the true in side the whole criminal records, to be legal into the South Carolina Department of Corrections.

Statement of the Issues Presented

The statement of each of the issues presented for review Stated as follows:

Whereas this Court carefully and thoughtfully considered the pleadings; "to both parties", and phase review the records as whole, it finds Appellant's arguments and citations of law convincing of the fact that the Defendant an investigation/decision ordered by this Hon: Court. Which they fails to meet the criteria and standards set by laws, which apply to the South Carolina State's Attorney General Alan Wilson - Office; and Bryan P. Stirling, South Carolina Director of Department of Corrections, "to holding Appellant" in prison without records in (SCDOC). Because the authority orders from the general sessions court term; in the thirteenth judicial circuit; within the "State Grand Jury" in S.C. Columbia, the orders's null and void. See, (Attached: B /Exhibits; 1 -through- 10). Et seq.

Basically the Court finds under S.C. Code §1-23-610, which is the standard for Court review of state agency decisions, that the South Carolina of Department of Corrections investigation/decision was (a) in Violation of Constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected by

other errors of law; (e) was clearly erroneous in view of reliability, probative and substantial evidence on the record as a whole; and (f) was arbitrary and capricious and characterized by abuse of discretion, It meets none of the laws requirements.

The Nature to Defense or Response

This Court bears, to a small extent, the blame for this total disregard of law but when it "...Ordered that pursuant to the: "Policy" at South Carolina Department of Corrections, it assumed the "attorney's office would also follow applicable law...." Normally, it goes without saying that South Carolina's State employees must abide by the laws that govern their actions.

The Date of Nature to the Agency Action In Appeal

In view of the above stated facts and conclusion of law the Court remands this matter to the South Carolina Department of Corrections, and the attorney general's Office for prompt, diligent and careful reconsideration with a demand that it comply with applicable laws and directives of this Court which will be clearly stated herein. See (I.G.P. Step 1; & 2)'s Attachments:(A) Date 1-9-2015/Return on 8/30/2015; And see, (Attached:(B)/Exhibit: (1)). Of Dated December 11 - 30,2014 (Step-1 IGP).

Discretion to the Orders of Proceedings in the agency as may have affected the appeal, see, id., ("the Nature to the Agency Action In Appeal"). Holdings, as follows:

A minimum criteria shall include a full investigation and written report of its findings as to whether or not substantial evidence was found to prove or disprove the Appellant was

received through the State Grand Jury From: Columbia. See, that (Attachments: A, 3-4, & "A-5"/see; Attached: B/Exhibit 10 Ind., 12/13/2005).

This Hon: Court ("A.L.C.") have to held that in open a hearing pursuant's Appellant Brief/Motion for leave To Conduct Discovery, citing S.C.Code § 1-23-610; Return filed C/A#.:15C0-567. Enter in this Honorable Court on October 29, 2015.

Therefore, the "Brief" have been divided into as many parts as the rule there are issued to be argued, and each such part the Appellant bear an appropriater "Caption-Case" No.:15C0567/ and followed to a discussion and citation of authority, legislation case laws. And United State its Constitution; as part to the South Carolina's Department of Corrections "Policies".

Supporting, Attachment's fact filed ("I.G.P.") to conduct "Discovery Order". When is been submit and addressee directly In the (A.L.C. & the Hon: LINSKY Judge had/or have being assigned to review the case). Therein, this rule provides the time frames for filing, format and content of Appellant is Briefs. Statements of fact Set forth in the Brief are binding upon the proponent of the statement; from Kershaw, CI. Mr. Davit W. Dunlap the Warden, between case Manager Mrs. York, was the statement had been signed on January 2, 2015; those statements, provided that the "warden no review such Proceeding (IGP), and that AGAINST THE POLICY UPON THE AGENCY "State employees for abide the policy, and the laws in govern's view...." See, the (Attached: B, 1 at back side); see also ("Attachments: A, A-1 through "A-5").

Procedural Istory To The Case

1. Appellant is presently serving a seven - years sentence for "Trafficking in Cocaine" [Ind., C/A#.:2003-GS-23-4545, A/W No.:H-441256; see (attached: B/exhibits; 6, 7-8). See also (Attachments: C-1, & C, 2-3) at indictment C/A#.:03-GS-23-4547; A/W#.:G-083303). The action of grand jury, in the Greenville County's general Sessions on June Term; Appellant plead guilty in State v. Jose Alberto Maldonado, indictment for possession of cocaine with

Edward W. Miller presided judge, in the case November 29, 2005; and after that Appellant was "re-indict again" at a session of the "State Grand Jury of South Carolina," convened in "Columbia December 13, 2005," that state grand juror present upon "oath": For conspiracy to trafficking methamphetamine ("Two Counts"); trafficking methamphetamine more ("than >400 grams"); and possession of "Firearm during the commission of violent crime." Irrelevant information "upon the indictments is face." See, the (Attached:B/Exhibits 1 -through- 10/and also Attachment: "A-5" no records);

2. On Aug. 22, 2006 Appellant plead guilty to the lesser - included offenses of conspiracy to trafficking in methamphetamines [28 - 100 grams for second offenses], run concurrent, and pursuant to a "Superseding Indictment" for conspiracy to trafficking methamphetamin/traffick in methamphetamines more ("than >400 grams") ("Three Counts") and possession of a ("Firearm") - during the commission of a violent crime, supposedly issued on: February 22, 2006 See ("Attached:B/Exhibits ¶(2) & a ¶(10)").

Those indictments bared the state grand jury's C/A#: 2005-GS-47-0026. Because, the information at the indictment Dec. 13, 2005, have the same information in the face of such papers, of ("Two-Counts"). See id., (Attached:B/Exhibits ¶(2)&(10)); and

3. Whereas, the Appellant did receive from the Hon: Alexander S. Macaulay in his sentence on April 10, 2015? Appellant was represented by James H. Price, Esquire and the State was represented from Susan O. Porter, assistant attorney general deputy.

The matters stated or alleged in a party's statements upon the questions involved in the appeal be binding on both parties

1. Session 1-23-320 (2005), and Rule 21 (SCALCR) Discovery specifically authorizes discovery upon the Department of Corrections, pursuant to: ("A.L.C."), its jurisdiction to hear such

matter is derived entirely from the decisions of the South Carolina Supreme Court in AlShabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). See also Howard v. South Carolina Dept. of Corrections, 399 S.C. 618 at (fn.9) 626, 733 S.E.2d 211, at 216, 217 (SC. 2012)(quoting Al - Shabazz v. State (2000)) (holdings: that, aside from non-collateral matters specifically listed in the "PCR Act. PCR" is proper avenue of relief only when the appellant submitted (1st. PCR. & two PCR.Act) mounts a "collateral attack" challenging the validity of his conviction or sentence as authorized by §17-27-20(A)(B)). See: Article 1, § 22, pursuant's (Howard's Fn.14, been support by Al-Shabazz v. State (2000));

2. ("A party in a proceeding shall be entitled to invoked the process of discovery available under the South Carolina Rules of Civil Procedure if, and to the extent that the judge in the exercise of this discretion and good cause show grant leave to do so, but not otherwise.") See, (Attached/Exhibit:"B" Step 1- (IGP) Pursuant's Tant v. South Carolina Dept. of Corr., 395 S.C. 446, 718 S.E.2d 753 (2011);

3. A minimum criteria shall include a "full investigation" and written report of its findings as to whether or not substantial evidence was found to prove or disprove the Appellant is Notice of Appeal, to compel disclosure, between this Hon: Court and pursuing the criminal records, had/or have been enter legal

inside the (SCDOC) See, (Attachment: A), the "Notice of Appeal" (holding the grounds for relief by policy No.:OP-21.09 ¶[2]) et seq., ¶[2.18].

4. Therefore, the "Appellant assert that such convictions don't covert up his sentence inside the South Carolina Dept. of Corrections upon the policy OP-21.09 ¶[2] stated as follows:(a) mislead information under the activation inmate records plan for insufficient and construction of sentences been imposed; (b) either the "state grand jury fall below, with such papers to be a indictments"; and (c) therein make the "conviction null and void."

See e.g., Fryer v. South Carolina Law Enforcement Division, 369 S.C. 395, 399, 631 S.E.2d 918, at 920 (S.C. App. 2006); see also State v. Franklin, 267 S.C. 240, 247, 226 S.E.2d 896, at 898. (Quoting Townsend v. Burke, 334 U.S. 736, 68 S.Ct. 1252, 92 L.Ed.2d 1690 (1948))("[t]he United States Supreme Court made it clear that a sentence cannot be predicated on "False information[?]" (same); Capital outdoor Adv. v. City of Raleigh, 109 N.C. 399, 427 S.E.2d 154, at 159's fn.1 (1993). See; S.C. Code § 17-25-323(A)(B)(C) and (E); see, State v. Gullede, 321 S.C. 399, 468 S.E.2d 665, review granted affirmed as modified 326 S.C. 220, 487 S.E.2d 590.

5. Thus, the Appellant demand with this "brief motion" to releasing the validity of records with a "Order" in judge signature of the (A.L.C) jurisdiction's review such records. Because, that against "false arrest and false imprisonment," between attorney general office; and the South Carolina Dept. of Corrections, have now is authorization Mr. Bryan P. Stirling , (SCDOC, Director) with the (SC. Attorney General Mr. Alan Wilson's agencies). Overruling on other grounds by McCoy v. City of Columbia, 2013, 929 F.Supp. 2d 541. Holding, a policy officers and city of Columbia were entitle to governmental immunity under the:(S.C. Tort Claim Act for state-law tort claim of "ma-

licitious prosecution, 'false imprisonment ...' see, S.C. Code § 15-18-20 by institutinalizen person actions. 42 U.S.C.A. § 1983. I.e., limited waiver of governmental immunity and delineates the condictiones upon which a claimant may pursue actions against the State and its political subdivisions. See e.g., HUGHES V. REWE, 449 U.S. 5-9 (1980); Bradt v. Gooding, ("[a] previous judge was held in a hearing by determined the authenticity, documents presented by a representation a client in such case") see id. at, 628, 630 S.E.2d at 264; (Overruling on other grounds pursuant is Tant v. South Carolina Dept. of Corrections, 408 S.C. 334, 337, 759 S.E.2d 398, 399, (S.C. 2014). ("When the Department of Corrections decides its original records of a sentence of the "amended sentence" and advise appellant of his opportunity to be heard through the grievance procedure.

Further, to insure fairness, this Hon: Court have to hold the (SCDOC; and the attorney general's office) by signed a issue subpoena on behalf of the court.... See, Administrative Law Court Contested Cases, Rule 22(A)(B) "SUBPOENAS", Because, that the respondent's already in default judgment pursuant, Rule 55 (a) SCRCP. And Must holds to open hearing. Before, "D. Hill Garrison presided Judge", ruling in the pending motions: Appellant have with the "attorney general's Office" within the Rule 60(b) (4)(5), SCRCP; pursuing it with the (General Sessions Court) in the Greenville County 13th judicial circuit. Thus, the <attorney general Karen Ratigan Assist. Atty., General have discretion in such matter>. See(Attachment:A-7). Was is represent the Defendant(s) in such case, here in after; present and allowed to fully plead his possition. Whitin the ("Attachment; 'A;6-7'").

Appellant submit that for good cause exists for the authorization of discovery for the following reasons:

- <> Use of discovery procedure will expedite Appellant's prepartion for the evidentiary hearing thus, saving time and state resources:(1) information obtained through discovery;(2) that will likely eliminate the need for a number of witnesses to be called to testify at the Peding Motions; and (3) there is a (4th PCR.Act pending too);

- <> Permitting discovery will substantially reduce the likelihood that a lastminute continuance of the Post - Conviction Relief proceedings, or the last filed Motion of Rule 12(b)(6), SCRCP. The, "Order Granting 'Complainant/Plaintiff, Motion To Dismiss'". and, as follow to: Rule 60(b)(4)(5), SCRCP. Where, the due proceeding will be necessary to compel the State's case be legal;
- <> Discovery will permit Appellant to obtain necessary information through means other than in - court proceedings, such as depositions, interrogatories "affidavits," and documents produced by the prosecuting agencies; therefore, valuable court time can be used to present only relevant material and court time can be through those sources. See Brady v. Maryland, (1963); State v. Kennerly, 331 S.C. 442, 503 S.E.2d 214, rehearing denied, certiorari granted, affirmed 337 S.C. 617, 524 S.E.2d 837. Disclosure evidence within the possession of other government agencies [i.e.,];
- <> If discovery's not authorized, Appellant will have no option but to pursue the information and materials he seeks to discover by Subpoenaing individual, see id., at 453-54, 503 SE.2d 220-21 (1998)(quoting State v. Gullledge, 326 S.C. 220, 487 SE.2d at, 594; (Citing Williams v. Ney York, 337 U.S. 214 (1949) ("constructive contempt") would be in the pending motions's hearing/or at the (4th P. C.R. Act. hearing). If forced to rely on this methods, Appellant will almost certainly require, to this court a sooner; and further additional time for investigation after gaining access to the information and materials he seeks, which will in turn require of 13th Jud. Circuit's General Sessions Court ruling in the motions had, or have pending almost, (one-year)[?]; See, Harris v. Champion, 938 F. 2d 1062, at 1066 - 1070 (1991). Habeas Corpus K.377/794, 795(1).

CONCLUSION

WHEREFORE, for all the foregoing reasons, Appellant submits that he has presented good cause for the invocation of discovery, and therefore respectfully request, pursuant § 1-23-610. On the other hands allowing pre-hearing discovery, in this Hon: Court, ("ALC"). Will facility full preparation by Appellant and clear the way for a the preparation of all facts supporting his claim for relief to be presented at a single evidentiary hearing.

Done this day 2nd of December 2015. Respectfully Submitted

Kershaw Correctional Institution
Magnolia B/Room #59
4848 Goldmine Highway
Kershaw, South Carolina 29067

s/ Jose Maldonado
Jose Alberto Maldonado, #312648
The Appellant Pro - Se.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

Case Number: 15C0567

JAN 08 2016

APPELLANT BRIEF/MOTION FOR
LEAVE TO CONDUCT DISCOVERY ORDER

SC Court of Appeals

PROOF OF SERVICE BY MAIL

I, Jose Alberto Maldonado, a civil person presently incarcerated at Kershaw, Correctional Institution, ("SCDOC"). Do hereby affirm that:

Mr. JOSE ALBERTO MALDONADO Declare Under the South Carolina Rules of Civil Procedure. Rule 5(b)(1) Pursuant to: ("V. SPECIAL APPEALS §[54, & 65], upon's SC. Code Ann. § 1-23-610 (2005)"). See also SC. Code of Laws §§ 15-29-10/20, instead; 28 U.S.C.A. § 1746. That, on below said date Appellant, did deposit a true and exact copy of foresaid APPELLANT BRIEF/MOTION FOR LEAVE TO CONDUCT DISCOVERY ORDER, inside Kershaw, Correctional Institution mailroom's clerk, to be forward through the (U.S.) Posted system with sufficient postage to:

Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC. 29201

SC. Counsel of Records
Office of the Attorney General
Alan Wilson
P.O. Box 11549
Columbia SC 29211

Further, Appellant said and Notarized
This 2nd day of December, 2015.

General Counsel David Tatarsky
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, South Carolina 29221

SWORN TO and SUBSCRIBED Before Me
This 2nd day of December, 2015

Cathrine A. Ammer
Notary Public For South Carolina

My Commission Expires:
My Commission Expires December 22, 2016

Respectfully Submitted
Jose A. Maldonado
Jose A. Maldonado, #312648
Appellant Pro se,
Kershaw Corr. Inst. MB/59
4848 Goldmine Highway
Kershaw, South Carolina 29067

File: (Doc. 2) on: Dec. 2nd, 2015.

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Jose Alberto Maldonado, #312648,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 15-ALJ-04-0567-AP

**ORDER DENYING MOTION FOR
DISCOVERY**

RECEIVED

JAN 08 2016

SC Court of Appeals

This matter comes before the court on a Motion for Discovery filed by the Appellant on December 3, 2015. The Appellant requests the production of several items of discovery and responses to several interrogatories from the South Carolina Department of Corrections ("Department"). Because the Appellant sent the request in motion form, it appears that he would like the court to compel the Department to respond to his discovery requests.

Appeals from inmate grievances within the South Carolina Correctional System are handled pursuant to ALC Rules 51-66. Pursuant to ALC Rule 59, once a Notice of Appeal has been filed by an inmate, the Department is responsible for filing a Record After Final Decision within seventy-five days of the Notice. The Record After Final Decision consists of:

- A. All pleadings, motions, intermediate rulings and depositions filed;
- B. All evidence received or considered;
- C. A statement of matters judicially noticed;
- D. All proffers of proof of excluded evidence;
- E. The final order or decision which is subject to administrative review;
- F. Any transcript taken of the testimony during the proceedings.

ALC Rule 58. The ALC Rules on Special Appeals do not contain any provisions for additional discovery beyond what is contained within the Record After Final Decision. Therefore, the

(Attachment: B, in SC App. Ct.)

FILED

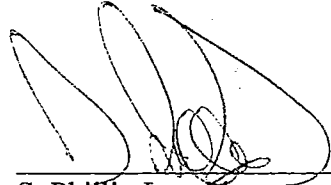
DEC 18 2015

ADMINISTRATIVE LAW COURT

Appellant's Motion for Discovery above and beyond what is contained within the Record After Final Decision is hereby **DENIED**.

AND IT IS SO ORDERED.

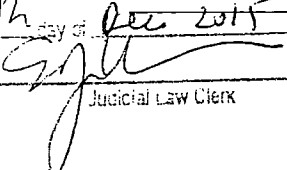
December 18, 2015
Columbia, South Carolina



S. Phillip Lenski
Administrative Law Judge

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 Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 18th day of Dec 2015


Judicial Law Clerk

(Attachment:B, in SC App. Ct)

(Attachment C)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2304547

RECEIVED

A/W#: G803304

Date of Offense: 04-10-2003

S.C. Code §: 44-53-0370

CDR Code #: 0388

SC Court of Appeals
CASE RESTORED
SENTENCE

☒ PLEA ☐ TRIAL

☐ CONVICTED OF or ☒ PLEADS

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Jose Maldonado

AKA:

Race: W Sex: M Age: 32

DOB: -

Address: GREENVILLE SC 29611

DL#: - SID#: -

In disposition of the said indictment comes now the Defendant who was
TO: TRAFFICKING IN COCAINE > 28 GRAMS, 2ND OFFENSE

in violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0388

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jose K. Monte
Solicitor:

Jose Maldonado
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 115 DAYS

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Fording)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$ 100.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment \$40/ea)	\$	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Paul B. Wickensimer
Clerk of Court/ Deputy Clerk

Court Reporter: Jubins

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 1 13 10

Sentence Date: 11-29-05

(Attachment: C-1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING COCAINE

At a Court of General Sessions, convened on JUNE 24, 2003 the Grand
Jurors of Greenville County present upon their oath:

That JOSE ALBERTO MALDONADO did in Greenville County, on or about the 10th day of April,
2003, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly
provide financial assistance or otherwise aid, abet or conspire to sell, manufacture, deliver or bring into
the State or was knowingly in actual or constructive possession of more than 28 grams of Cocaine. This
is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Gayle K. Moutz
SOLICITOR

WITNESSES

BRAGG *corley/s*

GCSO

04/10/03

ARREST WARRANT NUMBER

DIRECT INDICTMENT

(G803304)

ACTION OF GRAND JURY

TRUE BILL

Russell P. [Signature]

FOREMAN, GRAND JURY
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-23-

^{JLK}
The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

JUNE TERM 2003

THE STATE

PLEAD GUILTY

vs.

(Attachment: C-2)

JOSE ALBERTO MALDONADO

[Signature]

rice
Indictment for

TRAFFICKING COCAINE

VIOLATION § 44-53-370

DL SUSPENDS

Did Clerk receive driver's license?

YES

NO

If no, explain

[Signature]
Defendant

550

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

(Begin Attachment: B)

STEP 1 DEC 11 2014

(Attached: B/Exhibit; 1-through-10)

INMATE NAME: Jose Alberto Maldonado

SCDC NUMBER: 312648

INSTITUTION: Kershaw Correction Institution

HOUSING UNIT: Magnolia B, Room # 59

WORK ASSIGNMENT: Library

Grievance No. 1211145-14

Code: General

Policy AN 08

Soc. Hear. 2016

Class. of Appeals

PREA

Date Received 12/11/14

IGC Initials JM

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) The Inmate Jose

A. Maldonado pursue the response date "kiosk 14-338547 12/8/2014." From Author is No.: (038600). When that information I was received did not cover my issue to the hearing I am looking? That kiosk had been submitted on 11/16/2014. Throughout's the classification is response for my view, such answer said that; ("YOU HAVE 20 YEARS SENTENCE FOR 'TRAFFICKING IN CRACK COCAINE'). The ("IGP"), is to demanded a hearing for a compelled the (two) consecutively sentences. Upon [Inds. 03-GS-23-4545, & 05-GS-23-4726]. In that records, I would present the judge wrongly mislead instructions to the concurrent sentences. The Inmate assert that at the Kiosk: dated 11/16/2014 stated as follows:

Pursued at the policy OP-21-09[2], INMATE RECORDS PLAN & ACTIVATING INMATE RECORDS PLAN/MATTER OF INSUFFICIENCY AND CONSTRUCTION OF SENTENCES IMPOSED.

The Inmate Jose A. Maldonado assert that by the S.C. Dept. of Corr. is policies, and the S.C. Const., Code of laws. Had been wrongly applied concurrent sentences, the (1st. one) is for (7) year, (2nd was been mislead and applied for 20 years sentenced). The Inmate's confine in custody at the KRCI. This Department of Correction must provide to the Inmate with formal notice when it seek to recalculate its initial determination through the amended sentences of the concurrences of (TRUE BILL). The (IGP), have now being submit to obtain a hearing, to recorder with a tape, and "Video Camara Review". That can be prove, or present it in his next legal due process, and fixing the concurrent sentences, accordingly is TANT V. S.C. DEPT. OF CORR., 395 S.C. 446, 718 SE.2d 753 (2011) "to quash the" [Ind., 05-GS-23-4726]; pursuant §§ 17-19-100, (44-53-375(C)(5)). Was violated § 44-53-375(C)(2)(b), for a second offence(s) see e.g., CLAIR V. STATE, 324 S.C. 144, 478 SE.2d 54 (1996); STATE V. FONSECA, 383 S.C. 646, 681 S.E.2d 1, (2009); CARTER V. STATE, 329 S.C. 355, 495 S.E.2d 776, fn. 1, 777 (1998); SIMMONS V. STATE, S.C., 471 S.C., 471 S.E.2d 455 (1993); IN RE MAGISTRATES USE OF VIDEOCONFERENCES, S.C., 471 S.E.2d 459 (1995).

Please send me a "Update hearing" to examine the indictment(s).

Because, the S.C. Department of Corrections did not have juris[diction] to the Inmate (JAM) to be in custody either KRCI. The Inmate have deadline in this matter. See the Copy Order.

Grievant Signature
(Attach (10) Copies)

Date

ACTION REQUESTED: When the Department of Correction decides its original recodation of a sentence was erroneous, it mus afford the inmate formal notice of the amended sentence(s) See (Exhibits Indictments with Sentence sheets) I have the Right and opportunity to be heard through the grievance procedure. See Attached Exhibits.

ACTION TAKEN BY IGC: ☐ PROCESSED ☒ UNPROCESSED ☐ OTHER

Due to nature of grievance
See Warden's Response

IGC Signature

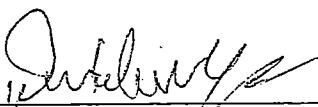
Date

(CONTINUE ON REVERSE SIDE)

~~Inmate Maldonado~~
WARDEN'S DECISION AND REASON:

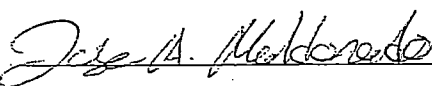
This is in response to KRCI-1415-14. All pertinent information and documentation has been reviewed. Your request to staff was answered appropriately by Case Manager, Mrs. York. You requested a hearing due to your sentence has been calculated incorrectly, however you failed to indicate what type of hearing. It is noted that your annual review is in January of this year. You may present any issues or questions to the Kershaw ICC at that time. No error has been found in your sentence calculation.

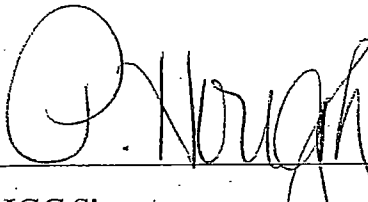
Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.

 1/2/15
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.

 1/8/15
Grievant Signature Date

 1/8/15
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

FILED

(IGP)
Exhibit (1) File on 12/11/2014
("Attached:B")
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

APR 10 2007

COUNTY OF Greenville
STATE VS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#:

Jose Alberto Maldonado
KA: _____
Race: H Sex: M Age: 33
OB: _____ SS#: _____
Address: _____
City, State, Zip Greenville SC 29611
L# _____ SID# _____

AW#: Direct Indictment
Date of Offense: 4/1/05 - 2/22/06
S.C. Code #: 44-53-375(C)(5)
CDR Code #: 0 1 3 1 8 1 9
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
to: Trafficking Methamphetamine 28-100 grams, 2nd offense (7-30 years & \$50,000)(85%)
violation of §44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
TEST:

James O. Parks Solicitor Jose Maldonado Defendant [Signature] Attorney for Defendant

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26, Court IV, and 03-GS-23-45
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. Credit since Aug. 6, 2005
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
Set by SCDPPPS _____

Recipient: _____
Fine: \$ _____
4-1-206 (Assessments 107.5%) \$ _____
4-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
4-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
6-5-2995 (DUI Assessment) \$12 \$ _____
§35.13 (Public Def/Prob) \$500 \$ _____
3.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
3.7, 1B TP (Drug Court Surcharge) \$100 \$ 100.00
0-21-114(BUI Breath Test Fee) \$50 \$ _____
6-5-2942(J) (Vehicle Assessment) \$40/ea. \$ _____
6 to County (if paid in installments) \$ 75
TOTAL \$ 231.75

James R. Parks Clerk of Court/ Deputy Clerk
Court Reporter: Robin Hild

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: Att

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]
Judge Code: 1 1 61 3
Sentence Date: 4-10-07

FILED

(IGP) EXHIBIT (2) File on 12/11/2014.
("Attache:B")

FEB 22 2006

USA D. CUMBAR,
CLERK, STATE GRAND J

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

VS.)

EMILIANO GARCIA AGUIRRE,)
PAMELA RENEE BOZZI,)
JOSE ALBERTO MALDONADO,)
KENNETH SCOTT POPE aka "SCOTTY",)
LISA LAVERN RAMIREZ,)
THOMAS ERNIE ROBERTS,)
OSCAR SANCHEZ,)
JOHN NELSON TURNER, JR. aka "JJ",)
KELLY LEE NALLEY TURNER,)

DEFENDANTS.)

CASE NO. 2005-GS-47-26

**SUPERSEDING
INDICTMENT FOR
UNLAWFUL DRUGS**

Trafficking Methamphetamine
(Conspiracy)

S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine
> 400 grams – Three Counts
S.C. Code Ann. § 44-53-375(C)(5)

Possession of a Firearm during the
Commission of a Violent Crime
S.C. Code Ann. § 16-23-490

At a session of the State Grand Jury of South Carolina, convened in Columbia,
South Carolina, on February 22, 2006, the State Grand Jurors present upon their oath:

**COUNT I
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)
S.C. Code Ann. § 44-53-375 (C)(5)**

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

RECEIVED
MAR 06 2006 (48)

("Attached:B")
(IGP) EXHIBIT (3) File on 12/11/2014

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

("Attached:B")

(IGP) EXHIBIT (5) File on 12/11/2014

COUNT V
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Against the peace and dignity of the State and contrary to the statute in such case made and provided.

A True Bill

Cathy P. Coffey
FOREMAN

Henry McMaster
HENRY McMASTER (sop)
ATTORNEY GENERAL

("Attached:B")

(IGP) EXHIBIT (6) File on 12/11/2014

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE VS.

Jose Maldonado

AKA:

Race: W

Sex: M

Age: 32

DOB: -

SS#: -

Address:

GREENVILLE, SC 29611

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2304545

A/W#: H441256

Date of Offense: 04-10-2003

S.C. Code § : 44-53-0445

CDR Code #: 0107

☐ CASE RESTORED
SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE W/TN 1/2 MILE

in violation of § 44-53-0445 of the S.C. Code of Laws, bearing CDR Code # 0107

☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jose K. Monts
Solicitor

Jose Maldonado
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*: the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 15 DAYS

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fines:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$100.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Paul B. Wickenhauser
Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2 11 13 10

Sentence Date: 11-29-05

SCCA217 (7/2003)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) INDICTMENT FOR
) POSSESSION OF COCAINE WITH INTENT TO
) DISTRIBUTE WITHIN CLOSE PROXIMITY TO
) SCHOOL

At a Court of General Sessions, convened on JUNE 24, 2003 the Grand

Jurors of Greenville County present upon their oath:

That JOSE ALBERTO MALDONADO did in Greenville County, on or about the 10th day of April, 2003, willfully and unlawfully possess with the intent to distribute a quantity of Cocaine. This incident occurred within one-half (½) mile from Greenville Tech College, Northwest Campus. This is in violation of §44-53-445 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

 Jose K. Morris
SOLICITOR

DOCKET NO. 2003-GS-23-
JLK

("Attached:B")
004545

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

JUNE TERM 2003

PLEAD GUILTY THE STATE
vs.

JOSE ALBERTO MALDONADO

DL SUSPENDS

Did Clerk receive driver's license?

YES NO

If no, explain 4/20/03

Defendant

WITNESSES

BRAGG COR-3/B

GCSO

04/10/03

ARREST WARRANT NUMBER

H441256

ACTION OF GRAND JURY

TRUE BILL

Russell P. [Signature]
Foreperson of GRAND JURY

VERDICT

Indictment for

0107

POSSESSION OF COCAINE WITH INTENT TO
DISTRIBUTE WITHIN CLOSE PROXIMITY TO
SCHOOL

VIOLATION § 44-53-445

Foreperson of Petit Jury

Date:

551

The Supreme Court of South Carolina

Jose Alberto Maldonado, Petitioner,

v.

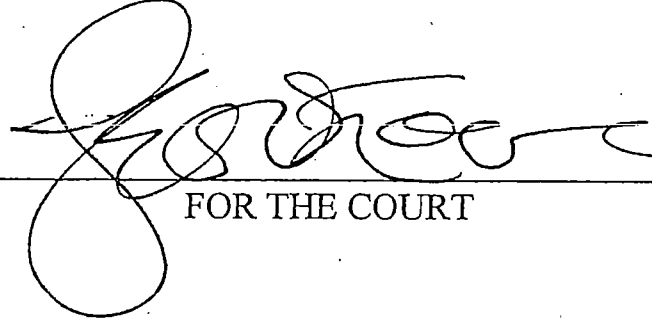
State of South Carolina, Respondent.

Appellate Case No. 2014-001164

Lower Court Case No. 2013CP2301440

ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
June 19, 2014

cc: Karen Christine Ratigan, Esquire
Mr. Jose A. Maldonado, #312648

FILED

APR 10 2007

(Attachments: B-IGP)

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Greenville CLERK, STATE GRAND JURY

INDICTMENT/CASE#:

VS. Jose Alberto Maldonado AW#: 2005 -GS- 47 - 26 Count IV
Date of Offense: 6/26/2005
S.C. Code §: 44-53-375(C)(5)
CDR Code #: 0 1 3 1 7 1 0
Sex: M Age: 22
SS#:
State, Zip: 29611 Greenville SC
SID#: 29611
☐ CASE RESTORED
☒ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
Trafficking Methamphetamine 28-100 grams, second offense (7-30 yrs & \$50,000 Fine) (85%)
Violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State
EST. James O. Parks Solicitor Jose Maldonado Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years
or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 ; plus costs and assessments as applicable*; the balance is suspended with probation for
the years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26, Court I & 03-GS-23-4547
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. Credit since Aug. 6, 2005
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Cost: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Defendant:
Fees:
-1-206 (Assessments 107.5%) \$
-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
-1-211(A)(2) (DUI Surcharge) \$100 \$
-5-2995 (DUI Assessment) \$12 \$
-13 (Public Def/Prob) \$500 \$
-3, 1B TP (Law Enforce. Funding) \$25 \$ 25
-7, 1B TP (Drug Court Surcharge) \$100 \$ 100.0
-21-114(BUI Breath Test Fee) \$50 \$
-5-2942(J) (Vehicle Assessment) \$40/ea \$
to County. (if paid in installments) \$ 675
TOTAL \$ 231.75

James R. Parks Clerk of Court/ Deputy Clerk
Court Reporter: Rabin Hild

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]
Judge Code: 1 1 613
Sentence Date: 4-10-07

STATE GRAND JURY OF SOUTH CAROLINA

(IGP Attached: B/Exhibit (10)(a))

STATE OF SOUTH CAROLINA)

CASE NO. **2005FS 47 26**

VS.)

**INDICTMENT FOR
UNLAWFUL DRUGS**

EMILIANO GARCIA AGUIRRE,)

PAMELA RENEE BOZZI,)

JOSE ALBERTO MALDONADO,)

KENNETH SCOTT POPE aka "SCOTTY",)

LISA LAVERN RAMIREZ,)

THOMAS ERNIE ROBERTS,)

OSCAR SANCHEZ,)

JOHN NELSON TURNER, JR. aka "JJ",)

KELLY LEE NALLEY TURNER,)

DEFENDANTS.)

Trafficking Methamphetamine
(Conspiracy)

S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine
> 400 grams – Two Counts

S.C. Code Ann. § 44-53-375(C)(5)

Possession of a Firearm during the
Commission of a Violent Crime
S.C. Code Ann. § 16-23-490

At a session of the State Grand Jury of South Carolina, convened in Columbia,

South Carolina, on December 13, 2005, the State Grand Jurors present upon their oath:

ORIGINAL FILED

COUNT I

TRAFFICKING METHAMPHETAMINE (CONSPIRACY)

S.C. Code Ann. § 44-53-375 (C)(5)

DEC 13 2005

LISA C. DUNBAR,
CLERK, STATE GRAND JURY

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

(Attached: B/Exhibit; (10)(b))

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

(Attached: B/Exhibit: (10)(c))

COUNT V
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Against the peace and dignity of the State and contrary to the statute in such case made and provided.

A True Bill

Cathy P. Coffey
FOREMAN

Henry McMaster
HENRY McMASTER (sop)
ATTORNEY GENERAL

(Attached: B/Exhibit: (10)(c))

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEALS FROM THE ADMINISTRATIVE LAW COURT
Lensky S. Phillip, Administrative Law Judge

JAN 08 2016

SC Court of Appeals

Case No. 15-ALJ-0567 -AP

South Carolina Dep't of Corr. Linsky S. Phillip,
Administrative Law Judge.....Respondent,

Vs.

Jose Alberto Maldonado, #312648.....Petitioner.

WRIT OF MANDAMUS

This matter comes before the court, because of the South Carolina Department of Corrections; and Administrative Law Judge, Phillip Lensky's Order Denying Motion For Discovery in Administrative law Court, Docket No. 15 - ALJ - 0567 -AP.

PROCEDURAL FACTS

Petitioner originally requested the South Carolina Dep't of Corrections to provide him with all orders of "Commitment(s) , indictments (Copies)," and Sentencing sheets, and all other documents pursuant to his arrest, trial, and incarceration pursuant to "SCDC Policy OP-21.09, ¶[2]". Petitioner, was denied access to his Inmate Records and he then filed his (Step - 1) Grievance in which he was still denied.

He then filed his (Step 2) Grievance and was denied access to his records. Petitioner filed his "Notice of Appeal and his Initial Brief/Motion For Leave To Conduct Discovery". See, the [Fn.1] (Attachement: APPELLANT BRIEF/MOTION FOR LEAVE TO CONDUCT DISCOVERY ORDER, at Page 1, 6, & 7, Citing: Al-Shabass v. State, 338 S.C. 354, 527 S.E.2d 742 (2000)(quoting, Howard v. South Carolina Dep't of Corrections, 399 S.C. 618 at (Fn.9) 626, 733 S.E.2d 211, at 216, 217 (2012)) "Pursuant's Rule 21 DISCOVERY, and Code § 1-23-320 (2005)". Attachment:(A). Filed: On Dec. 2 - 3, 2015. (Overruling on other grounds under this Rule, Tant v S.C. Dep't of Corr., 718 S.E.2d 753; See also at Tant v. S.C. Dep't of Corr. 408 SC. 334 337, 759 S.E.2d 398, 399, (2014)) See id., Appellant Brief's Page 7-9."

("When the Dep't of Corr. decides its original "records" of a sentence of the "amended sentence" and advise appellant of his opportunity to be heard through the grievence proceudure.").

The Administrative Law Judge, S. Phillip Lensky, denied Petitioner's Motion for Discovery on December 18, 2015 See the (2nd, Attachment:(B)). Now comes this Writ of Mandamus to Invoke Discovery for the following reasons.

ARGUMENTS

Does the Law Require The Administrative Law Court To Order The South Carolina Department of Corrections To Provide Petitioner with Discovery? See, Tant, at 759 S.E.2d 398, 399.

1. The Administrative Law Court's Clerk, had, or have discretion pursuant of File,(A.L.C. Doc.2 Attachment:(A), and the opposite parties, SC. Counsel of Records, Alan Wilson, and General Counse David Tatarsky. So now the Petitioner have to provide with a copies of Attachement(A/B) in this Court.)

Pursuant to SCDC Policy OP-21.09, § 7.3 6,(2); S.C. Codes, § 1-23-320, 1-23-610; and Rule 21, ALCR entitles Petitioner to discovery and access to the afore - stated information. Rule, ALCR STATES: "The promulgation of these Rules is authorized by Ann. § 1-23-650. These Rules shall govern all proceedings before the Administrative Law Court, in which the right to a hearing;(a) is provided by the Administrative Procedures Act; (b) is specifically required by other statutes or regulations;(c) is required by due proccess under the South Carolina or United States Constitutions."

The Administrative Law Judge states that: "Appeals from Inmate Grievance are handled pursuant to ALC Rules 51 - 61, & 66 in opposition, to ALC Rule 59, once a Notice of Appeals has been filed by an inmate, the Department is responsible for filing a Records after final Decision within seventy - five (75) days of the Notice. The Record After Final Decision consists of: (A) all pleadings, Motions, Intermediate Rulings and Depositions filed; (B) all evidence Received or Considered; (C) A Statement of Matters Judicially Noticed; (D) All Proffers of Proof of Excluded Evidence; (E) The Final Order or Decisions which is subject to Administrative Review; Any Transcript taken of the Testimony During the Proceedings, ALCR, Rule 58. The Order further states, "The ALC Rules on Special Appeals do not contained within the Records for additional discovery beyond what is contained within the Record After Final Decision."

The, A.L.C. Rules 51-66 apply exclusively in matters heard on appeal from final decisions of the (S.C.D.C). The special Appeals Rules have been added to the Court's Rules of Procedure used in appeals from final decisions of the Department of Corrections. These Rules are based upon the Court is existing procedural and appellate rules, with adaptations for this special rules. However, it is clear that any ambiguity here would be in petitioner's favor of having discovery, specifically since his central issue is the DOC's failure to allow Petitioner access to his Inmate Records Pursuant to SCDC Policy, OP-21.09 ¶ 2, §§ 7.3,6. It appears that regardless of the special Appeal Rules that Petitioner is still statutorily and constitutionally entitled to discovery and the Department of Corrections must supply the request documents pursuant to the there policy, state statutes. A.L.C. Rules, and State; United States Constitutions. Other wise, we have an unconstitutional ALC Rules or they are uses in an unconstitutional manner. Furthermore, the (FOIA) requires Disclosure as well. The Petitioner's seeking issuance of a Writ of Mandamus pursuant to Rule 65(f)(1), SCRCF; See, e.g., Anderson v. State, 338 S.C. 629, 527 S.E.2d 398 (2000)(quoting Porter v. Jedziniak (1999) "a petitioner seeking a writ of Mandamus to require the performance of an act "must show;(1) a duty of respondent to perform the act;(2) the ministerial nature of the act;(3) the Petitioner specific legal right which discharge of the duty is necessary; and (4) a lack of any other legal remedy." Id., 18, 512 S.E.2d at 498). Coleman v Thompson, 501 U.S. 745- 750 (1991)(same)

U.S. v. Campbell, 294 F.3d 824, 826-27 (7th Cir. 2002) (if the Applicant can demonstrate cause and prejudice to overcome a procedural default, or if enforcing the procedural default rule would result in a miscarriage of justice). See Murray v. Carrier, 477 U.S. 478, 496-97 (1986)(quoting, Woodford v. Ngo, 126 S.Ct. at 2395, 2396 (2006)). Accordingly, Mandamus is the highest judicial Writ Known to the law and's issued only to enforce an established right and to enforce a corresponding imperative duty created or imposed by law. Wiblen v. Long, 262 S.C. 430, 205 S.E.2d 174 (1974). "To obtain a Writ of Mandamus requiring the performance of an act," the Petitioner citing this two Rules, Anderson v. State (2000); and Porter v. Jedziniak, 334 S.C. 16, 18, 512 S.E.2d 497 (1999). Furthermore, the regularity of proceeding in a court of general jurisdiction "will be assumed" absent "evidence to the contrary." Pringle v. State, 287 S.C. 409-10, 411, 339 S.E.2d 127-28, (1986). By policy and law, Petitioner has the right to the documents he seeks and the Respondents have a ministerial duty by the same Policy and law to provide Petitioner with the documents and Petitioner is without any other legal remedy. Overrule By Holden v. Cribb, 349 S.C. 132, 561 S.E.2d 634 (S.C. App. 2002)(quoting Felts v. Richland County, 303 S.C. 354, 356, 400 S.E.2d 781, 782 (1999)). Wainwright v. Sykes, 433 U.S. 72 (1977) ("that may against relief when the claim have being exhausted.") This procedural default doctrine's based on unique consideration in this Honorable Court of Appeals, or into Habeas contest, including the need to ensure that "State criminal

trial" remains that "main even" rather than a tryout on the road" for a later federal habeas proceeding, id., at 90, 97 S. Ct. 2497. (Internal quotation mark omitted). Stated, as follows:

Prosedural default upon this Hon: Court is closely related to the principles that; this Court of Appeals, "lacks certiorari jurisdiction" to review a South Carolina Dep't of Corrections, an a state - court judgment adequate and independent state procedural ground. See Woodford v. Ngo, 548 U.S. 81, 90-91, 126 S.Ct, 2378, 2385-86, 165 L.Ed.2d 368, 378 (2006)(quoting Wainwright v. Sykes, 433 U.S. 72, at 81-82 (1977)). Moreover, exhaustion require an appellate decision holds that a motion in a long-completed criminal case challenging a prison policy forbidding prisoners from retaining possession of pre-sentence reports should have been treated as a separate civil action and that it required exhaustion. United States v. Antonelli, 371 F. 3d 360, 361 (7th Cir. 2004); Jones v. Bocks, 549 U.S. 199, 212-214, 127 S.Ct. 910, 919-20 (2009) The Court specifically referred to the usual practice under the State, or Federal Rules of Civil Procedure. Injunctions, including preliminary injunctions, are addressed in Rule 65.

CONCLUSION

Wherefore, the WRIT OF MANDAMUS should be granted and a hearing in this matter should held for a discovery conference to make sure all needed material is provided without further restrictions. Thus, Discovery should be invoked and compelled.

Respectfully Submitted

Done this 6th day of January, 2016. S/ Jose Alberto Maldonado
Jose Alberto Maldonado, # 312648
The Petitioner, Pro- Se,
Kershaw Corr. Inst. MB/Room, #59
4848 Goldmine Highway
Kershaw, South Carolina 29067

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Lensky S. Phillip, Administrative Law Judge

Case No. 15-ALJ-0567-AP

South Carolina Dep't of Corr. Lensky S. Phillip,
Administrative Law Judge.....Respondent,

Vs.

Jose Albeto Maldonado #312648.....Petitioner.

RECEIVED

JAN 08 2016

SC Court of Appeals

CERTIFICATE OF SERVICE

I, Jose Maldonado, a civil person presently incarcerated at Kershaw Correctional Institution ("SCDOC"). Do hereby affirm that:

Mr. Jose Alberto Maldonado, 312648, the Petitioner in the above - captioned matter, hereby under oath and penalty of perjury certify that I have served a Summons, Notice of Intent to File Writ of Mandamus, and a Writ of Mandamus with a Certificate of Service upon the below listed parties on the same date. To:

Clerk's Office, SC Administrative
Law Court The Hon: Lensky S. Phillip,
Edwar A. Brown Bulding, Suite 224
1205 Pendleton Street,
Columbiam S.C. 29201

The SC. Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

General Counsel David Tatarsky
SC. Dep't of Corr.
P.O. Box 21787
Columbia S.C. 29221

SC Counsel of Records
Office of the Attorney General
Alan Wilson
P.O. Box 11549
Columbia, SC. 29211

Further Petitioner said and Notarized
This 6th day of January, 2016.

Sincerely,

SWORN TO and SUBSCRIBED Before Me
This 6th day of January, 2016
Arthur A. Amador
Notary PUBLIC for SOUTH CAROLINA
My Commission Expirex: _____

s/ Jose Alberto Maldonado
Jose A. Maldonado, #312648
Kershaw Corr. Inst. MB/Rm., #59
4848 Goldmine Hwy.
Kershaw, South Carolina 29067

File: (Doc. 1 in SC. App. Ct.)

My Commission Expires December 22, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JAN 08 2016

APPEALS FROM THE ADMINISTRATIVE LAW COURT
Lensky S. Phillip, Administrative Law Judge

SC Court of Appeals

Case No. 15-ALJ-0567-AP

South Carolina Dep't of Corr. Linsky S. Phillip,
Administrative Law Judge.....Respondent,

Vs.

Jose Alberto Maldonado, #312648.....Petitioner.

SUMMONS

You're hereby summons and required to answer the complaint herein, a copy of which is herewith served upon you, and to served a copy of your answer to this complaint upon the subscriber, at the address below, within thirty (30) days after service thereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered

Clerk's Office, SC Administrative
Law Court The Hon: Lensky S. Phillip,
Edgar A. Brown Building, Suite 224
1205 Pendleton Street,
Columbia, SC. 29201

The SC. Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

General Counsel David Tatarsky
S.C. Dep't of Corrections
P.O. Box 21787
Columbia S.C. 29221

SC Counsel of Records
Office of the Attorney General
Alan Wilson
P.O. Box 11549
Columbia, SC 29211

Further Petitioner said and Notarized
This 6th day of January, 2016.

Respectfully Submitted

SWORN TO and SUBSCRIBED Before Me
This 6th day of January, 2016

Catherine A. Amos
NOTARY Public for SOUTH CAROLINA

My COMMISSION Expires: _____

My Commission Expires December 22, 2018

s/ Jose Alberto Maldonado
Jose A. Maldonado, #312648
The Petitioner, Pro-Se,
Kershaw Corr. Inst. MB/Rm., #59
4848 Goldmine Highway
Kershaw, South Carolina 29067

File: (Doc. 1 in SC App. Ct)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT

JAN 08 2016

Lensky S. Phillip, Administrative Law Judge

SC Court of Appeals

Case No. 15-ALJ-0567-AP

South Carolina Dep't of Corr. lensky S. Phillip,
Administrative Law Judge.....Respondent,

Vs.

Jose Alberto Maldonado #312648.....Petitioner

NOTICE OF INTENT TO FILE
WRIT OF MANDAMUS

Now comes before this Honorable Court, Petitioner's Notice
of Intent to File Writ of Mandamus, pursuant to Rule 65, SCRC
(f)(1), and Article I, § 19.

Clerk's Office, SC Administrative
Law Court The Hon: Lensky S. Phillip,
Edgar A. Brown Building, Suite 224
1205 Pendleton Street,
Columbia, SC. 29201

The SC. Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

General Counsel David Tatarsky
S.C. Dep't of Corrections
P.O. Box 21787
Columbia S.C. 29221

SC Counsel of Records
Office of the Attorney General
Alan Wilson
P.O. Box 11549
Columbia, SC. 29211

Further Petitioner said and Notarized
This 6th day of January, 2016.

Respectfully Submitted

SWORN TO and SUBSCRIBED Before Me
This 6th day of January, 2016

Catherine A. Amos
Notary PUBLIC for SOUTH CAROLINA

My COMMISSION Expires: _____

My Commission Expires December 22, 2016

s/ Jose Alberto Maldonado
Jose A. Maldonado, #312648
The Petitioner, Pro-Se,
Kershaw Corr. Inst. MB/Rm., #59
4848 Goldmine Highway
Kershaw, South Carolina 29067

File: (Doc.1 in SC. App. Ct.)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jose Alberto Maldonado

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

(Attachment)

RECEIVED

NOTICE OF APPEAL JAN 08 2016

SC Court of Appeals

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: KRCI 4415 -14

Notice is hereby given that Jose Alberto Maldonado does hereby appeal the final decision of the South Carolina Department of Corrections dated August 30th, 2015 and received on September 25th, 2015, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The Appellant, seeking an Order to compel disclosure, between this Hon. Court.

And pursuing his criminal records, have been legal in ("SCDOC"). Because, the Appellant believe, that sentences had, or have wrongful been applied upon the appellant: Is conviction, now enter's (SCDC Policy No.:OP-21.09[21]); see Attachments:(A),and (B)'s (Exhibits:1-of-10); see e.g., Tant v. S.C.Dep't of Corr. (2011) below this (IGP.2) at (Attached (A-B)). The Appellant assert that such convictions don't cover up his sentenced by (SCDC Policy), mislead information under the activating inmate records plan for insufficient & construction of sentences been imposed. Therein make the "conviction null & void." I demand a Order in review such records. Because, that against false arrest and false imprisonment/with the (SMC).

Jose Alberto Maldonado
Appellant's Name

Jose Maldonado
Signed

KRCI. MB/Rm. #37 18118
Mailing Address

October 19th, 2015
Dated

Kershaw, S.C. 29067
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, J.A. Maldonado (your name), on the 19th day of October, 2015, in Kershaw (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: General Counsel David Tatarsky

Address: Post- Office Box 21787

City, State, Zip Code: Columbia South Carolina 29221

Print your name: Jose Alberto Maldonado
(See reverse side for instructions)

Sign your name: Jose Maldonado

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

("Began the Attachments B")
 Attached(A); & Attachment(B)'s pending

STEP 3 JAN 12 2015

Office Use Only

INMATE NAME: Jose Alberto Maldonado

Grievance No. KCI 4415-14

SCDC NUMBER: 312648

Code: General

INSTITUTION: Kershaw CI.

JAN 12 2015

Policy

HOUSING UNIT: Magnolia B, Room # 59

KERSHAW CI

Disc. Hear.

Class.

WORK ASSIGNMENT: Education is Library

GRIEVANCE INMATE

Date Received 1/12/15IGC Initials PN

(Attachment: A-1)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): This appeal is for the Warden decision; in response to KRCI-1415-14. That, answer didn't cover up my Grievance Inf., from the classification # (038600). The (IGP) is to compel disclosure, with the Step 1. Were I am filed it on 12/11/2014 Kiosk # 14-338547, answer 12/8/2014. This appeal due process, pursue the records. Pursuant of SCDC's Policy CP-21.09(2).

Holding, at ¶[2.1] shall, the inmate records office in the Division of the "Classification & Inmate Records is Responsible for Administering a Uniform Process for Activating Records on Inmate admitted into the (SCDC)", (emphasis supplied)...? See also ¶[2.2] same policy: The Reception & Evaluation has the primary duty to received, process and enter "Sentencing documentation for all inmate received into the SCDC." See id., at ¶[2.4, & 5]; the ("[R-&E Center can accept an inmate into the custody, and also the SCDC provided an inmate's received an a valid commitment order"] i.e.,); Tant v. S.C. Dep't of Corr., 395 S.C. 446, 718 SE.2d 753 (2011). Further the appeal pursuit the right information upon that "TRUE BILL" Supersending Ind., #05-GS-23-4726, mislead Counts, dates. from Dec. 13, 2005, & Feb. 22, 2006]. That against the Policy, (CP-21.09 ¶[2.5]); Code 1976 §§ 17-19-100, 44-53-375(C)(5), and (Violate the § 44-53-375(C)(b)(2); SCRPC, Rule 60(b)(5), USCA. Const. Amend. 14. Because, therein is no valid sentence(s) to be served with the SCDC. The Warden action didn't cover the (IGP), for denied the hearing, without documentation. Id. at ¶[2.2], and him raised that I am failed to indicate what type of hearing, but on the 1/7/2015 him Jose A. Maldonado 1/9/2015 Grievant Signature Date or Ms. York, send an annual hearing without records. See, Step 3 below, Attach copy, and the (IGC've all records.).

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

ave reviewed your complaint and found that Warden Dunlap addressed your concerns appropriately. Indictment 03-GS-2304545 (cocaine distribution in proximate of a school) is a concurrent sentence, with a starting date of August 5, 2005; indictment 03-GS-14547 (Trafficking in Cocaine) is a concurrent sentence, with a starting date of August 6, 2005 and indictment 05-GS-4726+ (trafficking in Crack Cocaine) is a concurrent sentence, with a starting date of August 6, 2005. Indictment 05-GS-4726+ has a mandatory time of 85% (17 years). Therefore, your max-out date will be August 2022. Keep in mind, any disciplinary infractions or employment can cause your max-out date to change. Your sentence is correct.

refore, your grievance is denied.

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.

Paula Scully 8/30/15
 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.

Jose A. Maldonado 9/25/2015
 Grievant Signature Date

P. Nough 9/25/15
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

NOTICE OF APPEAL

(Attachment A)

RECEIVED

GRIEVANCE NO.: KRCI 4415 - 14

JAN 08 2016

PROOF OF SERVICE BY MAIL

SC Court of Appeals

I, Jose Alberto Maldonado, a civil person presently incarcerated at Kershaw, Correctional Institution, ("SCDOC"). Do hereby affirm that:

Mr. JOSE ALBERTO MALDONADO Declare Under the South Carolina Rules of Civil Procedure. Rule 4(g), and Code of Law §§ 15-29-10, 15-29-20, see also 28 U.S.C.A. § 1746. That, on below said date Appellant, did deposit a true and exact copy of foresaid "NOTICE OF APPEAL", inside Kershaw, Correctional Institution mailroom is clerk, to be forward through the U.S. Posted system with sufficient postage to:

Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC. 29201

General Counsel David Tatarski
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, South Carolina 29221

Further, Appellant said and Notarized
This 19th day of October, 2015.

Respectfull Submitted

1st Jose Alberto Maldonado
Jose Alberto Maldonado
#312648, the Appellant

SWORN TO and SUBSCRIBED Before Me

This 19th day of October, 2015.

Catherine A. Amos
Notary Public For South Carolina

My Commission Expires: _____

My Commission Expires December 22, 2016

Kershaw, S.C. Dept. of Correction
Magnolia B/Room #59
4848 Goldmine Highway
Kershaw, South Carolina, 29067

File:(Doc.1) on 10/19/2015.

State Grand Jury of South Carolina



(Attachment: A-3)

JAMES R. PARKS
CLERK OF COURT

Office of the Clerk

1000 Assembly Street
Rembert Dennis Building
Suite 519
Columbia, South Carolina 29201

POST OFFICE BOX 11508
COLUMBIA, SC 29211-1508
TELEPHONE: 803-734-0497
FAX: 803-734-0513

MEMORANDUM

April 13, 2007

TO: Jose A. Maldonado
C/o Inmate Records
Post Office Box 21787
Columbia, SC 29221

James H. Price
644 E. Washington St
Greenville, SC 29601

SUDC
C/o Inmate Records
Post Office Box 21787
Columbia, SC 29221

Susan Porter, Esquire
Attorney General Office
5th Floor Intra-Office Mail

FROM: James R. Parks *AVP*
Clerk of Court
State Grand Jury
Post Office Box 11508
Columbia, SC 29211

RE: Jose A. Maldonado 2005-GS-47-26

MESSAGE: Please find enclosed a copy of the following:

- Sentencing Sheets filed April 10, 2007

If you have any questions, please give this office a call at 803-734-0497.

(Attachment: A-4)

March 9, 2015

Jose Alberto Maldonado # 312648
Kershaw Correctional Institution MB/Room #59
4848 Goldmine Highway
Kershaw SC 29067

We have received your inquiry:

☐ A copy of all enclosed has been forwarded to: ☐ Your Attorney ☐ Public Defender's Office

☐ For matters concerning PCR's, please contact the Office of the Attorney General, PCR Division,
P.O. Box 11549, Columbia, S.C. 29211.

☐ SCDC calculates credit for time served. Please contact your classification caseworker at your
institution for assistance.

☐ We need more information:
☐ Case Number ☐ Charge ☐ SSN ☐ Court Location ☐ Date of Arrest

☐ This office does not provide Legal Advice or Legal Forms.

☐ Please speak with your attorney regarding your request.

☐ Please direct your request to _____ County Clerk of Court.

☒ Other: There are no pending charges, therefore the information is being returned to you.

State Grand Jury of South Carolina



(Attachment: "A-5")

JAMES R. PARKS
CLERK OF COURT

Office of the Clerk
1000 Assembly Street
Rembert Dennis Building
Suite 519
Columbia, South Carolina 29201

POST OFFICE BOX 11508
COLUMBIA, SC 29211-1508
TELEPHONE: 803-734-0497
FAX: 803-734-0513

April 17, 2015

Jose Maldonado #312648
Kershaw Correctional Institution MB/Room #59
4848 Goldmine HWY
Kershaw SC 29067

We have received your inquiry:

☐ A copy of all enclosed has been forwarded to: ☐ Your Attorney ☐ Public Defender's Office

☐ For matters concerning PCR's, please contact the Office of the Attorney General, PCR Division, P.O. Box 11549, Columbia, S.C. 29211.

☐ SCDC calculates credit for time served. Please contact your classification caseworker at your institution for assistance.

☐ We need more information:
☐ Case Number ☐ Charge ☐ SSN ☐ Court Location ☐ Date of Arrest

☐ This office does not provide Legal Advice or Legal Forms.

☒ There is no record of said charge.

☒ Please speak with your attorney regarding your request.

☐ Please direct your request to _____ county Clerk of Court.

☐ Other: Our office has no record of a State Grand Jury case regarding this matter.

[REDACTED]



State of South Carolina (Attachment: A-6)
The Circuit Court of the Thirteenth Judicial Circuit

D. GARRISON HILL
JUDGE

GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET, SUITE 213
GREENVILLE, SOUTH CAROLINA 29601
TELEPHONE: (864) 467-8484
FAX: (864) 467-8595
E-MAIL: ghilj@sccourts.org

September 2, 2015

Ms. Karen Ratigan
Assistant Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211

Re: State v. Jose A. Maldonado

Dear Ms. Ratigan,

Please see the attached motion from defendant Jose A. Maldonado, received on August 31, 2015. Please do not hesitate to contact my office if you have any questions.

Sincerely,

D. Garrison Hill

DGH:jg

cc: Jose A. Maldonado



State of South Carolina (Attachment: A-7)
The Circuit Court of the Thirteenth Judicial Circuit

D. GARRISON HILL
JUDGE

GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET, SUITE 213
GREENVILLE, SOUTH CAROLINA 29601
TELEPHONE: (864) 467-8484
FAX: (864) 467-8595
E-MAIL: ghillj@sccourts.org

May 28, 2015

Ms. Karen Ratigan
Assistant Deputy Attorney General
PO Box 11549
Columbia, SC 29211

RE: Jose Alberto Maldonado (#312648)

Dear Ms. Ratigan:

Enclosed please find a copy of Mr. Maldonado's motions received recently by my office.
Please review and take whatever action you deem appropriate.

Sincerely,

D. Garrison Hill

cc: Mr. Jose A. Maldonado (#312648)
Kershaw Correctional Institute
4848 Goldmine Highway
Kershaw, SC 29067

File: (Attachment (B) Doc.4)

July 27th, 2015

Jose Alberto Maldonado #312648
Kershaw Corr. Inst. MB/Room 52
4848 Goldmine Highway
Kershaw, S.C. 29067



pd
2-7-16

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RECEIVED

JAN 08 2016
SC Court of Appeals

LEGAL - MAIL

Court of Appeal S.C.
Clerk of Court
1015 Sumter Street
P.O. Box 11629,
Columbia, S.C. 29211

RECEIVED

JAN 07 2016

KerCI
MAILROOM