

The State of South Carolina
In The Court of Appeals

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JAN 28 2016

Appeal from the South Carolina Department of Corrections
and the Administrative Law Court

SC Court of Appeals

S.C.D.C.Respondent

Vs.

James B. Weersing,Appellant

Notice of Appeal

Above stated Appellant give notice of intent to Appeal erroneous decisions by Respondent Agency and by the A.L.C. as to the above stated case numbers. Whereas Appellant is not an Attorney and is unschooled in law, he requests his pleadings be liberally construed and if pleading fail to comply with the rules of court that he be given ample opportunity to amend.

Appellant will argue an appeal and provide ample evidence that the Agency intentionally based its decisions on no applicable policy and an unlawful procedures; he further argues decisions fail to comply with S.C. State statutes. See Step 1 Grievance filed 8/12/14, ruled on 9/2/14 and received 9/4/14; Step 2 filed 9/4/14, ruled on 11/5/15 and received 11/16/15. Carefully consider 14 month interval between filing and response by Agency.

Appellant will argue and provide conclusive evidence of Abuse of Discretion by A.L. J. as to violations of court rules, statutes, case law holding and clearly established constitutional rights also the A.L.J.'s refusal to reconsider decision in face of irrefutable evidence of his error.

See Intent to Appeal filed 10/29/15, ruled on 11/20/15, and received 11/24/15. Also Motion for Reconsideration filed 11/25/15, ruled? Received 12/23/15.

Appellant will argue these issues standing alone or in combination constitute a gross denial of fair hearing at the various levels of adjudication so as to render the process meaningless and futile. This was well stated in *Berman v. U.S.*, 378 U.S. 530, 84 S.Ct. (1964) where the justice stated, "I regret to say the [Agency and A.L.J.] chose to interpret the Rules not so much to reach but to defeat, a just determination of this case."

Dated: 1/21/16

Respectfully Submitted,

James B. Weersing Pro-Se

Appellant: James B. Weersing
#273527 K.R.C.I. SB-15
4848 Goldmine Hwy.
Kershaw, SC 29067

Respondent: General Counsel, S.C.D.C.
P.O. Box 21787/4444 Broad River Rd.
Columbia, S.C. 29221-1787

A.L.C.: Clerk of Court A.L.C.
1205 Pendleton St.
Columbia, S.C. 29221

CERTIFICATE OF SERVICE

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The Appellant does hereby swear and affirm that on the date cited below, he did file with Agency Mailroom Staff Intent to Appeal and various other legal documents with the Clerk of the South Carolina Appeals Court and also copies to be sent to the Office of General Counsel S.C.D.C and The Clerk of the Administrative Law Court to their last known addresses.

Dated: 1/21/16

Signed: James B. Weersing

James B. Weersing, Appellant
#273527 K.R.C.I. SB-15
4848 Goldmine Hwy.
Kershaw, S.C. 29067

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- 1. Notice of Appeal**
- 2. Certificate of Service**
- 3. Copies of S.C.D.C. Step 1 and Step 2 Grievances**
- 4. Copy of Order of Dismissal from ALC and Copy of Refusal to Reconsider**
- 5. Letter Concerning Transcripts to Clerk of ALC**

4849 Goldmine Hwy.
Kershaw, S.C. 29067

S.C. Court of Appeals
Office of the Clerk
P.O. Box 11629
Columbia, S.C.
29211

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