

STATE OF SOUTH CAROLINA

In the Court of APPEAL

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Administrative Law Judge John D. McCleod

ALC Case No. 15-ALJ-04-0324-AP  
Appellant Case No. 2015-002639

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FEB 29 2016

SC Court of Appeals

T. Terrell Bryan, # 254638

Appellant,

v.

South Carolina Department of Corrections, Respondent,

SUPPLEMENTAL BRIEF

ATTORNEY FOR RESPONDENT

Christina Catoe Bigelow  
Deputy General Counsel  
P.O. BOX 21787  
Columbia, SC 29221

PRO SE APPELLANT

T. Terrell Bryan  
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# TABLE OF AUTHORITIES

## CASES

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<u>Powell v. Ward, 487 F.Supp. 917 (S.D.N.Y. 1980)</u>	1
<u>Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963 (1974)</u>	1

## STATUTES

## PRESENCE OF WITNESS

In the "Initial Brief of Respondent" Respondent stated "that I Failed to object to the lack of my roommate witness **AT THE DISCIPLINARY HEARING.**" Respondent is stating that the DHO allow I/m witnesses to be present **AT THE DISCIPLINARY HEARING.**

A qualified right to call witnesses in one's behalf is one of due process right accorded in Inmate disciplinary proceedings by Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963 (1974). "[W]itnesses must be allowed to be present at disciplinary proceedings,..." Powell v. Ward, 487 F.Supp. 917 (S.D.N.Y. 1980).

Per the **ORDER OF REMAND** in Bryan V. SCOS, Docket NO. 10-ALJ-04-0353-AP, the court held "... that the order appealed from is **REVERSE** & the matter **REMAND** for a new hearing in which the witnesses requested by Inmate **ARE PRESENT...**"

Per the RTSM DHO F. Bachman, Bachman stated "Your witness **WILL NOT BE PRESENT.**" No matter what my witness would not be allow to be present **AT THE DISCIPLINARY HEARING**, per Bachman!!!

## CONCLUSION

**WHEREFORE**, I pray the court hold that the order appealed from is **REVERSED** & the matter **REMAND** for a new hearing in which the witnesses requested **ARE PRESENT.**

2/23/16

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Appellate Case No. 2015-002639

T. Terrell Bryan, #254638

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

CERTIFICATE OF SERVICE

Undersigned pro se Appellant hereby certifies that on today's date, I mailed a copy of the "Supplemental Brief" to Respondent, addressed as follows: Christina Catoe Bigelow; Deputy Gen. Counsel; P.O. Box 21787; Columbia, SC 29221-1787.

2/23/16

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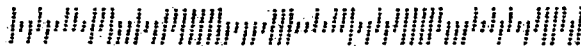
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