

The State of South Carolina
In The Supreme Court

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Appeal From The Administrative Law Court
Judge Deborah Brooks Dunder, Judge ALC
Appellate Case NO. 2012-213396
Consolidated Case (7) And (8)

MAR 08 2016

S.C. SUPREME COURT

Billy Lee Lisenby JR; #200273 Appellant

v.

South Carolina Department of Corrections Respondent

Petition For A Writ of Certiorari

. Dated: March 1st, 2016

Attorney For Respondent
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Certificate of Counsel

Counsel For Petitioner certifies that the Petition For Rehearing was made finally ruled on by the Court of Appeals

Questions Presented

1. Did The Court of Appeals err in not ruling in Appellant's favor when the Respondent's didn't provide evidence that a window had been broken?
2. Did The Court of Appeals err in not ruling in Appellant's favor after Respondent's violated policy by charging and convicting Appellant with (3) non-assaultive disciplinarys in one day?

Statement of The Case

On Jun. 5th 2013 Appellant was convicted of 856 Damage, Loss, Destruction, OR Defacing. He appealed through Step 1 and Step 2 of S.C. D.C.'s grievance system and the conviction affirmed. He then appealed to the ALJ and it was denied on October 3, 2012 by Deborah Brooks Dunder, Judge. Then he was later denied by the Court of Appeals.

Argument 1

It's merely impossible for Appellant to bust his window, because his door has a complete cage over his food service flap window to prevent him from breaking it. The D.H.U. Refused to hear this, but he noted it on tape, and his counsel Substitute verified it. They didn't provide any pictures or any evidence to prove the window had been busted. By policy they were suppose to take pictures of the broken window. It's humanly impossible for Appellant to bust the window from the inside of his cell.

The Staff did not present a photo of the window. Also a photo would show a cage protects the window. This is a violation of Policy OP-22.14 "Inmate Disciplinary Policy" Section 3.2 A description of the facts of the offenses, to include, at a minimum:

- a full statement of the facts underlying the offense, to include witnesses, evidence, and disposition of evidence.
- the reporting employee's signature, title, list of any evidence, and disposition of evidence. This was not done.

Argument #2

This is the exact argument in the initial Brief (Court of Appeals) in which The Appellant argues in Argument #3 stating "The Respondent's violated policy by charging and convicting Appellant with (3) non-assaultive disciplinarys in one day. This charge at hand is one of the (3) charges and argument #3 in the original brief are identical, this is why he had the cases consolidated.

Appellant ask that these (2) arguments be ruled on together.

Billy Lee Kirsch JR, 200273

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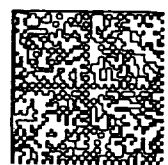
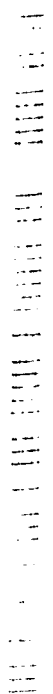
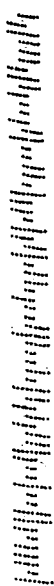
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