

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

80157

Matthew B. Fullbright,  
Appellant,

Appellate Case Number:  
2014-001684

v.

South Carolina Department  
of Corrections,  
Respondent.

RECEIVED

JUL 07 2016

SC Court of Appeals

MOTION TO RECALL REMITTITUR  
REINSTATE AND RULE ON THESE  
CONSTITUTIONAL ISSUES

Appellant asks this Court to recall the remittitur, to reinstate appeal and torule on these Constitutional issues, based on the following authority with arguments supported by documentation and affidavits:

1. Although weeks have passed since appellant received notice that the remittitur was sent down, as will be shown below, this motion has been sent at the earliest possible time (please see no. 2. appellant's attached affidavit; please see bottom paragraph, attached affidavit of Phillip A. Brown, #118100).

2. This Court dismissed appellate case no. 2014-001684 via order filed 05/05/16 (hereinafter "order").

3. Appellant did not receive adequate notice of the "order," but received it on 05/11/16 (please see attached copy of envelope from this Court addressed to appellant showing postmark 05/05/16, RECEIVED by warden: 05/09/16, signed for by appellant: 05/11/16). This delay is vital as it prevented appellant from being heard because:

"The remittitur shall not be sent to the lower court until fifteen (15) days have elapsed (the day of the filing being excluded) since the filing of the opinion, order, judgment, or decree finally disposing of the appeal," Rule 221(b), SCACR.

Therefore, the 05/05/16 order filing date being excluded, fifteen days from 05/06/16 is 05/21/16, a saturday, moving the date to 05/23/16, Rule 263(a), SCACR.

4. If this Court receives a motion while it still has jurisdiction, (the filing fee, certificate of service, form/content and other requisites being satisfied), the Court would act on said motion, allowing appellant what due process requires: the right to be heard and to have judicial review regarding the South Carolina Department of Corrections ("SCDC") illegally seizing the 4,0000 +/- legal case file, affecting appellant's property and liberty interests.

"No person shall be finally bound by a judicial or quasi judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard.. and he shall have in all such instances the right to judicial review," S.C.Const. art. I, § 4.

ONE OF TWENTY SIX

5. Already established is that "SCDC" delayed the order from this Court, preventing adequate notice (3., above). Already established is that the remittitur could not be sent until 05/23/16, a Monday.

Appellant sent a "Motion To Reinstate, To Not Send Remittitur And To Rule On These Constitutional Issues" (hereinafter "motion"), via certified mail, along with a \$25.00 motion fee on 05/17/16, a Wednesday [Appellant would have sent it sooner, again, if adequate notice of the order had been provided], by handing it over to the mail room personnel in good faith it would be immediately mailed, having enough time to reach this Court and be filed by 05/23/16, which is why the necessary postage was paid—expedient mailing being a federal requirement.

Please see these attachments showing the 05/17/16 mailing date by appellant:

- \* SCDC Cooper Trust Fund Withdrawal bearing appellant's signature dated 05/17/16;
- \* Proof of service attached to said motion, signed by appellant and dated 05/17/16;
- \* SCDC E.H. Cooper Account Statement of appellant showing the date that the \$7.15 certified mail and \$25.00 motion fees were taken out as 05/17/16;
- \* Affidavit of Appellant accompanying said motion notarized on 05/17/16.

6. Appellant assumed—as would any reasonable person under like circumstances that the motion would be timely sent out by SCDC.

Fact: This Court did not send the remittitur to the lower court until 05/25/16 (appellant was notified of this on 06/06/16 via letter from this Court dated 06/01/16, please see attached copy of envelope from this Court addressed to appellant postmarked: 06/01/16 RECEIVED by warden: 06/03/16, RECEIVED by appellant 06/06/16). This means that eight days elapsed between when appellant gave the motion to the mail room and the remittitur being sent down.

7. Appellant received the 06/01/16 letter (6., above) on the first day of an institution-wide lock-down which began 06/06/16 and ended 06/15/16. During those two weeks the power was shut down and there was no usable access to the law library, legal research, typewriters, mail, the mail room, and other means to access and correctly respond to this Court. This lock-down was due to major electrical and maintenance repairs. Appellant was denied access to the law library and/or was unable to use any computer until 06/20/16 (please see no. 2. of appellant's attached affidavit in support of this motion; please see attached affidavit of Phillip A. Brown, #118100).

There are no avenues of electronic filing, there are frequent lock-downs, and major delays in receiving, replying to and preparing legal documents to present to the courts of this State.

8. This case, the record on appeal for appellate case no. 2014-001684, involves SCDC illegally seizing appellant's legal case file. That legal case file was requested from appellant's formerly retained trial counsel and was needed by appellant to make a prima facie to this Court on then first appeal as of right (App. Case No. 2012-207553) and for other reasons for that appeal then pending.

That appeal is over, the damage has been done. But now, appellant has filed a post-conviction relief application (2015-CP-04-02681), which is now pending. The legal documents here in question are needed now by appellant, to file exhibits, to meet the burden of proof and to prove the case.

Thus, the seized legal case file is appellant's property and is interwoven and unseparable from appellant's liberty interests-some documents removed/stolen/redacted/censored, etc., by SCDC go straight to appellant's innocence and other legal issues in appellant's PCR application and other issues appellant wishes to raise but cannot because of these matters.

9. Because appellant has property and liberty interests involved in App. Case No. 2014-001684, dismissed by this Court because appellant was delayed notice of dismissal, that appellant's motion was delayed from reaching this Court, denying the right to be heard and have judicial review, Due Process is involved and has been violated.

10. What role does SCDC play and how is SCDC involved as a government? How and what rights of appellant's have been violated?

"Once it has been determined that due process applies, the question remains what process is due. It has been said so often by this Court and others not to require citation of authority that due process is flexible and calls for such procedural protections as the particular situation demands. Consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of government function involved as well as of the private interest that has been affected by governmental action." Morrissey v. Brewer, 408 US 471,481, 92 Sct 2593,2600 (1972).

Governmental function involved and governmental action: SCDC seized what I have a legal right to; SCDC has used delay tactics, denying appellant access to the Courts-mail, mail room, law library; SCDC has deliberately withheld my legal mail until deadlines have passed as in this instance. Their involvement here should be viewed with extra scrutiny because they are appellant's legal adversary AND the absolute filter through which all of appellant's communications flow.

They delay, they alone stand to benefit. That does not meet the fairness due process requires if applicant is barred by SCDC's delays, intentional or not.

Private interest affected: See 8. above.

11. There are three things for this Court to consider:

(1) In this instance appellant sought judicial review by motioning this Court while this Court had jurisdiction.

\*NOTE\* Appellant's father and power-of-attorney, Marshall H. Fullbright, is having the matter investigated (please see appellant's attached affidavit no. 4.).

Mr. Fullbright has discovered—and appellant urges this Court to contact the United States Postal Service ("USPS"), and inquire as to how long mail takes to get from appellant's zip code, 29472, to the mail Columbia, South Carolina post office. The answer is two (2) days at the most, the same as with all South Carolina mail.

I would draw this Court's attention to an attachment to this motion, please see the "USPS" Tracking printout and the copy of the certified mail receipt/domestic return receipt.

The USPS tracking document shows that the motion appellant mailed out on 05/17/16 did not arrive in Columbia until 10:45am on 05/27/16, exactly TEN DAYS AFTER appellant mailed it out.

Also, please see the six (6) certified mail receipts attached to this motion, they are addressed to the following parties: Daniel E. Shearouse; Joseph McFadden; Susan B. Hackett, Attorney; David Tatarsky, Attorney; Bryan P. Stirling; Brenda Shealy.

As this Court can see these six receipts show that they were mailed out on 11/19/2013 four being delivered/signed for 11/20/2013 and the other two on 11/21/2013, taking only one to two days.

Delaying the mail for ten days is unacceptable. Also, the motion sat in the Columbia post office for four days before being picked up. Appellant should not be denied the right to be heard and judicial review—through no fault of appellant's—when the notice of dismissal was delayed, the notification that the remittitur was sent down was delayed in reaching appellant, when the motion was prepared and sent out in a timely fashion, when SCDC delayed its mailing for ten days, it sat in the mail box for four days before being picked up by this Court.

(2) Under the circumstances this Court should notice appellant's position and the circumstances which show that SCDC delayed notifying appellant that this Court dismissed the appeal, that SCDC delayed notifying appellant that this Court had sent down the remittitur, that appellant acted as quickly as possible, even in light of those delays, in getting out the Motion to Reinstate, To Not Send Remittitur, and to Rule on These Constitutional Issues" on May 17, 2016 with six days left for moving through the mail (which never stops) and eight days before this Court sent the remittitur—a good faith attempt.

(3) The last to consider are two things that conflict, and one must yield to the other: On the one hand, The Supreme Court of South Carolina has stated "when the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the court'" Wise v. SCDC, 372 SC 173, 642 SE2d 551 (2002).

On the other hand:

"The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner. Due process does not mandate any particular form of procedure, but is a flexible concept changing with the circumstances," South Carolina Bank v. Central Carolina Livestock, 289 SC 309,313, 345 SE2d 485,488 (1986), citing Armstrong v. Manzo, 380 US 545,552, 85 Sct 1187,1191 (1965).

"Due process is flexible and calls for such procedural protections as the particular situation demands. Its flexibility in its scope once it has been determined that some process is due; it is a recognition that not all situations calling for procedural safeguards call for the same kind of procedure," Morrissey v. Brewer, above.

"Due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; (4) and the right to confront and cross examine witnesses," In re Vora, 354 SC 590,595, 582 SE2d 413,416 (2003).

"It has long been recognized that fairness can rarely be obtained by secret, one-sided determination of rights... And no better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it," Joint Anti-Fascist Refugee Committee v. McGrath, 341 US 123,170-172 (Frankfurter. J., concurring).

If this Court is of such an inflexible and rigid stance that the remittitur cannot be recalled and this appeal cannot be reinstated, that this motion cannot be acted upon because of the mailing delays (and other amplifying factors outside of appellant's control), caused by appellant's legal adversary, who is also in complete control of the timeliness/untimeliness of notices from this and other courts, appellant's mailings, etc., this would offend due process in every sense of that clause.

If this Court maintains that unless there is a petition for rehearing and other like filings actually physically filed within the Courthouse within fifteen calendar days, the remittitur is to be sent below and only some error of the court can cause a recall, this would offend due process under the circumstances laid out in this motion.

With this motion these matters are preserved for federal review.

Awaiting the right to be heard and for judicial review from the judicial decision of an administrative agency affecting appellant's private rights,

A handwritten signature in cursive script, appearing to read "Matthew B. Fullbright".

Matthew B. Fullbright  
appellant, pro se  
#349468  
@ Lieber Correctional Inst., SA-59  
Post Office Box 205  
Ridgeville, South Carolina 29472

CC: SCDC Office of General Counsel,  
Marshall H. Fullbright, Power-of-Attorney,  
Wanda M. Shearer, Power-of-Attorney,  
File.

**AFFIDAVIT OF MATTHEW B. FULLBRIGHT IN SUPPORT OF MOTION TO RECALL  
REMITTITUR, REINSTATE AND RULE ON THESE CONSTITUTIONAL ISSUES  
APPELLATE CASE NO. 2014-001684**

1. All of the dates referred to in the attached motion are true and correct to the best of appellant's abilities;

2. Preparing this motion, obtaining and preparing the attached supporting documents has been done in the speediest possible manner by appellant.

Due to electrical and maintenance repairs the power was disconnected and Lieber Institution was locked-down between 06/06/16 and 06/15/16 - there was no ability to adequately use the mail system, law library, research, type, etc. It was during this lock-down appellant received both this Court's 06/01/16 letter advising that the 05/17/16 motion was not timely received and the remittitur had been sent down; the envelope containing the certified mail return card bearing the signature of "Howard Chesh" and dated 05/31/16 and the envelope SCDC used to return that card back to appellant are attached (please see envelope showing "RECEIVED by SCDC 06/02/16, RECEIVED by Matthew B. Fullbright 06/06/16.

Appellant was unable to begin preparing this motion with attachments until 06/20/16 and had to wait on some of the attachments to arrive so as to support motion.

3. Appellant now adopts by reference here in 3., the entirety of attached affidavit of Phillip A. Brown, #118100, as it is all true and correct,

4. Marshall H. Fullbright, appellant's father and power-of-attorney is consulting a recently retained private investigator, hired for other matters, and they are investigating the circumstances surrounding specifically the mailing and handling of appellant's 05/17/16 motion sent certified mail. This is leading to other "inter-agency" mailings and bypassing the mails investigations. There is one person at Lieber and one person at SCDC Headquarters that has already turned over documents to them and they will be sent to this Court upon reinstatement, The South Carolina Supreme Court (if no reinstatement), and/or The District Court of South Carolina and/or The United States Supreme Court (which the writ of certiorari is about half-way prepared, the rules and guidelines being very stringent).

Also, there is no postmark on the 05/17/16 certified mail receipt to show it went through the USPS mail system. Over thirty certified mail parcels have been sent out by appellant over the past six years-ALL of them are postmarked except the 05/17/16 motion. Documents and emails are being gathered and exchanged by the above parties mentioned.

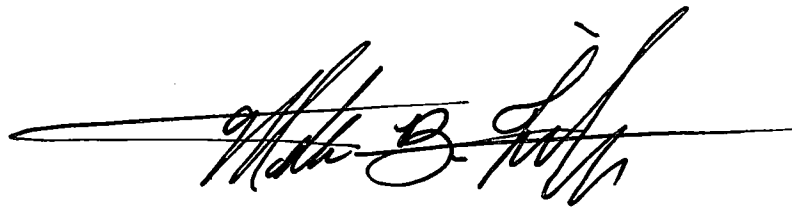
I, below signed appellant attest that the foregoing is true and correct,

SIGNATURE AND NOTARY CAPTION ON FOLLOWING PAGE

PAGE ONE OF TWO

SEVEN OF TWENTY SIX

[The body of the document contains extremely faint and illegible text, likely bleed-through from the reverse side of the page. The text is too light to transcribe accurately.]



Matthew B. Fullbright  
appellant, pro se  
#349468  
Lieber C. I., SA-59  
P.O. Box 205  
Ridgeville, South Carolina 29472

SWORN and SUBSCRIBED before me  
on this 27<sup>th</sup> day of June, 2016

NOTARY PUBLIC for SOUTH CAROLINA

Ludrean Bryant

MY COMMISSION ENDS:

May 26, 2020

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

JUL 07 2016

Appellant,  
SC Court of Appeals

Matthew B. Fullbright,.....

v.

The South Carolina Department of Corrections.....Respondent.

The Honorable Carolyn C. Matthews  
Trial Court Case No. 2013ALJ040926AP

PROOF OF SERVICE

I, below signed appellant, hereby certify that I have served a copy of this motion to recall remittitur, reinstate and rule on these constitutional issues, by way of certified mail, using the United States Post Office, to the last known addresses of the parties below:

Office of General Counsel, SDC, 4444 Broad River Rd. Columbia, South Carolina 29221;

and to,

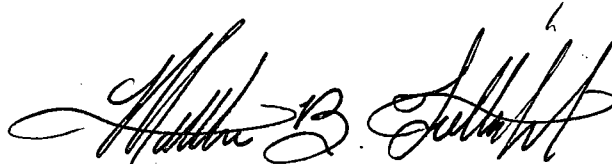
Marshall H. Fullbright, Power-of-Attorney, 106 Dogwood Dr. Belton South Carolina 29627;

and to,

Wanda M. Shearer, Power-of-Attorney, P.O. Box 212243 Columbia, South Carolina 29211,

On This June Day of 27<sup>th</sup>, 2016

And I am,



Matthew B. Fullbright  
Appellant, pro se  
#349468  
Lieber C.I., SA-59  
P.O. Box 205  
Ridgeville, S.C. 29472

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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JUL 07 2016

Matthew B. Fullbright,.....Appellant,  
v. SC Court of Appeals  
The South Carolina Department of Corrections.....Respondent.

The Honorable Carolyn C. Matthews  
Trial Court Case No. 2013ALJ040926AP

PROOF OF SERVICE

I, below signed appellant, hereby certify that I have served a copy of this motion to reinstate, to not send remittitur, and to rule on these Constitutional issues, by way of certified mail, using the United States Post Office, to the last known addresses of the parties listed below:

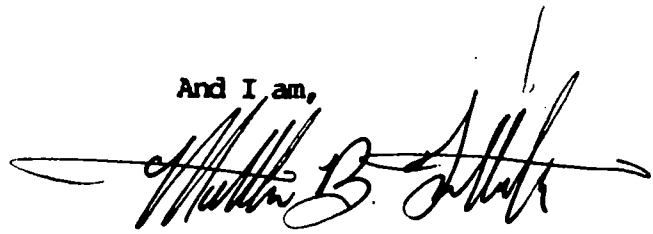
Office of General Counsel, 4444 Broad River Rd., Columbia, South Carolina 29221;

and to,

Power-of-Attorney, Marshall H. Fullbright, 106 Dogwood Dr., Belton, South Carolina 29627;

On This 17<sup>th</sup> Day of May, 2016

And I am,



Matthew B. Fullbright  
Appellant, pro se  
#349468  
Lieber C.I., SA-59  
P.O. Box 205  
Ridgeville, S.C. 29472



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Tracking Number: **70151520000176329384**

Updated Delivery Day: **Saturday, May 28, 2016**

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

## Available Actions

Text Updates

Email Updates

**May 31, 2016 , 10:37 am**

Delivered, Individual Picked Up at Postal Facility

**COLUMBIA, SC 29211**

May 27, 2016 , 10:46 am

Available for Pickup

COLUMBIA, SC 29211

May 27, 2016 , 10:45 am

Arrived at Unit

COLUMBIA, SC 29202

## Track Another Package

Tracking (or receipt) number

---

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

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- Terms of Use
- FOIA
- No FEAR Act EEO Data

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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




9590 9403 0415 5163 9959 46

2. Article Number (Transfer from service label)

7015 1520 0001 7632 9384

PS Form 3811, April 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  
 Addressee

B. Received by (Printed Name) Howard Chosh C. Date of Delivery 5-8-16

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box®  
Matthew B. Fullbright, # 349468  
Lieber Corr. Inst., SA-59  
P.O. Box 205  
Ridgeville, S.C. 29472

USPS TRACKING#



9590 9403 0415 5163 9959 46

7015 1520 0001 7632 9384

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Certified Mail Fee  
**\$3.30**

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 2.70
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage  
\$ 1.15

Total Postage and Fees  
\$ 7.15

Postmark  
Here

Sent To Clerk SC Court of Appeals  
Street and Apt. No., or PO Box No. P.O. Box 11629  
City, State, ZIP+4® Columbia, S.C. 29211

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

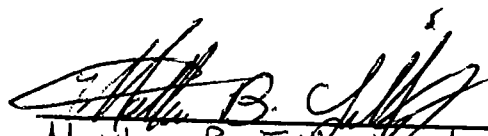
AFFIDAVIT OF MATTHEW B. FULLBRIGHT, IN SUPPORT OF MOTION TO REINSTATE,  
TO NOT SEND REMITTITUR, AND TO RULE ON THESE CONSTITUTIONAL ISSUES:

I, the undersigned affiant/appellant regarding Appellate Case No. 2014-001684, give the following affidavit to the best of my efforts and abilities:

After receiving this Court's letter to amend appeal (Dated Feb. 23, 2016) appellant began to research the requirements of an "amended" initial brief. During this research appellant's dorm was locked down to the extent that access to the courts was severed. Appellant contacted his Power-of-Attorney, his father, Marshall H. Fullbright, and asked Mr. Fullbright to call this Court and inquire as to what an "amended" initial brief was and its requirements. Mr. Fullbright then called this Court and was told that in reference to the case number cited above, all necessary documents and filings were accounted for on behalf of the appellant and that no further filings were required at that time.

Marshall H. Fullbright, appellant's Power-of-Attorney made said call in early March of 2016, his wife Kathryn K. Fullbright being witness. They both have affidavits forthcoming regarding this matter, stating the same facts as stated herein.

I, below signed affiant, affirm that the foregoing is true and correct to the best of my abilities, and I am:

  
Matthew B. Fullbright, Appellant  
#349468  
Lieber Cott. Inst., SA-59  
Ridgeville, S.C. 29472

SWORN TO and Subscribed  
Before me on this 17<sup>th</sup> day of May, 2016  
Quincean B. B. B.  
Notary Public For South Carolina  
My Commission Expires:  
May 26, 2020

11/2y

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT DATE: 05/02/16 TO 05/31/16

ACCOUNT NO. 00349468

FULLBRIGHT, MATTHEW BRANDON

CURR BAL AS OF 06/13/16: 6926.69

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
05/31/16	POSTAGE	0.00	2.51	7007.93
05/27/16	CANTEEN PURC	0.00	149.31	7010.44
05/26/16	PERSONAL EQU	0.00	56.86	7159.75
05/20/16	CANTEEN PURC	0.00	149.88	7216.61
05/17/16	OPERATING FE	0.00	0.52	7366.49
05/17/16	SINGLE CHECK	0.00	25.00	7367.01
05/17/16	POSTAGE	0.00	7.15	7392.01
05/16/16	MONEY ORDER	250.00	0.00	7399.16
05/13/16	CANTEEN PURC	0.00	149.05	7149.16
05/13/16	OPERATING FE	0.00	0.52	7298.21
05/13/16	SINGLE CHECK	0.00	160.52	7298.73
05/11/16	POSTAGE REST	0.00	0.21	7459.25
05/11/16	PERSONAL EQU	0.00	28.28	7459.46
05/05/16	CANTEEN PURC	0.00	102.92	7487.74
05/03/16	POSTAGE	0.00	6.46	7590.66
05/02/16	MONEY ORDER	250.00	0.00	7597.12

South Carolina Department of Corrections  
Division of Finance

COOPER TRUST FUND WITHDRAWAL

Financial Accounting  
Branch Use Only:

Facility: L I E B E R

Date: 0 5 1 7 1 6  
M M D D Y Y

ACCOUNT INFORMATION

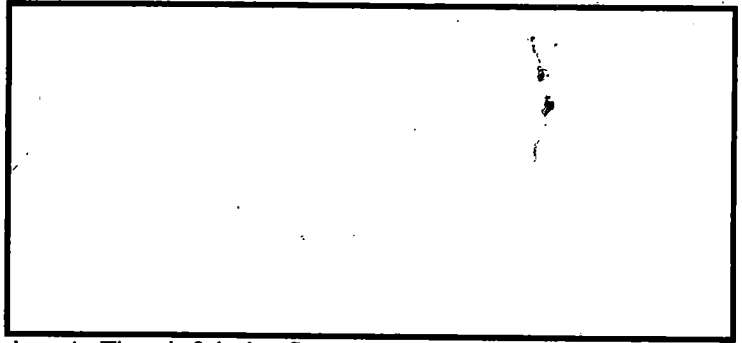
Account Number: 3 4 9 4 6 8  
Inmate # or Employee SS#

Account Name: M A T T H E W B F U L L B R I G H T  
First MI Last

I request money be taken from my account to issue a check for this amount to be mailed to payee shown below.

\$ , 2 5 . 0 0

*[Handwritten Signature]*  
Inmate/Accountholder Signature



Inmate Thumb & Index fingerprints required.

*[Handwritten Signature]*  
Signature of Institution/Staff Making Inmate ID Verification

PAYEE INFORMATION

Payee Namer: select vendor OR individual

Vendor/Business S C C O U R T O F A P P E A L S

Individual  
First MI Last

PAYEE'S MAILING ADDRESS

Street/Box P O B O X 1 1 6 2 9

Street/box (optional line)

C O L U M B I A S C 2 9 2 1 1  
City State Zip Code

VENDOR ATTACHMENT: Y/N

Y

If an ORDER or REMITTANCE form is attached for mailing with a check to vendor enter Y=yes; if none, enter N. NO other types of attachments (letters, cards. etc.) will be accepted.

**AFFIDAVIT OF PHILIP A. BROWN, 118100:**

Mr. Matthew B. Fullbright, #349468 ("Mr. Fullbright"), sent an electronic kiosk request to Inmate Financial and asked me to write this affidavit verifying the contents of that request because the reply specified that no printouts could be made. I am not a party to, nor have interests in any case at bar involving "Mr. Fullbright," however, I give this affidavit to Mr. Fullbright to use in court(s), to prove the truths of the matters within this affidavit.

I have read and attest that Mr. Fullbright sent the following request and received the reply via SCDC electronic kiosk system, kiosk reference #16-169357; the exchange is as follows:

Request sent by Matthew B. Fullbright to Inmate Financial, 06/09/2016, 7:11 AM:

"I sent out certified mail on March 17, 2016. I need documentation showing the date this was charged to my E.H. Cooper account."

Response from Inmate Financial, 06/09/2016, 1:48PM, Author [056188]:

"Sir, it was taken out the same day...it says 5/17 for \$25.00 and 8/17 for operating fee of .52 cents. Anytime you request a check it is entered into your account at the same time you are requesting it because the mailroom has to look up your account to make sure you have funds to process a check request. Now, once that is done, the paperwork is then sent to Columbia for processing, cutting check, and mailing out. So I show that check was written by Columbia on 8/25 and it can take up to 10 days to mail out. Hope this helps you with your timeline. Business office does not provide any account or transaction printouts. Sorry, Scarbrough."

Also, Lieber Institution was locked (no mail room, copies, law library, etc., starting on 06/06/2016 through 06/15/2016, to repair electrical and other maintenance repairs. The date below reflects the first available opportunity to obtain notarization and copy this affidavit.

I affirm that the foregoing is true and correct to the best of my abilities, further affiant says not, and I am the undersigned:

*Philip A Brown*  
Philip A. Brown, #118100  
Lieber C. I.  
Ridgeville, South Carolina

SWORN TO AND SUBSCRIBED before me

On This 17<sup>th</sup> Day of June, 2016

*Ludrean Bryant*  
Notary Public for South Carolina

My Commission Expires:

May 26, 2020



**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

SSA  
SSA

RECEIVED

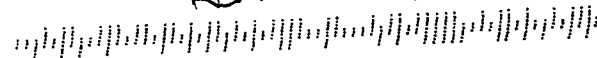
MAY 27 2016

MAILROOM  
LIEBER CI

MATTHEW B. FULLBRIGHT, 349468  
LIEBER CORRECTIONAL INSTITUTION  
P. O. BOX 205  
RIDGEVILLE SC 29472

RECEIVED  
MAY 31, 2016  
Matthew B. Fullbright  
REMITTANCE 2014-001627

2947230205 5002



SEVENTEEN OF TWENTY SIX

EIGHTEEN OF TWENTY SIX

Received On June 06, 2016,  
SA-59 - Locked Down Status (Yard)  
approximately 12:20p.m.  
Enclosed: Return of Certified  
Mail to S.C.Ct.App. : Motion  
to Reinstate.  
Case No. 20

Return to /lm Matthew Fullbright  
SA 59

SJDC

JUN 02 2016

MAIL ROOM



**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

**RECEIVED**

JUN 03 2016

MAILROOM  
LIEBER C

SA  
59

COLUMBIA  
SC 29208  
CLEANING  
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USPS STAGE

S00 48



NINETEEN OF TWENTY SIX

MATTHEW B. FULLBRIGHT, 349468  
LIEBER CORRECTIONAL INSTITUTION  
P. O. BOX 205  
RIDGEVILLE SC 29472

RECEIVED JUNE 06, 2016  
SA-59 via Sgt. Wright  
3:15p.m.  
S.C. Ct. App's

29472-020505





**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

**RECEIVED**

MAY 09 2016

WARDEN'S OFFICE  
LIEBER C. I.

Master  
05/05/2016  
US POSTAGE

FIRST-CLASS MAIL

\$00.46<sup>5</sup>



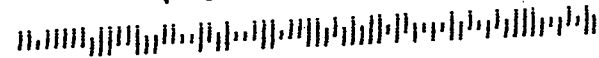
ZIP 29201  
011D12602824

MATTHEW B. FULLBRIGHT, 349468  
LIEBER CORRECTIONAL INSTITUTION  
P. O. BOX 205  
RIDGEVILLE SC 29472

SAS9

RECEIVED / SIGNED-FOR  
MAY 11, 2016  
Order of Dismissal  
*Matthew B. Fullbright*

2947280205 8002



TWENTY OF TWENTY SIX

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

7012 1640 0001 9032 8321

Postage	\$0.86	0210
Certified Fee	\$3.10	12
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$6.51</b>	<b>11/19/2013</b>

Sent To Susan Hackett, Attorney  
 Street, Apt. No.,  
 or PO Box No. 1330 Lady Street Suite 401  
 City, State, ZIP+4 Columbia, SC 29201

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Susan Hackett, Attorney  
 South Carolina Commission  
 on Indigent Defense  
 1330 Lady Street  
 Suite 401  
 Columbia, SC 29201

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) MIKE SAMUEL C. Date of Delivery 11/20/13

D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7012 1640 0001 9032 8321

TWENTY ONE OF TWENTY SIX

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brenda F. Shealy  
Deputy Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29221

2. Article Number  
(Transfer from service label)

7010 0290 0002 6887 9025

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
B. Received by (Printed Name) *TODYFEES* C. Date of Delivery *11/21/13*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

COLUMBIA, SC 29211

Postage	\$ 10.66	
Certified Fee	\$ 2.58	
Return Receipt Fee (Endorsement Required)	\$ 0.00	
Restricted Delivery Fee (Endorsement Required)	\$ 6.31	
Total Postage & Fees	\$ 19.55	

Sent To: *Brenda Shealy*  
Street, Apt. No., or P.O. Box No.: *P.O. Box 11330*  
City, State, ZIP: *Columbia, SC 29221*

TWENTY TWO OF TWENTY SIX

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

7012 1640 0001 9032 8338

**OFFICIAL USE**

Postage	\$0.66	0210
Certified Fee	\$3.10	12
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$5.00	
Total Postage & Fees	\$6.31	11/19/2013

Sent to Joseph Mc Fadden  
 Street, Apt. No. or PO Box No. P.O. Box 205  
 City, State, ZIP+4 Ridgeville, SC 29472

**SENDER: COMPLETE THIS SECTION.**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Joseph Mc Fadden  
Warden Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
L. Bryant  
 B. Received by (Printed Name) L. Bryant  
 C. Date of Delivery 11/23  
 D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7012 1640 0001 9032 8338

TWENTY THREE OF TWENTY SIX

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**COLUMBIA, SC 29211**  
**OFFICIAL USE**

Postage	\$ 1.06	0210	Postmark Here
Certified Fee	\$3.10	12	
Return Receipt Fee (Endorsement Required)	\$2.55		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
<b>Total Postage &amp; Fees</b>	<b>\$ 6.71</b>	<b>11/19/2013</b>	

Sent To: Daniel E Shearouse  
 Street, Apt. No., or PO Box No.: P.O. Box 11330  
 City, State, ZIP+4: Columbia, SC 29211  
 See Reverse for Instructions

7012 1640 0001 9032 8345

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Daniel E. Shearouse  
 Clerk of Court  
 Supreme Court of South Carolina  
 P.O. Box 11330  
 Columbia, SC 29211

2. Article Number  
 (Transfer from service label) 7012 1640 0001 9032 8345

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Top [Signature] 11/19/13

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

TWENTY FOUR OF TWENTY SIX

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ 0.66	0210
Certified Fee	\$3.10	12
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.31</b>	<b>11/19/2013</b>

Sent To: Bryan P Stirling  
 Street, Apt. No. or PO Box No.: 4444 Broad River Road  
 City, State, ZIP+4: Columbia, SC 29210

7012 1640 0001 9032 8871

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Bryan P. Stirling  
Acting Agency Director  
SCDC  
4444 Broad River Road  
Columbia, SC 29210

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: [Signature]  Agent  Addressee  
 B. Received by (Printed Name): KEN RAY C. Date of Delivery: 11/20/2013  
 D. Is delivery address different from item 1?  Yes  No  
 if YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7012 1640 0001 9032 8871

TWENTY FIVE OF TWENTY SIX

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

8888 2606 9032 8888  
 7012 1640 0001 9032 8888

For delivery information, visit our website at [www.usps.com](http://www.usps.com)  
 COLUMBIA, SC 29221

Postage	\$ 3.40	12
Certified Fee	\$ 2.55	
Return Receipt Fee (Endorsement Required)	\$ 0.00	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.00	

Postmark Here  
 11/19/2013

Sent to David Tartarsky  
 Street, Apt. No.,  
 or PO Box No. 4444 Broad River Road  
 City, State, ZIP+4 Columbia, SC 29221

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
David Tartarsky, Attorney  
SEDC Office of General Counsel  
4444 Broad River Road  
Columbia, SC 29221

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
[Signature]

B. Received by (Printed Name) KEN RUM Date of Delivery 11-19-2013

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

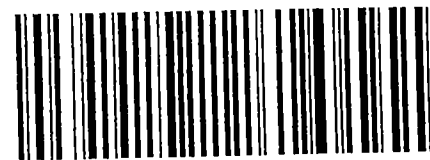
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7012 1640 0001 9032 8888

TWENTY SIX OF TWENTY SIX

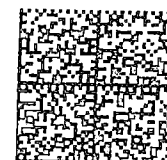
Matthew B. Fullbright, #349468  
Lieber Correctional Institution, SA-59  
Post Office Box 205  
Ridgeville, South Carolina 29472

CERTIFIED MAIL



7015 1520 0001 7632 9643

FIRST CLASS



UNITED STATES

02  
00C  
MAI

RECEIVED

JUN 27 2016

MAILED  
LIEBER CI

Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED

JUL 07 2016

SC Court of Appeals