

RECEIVED

JUL 19 2016

To: State of South Carolina SC Court of Appeals

FILED

GOVERNMENT AGENCY OF ADMINISTRATIVE LAW COURT
Edgar A. Brown Building 1205

JUL 01 2016

Pendleton Street, Suite 224, Columbia S.C. 29201

SC ADMIN. LAW CO

MAURICE ODOM S.C.D.C. # 199677

PETITIONER PROSE

MEMORANDUM OF LAW

- VS -

OBJECTION OF ORDER DISMISSAL

DOCKET NO: 16-ALJ-0492 AP

GRIEVANCE NO: B.R.C.I. 0385-16

SEE CONSTITUTIONAL LAW KEY

255 (1) 278 (1)

CRIMINAL LAW KEY 1216.1 (1)

SEE AL-SHABAZZ.V. STATE 527.SE 2d 742

South Carolina dept CORRECTIONS
GOVERNMENT AGENCY
UNDER COLOR OF STATE LAWS
DEFENDANT'S

PROSE PETITIONER, STATE INMATE ABOVE, BRINGS THIS OBJECTION FOR RIGHTS PETITION SOUTH CAROLINA SUPREME COURTS APPEAL FOR CHALLENGING HIS CONVICTION OF CREATED OF HIS LIBERTY OF INTEREST OF DUE PROCESS OF FOURTEETH AMEND.

SEE CONTROLLING CASE: WOLFF, V. McDONNELL 418 U.S. 539 (1974) STATE PRISONER, ARE NOT WHOLLY STRIPPED OF CONSTITUTIONAL PROTECTIONS. SEE PRISON KEY 13 (10)

STATE DEPARTMENT OF CORRECTIONAL MUST BE MINDFUL OF FAIRNESS OF DISCIPLINARY PROCEEDING. STATE MUST HAVE THE BURDEN OF PROOF OF PROPER INVESTIGATION WITH PHYSICAL EVIDENCE FOR CONVICTION OF ANY CHARGES. THEREFORE, PETITIONER HAS CONSTITUTIONAL OF 14TH AMEND. FOR THESE CHARGES OF REDRESS, OVERTURN, AND BE REMOVED FROM PRISON RECORDS OF INJURY & DAMAGES OF LIBERTY OF INTEREST AT STAKE OF CASE BELOW

Filed JUNE 27, 2016 DOCKET NO: 16-A.L.J. 04-0490-AP

GRIEVANCE NO: B.R.C.I. 0383-16

Filed JUNE 27, 2016 DOCKET NO: 16-A.L.J. 04-0491-AP

GRIEVANCE NO: B.R.C.I. 0384-16

Filed JUNE 27, 2016

DOCKET NO: 16-A.L.J. 04-0492-AP

GRIEVANCE NO: B.R.C.I. 0385-16

SEE AFFIDAVIT SERVICE

Motions for Reconsideration
are Prohibited.
See ALC Rule 65.

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR
CONCLUSIONS OF THE FEDERAL BUREAU OF INVESTIGATION
AND IS INTENDED TO ASSIST THE READER'S UNDERSTANDING OF
THE INFORMATION CONTAINED HEREIN. IT IS THE PROPERTY OF
THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS
ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

6 July 2016

JIT

CONCLUSION OF MEMORANDUM OF LAW

With Affidavit SERVICE BE SERVED, THROUGH U.S. POSTAGE SERVICE.

TO: State OF South CAROLINA GOVERNMENT AGENCY
OF ADMINISTRATIVE LAW COURT

EDGAR A. BROWN BUILDING

1205 PENDLETON STREET, SUITE 224

COLUMBIA, SOUTH CAROLINA 29201 #

FILED

.III 01 2016

SC ADMIN. LAW COURT

AFFIDAVIT OF SERVICE

SWORN AND SUBSCRIBED BEFORE ME,

THIS DAY OF JULY 1ST

2016

[Signature]
NOTARY PUBLIC FOR STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 6/10/2018

* J

MAURICE ODOM, 199677

BROAD RIVER CORRECTIONAL INSTITUTION

4460 BROAD RIVER ROAD

COLUMBIA, S.C. 29210 #

JUN 27 2016

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Maurice Odom, 199677,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No.: 16-ALJ-04-0491-AP
Grievance No.: BRCI 0384-16

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to the Notice of Appeal filed June 15, 2016, by Maurice Odom (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“the Department”). Appellant appeals the Department’s decision convicting him of Possession of a Weapon. As a result of the conviction, Appellant lost zero (0) days of accrued good time credits.


The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep’t of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

In this case, Appellant did not allege in the appeal that he was deprived of a state-created liberty or property interest as a result of his disciplinary conviction. Therefore, the Court finds Furtick to be controlling, and Appellant’s appeal is dismissed.

IT IS HEREBY ORDERED that this appeal is **DISMISSED, with prejudice.**

** CASE 2#

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 27th, 2016
Columbia, South Carolina

**CASE 2#

IN STATE OF South CAROLINA
IN THE COURT OF APPEALS
IN THE SUPREME COURT

FORM 6.

APPEAL FROM THE ADMINISTRATIVE LAW COURT
STATE OF SOUTH CAROLINA COURT
Edgar A BROWN Building
TO: HONORABLE SHIRLEY C. ROBINSON
ADMINISTRATIVE LAW JUDGE

CASE: DOCKET: 16-AL.J. 04-0491 - A.P.

CASE: NO: B.R.C.I. 0384-16

South CAROLINA DEPARTMENT OF CORRECTIONAL
UNDER COLOR OF STATE LAWS

RESPONDENT
VS

MAURICE ODOM, 1996 77.

APPELLANT PROSE

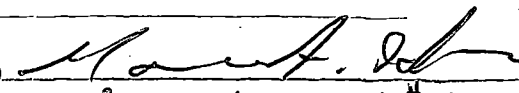
NOTICE OF APPEALS

ORDER FILED JUNE 27, 2016 FOR DISMISSAL

HONORABLE SHIRLEY C. ROBINSON

PROSE MAURICE ODOM, 1996 77.

DATE * 7-14-16



MAURICE ODOM S.C.D.C. # 199677

BROAD RIVER CORRECTIONAL INSTITUTIONAL

4460 BROAD RIVER ROAD

COLUMBIA SOUTH CAROLINA 29210

CASE 2#
CASE 2# **

TO: THE APPELLATE COURT FOR,
CLERK Filing THE NOTICE OF APPEALS
date

Form 8.

THE HONORABLE: JANA E. SHEALY
CLERK South CAROLINA COURT OF APPEALS
Post OFFICE Box 11629
Columbia South CAROLINA 29211
CLERK. Supreme Courts of South CAROLINA

RE: THE STATE OF DEPARTMENT OF CORRECTIONAL
RESPONDENT

Appellate: MAURICE ODOM, 199677 ^{vs} PROSE

CASE NO: DOCKET NO: 16-A.L.J. 04-0491-AP.

DEAR, MR. SHEAROUSE CLERK OF COURT:

PLEASE ENCLOSED FOR FILING IS, NOTICE OF APPEALS, ON THE,
RESPONDENTS IN CASE ABOVE, ALSO, ENCLOSED ARE FOLLOWING

- (1) PROOF OF SERVICE OF, NOTICE OF APPEALS, ON THE RESPONDENT.
- (2) A, COPY OF THE ORDER JUDGMENT, WHICH IS TO BE, CHALLENGED
ON APPEALS
- (3) PROSE INFORMAL PAUPERIS LAW 28. U.S.C. 1915 (E) (1)
- (4) THIS APPEAL IS BEING FILED, WITH THE SUPREME COURTS BECAUSE.
(SEE) RULE: 203 (d) FOR WHEN AN APPEAL CAN BE FILED.
WITH THE SUPREME COURT

*⊗ *Maurice Odom*

MAURICE ODOM, 199677.

BROAD RIVER CORRECTIONAL INSTITUTIONAL

4460 BROAD RIVER ROAD

COLUMBIA S.C. 29210

CASE 2# **

CASE 2# **

TO: STATE OF SOUTH CAROLINA COURTS OF APPEALS

TO MR. KENNETH A. RICHSTAD

CLERK post 1162

COLUMBIA SOUTH CAROLINA 29201

MEMORANDUM OF LAWS, SUPPLEMENTARY BRIEF

NOTICE OF APPEALS

* CASE NO 2#**

LEGAL MAIL

FILED

JUN 27 2016

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

Maurice Odom, 199677,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)
)

Docket No.: 16-ALJ-04-0490-AP
Grievance No.: BRCI 0383-16

RECEIVED
ORDER OF DISMISSAL

JUL 19 2016

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to the Notice of Appeal filed June 15, 2016, by Maurice Odom (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“the Department”). Appellant appeals the Department’s decision convicting him of Possession of Any Cell Phone or Other Type Communication Device. As a result of the conviction, Appellant lost zero (0) days of accrued good time credits.

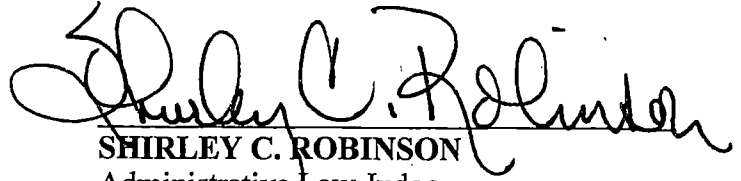
The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep’t of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

In this case, Appellant did not allege in the appeal that he was deprived of a state-created liberty or property interest as a result of his disciplinary conviction. Therefore, the Court finds Furtick to be controlling, and Appellant’s appeal is dismissed.

IT IS HEREBY ORDERED that this appeal is **DISMISSED, with prejudice.**

CASE 1

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 27th 2016
Columbia, South Carolina

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

This 27 day of June 2016

By: JH
Law Clerk

CASE 1

To: State of South Carolina
Government Agency of Administrative Law Court
Edgar A. Brown Building 1205
Pendleton Street, Suite 224, Columbia S.C. 29201

MAURICE ODOM S.C.D.C. 199677

PETITIONER PROSE

- VS -

South Carolina Dept Corrections
Government Agency
UNDER COLOR OF STATE LAWS
DEFENDANT'S

MEMORANDUM OF LAW

OBJECTION OF ORDER DISMISSAL

Docket No: 16-A.L.J. 0492 AP

GRIEVANCE NO: B.R.C.I. 0385-16

SEE CONSTITUTIONAL LAW KEY

255 (1) 278 (1)

CRIMINAL LAW KEY 1216.1 (1)

SEE AL-SHABAZZ-V-STATE 527 SE 2d 742

PROSE PETITIONER, STATE INMATE ABOVE, BRINGS THIS OBJECTION,
FOR RIGHTS PETITION SOUTH CAROLINA SUPREME COURTS APPEAL.
FOR CHALLENGING HIS CONVICTION OF CREATED OF HIS
LIBERTY OF INTEREST OF DUE PROCESS OF FOURTEENTH AMEND.

SEE CONTROLLING CASE: WOLFF, V. MCDONNELL 418 U.S. 539 (1974)

STATE PRISONER, ARE NOT WHOLLY STRIPPED OF CONSTITUTIONAL
PROTECTIONS, SEE PRISON KEY 13 (10)

STATE DEPARTMENT OF CORRECTIONAL MUST BE MINDFUL
OF FAIRNESS OF DISCIPLINARY PROCEEDING. STATE MUST
HAVE THE BURDEN OF PROOF OF PROPER INVESTIGATION
WITH PHYSICAL EVIDENCE FOR CONVICTION OF ANY CHARGES.

THEREFORE, PETITIONER HAS CONSTITUTIONAL OF 14TH AMEND. FOR
THESE CHARGES OF REDRESS, OVERTURN, AND BE REMOVED
FROM PRISON RECORDS OF INJURY & DAMAGES OF LIBERTY OF INTEREST
AT STAKE. OF CASE BELOW.

Filed JUNE 27, 2016. DOCKET NO: 16-A.L.J. 04-0490-AP.

GRIEVANCE NO: B.R.C.I. 0383-16

Filed. JUNE 27, 2016. DOCKET NO: 16-A.L.J. 04-0491-AP

GRIEVANCE NO: B.R.C.I. 0384-16

Filed JUNE 27, 2016

DOCKET NO: 16-A.L.J. 04-0492-AP

GRIEVANCE NO: B.R.C.I. 0385-16

SEE AFFIDAVIT SERVICE

CONCLUSION OF MEMORANDUM OF LAW

With AFFIDAVIT SERVICE BE SERVED, THROUGH U.S. POSTAGE SERVICE.

TO: STATE OF SOUTH CAROLINA GOVERNMENT AGENCY
OF ADMINISTRATIVE LAW COURT

Edgar A. Brown Building

1205 PENDLETON STREET, SUITE 224

Columbia, South Carolina 29201 #

AFFIDAVIT OF SERVICE

SWORN AND SUBSCRIBED BEFORE ME,

This day of July 1st

2016

[Signature]

NOTARY PUBLIC FOR STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 6/10/2018

* J

MAURICE ODOM, 199677

BROAD RIVER CORRECTIONAL INSTITUTION

4460 BROAD RIVER ROAD

COLUMBIA, S.C. 29210 #

IN STATE OF SOUTH CAROLINA

IN, THE COURT OF APPEALS

IN, THE SUPREME COURT

Form 6.

APPEAL FROM THE ADMINISTRATIVE LAW COURT STATE OF SOUTH CAROLINA
COURT. EDGAR A. BROWN BUILDING

TO: HONORABLE:

SHIRLEY C. ROBINSON

CASE: 16-A.L.J. 04-0490-AP

CASE: GRIEVANCE: B.R.C.I. 0383-16

SOUTH CAROLINA DEPARTMENT OF CORRECTIONAL

UNDER COLOR OF STATE LAWS

RESPONDENT

VS

MAURICE ODOM #S.C.D.C. 199677

APPELLANT PROSE

NOTICE OF APPEALS

ORDER: DOCKET, NO: 16-A.L.J. 04-0490-AP.

HONORABLE:

SHIRLEY C. ROBINSON

ADMINISTRATIVE LAW JUDGE

* DATE OF 7-15-16 July 2016

** *Maurice A. Odom*

MAURICE ODOM S.C.D.C.# 199677

BROAD RIVER CORRECTIONAL INST

4460 BROAD RIVER ROAD

COLUMBIA S.C. 29210

CASE 1

PROOF: OF SERVICE OF (A) NOTICE OF APPEALS

THE STATE OF SOUTH CAROLINA

IN COURT'S OF APPEALS

7.

IN THE SUPREME COURT'S

APPEAL OF NOTICE

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

ADMINISTRATIVE JUDGE SHIRLEY C ROBINSON CIRCUIT COURT JUDGE

CASE: DOCKET 16-A.L.J. 04-0490-AP

CASE: GRIEVANCE NO: B.R.C.I. 0383-16

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONAL

RESPONDENT

- VS -

PROSE, MAURICE ODOM S.C.D.C. 199677

APPELLANT

PROOF OF SERVICE

I, CERTIFY THAT, I SERVED, THE NOTICE APPEAL
BY DEPOSITING (A) COPY OF IT, IN UNITED STATE MAIL

POSTAGE PREPAID ON DATE

2016

THE STATE OF SOUTH CAROLINA APPEALS COURT

* DATE 7-15-16

2016

[Handwritten Signature]

CASE 1

LEGAL MAIL

TO: THE APPELLATE COURT
FOR CLERK FILING THE NOTICE OF APPEAL

* date:

FORM 8.

THE HONORABLE JANA E. SHEALY
CLERK SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
CLERK. SUPREME COURTS OF SOUTH CAROLINA

RE: THE STATE OF DEPARTMENT OF CORRECTIONAL
RESPONDENT

VS

APPELLATE: MAURICE ODOM S.C.D.# 199677

CASE: DOCKET NO. 16-A.L.J. -04-0490 - AP.

DEAR MR. SHEAROUSE CLERK OF COURT

PLEASE ENCLOSED FOR FILING IS NOTICE OF APPEALS, ON
RESPONDENT. CASE ABOVE (ALSO) ENCLOSED ARE FOLLOWING


(1) PROOF OF SERVICE OF NOTICE OF APPEAL ON RESPONDENT

(2) A COPY OF THE ORDER JUDGMENT, WHICH IS TO BE
CHALLENGED ON APPEAL

(3) PROSE INFORMAL PAUPERIS LAW 28. U.S.C. 1915 (E) (1)

(4) THIS APPEAL IS BEING FILED, WITH SUPREME COURTS BECAUSE;
SEE RULE: 203 (d) FOR WHEN AN APPEAL CAN BE FILED
WITH THE SUPREME COURT.

CASE 1

* 

MAURICE ODOM 199677
BROAD RIVER CORRECTIONAL INSTITUTIONAL
4460 BROAD RIVER ROAD
COLUMBIA S.C. 29210

LEGAL MAIL

9.

LETTER TO CLERK OF LOWER COURT'S Filing
Notice OF APPEALS

* date: 2-18-16

CLERK OF COURT FOR Richland Columbia County
Post Office Box 116 29
Columbia South Carolina S.C. 29211

RE: TO THE State OF South CAROLINA department OF CORRECTIONAL


Respondent:

CASE 16-ALJ. 04-0490 - AP

VS

Appellate: MAURICE Odom S.C.D.C. # 199677.

DEAR MR. SHEAROUSE / JENNY ABOUT KITCHINGS
ENCLOSED FOR FILING IS (A) NOTICE OF APPEAL
IN ABOVE CASE

** 

MAURICE Odom, 199677

BROAD RIVER CORRECTIONAL INSTITUTIONAL

4460 BROAD RIVER ROAD

Columbia S.C. 29210

CASE 1

LEGAL MAIL

TO: STATE OF SOUTH CAROLINA COURT OF APPEALS

TO: MR KENNETH A. RICHSTAD

CLERK post 1162

COLUMBIA SOUTH CAROLINA 29201

MEMORANDUM OF LAW SUPPLEMENTARY BRIEF

NOTICE OF APPEALS

CASE 1

Maurice Odom #199677

B.R.C.I. MO #286

4460 Broad River Rd.
Columbia, SC, 29210



RECEIVED
 JUL 15 2016
 BRCI
 MAILROOM

SCDC
 AUG 07 2016
 MAIL ROOM

S.C. Court of Appeals
 P.O. Box 1162
 220 Senate St.
 Columbia, SC, 29201