

STATE OF SOUTH CAROLINA  
COURT OF APPEALS

---

RECEIVED

FEB 10 2017

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

SC Court of Appeals

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2016-002582

Larry Edward Hendricks,

Appellant,

v.

S.C. Dept. of Mental Health,

Respondent.

REPLY TO RESPONDENT'S RETURN  
TO APPELLANT'S MOTION FOR LEAVE  
TO AMEND THE NOTICE OF APPEAL

The Appellant, proceeding pro-se, files this Reply pursuant to Rule 240(f) SCACR. The Respondent submitted a Return to Appellant's Motion for Leave to Amend the Notice of Appeal (the "Return") which was received by Appellant on February 7, 2017.

The Appellant wished to Reply because the  
Page 1 of 3


Case law used by The Respondent referred to when an initial Notice of Appeal is not timely filed. That is not the case in this matter. The Appellant timely filed his Notice of Appeal. He lacked the information to know whether the interlocutory order of November 21, 2015, because His Rule 59(e) SCRPC, of November 30, 2015, was still pending since a different judge was involved. Once The Appellant was able to access Lexis CD-ROM, he was able to find that the interlocutory order should be included in the appeal and that the pending Rule 59(e) was closed with the overall docket.

The Appellant at no time wished to cause any prejudice to The Respondent. The Respondent in its February 10, 2016, Response to The Appellant's Motion to Alter or Amend, on Page 4, agreed with the jurisdictional argument that The Appellant posed. The S.C. Administrative Law Court had no jurisdiction to hear a concern of an involuntarily committed individual. Whereas Judge Benjamin had utilized *Al-Shabazz v. State*, 338 S.C. 354 (2000), to determine that the ALC had jurisdiction over the issue not The Court of Common Pleas, Respondent had detailed that there was "no provision in The Sexually Violent Predator Act or any other statute which provides for appellate review by the

ALC of decisions made by SCdmH," in their Response. This agreed with The Appellant but No new order was issued making This ripe for Clarification and determination of The proper precedent.

Again based on Mason v. Mason, 412 S.C. 28 (Ct. App. 2014); Weatherford v. Price, 340 S.C. 572, 578 (Ct. App. 2000); and Charleston Lumber Co., 318 S.C. 471, 478 (Ct. App. 1995), The Respondent would not be prejudiced by This Court's determination that it had jurisdiction to Grant Leave to add This issue to The Notice of Appeal.

As such The Appellant humbly ask That his MOTION be GRANTED.

Respectfully Submitted,  
  
Larry Edward Hendricks  
Appellant, Pro-se  
1700 St. Andrews Terr., Bldg A  
Columbia, SC 29210-5412

February 6, 2017

### CERTIFICATE OF SERVICE BY MAIL

The Appellant, by The above signature, has sent a copy of same to The Respondent's Counsel, Matthew G. Gerald, P.O. Box 8448, Columbia, SC 29202, via the U.S. Postage Service, This Date,

Larry Hendricks, 2959  
Correct Care  
1700 St. Andrews Terr., Bldg-A  
Columbia, SC 29210

COLUMBIA  
SC 290  
09 FEB '17  
MAIL



**RECEIVED** South Carolina Court of Appeals

FEB 10 2017 X 11629

SC Court of Appeals  
Columbia, SC 29211-1629

ATTN: Clerk

Legal mail

Legal mail

29211-162929

