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The South Carolina Court of Appeals

MAR 22 2017

SC Court of Appeals

William Allen #178666, Appellant

3-20-17

v.

South Carolina Dept. of Corrections, Respondent

Appellate Case No: 2017-000596

Motion in support of,

Statement of the case,

Appellant feels he is being held unlawfully by the South Carolina Dept. of Corrections. S.C.D.C. has NO valid sentencing sheet/commitment order filed with the Clerk of Court.

Discussion

Violation of policy,

Appellant feels that the Dept. of Corrections failed to follow policy and procedure. When this state agency accepted appellant into their custody. Appellant knows for a fact he is incarcerated with-out a valid commitment order signed by a judge. That places Dept. of Corrections in violation of SCDC policy OP-21.09-11.4-11.5. Appellant feels this violation shows disrespect and disregard by this state agency not to follow policy and procedures that are put into place by state legislature of the state of South Carolina.

Appellant would ask the court. Why would the DOT take the time and waste tax-payers money to place a speed limit sign on the high-way of this state, if they are not to be followed or enforced by law.

Why would any business or state agency place policies or procedures and use words such as MUST. If the law or the courts are not go hold them accountable. Is SCDC above the law & the court?

Appellant is required to follow policy, procedures and regulations as an inmate in the Dept. of Corrections. If appellant were to violate policy or procedures, then he is held accountable to the full extent of the law or policy of this agency.

It would be without doubt a double standard for the Court NOT to hold SCDC, accountable to a higher standard and Order, this state agency, to follow policy and procedure, invalid, faulty, incomplete

SCDC, states the record contains a facially valid sentencing Order from a general sessions judge.

Appellant would disagree. The paper that SCDC speaks about is facially incomplete and faulty, therefore invalid.

This paper does not even bear the word Order. This paper does not even have, so much as a case number on the face of it. This paper bears no clerk of court stamp from 1991, as dated July 14, 1991. (Sunday)

Therefore this paper is no legal valid document in the eyes of the law/court. (Sunday is the Lord's Day)

Example, counterfeit money may appear to be facially valid, but is not legally valid. In the eyes of the law or the court, this agency's record is a prime example. It's not legally valid. The truth is the truth no matter who tells it. This incomplete paper should carry no weight in the eyes of the court. SCDC, has no current legal valid sentencing sheet/commitment Order signed by a judge.

That would give SCDC, the authority of law to continue to hold appellant in there custody.

Appellant is being held in violation of this agency's policy OP-21.07, 11.4-11.7. that states they must have a commitment order signed by a judge in order for them to have authority of law to hold an inmate in there custody.

Appellant feels he is being violated under the equal protection clause and also feels this is cruel and unusual punishment. Shocking to the universal sense of justice. To be held in a prison in the United States of America, without a commitment order signed by a judge, SCDC is holding appellant under the color of authority, without any solid valid foundation.

Appellant feels it is not his responsibility or fault, that the court fell short and abandon the issue at hand. That took place on Sunday July 14, 1991. It started and ended that one day. The court/judge did not fill out or file a sentencing sheet/commitment order. The matter at hand was left abandon and incomplete. That responsibility fell directly on the court.

How can the Dept. of Corrections or the Administrative Court Challenge the Validity of a document that does not exist, there is and never was a sentencing sheet/commitment order issued. It does not exist. Just as the sun rises in the east. That is an undisputable fact, the same in this case.

It is crystal clear, SCDC has no authority of law to continue to hold appellant in there custody.

Conclusion

Appellant feels there is no need to beat a dead horse. Appellant feels that this agency (SCDC) is holding appellant unlawfully. Without a valid sentencing sheet/commitment order signed by a judge. Therefore SCDC has no authority of law to hold appellant in there custody.

Example, appellant filled out a paper to give a person on the street authority to sign his name. But it was not considered a legal valid document until after, it was clerk stamped and filed with the clerk of court. Without that clerk stamp, it was not worth the paper it was written on.

SCDC record contains a crystal clear facially invalid, faulty incomplete paper, that shall carry no weight in the eyes of the court.

Appellant ask that this South Carolina Court of Appeals, take jurisdiction over this matter and issue an order, that SCDC release appellant from this unlawfull incarceration unconditionally immediately as was requested in his grievance Number BACT. 427-16.

Respectfully submitted,
s/ Will Allen

cc. Hand written to:

SCDC. General Counsel

WILLIAM ALLEN

4460 Broad River Rd.

Columbia, S.C. 29210

DATE, MARCH 20, 2017.

State of South Carolina
South Carolina Court of Appeals

Appellate Case No. 2017-000596
Motion in support of, dated 3-20-17

WILLIAM ALLEN #178666

APPELLANT

v.

SOUTH CAROLINA DEPT. OF CORRECTIONS

RESPONDENT

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CERTIFICATE OF SERVICE

I, William Allen, inmate #178666 for Appellant, do certify that I have served the within motion dated 3-20-17, on Respondent by depositing a copy of the same in the United States mail postage, independent mail S.C.D.C. dated 20, day of March 2017, addressed to:

General Counsel S.C.D.C.

4444 Broad River Rd.

Columbia, S.C. 29221-1287

I further certify that all parties required to be served have been served.

W. Allen

William Allen

#178666 - mont. A-148

4460 Broad River Rd.

Columbia, S.C. 29210

Dear Clerk, Kitchings,

3-20-17

Your letter dated March 10, 2017 stated if I had any questions to contact this office.

I have been in prison some 26 years but never been through this process. Therefore I am operating in the dark and out of ignorance. So please know I do need your help. [My question would be, will my case be assigned to a lawyer and if so, will I be notified his name and how to contact him.]

I have learned one thing in life and that is, that no one that works for SCDC or the Administrative Court have not one drop of compassion for a person in prison.

My mother will be 90 years old if she lives to March 25th, 2017.

She needs my help for the first time in her life. So I got to do all I can to try to win the issue I got before the court.

I did not know what to do, so I wrote this info. to be filed, I did not know what else to do. So I guess this would need to be filed for the court.

I do thank you in advance for any help that you are allowed to give me.

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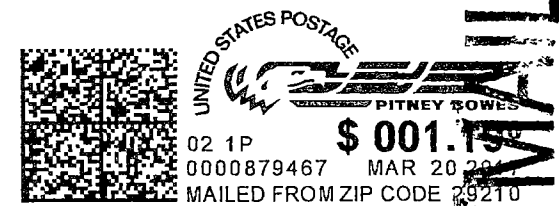
SC Court of Appeals

I sincerely thank you,

William D. Allen

William D. Allen

William Allen
#178666-MONT. A-148
4460 Brook River Rd.
Columbia, DC 29210



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SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitching, Clerk
P.O. Box 11629
Columbia, South Carolina
29211