

15

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM RICHLAND COUNTY
ADMINISTRATIVE LAW COURT

APR 24 2017

SC Court of Appeals

S. PHILIP LENSKI, ADMINISTRATIVE LAW JUDGE

CASE NO. 16-AND-04-0303-AP

PATRICK STROZIER AGGRIEVED PARTY.

V.

SOUTH CAROLINA DEPT. OF CORRECTIONS COOPERATE ENTITY.

BRIEF OF AGGRIEVED PARTY

LEGAL MAIL

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LEGAL MAIL

STATEMENT OF ISSUES ON APPEAL

ACCUSED PARTY NOW STATES THE ISSUES ON APPEAL.

- I. DID ACCUSED PARTY SUBMIT HIS BRIEF IN A TIMELY MANNER PURSUANT TO ARO RULES 54 AND 62
- II. DID THE EMPLOYEES OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS USE UNBIDULE AUTHORITY IN NOT ALLOWING ACCUSED PARTY ACCESS TO COURTS, ACCESS TO THE INSTITUTIONAL LAW LIBRARY.
- III. DID THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION, INMATE RECORDS ANSWER ACCUSED PARTY INITIAL BRIEF (REQUEST FOR AMENDMENT/CLARIFICATION OF CLASSIFICATION RECORDS).

STATEMENT OF THE CASE

A GRIEVED PARTY FILED AN ADMINISTRATIVE GRIEVANCE UPON LEARNING THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, BROAD RIVER CORRECTIONAL INSTITUTION CLASSIFICATION WERE ERRONEOUSLY CAPRICIOUSLY CALCULATING A GRIEVED PARTY'S EARNED WORK CREDITS.

THAT THE JUNE 3, 1986 OMBUS CRIMINAL JUSTICE IMPROVEMENT ACT 12, HAS, AND STILL BEING APPLIED TO A GRIEVED PARTY AS A VIOLENT CRIME, PAROLE ELIGIBILITY WHICH IS BEING APPLIED.

THAT UPON SUBMITTING THE STEP 1, GRIEVANCE AND STEP 2, A GRIEVED PARTY THEN SUBMITTED HIS REQUEST FOR AMENDMENT CLARIFICATION OF CLASSIFICATION RECORDS WHICH WAS SERVED UPON THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIVISION OF CLASSIFICATION INMATE RECORDS ON JAN. 29, 2016, THROUGH THE DEPARTMENT'S INTER-AGENCY MAIL SYSTEM. (SEE COPY OFFICE OF GENERAL COUNSEL ANNIE RUMLER DATED MARCH 28, 2016)

FRENCH V. HEYNE, 547 F.2D.994 (1976); CONSTITUTIONAL LAW 211(1); REQUIREMENTS OF EQUAL PROTECTION CLAUSE APPLY TO ADMINISTRATIVE AS WELL AS LEGISLATIVE CLASSIFICATIONS. U.S.C.A. CONST. AMEND. 14.

FACTS

A GRIEVED PARTY FIRST FILED HIS ADMINISTRATIVE GRIEVANCE UPON RECEIVING ANSWERS FROM THE INSTITUTIONAL WARDEN STEP 1, RESPONSIBLE OFFICIAL'S DECISION AND REASON GIVEN A GRIEVED PARTY (30) THIRTY DAYS STEP 2, TO APPEAL TO ADMINISTRATIVE LAW COURT.

DURING THIS PERIOD OF THE APPEAL PROCESS LIEUTENANT CUNNINGHAM, O.F.C. MILLHOUSE, ASSOCIATED WARDEN WASHINGTON (SECURITY); ALLOWED HIS EMPLOYEES TO DENY ACCUSED PARTY ACCESS TO THE COURT, ACCESS TO THE INSTITUTION LAW LIBRARY. WHICH INTURNED LEFT ACCUSED PARTY AT A DISADVANTAGE WHERE ACCUSED PARTY ALSO HAD AND STILL HAVE AN ON-GOING CIVIL ACTION NO; 2011-CP-400-5698, AND HIS CRIMINAL CASE DOCKET NO; 1984-CR-42-00239, WHICH THIS CRIMINAL CASE AND THE APPEAL ACCUSED PARTY ARGUES HEREIN WERE DISMISSED.

ACCUSED PARTY CONTINUE DENIAL BY THESE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, BROAD RIVER CORRECTIONAL INSTITUTION MAJOR RESPONSIBLE AUTHORITIES TO UPHOLD ACCUSED PARTY'S DEMONSTRATED COURT ORDER WOULD HAVE ALLOWED ACCUSED PARTY TO COMPLY WITH ALL THE RULES OF COURT.

DUE TO INSTITUTIONAL LOCK-DOWNS WHICH ARE LEGITIMATE SECURITY CONCERNS ALSO THE FACT THAT ACCUSED PARTY HAS BEEN WITHOUT HIS LEGAL PROPERTY A WHOLE MONTH WHILE BEING ON LOCK-UP FOR PROTECTIVE CONCERNS.

ARGUMENTS

ACCUSED PARTY REQUEST THIS COURT TO OBTAIN A COPY OF HIS INITIAL BRIEF FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT IN ORDER TO SEE THE ENTIRE ARGUMENT. ACCUSED PARTY IS ENCLOSED A BRIEF AND ANSWER IN OPPOSITION TO ORDER OF DISMISSAL, WHICH ACCUSED PARTY REQUEST TO INCLUDE INTO THE RECORD.

CONCLUSION

ACCUSED PARTY REQUEST UPON SERVING ALL PARTIES WITH PROOF HE SERVED HIS INITIAL BRIEF THAT HE BE PERMITTED A REHEARING UPON ALL ISSUES WITHIN THE INITIAL BRIEF.

31 Patrick Stojan
PATRICK STOJAN
LEGAL MAIL

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

PATRICK STROZIER, # 119519
AGGRIEVED PARTY,

vs.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS
COOPERATE ENTITY.

) DOCKET NO: 16-ALJ-04-0303-AP
)
)
) AGGRIEVED PARTY BRIEF
)
) AND ANSWER IN OPPOSITION
)
) TO ORDER OF DISMISSAL

AGGRIEVED PARTY PATRICK STROZIER SUBMIT THIS BRIEF AND ANSWER IN OPPOSITION TO THIS COURT ORDER OF DISMISSAL TO AGGRIEVED PARTY REQUEST FOR AMENDMENT/CLARIFICATION OF CLASSIFICATION RECORDS. AND AGGRIEVED PARTY INITIAL ADMINISTRATIVE GRIEVANCE WHICH THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION & INMATE RECORDS HAS AND CONTINUES CATEGORIZING, CLASSIFYING AGGRIEVED PARTY AS A VIOLENT OFFENDER.

AGGRIEVED PARTY MOVES UPON THIS COURT PURSUANT TO ALC RULE 60, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, "INMATE GRIEVANCE SYSTEM" IEC. 13.8.4, CUSTODY DETERMINATIONS THAT MAY BE GRIEVED UNDER THIS POLICY/PROCEDURE; 13.8.5, ALLEGATIONS OF DEPRIVATIONS THAT HAS RIZZEN TO THE LEVEL OF CONSTITUTIONAL VIOLATIONS, AND WHERE HARM OR INJURY IS ALLEGED. ALSO S.C. CODE OF LAWS § 15.23.150.

ARGUMENT

AGGRIEVED PARTY DOES NOT ALLEGE THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION, INMATE RECORDS HAS IMPROPERLY CALCULATED HIS EARNED WORK CREDITS AND THAT IS AFFECTING HIS PAROLE ELIGIBILITY. AGGRIEVED PARTY CONTENDS THAT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION, INMATE RECORDS HAS FAILED TO ANSWER AGGRIEVED PARTY REQUEST FOR AMENDMENT CLARIFICATION OF CLASSIFICATION RECORDS.

PURSUANT TO SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AGENCY POLICY OP. 21.09, INMATE RECORDS PLAN DATED JAN. 2004, IS THE CHALLENGE ISSUES WHICH AGGRIEVED PARTY ARGUES AS IT PERTAINS TO HIS SENTENCE.

SEC. 14.3 VIOLENT OFFENSES DEFINED BY STATUTE 16.1.60

SEC. 14.3.1 LISTED BELOW ARE THE OFFENSES CURRENTLY DEFINED AS STATUTORILY VIOLENT ALONG WITH THE DATE THE OFFENSE WAS PLACED INTO THE VIOLENT OFFENSE STATUTE (1000 KIDNAPPING 6/3/86), NOT CSC 1ST DEGREE 6/3/86

§ 2.13.66 CODE COMMITTEED TO ADD CRIMES TO APPROPRIATE CATEGORY

AGGRIEVED PARTY CONTENDS TO SHOW THAT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION, INMATE RECORDS CATEGORIZING CLASSIFYING AGGRIEVED PARTY UNDER A MORE CAPRICIOUSLY PENAL LEGISLATION, AMENDMENTS THAT HAS AND CONTINUES TO DEPRIVE AGGRIEVED PARTY OF SUBSTANTIVE [R]IGHTS, [P]ROCEDURAL PROTECTION WHICH WERE IN PLACE AT TIME AGGRIEVED PARTY CRIME WAS COMMITTED.

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION, INMATE RECORDS HAS AND CONTINUES DENYING AGGRIEVED PARTY DUE PROCESS TO KNOW IN WHAT MANNER [CRITERIA] HE'S BEING CLASSIFIED PURSUANT TO THE CRIME CLASSIFICATION ACT.

THEREFORE, THE LEGISLATIVE INTENT REQUIRES THAT CLASSIFICATION DRAWN BY THE LEGISLATURE BE REASONABLE AND NOT ARBITRARY, AND REST UPON SOME GROUND OF DIFFERENCE HAVING A FAIR AND RATIONAL RELATIONSHIP TO THE LEGISLATION'S OBJECTIVE, SO THAT ALL SIMILARLY SITUATED PERSON ARE TREATED ALIKE U.S.C.A. CONST. AMEND. 14.

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION INMATE RECORDS ARE APPLYING AN INMATE CLASSIFICATION PLAN ERRONEOUSLY AND IN AN RETROSPECTIVE MANNER THE LEGISLATURE INTENT AT THE TIME OF AGGRIEVED PARTY CRIME WERE NON-VIOLENT DUE TO THE SOUTH CAROLINA LEGISLATION [PENAL LEGISLATION] WHICH NOW IS AN EX-POST-FACTO LAW WHICH IMPOSES PUNISHMENT FOR ACT WHICH WAS NOT PUNISHABLE AT TIME IT WAS COMMITTED OR PUNISHMENT IN ADDITION TO THAT THEN PRESCRIBED. BURGESS V. SALMON,¹¹ (97 U.S. 381 7040 381 24 L.ED 1104 1878)"

AGGRIEVED PARTY SENTENCE IS TEN (10) YEARS ACCORDING TO THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SCDC OFFENDER MANAGEMENT SYSTEM) SHOWS IN WHAT MANNER HIS CRIME WAS CLASSIFIED. THE SPARTANBURG COUNTY COURT OF GENERAL SESSIONS HON. PAUL M. MOORE SENTENCE AGGRIEVED PARTY TO A NATURAL LIFE SENTENCE PLUS THIRTY (30) YEARS UPON INDICTMENT NO. 84-G2-42-239, THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. OF CLASSIFICATION INMATE RECORDS HAS AGGRIEVED PARTY SENTENCE CORRECT AS TO THE LAW AT TIME CRIME WAS COMMITTED.

AGGRIEVED PARTY REQUEST UPON THIS COURT AS IT RELATED TO HIS REQUEST FOR AMENDMENT / CLARIFICATION OF CLASSIFICATION RECORDS AS IT PERTAINS TO THE SENTENCE STRUCTURE, STATUTE CLASSIFICATION AND THE WHOLE CLASSIFICATION PROCESS.

SALUDA UNIT

AGGRIEVED PARTY REQUEST UPON THIS COURT TO ACCEPT
HIS MOTION AND INITIAL BRIEF SO AS ACCORDING TO THE RULES
OF THE ALJ AND ALLOW AGGRIEVED PARTY TO CONTINUE WITH
THIS APPEAL.

SWORN AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 2016

31 Patrick Strozier
PATRICK STROZIER

NOTARY PUBLIC

MY COMMISSION EXPIRES _____.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

I PATRICK STROZIER, #19519, HEREBY STATES THAT I HAVE SERVED MY INITIAL BRIEF AND ANSWER IN OPPOSITION TO THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT ORDER OF DISMISSAL. I HAVE DEPOSITED A COPY WITHIN THE U.S. MAIL POSTAGE PRE-PAID ADDRESSED AS FOLLOWS:

SOUTH CAROLINA ADMINISTRATIVE LAW COURT
AMY B. ROTHCHILD, STAFF COUNSEL
HON. J. PHILIP LENSKI
EDGAR A. BROWN BUILDING
1205 PEXIDETON STREET, SUITE 224
COLUMBIA, S.C. 29201

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL ANNIE RUNNER
4444 BROAD RIVER RD / P.O. BOX 21777
COLUMBIA, S.C. 29221-1777

I SWORN AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____ 2016

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

31 Patrick Strozier
PATRICK STROZIER

LEGAL MAIL

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

I PATRICK STROZIER # 119119 HEREBY SERVE MY MOTION FOR RECONSIDERATION UPON DOCKET NO. 16-ALJ-04-0303-AR, BY DEPOSITING A COPY WITHIN THE U.S. MAIL / INTER-AGENCY MAIL POSTAGE PRE-PAID ADDRESSED AS FOLLOWS:

SOUTH CAROLINA ADMINISTRATIVE LAW COURT
AMY B. ROTHCILD, STAFF COUNSEL
EDUAR A. BROWN BUILDING
1205 PENDLETON ST, SUITE 224
COLUMBIA, S.C. 29201

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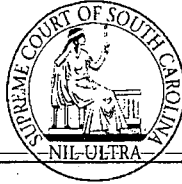
I SWORN AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 2016

Patrick Strozier
PATRICK STROZIER

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

LEGAL MAIL



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVÁIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

August 05, 2016

Mr. Patrick Strozier, 00119519
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Patrick Strozier
Appellate Case No. 2015-000156

Dear Mr. Strozier:

This will acknowledge receipt of your Notice of Appeal of the Dismissal of the Motion for Resentencing. There is no provision for a Notice of Appeal to this Court of the Chief Justice's order issued April 19, 2016.

To the extent, you may be trying to file a petition for rehearing or reconsideration, that petition would have to have been received in this office by May 4, 2016. In view of this, no action will be taken on your documents received in this office on August 4, 2016. A stamped copy of your letter dated August 2, 2016, is enclosed for your files.

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4005698

Patrick Booker #297590 et al

South Carolina Department of Corrections et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 43(k), SCRPC (Settled);
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Other _____
- ACTION STRICKEN (CHECK REASON):**
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Bankruptcy;
 - Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

PLAINTIFFS' MOTION FOR RELIEF FROM ORDER OF DISMISSAL IS UNDER ADVISEMENT.
 This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

[Signature]

Judge Code 2126

Date 1-25-15

For Clerk of Court Office Use Only

This judgment was entered on the 21 day of Jan, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Patrick Booker #297590 et al

ATTORNEY(S) FOR THE PLAINTIFF(S)

RECEIVED

Michael David Freeman Sr; Mary Elizabeth Sharp;
 Marshall H. Waldron Jr.

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

APR 24 2017

Clerk of Court

[Signature: Jeanette W. McBride]

SC Court of Appeals

SCANNED

RICHLAND COUNTY
 FILED
 2016 JAN 25 PM 3:28
 JEANETTE W. MCBRIDE
 CLERK OF COURT

MR. PATRICK J. PROZIER #11951
BROAD RIVER CORRECTIONAL INST.
4460 BROAD RIVER ROAD #mu124
COLUMBIA, S.C. 29221-1787

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JAN 29 2016
DIVISION OF CLASSIFICATION & INMATE RECORDS

RECEIVED
JAN 29 2016
DIVISION OF CLASSIFICATION & INMATE RECORDS

LEGAL MAIL

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION DIRECTOR CLASSIFICATION & INMATE RECORDS
POST OFFICE BOX 21787
COLUMBIA, S.C. 29221-1787

16-054554
RESPONDED ATE
3, 16 2016 2:22 P.M.
E. BARBER

INTER AGENCY MAIL

The Supreme Court of South Carolina

Patrick Strozier,

Petitioner,

v.

State of South Carolina,

Respondent.

Spartanburg County

Docket No.: 1984-GS-42-00239

ORDER

Petitioner filed a motion on February 1, 2016 for resentencing pursuant to Alken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (SC 2014). Now, therefore, pursuant to SC CONST. Art. V, § 4,

IT IS HEREBY ORDERED that the Honorable J. Mark Hayes, II be vested with exclusive jurisdiction over the Petitioner's Motion for Resentencing in the above-captioned matter.

Judge Hayes shall at all times be vested with concurrent jurisdiction in all circuits of the state to dispose of matters relating to this case; and shall decide all matters pertaining to the Petitioner's Motion, and shall retain jurisdiction over this matter regardless of where he may be assigned to hold court, and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

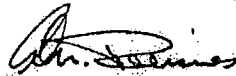
If necessary, to resolve issues related to the appointment of counsel, a hearing shall be conducted within thirty (30) days of this order.

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SC Court of Appeals

~~Within sixty (60) days of the date of this order, Judge Hayes shall issue a~~
scheduling order setting forth the schedule that shall be followed in this matter, including
the date of the hearing on the merits. The scheduling order may be amended as
necessary.



Costa M. Pleicones
Chief Justice

March 25, 2016
Columbia, South Carolina

Administrative Law Court

S. Phillip Lenski
Administrative Law Judge



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

July 29, 2016

Patrick Geard Strozier, #119519
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

RE: *Patrick Geard Strozier, #119519 v. S.C. Dept. of Corrections*
Docket No. 16-ALC-04-0303-AP

Dear Mr. Strozier:

Enclosed please find a copy of the Order of Dismissal in the above-referenced matters. The case was dismissed because it does not appear that you complied with ALC Rules 52 and 60 which require not only that your brief be filed but also, that it be served on the Department. As indicated by the order, it is being dismissed without prejudice which means that if you are able to provide the court and the Department with proof of service of your brief on the Department, you may file a motion with the court to reopen and/or reconsider your appeal.

Since we believe that you may have submitted your original documents to the court, we are returning a copy of them to you in the event that you need them in the future. Under cover of this letter, we are providing the Department with a copy of the order as well as your brief.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy B. Rothschild". The signature is written in a cursive, flowing style.

Amy B. Rothschild, Staff Counsel to
The Hon. S. Phillip Lenski

Enclosures

cc: Annie Rumler, Esquire (w/enclosures)
South Carolina Department of Corrections
4444 Broad River Road
Columbia, SC 29221

RECEIVED
APR 24 2017
SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Patrick Geard Strozier, #119519,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No.: 16-ALJ-04-0303-AP

ORDER OF DISMISSAL

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APR 24 2017

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed April 11, 2016, by Patrick Geard Strozier (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). The Appellant appeals the decision of the Department denying his grievance in which Appellant alleges that the Department has improperly calculated his earned work credits and that is affecting his parole eligibility. On July 25, 2016, the Department filed a Motion to Dismiss on the grounds that the Appellant failed to file his initial brief in a timely manner.

Pursuant to ALC Rule 60, unless otherwise ordered, the Appellant was required to file a brief with the court and to serve the same on all parties "within ninety (90) days after the date of assignment." ALC Rule 54 provides that "[a]ny document, pleading, motion, brief or memorandum or other paper filed with the Court shall be served upon all parties to the proceeding." The date of assignment in this case was April 20, 2016. Under ALC Rule 60, the brief was due on or before July 19, 2016. The Appellant timely filed his initial brief and an "appeal record" with the court on July 18, 2016.¹ However, the Appellant's brief did not include a Certificate of Service indicating that he mailed his brief to the Department as required by ALC Rule 54.

Rule 62, ALC Rules, entitled "Dismissal of Appeal" provides:

Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section (V)....

¹ Even though the brief was not received by the court until July 21, 2016, it was received by the Broad River Correctional Institution's Mailroom on July 18, 2016.

FILED

JUL 29 2016

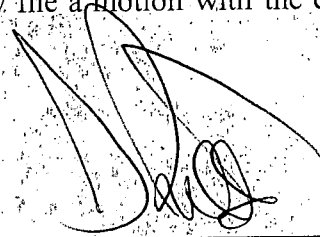
SC ADMIN. LAW COURT

Because the Appellant's brief was timely filed but not served, the court denies the Department's Motion to Dismiss on the basis that the Appellant failed to file his brief. As the Appellant has failed to provide the court with a Certificate of Service indicating service of his brief on the Department, the court nevertheless, dismisses the case. The Appellant failed to comply with rules of procedure for appeals by failing to serve a copy of his initial brief on the Department. Therefore, pursuant to ALC Rules 54 and 62, this matter is hereby **DISMISSED**.

Based on the foregoing, it is hereby **ORDERED** that the Department's Motion to Dismiss is **DENIED** although the appeal is still **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that if the Appellant provides the court and the Department with proof that he complied with ALC Rules 54 and 62 by both filing with the court and serving the Department with his brief, the Appellant may file a motion with the court asking that it reopen and/or reconsider the matter.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

July 21, 2016
Columbia, South Carolina

FILED

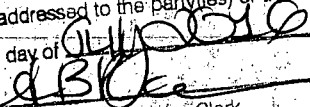
JUL 29 2016

SC ADMIN. LAW COURT

CERTIFICATE OF SERVICE

I am 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 interagency
Mail Service addressed to the party(ies) or their attorney(s).

This 29 day of July



Judicial Law Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Patrick L. Booker, #297590;)
Bobby A. Gilbert, #219284;)
Patrick Strozier, #119519)

Plaintiffs,)

vs.)

South Carolina Department of Corrections;)
South Carolina Department of Health and)
Environmental Control; and South Carolina)
Department of Agriculture)

Defendants.)

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

Case No. 2011-CP-40-05698

ORDER

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APR 24 2017

SC Court of Appeals

JEANETTE S. GIBSON
C.C.P. & D.S.

2015 JAN 23 PM 3:08

RICHLAND COUNTY
FILED

This matter comes before the Court by way of Plaintiff Patrick L. Booker's Motion for Relief from Order of Dismissal pursuant to Rule 60(b)(1), SCRCP, filed April 1, 2013. Specifically, Plaintiffs seek relief from the Court's Order filed October 2, 2012, which granted Defendants' Motion to Dismiss. A hearing on Plaintiffs' Rule 60(b) motion was held on June 11, 2014. Patrick Booker appeared pro se, and Mary E. Sharp, Esquire, appeared as counsel for Defendants at the hearing.

Rule 60(b)(1), SCRCP, allows the Court to relieve a party from a final judgment or order where the party can show he is entitled to such relief on grounds of mistake, inadvertence, or excusable neglect. This Court has sound discretion in deciding whether to grant or deny a Rule 60(b) motion. *Ware v. Ware*, 404 S.C. 1, 10, 743 S.E.2d 817, 822 (2013). In doing so, "the trial judge should consider: (1) the promptness with which relief is sought, (2) the reasons for the failure to act promptly, (3) the existence of a meritorious defense, and (4) the prejudice to the other party." *Micronics, Inc. v. S.C. Dep't of Revenue*, 345 S.C. 506, 510-11, 548 S.E.2d 223,

[Handwritten signature]

SCANNED

226 (Ct. App. 2001) (citing *New Hampshire Ins. Co. v. Bey Corp.*, 312 S.C. 47, 50, 435 S.E.2d 377, 379 (Ct.App.1993)).

The underlying action in this case arose out of Defendants' alleged negligence in managing food service operations at several correctional facilities in the state. Plaintiffs' Complaint seeks relief under the South Carolina Tort Claims Act. The Court's Order filed October 2, 2012, granted Defendants' Motion to Dismiss the action without prejudice. In granting that motion, the Court applied the doctrine of exhaustion of administrative remedies and found that Plaintiffs' failure to exhaust their administrative remedies barred their action in the Circuit Court.

Plaintiffs assert that they are entitled to relief from the October 2, 2012, Order on grounds of excusable neglect, because, as incarcerated inmates, they did not have access to South Carolina's most recent case law, resulting in their failure to identify and locate *Stinney v. Sumter Sch. Dist. No. 17*, 391 S.C. 547, 707 S.E.2d 397 (2011). In *Stinney*, the South Carolina Supreme Court opined that the Circuit Court had erred in granting a motion for summary judgment based on the plaintiffs' failure to exhaust administrative remedies. In a footnote, the court noted that "the doctrine of exhaustion of administrative remedies only applies when a litigant invokes the original jurisdiction of the circuit court to adjudicate a claim based upon a statutory violation for which the legislature has provided an administrative remedy." *Id.* at 551, n. 1, 707 S.E.2d at 399, n. 1.


Plaintiffs contend that *Stinney* would have been dispositive precedent in opposing Defendants' Motion to Dismiss, and that if Plaintiffs had been able to argue *Stinney* at the August 2012 hearing, the Court would not have granted Defendants' Motion to Dismiss. Specifically, Plaintiffs contend that because their action in Circuit Court is based on the Tort

Claims Act, no administrative remedy exists for their claims, and pursuant to *Stinney*, the doctrine of exhaustion of administrative remedies does not apply in their case. For these reasons, Plaintiffs contend they are entitled to relief from the Court's Order granting Defendants' Motion to Dismiss.

After reviewing the record and the submissions of the parties in this case, the Court finds that it is necessary to convene a subsequent hearing before me on Plaintiffs' Rule 60(b) motion to provide both Plaintiffs and Defendants an opportunity to fully argue the application of *Stinney* as well as the applicability of the South Carolina Tort Claims Act to this case.

IT IS SO ORDERED.

Columbia, South Carolina
January 21, 2015


G. Thomas Cooper, Jr., Judge
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

IN THE FIFTH JUDICIAL CIRCUIT

Patrick L. Booker, #297590; Bobby A. Gilbert, #219284; Patrick Strozier, #119519,)

No.: 2011-CP-40-05698

Plaintiffs,)

v.)

ORDER GRANTING PLAINTIFFS' MOTION FOR RELIEF

South Carolina Department of Corrections; South Carolina Department of Health and Environmental Control; and South Carolina Department of Agriculture,)

Defendants.)

RICHLAND COUNTY FILED
2016 MAY 15 AM 11:59
JEANETTE W. McBRIDE
C.C.P. & C.S.

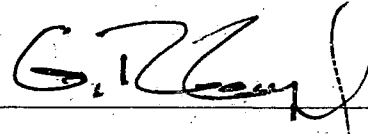
This matter comes before the Court by way to Plaintiff Patrick L. Booker's Motion for Relief from Order of Dismissal pursuant to Rule 60(b)(1), SCRCP, filed April 1, 2013. Specifically, Plaintiffs seek relief from the Court's Order filed October 2, 2012, which granted Defendants' Motion to Dismiss. A hearing on Plaintiffs' Motion for Relief was held on January 14, 2016. Patrick Booker appeared pro se and Michael D. Freeman, Esquire, appeared as counsel for Defendants at the hearing.

"A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true." *Hotel and Motel Holdings, LLC v. BJC Enterprises, LLC*, 414 S.C. 635, 650, 780 S.E.2d 263, 271 (Ct. App. 2015) (citations omitted). The Court must "construe the complaint in a light most favorable to the nonmovant and determine if the facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case." *Id.* (citations omitted).

SCANNED

Based upon the pleadings in this case and the presentation of the parties, I find that the elements of the causes of action are well pled in Plaintiffs' Complaint. Therefore, Plaintiffs' Motion for Relief is **GRANTED** and pursuant to Rule 59(e), this Court accordingly alters its prior Order Granting Defendants' Motion to Dismiss. Defendants' Motion to Dismiss is therefore **DENIED**.

IT IS SO ORDERED.



G. Thomas Cooper, Jr., Judge
Fifth Judicial Circuit

Columbia, South Carolina

May 4, 2016

SCANNED

**Patrick #119519 Strozier
McCormick Correctional Inst.
386 Redemption Way
McCormick, SC 29899**

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4005698

Patrick #297590 Booker

South Carolina Department of Corrections

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other Dismissed without prejudice.
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other.
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Plaintiff's Motion for Relief from Dismissal is UNDER ADVISEMENT. Proposed Orders due within Sixty (60) Days.

RECEIVED

APR 24 2017

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

SC Court of Appeals

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge [Signature] Judge Code 2126 Date 6-11-14

For Clerk of Court Office Use Only

This judgment was entered on the 19 day of June, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 19 day of June, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Patrick Booker
 ATTORNEY(S) FOR THE PLAINTIFF(S)

Mary Elizabeth Sharp, Marshall H. Waldron, Jr.
 ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court [Signature]

Patrick #119519 Strozier
McCormick Correctional Inst.
386 Redemption Way
McCormick, SC 29899

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4005698

Patrick #297590 Booker

South Carolina Department of Corrections

PLAINTIFF(S)

South Carolina Department of Health and Environmental Control
 DEFENDANT(S)

Submitted by: _____

Attorney for: Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: This motion needs to be heard by Judge G. Thomas Cooper Jr.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge W/B Judge Code 2161 Date 9/11/2013

For Clerk of Court Office Use Only

This judgment was entered on the 17 day of Sept, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 17 day of Sept, 2013 to attorneys of record or to parties, (when appearing pro se) as follows:

RECEIVED

APR 24 2017

SC Court of Appeals

Patrick #297590 Booker
 Bobby A #219284 Gilbert
 Darrell L. Goss # 305517
 Patrick #119519 Strozier

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marshall H. Waldron Jr.

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. Agbride

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE**

TO: Inmate Patrick Strozier

SCDC #: 119519

INSTITUTION: Broad River CI


FROM: Annie Rumler

DATE: August 15, 2016

RE: Request to Staff Member dated August 8, 2016

Mr. Strozier,

The Office of General Counsel received your Request to Staff Member regarding Administrative Law Court case 16-ALJ-04-0303-AP. In your request you ask for copies of correspondence sent to the Division Director of Classification and to our office which would show that you served SCDC with a certificate of service in the above case. I cannot send you the documentation you have requested because such documentation does not exist. The Office of General Counsel has not received any documentation from you regarding this case. In the Division of Classification has received such documents that would not constitute proper service. Please see the South Carolina Rules of Civil Procedure for the rules governing proper service. The South Carolina Rules of Civil Procedure can be found in your institution's law library.



Annie Rumler
Staff Attorney
Office of General Counsel

RECEIVED

APR 24 2017

SC Court of Appeals



Richland County Sheriff's Department

AFFIDAVIT OF SERVICE or NON-SERVICE

Date Entered: 09/14/2016
File Number: C201608025
DSS Number: 0
Foreign Case #:
Court Date: 01/01/1900

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Date _____

Plaintiff Patrick Strozier, #119519 Broad River Corr. Inst. 4460 Broad River Rd Columbia, SC 29210
Phone: Work:
Defendant(s) SCDC 4444 Broad River Rd Columbia, SC 29210
Phone: Work:

PERSONALLY APPEARED Before Me T. White, duty sworn says that he/she served, or attempts to serve, the following civil paper(s):

Summons & Complaint 1

on the defendant SCDC, as follows:

() By personally handing the process to the defendant at _____, SC on _____

() By handing the process to _____ at _____, SC on _____, a person of suitable age and discretion then residing in the defendant's usual place of abode.

(x) By handing the process to Dwayne Haisle/Admin Mgr/SCDC, the registered corporate agent or officer of the company at 4444 Broad River Rd., Columbia, SC on 9-16-16/9:10am and leaving him/her a copy.

() WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

() COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action. SWORN TO Before me this

_____ day of _____

T. White 1260 Deputy Sheriff, Richland County

RECEIVED

NOTARY PUBLIC FOR SOUTH CAROLINA MY COMMISSION EXPIRES _____ P.O. Box 143 Columbia, SC 29202

RECEIVED

APR 24 2017 SC Court of Appeals

SEP 16 2016

GENERAL COUNSEL RC SO

MR. PATRICK STROZIER #119519
BROAD RIVER CORRECTIONAL INST.
4460 BROAD RIVER RD.
COLUMBIA, S.C. 29210

SOUTH CAROLINA ADMINISTRATIVE LAW COURT
ATTN: AMY B. ROTHSCCHILD, STAFF COUNSEL
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, S.C. 29201

DATE: 1. 26. 17

Motions for Reconsideration
are Prohibited.
See ALC Rule 65.

RE: PATRICK STROZIER v. S.C. DEPT. OF CORRECTIONS
DOCKET NO: ALC-04-0303-AP PROOF OF SERVICE

DEAR MS. ROTHSCCHILD:

PLEASE FIND ENCLOSED PROOF THAT I COMPLIED WITH THE SOUTH
CAROLINA ADMINISTRATIVE LAW COURT RULES 54 & 60 IN SERVING
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WITH MY
AMENDMENT / CLARIFICATION OF MY CLASSIFICATION RECORDS.
I REQUEST THAT YOU CLOCK-N-COPY ALL DOCUMENTS WITHIN
YOUR OFFICE AND RETURN A COPY BACK TO ME FOR MY
FILES.

THANKING YOU IN ADVANCE FOR YOUR TIME IN THIS MATTER.
ALSO I HAVE SERVED THE DEPARTMENT

Sincerely,
Patrick Strozier
PATRICK STROZIER

RECEIVED

APR 24 2017

SC Court of Appeals

LEGAL MAIL

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

I PATRICK STROZER STATES THAT I HAVE SERVED MY PROOF THAT I SERVED THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIV. DIR OF CLASSIFICATION / INMATE RECORDS WITH MY REQUEST FOR AMENDMENT TO CLARIFICATION OF CLASSIFICATION RECORDS. BY DEPOSITING A COPY WITHIN THE U.S. MAIL POSTAGE PRE-PAID ADDRESSED AS FOLLOWS:

SOUTH CAROLINA ADMINISTRATIVE LAW COURT
ATTN: AMY B. ROTHCHILD, STAFF COUNSEL
EDGAR A. BROWN BUILDING
1205 PENNINGTON STREET SUITE 224
COLUMBIA, S.C. 29201

SWORN AND SUBSCRIBE BEFORE ME

THIS 26 DAY OF JANUARY 2017



NOTARY PUBLIC

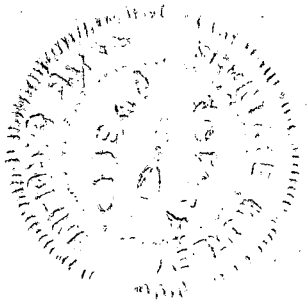
MY COMMISSION EXPIRES 9/16/2020

31 Patrick Strozer
PATRICK STROZER

RECEIVED

APR 24 2017

SC Court of Appeals



LEGAL MAIL

16-054554

RESPONSE DATE
3/16/2016 2:22 P.M.

E. BARBER

THE PATRICK STREET E UNIT
BROAD RIVER CORRECTIONAL INST.
416 Broad River Road
Columbia, S.C. 29221-1787

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION DIRECTOR CLASSIFICATION & INMATE RECORDS
Post Office Box 21787
Columbia, S.C. 29221-1787

RECEIVED
JAN 29 2016
DIVISION
INMATE RECORDS

RECEIVED
JAN 29 2016
DIVISION OF
INMATE RECORDS

RECEIVED
APR 24 2017
SC Court of Appeals


LEGAL MAIL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE

TO: Inmate Patrick Strozier
SCDC #: 119519
INSTITUTION: Broad River CI
FROM: Annie Rumler
DATE: March 28, 2016
RE: Request to Staff Member/Inmate Correspondence

Mr. Strozier,

Your documents received March 16 & 11, 2015 have been forwarded to me for a response. If your intent was to initiate a lawsuit and file a complaint, please note that the documents you sent do not comply with the South Carolina Rules of Civil Procedure. A civil action is commenced by filing a summons and complaint with a court of competent jurisdiction. Both the complaint and the summons must then be served in accordance with the South Carolina Rules of Civil Procedure in order for the court to have jurisdiction over the defendants. For information on the South Carolina Rules of Civil Procedure, you may visit your institution's law library. Because the document you sent has not been properly filed according to the South Carolina Rules of Civil Procedure, no substantive response will be made. Also please note that the case you reference, 2011-CP-400-5698, was dismissed by the court in 2012.



Annie Rumler
Staff Attorney
Office of General Counsel

RECEIVED

APR 24 2017
SC Court of Appeals

**Patrick #119519 Strozier
McCormick Correctional Inst.
386 Redemption Way
McCormick, SC 29899**

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4005698

Patrick Booker #297590 et al

South Carolina Department of Corrections et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other Dismissed without prejudice
- ACTION STRICKEN (CHECK REASON):
 - Rule 40(j), SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other _____

RICHLAND COUNTY
 FILED
 2016 JAN 5 PM 3:28
 JEANETTE W. McBRIDE
 C.C.P.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

PLAINTIFFS' MOTION FOR RELIEF FROM ORDER OF DISMISSAL IS UNDER ADVISEMENT.
 This order ends does not end the case.

RECEIVED

APR 24 2017

INFORMATION FOR THE PUBLIC INDEX

SC Court of Appeals

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

[Signature]

Judge Code 2126

Date 1-25-15

For Clerk of Court Office Use Only

This judgment was entered on the 21 day of Jan, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Patrick Booker #297590 et al
 ATTORNEY(S) FOR THE PLAINTIFF(S)

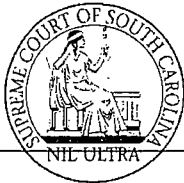
Michael David Freeman Sr; Mary Elizabeth Sharp;
 Marshall H. Waldron Jr.
 ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

[Signature: Jeanette W. McBride]

SCANNED



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

April 6, 2017

Mr. Patrick Strozier, #119519
Broad River Correctional Institution
4460 Broad River Road
Saluda Unit 227
Columbia, SC 29210

RE: *Patrick Gerald Strozier v. South Carolina Department of Corrections*,
2016ALJ040303AP

Dear Mr. Strozier:

~~This responds to your motion for reconsideration dated April 4, 2017. You~~
indicate that this motion is being filed under Rule 221(a) of the South Carolina
Appellate Court Rules (SCACR). No action will be taken on this motion for two
reasons.

First, you have not provided a proof of service showing that a copy of this motion
has been served on opposing counsel as required by Rule 240, SCACR.¹ This
Court cannot act on *ex parte* communications.

Second, Rule 221(a), SCACR, is related to a petition for rehearing regarding orders
or opinions issued by this Court. Since this Court has issued no order or opinion
relating to the above matter,² the rule on which you base your motion is simply
inapplicable.

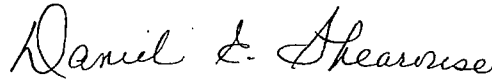
¹ The proof of service that you have provided for this motion only reflects that a
copy was sent to this Court.

² I can find no record that a notice of appeal was filed in the above case with either
this Court or the South Carolina Court of Appeals. If you wanted to seek appellate

The address of the United States Department of Justice is:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

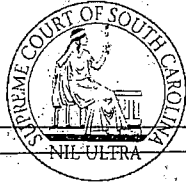
Sincerely,



Daniel E. Shearouse ⁶⁵

cc: General Counsel, SCDC

review of the order of dismissal of the Administrative Law Court, you should have timely served and filed a notice of appeal. Based on the information that you have provided it appears that the time to serve the notice of appeal has already expired. Please note that the time to serve the notice of appeal on the opposing counsel is relatively short, and this period cannot be extended. Rule 263(b), SCACR; *Elam v. South Carolina Dept. of Transportation*, 361 S.C. 9, 602 S.E.2d 772 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”).



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

December 28, 2016

Bryan P. Stirling, Esquire
Director, SC Dept. of Corrections
P. O. Box 21787
Columbia, SC 29221-1787

Re: Patrick Strozier #119519

Dear Mr. Stirling:

This will acknowledge a letter from Mr. Strozier received in this office on December 21, 2016. We are forwarding you a copy of Mr. Strozier's letter for any assistance you may be able to give him.

Very truly yours,

Daniel E. Shearouse
DS

CLERK

/lm
Enclosure

cc: Mr. Patrick Strozier #119519

MR. PATRICK STROZIER #11951

BROAD RIVER CORRECTIONAL INST.

4460 BROAD RIVER ROAD #mu124

COLUMBIA, S.C. 29221-1787

RECEIVED
JAN 29 2016
DIVISION & INMATE RECORDS

RECEIVED
JAN 29 2016
DIVISION OF CLASSIFICATION & INMATE RECORDS

LEGAL MAIL

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION DIRECTOR CLASSIFICATION & INMATE RECORDS
POST OFFICE BOX 21787
COLUMBIA, S.C. 29221-1787

16-054554
RESPONDED DATE
31 16 2016 2:22 P.M.
E. BARBER

INTER AGENCY MAIL

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE**

TO: Inmate Patrick Strozier

SCDC #: 119519

INSTITUTION: Broad River CI

FROM: Annie Rumler

DATE: March 28, 2016

RE: Request to Staff Member/Inmate Correspondence

RECEIVED

APR 24 2017

SC Court of Appeals

Mr. Strozier,

Your documents received March 16 & 11, 2015 have been forwarded to me for a response. If your intent was to initiate a lawsuit and file a complaint, please note that the documents you sent do not comply with the South Carolina Rules of Civil Procedure. A civil action is commenced by filing a summons and complaint with a court of competent jurisdiction. Both the complaint and the summons must then be served in accordance with the South Carolina Rules of Civil Procedure in order for the court to have jurisdiction over the defendants. For information on the South Carolina Rules of Civil Procedure, you may visit your institution's law library. Because the document you sent has not been properly filed according to the South Carolina Rules of Civil Procedure, no substantive response will be made. Also please note that the case you reference, 2011-CP-400-5698, was dismissed by the court in 2012.



Annie Rumler
Staff Attorney
Office of General Counsel

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: PATRICK STROZIER
 SCDC NUMBER: 119519 JAN 19 2016
 INSTITUTION: BROAD RIVER C.I.
 HOUSING UNIT: MURRY 124
 WORK ASSIGNMENT: _____

Office Use Only
 Grievance No. BRCI-0093-16
 Code: General CL/CL
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 1/20/16
 IGC Initials [Signature]

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ARE ERRONEOUSLY CALCULATING MY SENTENCE RELATED EARNED WORK CREDITS. WHERE UPON GA-01.12, INMATE GRIEVANCE POLICY SEC. CALCULATING OF SENTENCE RELATED EARNED WORK CREDITS. THE PASSAGE OF THE JUNE 3, 1986 OMBIOUS CRIMINAL JUSTICE IMPROVEMENT ACT IS, HAS AND STILL BEING APPLIED TO ME IN AN ERRONEOUSLY, CAPRICIOUSLY MANNER. SECTION B DOES NOT STATE VIOLENT CRIME ARE NOT ELIGIBLE. FURTHERMORE PAROLE ELIGIBILITY DATES MAY BE REDUCED BY EARNED WORK CREDITS FOR ALL SENTENCES EXCEPT FOR MURDER. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS POLICY OP. 21.07, EARNED WORK CREDITS GIVES ME A LIBERTY INTEREST IN EARNING WORK CREDITS.

ACTION REQUESTED: THAT I BE PROVIDED A DUE PROCESS HEARING TO KNOW WHY I'M NOT GETTING EARNED WORK CREDITS, BUT ALL CREDITS ACQUIRED ARE APPLIED TOWARD MY PAROLE ELIGIBILITY. I REQUEST WRITTEN DOCUMENTARY EVIDENCE TO BE PROVIDED IN JUSTIFYING DEPT. OF CORRECTIONS REASON(S).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: ALERTED BROAD RIVER C.I. CLASSIFICATION BY KIOSK ON 1.11.16, CONCERNING THIS MATTER. RESPONSE I'M NOT ELIGIBLE FOR EEC CREDITS.

Patrick Strozier 1/14/16
 Grievant Signature Date

ACTION TAKEN BY IGC:

See Warden's response on back

RECEIVED

APR 24 2017

SC Court of Appeals

[Signature] 1/25/16
 IGC Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

DUE
1/31/16

RECEIVED

INMATE NAME: PATRICK STROZIER
 SCDC NUMBER: 69519 FEB 01 2016
 INSTITUTION: BROAD RIVER C.I.
 HOUSING UNIT: MURRAY 124
 WORK ASSIGNMENT: _____

Office Use Only
 Grievance No: SCDC 009311
 Code: General
 Policy: CLICL
 Disc. Hear. _____
 Class. _____
 Date Received: 2/3/16
 IGC Initials: WJ

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): GRIEVANT SPECIFIC
DISSATISFACTION UPON THE WARDEN'S REASON'S DECISION, THAT I AM RECEIVING 7.2 DAYS PER MONTH OF EARN WORK CREDIT. BUT AT THIS TIME EARN WORK CREDITS DOES NOT SHOW UP IN THE DATE SCREEN UNDER MY CRITERIA. BY AND THROUGH THE DIV. OF CLASSIFICATION INMATE RECORDS OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, I'M INCLUDING ENCLOSED DOCUMENTARY EVIDENCE AND REQUEST FOR AMENDMENT OF CLASSIFICATION RECORDS. WHEREBY SCDC POLICY OF 2607, EARNED WORK CREDITS HAVE BEEN DENIED AND THE CRITERIA DENYING PATRICK STROZIER 1-26-16 DUE PROCESS TO GRIEVANT UPON VIOLATIONS. REQUEST BACK DATE CREDIT & HEARING AND TO KNOW MY CRITERIA RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. You stated in this grievance that the SCDC is erroneously calculating your sentence related Earned Work Credits (EWC). A review of your EWC History Assignment reveals that on October 30, 2015, you were assigned an EWC Level 3 for 5, as a Wardkeeper Assistant. You are receiving the appropriate amount of EWCs.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

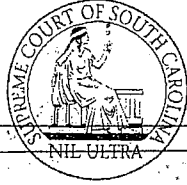
Patrick Strozier 3/30/16
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Patrick Strozier 4-8-16
 Inmate Signature Date

W. Johnson 4/8/16
 IGC Signature Date





The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

December 28, 2016

Bryan P. Stirling, Esquire
Director, SC Dept. of Corrections
P. O. Box 21787
Columbia, SC 29221-1787

Re: Patrick Strozier #119519

Dear Mr. Stirling:

This will acknowledge a letter from Mr. Strozier received in this office on December 21, 2016. We are forwarding you a copy of Mr. Strozier's letter for any assistance you may be able to give him.

Very truly yours,

Daniel E. Shearouse
BS

CLERK

/lm
Enclosure

cc: Mr. Patrick Strozier #119519

MR. PATRICK STROZIER #1195

BROAD RIVER CORRECTIONAL INST.

4460 BROAD RIVER ROAD #mu124

COLUMBIA, S.C. 29221-1787

RECEIVED
JAN 29 2016

DIVISION
& INMATE

RECEIVED

JAN 29 2016

DIVISION OF CLASSIFICATION
& INMATE RECORDS

LEGAL MAIL

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION DIRECTOR CLASSIFICATION & INMATE RECORDS
POST OFFICE BOX 21787
COLUMBIA, S.C. 29221-1787

16-054554
RESPONSE DATE
31 16 2016 2:22 P.M.
E. D. BARBER

INTER-AGENCY MAIL