

State of South Carolina
The South Carolina Court of Appeals
Appeal from the Administrative Law Court
Judge Shirley C. Robinson

William Allen #128666, Appellant } Appellate case # 2017-000596
V. } Amendment in support of
South Carolina Dept. of Corrections, Respondent } and final brief

Statement of the Case

Appellant feels he is being held unlawfully by the South Carolina Dept. of Corrections. S.C.D.C. has no current legal valid commitment Order signed by a Judge, that was stamped and filed by the Clerk of Court in Orangeburg County on Sunday, July 14, 1991. Therefore S.C.D.C. has no legal authority of law, to continue to hold appellant in their custody under armed guards.

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Discussion

Appellant feels that the Dept. of Corrections failed to follow policy and procedure, when this state agency excepted appellant into there custody on Sunday July 14, 1991.

Appellant discovered he is being held without a legal valid commitment order signed by a judge, that places SCDC. without authority of law and in violation of Policy OP-21.09, 11.4-11.7. 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.

Invalid, faulty, incomplete

SCDC. states the record contains a facially valid sentencing sheet from a general session judge.

Appellant would disagree, the paper that SCDC. has in their file 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.)

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-21.09, 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.

Appellant is Not Challenging the Validity of a sentence, Appellant is Challenging SCDC Authority of law to hold Appellant without a legal valid and proper sentencing sheet and Commitment Order signed by a Judge and filed by a Clerk of Court as a matter of Court record. Appellant is Contending that his incarceration is illegal against the statutory law of South Carolina.

This agency's policy and state law clearly says SCDC must have a legal valid sentencing sheet and Commitment Order signed by a Judge for such agency to legally receive a person into said DOC, otherwise, the agency is holding Appellant against the statutory provisions they abide by according to their own agency policy.

Appellant would furthermore, contend also, that the Court had a Judicial duty, some 26 years ago, to fill out a legal valid approval by the Attorney General's office. Standardized sentencing sheet/Commitment Order to be a legal valid binding document filed by a Clerk of Court.

The Court made a Judicial duty ERROR and fell short of its Judicial duty. Therefore there is no legal valid sentencing sheet/Commitment Order signed by a Judge filed with the Clerk of Court, that would give this agency the authority of law to hold Appellant in their confinement,

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

Conclusion

Appellant feels there is no need to beat a dead horse. This agency (SCDC) is holding Appellant unlawfully. With-out a legal valid sentencing sheet/commitment Order signed by a Judge. Therefore SCDC. has no authority of law to hold Appellant in there Custody.

Appellant ask the Court to Order SCDC. to abide by policy and procedure and treat everyone equal. If not SCDC. will continue to discriminate against Appellant by holding Appellant with-out authority of law to do so.

Appellant ask the Court to Order SCDC. to right this wrong that is well overdo.

For the above stated reasons Appellant's appeal grievance is not a PCR matter, but instead and appellant issue ripe for review and decision by the Honorable Court of Appeals.

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 as was requested in his grievance Number PACI 427-16.

That this Court of Appeals will Order SCDC. to stop operating above the law and hold this state agency accountable.

Respectfully submitted,

cc. Hand written to:

SCDC. General Counsel

DATED July 29-2017

H. ~~W. Allen~~

WILLIAM ALLEN

4460 Broad River Rd.

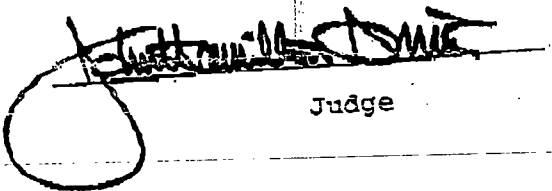
Columbia, S.C. 29210

EXHIBIT #1

1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
 2 COUNTY OF ORANGEBURG)
 3 STATE OF SOUTH CAROLINA)
 4)
 5 -VS-)
 6 WILLIAM DALE ALLEN,)
 7 Defendant.)

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8 I, the Judge in the above entitled case, having
 9 found beyond a reasonable doubt the existence of the fol-
 10 lowing statutory, aggravating circumstances, to wit:
 11 The murder was committed while in the commission
 12 of robbery while armed with a deadly weapon; and
 13 the murder was committed while in the commission
 14 of larceny with the use of a deadly weapon.
 15 Now, we find that the defendant, William Dale
 16 Allen, should be sentenced to life imprisonment.

17
 18
 19 July 14, 1991
 20 
 21 Judge
 22
 23
 24
 25

*Please have SCDC, produce a copy of, woman's circumstances in will?
 this faulty paper?
 Produce any document that would verify that I was ever
 accused or placed on Notice about any aggravating circumstances
 none of this does not exist,
 an arrest-warrant or indictment for ROBBERY
 an arrest-warrant or indictment for a WEAPON*

*I was not charged or there was no indictment for
no robbery, there was no charge for a weapon.
 this paper is faulty. I do not know where it
 came from. Who typed this up?*

Appendix D

Sample Sentencing Sheet

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STATE OF SOUTH CAROLINA
 COUNTY OF _____
 STATE _____ VS _____
 AKA: _____
 Race: _____ Sex: _____ Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City State Zip: _____
 DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# _____ -GS- _____
 AWA# _____
 Date of Offense: _____
 S.C. Code §: _____
 CDR Code #: _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:

A violation of § _____ of the S.C. Code of Laws bearing CDR Code # _____
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
CSC minor 1st or Lowd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (defendant initial)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST _____ X _____ X _____ X
 Solicitor Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and/or payment
 of \$ _____ plus costs and assessments as applicable, the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

set by SCDPPPS _____

Attend Voc Rehab or Job Corp _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling

*Fines:	\$ _____
§14-1-206 (Assessments 10% 5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§35-13 (Public Def/Prob)	\$500 \$ _____
§73-3-1B TP (Law Enforce. Funding)	\$25 \$ _____
§33-7-1B TP (Drug Court Surcharge)	\$100 \$ _____
§50-21-114(B)(1) (Breath Test Fee)	\$50 \$ _____
§56-5-2942(D) (Vehicle Assessment)	\$40/ea \$ _____
3% to County of paid in installments	\$ _____
§50-11 TP (SCCJA Surcharge)	\$5 \$ _____
TOTAL	\$ _____

Random Drug/Alcohol Testing

_____ Fine may be pd in equal consecutive weekly/monthly

_____ prmts of \$ _____ Beginning _____
 \$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel \$35 *3 TP

Requires \$200 be paid to Clerk during probation.

_____ X
 Clerk of Court/ Deputy Clerk

_____ X
 PRESIDING JUDGE

_____ X
 Court Reporter

_____ X
 Judge Code: _____
 Sentence Date: _____

State of South Carolina
The South Carolina Court of Appeals

Appellate Case No: 2017-000596
Amendment in support of
and final brief dated 7-28-17

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William Allen #178666, Appellant

v.

South Carolina Dept. of Corrections, Respondent

Certificate of Service

I William Allen #178666 for Appellant, do certify that, I have served the within Amendment, final brief dated 7-28-17, on Respondent by depositing a copy of the same in the United States mail postage, independent mail, SCDC, dated 7-28-17.

Addressed to:

General Counsel SCDC,
4444 Broad River Rd.
Columbia, S.C. 29221-1289

Respectfully submitted,
William Allen

DATED July 28, 2017

WILLIAM ALLEN
4469 BROAD RIVER RD
COLUMBIA, S.C. 29210

William Allen
#128666-MONT. A-148
Broad River Comm. Court
4460 Broad River Rd.
Columbia, S.C. 29210

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South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629

Columbia, S.C. 29211

29211-162929

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