

The State of South Carolina
In the Court of Appeals

Appeal from Administrative Law Court
Shirley C. Robinson, Administrative Law Court Judge

Lower Court Case No. 16-ALJ-04-0641-AP

Court of Appeals Case No. 2017-000596

RECEIVED

AUG 17 2017

SC Court of Appeals

William Allen, #128666 Appellant

V.

South Carolina Dept. of Corrections Respondent

Final Brief of Appellant

August 15, 2017

Appellant

~~By WED ADD~~

William Allen #128666

Pro Se

Broad River CHAB. INST.

4460 Broad River Rd.

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1. Statutes

S.C. Code ann. § 16-3-20 Sub. SECTION (B)

[Only such evidence in aggravation as the state has informed the defendant in writing before the trial is admissible.]

14th Amendment, equal protection clause

8th Amendment, Cruel and unusual punishment

Statement of the issue on Appeal

1. Is Appellant's final decision supported by substantial evidence, faulty, incomplete, invalid nonbinding paper. In CDC's record. The lack of a commitment order signed by a judge.

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.

Final brief and decision

South Carolina Dept. of Corrections, Respondent

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SC Court of Appeals

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.

Discussion

Appellant feels that the Dept. of Corrections failed to follow policy and procedure. When this state agency accepted Appellant into their custody Sunday July 14, 1991.

Appellant discovered he is being held with-out a legal Valid Commitment Order signed by a judge. that places SCDC. with-out 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 there file is facially incomplete and faulty. Therefore invalid. This paper does not even bear the word commitment 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 Lords Day.)

Example: Counterfeit money may appear to be facially Valid, but is not legally Valid. In the eyes of the law or 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 shall carry no weight in the eyes of the court. SCDC. has no current 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 SCDC 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, With-out a Commitment Order signed by a Judge. SCDC is holding Appellant under the Color of Authority. With-out any solid legal 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, 1996. 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 or rule on the Validity of a document that does Not exist. There is and never was a Commitment Order issued.

It does Not exist. Just as the sun rises in the east, that is an undisputal fact. The same in this case. It is Crystal Clear SCDC has No Authority of Law to continue to hold Appellant With-out a Valid Commitment order signed by a Judge.

Appellant is not Challenging the Validity of a sentence. Appellant is Challenging SCDC Authority of law to hold appellant with-out 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.

(2) [Appellant would also like to state for the record.

the contents of the paper in SCDC's record is false.

Appellant has never been charged, arrested or indicted for no Robbery in Orangeburg County. Appellant has Never been charged, arrested or indicted for no weapon in Orangeburg County. Appellant has Never been placed on Notice or served with no document, concerning no aggravating Circumstances in no Orangeburg County Case, as would be required by state statute 16-3-20. the paper that SCDC is using to hold appellant is bogus, fake, no documents to support it.

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 approved 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 the 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 this honorable 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 their 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's issue is 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 unlawful incarceration unconditionally, as was requested in his grievance Number BRCI, 422-16.

that this Court of Appeals will order SCDC to stop operating above the law and hold this state agency accountable for there unlawfully practice.

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DATED 8-15-17

Respectfully Submitted,

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