

The state of South Carolina  
In The Court of Appeals

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

Lower court case No. 2017-ALJ-04-0080-AP  
Appellant case No. 2017-000686

Andra B. Jamison, #337461, . . . . . Appellant,

v.

South Carolina Dept of Corrections, . . . Respondent

"Appellant's Reply Brief"

**RECEIVED**

AUG 28 2017

SC Court of Appeals

17 AUG 2017  
Date

Andra B. Jamison#  
[Signature]  
Evans C.I./F-5-C/cell#  
1010 Highway 9 West  
Bennettsville, SC 29512  
Pro Se Appellant

## Table OF Contents

Statement OF ISSUES ON Appeal

Statement OF The Case

Standard OF Review

Argument

The Administrative Law Court Improperly  
Dismissed The Appeal Pursuant To S.C.  
Code Ann. § 1-23-600 (D)

Conclusion

Certificate OF Service

## “ Statement OF Issue(s) on Appeal ”

Did the Lower Court err in not setting aside the Appellant's disciplinary conviction for possession of a cell phone and/or communication equipment on the basis of lack of evidence and/or failure to follow SCDC Policy and Procedure?

## “ Statement OF The case ”

Appellant hereby reiterate his (Appellant's) initial brief.

This matter comes before this Honorable court pursuant to the Respondent's initial brief stating the ALC appropriately dismissed the appeal because Appellant did not lose any accrued good time credit.

## “ Standard OF Review ”

S.c. code Ann. § 1-23-610 (B) provides ...

... the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The court may not substitute its judgement for the judgement of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law; ...

...  
(e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

See also S.C. Code Ann. § 1-23-380 (A)(5); Al-Shabazz v. State, 338 S.C. 354, 380, 527 S.E.2d 742, 756 (2000).

In an appeal of the final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. See S.C. Code Ann. § 1-23-610 (B). A reviewing court shall not substitute its judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions which are controlled by error of law or are clearly erroneous in view of the substantial...

...

evidence on the record as a whole. Id. In determining whether the ALC's decision was supported by substantial evidence, the court need only find, considering the record as a whole, evidence from which reasonable minds could reach the same conclusion that the ALC reached. Durant v. S.C. Dep't of Health and Environmental Control, 361 S.C. 416, 420, 604 S.E. 2d 704, 706 (Ct. App. 2004). The mere possibility of drawing two inconsistent conclusions from the evidence does not prevent a finding from being supported by substantial evidence. Id. at 420.

### Argument

The Appellant hereby reiterates his argument alleged in Appellant's initial brief and would respectfully bring unto this Honorable Court's attention that his October 18, 2016, disciplinary conviction for possession of of Any Communication Device. was issued in violation of constitutional...

...  
provisions and clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record. See S.C. Code Ann. § 7-23-610 (B).

Wherefore, after careful consideration this Honorable court denied Respondents motion to dismiss or summarily affirm this appeal and ORDERED the merits of the appeal shall be decided after final briefing is complete. (R. p. 8).

In this case, Appellant contends that the reliable, probative, and substantial evidence on the whole record shows a constitutional violation of Appellant's Fourteenth Amendment to the United States Constitution.

EXHIBIT # 1

1). See (R. p. # 3) Andrew Jameson and Roy Jones are the inmates who were charged with the (898) and (817). And not Appellant...

Whose name is Andra Jamison, #337461.

2). Appellant Andra Jamison, also requested a counsel substitute and was denied that procedural right. See (R. p. 4) and (R. p. # 5), Exhibit-2 and Exhibit-2A

3). The Respondent was suppose to request a (21) day extension prior to the expiration of the initial 21-day period to hold Appellant's hearing pursuant to Respondent's own Policy / Procedures. See OP-22.14 section (7.5). Also see (R. p. 6), However, that was not done. Exhibit#3.

4). Appellant filed a step-1 grievance. See (R. p. # 7), Exhibit#4

5). Appellant filed a step-2 grievance. See (R. p. 8), Exhibit#5

6). Appellant filed an appeal to the south carolina...

...

Administrative Law court explaining that he (Appellant) was not Andrew Jameson. See (R.p. #9), Exhibit# 6

7). The ALC issued an ORDER dismissing Appellant's appeal on procedural grounds when from a reading of Appellant's record he is actually innocent. See (R. p. #10), Exhibit# 7.

8). Appellant then filed an Notice of Appeal to the court of Appeals and the Respondent then filed a Motion To Dismiss Appeal OR, Alternatively, To Summarily Affirm. See (R.p. #12-15), Exhibit# 8

9). Next the Appellant in this case filed a Motion titled Supporting Motion To Deny Dismissal. See (R.p. #16-19), Exhibit# 9

10). The South Carolina Court of Appeals denied Respondent's Motion to Dismiss or Summarily...

... to Affirm Appellant's appeal. See (R. p. 20-21  
Exhibit 10

Wherefore, Appellant's disciplinary conviction for the SCDC (898) infraction is clearly erroneous in view of the evidence that Respondent relied upon to convict the Appellant. Emphasis Added.

“ Conclusion ”

For the foregoing reason(s) Appellant respectfully submits that the court should reverse the Lower Court's decision.

S/

Andra B. Jamison #337461  
Evans C. F. / F-5-C / cell #208  
610 Hwy 9 West  
Bennettsville, SC 29512  
Appellant Pro Se

\_\_\_\_\_, 2017.

CERTIFICATE OF SERVICE  
By SWORN AFFIDAVIT


I ANDRA JAMISON PRISON NO. #337461

HEREBY CERTIFY THAT I HAVE SERVED THE  
SAID REPLY BRIEF UPON THE PARTIES LISTED  
BELOW BY PLACING IT IN THE HANDS  
OF Ms. S. OUTLAW OF EVANS CJ MAIL  
ROOM WITH SUFFICIENT PREPAID POSTAGE  
AFFIXED TO INSURE PROPER DELIVERY  
ADDRESSED AS FOLLOWS: ON THIS 17<sup>TH</sup>  
DAY OF AUGUST 2017 CASE NO. # 2017-000686

ADDRESSEES

GEN. COUNSEL (SC05)  
MELISSA J. ARNOLD  
4444 BROAD RIVER RD.  
COLUMBIA SC 29210

JENNY ABBOTT KITCHENSS CLERK  
SOUTH CAROLINA COURT OF APPEALS  
P.O. BOX 11629  
COLUMBIA SC. 29211

5:17N  
  
ANDRA B. JAMISON 337461

RECEIVED

AUG 28 2017

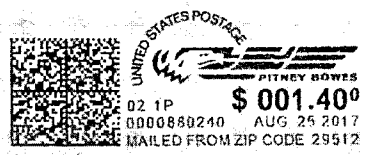
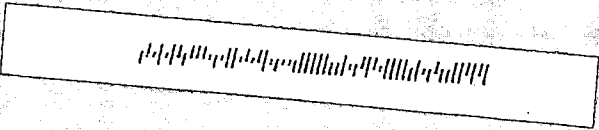
SC Court of Appeals

SWORN TO BEFORE ME  
THIS DAY 18 OF AUG, 2017

S. OULOU  
NOTARY PUBLIC FOR SOUTH CAROLINA

2/17/24  
MY COMMISSION EXPIRES

ANDRA B JAMISON #337861  
EVANS C.I. FSC #208  
610 Hwy 9 West  
Beaufortville SC 29512



RECEIVED  
AUG 28 2017  
SC Court of Appeals

TENNY ABBOT KITCHINGS Clerk  
SOUTH CAROLINA COURT OF APPEALS  
P.O. Box 11629  
Columbia SC. 29211