

August 21, 2017

The Honorable Judge Donald Beatty
Chief Justice, SC Supreme Court
1231 Gervais Street
P.O. Box 11330
Columbia, SC 29211

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AUG 29 2017

AUG 28 2017

SC Court of Appeals
S.C. SUPREME COURT

Dear Honorable Judge Beatty:

My name is Ronald Coulter. I am an inmate within the South Carolina Dept. of Corrections, and I currently have two active appellate cases in the Court of Appeals. I would like to first apologize if I have violated any protocol, unbeknownst to me, by contacting you directly; but, I don't know what else I can do about this situation. I am hopeful that you can, and will, intervene into this matter and offer some guidance to the Court of Appeals, or perhaps to me, in an effort to ensure the proper and orderly administration of justice.

The appeal in question stems from a grievance against SCDC under the Administrative Procedures Act, which was recently dismissed by the Court of Appeals, on procedural grounds. The final order was written in such a manner that implied that I simply disregarded the Court's instructions, and order, to comply with the procedural rules; thereby, warranting dismissal. I submitted a timely petition for rehearing pointing out that the Court's exclusion, from its final order, of my procedural motions to proceed in forma pauperis and to dispense with the record on appeal diminish my ability to seek appellate review of the Court of Appeals' denial of these motions.

Shortly thereafter, I received a deficiency notice informing me that I am required to pay a \$25 filing fee before my petition for rehearing will be entertained. Your Honor, this is when my thirteen years of frustration with this appellate process reached a boiling point. I have also attached a copy of my response to the deficiency notice.

From the onset, each reviewing court, whether quasi-judicial or judicial, has managed to circumvent consideration of my constitutional challenge to SCDC's arbitrary and wrongful actions

pursuant to a state statute. The Administrative Law Court, in my opinion, deliberately misstated the statute in question in order to avoid proper adjudication because the ALC knew it had to follow the statute as written and leave the question of whether it is constitutional to the courts.

Then, on judicial review, the circuit court, whether intentionally or accidentally, held the appeal in abeyance for almost ten years, without explanation. The circuit court eventually dismissed the appeal on procedural grounds pursuant to the Civil Rules of Procedure; although, the service of process requirements under the Civil Rules are not applicable in a proceeding for judicial review under the APA. In addition, the circuit court's factual findings were clearly contradicted by the record.

Finally, on appeal, in the Court of Appeals, the Court chose to reject my IFP motion despite the S.C. Supreme Court's guidance with respect to access to courts for indigents raising fundamental constitutional claims. Instead, the Court of Appeals required that I meet the usual procedural standards despite my protestations, via motions, of my indigency and the SCDC's policy prohibiting the making of copies of various legal materials, on behalf of its inmate population. Submitting a designation of matter and producing a record on appeal would have been next to impossible. The Court of Appeals' rejection of my motion for leave to use the lower court record, as well as the IFP motion, resulted in the order of dismissal, at hand.

Have I completely misapprehended the substantive and procedural requirements of a constitutional challenge and wasted court resources for over ten years with frivolous pleadings? Or, am I intentionally being denied the opportunity to be heard, on the merits, because of the ramifications of a thorough legal analysis of my claims?

Respectfully submitted,


Ronald Coulter, #300410

Ridgeland CI, CA-25 / P.O. Box 2039 / Ridgeland, SC 29936

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August 21, 2017

Jenny A. Kitchings
Clerk, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

AUG 29 2017

SC Court of Appeals

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Re: Ronald Coulter, #300410 v. SCDC;
Appellate Case No. 2017-000909

AUG 28 2017

S.C. SUPREME COURT

Dear Clerk:

I am in receipt of your August 14, 2017 deficiency notice indicating that the required filing fee has not been submitted along with my petition for rehearing. I am, however, confused by this correspondence. During the course of this appellate process, I have submitted multiple motions or petitions to this Court which have been filed without a filing fee. Ultimately, when I file a petition which allows me to preserve, for certiorari, the actions of this Court in this appellate matter, lo and behold, a filing fee is required.

I am concerned that this filing fee, all of a sudden, is an effort to eviscerate my opportunity for certiorari in a contested case under the Administrative Procedures Act which challenges the constitutionality of a state statute. In addition, this Court is fully aware that its decision to deny my motion to proceed in forma pauperis, in this action, is not reviewable, without the petition for rehearing, since the Court failed to include this IFP denial in its final order of dismissal.

Am I being required to pay the filing fee because I pointed out, in my petition for rehearing, that this Court's decision to deny my IFP motion appeared to be ambiguous and in direct conflict with a prior decision of the SC Supreme Court?

Or, am I being required to pay the filing fee because I addressed, in that same petition, how this Court improperly entertained a previously filed petition for rehearing before dismissing it pursuant to Rule 221(c), SCACR?

I apologize for any implications of impropriety inferred by

this correspondence. I am simply frustrated by this Court's, as well as the lower court's, refusal to employ the fair, reasonable, and efficient means of addressing administrative matters under the APA, as instructed by the Supreme Court of South Carolina.

I respectfully hope that you construe this letter as one to reinstate the timely filing of my petition for rehearing, without a filing fee.

Thank you for your attention to this matter.

Respectfully submitted,



Ronald Coulter, #300410

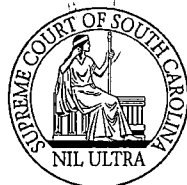
Ridgeland CI, CA-25

P.O. Box 2039

Ridgeland, SC 29936

Appellant, Pro Se

cc: Honorable Judge Donald Beatty,
Chief Justice, SC Supreme Court



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
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SC Court of Appeals

Mr. Ronald Coulter #300410
Ridgeland CI, CA-25
PO Box 2039
Ridgeland SC 29936

Re: Ronald Coulter #300410 v. SCDC,
Appellate Case No. 2017-000909

Dear Mr. Coulter:

This responds to your letter to Chief Justice Beatty dated August 21, 2017. This letter was received yesterday. Please be advised that Chief Justice Beatty cannot consider this *ex parte* communication about the above case that is pending before the South Carolina Court of Appeals.

If you believe that the Court of Appeals should waive the filing fee for the motion to reinstate, then that is a matter that you will need to raise to the Court of Appeals. I am forwarding a copy of your letter, along with your letter addressed to the Clerk of the Court of Appeals, to the Court of Appeals.

Very truly yours,



CLERK

cc: Melissa Jill Arnold, Esquire (with enclosures)
~~The~~ Honorable Jenny Abbott Kitchings (with enclosures)

RONALD COULTER, #300410
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SC Court of Appeals

LEGAL
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RIDGELAND CORRECTIONAL
INSTITUTION

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Mailroom

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HONORABLE JUDGE DONALD BEATTY
CHIEF JUSTICE, SC SUPREME COURT
1231 GERVAIS STREET
P.O. BOX 11330
COLUMBIA, SC

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