

Mekiel Mitchell #232904
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010-1775

PRO SE APPELLANT

SOUTH CAROLINA COURT OF APPEALS
CLERK OF COURTS OFFICE
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina
29211-1629

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NOV 05 2012

SC Court of Appeals

RE: APPELLANT'S FINAL BRIEF
Mitchell v. SCDC, #2012-206946

Dear Clerk,

Enclosed for filing are:

- (1). Appellant's Final Brief; and
- (2). Proof of Service.

Appellant would like to bring one more matter to this Court's attention, that is relevant to the case at bar. In the Administrative Law Court (ALC) pleadings, Appellant stated the position that this current complaint and situation had the

propensity to be repetitious. Since Appellant is currently serving a term of imprisonment of Life Without Possibility of Parole, at any given time, lock-up can become a reality to him. And as is the circumstance with this current case, and it's issues, the denial will continue to gone on and on. Appellant is now being confined to the lock-up facility here at LeeCI, and those same First Amendment protections and principles are being violated in the same manner, once again. Appellant does not question his being placed in lock-up, per se, but, questions the ability of his custodians to deny him newspapers, magazines, photos of loved ones, publications such as Prison Legal News, and legal research manuals, (at his own expense), etc.

Chief General Counsel, David M. Tatarsky, Esquire, stated his justification for denying the Step-Two grievance and appeal was because Appellant was no longer being housed or confined to the SMU, i.e., lock-up portion of the facility, and therefore, no longer suffered any form of restrictions or deprivations as argued in the grievance process and proceedings. It is evident that Mr. Tatarsky's denial was not supported by the fact that our judicial system has recognized that lock-up is an ordinary condition of incarceration; or that, there was the chance or possibility that this situation could arise again. Who would have thought it would happen with the same Warden?

Appellant only requests that this Court examine the matters carefully, in an effort to ensure that the questions before it are settled economically and fairly.

If Appellant may be of any further assistance to this Court, in these matters, please do not hesitate to contact him. Thank you for this Court's time and attention in these matters.

October 16th, 2012

rds/MM

cc: FILE
CLERK
FLORIAN

Respectfully Submitted,

Mekiel Mitchell
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