

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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SC Court of Appeals

APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT
H.W. Funderburk, Jr Administrative Law Judge

CASE NO. 2017-001827

Terry Davis, 197349

Appellant

V.

SCDC

Respondent.

[INITIAL] Brief of Appellant

Terry Davis, 197349
Livesay B Corr. Inst. 626-A
P.O. Box 580
UNA, S.C. 29378
Appellant

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TABLE OF AUTHORITIES

CASES

<u>State V. Rider</u> , 320 S.C. 533, 466 S.E.2d 367 (1996)	2
<u>State V. DeFee</u> , 246 S.C. 555, 144 S.E.2d 406 (1965)	2
<u>In The Interest of Terrence M.</u> , 317 S.C. 212, 214 452 S.E.2d 226	2
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<u>Pierce V. State</u> , 338 S.C. 139, 146 N.3, 526 S.E.2d 225	2
<u>State V. Spence</u> , 177 S.C. AT 357, 181 S.E. AT 222	2
<u>State V. Mansel</u> 525 S.C. 468, 305 S.E. 481 (1895)	2
<u>State V. Heyward</u> , 564 S.C. 379 SC App 2002	2
<u>Evans V. State</u> 363 S.C. 495 508-13-611 S.E.2d 510, 517, 19	2
<u>Gentry</u> 363 AT 102-03 610 S.E.2d 500	2
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<u>State V. Funderburk</u> 258 S.C. 256, 191 S.E.2d 520 (1972)	2
<u>State V. Brown</u> 570 S.E.2d 559	2

STATUTES

S.C. Code Ann 16-3-620	2
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STATEMENT OF ISSUES ON APPEAL

Did the trial Court err in filing a motion to dismiss base upon the Argument submitted in the Appellant brief?

STATEMENT OF THE CASE

This matter comes before the court by way of notice of appeal which was denied by the Administrative Law court. The Respondent made it return on August 24, 2017, requesting motion to Dismiss base on the argument submitted in the Appellant brief.

FACTS

Appellant may wish to set out the facts relevant to the Arguments at this point in the brief. This however, is optional, and the relevant facts may be included in the discussion of each Argument. IN either case, the brief must contain references to where the salient facts can be found in the record on Appeal. IN Initial Briefs, these references shall be made in the manner specified by Rule 208 and 209 of the SCACR.

ARGUMENTS

The Appellant argue that SCDC doesn't have jurisdiction over the Charge (ABWIK) Assault and Battery With Intent to Kill statute 16-3-620 And Inmate Terry Davis due to Repealed by 2010 Act no 373 7.A. June 2, 2010 of The Omnibus Crime Reduction and Sentencing Reform Act.

CONCLUSION

For the reasons, this court should reverse the judgment of the Administrative Law court.

Respectfully Submitted

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THE STATE OF SOUTH CAROLINA
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APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT
H.W. Funderburk, Jr. Administrative Law Judge

CASE NO. 2017-001829

Terry Davis, 197349

Appellant.

V

SCDC

Respondent.

PROOF OF SERVICE

I certify that I have served a designation of matter to be included in the record on appeal, motion requesting permission to serve and file the appellant initial brief, and Initial Brief of Appellant by depositing copy of it in the United States Mail address to: Administrative Law Court, Edgar A Brown Building, 1205 Pendleton Street, suite 224, Columbia, South Carolina 29201 And The South Carolina Court of Appeal V. eBarrie Dupty clerk, Post, Office Box 11629, Columbia, South Carolina 29211

Terry Davis

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