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The State of South Carolina  
In the Court of Appeals

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

William Allen, #178666 ————— Appellant  
V.  
South Carolina Dept. of Corrections ————— Respondent

Record on Appeal

S.C.D.C. General Counsel  
Melissa J. Arnold, Esquire  
South Carolina Dept. of Corrections  
4444 Broad River Road  
Columbia, S.C. 29210  
Attorney for Respondent

RECEIVED  
NOV 16 2017  
SC Court of Appeals

William Allen, #178666  
Broad River Court Inst.  
4460 Broad River Road  
Columbia, S.C. 29210  
Pro Se  
attorney for Appellant

# Table of Contents

Statement of issue on Appeal

Designation of matter  
to be included in the Record on Appeal

Appellant proposes the following to be included in  
the Record on Appeal

the pages marked 1 through 10  
Exhibit marked #1 - #7

## Argument

The lack of a Commitment Order is the issue  
before the Court. Appellant testified on behalf of the  
state in Hampton County Case and Excepted the time shown  
on Exhibit #6 + #7, that is why life was off of the table.  
Exhibit #1 is a fake paper, that also contains false information.  
The Clerk of Court's record is void a Commitment Order.  
the Clerk of Court's record is also void a valid sentencing sheet.  
this state agency is in blatant violation of Policy OP 26.09-  
11.4 - 11.7. it states this agency MUST have a Commitment order  
in order to except an inmate into their custody.

## Statement of issue on appeal

The lack of a commitment Order signed by a judge and filed by a clerk of court as a matter of public record. That is the issue.

Without a proper legal valid commitment Order signed by a judge. Without that document, this state agency has no authority of law to hold appellant in confinement.

The clerk of Court's record in Orangeburg County is void a commitment Order, it don't exist, S.C.D.C. Inmate record is void a commitment order.

Therefore this state agency has no authority of law to continue to hold appellant in custody. Appellant is being held unlawfully/illegal.

## Conclusion

For the foregoing reasons, the court shall order that appellant, be released from custody immediately.

W. Allen

WILLIAM ALLEN #120666

BROAD RIVER CORRECT. INST.

4460 BROAD RIVER ROAD

COLUMBIA, S.C. 29210

Pro-Se 11-13-17

Exhibit #1

THIS PAPER IS BOGUS / COUNTERFEIT / FAKE / FALSE

PLUS THIS IS NO COMMITMENT ORDER

MAY-26-1995 . 14:15 FROM

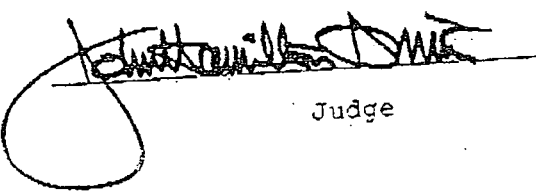
Orangeburg Family Court

TO

918036361217

P.02

No Case Number  
and  
No Clerk of Court stamp  
Not Valid

1 STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
 2 COUNTY OF ORANGEBURG )  
 3 STATE OF SOUTH CAROLINA )  
 4 -vs- ) SENTENCE OF JUDGE  
 5 WILLIAM DALE ALLEN, )  
 6 Defendant. )  
 7  
 8 I, the Judge in the above entitled case, having  
 9 found beyond a reasonable doubt the existence of the fol-  
 10 lowing statutory, aggravating circumstances, to wit:  
 11 The murder was committed while in the commission  
 12 of robbery while armed with a deadly weapon; and  
 13 the murder was committed while in the commission  
 14 of larceny with the use of a deadly weapon.  
 15 Now, we find that the defendant, William Dale  
 16 Allen, should be sentenced to life imprisonment.  
 17  
 18  
 19 July 14, 1991  
 20  Judge  
 21  
 22  
 23  
 24  
 25  
 Page 1 OF 10

PENSAC CO., DAYORNF. N.J. 07002 - FORM 103\*

applicant has never been charged with a robbery } all false  
 applicant has never been charged with a weapon }  
 This paper is a fraud, please provide applicant or the Court  
 with any document of record to support a robbery } TOTAL P.02  
 Thank you very much,

EXHIBIT #2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

TO: NAME: <i>Brown</i>	TITLE: <i>Caseworker</i>	DATE: <i>8/9/16</i>
INMATE'S NAME: <i>William D. Allen</i>	SCDC #: <i>178666</i>	
INSTITUTION: <i>BRCI</i>	LIVING QUARTERS: <b>MONTICELLO UNIT</b>	

Reference to inmate correspondence:

I received a response from the director's office dated August 4, 2016. This letter advised me, if I had any questions or concerns about my convictions or commitment order. To see my caseworker, my concern is the lack of a commitment order.

I am requesting at this time. To be provided a copy of a commitment order, signed by a judge and filed with a clerk of court. That would give S.C.D.C. the authority of law to hold me in this state prison at this time.

P.S. If you have any questions contact  
*Maria Legginz*  
Executive Assistant  
Director's office.

Thank you,  
*Will D. Hill*

DISPOSITION BY STAFF MEMBER: I have provided you with the requested Documents from July 14<sup>th</sup> 1991. If you have any other concerns about your commitment orders you need to contact the Inmate records office.

DATE: <i>8/11/2016</i>	SIGNATURE: <i>T. Brown</i>
------------------------	----------------------------

EXHIBIT #3

Commitment Order

Appendix D
Sample Sentencing Sheet

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

INDICTMENT CASE# SS

VS

AW#

AKA#

Date of Offense

Race Sex Age

S.C. Code §

DOB SS#

CDR Code #

Address

City State Zip

DL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO

Violation of § of the S.C. Code of Laws bearing CDR Code #

NON-VIOLENT / VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (SCA minor 17 or Less Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST Solicitor Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$, provided that upon the service of days/months/years and/or payment
of \$ plus costs and assessments as applicable, the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Pardon and Pardon Services standard conditions of probation,
which are incorporated by reference

CONCURRENT or CONSECUTIVE to sentence on

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered RTUP

Total \$ plus 20% fee \$ days/hours Public Service Employment

Payment Terms Detain GED

set by SCDPPPS Attend Voc Rehab or Job Corp

Recipient May serve W/E beginning Substance Abuse Counseling

\*Fine \$
§14-1-206 (Assessments) (07 \$16) \$
§14-1-211(A)(1) Conv. Surcharge) \$100 \$
§14-1-211(A)(2) (DUI Surcharge) \$100 \$
§56-5-2595 (DUI Assessment) \$12 \$
§35-13-1 Public Def/Prob) \$500 \$
§73-3-1B 1P (Law Enforce Funding) \$25 \$
§33-7-1B 1P (Drug Court Surcharge) \$100 \$
§50-21-114(B)(1) Breath Test Fee) \$50 \$
§58-5-2542(a) Vehicle Assessment) \$40/lea \$
\$10 to County (paid in installments) \$ \$
§50-11-1P (SCCJA Surcharge) \$5 \$
TOTAL \$

Random Drug/Alcohol Testing [ ]
Fine may be pd in equal consecutive weekly/monthly
pmts of \$ Beginning
\$ paid to Public Defender Fund
Other

Appointed PD or appointed other counsel \$15 \*3 \*P
Requires \$100 be paid to Clerk during probation

Clerk of Court/Deputy Clerk

PRESIDING JUDGE

Court Reporter

Judge Code
Sentence Date

SC CA-217 (07 2008)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>William Dale Allen</u>	OFFICE USE ONLY
SCDC NUMBER: <u>178666</u>	Grievance No. _____
INSTITUTION: <u>BRCI</u>	Code: General _____
HOUSING UNIT: <u>Mont. A-148</u>	Policy _____
WORK ASSIGNMENT: <u>Dirm Worker, Handicapped</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received _____
	IGC Initials _____

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) I am here now filing this grievance in regard to SCDC policy, which according to Instructions #4, on back, I can do at any time. Therefore I assert that this "policy grievance" should not be barred by a time limitation, or for any other reason that is wholly without merit when respectfully considering the factual basis for this "policy grievance". Additionally, when considering the extremely serious nature of the issue to be addressed in light of fundamentally fair procedure, as is afforded me by governing SCDC policy and relevant State law. As for this policy grievance, according to DP-21.07, Subsections 2.4, 2.5, 2.6 and 6.3.1 SCDC policy mandates, sets forth, that SCDC be unauthorized to accept any person into said Dept. unless there be a signed copy of a named person's sentencing sheet/commitment (form) in hand upon SCDC receiving said person, in this particular case William Dale Allen, into custody. otherwise commitment/custody of my person shall be deemed invalid according to SCDC policy and illegal according to State law. Regarding this matter, numerous Informal Resolutions have been attempted to no avail. See Below. As even in the obvious absence of a valid sentencing sheet/commitment form signed by the sitting judge in my case, SCDC officials are still refusing to adequately address this issue and, ultimately, order my immediate <sup>release</sup> due to the fact that SCDC has no such document to give legal cause for my personal commitment/custody into SCDC.

Informal Resolution Attempts:

- 16-061439      16-017482
- 16-061026      16-015736
- 16-060126
- 16-060147
- 16-052559
- 16-018596

William Dale Allen      5-1-16  
Grievant Signature      Date

ACTION REQUESTED: I am requesting presiding authority in this State's DOC immediately order my unconditional release from wrongful incarceration.

ACTION TAKEN BY IGC:  PROCESSED     UNPROCESSED     OTHER

\_\_\_\_\_  
IGC Signature      Date

(CONTINUE ON REVERSE SIDE)

---

**WARDEN'S DECISION AND REASON:**

---

**Warden Signature**

**Date**

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

---

**Grievant Signature**

**Date**

---

**IGC Signature**

**Date**

---

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.



Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

EXHIBIT #6

MAILED OUT  
APRIL 12, 2000

-----> SENTENCE <-----

STATE OF SOUTH CAROLINA  
COUNTY OF Hampton

CASE #: 91GS25-0639

The defendant, William Dale Allen, is committed to the State Department of Corrections/County for a term of 10 years months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable\*, the balance suspended with probation for \_\_\_\_\_ months/years.

Restitution For physical injury \$ \_\_\_\_\_  
Yes/No Property Damage \$ \_\_\_\_\_

To be paid \_\_\_\_\_

Tor clerks for \_\_\_\_\_

Other conditions \_\_\_\_\_

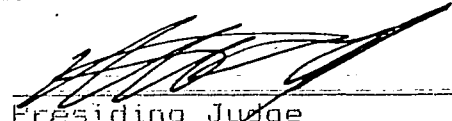
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NOV 01 1999

LR & EC

#178666

Date Oct 23, 1991

  
Presiding Judge  
Hampton

\*Cost and assessments  
Non waivable \$ \_\_\_\_\_  
Not waived \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

\_\_\_\_\_  
Clerk of Court

EXHIBIT #7

MAILED OUT BEFORE  
APR 13, 2000

SENTENCE

STATE OF SOUTH CAROLINA

CASE #: 916925-0638

COUNTY OF Hampton

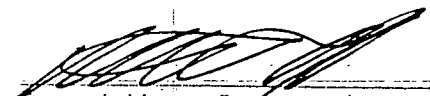
The defendant, William Dale Allen, is committed to the State Department of Corrections/County for a term of 5 yrs months/years and/or to pay a fine of \$ 91-58-25-639; provided Consecutive with Indictment 91-58-25-639 Concurrent with sentence now serving. upon the service of \_\_\_\_\_ months/years and/or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable%, the balance suspended with probation for \_\_\_\_\_ months/years.

Restitution For physical injury \$ \_\_\_\_\_  
Yes/No Property Damage \$ \_\_\_\_\_  
To be paid \_\_\_\_\_

To clerks for \_\_\_\_\_  
Other conditions \_\_\_\_\_

RECEIVED  
NOV 01 1991  
LR & EC  
#178666

Date Oct 23, 1991

  
Presiding Judge  
Hampton

\*Cost and assessments  
Non-waivable \$ \_\_\_\_\_  
Not waived \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

RECEIVED  
NOV 05 1991  
RECEPTION CENTER  
RECEIVING / SERVICES OFFICE

Clerk of Court

FEB 24 2017

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

**SC ADMIN. LAW COURT**

William Allen, 178666, )  
 )  
 Appellant, )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 )

Docket No.: 16-ALJ-04-0641-AP  
Grievance No.: BRCI 427-16

**ORDER**

**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to the Notice of Appeal filed August 24, 2016, by William Allen (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). In this appeal, Appellant requests review of the Department’s decision concluding that Appellant is legally incarcerated, pursuant to his life sentence for murder.

**STANDARD OF REVIEW**

The ALC has subject matter jurisdiction to hear appeals where the inmate believes his or her sentence has been erroneously calculated by prison officials. *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). When reviewing the Department’s decisions in inmate grievance matters, the ALC sits in its appellate capacity, applying the appellate standard of the Administrative Procedures Act. *See id.*, 338 S.C. at 377, 527 S.E.2d at 754. Consequently, review in inmate grievance cases is limited to the record presented. S.C. Code Ann. § 1-23-380(4) (Supp. 2016). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2016). Substantial rights of the appellant are prejudiced when the agency’s decision, including the agency’s findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

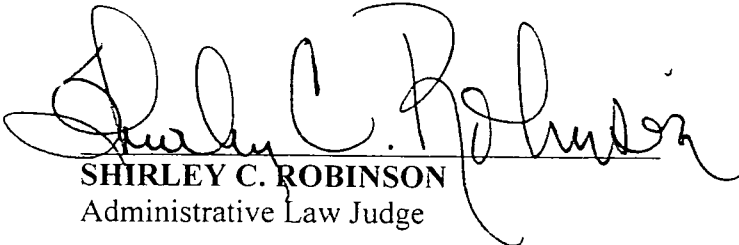
## DISCUSSION

In this case, Appellant argues that the Department failed to follow policy and procedure. Specifically, Appellant argues that he is incarcerated without a valid commitment order, in violation of SCDC Policy OP-21.09, ¶ 11.4–11.7 (Nov. 1, 2007). However, a prison official's failure to follow the prison's own policies, procedures or regulations does not in itself constitute a constitutional violation. See Weatherholt v. Bradley, 316 Fed. Appx. 300, 303 (4th Cir. 2009) (not selected for publication) (quoting Myers v. Klevenhagen, 97 F.3d 91, 94 (5th Cir. 1996)).

The record contains a facially valid sentencing order from a general sessions judge. The purpose of the ALC is to review agency decisions. See Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Env'tl. Control, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative actions under the South Carolina Constitution). Agencies perform administrative functions within the scope of their statutory authority, such as sentence calculations. "An administrative agency has only such powers as have been conferred by law and must act within the authority granted for that purpose." Bazzle v. Huff, 319 S.C. 443, 445, 462 S.E.2d 273, 274 (1995) (citation omitted). Neither the Department, nor this Court, are empowered to make a determination regarding the validity of a sentence issued by a circuit court judge. See Jernigan v. State, 340 S.C. 256, 259–60, 531 S.E.2d 507, 508–09 (2000) (citations omitted) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in Al-Shabazz); State v. Bennett, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Ct. App. 2007) (noting that a grievance under Al-Shabazz is essentially an attempt to enforce a sentence correctly, not challenge it). A collateral challenge to a sentence must be brought under the Uniform Post-Conviction Procedure Act. See S.C. Code Ann. § 17-27-10 et seq. Because it appears that the Department is merely enforcing a valid sentence, and because a challenge to the validity of that sentence falls outside this Court's scope of review, the Court must affirm the Department's decision.

**THEREFORE, IT IS HEREBY ORDERED** that the decision of the Department is **AFFIRMED**.

AND IT IS SO ORDERED.

  
SHIRLEY C. ROBINSON  
Administrative Law Judge

February 24, 2017  
Columbia, South Carolina

DATE OF SERVICE

This is to certify that the undersigned has this date served in a proper manner the above entitled action upon all parties to this cause by depositing copies thereof in the United States Mail postage paid at the Maryland Mail Service addressed to the party, last of the attorney(s).

On 24 day of February 2017  
by [Signature]  
[Signature]

The State of South Carolina  
In the Court of Appeals

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

Lower Court Case No. 16-ALJ-04-0641-AP  
Court of Appeals Case No. 2016-000596

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NOV 16 2017

SC Court of Appeals

William Allen, #128666

Appellant

V.

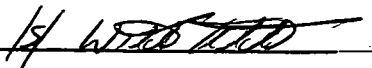
South Carolina Dept. of Correct.

Respondent

Certificate of Service

I hereby certify, that I have served Respondent  
a copy of Appellant's record of appeal.

S.C.D.C. General Counsel  
Melissa J. Arnold, Esquire  
South Carolina Dept. of Correct.  
4444 Broad River Road  
Columbia, S.C. 29210

  
WILLIAM ALLEN #128666  
4460 Broad River Rd.  
Columbia, S.C. 29210

DATED November 13, 2017

Pre Se - 11-12-17

Dear Clerk, for the court,

11-12-17

The South Carolina prison system is completely out of control. The gangs have taken over. The worse I have seen or had to deal with the past 27 years. that I have been in here. He may not admit it but the director has no control over the S.C. prison at this time (that is a fact)

The gangs are running the prison. They are stabbing, raping, robbing and murdering people in here on a regular bases.

S.C.D.C. is doing its best to keep it all covered up and keep it from the public. But I live it every day. it's a fact.

My point is also this. We stay lock-down most all the time. I have no law books. I have no access to the law library. In fact I have very, very limited access to get legal mail in or out of this prison. Most of the time we are denied access to the mail room. We can never get legal mail in or out on time.

I am locked in a cell. that has a sheet of plate steel covers the only window. I am in the dark, 24 hours a day. I do not know if it is night or day. This is inhumane and insane. to treat people in the manner. I am being held and living under barbaric conditions.

Right here in S.C. prison at Broad River Correctional Institution in the Capital City of S.C.. Every word I have stated is a true fact. This is straight Criminal mental torment. Death at this point would be a blessing. Personally at 64 years old and in bad health. I can't hold-up much longer under these conditions. I am no lawyer and do not know what else to do. to get my case or issue before the court. I do know that S.C.D.C. has no authority of law to hold me at this time.

I am being held illegal.

Sincerely,  
William Allen, Jr.

RECEIVED

NOV 16 2017

SC Court of Appeals