

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.P.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 Bldg.
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 #128666

Broad River Correc. Inst.

4460 Broad River Road

Columbia, S.C. 29210

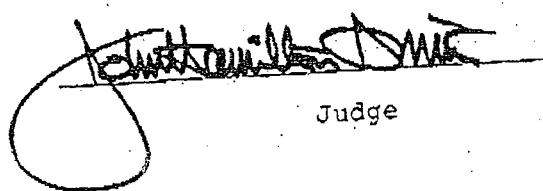
Pro-Se 11-13-17

Exhibit #1

THIS PAPER IS BOGUS / COUNTERFEIT / FAKE / FAISE
PLUS THIS IS NO COMMITMENT ORDER

MAY-26-1995 14:15 FROM Orangeburg Family Court TO 918038961217 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 
 21 Judge
 22
 23
 24
 25 Page 1 OF 10

PENGAD CO., BAYORNE, N.J. 07002 - FORM 105*

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
 charge. 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>PRCI</i>	LIVING QUARTERS: MONTICELLO UNIT	

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 case worker. 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 Leggins
Executive Assistant
Director's office.

Thank you,
Will D. Hill

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

DATE: *8/11/2016*

SIGNATURE: *T. Brown*

EXHIBIT #3

COMMITMENT ORDER

Appendix D
Sample Sentencing Sheet

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE VS

INDICTMENT/CASE# SS-

AAA:
Race: Sex: Age:
DOB: SS#:
Address:
City State Zip:
DL# SID#

ANN#
Date of Offense:
S.C. Code §:
CDR Code #:

SENTENCE SHEET

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

In violation of § of the S.C. Code of Laws, bearing CDR Code #
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS §17-25-45
(CSC Adminr 11* or Lawd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation 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 or 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, Parole 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 PTUP
Total \$ plus 20% fee \$ days/hours Public Service Employment

Payment Terms
set by SCEPPPS

Obtain GED
Attend Voc Rehab or Job Corp.

Recipient:

May serve W/E beginning
Substance Abuse Counseling

Table with 2 columns: Description and Amount. Includes items like Fine, Assessments, Surcharges, and Public Def/Prob.

Random Drug/Alcohol Testing
Fine may be pd in equal consecutive weekly/monthly
prmts of \$ Beginning
paid to Public Defender Fund
Other
Appointed PD or appointed other counsel \$35 /3 TP
Requires \$200 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk
Court Reporter

PRESIDING JUDGE
Judge Code
Sentence Date

SCCA-217 (07/2008)

EXHIBIT #4

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>Dorm 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 OP-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 persons 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 ^{release} 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

Will D. 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 _____

For clerks for _____ **
Other conditions _____

RECEIVED

NOV 01 1991

LR & EC

#178666

Date Oct 23, 1991

[Signature]
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 #: 91GS25-0638

COUNTY OF Hampton

The defendant, William Dale Allen, is committed to the

State DEpartment of Corrections/County for a term of 5 yrs

Consecutive with Indictment 91-58-25-639
months/years and/or to pay a fine of \$ _____; provided

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

[Signature]
Presiding Judge
Hampton

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

RECEIVED
NOV 05 1991
RECEPTION CENTER
Recording / Records Office

Clerk of Court

** Pay to Victim's Compensation Fund if subrogated.

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.*

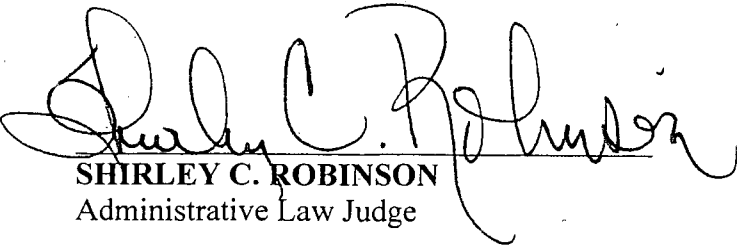
DISCUSSION

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

CERTIFICATE OF SERVICE
This is to certify that the undersigned has in a date served this order in the above entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, or in the Emergency Mail Service addressed to the party(ies) or their attorney(s).
This 24 day of February 2017
By: [Signature]
Clerk of Court