

LEGAL MAIL

NOTICE OF APPEAL FROM ADMINISTRATIVE TRIBUNAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

DEC 19 2017

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Phillip Lenski, ADMINISTRATIVE LAW JUDGE

Case No: 2017-002336

South Carolina Department of Corrections Respondent,
v.
William Leon Burnett Appellant,

REINSTATEMENT OF APPEAL

• Appellant is not held to the same standard as that of Lawyers. Rather, in the prisoner's litigants filing of motions and complaint, is of lesser stringent standard. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978).

• Appellant didn't receive his November 14, 2017 notice from Deputy Clerk of Court, Ms. V. Claire Allen until November 17, 2017 blocked and dated by Allendale Correctional Institution's Mailroom Coordinator, Ms. Virginia Grubbs. Though the statute of limitations runs from the date the notice is filed by the Clerk of Court, which is 10 days. Even though given that holidays fell on the 24th let alone the 27th being actuated deadline from date prisoner received it into his hand blocked and dated.

• Appellant is NOT ALLOWED per SCDC Policy PS 10.08 and GA 01.03 to have the excessive copies made of legal documents of a specified calling there of at all in a week. Thus, when command and compelled by Court Rules for six (6) Copies, Ms. Valerie Jones has denied "Access to the Court" for Appellant.

- Appellant made an honest attempt to comply with the Order of correction by Clerk of Court, Exhibit I.
- Finally, Appellant did not realize that each judge of the Court of Appeals is to receive a copy of the Notice of Appeal and Proof of Service of Respondent and Administrative Law Court.
- For the above reasons and compliance with South Carolina Appellate Court Rules (SCACR), Rules 203(b)(6), 231, and 238. Appellant will fully ask the Court to reinstate his appeal.

Wherefore, this Honorable Court should grant Appellant's motion.

December 12, 2017

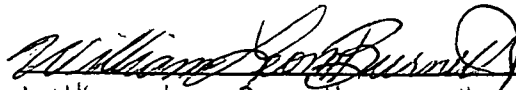

William Leon Burnett, SODO# 252645
Allendale Correctional Institution
Colleton A39
1057 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-1127

Table of Exhibits

Exhibit A: Date of copy of Envelope received clocked and dated November 16, 2017

Exhibit B: Dated copy of Envelope received clocked and dated December 7, 2017 of Order

Exhibit C: Notice of corrections by Deputy Clerk of Court Ms. V. Claire Allen dated November 14, 2017

Exhibit D: Order of the Court December 5, 2017

Exhibit E: Letter dated November 15, 2017 reiterated that they sent Court's letter dated November 14, 2017

Exhibit F: A.L.C. Order of Dismissal

Exhibit G: Acknowledgment letter that Court of Appeals received Appellant's Notice of Appeal

Exhibit H: Application to Proceed Without Payment of Cost and Affidavit In Support thereof

Exhibit I: Letter dated November 28, 2017 of corrected deficiencies and to include in context of letter the declaration statement

Exhibit J: Date of copy of Envelope ^{received} clocked and dated November 17, 2017.

EXHIBIT A



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

NOV 14 2017
PM 2:1

Hasler

11/14/2017

US POSTAGE

FIRST-CLASS MAIL

\$00.46



ZIP 29201
011D12602824

352645 FIA39

RECEIVED
NOV 16 2017
MAILROOM
ACI

WILLIAM LEON BURNETT, #358645
ALLENDALE CORRECTIONAL INSTITUTION
P. O. BOX 1151, HWY 47
FAIRFAX SC 29827

29827-115151

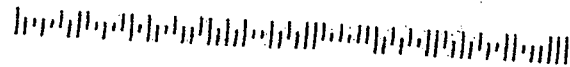


EXHIBIT B



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

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SC 290
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12/05/2017

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WILLIAM LEON BURNETT, #352645
ALLENDALE CORRECTIONAL INSTITUTION
P. O. BOX 1151, HWY 47
FAIRFAX SC 29827

RECEIVED

DEC 07 2017

MAIL ROOM

29827-115151

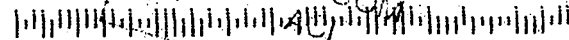




EXHIBIT C

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 14, 2017

William Leon Burnett, #358645
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax SC 29827

Re: William Burnett #358645 v. SCDC
Appellate Case No. 2017-002336

Dear Mr. Burnett:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected in its entirety within ten (10) days of the date of this letter or this appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, there is no proof of service on the respondent. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- A proof of service showing that a copy has been served the Administrative Law Court has not been provided as required by Rule 203(b)(6), SCACR.
- The required filing fee has not been submitted. The correct filing fee is \$100.00.
- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christina Catoe Bigelow, Esquire

The South Carolina Court of Appeals

William Burnett #352645, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-002336

ORDER

Appellant has failed to provide the notice of appeal filing fee, the order(s) and/or judgment(s) challenged on appeal, and a proof of service on the respondent and Administrative Law Court as required by Rule 203 of the South Carolina Appellate Court Rules, as well as this Court's letter dated November 14, 2017. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc:

William Leon Burnett, #352645
Christina Catoe Bigelow, Esquire

FILED

December 5, 2017



EXHIBITE

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 15, 2017

Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street
Suite 224
Columbia SC 29201

Re: William Burnett #358645 v. SCDC
Appellate Case No. 2017-002336

Dear Clerk of Court:

Enclosed is a copy of the Court's letter dated November 14, 2017.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William Leon Burnett, #358645
Christina Catoe Bigelow, Esquire

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, William L. Burnett, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my appeal I declare under penalty of perjury that the following facts are true:

- (1) I am the appellant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

William L. Burnett
William L. Burnett

SWORN to subscribed before me this 11
day of December, 2017.

Virginia Greub (L.S.)
NOTARY PUBLIC

My Commission Expires: 12/12/22.

EXHIBIT H

**INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES**

Allendale

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

NOV 07 2017
RECEIVED

NOV 30 2017

INMATE NAME (print): William Leon Burnett
Unit # FLA39

MAILROOM
ACI

SCDC # 352645 INMATE SIGNATURE: William Leon Burnett

I plan to file this action in the SC County of Allendale - Fairfax

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 20.00
- (2) Twenty percent (20%) of line 1 \$ 4.00
- (3) Account balance - current date \$ 0.246 (Previous Hold on) 2.46
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # _____ \$ 0

****NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

SCDC FINANCIAL ACCOUNTING
2017 NOV -8 PM 4: 05

Admission date is noted here if inmate incarcerated less than six months / /

Peggy Cawthon
Prepared by Financial Accounting Branch - SCDC

11/16/17
Date officer must prepare 297

Per
Your request

Burnett, William

F1 A39

William Leon Burnett, sccc# 352645
 Allendale Correctional Institution
 Colleton A39
 1057 Revolutionary Trail
 Post Office Box 4151
 Fairfax, South Carolina 29827-7127

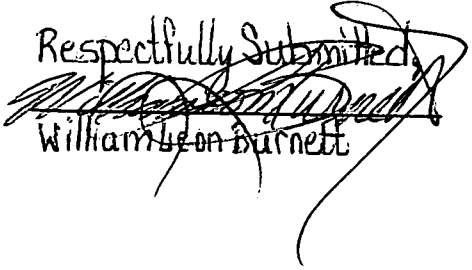
November 28, 2017

Ms. Jennifer Abbott-Kitchens
 Clerk of Court
 South Carolina Court of Appeals
 1220 Senate Street
 Post Office Box 11629
 Columbia, South Carolina 29211-1629

Re: William Leon Burnett v. South Carolina Department of Corrections
 Appellate Case No: 2017-002336

Ms. Jennifer Abbott-Kitchens,
 Take "Judicial Notice" and find enclosed
 the corrected request documents and Declaratory Statement. I
 hope that this helps. Please respond in kind.

Respectfully Submitted,


 William Leon Burnett

cc: Pile
 Honorable Phillip Lenski
 Administrative Law Court - Judge
 Ms. Cherone Hiss
 South Carolina Department of Corrections
 Administrative Assistant - Office of General Counsel

EXHIBIT J



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

11/15/2017

US POSTAGE

\$00.46⁰



ZIP 29201
011D12602824

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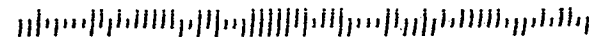
NOV 17 2017

MAILROOM
ACI

WILLIAM LEON BURNETT, #358645
ALLENDALE CORRECTIONAL INSTITUTION
P. O. BOX 1151, HWY 47
FAIRFAX SC 29827

FIA 39

29827#1151 8007



PROOF OF SERVICE OF REINSTATEMENT OF APPEAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
Phillip Lenski, Administrative Law Judge

Case No: 2017-002336

South Carolina Department of Corrections Respondent,

v.

William Leon Burnett Appellant,

PROOF OF SERVICE

I certify that I have served the **Reinstatement of Appeal** on Ms. Christina Catoe Bigelow, Staff Attorney, Ms. Jennifer Abbott Kitchens, Clerk of Court, and Clerk of Court A.L.C. by depositing a true copy of it in the United States Mail, postage prepaid, on December 18, 2017, addressed to the Respondent, South Carolina Department of Corrections, 4444 Broad River Road, Columbia, South Carolina 29221, South Carolina Court of Appeals, 1220 Senate Street, Post Office Box 11629, Columbia, South Carolina 29211-1629; and the Administrative Law Court: Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201-3739 by personally delivering a copy of it in the institution mailroom on December 12, 2017.

LEGAL MAIL

December 18, 2017

~~William Leon Burnett~~
William Leon Burnett, SCD #352645
Allendale Correctional Institution
Colleton A39
1057 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

William Leon Burnett, #352645
Allendale Correctional Institution
Colleton A39
1057 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

December 12, 2017

Ms. Jennifer Abbott-Kitchens
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, South Carolina 29211-1629

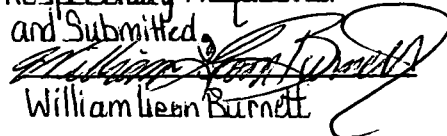
RECEIVED
DEC 19 2017
SC Court of Appeals

Re: William Leon Burnett v. South Carolina Department of Corrections
Appellate Case No. 2017-002336

Ms. Jennifer Abbott-Kitchens,

Please find enclosed my MOTION OF
REINSTATEMENT with Exhibits A-J. Please file this with the Court
along with Application To Proceed Without Payment. I already sent
in my INDIGENCY STATUS on November 28, 2017. However, your office never
acknowledged it whether your office received it. Please respond in kind.

Respectfully Requested
and Submitted,


William Leon Burnett

cc: file
Ms. Christina Cato Bigelow.
Clerk of Court
South Carolina Administrative Law Court
ATT: Phillip Lenski - A. L. J.

William Leon Burnett, SCDC # 352645
Allendale Correctional Institution
Colleton A 39
1057 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

Ms. Jennifer Abbott-Kitchens
South Carolina Court of Appeals
Clerk of Court
1220 Senate Street
Post Office Box 11629
Columbia, South Carolina 29211-1629

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DEC 19 2017
SC Court of Appeals

RECEIVED
DEC 14 2017
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