

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

January 12, 2018

William Dale Allen, #178666
Broad River Correctional Institution
4460 Broad River Road
Columbia, South Carolina 29210

RECEIVED
JAN 16 2018
SC Court of Appeals

RE: William Dale Allen, #178666, v. South Carolina Department of Corrections
Appellate Case No. 2017-000596

Dear Mr. Allen:

Pursuant to SC Appellate Court Rule 210, it is the Appellant's responsibility to file the Record on Appeal. Although the grievances requested by Respondent were included in the Record on Appeal in the Administrative Law Court, Appellant failed to include same in the Record on Appeal for the Court of Appeals. In the interest of expediting the Court's review of this matter, enclosed please find copies of Appellant's Step One and Step Two Grievances to be added to the Record on Appeal.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Melissa J. Arnold
Staff Attorney
South Carolina Department of Corrections

cc: The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE: 7-5-16 ⁶⁰⁴¹

STEP 2
AUG 05 2016

INMATE NAME: William Allen, SR
SCDC NUMBER: #128666
INSTITUTION: BRCI
HOUSING UNIT: MONT. A-148
WORK ASSIGNMENT: _____

DIVISION OF CLASSIFICATION
INMATE RECORDS

Office Use Only
Grievance No. BRCI-0427-16
Code: General
Policy
Disc. Hear.
Class.
Date Received JUN 30 2016
IGC Initials AD

RECEIVED
AUG 30 2016

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I completely disagree with this inaccurate decision from the Warden and it is with-out doubt unacceptable. There is no sentencing sheet in my case so how could it be correct or in-correct when it don't even exist.

The state Classification Dept. is completely wrong. The paper they are calling a sentencing sheet is not a sentencing FORM that was used and approved by the state for the time frame I entered SCDC, and with-out doubt SCDC was then and is now currently in violation of Policy OP.21.09 and I am therefore being held Unlawfully.

The Clerk of Court's record in Orangeburg County is void a valid sentencing sheet and void a commitment ORDER for me to have ever been excepted into SCDC.

That is a fact that has been verified. It not then

Produce + show me the Commitment Order (you can't)

Grievant Signature

6-30-16
Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. You stated in this grievance that SCDC does not have commitment orders committing you to serve time in SCDC. You stated that you are requesting that SCDC immediately release you from its custody. Records indicate that you were committed to the SCDC on July 17, 1991, from several Criminal Conspiracy charges. On Indictment Numbers 95-GS-181075, 95-GS-181074, 95-GS-181076, 95-GS-181073, and 95-GS-25638, you received 5-years for each count to run concurrently. Also, you were convicted for another Criminal Conspiracy Indictment Number 91-GS-25639, where you received a 10 year sentence. It is noted that Indictment 91-GS-25638 is consecutive to 91-GS-25639. Technically, these sentences have been completed. Finally, you have been convicted and serving a life sentence for Murder which is your dominate sentence.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Keith D. Asch 8/8/16
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature

Date

IGC Signature

RECEIVED

(SEE REVERSE SIDE FOR INSTRUCTIONS)

JAN 16 2018

SC Court of Appeals

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

STEP 1

INMATE NAME: <u>William Dale Allen</u> SCDC NUMBER: <u>178666</u> <u>MAY 06</u> 17 INSTITUTION: <u>BRCI</u> HOUSING UNIT: <u>Mont. A-148</u> WORK ASSIGNMENT: <u>Disc Worker, Handicapped</u>	OFFICE USE ONLY Grievance No. <u>BRCI-0127-11</u> Code: General _____ Policy _____ Disc. Hear. _____ Class. <u>2</u> PREA _____ Date Received <u>MAY 17 2016</u> IGC Initials <u>WDA</u>
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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-21.09, 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 (firm) 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 16-017992
 - 16-061026 16-015736
 - 16-060126
 - 16-060147
 - 16-052559
 - 16-019596

W.D.A. 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


See Warden's Response
Pat Dove 6/16/16
 IGC Signature Date

WARDEN'S DECISION AND REASON:

Inmate Allen William 178666;

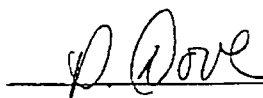
This is in response to BRCI-0427-16. All pertinent information and documentation has been reviewed. As was stated to you previously, we have the documentation that is required for your sentencing. Per our State Classification Department, that documentation is correct for the time frame that you entered into SCDC. The forms do change over the years, but what we have is accurate. You have the right to contact the Clerk of Court in Orangeburg County and have them forward documents to our Inmate Records Department if you feel your sentencing sheet is not correct.

Based on this information, your grievance is denied. If not satisfied with my response, see Step 5 below.

 6/23/16
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.

 6-29-16
Grievant Signature Date

 6/29/16
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.



South Carolina
Department of
Corrections

Office of General Counsel
P.O. Box 21787/4444 Broad River Road
Columbia, South Carolina 29221-1787

RECEIVED

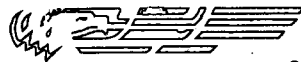
JAN 16 2018

SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211



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