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THE STATE OF SOUTH CAROLINA
In The Supreme Court
APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Administrative Law Judge
Order (S.C. Ct. App. filed Oct. 17, 2017)

FEB 07 2018

S.C. SUPREME COURT

Dock Nos. 07-ALJ-04-00444-AP, 07-ALJ-04-00445-AP, 07-ALJ-04-00446-AP, 07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-AP, 07-ALJ-04-00500-AP, 07-ALJ-04-00501-AP, 07-ALJ-04-00502-AP, 07-ALJ-04-00503-AP, 07-ALJ-04-00504-AP, 07-ALJ-04-00505-AP, 07-ALJ-04-00506-AP, 07-ALJ-04-00507-AP, 07-ALJ-04-00508-AP, 07-ALJ-04-00509-AP, 07-ALJ-04-00510-AP, 07-ALJ-04-00511-AP, 07-ALJ-04-00512-AP, 07-ALJ-04-00513-AP, 07-ALJ-04-00514-AP, 07-ALJ-04-00515-AP, 07-ALJ-04-00516-AP, 07-ALJ-04-00517-AP, 07-ALJ-04-00518-AP, 07-ALJ-04-00519-AP, 07-ALJ-04-00520-AP, 07-ALJ-04-00521-AP, 07-ALJ-04-00522-AP, 07-ALJ-04-00523-AP, 07-ALJ-04-00524-AP, 07-ALJ-04-00525-AP, 07-ALJ-04-00526-AP, 07-ALJ-04-00527-AP, 07-ALJ-04-00528-AP, 07-ALJ-04-00529-AP, 07-ALJ-04-00530-AP, 07-ALJ-04-00531-AP, 07-ALJ-04-00532-AP, 07-ALJ-04-00533-AP, 07-ALJ-04-00534-AP, 07-ALJ-04-00535-AP, 07-ALJ-04-00536-AP, 07-ALJ-04-00537-AP, 07-ALJ-04-00538-AP, 07-ALJ-04-00539-AP, 07-ALJ-04-00540-AP, 07-ALJ-04-00541-AP, 07-ALJ-04-00542-AP, 07-ALJ-04-00543-AP, 07-ALJ-04-00544-AP, 07-ALJ-04-00545-AP, 07-ALJ-04-00546-AP, 07-ALJ-04-00547-AP, 07-ALJ-04-00548-AP, 07-ALJ-04-00549-IJ, 07-ALJ-04-00550-AP, 07-ALJ-04-00551-AP, 07-ALJ-04-00552-AP, 07-ALJ-04-00553-AP, 07-ALJ-04-00554-AP, 07-ALJ-04-00555-AP, 07-ALJ-04-00556-AP, 07-ALJ-04-00557-AP, 07-ALJ-04-00558-AP, 07-ALJ-04-00559-AP, 07-ALJ-04-00623-AP, 07-ALJ-04-00624-AP, 07-ALJ-04-00625-AP, 07-ALJ-04-00626-AP, 07-ALJ-04-00627-AP, 07-ALJ-04-00628-AP, 07-ALJ-04-00629-AP, 07-ALJ-04-00630-AP, 07-ALJ-04-00631-AP, 07-ALJ-04-00632-AP, 07-ALJ-04-00671-AP, 07-ALJ-04-00672-AP, 07-ALJ-04-00673-AP, 07-ALJ-04-00674-AP, 07-ALJ-04-00675-AP, 07-ALJ-04-00676-AP, 07-ALJ-04-00677-AP, 07-ALJ-04-00691-AP, 07-ALJ-04-00752-AP, 07-ALJ-04-00798-AP, 07-ALJ-04-00856-AP, 07-ALJ-04-00857-AP, 07-ALJ-04-00858-AP, 07-ALJ-04-00859-AP, 07-ALJ-04-00860-AP, 07-ALJ-04-00861-AP, 07-ALJ-04-00862-AP, 07-ALJ-04-00863-AP, 07-ALJ-04-00864-AP, 07-ALJ-04-00865-AP, 07-ALJ-04-00866-AP, 07-ALJ-04-00867-AP, 07-ALJ-04-00868-AP, 07-ALJ-04-00869-AP, 07-ALJ-04-00870-AP, 07-ALJ-04-00871-AP, 07-ALJ-04-00872-AP, 07-ALJ-04-00444-AP, 07-ALJ-04-00876-AP, 07-ALJ-04-00885-AP, 08-ALJ-04-00141-AP, 08-ALJ-04-00142-AP, 08-ALJ-04-00143-AP, 08-ALJ-04-00144-AP, 08-ALJ-04-00145-AP, 08-ALJ-04-00146-AP, 08-ALJ-04-00147-AP, 08-ALJ-04-00148-AP, 08-ALJ-04-00149-AP, 08-ALJ-04-00169-AP, 08-ALJ-04-00170-AP, 08-ALJ-04-00171-AP, 08-ALJ-04-00192-AP, 08-ALJ-04-00966-IJ, 08-ALJ-04-00967-IJ, 08-ALJ-04-00968-IJ, 08-ALJ-04-00969-IJ, 08-ALJ-04-00970-IJ, 08-ALJ-04-00971-IJ, 08-ALJ-04-00972-IJ, 08-ALJ-04-00973-IJ, 08-ALJ-04-00974-IJ, 08-ALJ-04-00975-IJ, 08-ALJ-04-00976-IJ, 08-ALJ-04-00977-IJ, 08-ALJ-04-00978-IJ, 08-ALJ-04-00979-IJ, 08-ALJ-04-00980-IJ, 08-ALJ-04-00981-IJ, 08-ALJ-04-00982-IJ, 08-ALJ-04-00983-IJ, 08-ALJ-04-00984-IJ, 08-ALJ-04-00985-IJ, 08-ALJ-04-00986-IJ, 08-ALJ-04-00987-IJ, 08-ALJ-04-00988-IJ, 08-ALJ-04-00989-IJ, 08-ALJ-04-00990-IJ, 08-ALJ-04-00991-IJ, 08-ALJ-04-00992-IJ, 08-ALJ-04-00993-IJ, 08-ALJ-04-00994-IJ, 08-ALJ-04-00995-IJ, 08-ALJ-04-00996-IJ, 08-ALJ-04-00997-IJ, 08-ALJ-04-00998-IJ, 08-ALJ-04-00999-IJ, 08-ALJ-04-01000-IJ, 08-ALJ-04-01001-IJ, 08-ALJ-

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Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378, Michael Benninger, #264212, Fredrick Brown, #289602, Timothy Brown, #238461, Terrell Buchanon, #277262, Christopher Bush, #300690, Rudy Cassidy, #238732, Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333, Gladstone Cummings, #267450, Patrick Curtis, #175139, Quintin Daniels, #196284, Curtis Davis, #238776, Heyward Dempsey, #134171, Phillip Denney, #240678, Paul Durham, #219573, Jerome Durham, #270393, Keith Eigner, #299153, Bernard Felder, #122099, Jermaine Garriett, #191274, Fred Gatewood, #289775, Dennis Goff, #177506, Gregory Grant, #109656, Nelson Hampton, #286427, James Hartman, #219770, Gary Hayes, #263985, Michael Hood, #279897, Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996, Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237, John Moultrie, #276527, Matin Muntaqim, #142282, Tony Pitts, #280579, Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472, Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareau, #128014, Quentin Baker, #297868, Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553, Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott, #228008, Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641, Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937, Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893, Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777, Daniel Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990, James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731, Wilbur Jordan, #272264, Alvin Stewart, #278595, Kevin Poston, #266083, Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537, Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981, Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593, Edward Bryant, #255998, Sherman Austin, #300028, Michael Baylor, #265682, Taurus Bowman, #252745,

Kenneth Carter, #243538, Calvin Drummond, #236322, David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820, Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487, Stephone Simmons, #300422, Larry McClam, #282972, Tyrone Aiken, #244428, Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756, Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #191961, Richard Butler, #162467, Gary Davis, #106144, Anthony English, #238474, Kerlan Etheredge, #236635, James Evans, #267837, Jose Flores, #240563, Robert Garrett, #291096, Reginald Geddis, #183851, Richard Graham, #228235, Gary Grooms, #283860, Wayne Harlen, #245705, Johnny Hayes, #267910, Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135, Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552, Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947, Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539, Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396, Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007, Derrick Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears,* #281967, Timothy Smith, #296539, David Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsden, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118... Petitioners,

v.

South Carolina Department of Corrections..... Respondent.

Court of Appeals Appellate Case No. 2017-002086

Supreme Court Appellate Case No. 2017-002503

REPLY TO RETURN TO PETITION
FOR A WRIT OF CERTIORARI

* Docket No. 07-ALJ-04-00826-AP may concern an unrelated case. Also, inmate Jeffrey Spears' correct number is 281697.

Pursuant to SCACR 242(g), Francis Ackerman, et al. (inmate) submits this reply to SCDC's return to the petition for a writ of certiorari.

QUESTION PRESENTED

SCDC does not present a counter-statement of the question presented (SCACR 242(f)) (SCDC return, p. 1).

SUMMARY OF SCDC'S OPPOSITION TO THE PETITION

SCDC states a summary of its response which, in part, is argumentative (SCDC return, pp. 1-2). Under SCACR 242(f), there is no provision allowing a response summary, let alone one containing argument. Inmate requests that the Court disregard the summary.

COUNTER-STATEMENT OF THE CASE

A statement of the case shall contain facts material to consideration of the question presented (SCACR 242(d)(3)). Here, the question presented is whether the Court of Appeals erred in deciding the ALC's September 7, 2017 rulings were not final decisions and thus not appealable (Petition, p. 1). However, SCDC's counter-statement, in part, summarizes events related to inmates' other petition for certiorari in Ackerman, et al. v. SCDC Appellate Case No. 2017-002010, now pending in this Court (SCDC return, p. 3 last para., p. 4 first para.). Inmate contends this information is not material to the question presented here, and should be disregarded.

ARGUMENT

A. SCDC contends the ALC made no rulings at the September 7, 2017 status conference, but only "statements" (SCDC return, pp. 5, 10). A "ruling" is a judicial or administrative interpretation of a statute, judicial determination of admissibility of evidence, or allowance of a motion, etc. (Black's Law Dictionary, Fifth Ed., p. 1197). Here, inmate contends each of the ALC rulings contested concerns the ALC's interpretation or application of legislation, a statute, or a motion, as follows:

First ruling: ALC would not carry out the Court of Appeals' remand (Petition, p. 4; App. pp. 30-31) ("legislation").

Second ruling: ALC did not have contested case but only appellate jurisdiction (Petition, p. 5; App. pp. 30-31, 34) ("legislation", "statutes").

Third ruling: ALC did not have jurisdiction because of pending appeal to the Court of Appeals (Petition, p. 5; App. pp. 27, 30, 35) ("motions", petition for "special referee", petition for "attorney's fees").

Fourth ruling: ALC would not now determine the motion for special referee (Petition, p. 6; App. p. 30) (petition for "special referee").

Fifth ruling: ALC stated counsel had a "vested contract" to a contingent fee (Petition, p. 7; App. pp. 36, 38-39) (Context was discussion of "15-77-300" and petition for attorney fees).

Sixth ruling: ALC stated attorney fees is a remedial action and §15-77-300, current version, can be applied retroactively (Petition, p. 7; App. pp. 36, 38-39) ("15-77-300", petition for attorney fees).

Seventh ruling: ALC stated it can use §15-77-300, current version, to clarify original §15-77-300 (Petition, p. 9; App. pp. 43-44) ("15-77-300").

Eighth ruling: ALC stated under current §15-77-300, ALC cannot grant an attorney fee greater than the contingent fee (Petition, p. 10; App. p. 36) ("15-77-300").

Ninth ruling: ALC stated he did not think he could hear attorney fees until the "official results obtained" are determined (Petition, p. 10; App. p. 35) (petition for "attorney fees", §15-77-300).

Tenth ruling: ALC stated attorney fee is determined by considering the six common law factors, and if necessary the lodestar, etc. (Petition, p. 11; App. pp. 39-41) (petition for "attorney's fees" and §15-77-300).

Eleventh ruling: ALC stated there is a question of law whether litigation in the ALC is a civil action under §15-77-300 (Petition, p. 11; App. p. 49)

(petition for attorney fees and §15-77-300).

Twelfth ruling: ALC stated anything happening at the agency level is not a civil action (Petition, p. 12; App. p. 46) (petition for attorney fees and §15-77-300).

Finally, SCDC contends there is no written order in the appendix (SCDC return, p. 10). The rules require the notice of appeal from administrative tribunals to be accompanied by a "copy of the decision(s) to be challenged on appeal" (SCACR 203(d)(2)(B)(ii)). Here, inmate attached to the notice of appeal a copy of the transcript containing the ALC rulings being appealed (App. pp. 24-53). This should satisfy the requirement of a "copy of the decisions".

Inmate submits the ALC made final rulings and decisions on September 7, 2017, which were properly appealed in accordance with the rules.

B. SCDC contends, since the ALC sits exclusively in an appellate capacity when reviewing SCDC final decisions regarding inmate pay claims, the ALC is not the proper forum to make factual determinations concerning such claims (SCDC return, p. 11). Initially, inmate contends SCDC's argument is not relevant to the question presented (SCACR 242(f)): Whether the Court of Appeals erred in deciding the ALC's rulings were not final decisions and thus not appealable (Petition, p. 1).

On the merits, SCDC bases its argument on Joshua Cramer, #251406 v. SCDC ALC Dock. No. 14-ALJ-04-0282-AP (A.L.J.D., Dec. 7, 2017) (SCDC return, p. 12). In Cramer, the Court of Appeals had reversed the ALC again on the policy/procedure v. incident grievance issue, and remanded to the ALC for consideration of Cramer's grievance on the merits*. On remand, the ALC held it had no

*The Court of Appeals' opinion in Cramer v. SCDC Op. No. 2016-UP-392, 2016 WL 4125880 (S.C. App., Aug. 3, 2016) is an unpublished opinion, has no precedential value, and should not be cited (SCACR 268(d)(2)). Inmate requests the Court to disregard this opinion, attached as Exhibit D to SCDC's return.

jurisdiction to hear the matter, and because it was on remand from the Court of Appeals for hearing on the merits, the ALC had to remand to SCDC to make the necessary factual determinations (SCDC return, Exh. C, p. 4). In so doing, the ALC relied on Al-Shabazz v. State 338 S.C. 354, 527 S.E. 2d 742 (S.C., 2000); ALC Rule 51; Wicker v. SCDC 360 S.C. 421, 424-5, 602 S.E. 2d 56, 58 (S.C., 2004); and Hamm v. S. Bell Tel. & Tel. Co. 305 S.C. 1, 406 S.E. 2d 157 (S.C., 1991).

In Al-Shabazz, 527 S.E. 2d at 754, the Court stated an inmate may seek review "..of Department's final decision by an ALJ.." and the ALJ sits in an appellate capacity to review "..Department's decisions". However, here the Court of Appeals' 2016 remand to the ALC to consider inmates' grievances on the merits (Ackerman, et al. v. SCDC 415 S.C. 412, 782 S.E. 2d 757, 762 (S.C. App., 2016)) had nothing to do with SCDC's final decisions in these cases. The ALC merits consideration mandated by the Court of Appeals' remand was for the **ALC's Level Three review.**

In 2010, the ALC had directed the parties by order to brief these appeals in three levels: The first level involved two legal issues, the second level the timeliness of grievance filings, and the third level involved the merits of the grievances (Ackerman, et al. v. SCDC App. Case No. 2016-000829; SCDC petition for certiorari Appendix, pp. 153-154, 179). Inmate requests the Court to take judicial notice of these records in the Supreme Court's files. When the Court of Appeals issued its 2016 remand in Ackerman (this case), ALC merits consideration in Level Three had not occurred as the case went up to the Court of Appeals on the timeliness issue before the ALC had the opportunity to merits consider the grievances.

The ALC review at issue in Al-Shabazz, as above noted, was of SCDC's "final decision" (527 S.E. 2d at 754). In our case, SCDC's final merits review occurred when it issued final merits decisions in 2007 before the cases

were ever appealed to the ALC (Ackerman, et al. v. SCDC, 782 S.E. 2d at 759). These SCDC final merits decisions are all contained in the above mentioned Ackerman 2016 petition for certiorari Appendix in volumes 3-10 of that Appendix, and inmate requests the Court to take judicial notice of those.

For these reasons, inmate contends Al-Shabazz is not analogous to the case here, where the Court of Appeals has remanded to the ALC for (Level Three) merits consideration of grievances. Inmate contends that remand gave the ALC **jurisdiction** to merits consider the grievances, and imposed a **duty** on the ALC to follow the Court of Appeals' express instructions to do so (Petition, p. 4, with discussion and authorities).

Pursuant to ALC Rule 51, the Special Appeals rules "..shall apply exclusively in matters heard on appeal from final decisions pursuant to Al-Shabazz v. State..". Thus, Rule 51 merely implements Al-Shabazz, and has nothing to do with ALC review on remand from the Court of Appeals with express instructions to the ALC to consider grievances on the merits.

In Wicker, 602 S.E. 2d at 58, the Court held "..the DOC's failure to pay in accordance with the statutes is reviewable by the ALJ". Wicker is also not concerned with the circumstances here for the same reasons stated above.

Finally, in Hamm, 406 S.E. 2d 157, 160, this Court had "reversed" a rate increase case and remitted to the Circuit Court. This Court did not expressly "remand" to the Commission. The Supreme Court stated no such instruction was needed in the circumstances presented: S.C. Code §18-9-270 stated the Supreme Court could reverse an order appealed from and the judgment would be remitted to the lower court to be enforced. Further, in light of the Court's precedent, the only reasonable interpretation of the law was for the Circuit Court to return the case to the Commission for it to act in accord with the Supreme Court's opinion.

The ALC in Cramer, and SCDC here, analogized Cramer's case to Hamm (SCDC return, p. 15). The ALC stated:

Similarly, just because the Court of Appeals did not expressly remand the instant case to the Department for the factual determination did not mean that this Court did not have the **authority** to remand the case to the Department for such a determination.

Inmate contends the analogy to Hamm is wrong for two reasons: First, the Court of Appeals here **expressly remanded to the ALC**, not SCDC, to consider the grievances on the merits. Second, the ALC here did not have **authority** to remand to SCDC to merits consider grievances because that violated the ALC's jurisdiction and duty as defined by the Court of Appeals' opinion remand. See Petition, p. 4. Thus, the ALC remand to SCDC was void and of no effect (20 Am Jur 2d (2015), Courts, §63) (Remand outside court's jurisdiction is null and void, and proceeding is as if remand had not occurred).

SCDC concludes its argument by citing the ALC's remand order to SCDC, which stated, in part, "(T)he Court of Appeals subsequently reversed and remanded the cases for processing of the grievances.." (SCDC return, p. 15; App. p. 18). However, this did not completely state what the Court of Appeals' remand had stated: The Court of Appeals' remand sent the cases back "..for the **ALC's consideration** of Inmates' grievances on the merits" (Ackerman, et al. v. SCDC, 782 S.E. 2d at 762). Thus, the ALC omission in its remand to SCDC strikes at the heart of the issue presented.

Inmate submits, when the Court of Appeals remanded to the ALC, the ALC was not sitting in its appellate capacity to review SCDC final decisions. Rather, the ALC was sitting in its contested case and appellate capacity to enforce the Court of Appeals' judgment and remand for the ALC to consider inmates' grievances on the merits in ALC Level Three review.

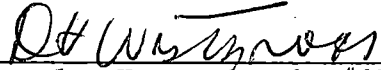
C. SCDC contends that none of the considerations governing review in SCACR 242(b) apply (SCDC return, p. 15). Inmate refers the Court to the considera-

tions governing review discussed on page 14 of the petition.

CONCLUSION

For the reasons stated in the petition and this reply, inmate requests the Court to grant the petition for a writ of certiorari.

Respectfully submitted,



Douglas H. Westbrook, #6039
23 Broad St.
Charleston, SC 29401
(843) 853-9600
Attorney for Petitioners

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Ralph K. Anderson, III, Administrative Law Judge
Order (S.C. Ct. App. filed Oct. 17, 2017)

Dock Nos. 07-ALJ-04-00444-AP, 07-ALJ-04-00445-AP, 07-ALJ-04-00446-AP, 07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-AP, 07-ALJ-04-00500-AP, 07-ALJ-04-00501-AP, 07-ALJ-04-00502-AP, 07-ALJ-04-00503-AP, 07-ALJ-04-00504-AP, 07-ALJ-04-00505-AP, 07-ALJ-04-00506-AP, 07-ALJ-04-00507-AP, 07-ALJ-04-00508-AP, 07-ALJ-04-00509-AP, 07-ALJ-04-00510-AP, 07-ALJ-04-00511-AP, 07-ALJ-04-00512-AP, 07-ALJ-04-00513-AP, 07-ALJ-04-00514-AP, 07-ALJ-04-00515-AP, 07-ALJ-04-00516-AP, 07-ALJ-04-00517-AP, 07-ALJ-04-00518-AP, 07-ALJ-04-00519-AP, 07-ALJ-04-00520-AP, 07-ALJ-04-00521-AP, 07-ALJ-04-00522-AP, 07-ALJ-04-00523-AP, 07-ALJ-04-00524-AP, 07-ALJ-04-00525-AP, 07-ALJ-04-00526-AP, 07-ALJ-04-00527-AP, 07-ALJ-04-00528-AP, 07-ALJ-04-00529-AP, 07-ALJ-04-00530-AP, 07-ALJ-04-00531-AP, 07-ALJ-04-00532-AP, 07-ALJ-04-00533-AP, 07-ALJ-04-00534-AP, 07-ALJ-04-00535-AP, 07-ALJ-04-00536-AP, 07-ALJ-04-00537-AP, 07-ALJ-04-00538-AP, 07-ALJ-04-00539-AP, 07-ALJ-04-00540-AP, 07-ALJ-04-00541-AP, 07-ALJ-04-00542-AP, 07-ALJ-04-00543-AP, 07-ALJ-04-00544-AP, 07-ALJ-04-00545-AP, 07-ALJ-04-00546-AP, 07-ALJ-04-00547-AP, 07-ALJ-04-00548-AP, 07-ALJ-04-00549-IJ, 07-ALJ-04-00550-AP, 07-ALJ-04-00551-AP, 07-ALJ-04-00552-AP, 07-ALJ-04-00553-AP, 07-ALJ-04-00554-AP, 07-ALJ-04-00555-AP, 07-ALJ-04-00556-AP, 07-ALJ-04-00557-AP, 07-ALJ-04-00558-AP, 07-ALJ-04-00559-AP, 07-ALJ-04-00623-AP, 07-ALJ-04-00624-AP, 07-ALJ-04-00625-AP, 07-ALJ-04-00626-AP, 07-ALJ-04-00627-AP, 07-ALJ-04-00628-AP, 07-ALJ-04-00629-AP, 07-ALJ-04-00630-AP, 07-ALJ-04-00631-AP, 07-ALJ-04-00632-AP, 07-ALJ-04-00671-AP, 07-ALJ-04-00672-AP, 07-ALJ-04-00673-AP, 07-ALJ-04-00674-AP, 07-ALJ-04-00675-AP, 07-ALJ-04-00676-AP, 07-ALJ-04-00677-AP, 07-ALJ-04-00691-AP, 07-ALJ-04-00752-AP, 07-ALJ-04-00798-AP, 07-ALJ-04-00856-AP, 07-ALJ-04-00857-AP, 07-ALJ-04-00858-AP, 07-ALJ-04-00859-AP, 07-ALJ-04-00860-AP, 07-ALJ-04-00861-AP, 07-ALJ-04-00862-AP, 07-ALJ-04-00863-AP, 07-ALJ-04-00864-AP, 07-ALJ-04-00865-AP, 07-ALJ-04-00866-AP, 07-ALJ-04-00867-AP, 07-ALJ-04-00868-AP, 07-ALJ-04-00869-AP, 07-ALJ-04-00870-AP, 07-ALJ-04-00871-AP, 07-ALJ-04-00872-AP, 07-ALJ-04-00444-AP, 07-ALJ-04-00876-AP, 07-ALJ-04-00885-AP, 08-ALJ-04-00141-AP, 08-ALJ-04-00142-AP, 08-ALJ-04-00143-AP, 08-ALJ-04-00144-AP, 08-ALJ-04-00145-AP, 08-ALJ-04-00146-AP, 08-ALJ-04-00147-AP, 08-ALJ-04-00148-AP, 08-ALJ-04-00149-AP, 08-ALJ-04-00169-AP, 08-ALJ-04-00170-AP, 08-ALJ-04-00171-AP, 08-ALJ-04-00192-AP, 08-ALJ-04-00966-IJ, 08-ALJ-04-00967-IJ, 08-ALJ-04-00968-IJ, 08-ALJ-04-00969-IJ, 08-ALJ-04-00970-IJ, 08-ALJ-04-00971-IJ, 08-ALJ-04-00972-IJ, 08-ALJ-04-00973-IJ, 08-ALJ-04-00974-IJ, 08-ALJ-04-00975-IJ, 08-ALJ-04-00976-IJ, 08-ALJ-04-00977-IJ, 08-ALJ-04-00978-IJ, 08-ALJ-04-00979-IJ, 08-ALJ-04-00980-IJ, 08-ALJ-04-00981-IJ, 08-ALJ-04-00982-IJ, 08-ALJ-04-00983-IJ, 08-ALJ-04-00984-IJ, 08-ALJ-04-00985-IJ, 08-ALJ-04-00986-IJ, 08-ALJ-04-00987-IJ, 08-ALJ-04-00988-IJ, 08-ALJ-04-00989-IJ, 08-ALJ-04-00990-IJ, 08-ALJ-04-00991-IJ, 08-ALJ-04-00992-IJ, 08-ALJ-04-00993-IJ, 08-ALJ-04-00994-IJ, 08-ALJ-04-00995-IJ, 08-ALJ-04-00996-IJ, 08-ALJ-04-00997-IJ, 08-ALJ-04-00998-IJ, 08-ALJ-04-00999-IJ, 08-ALJ-04-01000-IJ, 08-ALJ-04-01001-IJ, 08-ALJ-

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Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378, Michael Benninger, #264212, Fredrick Brown, #289602, Timothy Brown, #238461, Terrell Buchanon, #277262, Christopher Bush, #300690, Rudy Cassady, #238732, Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333, Gladstone Cummings, #267450, Patrick Curtis, #175139, Quintin Daniels, #196284, Curtis Davis, #238776, Heyward Dempsey, #134171, Phillip Denney, #240678, Paul Durham, #219573, Jerome Durham, #270393, Keith Eigner, #299153, Bernard Felder, #122099, Jermaine Garriett, #191274, Fred Gatewood, #289775, Dennis Goff, #177506, Gregory Grant, #109656, Nelson Hampton, #286427, James Hartman, #219770, Gary Hayes, #263985, Michael Hood, #279897, Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996, Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237, John Moultrie, #276527, Matin Muntaqim, #142282, Tony Pitts, #280579, Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472, Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareau, #128014, Quentin Baker, #297868, Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553, Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott, #228008, Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641, Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937, Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893, Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777, Daniel Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990, James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731, Wilbur Jordan, #272264, Alvin Stewart, #278595, Kevin Poston, #266083, Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537, Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981, Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593, Edward Bryant, #255998, Sherman Austin, #300028, Michael Baylor, #265682, Taurus Bowman, #252745,

Kenneth Carter, #243538, Calvin Drummond, #236322, David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820, Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487, Stephone Simmons, #300422, Larry McClam, #282972, Tyrone Aiken, #244428, Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756, Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #191961, Richard Butler, #162467, Gary Davis, #106144, Anthony English, #238474, Kerlan Etheredge, #236635, James Evans, #267837, Jose Flores, #240563, Robert Garrett, #291096, Reginald Geddis, #183851, Richard Graham, #228235, Gary Grooms, #283860, Wayne Harlen, #245705, Johnny Hayes, #267910, Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135, Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552, Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947, Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539, Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396, Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007, Derrick Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears,* #281967, Timothy Smith, #296539, David Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsden, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118... Petitioners,

v.

South Carolina Department of Corrections..... Respondent.

Court of Appeals Appellate Case No. 2017-002086

Supreme Court Appellate Case No. 2017-002503

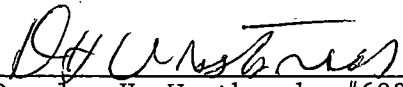
PROOF OF SERVICE

I certify that I have served petitioners' Reply to Return to Petition For a Writ of Certiorari on the S.C. Department of Corrections by depositing a copy

* Docket No. 07-ALJ-04-00826-AP may concern an unrelated case. Also, inmate Jeffrey Spears' correct number is 281697.

of it in the U.S. Mail, postage prepaid, on February 5, 2018, addressed to its attorney of record, Lake Summers, Esquire, of Malone, Thompson, Summers & Ott, LLC, 339 Heyward St., Suite 200, Columbia, SC 29201.

February 5, 2018.


Douglas H. Westbrook, #6039
23 Broad St.
Charleston, SC 29401
(843) 853-9600
Attorney for Petitioners