

The State of South Carolina  
In the Court of Appeals

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FEB 12 2018

SC Court of Appeals

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

William Allen, #128666 - - - - - Appellant

v.

South Carolina Dept. of Correc. - - - - - Respondent

Supplement to Appeal

Case No. 2016-000596

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

William Allen, #128666  
Broad River Correc. Inst.  
4460 Broad River Road  
Columbia, S.C. 29210

Pro Se

Attorney for Appellant

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## Statement of issue on appeal

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Supplement, Step one, Step two grievance 0422-16  
to be included in the Record on Appeal

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

Page 1, 2, 3, 4, 5, 6 + 7, Exhibit 1, 6 + 7  
8, 9, + 10

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## Argument,

The lack of a Commitment Order is the sole scope of the issue before the Court, S.C.C. is doing its best to muddy the water and take the focus off of the fact no Commitment Order exist on record, Page 5, Exhibit 1, is a fake paper, with no case number. no clerk stamp or seal. Clearly no Commitment Order.

Appellant will explain what took place 27 years ago. Appellant testified on behalf of the state some 90 days after the Orangeburg Case as was agreed to on Sunday July 14, 1991. Appellant excepted the time on Exhibit 6 + 7 that is why life was off of the table.

Exhibit 1 is a fake paper, that also contains false information typed on the face of it. The Clerk of Court's record is void a commitment order. The Clerk of Court's record is also void a legal valid sentencing sheet.

This state agency is in blatant violation of policy OP 21.09, 11.4-11.7. Policy states SCDC MUST have a commitment order, in order to accept an inmate into their custody. Page 5, Exhibit 1, clearly is NO commitment order.

If appellant may continue, the Warden's response to step one of grievance 0427-16, is completely not true.

The state did have in place legal valid commitment orders to be filled out and filed by a clerk of court in the year 1991. This fake paper marked exhibit 1 is not the correct document for the year 1991. This fake paper is also dated Sunday July 14, 1991. That alone shall make it Null + Void. Sunday is the Lord's day.

Step two of grievance states appellant was accepted in SCDC on July 12, 1991. Not true, that took place on Sunday July 14, 1991. SCDC states appellant had several criminal conspiracy charges. That also is not true. Simple look at the dates, they are well after July 12, 1991. SCDC has a problem with the truth coming before the court. The truth is the truth no matter who tells it. SCDC has NO commitment order to hold me.

### State 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 sole issue before the court. With-out a proper legal valid commitment order signed by a judge. With-out that document, this state agency has no authority of law to hold appellont in confinement.

The clerk of court's record in Orangeburg County is Void a commitment order. It does not 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 appellont in Custody. Appellont is being held unlawfully / illegal.

### Conclusion

For the foregoing reason stated, Appellont prays that the Court shall order, that appellont be released from Custody immediately. It is never to late to right a wrong.

~~H. Witt Old~~

William Allen #175600

Broad River Correct. Inst.

4460 Broad River Rd.

Columbia, S.C. 29210

Pro-Se

February 5-2018

Exhibit 1

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STATE OF SOUTH CAROLINA	)	
COUNTY OF ORANGEBURG	)	COURT OF GENERAL SESSIONS
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STATE OF SOUTH CAROLINA	)	
-vs-	)	SENTENCE OF JUDGE
WILLIAM DALE ALLEN,	)	
Defendant.	)	

I, the Judge in the above entitled case, having found beyond a reasonable doubt the existence of the following statutory, aggravating circumstances, to wit:

The murder was committed while in the commission of robbery while armed with a deadly weapon; and the murder was committed while in the commission of larceny with the use of a deadly weapon.

Now, we find that the defendant, William Dale Allen, should be sentenced to life imprisonment.

July 14, 1991

*[Signature]*  
Judge

No Case Number, No Clerk Stamp, No Committor Order Not Valid

FORM 1000 - 8/1000 - FORM 1000

Exhibit 6

maple out

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 91-56-25-639 months/years and/or to pay a fine of \$ \_\_\_\_\_; Concurrent with sentence now serving. 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 \_\_\_\_\_

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 waivable \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

RECEIVED  
NOV 05 1991  
RECEPTION CENTER  
Receiving / Records Office

Clerk of Court

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

Exhibit 7

When some was changed on  
April 17, 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 \_\_\_\_\_

To clerks for \_\_\_\_\_

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

Date Oct 23, 1991

*[Signature]*  
Presiding Judge  
Hampton

\*Cost and assessments

Non waivable \$ \_\_\_\_\_

Not waived \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Clerk of Court

Page 7 of 10

Officer's Compensation Fund if subrogated.

RECEIVED  
NOV 01 1991  
COURT CLERK CENTER  
HAMPTON, S.C.

RECEIVED

NOV 01 1991

LR & EC

#178666

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

**STEP 1**

<b>INMATE NAME:</b> <u>William Dale Allen</u>	<b>OFFICE USE ONLY</b> Grievance No. <u>BRC F- 0127-16</u> Code: General _____ Policy _____ Disc. Hear. _____ Class. <u>1</u> _____ PREA _____ Date Received <u>MAY 13 2016</u> IGC Initials <u>WDA</u>
<b>SCDC NUMBER:</b> <u>178666</u> <u>MAY 06</u>	
<b>INSTITUTION:</b> <u>BRCI</u>	
<b>HOUSING UNIT:</b> <u>Mont. A-148</u>	
<b>WORK ASSIGNMENT:</b> <u>Dorm Worker, Handicapped</u>	

**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(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                      16-017982
  - 16-061026                      16-015736
  - 16-060126
  - 16-060147
  - 16-052557
  - 16-019596

William D. Allen                      5-1-16  
 Grievant Signature                      Date

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

**ACTION TAKEN BY IGC:**  PROCESSED     UNPROCESSED     OTHER

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

STEP 1

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.

*This is completely not true, the state had legal valid commitment order to be used in 1991.*

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

*[Handwritten Signature]*  
Warden Signature      6/23/16  
Date

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

*[Handwritten Signature]*      6-29-16  
Grievant Signature      Date

*[Handwritten Signature]*      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  
INMATE GRIEVANCE FORM

641  
DUE: 7-5-16

STEP 2  
AUG 05 2016

INMATE NAME: WILLIAM ALLEN, SR  
SCDC NUMBER: #128666  
INSTITUTION: BRCT  
HOUSING UNIT: MONT. A-148  
WORK ASSIGNMENT: \_\_\_\_\_

DIVISION OF CLASSIFICATION  
INMATE RECORDS

Office Use Only  
Grievante No. BRCT-0427-16  
Code: General  
Policy: \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received JUN 30 2016  
IGC Initials AD

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 incorrect 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 accepted into SCDC.*

*That is a fact that has been verified. If not then produce + show me the commitment order (you can't)*

Watts B. Webb 6-30-16  
Grievant Signature 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.

*this is not true, I was accepted into SCDC on Sunday July 19, 1991, there were no conspiracy charges against me at that time, look at the records, that took place 90 days after I was placed in SCDC.*

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. Seft 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 \_\_\_\_\_ Date \_\_\_\_\_

(SEE REVERSE SIDE FOR INSTRUCTIONS)