

The State of South Carolina
In The Court of Appeals

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SC Court of Appeals

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

Lower Court Case No. 2017-ALJ-04-0080-AP
Appellant case No. 2017-000686


Andra Jamison, #337461, Appellant,

v.

South Carolina Department of Corrections, Respondent.

FINAL
"Appellant's Reply Brief"

17 Aug 2017
Date

Andra B. Jamison # 337461


Goodman Correctional Institution
4556 Broad River Rd.
Columbia SC 29210

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“ Statement OF Issue(s) on Appeal ”

Did the Lower Court err in not setting aside the Appellant's disciplinary conviction for possession of a cell phone and/or communication equipment on the basis of lack of evidence and/or failure to follow SCDC Policy and Procedure?

“ Statement OF The case ”

Appellant hereby reiterate his (Appellant's) initial brief.

This matter comes before this Honorable court pursuant to the Respondent's initial brief stating the ALC appropriately dismissed the appeal because Appellant did not lose any accrued good time credit.

“ Standard OF Review ”

S.c. code Ann. § 1-23-610 (B) provides ...

... the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The court may not substitute its judgement for the judgement of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law; ...

...
(e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

See also S.C. Code Ann. § 1-23-380 (A)(5); Al-Shabazz v. State, 338 S.C. 354, 380, 527 S.E.2d 748, 756 (2000).

In an appeal of the final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. See S.C. Code Ann. § 1-23-610 (B). A reviewing Court shall not substitute its judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions which are controlled by error of law or are clearly erroneous in view of the substantial...

...

evidence on the record as a whole. Id. In determining whether the ALC's decision was supported by substantial evidence, the court need only find, considering the record as a whole, evidence from which reasonable minds could reach the same conclusion that the ALC reached. Durant v. S.C. Dept't of Health and Environmental Control, 361 S.C. 416, 420, 604 S.E. 2d 704, 706 (Ct. App. 2004). The mere possibility of drawing two inconsistent conclusions from the evidence does not prevent a finding from being supported by substantial evidence. Id. at 420.

Argument

The Appellant hereby reiterate his argument alledged in Appellant's initial brief and would respectfully bring unto this Honorable courts attention that his october 18, 2016, disciplinary conviction for possession of of Any communication Device was issued in violation of constitutional...

...
provisions and clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record. See S.C. Code Ann. § 17-23-610 (B).

Wherefore, after careful consideration this Honorable court denied Respondent's motion to dismiss or summarily affirm this appeal and ORDERED the merits of the appeal shall be decided after final briefing is complete.
(R.O.A. PAGE 3 EXHIB. #1)

In this case, Appellant contends that the reliable, probative, and substantial evidence on the whole record shows a constitutional violation of Appellant's Fourteenth Amendment to the United States Constitution.

1). See (R.O.A. PAGE 8 EXHIBIT #5) Andrew Jameson and Roy Jones are the inmates who were charged with the (898) and (817). And not Appellant...

...

Whose name is Andra Jamison, # 337461.

2). Appellant Andra Jamison, also requested a counsel substitute and was denied that procedural right. See (^{ROA PAGE 4} EXHIBIT # 2) and (EXHIBIT # 1-A ADA PAGE 5)

3). The Respondent was suppose to request a (21) day extension prior to the expiration of the initial 21-day period to hold Appellant's hearing pursuant to Respondent's own Policy / Procedures. See OP-22.14 section (7.5). Also see (^{ROA, PAGE 6} EXHIBIT # 3) However, that was not done.

4). Appellant filed a step-1 grievance. See (R.O.A. PAGE 7 EXHIBIT # 4)

5). Appellant filed a step-2 grievance. See (R.O.A. PAGE 8 EXHIBIT # 5)

6). Appellant filed an appeal to the south carolina...

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...

Administrative Law court explaining that he (Appellant) was not Andrew Jameson. See (R.O.A. PAGE 9 EXHIBIT #6)

7). The ALC issued an ORDER dismissing Appellant's appeal on procedural grounds when from a reading of Appellant's record he is actually innocent. See (R.O.A. PAGE 10, 11 EXHIBIT #7)

8). Appellant then filed a Notice of Appeal to the court of Appeals and the Respondent then filed a Motion To Dismiss Appeal OR, Alternatively, To Summarily Affirm. See (R.O.A. PAGE 12-15 EXHIBIT #8)

9). Next the Appellant in this case filed a Motion titled Supporting Motion To Deny Dismissal. See (R.O.A. PAGE 16-19 EXHIBIT #9)


10). The South Carolina Court of Appeals denied Respondent's Motion to Dismiss or Summarily...

... to Affirm Appellant's appeal. See (R.O.A. PAGE 20 EXHIBIT #10)

Wherefore, Appellant's disciplinary conviction for the sCDc (898) infraction is clearly erroneous in view of the evidence that Respondent relied upon to convict the Appellant. Emphasis Added.

“ Conclusion ”

For the foregoing reason(s) Appellant respectfully submits that the court should reverse the Lower Court's decision.



Andra B. Jamison #337461
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Appellant Pro Se

Aug 17th, 2017.

CERTIFICATE OF SERVICE

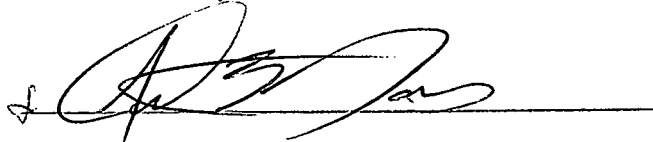
I ANDRA B. JAMISON #337461 HERE BY
CERTIFY THAT I HAVE SERVED THE SAID
FINAL REPLY BRIEF UPON THE PARTIES
LISTED BELOW BY PLACING IT IN THE HANDS
OF MAIL ROOM PERSONNEL AT LIVESAY CORRECT-
IONAL WITH SUFFICIENT PREPAID POSTAGE
AFFIXED TO INSURE PROPER DELIVERY
ADDRESSED AS FOLLOWS:

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Subscribed and sworn before me
this 21st day of December 2017

Katherine Scott

Notary Public

County of Partanburg

State of South Carolina

My Commission Expires 9/25/2027