

The State of South Carolina
In the Court of Appeals

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

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Lower Court Case No. 16-RJT-04-0641-AP

APR 12 2018

Court of Appeals Case No. 2017-000596

SC Court of Appeals

William Allen, #128666

Appellant

V.

South Carolina Dept. of Corrections

Respondent

Response to Respondent's Final Brief

April 6, 2018

Appellant

William Allen #128666

Pro-Se Counsel

Broad River Correct. Inst.

4460 Broad River Road

Columbia, S.C. 29210

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filed in Agency's final brief.

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Table of Authorities

I. Statutes

S.C. Code ANN. § 1-23-610

S.C. Code ANN. § 1-23-380

II. Cases

Being vision impaired my research is limited. I don't feel I need to disrespect the Appeals Court by quoting the law. I feel confident in the Honorable Judges on the bench of the Appeals Court. In fact the appellant feels the court should sanction this state agency and their attorney. Who is an officer of the court for bringing such faulty case before the court.

It only takes common sense to plainly see, the paper this agency has is not a Commitment Order. Therefore they have NO authority of law. That is the sole issue before the court.

This state agency is in blatant violation of this state agency's official policy OP2109-11.4-11.7. They MUST have a commitment order signed by a Judge. Appellant was denied a copy of agency's policy for the court.

Statement of the issue on Appeal

As Appellant's Response to Agency's inaccurate decision supported by their faulty evidence filed in Agency's final brief.

S.C.D.C. is filing ambiguous evidence, presenting it before the court as substantial evidence.

Non-authenticated faulty counterfeit paper.

The lack of a legal Valid Commitment Order signed by a Judge, filed with a Clerk of Court.

S.C.D.C.'s Non-authority of law, with-out a Commitment Order.

S.C.D.C. Violation of state agency policy 01.26.07, 11-4-16.2.,

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Statement of Case

This matter comes before this Honorable Court pursuant to the appeal of William Allen (Appellant) an inmate incarcerated with the South Carolina Dept. of Corrections (S.C.D.C. Respondent.)

Appellant is currently being held illegal within S.C.D.C. due to a faulty paper. (R. dated 2-27-18, P. 5 OF 10) Exhibit 1.

Reference to page 2 of Respondent's final brief dated 3-22-18. Appellant filed a Step one Grievance on May 6, 2016, claiming he is being illegally imprisoned. (true fact) S.C.D.C. does not have a legal valid commitment order signed by a judge filed with the clerk of court. (true fact) Appellant never used the word ordered.

The word ordered does not appear on the face of (P. 5 OF 10 Supp. R. dated 3-9-18.) It is a fact confident the court does not assume or operate on assumption.

Appellant filed a Step two Grievance on June 30, 2016. true. S.C.D.C. answer is completely inaccurate and misleading.

Appellant received several non-violent criminal conspiracy charges approximately 90 days after being accepted into S.C.D.C. illegally on Sunday July 14, 1991, without a legal valid commitment order signed by a judge. (A commitment order does not exist.)

Appellant did file a Notice of Appeal with the Administrative Law Court on August 22, 2016. (R. dated 11-12-17, P. 5)

The administrative law court used the word appears, that S.C.D.C. is merely enforcing a valid sentence. the A.L.C./court did not state that S.C.D.C. had a Judge's Order. (R. P. 2 OF 3) of the Administrative Court's order filed 2-24-18. S.C.D.C. is twisting the truth. Look at the A.L.C. order it will speak for itself.

S.C.D.C. is doing their best to mislead the court (R. dated 3-22-18 P. 2 of final brief.) The administrative law court did not state that S.C.D.C. had, on file, a facially sentencing Order from a general session judge (R. dated 11-12-17 p. 8-10.)

The A.L.J. stated a challenge to the validity of that sentence falls outside the court's scope of review. (that is misleading.)

Appellant filed a grievance challenging the fact, S.C.D.C. does not have a legal valid commitment order signed by a judge filed with a clerk of court. (Supp. R. dated 3-9-18, P. 9 of 10.)

Appellant did not challenge anything to do with any sentence.

Appellant now seeks review of the A.L.J.'s decision. Appellant respectfully request that the A.L.J.'s misleading decision be reversed.

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 reversed. The reviewing tribunal 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 record;
- (F) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Argument and Citation of Authority

Appellant's response opposite to Respondent's final decision is supported by the true facts.

A reviewing court will reverse the findings of an administrative agency if the findings are facts supported by the record.

Substantial facts is evidence, that is in plain view such as a paper that has NO case number, NO clerk of court stamp or signature, a paper that does not even bear the word Order or Commitment written upon the face of it.

It is a clear plain fact any reasonable mind can conclude that S.C.D.C. reached an inaccurate conclusion concerning this case/record as a whole. [NO Commitment Order.]

Administrative agencies such as S.C.D.C. shall be ordered to abide by official state agency policy such as policy OP 21.09-11.4-11.2. that states this agency must have in hand a commitment Order signed by a judge in order to except a person into this state prison. With-out or the lack of a commitment Order signed by a judge, then S.C.D.C. has NO authority of law to hold no one in confinement.

S.C.D.C. has done its best to cloud the air and muddy the water and conceal the true facts from the court.

this state agency has NO legal valid commitment Order signed by a judge, that would give S.C.D.C. the authority of law to except and hold appellant in their custody.

S.C.D.C. has with held the true facts from the court, that S.C.D.C. is operating unethical and in plain violation of agency policy OP 21.09, 11.4-11.2.

It is really simple, either you pregnant or you ain't pregnant. there ain't no inbetween.

Counterfeit money may appear to be valid, but we all know its illegal in the eyes of the law and the Court.

The paper that S.C.D.C. has in these record. that Appellant has shown as exhibit one is faulty, Counterfeit. It has NO case number, no clerk stamp, it does not even bear the word Order or it does not have the word Commitment written upon the face of it. (no commitment order exist.) this paper is also signed and dated on Sunday. that alone would make it null + void. [Sunday is the Good Lord's day.]

Appellant feels he has carried out and proven, that the decision of this state agency is inaccurate, with-out doubt an error and inviolation of the law and state agency policy. this is clearly erroneous an abuse of discretion + authority.

Conclusion

Wherefore, for all the reasons stated above, this Court should reverse the Dept. of Corrections decision and ~~the~~ order S.C.D.C. to stop operating unethical in abide by the law + agency's policy CP.21.09-11.4-11.7. The Court should order Appellant's release immediately.

Respectfully Submitted,

William Allen #128666

Pro-Se, Appellant

Broad River Court, Court.

4460 Broad River Rd.

Columbia, S.C. 29210

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SC Court of Appeals

State of South Carolina
In the Court of Appeals

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

AHC Case No. 16-AJT-04-0641-PP

Appellate Case No. 2012-000596

William Allen, #178666 — Appellant

v.

South Carolina Dept. of Corrections — Respondent

Certificate of Pro-Se Counsel

The undersigned hereby certifies that the response
to Respondent's final brief complies with Rule 211(b).

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SC Court of Appeals

William Allen, #178666

Pro-Se Counsel

Broad River Court. Bldg.

4460 Broad River Road

Columbia, S.C. 29210

April 6, 2018

The State of South Carolina
In the Court of Appeals

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

Lower Court Case No. 16-PLO-04-0641-AP
Court of Appeals Case No. 2017-000596

William Allen, #128666 Appellant
v.

South Carolina Dept. of Court. Respondent

Certificate of Service

I hereby certify that I have served Respondent a copy of Appellant's Response by depositing a copy of same in the United States mail on April 6, 2018, addressed to the Respondent as follows.

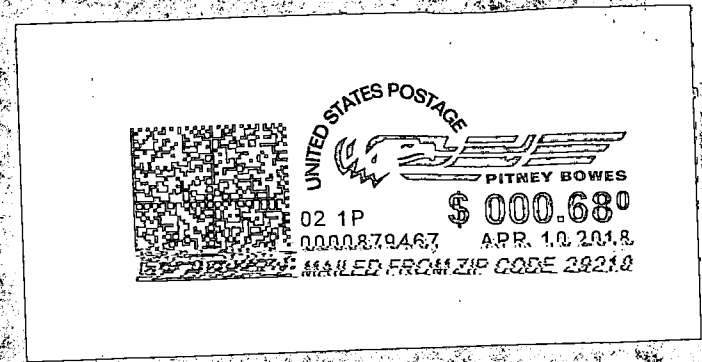
Christina Catoe Bigelow
Deputy General Counsel
Independent Mail
S.C. Dept. of Corrections
4444 Broad River Rd.
Columbia, S.C. 29210

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SC Court of Appeals
William Allen, #128666
Pro-Se Counsel
Broad River Court, dntk,
4460 Broad River Rd.
Columbia, S.C. 29210

William Allen
#128666 MONT. A-148
Broad River Canal, Inc.
4460 Broad River Rd.
Columbia, S.C. 29210



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The South Carolina Court of Appeals
1220 Senate Street
Columbia, S.C. 29201