THE STATE OF SOUTH CAROLINA

In the Court of Appeals

[In the Supreme Court]

Appeal from Administrative Law Court

Honorable S. Phillip Lenski, Administrative Law Judge

Case No.: 17-ALJ-04-0560-AP

South Carolina Department of Corrections.....Respondent

v.

Alaric Wayne Hunt 151418.....Appellant

INITIAL BRIEF OF APPELLANT

Alaric Hunt 151418 F6B 1212
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010
Pro Se Appellant

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Statement of the Case

This matter is before the South Carolina Court of Appeals pursuant to the Notice of Appeal filed on March 23, 2018, by Alaric Hunt ("Appellant"), an inmate incarcerated in the South Carolina Department of Corrections ("SCDC"). Appellant appeals the Order of Dismissal of the Honorable S. Phillip Lenski dated March 12, 2018 from the South Carolina Administrative Law Court ("ALC"), that issued from Appellant's grievance of May 17, 2017, appealing his conviction for an institutional offense.

The original drug test was administered on April 21, 2017, and was followed by a disciplinary hearing on May 15, 2017. The Step 1 grievance was initiated on May 17, 2017 and rejected on June 8, 2017. The Step 2 grievance was initiated on June 19, 2017 and rejected on September 20, 2017. This led to the appeal to the ALC that was served on October 13, 2017. The case was assigned to the Honorable S. Philip Lenski on November 9, 2017, and SCDC filed the record on December 29, 2017, leading ultimately to the Order of March 12, 2018 that dismissed pursuant to SCALC Rule 62.

This Court granted extension for time for serving and filing Appellant's Initial Brief and Designation of Matter until June 11, 2018.

Contemporaneously, during the period from September 2017 through April 2018, Lee Correctional Institution, where the Appellant is housed, was the site of massive violence and continual upheaval sufficient to constitute *force majeure*, and continues presently to operate under conditions approximating those of a city under siege and continual threat of insurrection. [Conservatively, two hundred men were stabbed or bludgeoned during this period, as many as four men in a single 8-hour period, not counting events of April 15, 2018, and this contained in a subject population of a mere 1,500 men. In civilized areas, this level of violence would require the imposition of martial law. The equivalent of martial law was imposed beginning on April 16, 2018.]

Argument

I. DID THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ("SCDC") IMPROPERLY FIND ALARIC HUNT ("APPELLANT") GUILTY OF 903 TRAFFICKING, USE, POSSESSION OF NARCOTICS [ETC], AN INSTITUTIONAL OFFENSE COVERED BY POLICIES DESCRIBED IN GA 03.03?

SCDC violated policy GA 03.03 in the drug test administered on April 21, 2017 (specifically, sections (.2.2); (.4.1); (.6.1); and (.6.2). This violated Appellant's rights of due process and emanated a

conviction for the use of drugs of which he was not guilty. Appellant has not knowingly used illegal drugs since 1993.

More specifically, SCDC claimed to provide 3 hours for the testing period and supply one cup of water at 30 minute intervals for the duration of the test-period (the requirements set forth in GA 03.03). But in fact, SCDC supplied proof of their procedural failure on the "Drug Testing Refusal Form", signed by the testing officer. This form indicates a beginning time for the test at 4:00 am, and an ending refusal time of 7:10 am, marks a circumstance of "Would not provide specimen within three-hour time frame", but then sets forth water intake beginning at 5;25 am and ending at 6:55 am (4th cup). *If correct*, the form indicates that water was not provided until almost an hour and a half after the test began—not 30 minutes, as prescribed by the policy.

But in truth, the test did not begin until the time indicated as first water intake. The actual problem was that 3 hours was not provided. The time and water prescribed by policy is intended to supply the testing body with sufficient water, if necessary, *and the time required for that supply of water to pass through the body for elimination.* By violating either of these policy prescriptions, SCDC violates procedural due process necessary to find guilt for the 903 charge.

This is the fundamental issue of the appeal to this Court—the Appellant's innocence of SCDC's accusation. SCDC provided proof, in the refusal form, of the falseness of their own accusation, but then refused to relent the accusation. At any point in the process of accusation, hearing, and appeal, SCDC has been free to admit the falsity of the accusation, abandon the charge and conviction, and end the matter. But that was not, and has never been, SCDC's purpose.

At the disciplinary hearing, the Appellant told the charging officer that she would go to hell for lying just as quickly as the Appellant would go to hell for stealing and killing. But even when confronted directly, the officer refused to repent. At bottom, this is a violation of natural law. SCDC's efforts afterward, during the appeal process, have been nothing but reliance on machinery designed by its builders to circumvent natural law. [It is plain from observation and experience that shifting a point of argument away from the object of contention—in this case, whether the Appellant actually used drugs in the absence

of acceptable procedural proof, since the Appellant has passed every drug test properly administered to him in the era of SCDC drug-testing, a span of about 20 years—is merely another form of lying.]

The Ninth Commandment covers false witness, but in this present case, SCDC is reliant upon a set of rules and procedures designed to allow it to successfully bear false witness—by shifting the framework of the argument—even while submitting proof to the contrary to the tribunal. This matter is not about procedural rules and arguments, nor about time-frames, methodologies, and date-stamped documents. This is a simple matter of the truth and its admission, and whether a system designated as corrective and productive of justice will do that—or not.

I will point out that SCDC will not be penalized in any way that it can measure by a correction of the record and a simple admission of the truth. With nothing at hazard, only the devil's child would cling to such a transparent lie. That is my counter-point; know the vine by the fruit.

II. DID SCDC FAIL TO PROPERLY IMPLEMENT THE HEARING AND APPEAL PROCEDURE COVERED BY POLICIES DESCRIBED IN OP 22.14 AND GA 01.12?

SCDC violated policy OP 22.14 in the disciplinary hearing held on May 15, 2017 (specifically, sections (.7); (.9.1); (.9.2); (.14.1); (.14.3); (.14.4); (.14.7(.1), (.2) and (.3); and .18.1.2.) The hearing officer refused to call and examine witnesses, and refused to examine external sources of information that could clarify controverted testimony. These two instances violated fundamental fairness and demonstrated a predisposition on the part of the hearing officer to produce a finding of guilt.

Subsequently, during the grievance process governed by GA 01.12, the overseeing authorities refused at each step to examine or credit the plain evidence provided in the documentation and hearing records, again violating fundamental fairness and demonstrating a predisposition to produce a finding of guilt.

Based on the available evidence, all these findings of fact were clearly erroneous.

Specifically in the first instance, the Appellant asked for a witness at the disciplinary hearing: Unit Manager Graham ("UM"), a senior officer who was present for the testing process, and incidentally, was the officer that retrieved the Appellant for the beginning of the test. The UM marked the time of retrieval on the tally-sheet listing the prisoners to be tested on that occasion. The hearing officer refused to call the UM as a witness, initially claiming that the Appellant had submitted no kiosk request at all, and then, *after deliberation,* admitted that a kiosk request had been submitted but claiming that the Appellant had not requested the UM as a witness. (See RTSM #17-544059.) [No transcript of the hearing audio-recording is available to the Appellant.]

UM Graham at that time supervised Appellant's living unit, and in this particular living unit, special rules apply to continued residency. Residents are expelled from this unit when convicted of disciplinary charges. Despite the conviction, UM Graham retained the Appellant as a resident in the unit; the UM did this specifically because he knew, directly, that the drug-test was spurious. In this case, a staff witness with direct knowledge of the situation from its inception to conclusion refused to apply the normal resulting consequences. The UM sought to produce fundamental fairness in the portion of the outcome that was within his control. If that was the entirety of the burden placed upon the Appellant, the Appellant would be willing to accept that informal resolution. But the Appellant is a lifer, and will be considered for parole beginning in October 2018; the false conviction for a major disciplinary infraction will negatively impact the Appellant's chances for parole and consequently places a burden on the Appellant that a mere informal correction cannot erase.

Specifically in the second instance, the hearing officer failed to consult an outside source of evidence, to wit, the F6 unit logbook, to independently establish the time when the UM retrieved the prisoners for drug-testing, when the time of the beginning of the test was specifically in controversy. Only two witnesses were present at the hearing—the charging officer and the charged prisoner—and the witness testimony was in direct conflict. The unit logbooks specifically record prisoner-movements such as that for drug-testing to allow proper prisoner-counts to be maintained, but in this instance, this logbook entry would have been sufficient to establish the minimum beginning time for the drug test, and this entry was

written by a staff member independent of the confrontation between accuser and accused in the disciplinary hearing. This entry could have provided a fair check on the testimony offered by the witnesses, and was available at the price of an internal phone-call to the duty-station in F6 unit, which would have been staffed at the time of the hearing. In other words, no external difficulty would have prevented a check of the logbook, and so there was no constraint upon the hearing officer to *not* consult that available evidence *except that the hearing officer had no intention of consulting independent evidence.*

The conclusion of the hearing was decided at the moment of the charge, not at the time of the hearing; there was no impartial analysis of the available evidence. This itself was a violation of fundamental fairness; but even though the hearing officer refused both to consult a witness or examine available evidence, the evidence that she held in hand (the Drug Testing Refusal Form) provided sufficient evidence, *signed by the charging officer,* to refute the basis of the charge, by demonstrating that sufficient water and time were not given to the Appellant to allow him to comply with the drug-test requirement.

This same evidence (the Drug Testing Refusal Form) was available for review at each step in the grievance process, but each step in the process of review produced the same fundamentally unfair and clearly erroneous result. That is because the finding of guilt was the desired outcome in a system either designed to produce the appearance of guilt or a system so mismanaged that it was incapable of a proper result. [The system mismanagement seems the more likely correct explanation, based upon the events contemporaneous to the process of review. See below for further discussion.]

III. DID THE ADMINISTRATIVE LAW COURT PROPERLY DISMISS APPELLANT'S IMPERFECT APPEAL WHEN THIS FAILURE TO PERFECT WAS A CONSEQUENCE OF *FORCE MAJEURE* THAT PROCEEDED DIRECTLY FROM SCDC'S ACTIONS IN INSTITUTIONAL MANAGEMENT, WITHOUT CONSIDERING WHETHER ANY LIBERTY INTEREST WAS INVOLVED?

The South Carolina Administrative Law Court ("ALC") dismissed Appellant's appeal pursuant to SCALC Rule 62, which allows that the Judge "may" dismiss an appeal . . . for failure to comply with any of

the rules . . ., citing *Georganne Apparel, Inc v Todd,* 303 SC 87, 399 SE 2d 16 (Ct App 1990), "There is a limit beyond which the court should not allow a litigant to consume the time of the court . . . "

While the Order of that court was legally proper—absent the circumstances—the court had been informed of the current situation at Lee Correctional Institution, where the Appellant was residing under conditions of *force majeure.* The Appellant filed a rough Motion for Special Consideration to plead the circumstances, argued his case in a separate letter, and filed both these items with the court and opposing counsel. The court specifically noted that the Appellant's motion lacked any legal citations or legal arguments, while the letter lacked headings, citations, and arguments. These items lacked arguments framed in standard legal language, but did *not* lack arguments. But the ALC had no intention to presume the arguments even given the circumstances, because the court was bent on dismissal for a separate cause (lack of liberty interest). This was contrary to clearly established principles; see *Haines v Kerner,* 404 US 519 (1972): 'however inartfully pleaded [are held] to less stringent standards than formal pleadings drafted by lawyers . . . " This predisposition to dismiss deterred the court from examining the Appellant's circumstances, because the matter was a foregone conclusion to the court.

But it was specifically those circumstances which prevented the Appellant from clearly advancing his position, and the Appellant's position is compelling.

SCDC made no responsive pleading to the Appellant's Motion for Special Consideration, and so the court should presume that the facts presented in that Motion are true. This is in accordance with established precedents; see *Cruz v Beto,* 405 US 319 (1972): "the allegations of the complaint are generally taken as true for purposes of a motion to dismiss." Specifically, that SCDC manufactured a warzone at Lee Correctional Institution through a misguided management strategy, producing an environment so unsafe that the Appellant could neither keep certain track of time or move within the institution to gain access to the materials necessary to prepare legal pleadings. The Appellant was deprived of guidance from law clerks (including one law clerk airlifted for emergency medical treatment) and denied law books beyond continually locked doors. SCDC provided no assistance or remediation to the violent situation beyond mere locking of doors (a further deprival of capability and service that accomplished little but brief

abatements of violence at the expense of unmooring the Appellant from a firm estimation of the passage of time.) SCDC's response-strategy serves to demonstrate the deep corporate malaise suffered by the agency; this corporate malaise initially produced the violent situation.

As a consequence, the Appellant was specifically rendered incapable of meeting the requirements of the court due to *force majeure*, and cannot be held strictly to the requirements of SCALC Rule 62. The ALC's order was not contrary to law, but was an erroneous misapplication of law. Further, the ALC failed to consider whether Appellant had a liberty interest, outside the loss of good time, in the claim. This violated the requirements of *Howard v SCDC*, 399 SC 618, 733 SE 2d 211 (2012) (see below for complete discussion). The ALC held appellate jurisdiction which it cannot be permitted to set aside with a procedural order merely because that represented the path of least resistance.

The Appellant notes that SCDC signally failed in two requirements placed upon it by the procedures of the ALC—that it must serve the Record on Appeal within 30 days of the Notice, and provide a transcription of the disciplinary hearing record[1]. See *Al-Shabazz v State*, 338 SC 354, 527 SE 2d 742 (2000)—but the ALC made no move to dismiss for these matters. The ALC's action of procedural dismissal is directed entirely at the prisoner involved in the action, but places no similar requirement upon SCDC. Naturally, SCDC pleads for the court's indulgence due to heavy caseload and similar excuses, but fails to mention that the Office of General Counsel uses computers to both maintain a calendar and prepare and file cases—rendering caseload difficulties insignificant in the context of the repetitious pleading arising from prison matters. (In fact, in the instant case, SCDC filed a brief that contained the electronic remnant of an earlier brief, disclosed though the inadvertent failure to correct the date in the earlier electronic document. On page 2 of Respondent's Motion to Dismiss, dated February 16, 2018, the Staff Attorney for General Counsel averred: "As of today's date, July 22, 2016, Appellant has failed to file a brief in support of his appeal.")

[1] SCDC ordinarily recycles hearing records after 180 days, a remnant from policy and procedure written when SCDC used cassette tapes to record the hearings. Currently, SCDC records the hearings in an MP4 format, and has no justification for 'recycling' or otherwise destroying hearing records, since storage for this format is practically limitless.

IV. DID THE ADMINISTRATIVE LAW COURT HAVE JURISDICTION OVER APPELLANT'S APPEAL WHEN NO RECOGNIZED LIBERTY INTEREST WAS AT STAKE? OR DOES AN ERRONEOUS CALCULATION OF CUSTODY STATUS RESULTING FROM THE FAULTY DISCIPLINARY CONVICTION QUALIFY AS DENIAL OF A STATE-CREATED LIBERTY INTEREST? OR DOES A VIOLATION OF FUNDAMENTAL FAIRNESS REQUIRE THE ALC TO SERVE IN ITS APPELLATE CAPACITY EVEN WHEN NO STATE-CREATED LIBERTY INTEREST IS AT STAKE, FOR, AS IN A REVIEW OF A MOOT CLAIM, THE VIOLATION IS CAPABLE OF REPETITION BECAUSE IT EVADES REVIEW AND YET HAS COLLATERAL CONSEQUENCES?

The ALC specifically held, in its Order of March 12, 2018, that "He [Appellant] received punishment, however, ie did not include loss of good time credit" and "even if the court were to proceed to consider the merits of this matter, the appeal must be dismissed for lack of jurisdiction. The court's jurisdiction in inmate appeals is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v State,* 338 SC 354, 527 SE 2d 742 (2000). The court's appellate jurisdiction to hear such matters is limited to cases involving denial of state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation." [This language places a requirement of liberty interest *before* the enunciation of typical cases, where *Shabazz* actually reads: "an inmate may seek review of Department's final decision in an administrative matter . . .These administrative matters typically arise in two ways: (1) when an inmate is disciplined and punishment is imposed and (2) when an inmate believes prison officials have erroneously calculated . . ."]

Essentially, the ALC held that the lack of a denial of state-created liberty interest removed the court's very jurisdiction in the matter raised by a disciplinary appeal that did not penalize the Appellant the loss of any accrued good-time. But *Shabazz* only describes how a *typical* case might present, and does not limit the court's consideration to *only* the circumstances described. The ALC followed the rutted path of

SCDC's particular self-interest to reach this holding; and SCDC's purpose is to silence complaint against their abuses of fundamental fairness. *Shabazz* drew attention specifically to the consequences of a major disciplinary hearing, because the consequences are inherently major consequences that simultaneously effect changes in the treatment of the prisoner, through classification, that are not enunciated directly in the policy describing the offense. The court has spent its attention on one of those collateral consequences—that in the month of an offense, a prisoner *fails to earn good time credit*—frankly as if that were the only collateral consequence. But that particular collateral consequence applied to any offense, minor or major, and so the court has eroded its understanding of the distinction between minor and major offenses and the consequences that the two categories entail.

The ALC's holding is also in tension with other recognized law, enunciated in *Howard v SCDC*, 399 SC 618, 733 SE 2d 211 (2012), which states that the ALC "may not summarily dismiss an appeal solely on the basis that it involves the loss of the opportunity to earn sentence-related credits. Instead, the ALC must also consider whether the appeal implicates a state-created liberty or property interest." But even *Howard* only apparently limits the scope of review required of the ALC in its appellate capacity to matters involving a state-created liberty interest. *Howard* was written specifically to define the relationship of the ALC's review against SC Code Ann Sec 1-23-600(D)(Supp 2011), which states: "ALC without jurisdiction to hear inmate appeals in which inmates have not lost good time, but have failed to earn good time for the month of their disciplinary infraction" and does not pretend to address and define all matters that might properly come before the ALC.

The judicial and legislative backtrail of *Howard* is not relevant except that SCDC now relies upon that precedent to foreclose any appeal by a large class of prisoners, which includes Appellant, ie, all those prisoners that have no good time credits at all. These prisoners are easily identifiable to SCDC through internal records, and since they are immune to judicial review, they are subject to any abuse of fundamental fairness that SCDC chooses to inflict. Appellant in the present case has been stigmatized as a drug-user and penalized with the impact of a major charge, which by SCDC policy reduces and restricts his custody advancement for 10 full years—an erroneous calculation of custody status resulting from the faulty

disciplinary conviction. If custody status may be considered a liberty interest by its specific inclusion among the prongs of the *Shabazz* test, then the Appellant has indeed suffered a denial of a state-created liberty interest: maintenance and access to custody advancement.

The Appellant is uncertain whether mere custody retention and advancement actually meets the test of a state-created liberty interest (except insofar as such custody advancement could remove the Appellant from conditions of maximum security confinement where SCDC's management practices produce the highest homicide and assault rates in the nation, and consequently serve as a liberty interest by removing him to a situation of relative safety). Custody advancement seems possible to fall within the ambit of *Sandin v Conner*, 115 S Ct 2293 (1995), by failing to "present the type of atypical, significant deprivation in which a state might conceivably create a liberty interest" or "present a case where the State's action will inevitably affect the duration of his [Appellant's] sentence." But that is a question for the court, and should have eliminated the possibility of summary dismissal due to jurisdiction because the disciplinary conviction implicated such an interest, as required both by *Shabazz* and *Howard*.

But these arguments only reach the beginning of the real matter before this court, and that is whether the mass of these enactments and rulings are due process violations as-applied in totality, consequently violate fundamental fairness, and require appellate review even in the absence of a clear, state-created liberty interest. Both fundamental fairness and collateral consequences have gained special judicial notice, in and outside the particularity of the prison environment. And this is because prisoners remain citizens, and live also under the protection of the Constitution and the laws. See *Wolff v McDonnell*, 418 US 539 (1974) at III.

The end result of the application of law should achieve a fair result, or that law should be examined and reconsidered until the proper impact is achieved. Any usage and impact of law should be first compared to the fundamental outline of our most basic law—the Declaration and the Constitution—before, during, and after usage by any practitioner[2]. A good carpenter measures the

[2] Justice Ginsburg dissented in *Sandin v Conner*, 115 S Ct 2293 (1995): "I see the Due Process Clause itself, not Hawaii's prison code, as the wellspring of the protections due Conner. Deriving protected liberty interests from

results of his work against his intentions at all times, and learns thereby. So must the court do in this present case. And so a return to the foundation of due process is appropriate, before the many layers of argument and ruling and function had deposited their sediments to encrust the present system. In *Dent v West Virginia*, 129 US 114 (1889), the touchstone of due process was protection of the individual against arbitrary action of the government. Yet here, the court has surrendered a group of citizens into the hands of the government without oversight or recourse.

Frankly, the "hands off" doctrine regarding judicial involvement in prison disciplinary procedures espoused in *Sellers v State*, 259 SC 564, 193 SE 2d 513 (1972), recognized by statute in SC Code Ann Sec 24-3-710, and currently followed by the court in dealing with SCDC is unwarranted; SCDC has spent whatever trust it was due from the court for the expertise and discretion of prison officials upon mismanagement, to produce the present monstrosities, which are responsible for the *force majeure* that obstructed the perfection and advancement of Appellant's claim. SCDC oversees prisoners who, having no liberty interest, receive no protection from the court. The court's sole interaction with this large class of citizens has been to determine whether they will be, or will not be, deprived of rights; after this determination they are surrendered into the hands of an agency that treats them as numbers. This repeats, again and again, an as-applied abuse of due process that is capable of repetition *because it evades review.* See *Curtis v State*, 345 SC 557, 549 SE 2d 591 (2001): "an appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review." Furthermore, if a decision by the trial court may affect future events, or have collateral consequences for the parties, an appeal from that decision is not moot, even though the appellate court cannot give effective relief in the present

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mandatory language in local prison codes would make of the fundamental right something more in certain States, something less in others. Liberty that may vary from Ossining, New York, to San Quentin, California, does not resemble the "Liberty" enshrined among "inalienable Rights" with which all persons are "endowed by their Creator." [. . .] To fit the liberty recognized in our fundamental instrument of government, the process due by reason of the Constitution similarly should not depend on the particulars of the local prison's code."

case. See AM JUR 2D, Appellate Review Sec 649 (1995). SCDC has contrived a situation that resembles mootness—in being beyond review—from a web of enactments, procedures, and holdings that create an as-applied violation of Constitutional due process rights. And therefore this, and these, complaints should be subjected to the same standard for review available to moot claims.

In Appellant's case, the clearest damage comes to his potential for release. The Appellant is a lifer, and will never achieve release from imprisonment except for the tenuous promise of potential parole. [The rate of parole for lifers in SCDC is one percent or less per year, notwithstanding much-heralded programs to aid and speed release, which have shown to be no more than publicity ventures and plum posts for favored agency retirees.] SCDC officials clearly understand that a disciplinary sanction imposed within sight of parole consideration resembles nothing more than a *coup de grace*, even while the court holds that parole consideration is an unprotected interest—see *Sandin v Conner*, 115 S Ct 2293 (1995), where Chief Justice Rehnquist, now dead, wrote:

> "Nor does Conner's situation present a case where the State's action will inevitably affect the duration of his sentence. Nothing in Hawaii's code requires the parole board to deny parole in the face of a misconduct record or to grant parole in its absence, even though misconduct is by regulation a relevant consideration. The decision to release a prisoner rests on a myriad of considerations. And, the prisoner is afforded procedural protection at his parole hearing in order to explain the circumstances behind his misconduct record. The chance that a finding of misconduct will alter the balance is simply too attenuated to invoke the procedural guarantees of the Due Process Clause."

[Here would be the moment when the expertise and discretion of prison officials should provide guidance to the court, because no ranking or veteran member of any correctional staff,

anywhere, would ever suggest the poppycock that came from Rehnquist's pen at this terminus of his *Sandin* decision.]

SCDC's understanding of this certainty of perpetual imprisonment raises the natural question of why appeal-relief would ever be relevant to a lifer. The Appellant can only refer this, or any court, to the language of *Sibron v New York,* 392 US 40 (1968). Chief Justice Warren wrote:

> "A judge or jury faced with a question of character, like a sentencing judge, may be inclined to forgive or at least discount a limited number of minor transgressions, particularly if they occurred at some time in the relatively distant past. It is impossible for this Court to say at what point the number of convictions on a man's record renders his reputation irredeemable. And even if we believed that an individual had reached that point, it would be impossible for us to say that he had no interest in beginning the process of redemption with the particular case sought to be adjudicated. We cannot foretell what opportunities might present themselves in the future for the removal of other convictions from an individual's record. [...] Moreover, litigation is better conducted when the dispute is fresh and additional facts may, if necessary, be taken without a substantial risk that witnesses will die or memories fade. And it is far better to eliminate the source of a potential legal disability than to require the citizen to suffer the possibly unjustified consequences of the disability itself for an indefinite period of time before he can secure adjudication of the State's right to impose it on the basis of some past action."

I trust the court can clearly see that this argument will apply with even greater rigor to the determination of a parole board. And despite the Appellant's underlying conviction, the protection of the Constitution is granted him as guard against injustice. The Appellant is entitled to redress as a matter of law, since the conviction against him was in violation of Constitutional provisions, made upon unlawful procedure, was clearly erroneous in view of reliable, probative

and substantial evidence presented at every level from the finder-of-fact through all appeals, and proceeded from an arbitrary abuse of discretion that SCDC deemed certain would never be reviewed by any appellate court.

Conclusion

Howard v SCDC, 399 SC 618, 733 SE 2d 211 (2012), serves as ample demonstration that the organs of the American government work together to serve a common purpose. This is the nature of governments, which are corporate bodies *created* to serve a common purpose.

The Ottoman Empire dominated a time and place in the historic past; the government of that Empire was purpose-designed as an instrument of outward conquest. The Ottomans overran the map until they reached a limit of conquest, but then they turned their machinery upon themselves—they conquered themselves. They could not adapt the machinery of their government to the changed task that confronted them—contentment.

The original purpose of the American nation was to expand into the space available on the North American continent—this process began with colonization, then continued with industrialization and mercantilization. But after these frontiers vanished, the governmental machinery designed for expansion and control was turned upon new targets. Now came the time to devour the citizens.

My question is simple: what change has America made to the machinery of its government to reflect the change in its social and governmental task? [None.]

What is the purpose of incarceration? SCDC has discovered that incarceration is a means to produce men that couldn't care less. America in general will discover, in the course of another generation, that incarceration can produce a painful poison. Other addicts of mass incarceration have discovered this before[3]. The Appellant has a simple way of saying this: how can you produce the perfect cockroach? [Kill them. Natural selection will work wonders.]

Follow-up question: how can you produce the perfect prisoner?

[3] The criminal class produced by the GULAG.

The Appellant expects that these questions and observations are outside the bounds of this court's consideration, but within the human matters that it should consider as a matter of right. WHEREFORE, the Appellant respectfully prays for the following relief:

1. Expunge the 903 disciplinary conviction from the Appellant's SCDC record.

2. Verbally chastise the various officials, lawyers, and courts that ignored the plain truth in the matter currently before the court.

3. Award the Appellant costs, plus one dollar in damages.

4. And any other relief this Court feels is justified by the circumstances.

Respectfully Submitted,

June 1, 2018.
Bishopville SC

s/_____

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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

[In the Supreme Court]

RECEIVED

JUN 04 2018

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South Carolina Department of Corrections.....Respondent

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Alaric Wayne Hunt 151418.....Appellant

Certificate of Service

The undersigned hereby certifies that on June 1, 2018, true and correct copies of the Motion for Leave to File Initial Brief and Designation of Matter Outside Rule 208 and 209 Deadlines, Initial Brief of Appellant, and Designation of Matter to be Included in the Record on Appeal were served by depositing the same in the prison mail system, postage prepaid, tot eh following addresses:

Dept of General Counsel
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Clerk's Office
South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

June 1, 2018.
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s/_____

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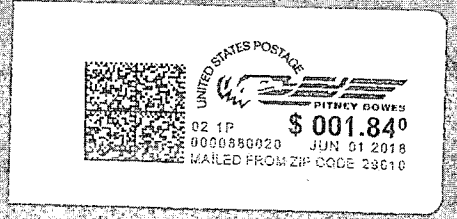

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