

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 Court Judge

Lower Court Case No. 16-125-04-0641-AP
Court of Appeals Case No. 2012-000596

William Allen, #128666 Appellant
v.
South Carolina Dept. of Correc. Respondent

Appellant's Final Reply Brief

June 1, 2018 Appellant

William Allen, #128666
Pro-Se Counsel
Broad River Court Inst.
4460 Broad River Road
Columbia, S.C. 29310

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Statutes:

S.C. Code ANN. § 1-23-610

S.C. Code ANN. § 1-23-380

Cases:

Appellant feels it would be disrespectful to quote the law to the Appeals 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 OP-21.09, inmate record plan. S.C.D.C. MUST have a commitment order signed by a judge. Appellant was denied a copy of this agency's policy for the court.

Statement of the issue on appeal

The lack of a legal valid commitment order signed by a judge, filed with a clerk of court.

S.C.D.C. non-authority of law, with-out a legal valid sentencing sheet/commitment order in possession.

S.C.D.C. Violation of state agency's official policy O.P. 21.09, - inmates record plan.

Neither the Court, Neither the Clerk of Court or Neither S.C.D.C. Have in there possession a Commitment Order signed by a judge, that states appellant is committed to the South Carolina Dept. of Corrections.

Statement of Case

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

The word Order does not appear on the face of (P. 8 OF 10 Supp. R. dated 3-9-18.) I feel confident the court does not assume or operate on assumption.

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

The administrative law court used the word appears, that S.C.D.C. is merely enforcing a valid sentence. The A.L.J. court did not state that S.C.D.C. had a judge's Order. (R. P. 2 OF 3) of the administrative Courts Order filed 2-24-12. S.C.D.C. is twisting the truth. Look at the Order it will speak for itself.

S.C.D.C. is doing there best to mislead the court (R. dated 3-23-18 P. 2 of final brief.)

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 quittance 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 Nothing to do with any sentences. 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 proceeding, or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the findings, conclusion or decision is;

- (A) in violation of constitutional or statutory provision;
- (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 final reply brief is supported by true fact. 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 S.C.D.C. reached an inaccurate conclusion concerning this case/record as a whole.

An administrative agency such as S.C.D.C. shall be ordered to abide by official state agency policy such as policy OP21.09 inmates records plan 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 system.

S.C.D.C. has done its best to cloud the air and muddy the water to conceal the true facts from the court. S.C.D.C. is operating unethical and in plain violation of agency policy OP21.09.

The only paper S.C.D.C. has in its possession is signed and dated on Sunday, that alone shall make it null & void.

Appellant feels he has carried out and proven that the decision of this state agency is inaccurate, and with-out doubt an error and violation of the law and state agency policy OP21.09 this is clearly erroneous an abuse of discretion and authority.

Conclusion

Wherefore for all the reasons stated above, the court shall reverse the Dept. of Corrections decision and order S.C.D.C. to stop operating unethical an abide by the law and agency's own policy OP21.09 the court shall order Appellant's release immediately.

Respectfully Submitted,
William Allen, #128666

Pro-Se Appellant

Broad River corrects const.

4460 Broad River Rd.

Columbia, S.C. 29210

June 1, 2018

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Administrative Law Judge Shirley C. Robinson

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AhC Case No. 16-AhJ-04-0641-AP

Appellate Case No. 2017-000596

William Allen, #128666

Appellant

v.

South Carolina Dept. of Correc.

Respondent

Certificate of Pro-Se Counsel

The undersigned hereby certifies that the
Appellant's final reply brief complies with Rule 211(b)

William Allen, #128666

Pro-Se for Counsel

Broad River Correc. Inst.

4460 Broad River Road

Columbia, S.C. 29210

June 1, 2018