

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge
Docket No. 18-ALJ-15-0003-AP

Appellate Case No. 2018-000183

RECEIVED
AUG 29 2018
SC Court of Appeals

Charlton Davis, 231377

Appellant

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

MOTION FOR DECLARATORY JUDGMENT AND RELIEF

This Motion comes before the Court based on its letter dated August 15, 2018, that the Appellant received on August 22, 2018. The Appellant reiterates each and every issues and allegations in his Appellant's Initial and Final, along with Reply Briefs as if repeated verbatim herein.

In addition, the Appellant reiterates every allegation in his letter dated August 6, 2018, if repeated verbatim herein, to include that the Respondent could have transcribed the 11/15/17 hearing in writing in an effort to avoid the distortion that is contained in the CD.

The Appellant is interested person whose rights, eligibility parole status or other legal relations is affected by the Respondent's arbitrary or capricious unlawful procedures, in which he has a standing to assert this cause for declaratory judgment. Appellant has been rejected for parole based on the chairman's or secretary for the Board question, "In 1993 who do you think you were out there running around rapeing women?" This case presents actual controversy, and this Court's resolution of the issues on appeal will terminate the uncertainty giving rise to this proceeding.

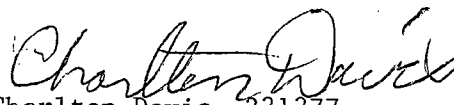
As such, the Appellant hereby request declaratory judgment regarding each and every issue and matter.

Accordingly, the Appellant is entitled to judgment and his \$100.00 court filing fee incurred in pursuing this appeal.

WHEREFORE, Appellant request judgment against the Respondent, in favor of the Appellant for the following relief:

- a. Granting Appellant's request for a declaratory judgment as to the matters set forth herein, and Appellant's pleadings before this Court;
- b. Appellant's \$100.00 court filing fee incurred in pursuing this appeal;
- c. Granting Appellant a new parole hearing within 30 days of the date of this motion; or
- d. The alternative, order the Parole Board to grant Appellant parole; and
- e. Any other relief available to the Appellant, such as, under Article 3, §18, of the S.C. Constitution provides that "no Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House Representatives: Provided, That either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Joint Resolution by its title only." (emphasis added). Also, dating back to at least 1994, it has been the job of the Secretary of State to affix the "Great Seal" to each law passed in South Carolina such that it gains the force of law. Whereby, dating back to at least 1994, the Secretary of State has failed to carry out this function as to numerous bills, meaning that they never became valid law, i.e. §24-21-5(2); §24-21-10(F)(1); §24-21-640; and §24-21-610, of S.C. Code of Laws (2010) through 2017). The foregoing changes in parole requirement structure South Carolina, added risk needs assessments, etc., along with various other changes which all had the eligibility for parole for the Appellant ineligible under unlawful procedures based on Acts and Laws passed during the period of time that the Secretary of State had a habit and routine of failing to affix the "Great Seal" to laws. Accordingly, it is more likely than not that the Great Seal was never affixed to either law by the Secretary of State, and that the laws never became valid, or enforceable pursuant to the South Carolina Constitution.

Respectfully submitted,

s/ 
Charlton Davis, 231377
HC117/KER.CI
4848 Goldmine Hwy,
Kershaw, SC 29067

August 24, 2018

pro se

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v.

SC Department of Probation,
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Respondent.

CERTIFICATE OF SERVICE

I, Charlton Davis, 231377, Appellant pro se, certify that i have served the Motion for Declaratory Judgment and Relief, dated August 24, 2018, on the Respondent this 24th day of August, 2018 by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to: SCDPPPS

Tommy Evans, Jr., Esq.
P.O. Box 50666
Columbia, SC 29250

s/ 

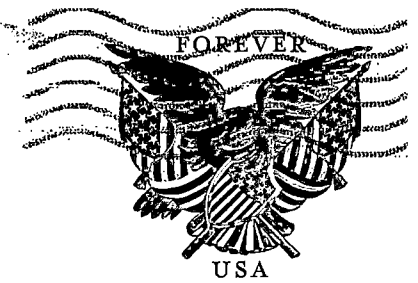
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August 24, 2018

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