

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Case No. 2018-001955 [18-ALS-04-0016-AP]

Frank Mitchell Gaster, #153004,
Appellant,

v.

South Carolina Department of Corrections,
Respondent,

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SEP 07 2018

SC Court of Appeals

NOTICE OF APPEAL

Frank M. Gaster appeals the decision of the Honorable S. Phillip Lenski dated May 22, 2018. Appellant received a copy of this decision on May 24, 2018. Note: Appellant's prison has been on lock-down status since April, 2018, without access to a law library.

Frank M. Gaster

Frank M. Gaster, #153004
Evans C.I.
610 Hwy. #9, West
Bennettsville, S.C. 29512

SCDC, Annie Rumbler
4444 B.R.R.
Columbia, S.C. 29221

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IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Case No. 2018-001555 [18-ALT-04-0016-API]

Frank Mitchell Gaster, #153004,
Appellant,

v.

South Carolina Department of Corrections,
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PROOF OF SERVICE

I, Frank M. Gaster, #153004, hereby
certify that a copy of the foregoing NOTICE
OF APPEAL was mailed to the Respondents
on the 3 day of September, 2018.

Frank M. Gaster

Frank M. Gaster, #153004
Evans C.I.
610 Hwy. #9, West
Bennettsville, S.C. 29512

SCDC, Annie Rumbler
4444 B.R.R.
Columbia, S.C. 29221

September 3, 2018

Frank M. Gaster, #153004
Evans C.I.
610 Hwy. #9, West
Bennettsville, S.C. 29512

Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: Case No. 2018-001555

Dear Clerk:

I received two (2) letters from you today (8-29-18), both dated August 24, 2018 [instead of one (1) letter]. I do not know which of your letter(s) address which letters I sent you — one of my letters is dated July 26, 2018 and the other is dated August 17, 2018. The only distinction I can determine from comparing your two (2) letters is that one (1) of them has listed two (2) custody copy names and the other letter has only one (1) name.

The letter with only one (1) name [Christina Catoe Bigelow, Esquire] says that my letter dated August 17, 2018 was received, but it did not mention my letter dated July 26, 2018. Your letter says this Court construes my letter as an attempt to file a notice of appeal and it lists five (5) deficiencies that I must correct within ten (10) days. The letter with two (2) cc names [Jana E. Shealy and Christina Catoe Bigelow, Esquire] says that the court received my notice of appeal and the case was assigned a case #, and that all filing must comply with Rule 267. Regardless, I will attempt to combine both letters into one so that my case is properly presented to the Court.

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The five (5) deficiencies are addressed below:

1. "The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken." I received it May 24, 2018.

2. "The required filing fee has not been submitted. The correct filing fee is \$100.00." I do not believe it applies when a state agency [SCDC] is a party. If I am wrong you may extract \$100.00 from my Cooper Trust Fund.

3. "A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR." I have provided a proof of service along with this letter.

4. "A proof of service showing that a copy has been timely served on the Administrative Law Court has not been provided by Rule 203(b)(6), SCACR." I sent a notice of appeal and certificate of service dated May 25, 2018 to the ALC. I do not know why the ALC did not tell me to file my notice of appeal in the S.C. Court of Appeals?

5. "You must serve and file an amended notice of appeal substantially in the format shown by Form 6 in Appendix C to part II of the SCACR." I have submitted a notice of appeal along with this letter.

If there are any more deficiencies, please advise.

Please note: this prison has been on lock-down status since April, 2018; therefore, I have not had access to a law library or the means to adequately pursue my case. I have been trying to communicate with the ALC to find out what to do [the next step on appeal], but all they did was send me another copy of their May 22, 2018 Order of Dismissal.

It might be that due to my circumstances that this Court would consider appointing counsel in order to provide better prepared legal documents, and in a timely manner.

Respectfully submitted,
Frank M. Gaster

Frank M. Gaster, #153004
Evans C.I.
616 Hwy. #9, West
Bennettsville, S.C. 29512

Frank M. Gaster, # 153004

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610 Hwy. # 9, West

Bennettsville, S.C. 29512

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S.C. Court of Appeals

P.O. Box 11629

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Columbia, S.C. 29211

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