

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE S. PHILIP LENSKI

APPELLATE CASE NO. 2018-001307

RECEIVED
OCT 12 2018
SC Court of Appeals

SANYIKA ASKARI, #236679 APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS .. RESPONDENT,

OPPOSITION TO STRIKE APPELLANT'S RECORD
ON APPEAL AND REQUIRE APPELLANT TO
FILE A DIFFERENT RECORD ON APPEAL

THIS MATTER IS BEFORE THIS COURT PURSUANT TO SANYIKA ASKARI'S APPEAL OF THE ADMINISTRATIVE LAW COURT JUDGE PHILIP S. LENSKI'S JULY 2, 2018 ORDER OF DISMISSAL.

THE APPELLANT REFRAINS FROM THE HISTORY OF THIS APPEAL IN ORDER TO EXPEDITE THIS MATTER BEFORE THE COURT ON THE RESPONDENT'S MOTION. THE HISTORY OF THIS APPEAL IS CORRECT BUT THE FACTS HAVE BEEN NEGLECTED.

THE ORDER OF DISMISSAL FROM THE ALC DOES ADDRESS THAT THE APPELLANT FILED TWO MOTIONS IN THE ALC PURSUANT TO SCALC RULES, RULE 63.

ON JUNE 22, 2018 APPELLANT FILED A MOTION FOR EXTENSION OF TIME AND ON JUNE 25, 2018 APPELLANT FILED A MOTION TO HOLD HIS APPEAL IN ABEYANCE.

(PLEASE SEE CLOCKED-STAMPED COVER LETTER ATTACHED)

WITH RESPECT TO BOTH MOTIONS IT IS EVIDENT THAT THE ALC DOES HAVE A RECORD OF THIS FILING. AND THAT ON JUNE 25, 2018 THE APPELLANT SUBMITTED

SUCH A MOTION IDENTIFYING 'ALL' OF HIS INMATE REQUEST TO STAFF MEMBER TO THE ALC. PURSUANT TO THE STATUTORY LAW OF THIS STATE S.C. CODE § 1-23-330 (1976) THE ALC CAN RECEIVE ANY EVIDENCE OR DOCUMENT BEFORE IT'S TRIBUNAL. AND ANY OPPOSITION TO SUCH EVIDENCE OR DOCUMENTS SHOULD HAVE BEEN CHALLENGED THEN. HOWEVER, THIS EVIDENCE, DOCUMENTS AND OR REFERENCE TO THEM WENT UNCHALLENGED IN THE ALC PURSUANT TO THE GOVERNING STATUTE.

SUCH EVIDENCE WAS RECEIVED BY THE LOWER COURT PRIOR TO THE LOWER COURT'S JULY 2, 2018 ORDER OF DISMISSAL. SEE FILED COPY OF MOTION TO HOLD APPEAL IN ABEYANCE DATED AND FILED BY THE ALC **JUNE 25, 2018**. ON JUNE 19, 2018 GENERAL COUNSEL OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS RECEIVED AN IDENTICAL REQUEST, REQUESTING THAT THIS DEPARTMENT CONSENT TO A SEARCH OF IT'S FILES ON THE APPELLANT.

EVERY DOCUMENT BEFORE THIS COURT WAS BEFORE AND SUBJECTED TO THE ALC FOR IT'S REVIEW PRIOR TO THE ALC'S PREMATURE DISMISSAL OF THE APPELLANTS APPEAL IN THE ALC.

FINALLY, APPELLANT PRAYS THAT THIS COURT DENY THE RESPONDENT'S MOTION TO STRIKE THE RECORD ON APPEAL, AND ACCEPT APPELLANT'S DILIGENCE IN HIS EFFORTS TO ADHERE TO THE ALC STATUTES AND RULES PRIOR TO THIS APPEAL.



SANYIKA ASKARI #236679
ALLENDALE C.I., F2B-43
1057 REVOLUTIONARY TRAIL
FAIRFAX, S.C. 29827-1151

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE S. PHILLIP LEWIS

APPELLATE CASE NO. 2018-001307

SANYIKA ASKARI, #236679

RECEIVED

OCT 12 2018

SC Court of Appeals
APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS RESPONDENT,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I RECEIVED THE RESPONDENTS MOTION TO STRIKE #2 FROM THE A.C.I. MAILROOM ON OCT. 1, 2018, AND THAT ON TODAY'S DATE I SERVED A COPY OF THE FOREGOING OPPOSITION TO STRIKE APPELLANT'S RECORD ON APPEAL AND REQUIRE APPELLANT TO FILE A DIFFERENT RECORD ON APPEAL TO RESPONDENTS BY DEPOSITING A COPY OF SAME IN U.S. MAIL, POSTAGE PREPAID ADDRESSED AS FOLLOWS:

- 1) ANNIE RUMLER, STAFF ATTORNEY, OFFICE OF GENERAL COUNSEL, 4444 BROAD RIVER ROAD, COLUMBIA, S.C. 29221-1787
- 2) E. HARVIN BELSER FAIR, CLERK, SOUTH CAROLINA ADMIN. LAW COURT, 1205 PENDUETON ST., STE 224, COLUMBIA, S.C. 29201

OCTOBER 7, 2018

S. Askari

SANYIKA ASKARI #236679
ALLENDALE C.I., F2B-43
1057 REVOLUTIONARY TRAIL
FAIRFAX, S.C. 29827-1151

SANYIKA ASKARI #2316679
ALLENDALE C.I., F2B-43
1057 REVOLUTIONARY TRAIL
FAIRFAX, S.C. 29827-1151

JUNE 24, 2018

COPY

RECEIVED

OCT 12 2018

SC Court of Appeals

ATTN: CLERK OF COURT
ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BLDG. STE. 224
1205 PENDLETON ST.
COLUMBIA, S.C. 29201

IN RE: SANYIKA ASKARI V. S.C.D.C.,
CASE NO. 18CO224/GRIEVANCE NO. ACI 443-27


DEAR CLERK

I AM ENCLOSING THE ORIGINAL AND TWO
COPIES OF THE MOTION TO HOLD APPEAL IN
ABEYANCE IN THE ABOVE REFERENCED CASE.
I WOULD APPRECIATE YOUR FILING THE ENCLOSED
AND RETURNING TO ME A FILED, CLOCKED,
COPY IN THE ENCLOSED STAMPED SELF-
ADDRESSED ENVELOPE.

THANK YOU FOR YOUR COOPERATION AND
ASSISTANCE IN THIS REGARD.

WITH BEST WISHES, GOD BLESS.

VERY TRULY YOURS


SANYIKA ASKARI

CC: S.C.D.C. GENERAL COUNSEL
4444 BROAD RIVER RD.
COLUMBIA, S.C. 29221-1787

FILED

JUN 25 2018

SC ADMIN. LAW COURT

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE SOUTH CAROLINA COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, S.C. 29211

RE: SANYIKA ASKARI V. SOUTH CAROLINA DEPT. OF CORR.

CASE NO. 2018-001307

OCTOBER 7, 2018

DEAR MRS. ABBOTT KITCHINGS

I AM ENCLOSING THE ORIGINAL AND ONE COPY OF THE OPPOSITION TO STRIKE APPELLANT'S RECORD ON APPEAL AND REQUIRE APPELLANT TO FILE A DIFFERENT RECORD ON APPEAL, IN THE ABOVE CASE FOR FILING. PLEASE FILE THE ENCLOSED AND RETURN CLOCK-STAMPED COPY TO ME IN THE ENCLOSED SELF-ADDRESSED ENVELOPE.

WITH BEST WISHES, I REMAIN.

VERY TRULY YOURS,



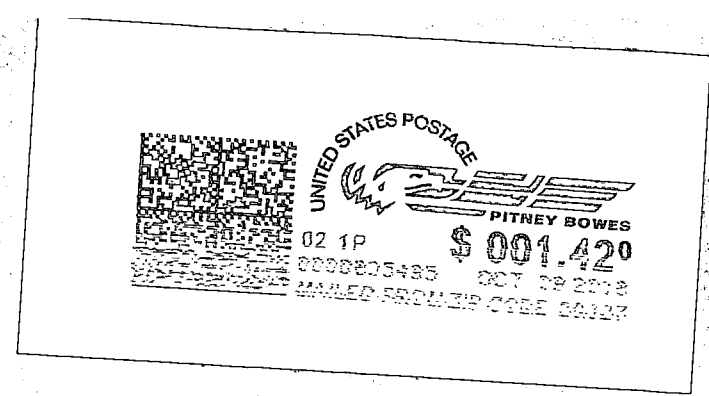
SANYIKA ASKARI #230679
AUGUNDALE C.I., F2B-43
1057 REVOLUTIONARY TRAIL
FAIRFAX, S.C. 29827-1151

CC: RESPONDENTS
ADMIN. LAW COURT

RECEIVED
OCT 12 2018
SC Court of Appeals

RECEIVED
OCT 12 2018
SC Court of Appeals

SANYIKA ASKARI #236679
ALLENDALE C.I., F2B-43
1057 REVOLUTIONARY TRAIL
FAIR FAX, S.C. 29827-1151



RECEIVED

OCT 12 2018

SC Court of Appeals

**SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211**

RECEIVED

OCT 08 2018

MAILROOM
ACI