

State of South Carolina  
In the Supreme Court

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NOV 14 2018

Appeal from Richland County

S.C. SUPREME COURT

Court of Common Pleas

D. Craig Brown Circuit Court Judge

Appellate Case # 2018-001937

Lower Court Case # 2015-CP-40-6789

Tyrone Perry ----- Appellant

-vs-

South Carolina Dept. of Corrections ----- Respondent

59(e) motion

Office of General Counsel

Stephen H. Lunsford

4444 Broad River Rd

Columbia S.C. 29221

Attorney for Respondent

sv Tyrone Perry 307793  
Tyrone Perry 307793  
430 Oaklawn Rd Q2A-105  
Pelzer S.C. 29669

Pursuant to Rule 59(e) SCRPC the Appellant moves to Alter or amend judgment of this court filed October 30, 2018 and received by the Appellant on November 2, 2018

### Procedural History

The Appellant filed a complaint on mishandled personal property on November 5, 2015. A hearing was held on June 9, 2016. The Respondents failed to process the Appellant's attempts at administratively resolving the issue. The respondents put themselves in default by failing to respond in a timely manner to its own regulations. Being that the Appellant has a due process and constitutional rights to deprivation of personal property the Appellant filed under the South Carolina Tort Claim Act. Nowhere does the language state the Appellant has to exhaust administrative remedies. The Appellant wasn't given a chance to be fully heard nor file and get rulings on properly filed motions in the circuit court. Judicial review was denied by an arbitrary and erroneous decision by the circuit courts.

### Argument

The Appellant is being denied judicial review at each level of the Court System because of his indigency status. The South Carolina Constitution Article 1 Section 3 and Article 1 section 22 are being infringed upon and violated. The Appellant presented facts and conclusions at law to the Circuit Court judge who was bias to the Appellant and stated the Appellant

wants the Circuit Court to overturn SCDC's final agency decision and the Administrative Law Court is the proper avenue. The respondents had almost seven months from the initiation of the administrative procedures to the final decision. No final decision came within the allotted time frame per regulations and a matter of law. So the circuit Court's judgment was arbitrary and erroneous to the facts presented and case laws currently in place. The Appellant filed 59(1e) motions and Petition for Rehearings in the Circuit Courts but was denied judicial review which violates safeguards set out by the Constitution. Being that the Appellant is indigent he can't afford the filing fees of the Court of Appeals or Supreme Court, which denies the Appellant judicial review of erroneous decisions made by the circuit courts that's arbitrary to the facts presented and laws and constitution. Under Rule 242 (A) and (B) two justices may review on sound judicial discretion if 1) novel questions of law, 2) dissents in the decision of the Court of Appeals 3) where substantial constitutional issues are involved, 4) decisions of the Court of Appeals in conflict with Supreme Court decisions.

### Conclusion

For the foregoing reasons the Appellant requests the Court to Alter and Amend its order and hear the Appellant's argument and remand to the circuit court for a new hearing and allow the Appellant to proceed without payment of the filing fee.

This 5<sup>th</sup> day of November 2018

vs Tyrone Perry 307793  
430 Oaklawn Rd Q2A-105  
Pelzer S.C. 29664

State of South Carolina

In the Supreme Court

Appeal from Richland County

Court of Common Pleas

D. Craig Brown Circuit Court Judge

Appellant case # 2018-001937

Lower Case # 2015-CP-40-6789

Tyrone Perry ----- Appellant

v

South Carolina Dept. of Corrections ----- Respondent

Proof of Service

I certify that I have served this 5961 by depositing a copy of it in the U.S. mail postage prepaid to the following:

S.C. Supreme Court

S.C. Court of Appeals

Office of General Counsel

Daniel E Shearouse

Jenny Abbott Kitchings

Stephen H. Lunsford

P.O. Box 11330

P.O. Box 11629

4444 Broad River Rd

Columbia S.C. 29244

Columbia S.C. 29244

Columbia S.C. 29226

This 5<sup>th</sup> day of November 2018

State of South Carolina  
County of Richland

In the Supreme Court

Tyrone Perry ----- Appellant

- vs -

South Carolina Dept. of Corrections -- Respondent

Motion AND AFFIDAVIT TO  
PROCEED WITHOUT FILING  
FEE PAYMENT

Appellate case # 2018-001937  
Lower Court Case # 2015-CP-40-6789

I Tyrone Perry being duly Sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of the filing fee and service in the present matter. I hereby request that the complaint be filed and service made without costs.

I Tyrone Perry certify and verify under the penalty of perjury Tyrone Perry the foregoing is true and correct 28 U.S.C.A. § 1746

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NOV 14 2018

S.C. SUPREME COURT

ORDER

- Leave is granted to proceed without payment of the filing fee
- Leave is granted to proceed without payment of the service cost
- Leave is denied to proceed without payment

Dated \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
Judge / Clerk of Court

\_\_\_\_\_. South Carolina

State of South Carolina

In the Supreme Court

Appeal from Richland County

Court of Common Pleas

D. Craig Brown Circuit Court Judge

Appellant case # 2018-001937

Lower Court Case # 2015-CP-40-6789

Tyrone Perry ----- Appellant

✓

South Carolina Dept of Corrections ----- Respondent

Proof of Service

I certify that I have served this motion and affidavit to proceed without filing fee payment by depositing a copy of it in the U.S. mail postage prepaid to

South Carolina Supreme Court

Daniel E Shearouse

P.O. Box 11330

Columbia S.C. 2924

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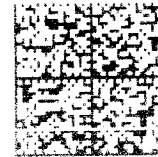
NOV 14 2018

S.C. SUPREME COURT

This 5<sup>th</sup> day of November 2018

Tyrone Perry # 307793  
Perry Corr. Institute  
430 Oaklawn Rd Q2A-105  
Pelzer S.C. 29669

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Daniel E. Shearouse, clerk  
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Columbia S.C. 29211

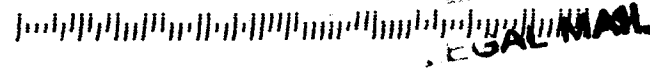
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