

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from South Carolina Department of Corrections
Bryan P. Stirling, Director

RECEIVED

Perry Gilmore, #344879, Appellant,

DEC 13 2018

SC Court of Appeals

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-001977

PETITION OF REHEARING

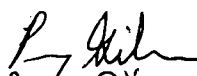
I petition for rehearing because the order dismissing this appeal contained clerical errors where it indicated: (1) the appeal "arises out of an undated memorandum issued by the Clerk's office of the Administrative Law Court refusing to accept filings from Appellant without payment of a filing fee;" and/or (2) that I did not file a Notice of Appeal.

I filed a Notice of Appeal and indicated therein that I am appealing from Respondent's decision rendered on a document I referenced in & filed with said Notice of Appeal captioned "South Carolina Department of Corrections Disciplinary Report and Hearing Record." I also stated my reasons for doing so & cited supporting authority in said Notice of Appeal and referenced in & filed with said Notice of Appeal dated correspondence from the Clerk's Office of the Administrative Law Court in addition to the "undated memorandum" this court referenced in its order dismissing this appeal. (NOTE: Please be advised that I filed 2 different Notice of Appeals in the same envelope each with the decisions I was appealing from (SCDC Disc. Report and Hearing Records), correspondences from Respondent stating I was on "Grievance Limitations," and correspondence from the ALC (dated and undated) refusing to accept notice of appeals without the filing fees despite the facts that I'm indigent, they limit me to 3 free filings per year and I've already filed 3. This court has not mailed me any correspondence indicating it filed both separately. I request it mail me copies of what I filed time and date stamped & the case numbers assigned to each).

For the foregoing reasons, I respectfully request my appeal be allowed to proceed.

December 8, 2018
Ridgeville, South Carolina

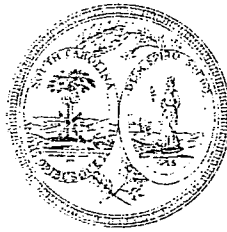
¹ Attached.


Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472
(APPELLANT) (PRO SE)

STATE OF SOUTH CAROLINA
Administrative Law Court

RALPH K. "TRIPP" ANDERSON, III
Chief Judge

JANA E. SHEALY
Clerk



(803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

Memorandum

To: Appellant
From: Clerk's Office, Administrative Law Court
Date: 9/29/18
Re: Compliance with ALC Special Appeals Rule

The Administrative Law Court received your information on 9/29/18
According to ALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

- You must use the attached Notice of Appeal form to submit your appeal (See ALC Rule 57 and 59).
- A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to ALC Rule 59(C).
- A brief factual basis for each expressly and specifically asserted constitutional violation in accordance with ALC Rule 59(B).
- The Notice of Appeal form you submitted must be signed and dated.
- Filing Fee of \$25 in accordance with ALC Rule 71 for your 4th and subsequent appeal this calendar year.
- Other: There are no waiver forms for DOC Appeals to the ALC. (Special Appeals Rules attached)

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

EDGAR A. BROWN BUILDING • 1205 PENDLETON STREET, SUITE 224 • COLUMBIA, SOUTH CAROLINA 29201-3755

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Honorable Bryan P. Stirling, Director

Perry Gilmore, #344879, Appellant,

v.

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PROOF OF SERVICE

I certify I below date served copies of Petition For Rehearing on below parties at below addresses, by mail, postage paid:

Clerk's Office

S.C. Administrative Law Court
Edgar A. Brown Bldg.
1205 Pendleton St., Ste. 224
Columbia, SC 29201

SCDC Office of General Counsel

4444 Broad River Rd.
Columbia, SC 29210
(COUNSEL FOR RESPONDENT)

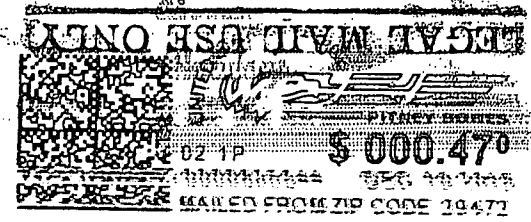
December , 2018
Ridgeville, South Carolina

P. Gil
Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472
(APPELLANT) (PRO SE)

Perry Gilmore #344879
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Ridgeville, SC 29472

TIME SENSITIVE MATERIAL

FIRST CLASS



RECEIVED

DEC 10 2018

MAIL ROOM
WEBER CII.

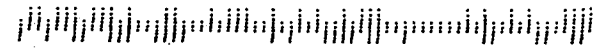
Clerk of Court
Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

2921181629



THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CONTROLLED THIS DOCUMENT. THEREFORE,
THE DEPARTMENT CANNOT BE HELD RESPONSIBLE
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS