

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Perry Gilmore, #344879, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-001950

RECEIVED

DEC 13 2018

SC Court of Appeals

PETITION FOR REHEARING

I petition for rehearing because the order dismissing the 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 was appealing from the 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 in said Notice of Appeal & cited supporting authority in said Notice of Appeal and referenced in and 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 Hearing Records) correspondences from Respondent stating I was on "Grievance Limitations," and correspondence from the ALC (dated and undated) refusing to accept notices of appeals without the filing fees despite the facts 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 appeal).

For the foregoing reasons and those stated in my Notice of Appeal, I respectfully request my appeal be allowed to proceed.

December 8, 2018
Ridgeville, South Carolina

¹ Attached.

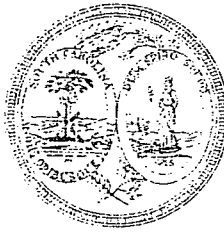
Respectfully,


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

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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 PPPS) 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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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 8, 2018
Ridgeville, South Carolina

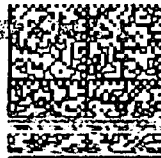
P. Gilmore
Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472
(APPELLANT) (PRO SE)

Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472

CHARLESTON SC 294

TIME
SENSITIVE
MATERIAL

FIRST CLASS



02 1P

\$ 000.47⁰

MAILED FROM ZIP CODE 29472

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DEC 10 2018

MAIL ROOM
LIEBERMAN

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

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DEC 13 2018

SC Court of Appeals

LEGAL MAIL USE ONLY

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS PAMPHLET; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS