

State of South Carolina

County of Richland

Jaron Rivers Sr.

Appellant

✓

South Carolina Department

of Corrections

Defendant

In The Court Of Common Pleas

Case No: 2018-C-0578

Motion To Appeal Administrative Law
Court Judge Decision

RECEIVED

FEB 06 2019

SC Court of Appeals

Procedural History

On the date of July 17, 2018 Appellant was charged falsely with possession of a weapon while housed in the Segregation Management Unit of Broad River Correctional Institution. The Appellant had a hearing for the charges on August 6, 2018 held by Mr Ernest Rowe (Institution Disciplinary Hearing Officer). After being found guilty Appellant appealed the hearing. The Warden that reviewed the grievance that Appellant filed for the hearing denied Appellant appeal. Staying in policies appeal process appealed the Warden's decision Sept. 20, 2018. That appeal was denied by Wayne McCall of Division of Operation (Socel). Appellant appealed with the Administrative Law Court November 29, 2018. Which was denied January 2, 2019. Now the Appellant appeals the Administrative Law Judge's decision in the Court of Common Pleas.

Statement of Facts

Appellant filed this motion for the fact that the Administrative Law

Judge's decision was made wrong by lack of proper Analysis of the evidence and process of the Case on SCDC's behalf. ALC Judge denied the grievance appeal stating that there was no good time taking from Appellant and that is not facts or true. Appellant did failed to earn good time for the month of August, but it was not documented on paper work but it was and is on recording. Disciplinary Hearing Officer Rave did state on the recorder that Appellant did fail to earn good time.

Argument

Appellant ask for this court to rule in his favor for the charges to be dismissed/overturned on the fact that good time was taking even for the month is a state credit liberty interest regardless how it was taken. He also states that this is a violation of the 14th Amendment of the Constitution to where it has and will hinder him from going home early. The Appellant was found guilty under false evidence and incident report. Which was a violation of due process because the Disciplinary Hearing Officer failed to properly investigate after officer who charged Appellant stated that other inmates had access to the area the alleged weapon was found. Which DHO violated SCDC Policy OP-22.14. Section 9. Because he never did. He only asked the officer was his report true on the facts. Which was bias and unfair. Also an inmate wrote a statement confessing that he was the person who put the weapon there because it was taken off his table, claiming the weapon was his. Appellant was found guilty at the presenting of this evidence, which is malicious prosecution. Because the inmate ~~wrote~~ was stated and statement giving at the hearing.

Conclusion

Wherefore Appellant requests that this court rule in his favor. Appellant prays that the charge be dismissed or overturned from his record or for it to be handled back at the institutional level with a fair and impartial hearing and investigation. Thank you.

Sworn here before me this
date of February the 4th
2019

Jennifer Wood
Notary Public of South Carolina

EXP: March 8, 2019

Respectfully,
Javan Rivers Sr
Javan Rivers Sr # 332402
B.R.C.I. SA. #119
4460 Broad River Rd.
Columbia, Se. 29210

State of South Carolina
County of Richland
Javon Rivers Sr

Appellant

V.

South Carolina Department
of Corrections.

Defendant.

In The Court of Common Pleas

Case No: 2018-C-0578

RECEIVED

FEB 06 2019

Certificate of Service SC Court of Appeals

I Javon Rivers Sr #332402 do hereby certify that I am a inmate
at Broad River C.I. and that I served a copy of the Motion of Appeal
Administrative Law Judge's decision to defendant via certified mail at Broad
River C.I. Mail Custodian on the date of _____ the _____ 2019.
Addressed as follows: South Carolina Department of Corrections c/o Bryan
P. Stirling Agency Director 4444 Broad River Rd. Columbia, SC. 29210

Sworn here before me this
date of February the 4th

2019.

Jennifer Washington
Notary Public of South Carolina

EXP: March 8, 2020

Respectfully,

Javon Rivers Sr

Javon Rivers Sr #332402

B.R.C.I. SA. #119

4460 Broad River Rd.

Columbia, SC. 29210

CC: Judge Deborah Brooks Darden (s.c. ALC)

Jayon Riders Sr #332402
B.P.E.F. SA. #119
4460 Broad River Rd
Columbia, SC, 29210

RECEIVED

FEB 06 2019

SC Court of Appeals



RECEIVED

FEB 04 2019

BF
MAILROOM

2521191829 8012

The Honorable Jenny Abbott Hitchings
Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211

LEGAL MAIL