

The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Administrative Law Judge Deborah Brooks Dueden

Case NO. 12-ALJ-04-0606-AP

Billy Lee Lisenby JR, #200273 Appellant,

v.

South Carolina Department of Corrections Respondent

Appellant's Supplement Record ON Appeal

Dated: Feb. 5th, 2014.

Billy Lee Lisenby JR #200273

990 Wiskey Hwy

Lee Crr Inst

Bishopville S.C. 29010

Pro-SE

General Counsel

4444 Broad River Rd

Columbia S.C. 29221-1787

RECEIVED

FEB 20 2014

SC Court of Appeals

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Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Dated: Feb 5th 2014

15/ Billy Lee Lisenby Jr.
Billy Lee Lisenby Jr. #200270
990 Wsacky Hwy.
Lee C. I
Bishopville S.C. 29010

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page 1 of 1

022408

Institution/Center: <u>Keele</u>				
Date of Report: <u>2/24/12</u>			Time of Report: <u>6:45 pm.</u>	
Reporting Official: <u>William Chanell 047859</u>			Date of Incident: <u>2/24/12</u>	
Location of Incident: <u>OAKA</u>			Time of Incident: <u>6:40 pm</u>	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex
1. <u>Billy Lisenby</u>	<u>200273</u>		<u>B</u>	<u>M</u>
2.				
3.				
4.				
5.				
Employee(s) Involved:				

On the above date and approximate time: During the evening pill line
Inmate Billy Lisenby scdc # 200273 was trying to
go to the pill line with a 1300 pm pill line
pass. Inmate Billy Lisenby (200273) was advised
that the nurse would reschedule his medicine
pick up because he had missed the movement
Inmate Billy Lisenby stated that he would be
beat my fat clucker ass that he need to go
Inmate B. Lisenby continued to curse at me.
Inmate Billy Lisenby (200273) was identified
by his SCDC flash card and is being charged
with 809, threatening to inflict harm

RECEIVED

FEB 20 2012

Signature: W. Chanell

SC Court of Appeals

Evidence:

Witness(es):

Supervisor's Comments: FORWARD TO MAJOR for further

ACTION

Signature: T. Smith Title: U Date/Time: 2:00pm

Major / Responsible Authority: FORWARD TO DHA

I'm charged with 809

Signature: [Signature] Title: mmj Date: 2/24/12

STG Related - Refer to STG Committee
☐ Yes ☒ No ☐ Unknown

This Incident is DRUG related
☐ Yes ☒ No ☐ Unknown

DMH 10.0

Action Taken

☐ Informal Resolution
☐ Administrative Resolution
☒ Refer to Disciplinary Hearing

2/28
5/22/2016 300

030611

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page 1 of 1

Institution/Center: <u>Kershaw CI</u>						
Date of Report: <u>3-6-12</u>			Time of Report: <u>10:15 A.M.</u>			
Reporting Official: <u>Sgt. Kristopher Sweet #032784</u>			Date of Incident: <u>3-6-12</u>			
Location of Incident: <u>OAK A</u>			Time of Incident: <u>9:30 A.M.</u>			
Inmate(s)/Resident:		SCDC#	Age	Race	Sex	Employee(s) Involved:
1. <u>Lisenby, Billy</u>		<u>#200273</u>		<u>B/m</u>		1. <u>Sally Crowe #048262</u>
2.						2.
3.						3.
4.						4.
5.						5.
On the above date and approximate time: <u>I, Sgt. Kristopher Sweet #032784, wrote a</u> <u>pass for inmate Billy Lisenby #200273 to report to His DHO</u> <u>hearing. Inmate Lisenby arrived in visitation for his hearing,</u> <u>but left shortly after. Per Ofc. Sally Crowe #048262,</u> <u>Inmate Lisenby did not attend his hearing before leaving.</u>						
Signature: <u>Sgt. Kristopher Sweet</u>						
Evidence:						
Witness(es): <u>2</u>						
Supervisor's Comments:						
Signature: _____ Title: _____ Date/Time: _____						
Major / Responsible Authority:						
Signature: _____ Title: _____ Date: _____						

STG Related - Refer to STG Committee
() Yes () No () Unknown

This Incident is DRUG related
() Yes () No () Unknown

Action Taken

() Informal Resolution
() Administrative Resolution
() Refer to Disciplinary Hearing

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING PROCEDURE**

DOCKET No.: 12-ALJ-04-0606-AP GRIEVANCE No.: KRCI-0369-11

INMATE NAME: Billy Lisenby SCDC No.: 200273

INSTITUTION: Kershaw Correctional Institution

DATE: March 6, 2012

**CHARGE: 809-Threatening to Inflict Harm on/Assaulting an Employee and/or
Members of the Public**

DHO: The purpose of this hearing is to treat this matter before me with fundamental fairness and arrive at a just decision. All parties must conduct themselves properly. Failure to do so will result in removal. I am Mrs. Sellers, Disciplinary Hearing Officer for Kershaw Correctional Institution. This is the Disciplinary Hearing of Inmate Billy Lisenby, 200273, uh, being recorded on March the 6th, 2012, at approximately 11:05 a.m. Inmate Lisenby, um, reported to the hearing area and exited without permission. He's being represented by Counsel Substitute Armstrong and this hearing will be conducted in his absence due to the Incident Report that was survive...provided from Sergeant Sweet, which will be read for the record by Mr. Armstrong, who is representing Inmate Lisenby. Mr. Armstrong, would you read it now for the record, sir?

C/S: Yes ma'am. We got a Incident Report from Sergeant Kristopher Sweet, dated 03/06/2012 at 10:15 a.m. Um, it's in reference to Billy Linsby, 200273, black male. I, Sergeant Kristopher Sweet, wrote a pass for Inmate Billy Linsby, 200273, to report to his DHO Hearing. Inmate Lisby by...arrive...arrived in visitation for his hearing but left shortly after per Officer Sally Crowe. Inmate Linsby did not attend his hearing before leaving. I reviewed his 19-69 and his 19-29. Found both of them to be in order. I have no other witness statement or voluntary statement in reference to this charge.

3.

DHO: Disciplinary Hearing Officer

C/S: Counsel Substitute

DHO: At this time, I'm gonna read the Incident Report that was submitted from Officer Channell and the Report Number is 022408; Dated: February 24, 2012; 6:40 p.m.; Location is Oak A; and it reads: During the evening pill line, Inmate Billy Lisenby, 200273, was trying to go to the pill line with a 1300 p.m. pill line pass. Inmate Billy Lisenby, 200273, was advised that the nurse would reschedule his medicine pick-up because he had missed the movement. Inmate Billy Lisenby stated that he would be...he would...he would be...beat my fat cracker ass, that he needed to go. Inmate Billy Lisenby continued to curse at me. Inmate Billy Lisenby, 200273, was identified by his SCDC Flash Card and is being charged with 809-Threatening to Inflict Harm. He was served this offense on February 29th, 2012, at approximately 12:47 a.m. and he was served by Sergeant Watson. Um, a plea of none has been entered on behalf of Inmate Lisenby. He is represented by Counsel Substitute Armstrong. Mr. Armstrong, do you want to make a statement on behalf of Inmate Lisenby.

C/S: No ma'am.

DHO: At this time, I'm going to recess this hearing to arrive at a decision.

DHO: We will now go on the record with the hearing of Inmate Lisenby. I did find him guilty of the offense 809, based on the written report of Channell. The sanction for this offense is: 90 days disciplinary detention; 90 plus 180 equal 270 days loss of privileges; and 60 days loss of good time. This do to it being his second offense of 809. Inmate Lisenby will receive a copy of the Hearing Record explaining the results and appeal process. This is hearing is now concluded.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

Billy Lisenby, #200273

Appellant,

-VS-

South Carolina Department of Corrections,

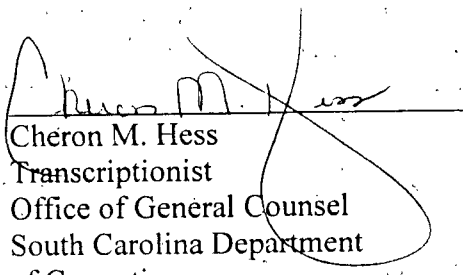
Respondent.

)
)
)
)
) **CERTIFIED TRANSCRIPT**

) Docket No.: 12-ALJ-04-0606-AP
)
)
)
)

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.


Cheron M. Hess
Transcriptionist
Office of General Counsel
South Carolina Department
of Corrections

SWORN TO before me this
4th day of September, 2012

N. Dwayne Heile (L. S.)

Notary Public for South Carolina

My Commission Expires: 4/6/14

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

Billy Lisenby, #200273

Appellant,

-vs-

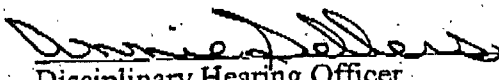
South Carolina Department of Corrections,

Respondent.

CERTIFICATION

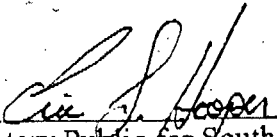
Docket No.: 12-ALJ-04-0606-AP

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.

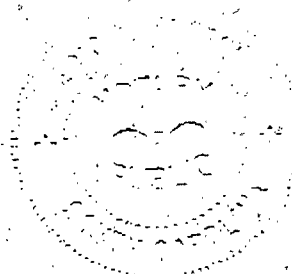

Disciplinary Hearing Officer
South Carolina Department of Corrections

SWORN TO before me this

30th day of August, 2012.


(L. S.)
Notary Public for South Carolina

My Commission Expires: Feb. 9th, 2020



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 124 Inmate Name: Lisenby, Billy SCDC#: 200273
Living Area: 0A11 Job: NA Custody: NA1
Offense Date: 2/24/12 Offense Time: 6:40 AM/PM Institution: Kershaw

Offense Description:

809 Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure the person or commit a violent or unlawful act dangerous to human life, but does not result in bodily harm.

Charging Officer/Employee: William Channell (B1) Title: Officer
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
☒ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
☐ I WAIVE MY RIGHT TO A HEARING
☒ SMU/SEGREGATION ONLY Armstrong
☒ I WANT A COUNSEL SUBSTITUTE
☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 2/29/2012 12:47 AM/PM By (Print): Sgt. Regina D. Watson
Inmate Signature: Billy Lisenby SCDC#: 200273 Date: 02/29/2012

HEARING INFORMATION:

10 Hearing Date: 3/6/12 Hearing Time: 11:05 am/pm Tape: / Side: / Start: / End: /

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

nm# 10.0 NTV See attached report due to JMA leaving the area without permission.

OFFENSE CODES	<u>809</u>			
INMATE PLEA (G, NG, None)	<u>None</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Written report of Channell.

HEARING LENGTH: 7 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): 60
* Property (Days) _____ Extra Duty: _____ Restitution: \$ _____
* Canteen (Days) 90+180=270 Visit Suspension Thru 1/1 90+180=270
* Other phone (Days) 90+180=270 Cell Restriction (Days): _____
* Disciplinary Detention (Days): 90

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED 2nd offense of 809.

CREDIT FOR PHD TIME SERVED? YES/NO

IF YES, DAYS _____

DATE INMATE PLACED IN PHD _____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT Unaladeto DATE: 3-6-12

HEARING OFFICER (PRINT NAME) William Channell

APPROVED/REVERSE/MODIFY: William Channell

Warden

REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record

Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)

Canary - Inmate (Service of Disciplinary Report)

Pink - Central Record

*(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1**

INMATE NAME: Billy Lee Liscaby JR.

SCDC NUMBER: #200273

INSTITUTION: Kershaw C.I.

HOUSING UNIT: Dak All

WORK ASSIGNMENT: N/A

MAR 12 2012

RECEIVED

MAR 13 2012

KERSHAW CI
GRIEVANCE

Office Use Only

Grievance No. KRCF-0369-12

Code: General

Policy

Disc. Hear. 809, # 124

Class. HO 3/10/12

Date Received 3/13/12

IGC Initials AW

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) On 3-6-12 I was found guilty by Mrs. A. Sellers in my absence, of the charge of 309 Breachway to Infract. Please note I was never notified of my hearing. OP-22.14 Section 14 states in part "If an inmate refuses to appear at the hearing or fails to appear at the scheduled time, one is unavailable the hearing may be conducted in the inmate's absence." Nothing means to give notice to; inform. Notice means a formal warning of intention to end an agreement or contract at a certain time." I was never notified that a hearing was being held, nor was I notified of a time. In SCDC the proper protocol, or procedure is to provide me with an OTR (order to report) so that I will sign for my notification and therefore to appear. I can be charged pursuant to SCDC policy OP-22.14. I was never given any type of notification to go to the D.H.U. In order to go through the plate gate I must have an OTR. So there is no way I could've went to the D.H.U. even if I wanted to. On 2-27-12 I checked "I want a counsel substitute." Beside it it states "Answering." Well I never spoke to my counsel substitute. Even though I sent him and the D.H.U. a request to staff asking for him to have my witnesses present. My counsel substitute was suppose to get with me prior to my hearing, then he would know I did not want to have my case heard in my absence. Also I did not check that. I do not want to be present at my hearing. By me not checking this the D.H.U. and my counsel substitute should have contacted me prior to having my hearing in my absence. Policy OP-22.14 Section 7.2 states in part "Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and tape recorded." Nothing on the form 1769 states or shows my hearing was recorded. Policy OP-22.14 Section 12.3 states in part "The tape number/disk and the counter strip/black reading for each hearing conducted will be recorded in SCDC Form 1769." This was not done. Even though it's digital the Start and Ending time should be listed. The first thing I heard about a hearing was at approx. 5:00 PM SGT Gordon showed SGT. Sweets who I was and SGT. Sweets ask me why I did not go to my D.H.U. hearing. I said I did not know I had to go. He stated "he told Channell." That is a conflict of interest. Ch. Channell is the officer who work me up. He never told me anything. Also I have

ACTION REQUESTED: I ask that my case be overruled and that the tape recording be made available to the appropriate reviewing authority before deciding my appeal as stated in OP 22.14 Section 23.4

See Attachment #2

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Appeal

Billy Lee Liscaby
Grievant Signature

March 19, 2012
Date

ACTION TAKEN BY IGC:

Reviewed disciplinary documentation
See Warden's Response

IGC Signature

Date

Grievant Signature

Date

☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

WARDEN'S DECISION AND REASON:

Inmate Lisenby;

This is in response to KRCI-0369-12 You have appealed the results of your 3/6/12 Disciplinary Hearing where you were found guilty on the charge of 809 Threatening to Inflict Harm on an Employee. The issues you stated do not warrant a reversal of the charge. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence was noted and the decision of the Disciplinary Hearing Officer was based on substantial evidence. Based on this information, your appeal is without merit and therefore denied.

If not satisfied with my response, see Step 5 below.

- ☐ I accept the Warden's decision and consider the matter closed.
☒ I do not accept the Warden's decision and wish to appeal.

Bill Lisenby 3-22-12
Grievant Signature Date

[Signature] 3-23-12
Warden Signature Date

[Signature] 3/22/12
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

Due to me not being properly notified of my D.H.O. ^{hearing} and not having my right to
this to my I was over in the court. On the day of the alleged hearing, I had an OTR to the government, my attorney,
and the library.

Due to me not being properly notified of my D.H.O. ^{hearing} and not having my right to
my hearing I ask my case be overturned.

Attachment #1

NS **LLC**
11/3/12 0367-12
Office-Use Only

MAR 30 2012

WORK ASSIGNMENT: *N/A*

~~APR 02 2012~~

~~KERSHAW C~~
~~GRIEVANCE~~

Office Use Only

Grievance No.

Code: General

Policy

Disc. Hear. 107 #124

Class. HD 3-6-12

Date Received

IGC Initials

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): "I contend that I was not notified to be at the DHO as stated in CP 014 which it states in part "If an inmate wishes to appear at the hearing or fails to appear at the notified time, an unreasonable comment overturning for following reasons: handwriting doesn't match either grievance form (appeal form) evidence n). IGC Designee charged inmate when Designee is not suppose to read grievances only give them a number. IGC Designee gave full grievance form to Disciplinary Hearing Officer as evidence without redacting confidential information. Ann Hallman even if I wanted to, on 2-29-12 I checked "I want a written substitute" under that state "Denial" as well I never said to

[illegible]

Grievant Signature

Date.

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Threatening to Inflict Harm on an Employee and/or Members of the Public (809) on March 6, 2012, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated September 1, 2009, and the sanction(s) imposed, which included the loss of 60 days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received twenty-four (24) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Signature _____

Date _____

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____

Date _____

IGC Signature

Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Billy Lee Linsby JR, #200213

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. ALJ-04

GRIEVANCE NO.

Notice is hereby given that Billy Lee Linsby JR does hereby appeal the final decision of the South Carolina Department of Corrections dated 5-22-12 received on 5-15-12, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant was found guilty on 3-6-12 MRS. A. Sellers in my absence, of the charge of 309 Threatening to Inj. Person. Appellant was never notified of a hearing, due now time. CP-22.14 Section 11 states "Notice means" to give notice to: inform." Notice means "a formal warning of intention to end an agreement or contract at a certain time." I was never notified that a hearing was being held, nor was Appellant notified of a time. In S.C. DC the proper procedure is to provide me with an OTR (Order To Respond) so that I will sign for my notification and IF I refuse to appear I can be charged pursuant to S.C. DC policy CP-22.14. I was never given any type of notification to go to the D.H.O. In order to go through the place gate I must have an O.T.R. So there is no way I could've went to the D.H.O. even if I wanted to. On 2-29-12 I checked "I want a counsel substitute." Beside it, it states "Armstrong." Well I never spoke to my counsel substitute, Even though I sent him and the D.H.O. a request to staff asking for them to have my witness present. My counsel substitute was suppose to get with me prior to my hearing, then he would've known I didn't want to have my case heard in my absence. Also I did not check that "I DO NOT WANT TO BE PRESENT AT MY HEARING." By not checking this, the D.H.O. and my counsel substitute should have contacted me prior to having my hearing in my absence. See page 2)

Billy Lee Linsby JR

Appellant's Name

Signed

Billy Lee Linsby JR

4843 Goldmine Highway Kershaw Co. SC

Mailing Address

Dated

May 27th 2012

Kershaw S.C. 29069

City, State, Zip Code

CERTIFICATE OF SERVICE

I, the undersigned, being a resident of the State of South Carolina, do hereby certify that I, Billy Lee Linsby JR, on the 27th day of May in the year 2012 at Kershaw, South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned, constitution, and addressed as follows:

Name of person/Agency served: Personal (court)

Address: 4843 Goldmine Highway

City, State, Zip Code Kershaw S.C. 29069

Billy Lee Linsby JR
Print your name - sign your name

(See reverse side for instructions)

Policy OP-22.14 Section 1.2 states in part "Should an inmate refuse to sign a waiver authorizing the hearing, the hearing will be held in the inmate's absence and tape recorded." Nothing on the Form 19-69 states or shows my hearing was recorded. Policy OP-22.14 Section 12.3 states in part "The tape number/date and counter stop/start reading for each hearing will be recorded on S.C. DC Form 1969." This was not done. Even though it's digital, the start and ending time should be listed. The first thing I heard about a hearing at approx. 5:00 PM SGT. Goodwin showed SGT. Sweets who I was and SGT. Sweets ask me why I did not go to my D.H.O. hearing. I said I did not know I had to go. He stated "he to Channell." That is a conflict of interest C/o Channell is the officer who wrote me up. He never told me anything. Also I have constantly complained ~~that~~ C/o Channell's towards me. How can my accuser be the person who suppose to notify me, who's to say I was even in the dorm. On the day of the alleged hearing, I had an OTR to the grievance office, mailroom, and law library.

Due to me not being properly notified of my D.H.O. hearing and me not writing my right to my hearing, my case should be overturned.

Russ v. Medical University of South Carolina 328 S.C. 51 492 S.E. 2d 62 (S.C. 1997)
State South Carolina Constitution of 1795 p. 21 1969 Article I, § 22 provides in part
No person shall be finally bound by judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and opportunity to be heard, nor shall he be subject to the same person for both prosecution and adjudication.