

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from the Admin. Law Ct.

The Hon. Deborah Brooks Durden

# 18-ALJ.04-0513-AP

# 2019-000053

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MAY 22 2019

SC Court of Appeals

Bennie Mitchell

Appellant

vs

S.C.D.C.

Respondent

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INITIAL BRIEF OF APPELLANT

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Bennie Mitchell # 278318  
Fairfield Co. Jail  
#10 Faith Lane  
Winnsboro, SC 29180

SCDC

Gen. Counsel's office

Atty. Christina C. Bigelow

4444 Broad River Rd.

Columbia, SC 29221

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## Const. issue

15 <sup>th</sup> Amend	_____	6
14 <sup>th</sup> Amend	_____	6

STATEMENT OF THE ISSUES ON APPEAL

WHETHER THE A.L.C. HAS JURISDICTION  
TO REVIEW APPELLANT'S CASE IN  
HAVING THE ALIAS NAMES RE-  
MOVED FROM HIS INST. RECORDS  
AND I/M I.D. CARD

## STATEMENT OF THE CASE

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On July 12, 18 Appellant filed his step 1 grievance on the issue at bar.

On July 29, 18 Appellant's step 1 was denied. On Aug. 3, 18 Appellant filed his step 2 grievance upon the same issue, which was denied. Which Appellant appealed to this court on Oct 29, 18.

# ARGUMENT

The Appellant argues, that this court has jurisdiction to review his case, in having the alias names removed from his Inst. records and I/m I.D. card. When Appellant had shown proof by way of SLED that the alias names of Danon, Dalton Bernie, Benny was from SCDC, not SLED. SEE: Ex A - letter from SLED dated June 8, 18

Thus, The Appellant further argue, that there was no commitment orders or misspelling of his birth names, showing the above alias names

Now, could S.C.D.C. show any of the above alias names, came from any commitment orders or misspellings, coming from any other out-side agency (ies). Which shows the alias names should have been removed from Appellant's Inst. records and I/m I. D. card. per. S.C.D.C. own policy 21.09 SEE: Appellant Step 1 and Step 2 grievances.

Moreover, Appellant argues that S.C.D.C. further showed a arbitrary, capricious and bias demeanor, when they stated in Step 2 - in part, "that upon Appellant's release from S.C.D.C. that the

issue Appellant raised will no longer be pertinent.

The Appellant argues that this is not true where he had to personally correct the alias name Parren during his intake at Fairfield Co. jail where he is now being housed as a state trustee.

Further, the Appellant argues that the Respondent argument upon their step 2 is irrelative to his liberty interest in having these alias names upon and removed from his Inst. records and other out. side agencies) SEE: Ex. B & E C. Also see U.S. Const. 1<sup>st</sup> and 14<sup>th</sup>

### CONCLUSION

WHEREFORE: Base upon the above arguments this court should issue an order compelling SCDC to remove the alias names removed from his Inst. record(s) and any other data SCDC has put out showing the above alias names.

Date May 19, 19

Respectfully Submitted  
Beanie Mitchell

(6)

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PROOF OF SERVICE

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I, Bennie Mitchell hereby certify that I have served the below persons my initial brief. By placing it in the hands of a Fairfield Co. jail officer hand w/postage prepaid to be placed in the U.S. mail this 19<sup>th</sup> day of May 19

Bennie Mitchell

V. Claire Allen, Deputy Clerk  
P.O. BOX 11629  
Columbia, SC 29211

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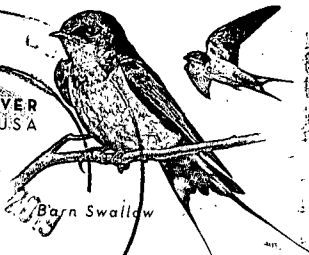
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