

*The State of South Carolina
In the Court of Appeals*

*Appeal from Administrative Law Court
Shirley C. Robinson, Administrative Law Court Judge*

*William Allen, #178666 - - - - - Appellant
V.
South Carolina Dept. of Corrections - - - - - Respondent*

Record on Appeal

*S.C.D.C. General Counsel
Melissa J. Arnold, Esquire
South Carolina Dept. of Corrections
4444, Broad River Road
Columbia, S.C. 29210
Attorney for Respondent*

RECEIVED
NOV 16 2017
SC Court of Appeals

*William Allen, #178666
Broad River Court Inst.
4460 Broad River Road
Columbia, S.C. 29210
Pro Se
attorney for Appellant*

Table of Contents

Statement of issue on appeal

Designation of matter
to be included in the Record on Appeal

Appellant proposes the following to be included in
the Record on Appeal

the pages marked 1 through 10
Exhibit marked 1-7

Argument

The lack of a Commitment Order is the issue
before the Court. Appellant testified on behalf of the
state in Hampton County Case and Exposed the time shown
on Exhibit 6 + 7, that is why life was off of the table.
Exhibit 1 is a fake paper, that also contains false information.
The Clerk of Court's record is void a Commitment Order.
The Clerk of Court's record is also void a valid sentencing sheet.
this state agency is in blatant violation of Policy OP 21.09 -
11.4 - 11.7, it states this agency MUST have a Commitment order
in order to accept an inmate into their custody.

Statement of issue on appeal

The lack of a commitment Order signed by a judge and filed by a clerk of court as a matter of public record. That is the issue.

Without a proper legal valid commitment Order signed by a judge. Without that document, this state agency has no authority of law to hold appellant in confinement.

The clerk of court's record in Orangeburg County is void a commitment Order. It don't exist, S.C.D.C. inmate record is void a commitment Order.

Therefore this state agency has no authority of law to continue to hold appellant in custody. Appellant is being held unlawfully/illegal.

Conclusion

For the foregoing reasons, the court shall order that appellant be released from custody immediately.

W. Allen

WILLIAM ALLEN #128666

BROAD RIVER CORRECT. INST.

4460 Broad River Road

Columbia, S.C. 29210

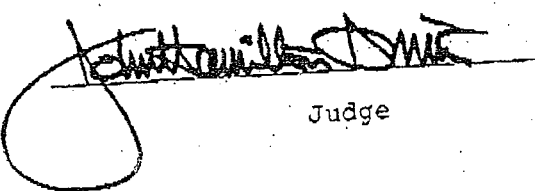
Pro-Se 11-13-17

Exhibit #1

THIS PAPER IS BOGUS / COUNTERFEIT / FAKE / FAISE
PLUS THIS IS NO COMMITMENT ORDER

MAY-26-1995 14:15 FROM Orangeburg Family Court TO 918038961217 P.02

No Case Number
and
No Clerk of Court stamp
Not Valid

1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
2 COUNTY OF ORANGEBURG)
3
4 STATE OF SOUTH CAROLINA)
5 -vs-) SENTENCE OF JUDGE
6 WILLIAM DALE ALLEN,)
7 Defendant.)
8 I, the Judge in the above entitled case, having
9 found beyond a reasonable doubt the existence of the fol-
10 lowing statutory, aggravating circumstances, to wit:
11 The murder was committed while in the commission
12 of robbery while armed with a deadly weapon; and
13 the murder was committed while in the commission
14 of larceny with the use of a deadly weapon.
15 Now, we find that the defendant, William Dale
16 Allen, should be sentenced to life imprisonment.
17
18
19 July 14, 1991
20 
21 Judge
22
23
24
25

Page 1 OF 10

PENGAD CO., DAYTON, OH 45402 - FORM 1054

Applicant has Never been charged with a robbery } all false
Applicant has Never been charged with a Weapon }
This paper is a fraud, please provide applicant or the Court
with any document of record to support a robbery } TOTAL P.02
charge. Thank you very much.

EXHIBIT #2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME:	TITLE:	DATE:
Brown	Caseworker	8/9/16
INMATE'S NAME:	SCDC #:	
William D. Allen	178666	
INSTITUTION:	LIVING QUARTERS:	
PRCI.	MONTICELLO UNIT	

Reference to inmate correspondence:

I received a response from the director's office dated August 4, 2016. This letter advised me, if I had any questions or concerns about my convictions or commitment order. To see my caseworker. My concern is the lack of a commitment order.

I am requesting at this time. To be provided a copy of a commitment order, signed by a judge and filed with a clerk of court. That would give S.C.D.C. the authority of law to hold me in this state prison at this time.

P.S. If you have any questions contact
Maria Leggin
Executive Assistant
Director's office.

Thank you,

Will D. Hill

DISPOSITION BY STAFF MEMBER: I have provided you with the requested Documents from July 14th 1991. If you have any other concerns about your commitment orders you need to contact the Inmate records office.

DATE	SIGNATURE:
8/11/2016	T. Brown

EXHIBIT #4

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

INMATE NAME: <u>William Dale Allen</u> SCDC NUMBER: <u>178666</u> INSTITUTION: <u>BRCI</u> HOUSING UNIT: <u>Mont. A-148</u> WORK ASSIGNMENT: <u>Perm Worker, Handicapped</u>	OFFICE USE ONLY Grievance No. _____ Code: General _____ Policy _____ Disc. Hear. _____ Class. _____ PREA _____ Date Received _____ IGC Initials _____
---	--

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) I am here now filing this grievance in regard to SCDC policy, which according to Instructions #4, on back, I can do at any time. Therefore I assert that this "policy grievance" should not be barred by a time limitation, or for any other reason that is wholly without merit when respectfully considering the factual basis for this "policy grievance". Additionally, when considering the extremely serious nature of the issue to be addressed in light of fundamentally fair procedure, as is afforded me by governing SCDC policy and relevant State law. As for this policy grievance, according to OP-21.07, Subsections 2.4, 2.5, 2.6 and 6.3.1, SCDC policy mandates, sets forth, that SCDC be unauthorized to accept any person into said Dept. unless there be a signed copy of a named person's sentencing sheet/commitment (form) in hand upon SCDC receiving said person, in this particular case, William Dale Allen, into custody. otherwise commitment/custody of my person shall be deemed invalid according to SCDC policy and illegal according to State law. Regarding this matter, numerous Informal Resolutions have been attempted to no avail. See Below. As even in the obvious absence of a valid sentencing sheet/commitment form signed by the sitting judge in my case, SCDC officials are still refusing to adequately address this issue and, ultimately, order my immediate ^{release} due to the fact that SCDC has no such document to give legal cause for my personal commitment/custody into SCDC.

Informal Resolution Attempts:

16-061439
16-061026
16-060126
16-060147
16-052559
16-018596

16-017482
16-015736

Will D. Allen

5-1-16

Grievant Signature

Date

ACTION REQUESTED: I am requesting presiding authority in this State's DOC immediately order my unconditional release from wrongful incarceration.

ACTION TAKEN BY IGC: ☐ PROCESSED ☐ UNPROCESSED ☐ OTHER

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☐ I do not accept the Warden's decision and wish to appeal.

Grievant Signature

Date

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

EXHIBIT #5

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. 16-ALJ-04-6411-AP
GRIEVANCE NO.: BRCI-0427-16

Notice is hereby given that I - William D. ALLEN does hereby appeal the final decision of the South Carolina Department of Corrections dated 8-8-16 and received on 8-18-16, 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)):

- (2) accurate facts for the court: I was brought [not committed] to SCDC - R+E on SUNDAY July 14, 1991 at that time there were no criminal conspiracy charges in my record. (NONE) they came about 5 years after I was in SCDC, the 10 years was a after the fact charge and a 5 year criminal conspiracy charge. (was not convicted.) I plead guilty 90 days after I was in SCDC on October 23, 1991. the 10+5 was a 15 year I had agreed to plead to as part of an agreement that had took place on SUNDAY July 14, 1991. [as part of a deal] Produce the sentencing sheet from Orangeburg County that would show that SCDC had the authority by law or policy to except me at R+E on July 14, 1991 or July 17, 1991. [it don't exist] the transcript page is not accurate and no legal document. SCDC has no sentencing sheet signed by no judge that states I got a life sentence. [it don't exist] life was off the table.

William D. ALLEN
Appellant's Name
BRCI, 4460 Broad River Rd. Columbia, SC 29210
Mailing Address

W.D. Allen
Signed
8-22-16
Dated

FILED
AUG 24 2016 8-18
C. ADMIN. LAW COURT

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, William D. ALLEN (your name), on the 22 day of AUGUST, 20 16, in Columbia (city), 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's institution and addressed as follows:

Name of person/Agency served: STEPHEN LUNSFORD/GENERAL COUNSEL/SCDC HEADQUARTERS

Address: P.O. Box 21783/4444 Broad River Rd.

City, State, Zip Code: Columbia, S.C. 29221/1783

Print your name: William D. ALLEN
(See reverse side for instructions)

Sign your name: W.D. Allen

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.

EXHIBIT #6

MAILED OUT
APR 12, 2000

SENTENCE

STATE OF SOUTH CAROLINA

CASE #: 91GS25-0639

COUNTY OF Hampton

The defendant, William Dale Allen, is committed to the State Department of Corrections/County for a term of 10 years months/years and/or to pay a fine of \$ _____; provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.

Restitution

For physical injury \$ _____

Yes/No

Property Damage \$ _____

To be paid

For clerk's fee

Other conditions

RECEIVED

NOV 01 1991

LR & EC

#178666

Date

Oct 23, 1991

Presiding Judge
Hampton

*Cost and assessments

Non waivable \$ _____

Not waived \$ _____

Total \$ _____

Clerk of Court.

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State of South Carolina Compensation Fund if subrogated.

EXHIBIT #7

MAILED OUT BEFORE
APR 13, 2000

SENTENCE

STATE OF SOUTH CAROLINA

CASE #: 91GS25-0638

COUNTY OF Hampton

The defendant, William Dale Allen

, is committed to the

State Department of Corrections/County for a term of

Consecutive with Indictment 91-58-25-639 5 yrs
months/years and/or to pay a fine of \$

Concurrent with sentence now serving. provided
upon the service of _____ months/years and/or payment

of \$ _____, plus pay/waive costs and assessments as

applicable*, the balance suspended with probation for _____

months/years.

Restitution

For physical injury \$ _____

Yes/No

Property Damage \$ _____

To be paid

To clerks for

Other conditions

RECEIVED

NOV 01 1991

LR & EC

#178666

Date

Oct 23, 1991

[Signature]
Presiding Judge
Hampton

*Cost and assessments

Non-waivable \$ _____

Not waived \$ _____

Total \$ _____

RECEPTION CENTER
Receiving / Records Office

Clerk of Court

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** Pay to Victim's Compensation Fund if subrogated.

FEB 24 2017

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

William Allen, 178666,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 16-ALJ-04-0641-AP

Grievance No.: BRCI 427-16

ORDER**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court ("the ALC" or "the Court") pursuant to the Notice of Appeal filed August 24, 2016, by William Allen ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). In this appeal, Appellant requests review of the Department's decision concluding that Appellant is legally incarcerated, pursuant to his life sentence for murder.

STANDARD OF REVIEW

The ALC has subject matter jurisdiction to hear appeals where the inmate believes his or her sentence has been erroneously calculated by prison officials. Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). When reviewing the Department's decisions in inmate grievance matters, the ALC sits in its appellate capacity, applying the appellate standard of the Administrative Procedures Act. See id., 338 S.C. at 377, 527 S.E.2d at 754. Consequently, review in inmate grievance cases is limited to the record presented. S.C. Code Ann. § 1-23-380(4) (Supp. 2016). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2016). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Id.

DISCUSSION

In this case, Appellant argues that the Department failed to follow policy and procedure. Specifically, Appellant argues that he is incarcerated without a valid commitment order, in violation of SCDC Policy OP-21.09, ¶ 11.4–11.7 (Nov. 1, 2007). However, a prison official's failure to follow the prison's own policies, procedures or regulations does not in itself constitute a constitutional violation. See Weatherholt v. Bradley, 316 Fed. Appx. 300, 303 (4th Cir. 2009) (not selected for publication) (quoting Myers v. Klevenhagen, 97 F.3d 91, 94 (5th Cir. 1996)).

The record contains a facially valid sentencing order from a general sessions judge. The purpose of the ALC is to review agency decisions. See Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Envtl. Control, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative actions under the South Carolina Constitution). Agencies perform administrative functions within the scope of their statutory authority, such as sentence calculations. "An administrative agency has only such powers as have been conferred by law and must act within the authority granted for that purpose." Bazzle v. Huff, 319 S.C. 443, 445, 462 S.E.2d 273, 274 (1995) (citation omitted). Neither the Department, nor this Court, are empowered to make a determination regarding the validity of a sentence issued by a circuit court judge. See Jernigan v. State, 340 S.C. 256, 259–60, 531 S.E.2d 507, 508–09 (2000) (citations omitted) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in Al-Shabazz); State v. Bennett, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Ct. App. 2007) (noting that a grievance under Al-Shabazz is essentially an attempt to enforce a sentence correctly, not challenge it). A collateral challenge to a sentence must be brought under the Uniform Post-Conviction Procedure Act. See S.C. Code Ann. § 17-27-10 et seq. Because it appears that the Department is merely enforcing a valid sentence, and because a challenge to the validity of that sentence falls outside this Court's scope of review, the Court must affirm the Department's decision.

THEREFORE, IT IS HEREBY ORDERED that the decision of the Department is **AFFIRMED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

February 24, 2017
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order in the above entitled action upon all
parties to this cause by depositing a copy thereof
in the United States mail, postage paid, or by the Emergency
Mail Service addressed to the party(ies) or their attorney(s).
This 24 day of February 2017
By: [Signature]
Clerk of Court