



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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March 24, 2020

Kenneth Darrell Rivera, 318979  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia SC 29210

Re: Kenneth Rivera, #318979 v. SCDC (2)  
Appellate Case No. 2020-000251

Dear Mr. Rivera:

Upon reviewing your appellant's initial brief the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal. The documents that you included in your initial brief are being returned to you. These documents need to only be listed in the designation of matter but included in the record on appeal, pursuant to Rules 209 and 210, SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Annie Laurie Rumler, Esquire

### Inmate Request - General

Today's Date: 8/22/19 9:12

Name: RIVERA, KENNETH DARRELL  
Booking #: SCB0030306  
Permanent #: SCP0030306

Reference #: 19-01217056  
Date Requested: 04/11/19 13:40  
Request Type: Food (Cafeteria and Food)  
Requested By: Kiosk

Request Details: PEACE I AM WRITING REGARDING THESE BAG LUNCHES. I AM A VEGAN AND DONT CONSUME ANY ANIMAL PRODUCTS BUT THE PAST TWO DAYS I RECEIVED BAGS WITH MEAT PRODUCTS. Y DID THIS OCCUR

Disposition: Complete  
Officer:  
Disposition Date: 04/16/19 15:28

**Request Responses**

Date	Author	Note
04/16/19 15:29	c059214	During this time we only honor ADA diets.

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

APR 17 2019

Exhibit B

INMATE GRIEVANCE FORM



STEP 1

INMATE ROOM: Kenneth Rivera

SCDC NUMBER: 318979

INSTITUTION: Broad River C.I.

HOUSING UNIT: Monticello B#187

WORK ASSIGNMENT: Wardkeeper

Grievance No. BRCI 0340.19  
Code: General FBI/FS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
PREA \_\_\_\_\_  
Date Received 4-17-19  
IGC Initials SO

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, Kenneth Rivera, #318979 is the grievant of this grievance. On the date of April 17, 2019 at 8:38 AM I did state the facts. I am a vegan and do not eat or consume animal products. The Food Service Division stated via kiosk "We only honor ADA during lockdowns". The past week I've been giving meat products, I have to forfit my meals due to this.

ACTION REQUESTED: I Am requesting to have non-meat products everytime we receive bag lunches.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

19-01217056

Kenneth Rivera 4-17-19

Grievant Signature

Date

Exhibit C

WARDEN'S DECISION AND REASON:

BRCI-0340-19

Your grievance has been reviewed. In it you stated you adhere to a Vegan Diet. You would like to be served items that are consistent with Veganism. Pursuant to ADM-16.05 Food Service Operations, "The SCDC recognizes the importance of proper nutrition to maintain the health and well-being of inmates. The Agency will, therefore, ensure that the food served to inmates is in keeping with all applicable state and federal statutes, DHEC Regulations, and the "Recommended Dietary Allowances" as defined by the National Academy of Sciences, National Research Council". Currently SCDC offers Therapeutic Diets for qualified persons, which is reviewed and approved through Medical. A list of approved therapeutic diets will be maintained in each institutional cafeteria. Vegan Diets have not been approved as a choice of dietary preferences at SCDC. You may consult with Medical to discuss dietary options that may apply to your request.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

[Signature] 6/17/19  
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.

[Signature] 6/26/19  
Grievant Signature Date

[Signature] 6/26/19  
IGC Signature Date

Served by [Signature] 6/26/19

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 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 in the Grievance Box within five (5) 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) 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, via placement in the Grievance Box.

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

446

JUL 12 2019

Exhibit D

STEP 2

INMATE NAME: Kenneth Rivera  
SCDC NUMBER: 318979  
INSTITUTION: Broad River C.I. ✓  
HOUSING UNIT: Monticello A # 212  
WORK ASSIGNMENT: Ward Keeper

Office Use Only  
Grievance No. BRCI-0340-19  
Code: General FDIFS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 6/26/19  
IGC Initials BW

JUL 30 2019  
JUL 03 2019

6/19/19

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I, Kenneth Rivera #318979 is the grievant of this appeal. On June 26, 2019 at 12:30pm I did appeal the warden's decision. Nothing warden stephon stated has anything to do with my grievance. Giving me "A vegan meat products is against kosher law." since when do vegans eat meat? I do not eat meat period....

Kenneth Rivera 6/26/19  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your grievance has been reviewed. In it you stated you adhere to a Vegan Diet. You would like to be served items that are consistent with Veganism when bag lunches are served. You were informed of South Carolina Department of Corrections' current policy regarding dietary needs. Requirements are met by the Agency pursuant to ADM-16.05 Food Service Operations which states, "The SCDC recognizes the importance of proper nutrition to maintain the health and well-being of inmates. The Agency will, therefore, ensure that the food served to inmates is in keeping with all applicable state and federal statutes, DHEC Regulations, and the "Recommended Dietary Allowances" as defined by the National Academy of Sciences, National Research Council". Security-related concerns may cause normal operations to be modified in an institution. Special arrangements will be made by the Food Service Nutritionist or designee to ensure that the medical dietary needs of the inmates are met. Service of therapeutic diets will be limited to diabetics, hypoglycemics, and renal inmates for meals when emergency feeding practices are employed. Religious diets will be provided only if the circumstances make it feasible to do so. Meals (whether hot meals or sack meals) will be wholesome and nutritious and will be prepared and served according to dietary guidelines and Food Service regulations as they relate to your dietary plan approved by Medical. Various items are sold in the institution Canteen, when accessible to offenders, as an alternative to food items served through Food Service.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Rebecca Alan 8-27-19  
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)

Exhibit E

South Carolina Department of Corrections  
Division of Support Services

**DAILY ALTERNATE DIET ROSTER**

**BROAD RIVER CORRECTIONAL INSTITUTION**

**DATE:** October 21, 2019

Name	SCDC#	Diet	Bkfst	Dinner	Supper	Snack	Index
<b>GREENWOOD</b>							
KELSEY, JOSEPH G.	217218	VEGETARIAN		At Work			1004
SNIPES, PRINCE D.	356225	VEGETARIAN		CHAPEL	At Work		938

Total Alternate Trays This Unit = 2

10/21 10/21 10/21

<b>MARION</b>							
BLASSINGAME, TIMOTHY	213064	VEGETARIAN					864
JOHNSON, CURTIS T.	337543	VEGETARIAN					110
MOORE, ROBERT	155652	VEGETARIAN					724
MULLINS, TERRANCE	302684	VEGETARIAN					771
TAMISO, SAYER A.	370196	VEGETARIAN					980

Total Alternate Trays This Unit = 5

10/21

<b>MONTICELLO</b>							
BROWN, JOSHUA T.	286520	VEGETARIAN					945
CANNON, DONTELLE D.	317657	VEGETARIAN					886
COOK III, WORTH E.	293532	VEGETARIAN					761
GRIFFIN, TERRANCE	327735	VEGETARIAN					101
JOHNSON, KADEEM S.	350533	VEGETARIAN					1047
MEADOWS, WILLIAM D.	375319	VEGETARIAN					954
PARKER, KEVAN D.	379381	VEGETARIAN					808
RIVERA, KENNETH D.	318979	VEGETARIAN					1087
WRIGHT, RAYON D.	370455	VEGETARIAN					258

Total Alternate Trays This Unit = 9

<b>MOULTRIE</b>							
BELCHER, CRANDALL C.	292796	VEGETARIAN					944
DIGGS, BRIAN A.	248964	VEGETARIAN					314
PATTERSON, JAMES B.	217543	VEGETARIAN					631
WASHINGTON, LOWELL J.	240109	VEGETARIAN					686

Total Alternate Trays This Unit = 4

10/21 10/21 10/21

FOOD SERVICE SPECIALIST ON DUTY:

*E. Barber*

SC 20-69 (Rev. January 2004)

Breakfast           

Dinner           

Supper           

Snack           

ATTENTION: WHEN A DIET OR SNACK BAG IS RECEIVED IT MUST BE INITIALED.

CHECK MARKS ARE NOT ACCEPTABLE AND CAN NOT BE COUNTED!

Exhibit F

South Carolina Department of Corrections  
Division of Support Services  
**DAILY ALTERNATE DIET ROSTER**

**BROAD RIVER CORRECTIONAL INSTITUTION**

DATE: October 21, 2019

Name	SCDC#	Diet	Bkfst	Dinner	Supper	Snack	Index
<b>MURRAY</b>							
ANDERSON, JAMES E.	256077	VEGETARIAN		UNIT	UNIT		194
MADDOX, BRANDON	373215	VEGETARIAN					793
RAMEY, JOSHUA G.	379617	VEGETARIAN					760
WIGGINS, KENNIER J.	265346	VEGETARIAN		UNIT	UNIT		616

Total Alternate Trays This Unit = 4

10/21

<b>WATEREE</b>							
BUTLER JR, SHELTON L.	339834	VEGETARIAN					848

Total Alternate Trays This Unit = 1

10/21

10/21

10/21

FOOD SERVICE SPECIALIST ON DUTY:

*E. Barber*

SCDC 20-69 (Rev. January 2004)

Breakfast *[Signature]*  
Dinner *[Signature]*  
Supper *[Signature]*  
Snack *[Signature]*

ATTENTION: WHEN A DIET OR SNACK BAG IS RECEIVED IT MUST BE INITIALED.  
CHECK MARKS ARE NOT ACCEPTABLE AND CAN NOT BE COUNTED!