

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Michael Dickson # 239991)
Applicant,)
)
)
v.)
)
)
South Carolina Department)
of Corrections)
Respondent,)
_____)

Docket No. 20C0162
Grievance No. BRCI-1010-19

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**APPELLANT'S
BRIEF**

MAY 20 2020

SC Court of Appeals

STATEMENT OF ISSUE ON APPEAL

this matter is before the South Carolina Administrative Law Court ("ALC") Pursuant to the appeal of Michael Dickson # 239991 (Appellate). The case was assigned on or about March 20, 2020. Appellate, brief is due by June 20, 2020. The brief are timely filed.

1. Was this conviction made upon unlawful procedure.
2. Was this conviction clearly erroneous in view of the reliable probative and substantial evidence on the whole record,
or

STATEMENT OF THE CASE

On October 13, 2019. I Michael Dickson # 239991 was charged with the offense of (811) and (820). On November 4, 2019. I was convicted of violating SCDC charge (811) possession of a weapon, On November 9, 2019. I filed a step 1, Inmate Grievance, On December 5, 2019. The step 1, grievance was denied.

On December 19, 2019. I filed a step 2, grievance. On

February 5, 2020. the step 2, grievance was denied. On March 10, 2020. I file a notice of appeal. Case No. 20C0162,.

A R G U M E N T

The month of June 2019. I was assigned to room # 237 in the Marion Unit. The housing unit seemed normal, However during the following month which was July of 2019, While I was cleaning the cell and wiping down the walls that appeared to be improperly repaired. I then reported the finding to Sgt. Pate, See: Exhibit - 1. BRCI Staff & Inmate Population Memorandum.

Sgt. Pate, who is in charge of security of the unit/dorm who then documented the destruction of the wall, but fail to report it to contraband. (S.C. Code Ann - 1-23-380 (A)(6)(c), made upon unlawful procedure). as she had done with the other two holes I had found a couple of months later that I also had reported to her concerning the room. The difference in this procedure are the steps taken. The first hole Sgt. Pate, documented in July of 2019. But Sgt. Pate, fail to report it to contraband. The other two holes she documented in January 2020.

At that time Sgt. Pate, contacted contraband and they came in an check the hole, then contraband contacted maintenance repair the holes. Had Sgt. Pate, used this procedure concerning the first hole I had reported to her, I would not have been charged and found guilty of offense (811) and/or (820).

On October 13, 2019. Ofc. Cleveland, and Ofc. Jackson of the Broad River Correctional Institution, shakedown team handcuff and removed me and my roommate out of the room far away approximately (50) feet while they were conducting the search. See: S.C.D.C Policy/Procedure OP-22.19 9.1 Once the search was completed, We both was taken back to the cell. Ofc Cleveland, then informed us that we were good, as if nothing was wrong or found.

Days later, Sgt. Pate, and Ms. Green, the program manger

Informs me and my roommate that we both was charged with having a weapon.¹ See: Exhibit - 1. warden Stephan. Memorandum dated February 21, 2019. As support of my statement, and to support my honesty within this situation. Also let it be noted, that I'm willing and requesting to take a polygraph test to prove to this court my innocence, and hopefully they can see the facts that shown, I'm telling the truth and that i shouldn't have been subject to those unlawful punishments and procedures.

Once again, I've done just as the memorandum asked of me A.S.A.P., however, I'm not required to tare open any holes to see if anything is inside of them, thats contraband, security, and mainteance job. So therefore my argument is binding to the facts that Sgt. Pate, drop the ball and procedures was violated and not followed. I requested to listen to the tape recordings of the DHO hearing, Per SCDC Policy/Procedure OP-2214. 23.1, 23.2, and that was denied. See: Kiosk Request, # 20-01563037, # 20-01570954²

C O N C L U S I O N

WHEREFORE, I'm asking this court to please rule in my favor to correct this situation, as well as reinstate my state pay SCDC Policy/Procedure ADM - 15.13, 8.13, 8.13.2 8.13.3, (the back pay aswell), because I've done nothing wrong.

Respectfully, submitted

_____, 2020.
Columbia, South Carolina

Michael Dickson # 239991

¹ Prior to Marion Unit, becoming the CBU program unit in 2019. The unit housed closed custody inmates (gang member). the unit was a complete disaster when we first moved in the unit, No door windows, all of them were busted out. There was holes through out the entire unit inside the cells. Cinder blocks were completely knocked out. All the over head lights were missing, only bare wire were hanging from the ceiling etc.

¹ SCDC Policy/Procedure OP-22.14. 23.1 23.2, The inmate will have access to listen to (but not possession of) the recording of his/her disciplinary hearing to assist in preparing an appeal etc etc. The recording will be played for the inmate by and in the presence of the assigned staff member within ten (10) days of receiving the request etc etc.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
BROAD RIVER CORRECTIONAL INSTITUTION**

MEMORANDUM

TO: BRCI Staff & Inmate Population

FROM: Warden, Michael Stephan

SUBJECT: HOLES IN DORM ROOM

DATE: February 21, 2019

Please be advised **NOW** is the opportunity for you to report any holes in your room, either in the ceiling, near the toilet or elsewhere. If you do not report any holes in your room and security happens to find one, you will be charged with an **ESCAPE**. It does not matter how big or small the hole is, it does not matter if you made the hole or not, you must report all holes in your room to security ASAP or you will be charged accordingly, an incident report needs to be done.

Thank you for your attention to this matter and I trust that you will govern yourselves accordingly.

S: 

Warden, Michael Stephan

MS/jm

cc: A/W Gregory Washington
A/W Lashawn Peeples
Major James Parrish
File

CERTIFICATE OF SERVICE

Docket No. 20C0162

Grievance No. BRCI-1010-19

I Michael Dickson # 239991, do hereby certify that I have serve the following counsels of records the original and a copy of the Appellant Brief, by placing the same in the United States mail with sufficient postage affixed thereto here at the Broad River Correctional Institution, Mail-room on _____, 2020.

_____, 2020.
Columbia, South Carolina

Michael Dickson # 239991

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MAY 20 2020

SC Court of Appeals

CC: S.C. Administrative Law Court
(SCDC) General Counsel

Michael Dickson #239991
Marion Unit, Room 237
Broadriver Correctional Inst.
4460 Broadriver Road
Columbia, S.C. 29210



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SC Court of Appeals

To: South Carolina Court of Appeals
1015 Sumter STREET
P.O. Box 11627
Columbia, South Carolina
29211

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