

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 19-ALJ-04-0446-AP
Appellate Case No. 2020-000251

RECEIVED
JUN 19 2020
SC Court of Appeals

Kenneth Rivera, #318979.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

SUPPLEMENTAL RECORD ON APPEAL

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

Annie Laurie Rumler
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

TABLE OF CONTENTS

Administrative Law Court Dismissal Order.....1

Appellant’s Notice of Appeal to the Administrative Law Court6

Appellant’s Administrative Law Court Brief.....7

Respondent’s Administrative Law Court Motion to Dismiss.....12

Rule 210, SCACR Certification.....18

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kenneth Darrell Rivera, #318979.)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections.)
)
 Respondent.)
 _____)

Docket No. 19-ALJ-04-0446-AP

ORDER

RECEIVED
FEB 16 2020
GENERAL COUNSEL

This matter is before the South Carolina Administrative Law Court (Court or ALC) on an appeal filed by Kenneth Darrell Rivera (Appellant), an inmate-incarcerated in the South Carolina Department of Corrections (Department or SCDC).

On April 17, 2019, Appellant filed a Step 1 Grievance asserting that he was being denied a vegan diet on days when his institution served bag lunches during lockdown. In his grievance, Appellant requested bagged lunches have non-meat products. On June 17, 2019, the Warden denied the grievance, noting that “vegan diets have not been approved as a choice of dietary preferences at SCDC” and Appellant “may consult medical to discuss dietary options that may apply.” On June 26, 2019, Appellant filed a Step 2 Grievance. The Department denied the Step 2 Grievance noting that “security-related concerns may cause normal operations to be modified in an institution.” The denial also stated that “religious diets will be provided only if the circumstances make it feasible to do so.”

On September 12, 2019, Appellant filed his Notice of Appeal. Appellant asserts in his Notice of Appeal that “forcing a prisoner to consume meat when he’s a vegetarian is a violation of the constitution.” The Notice of Assignment was filed September 27, 2019. On December 5, 2019, the Record on Appeal was filed. Appellant filed his brief on December 18, 2019. On January 15, 2020, the Department filed a Motion to Dismiss because Appellant has no state-created liberty interest in receiving a religious diet during a security lockdown. As of the date of this Order, Appellant has not responded to the Motion to Dismiss.

DISCUSSION

The Court’s jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-*

FILED
February 3, 2020
SC ADMIN LAW COURT

Shabazz, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382; 527 S.E.2d at 757. "The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate's] claim is if it implicates a state-created liberty interest." *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003). Thus, in *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), *cert. denied*, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest." *See also Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate's appeal appropriate because his grievance did not implicate a state-created liberty interest).

In *Kentucky Department of Corrections v. Thompson*, the United States Supreme Court set forth that in examining procedural Fourth Amendment due process questions regarding state-created liberty interests, the court considers two questions: (1) "whether there exists a liberty or property interest which has been interfered with by the State" and (2) "whether the procedures attendant upon that deprivation were constitutionally sufficient." 490 U.S. 454, 460 (1989). Furthermore, the liberty or property interest must be created by explicit, mandatory language. *Id.* In *Town of Castle Rock, Colorado v. Gonzales*, the Supreme Court further clarified that even if a benefit is created, a person does not have a protected property interest in that benefit "if officials have discretion to grant or deny it." 545 U.S. 748, 748 (2005).

Here, Appellant's Notice of Appeal states that he is appealing the Department's decision on the grounds that his constitutional rights were violated when he was forced to consume meat during lockdown when he's vegetarian. However, in his Step 1 and Step 2 Grievances, Appellant states he is vegan. Furthermore, Appellant's brief references SCDC Policy PS 10.05 and cites to *Simms v Edmonds*, 232 F.3d 889 (4th Cir. 2000) (noting "an inmate has the constitutional right to obtain adequate nourishment from prison foods permitted by his religious dietary rules, unless the prison's failure to provide such foods is reasonably related to a legitimate penological interest").

Appellant also cited *Rivera v. Byars*¹, 2013 WL 6018616, at *1 (D.S.C. Oct. 31, 2013) (“It is well settled that prisoners have a right to a diet that is consistent with their religious beliefs, absent some legitimate penological interest preventing the accommodation of a prisoner’s religious restrictions.” (internal quotation marks and citation omitted)). At the outset, this Court’s review is limited in these instances to whether the Department deprived an inmate of a state-created liberty interest. The ALC does not consider general issues of whether an inmate’s constitutional rights have been violated.²

Turning to the court’s jurisdiction, Appellant maintains that his constitutional rights were violated during the month of April because he was given a bagged lunch containing meat products during an institutional lockdown at Broad River Correctional Institution (BRCI). In his brief, Appellant asserts that he is on a vegetarian diet due to his Rastafarian religious beliefs, but he never argued that in his Notice of Appeal. Therefore, the issue is not preserved for appeal. *State v. Byram*, 326 S.C. 107, 113, 485 S.E.2d 360, 363 (1997); *See State v. McWee*, 322 S.C. 387, 472 S.E.2d 235 (1996) (a constitutional argument is not preserved for appeal where appellant failed to argue the constitutional basis for his request at trial); *See State v. Tucker*, 319 S.C. 425, 462 S.E.2d 263 (1995) (a party cannot argue one ground below and then argue another ground on appeal).

Even if his argument was preserved on appeal, it still fails. Both SCDC Policy ADM-1605 “Food Service Operations” and PS- 10.05 “Inmate Religion” establish procedures by which an inmate may qualify for religious meal services. Neither of these policies, however, mandate the provision of a religious diet to inmates during a security lockdown. *See Town of Castle Rock, Colorado*, 545 U.S. at 748 (holding a person does not have a protected property interest in that benefit “if officials have discretion to grant or deny it”). In addition, as the Department stated in its decision, religious diets will be provided only if the circumstances make it feasible to do so. During lockdown, the main concern is the safety of inmates and staff. The food services staff must

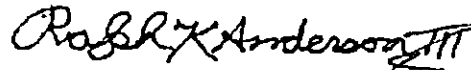
¹ The Court finds it noteworthy that the Appellant seems to be citing his own case in Federal court. In that case, the Plaintiff asserted that his rights were violated when he was given meat products during lockdown as he is a vegetarian due to his Rastafarian religious beliefs and when he wasn’t given the proper number of B-12 drinks. The Plaintiff in that case was Kenneth Sincere Rivera while the Appellant’s name in this case is Kenneth Darrell Rivera. Although the middle name is different, the allegation in that case is the same as Appellant’s in this case.

² Even if this Court had jurisdiction to review general constitutional issues, it is notable that while Appellant may have a First Amendment right to dietary options that conform to his religious beliefs, that right can be limited where doing so serves a legitimate penological interest. *See Turner v. Safley*, 482 U.S. 78, 89 (1987) (“[W]hen a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests.”).

provide nutritional meals to all inmates during lockdown. This is a legitimate penological goal. *Cf. Turner v. Safley*, 482 U.S. at 89 (“[W]hen a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests.”). Furthermore, special arrangements can be made to ensure that medical dietary needs are met but these are limited to diabetics, hypoglycemics, and renal inmates. It is simply not feasible to accommodate all inmates with religious diets during a security lockdown and, therefore, bagged lunches are served. As such, Appellant has failed to show he has a state-created liberty or property interest in receiving a special diet conforming to his religious beliefs during a security lockdown. Consequently, the *Thompson* test is not satisfied, and this Court does not have jurisdiction.

IT IS HEREBY ORDERED that the Department’s Motion to Dismiss is **GRANTED**, and this appeal is therefore **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

February 3, 2020
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Michelle Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Stephanie Michelle Perez
Judicial Law Clerk

February 3, 2020
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kenneth Rivera #318979

RECEIVED

Appellant,

SEP 13 2019

vs.

GENERAL COUNSEL

NOTICE OF APPEAL

South Carolina Department of Corrections,

Respondent.

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: BRCI-0340-19

Notice is hereby given that Kenneth Rivera #318979 does hereby appeal the final decision of the South Carolina Department of Corrections dated 8-27-19 and received on 9/6/2019, 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)):

I, Kenneth Rivera appeal the final decision in this action. Forcing a
prisoner to consume meat when he's a vegetarian is a violation of
the Constitution. During institutional lock-down SCDC take the
time out to prepare bag lunches for Diabetics but yet not for vegetarians.
During regular meals vegetarians don't get any bread or meat products
but yet I receive these items during bag lunches. Prison officials
must show that a restricted diet is nutritionally adequate.

Kenneth Rivera #318979

Appellant's Name

Kenneth Rivera

Signed

4460 Broad River Road

Mailing Address

September 7, 2019

Dated

Columbia, SC 29216

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, K. Rivera (your name), on the 7 day of September, 2019, 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: Office of General Counsel

Address: PO Box 21787

City, State, Zip Code: Columbia, SC 29221-1787

Print your name: Kenneth Rivera
(See reverse side for instructions)

Sign your name: Kenneth Rivera

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
Re: Rivera vs. SCDC, 2019-ALJ-19-04-0446-AP
JUDGE Assigned Ralph King Anderson,

RECEIVED

DEC 17 2019

APPELLANT'S BRIEF

STATEMENT OF THE CASE

GENERAL COUNSEL

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed by the Appellant, Kenneth Rivera, who is an inmate incarcerated within the South Carolina Department of Corrections ("SCDC").

The Appellant appeals the decision of the SCDC denying his Step Two Grievance ("NO. BRCJ-0340-19") in which his vegetarian diet is inadequate with meat products, under SCDC Policy PS-10.05, "Inmate Religion" § 12.2 his diet will meet the meat restricted requirement of all Faith groups. see also Rastafarian § 7 of said policy.

The Appellant has been a Vegetarian since August of 2010 and have challenged his inadequate diet in the past.

ISSUES ON APPEALS

- I. Does SCDC Policy PS-10.05 Inmate Religion "diet" section allow the Appellant to consume meat products?
- II. SCDC Failure to give appellant access to adequate and Kosher diet.

JAM JAGEL

1 of 5

STANDARD OF REVIEW

Because Appellant trusts this Honorable Court is aware of the applicable standard of review, he will not set forth the standard here other than alerting this Court that the Supreme Court of South Carolina, in "Travelscape, LLC vs. South Carolina Department of Revenue, has held:

"We find the principle enunciated in Dorman and Ward to be sound and hold the ALC's are empowered to here 'as applied' challenges to statutes and regulations. ALC's are better suited for making the factual determinations necessary for an 'as applied' challenge, and finding a statute or regulation unconstitutional as applied to a specific party does not affect the facial validity of that provision."

Id., 705 S.E.2d 28 (S.C. 2011); "Dorman vs. DHEC, 565 S.E.2d 119 (S.C. App. 2002) ("ALJs can rule on whether a party's constitutional rights have been violated.")

BACKGROUND AND FACTS

In this case, SCDC employee, Ms. Evelyn Barber, Food Service Supervisor ("F.S.S.") at the Broad River Correctional Institution ("BRCI") refuse's to honor Appellant "Vegetarian Diet". During the month of April BRCI was on institutional locked-down in which the entire population of BRCI was given "Bag meals" for a few weeks.

JIAM JAGEL 2 OF

During these meals Appellant was given "Bread, eggs, milk, and meat products." Appellant is on the "Alternative diet" - vegetarian diet due to his Rastafarian religious belief. Appellant written several Request TO Staff Member ("RTSM") to Ms. Barber about the matter and each time Appellant was told "we don't honor vegetarians during lock-down" and "only ADA only receives special bags."

ARGUMENTS

1. Does SCDC Policy PS-10.05 "Inmate Religion" "diet" section allows the Appellant to meet the no meat requirement.

As shown in the above standard of review, ALC's are now empowered to hear and determine unconstitutional as applied challenges to statutes and regulations.

To the extent of SCDC Policy PS-10.05 Inmate Religion § 12.2 Appellant will meet the meat restricted requirement of all faith groups. Appellant argues that he haven't consumed meat in 9 years and during Bgg lunches he had to forfeit his meals. SCDC claims that they honor only ADA bag lunches, however, they ^{can't} take the time out to prepare "No meat" bag for vegetarians but have time to prepare ADA bags.

In Rivera v. Byers 2013 WL 6018666, the Court held:

"It is well settled that prisoners have a right to a diet that is consistent with their religious beliefs."

Also in Simms v. Edwards, 232 F.3d 889 (2000), held:

JAM JAG

3 of

"An inmate has the constitutional right to obtain adequate nourishment from prison foods permitted by his religious dietary rules, unless the prison's failure to provide such foods is reasonably related to a legitimate penological interest."
Also see SCDC Policy PS-10.05 Inmate Religion.

CONCLUSION

Wherefore, having made the foregoing Brief, Appellant requests that this court order SCDC to honor his vegetarian diet during lock down.

December 16, 2019

Kenneth Rivera
Kenneth Rivera # 818979
BRCI - Wateree B# 225
4460 Broad River Road
Columbia, SC 29210

40F5

LEGAL MAIL

STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

Re: Rivera vs. SCDC, 2019-ALT-04-04410-AP

CERTIFICATE OF SERVICE

I, Kenneth Rivera, do hereby certify that I served the
Appellant's Brief upon the SCDC by depositing a copy of same
in the U.S. Mail, postage prepaid, addressed as:

SC Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201

December 16, 2019

Kenneth Rivera
Kenneth Rivera, #318979

Sof5

LEGAL MAIL

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Kenneth Darrell Rivera, #318979,)	Docket No.: 19-ALJ-04-0446-AP
)	[Grievance No.: BRCI 340-19]
Appellant,)	
)	<i>Hon. Ralph K. Anderson, III</i>
v.)	
)	
South Carolina Department of Corrections,)	RESPONDENT'S MOTION TO DISMISS
)	
Respondent.)	
)	

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the appeal of Kenneth Darrell Rivera (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). Appellant is appealing SCDC’s final agency decision of August 27, 2019 denying Appellant’s Step 2 grievance.

On April 17, 2019, Appellant filed a Step One grievance asserting that he was being denied a vegan diet on days in which his institution served bag lunches. *See* Record p. 2. On June 17, 2019, the Warden denied the Step One grievance. *See* Record p. 3. Thereafter, on June 26, 2019, Appellant filed a Step Two grievance, stating that his receipt of meat products was against Kosher Law. *See* Record p. 1. On August 27, 2019, SCDC denied Appellant’s Step Two grievance. *Id.* This appeal followed.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. *Pearson v. JPS Converter & Industry Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). “Substantial evidence” is evidence which, considering the record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence

does not prevent an administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. *Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

JURISDICTION

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the supreme court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the supreme court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. *See Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Moreover, regarding categories (2) and (3), *supra*, the South Carolina Supreme Court has consistently emphasized that the liberty or property interest implicated must be one that is *state created*. *See Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (emphasizing that the ALC's jurisdiction extends only to those cases involving the denial of "state created liberty interests" and that the Court's holding [*i.e.*, in *Wicker*] "is not to be viewed as expanding the jurisdiction of the [ALC] in any other circumstance."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (emphasis added). The South

Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC “should” dismiss the appeal. *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

THIS COURT LACKS SUBJECT MATTER JURISDICTION IN THIS CASE

This appeal concerns a few weeks during April 2019 during which Broad River Correctional Institution was operating under security lockdown procedures. *See* Appellant’s Brief, p. 2. During a security lockdown, food service staff must make bagged lunches for every inmate in the institution. This is much more time consuming than preparing food which will be served to the majority of the population in a central location. Additionally, they must take into account the medical dietary needs of some inmates when making these bagged lunches. For this reason, it is not always feasible for those staff to accommodate inmates’ religious diets during security lockdowns. *See* Record, p. 1. Appellant, who was housed at Broad River Correctional Institution during this time, did not receive his religious diet. *See* Appellant’s Brief, p. 3.

While Appellant does have a right to dietary options which conform to his religious beliefs, that right can be limited where doing so serves a legitimate penological interest. *Simms v. Edmonds*, 232 F.3d 889 (4th Cir. 2000). During the time period in question, Broad River Correctional Institution was operating under security lockdown procedures in order to ensure that the inmates and staff remained safe. Food services staff had to provide nutritional meals to the entire population while operating under these procedures. This is a legitimate penological goal. Tasked with creating an individual bagged lunch for each one of the institution’s 1,000+ inmates, they simply did not have the resources to accommodate religious diets during that time. Managing their limited resources by prioritizing the specialized diets of inmates whose health would otherwise be negatively impacted is a reasonable method of achieving their goal. As such, Appellant had no right to a special diet which conformed to his religious beliefs during this time period.

Even assuming, for the sake of argument, that Appellant did have a liberty interest in receiving a religious diet during this time period, that liberty interest is not one which is state created. The United States Supreme Court, in *Kentucky Department of Corrections v. Thompson*, articulated the test by which a court can determine if a state has created a liberty interest. 490 U.S. 454, 109 S. Ct. 1904, 104 L. Ed. 506 (1989). The Court stated that a state creates a liberty interest by (1) “establishing ‘substantive predicates’ to govern official decision-making” and (2) mandating a certain outcome “be reached upon a finding that the relevant criteria have been met.” *Id.* at 462, 109 S. Ct. at 1909 (internal citation omitted). In *Town of Castle Rock, Colorado v. Gonzales*, the Supreme Court further clarified the second prong of the *Thompson* test stating that a person is not entitled to, and thus has no property interest in, a benefit “if officials have discretion to grant or deny it.” 545 U.S. 748, 748, 125 S. Ct. 2796, 2798-99, 162 L. Ed. 2d 658 (2005).

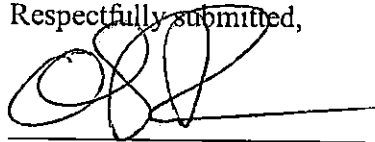
South Carolina law does not address the provision to inmates of meals which conform with their religious beliefs. However, under the authority granted him by S.C. Code § 24-1-90, the Director of the Department of Corrections has promulgated policies regarding provision of religious diets within SCDC institutions: SCDC Policy ADM-16.05, “Food Service Operations” and PS-10.05 “Inmate Religion.” These policies do establish procedures by which an inmate may qualify for religious meal service, they do so only in the context of regular meal service within the institutional cafeteria stating, “the inmate must sign the cafeteria roster and eat at least 90% of their meals from this line.” See PS-10.05 “Inmate Religion,” section 12.2. Neither of these policies mandate the provision of a religious diet to inmates during a security lockdown. As such, neither part of the *Thompson* test is satisfied and Appellant has no state created liberty interest in receiving a religious diet during a security lockdown.

Because no state created liberty or property interest is implicated in this case, the Court should dismiss this appeal.

CONCLUSION

WHEREFORE, for the foregoing reasons SCDC respectfully requests the Court dismiss this appeal.

Respectfully submitted,



Annie Rumler
Deputy General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1355


January 14, 2020
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kenneth Darrell Rivera, #318979,)
)
 Appellant,)
) **Certificate of Service**
 vs.)
) Docket# 19-ALJ-04-0446-AP
 South Carolina Department of Corrections,)
)
 Respondent.)

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Kenneth Darrell Rivera
Inmate Number: 318979
Broad River Correctional Institution
Dorm-Room-Bunk: WA-0225-B


Cheron Hess
Administrative Assistant
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

January 14, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 19 2020

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Ralph King Anderson, III

ALC Case No. 19-ALJ-04-0446-AP
Appellate Case No. 2020-000251

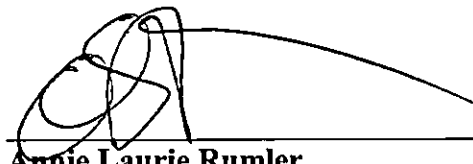
Kenneth Rivera, #318979.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

RULE 210, SCACR CERTIFICATION

The Supplemental Record on Appeal contains all materials proposed to be included by any party which was not included in the Amended Record on Appeal and does not contain any other material.



Annie Laurie Rumler
Deputy General Counsel
Office of General Counsel
S. C: Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

June 17, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JUN 19 2020
SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Ralph King Anderson, III

ALC Case No. 19-ALJ-04-0446-AP
Appellate Case No. 2020-000251


Kenneth Rivera, #318979.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, I mailed a copy of the foregoing **Supplemental Record on Appeal** to Appellant, addressed as follows: Kenneth Rivera, #318979, Dorm-Room-Bunk: WA-0225-B, Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina, 29210.


Annie Laurie Rumler
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

June 17, 2020



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

June 17, 2020

RECEIVED
JUN 19 2020
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Reference: App. Case No.: 2020-000251 (*Kenneth Rivera, #318979*
v. South Carolina Department of Corrections)

Dear Madam Clerk:

Enclosed, please find the original and one copy of Respondent's Motion to File a Supplemental Record on Appeal as well as the original and one copy of the Supplemental Record on Appeal. Please return the copies clock-stamped to me in the enclosed self-addressed stamped envelope. I have not included the additional copies normally required by South Carolina Appellate Court Rules 240(d) and 210(b), respectively, in accordance with the Supreme Court of South Carolina's May 29, 2020 Amended Order regarding appellate court operations during the COVID-19 emergency. If additional copies are required please let me know and I will be happy to provide them. Thank you.

Sincerely,


Annie Laurie Rumler, Esquire

Enclosure

cc: Kenneth Rivera, #318979

U.S. POSTAGE RETURNED TO
ZIP 29229 \$003.00
02-49
000733207 JUN 18 2020



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Office of General Counsel
P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787

RECEIVED
JUN 18 2020
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

