

# The Supreme Court of South Carolina

Robert William Wazney, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-000910

The Honorable S. Phillip Lenski  
Administrative Law Court  
Trial Court Case No. 2020ALJ040136AP

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## ORDER

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Pursuant to Rule 204(a) of the South Carolina Appellate Court Rules, the appeal in the above entitled matter is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY



DEPUTY CLERK

Columbia, South Carolina

June 24, 2020

cc:

Robert William Wazney, 00363679  
Salley W. Elliott, Esquire  
The Honorable Jenny Abbott Kitchings

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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

Appeal from Administrative Law Court  
Judge S.P. Lenski

20-ALJ-04-0136-AP  
Grievance No: LEECI-0091-20

ROBERT WILLIAM WAZNEY, Appellant,

v.

S.C. Dept. of Corr., Respondent.

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NOTICE OF APPEAL

ROBERT WILLIAM WAZNEY appeals the Judgment of S.P. Lenski for neglecting report of case involving actual or threatened abuse, or neglect of an inmate by an employee of South Carolina Department of Corrections, and is a violation of procedural due process guaranteed by the United States Constitution Amendments V and XIV. Judgment was imposed on May, 26, 2020, copy of such Judgment is attached. Appellant received written notice of entry of this order on or about May 26, 2020.

June 18, 2020.

/s/

ROBERT WILLIAM WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
803-428-2800

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[conformed copy]

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

S.C. SUPREME COURT

ROBERT WILLIAM WAZNEY,  
Appellant,

PROFFER OF PROOF  
OF EXCLUDED EVIDENCE

vs.

Docket No.

20-ALJ-04-0136-20

South Carolina Department of Corrections,  
Respondant.

Grievance No.: LEECI-0091-20

TO JUDGE S. PHILLIP LENSKI, AND ALL PARTIES:

Grievance LEECI-0091-20 is a refile of Grievance LEECI-0681-19 and Grievance LEECI-0718-19 as well as LEECI-0676-19 are "duplicate[s]" to/of Grievance LEECI-0681-19 per Inmate Grievance Coordinator Roseanne Wilson, therefor the language of Grievances LEECI-0718-19 and LEECI-0676-19 should be incorporated in this case thereof; therefore, please find attached copies of Grievance LEECI-0676-19 and LEECI-0718-19 in the above referenced case. I request this Court to take judicial notice of the foregoing fact, and I request originals to be filed with the Court and return a clocked-in copy of the Motion in the enclosed envelope.

I declare under penalty of perjury the foregoing is true and correct.

Executed May 14, 2020. /s/

ROBERT WILLIAM WAZNEY  
990 Wisacky Highway  
Bishopville, SC. 29010  
Appellant, Captive

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PROFFER OF PROOF OF EXCLUDED EVIDENCE was on this date served upon all the parties to this matter by placing a copy of the same in the United States Mail postage paid or in the mailroom of the undersigned institution and addressed as follows:

Hon. S. Phillip Lenski  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201-3755

Office of General Counsel  
S.C. Dept. of Corrections  
PO Box 21787  
Columbia, SC 29221-1787

May 14, 2020 /s/

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[Stamp "Certificate of service"  
26 or 28 May 2020]

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SC Court of Appeals

ROBERT WILLIAM WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
803-428-2800

[Stamp "DENIED" w/signature of Lenski and dated 5/26/2020]

[Stamp "FILED MAY 15 2020" by ALC]

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**

**INMATE GRIEVANCE FORM**

**STEP 1**


**INMATE COPY**  
Rec'd 7-22-19

<b>INMATE NAME:</b> ROBERT WILLIAM WAZNEY	<b>OFFICE USE ONLY</b> Grievance No. <u>Lee CI 0676-19</u> Code: General <u>LI IS</u> Policy _____ Disc. Hear. _____ Class. _____ PREA _____ Date Received <u>7-24-19</u> IGC Initials <u>RW</u>
<b>SCDC NUMBER:</b> 363679	
<b>INSTITUTION:</b> Lee C.I.	
<b>HOUSING UNIT:</b> F32214 <u>JUL 22 2019</u>	
<b>WORK ASSIGNMENT:</b> Dormworker <u>SP</u>	

**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.)

July 15, 2019, I was at Lee Library at front desk, Sgt. Fox was on post. I waited to speak with Sgt. Fox about my inadequate Law Library access and at 3:00PM when I presented my questions--which she did not like, Sgt. Fox threatened me telling me to "step away from the desk before I gas you", Sgt. Fox never resolved my issues. Answered KIOSK 19-01315252.

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Grievant Signature July 19, 2019  
Date

**ACTION REQUESTED:**

Performance.

**ACTION TAKEN BY IGC:**  PROCESSED     UNPROCESSED     OTHER

This grievance is being PAR, as its a duplicate to LEECI 081-19

R. Wilson 8/1/19  
IGC Signature Date

[conformed copy]

[Stamp "INMATE COPY"]

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

Office Use Only

Grievance No. LEECI 0718-19

INMATE NAME: ROBERT WILLIAM WAZNEY

Code: General \_\_\_\_\_

Policy \_\_\_\_\_

SCDC NUMBER: 363679

Disc. Hear. \_\_\_\_\_

Class \_\_\_\_\_

INSTITUTION: Lee corr. Inst.

Date Received \_\_\_\_\_

IGC Initials \_\_\_\_\_

Housing Unit: F32214

Date Received \_\_\_\_\_

IGA Initials: \_\_\_\_\_

WORK ASSIGNMENT: Dormworker

[Stamp AUG 12 2019 w/ initials "DP"]

INMATES REASON FOR APPEAL:

Warden has failed to reply to Inmate Grievance Form Step 1 dated July 19, 2019 where on July 15, 2019, I was at Lee Library at front desk, Sgt. Fox was on post. I waited to speak with Sgt. Fox about my inadequate Law Library access and at 3:00PM when I presented my question--which she did not like, Sgt. Fox threatened me telling me to "step away from the desk before I gas you", Sgt. Fox never resolved my issues. Answered KIOSK 19-01315252.

Grievant Signature [signature of Wazney] Date: August 10, 2019

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

This is being returned to you, as it is a duplicate of your Step 1 0681-19, which is being worked on. [Initials of Roseanne Wilson "RW" 8-13-19]

Responsible Official 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.

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[Blank]  
Grievant Signature

[Blank]  
Date

JUL 10 2020

[Blank]  
IGC Signature

[Blank]  
Date

SC Court of Appeals

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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from Administrative Law Court  
Judge S.P. Lenski

S.C. SUPREME COURT

20-ALJ-04-0136-AP

Grievance No: LEECI-0091-20

ROBERT WILLIAM WAZNEY, Appellant,

v.

S.C. Dept. of Corr., Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copy of NOTICE OF APPEAL were served upon all required parties by placing the same in the institutions mail system, postage prepaid, U.S. Mail, addressed to the addresses listed below on June 18, 2020:

Hon. S. Phillip Lenski  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201-3755

Office of General Counsel  
S.C. Dept. of Corrections  
PO Box 21787  
Columbia, SC 29221-1787

Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

June 18, 2020.

/s/

ROBERT WILLIAM WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
803-428-2800

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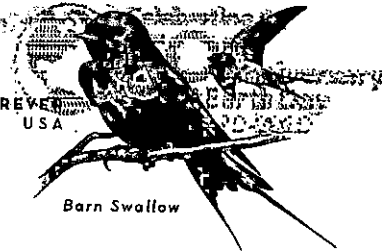
SC Court of Appeals

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ROBERT WILLIAM WAZNEY  
F32214 363679  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, S.C. 29010

COLUMBIA SC 290

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S.C. SUPREME COURT

Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, S.C. 29211

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