

STATE OF South CAROLINA **RECEIVED**  
IN THE COURT OF APPEALS

JUL 13 2020

SC Court of Appeals  
APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Deborah Brooks Surden Administrative Law Judge

Appellate Case NO-2020-000582

JEROME McFadden, 136919, Appellant,

v.

South CAROLINA DEPARTMENT OF CORRECTIONS, Respondent.  
MOTION TO REVIEW ORDER DENYING  
APPOINTMENT OF COUNSEL

THE COURT WILL PLEASE TAKE NOTICE  
That:

Appellant JEROME McFadden, 136919, pursuant to Appellant Court Rule 224 (J) which states "any party aggrieved by an order of an individual judge or justice may seek review of that order by the Appellant Court or a panel thereof"; that order is attached hereto, dated 7-2-2020 and received by Appellant 7-7-2020, denying the appointment of counsel. In addition, the order provides no reason in law why the judge denied the motion, for the process of review by the Court.

Appellant is of the belief that he is being discriminated against on the basis of his race and crimes for which he is incarcerated. Other than the Hon. Margaret B. Seymour, Federal Judge of S.C., Judge in the initial Section 1983 action against prison officials, all other judges acting in concert with Appellant's filing of any claims against these corrupt prison officials thereafter, have been white women, has denied all motions filed by Appellant, Federal and now State.

This is, Appellant contends, systemic racism. If there is nothing to hide, why deny Appellant his appropriate remedy at law? Why not appoint counsel to ensure Appellant have due process, and meaningful access to the courts. Why allow SCDC a stacked deck, if there is nothing to hide.

The appointment of Counsel will provide to appellant his due process rights to a fair hearing: in order for this appeal to be fair records in the custody and control of SCDC, germane to appellant's claim must come under review by the court; specifically those records which detail his prison account receipt of money orders and SCDC's deductions therefrom.

Due process hears before it condemns and proceeds only upon inquiry. The court should wait all relevant evidence before it in order to seek justice and justice alone. SCDC will not admit error however, in as much as the court's review must be confined to the record, SCDC has usurped the court's authority to arrive at a just review producing only records toward its own end.

As a result, appellant's living unit here at Percy C. I., has been on quarantine for Covid 19 since June 23, 2020, to the present date July 7, 2020, and still on going. Preventing appellant's ability to perfect his appeal.

In conclusion, Appellant implore the court REVERSE this order, and grant the relief sought in appellant's Motion for appointment of Counsel.

Respectfully Submitted,  
Delome McJadden

This 17<sup>th</sup> day of July 2020

The South Carolina Court of Appeals

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Jerome McFadden, #136919, Appellant,

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South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-000582

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ORDER

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After careful consideration, Appellant's motion to appoint counsel is denied. Appellant shall serve and file his initial brief and designation of matter within thirty days of this order.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 02 2020**

cc:

Jerome McFadden, 136919

Annie Laurie Rumler, Esquire

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South Carolina Department of Corrections, Respondent

### Certificate of Service

Appellant hereby certifies that he has served a copy of Motion to Review the Order Deny the Appointment of Counsel attached hereto, by the Court or a panel thereof, by depositing same in an envelope postage prepaid addressed to: Annie Laurie Kuntler, Counsel for Respondent, P.O. Box 21789, 4444 Broad River Road, Columbia, S.C. 29221.

JEROME MCFADDEN  
PENNY CORRECTIONAL INST.  
438 OAKLAWN RD.  
PETER, S.C. 29669

JEROME McFadden 136919  
PERRY CORRECTIONAL INSTITUTION  
430 DAKLAWN ROAD  
PELZER, SC 29669

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JUL 09 2020

P.C.I. MAILROOM

LEGAL MAIL

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JUL 14 2020

SC Court of Appeals

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