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SEP 22 2020
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
[IN THE SUPREME COURT OF SOUTH CAROLINA]

TROY BURKS 160726
APPELLANT

v.

SC DEPT OF CORRECTIONS
RESPONDENTS

ADMINISTRATIVE LAW COURT
RESPONDENTS

NOTICE OF APPEAL
DOCKET NO. 20-ALS-04-0293-AP
GRIEVANCE NO. P.C.I. 57-20

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT TROY BURKS #160726 DOES HEREBY APPEAL THE FINAL DECISION OF THE ADMINISTRATIVE LAW COURT, HONORABLE JUDGE D. B. DURDEN DATED AUGUST 4, 2020 AND RECEIVED THE ORDER OF DISMISSAL DATED JULY 15, 2020. THE APPELLANT REPLIED WITH A INITIAL BRIEF AND A DECLARATION IN OPPOSITION TO ORDER OF DISMISSAL ON JULY 24, 2020. THE ALC FINAL ORDER REACHED THE APPELLANT ON AUGUST 4, 2020 WITH A RULING THAT STATED MOTIONS FOR RECONSIDERATION ARE PROHIBITED SEE ALC RULE 65. A COPY OF WHICH IS ATTACHED WITH A GENERAL STATEMENT OF THE GROUNDS FOR APPEAL (SEE S.C. CODE ANN. § 1-23-380(A)(6)). DUE TO THE COVID-19 PANDEMIC CRISIS THE PERRY CORR INST. IS UNDER A TOTAL LOCK-DOWN STATUS WHICH PREVENTS MY ACCESS TO THE LAW LIBRARY OR ANY ADEQUATE ASSISTANCE FROM PERSON TRAINED IN THE LAW. SO ON AUGUST 28, 2020 I FILED THIS APPEAL TO THE U.S. DISTRICT COURT. BUT ON SEPTEMBER 8, 2020 I RECEIVED A ORDER FROM THE HONORABLE JUDGE S. V. HODGES GRANTING MY APPLICATION AND REQUEST TO PROCEED IN FORMA PAUPERIS AND THAT I MUST COMPLETE AND RETURN ALL LAWSUIT DOCUMENTS BY SEPTEMBER 17, 2020 OR SUFFER THE DISMISSAL OF MY CASE, ALSO STATED THE U.S. DISTRICT COURT DID NOT HAVE

JURISDICTION OVER MY CASE AND WAS NOT THE PROPER COURT FOR MY ACTION. ON SEPTEMBER 11, 2020 I WROTE THE U.S. DISTRICT COURT REQUESTING FOR MY NOTICE OF APPEAL TO BE TRANSFERRED OVER TO YOU, THE APPEALS COURT, BEFORE THE SEPTEMBER 17, 2020 DEADLINE. BUT SINCE THE 17TH IS ALMOST HERE WITH NO REPLY FROM YOUR COURT NOR FROM THE U.S. DISTRICT COURT, I AM MAKING A HONEST EFFORT TO ENSURE MY NOTICE OF APPEAL IS WITHIN THE PROPER TIME LIMITS.

APPELLANT NOW SEEKS TO AFFORD MEANINGFUL JUDICIAL REVIEW OF S.C. DEPT. OF CORRECTIONS FINAL SEPT-2 DECISION AND THE ADMINISTRATIVE LAW COURT'S ABUSE OF DISCRETION AND ALSO BARRED BY RES JUDICATA AND COLLATERAL ESTOPPEL CLAUSE. WHEREAS THE APPELLANT WAS UNLAWFULLY ACCUSED AND CONVICTED FOR POSSESSION OF A ILLEGAL DRUG THAT HE NEVER POSSESSED HE BRINGS THIS ACTION CHALLENGING THE STATE AND RESPONDENT HAVE VIOLATED HIS CONSTITUTIONAL RIGHTS, STATE STATUTES, POLICIES, LIBERTY INTEREST, DUE PROCESS OF RIGHTS, DENIED HIS RIGHT TO BE FREE FROM RACIAL DISCRIMINATION, DENIED THE PRESERVATION OF RIGHT TO REVIEW UNDER THE CONTEMPORANEOUS OBJECTION RULE, DENIED THE RIGHT TO WITNESS WHICH SUBJECTED HIM TO STRUCTURAL DISCOVERY VIOLATION. THESE VIOLATIONS ARE CLEAR AND OBVIOUS AND AFFECTED APPELLANT'S SUBSTANTIAL RIGHTS.

DATE SEPTEMBER 14, 2020

Troy Burks
Perry Corr Inst.
430 Oaklawn Rd.
Pelzer, SC 29669

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AUG 19 2020

P.C.I. MAILROOM

FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA

(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed in forma pauperis. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

Troy Burks
INMATE NAME (PRINTED)
160726
INMATE (PRISONER) NUMBER
Penny Corp Inst
PLACE OF CONFINEMENT

- (1) Average monthly deposits to the inmate's account...\$ 0
(2) Average monthly balance in the inmate's account calculated for the prior six months period...\$ 0
(3) Current Balance...\$ 0
(4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2)...\$ 0

SODC-FINANCIAL ACCTG. 2020 AUG 20 PM 2:53

I hereby certify that as of this date, the above-financial information is accurate for the above named inmate.

Reggy Caathan
Authorized Officer's Signature
Date 8/21/2020
Reggy Caathan, Fiscal Analyst I
Authorized Officer's Name and Title

CERTIFICATE OF SERVICE

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SC Court of Appeals

I, Troy Burks, hereby certify that I have this date served this NOTICE OF APPEAL UPON the PARTIES the following:

1. NOTICE OF APPEAL
2. LEGER SHEET
3. ADMINISTRATIVE'S ORDER OF DISMISSAL
4. APPELLANTS DECLARATION IN OPPOSITION TO ORDER OF DISMISSAL and Initial Brief.
5. ABC's MOTION FOR RECONSIDERATION ARE PROHIBITED IN THE U.S. MAIL, POSTAGE PAID TO THE PARTIES AND/OR THEIR ATTORNEYS.

Honorable TANYA A. GEE
S.C. COURT OF APPEAL
P.O. Box 11629
Columbia, SC 29211

Troy Burks 160726
Troy Burks
PERRY CORR. INST
430 OAKLAWN RD.
PELZER, S.C. - 29669

NOTE

PLEASE SEE REQUEST TO STAFF
REPLY FROM LAW LIBRARY
OFFICER.

WATSON Banks 160706
Perry Correctional Institutions
430 Oaklawn Rd.
P12EA SC 29669

SOUTH CAROLINA COURT OF APPEALS
CLERK, TANYA A. GEE
P.O. Box 11629
Columbia, S.C. 29211

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SEP 16 2020
P.C.I. MAILROOM