

STATE OF SOUTH CAROLINA
COURT OF APPEALS

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NOV 20 2020
SC Court of Appeals

Appeal from final Agency Decision
Denying Grievance LEECI-0339-20

ROBERT WILLIAM WAZNEY, Appellant,

v.

S.C. Dept. of Corrections, Respondent.

NOTICE OF APPEAL

ROBERT WILLIAM WAZNEY does hereby appeal to the S.C. Court of Appeals from the final Agency Decision of South Carolina Department of Corrections final agency decision of Grievance LEECI-0339-20 dated: Step 1, August 7, 2020 - Step 2, September 21, 2020 and received more complete decision on November 9, 2020 where Warden has failed to resolve grievance Step 1 and Step 2 where on July 15, 2020 Warden failed to resolve KIOSK 20-1638548 where Warden held my legal-mail preventing me from taking meritorious legal action in my Court claim, my Constitutional rights have been violated. I warned Warden its actions were illegal clearly establishing my rights. I am holding Warden professionally and personally responsible for violating my right to access to the court. [929]. I am requesting monetary compensation for my claim in the amount of ten-million-dollars [\$10,000,000.00]. Copies of decisions are attached herewith.

SCACR 202(b)(2); 203(b)(6), (d)(2) -- <203(d)(3), 260>

[signature page follows]
Page 1-of-2

November 17, 2020

/s/
ROBERT WILLIAM WAZNEY
990 Wisacky Hwy
Bishopville, SC 29010
Victim pro se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17 day of November, 2020 in Bishopville, S.C., served a copy of the foregoing NOTICE OF APPEAL on all parties to this matter by depositing the same in the U.S. Mail, postage prepaid, on or in the mailroom of the undersigned's institution and addressed as follows:

Office of General Counsel
Department of Corrections
PO Box 21787
Columbia, SC 29221-1787

S.C. Court of Appeal
PO Box 11629
Columbia, SC 29211

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

November 17, 2020.

/s/
ROBERT WILLIAM WAZNEY
Bishopville, SC 29010
Victim pro se

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>ROBERT WILLIAM WAZNEY</u> SCDC NUMBER: <u>363679</u> INSTITUTION: <u>Lee CI</u> HOUSING UNIT: <u>F32214</u> WORK ASSIGNMENT: <u>Dormworker</u>	OFFICE USE ONLY Grievance No. <u>LECT 0339-20</u> Code: General <u>MATS</u> Policy _____ Disc. Hear. _____ Class. _____ PREA _____ Date Received <u>JUL 20 2020</u> IGC Initials <u>DP</u>
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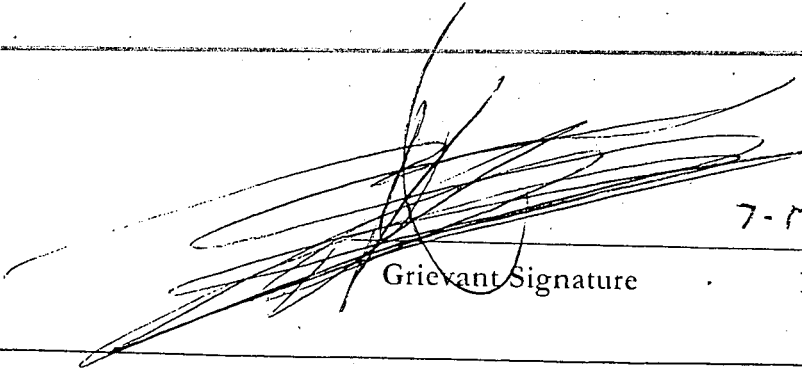
STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

July 15, 2020 Warden failed to resolve KIOSK 20-01638548 where Warden held my legal mail preventing me from taking meritorious legal action in my Court calling my constitutional rights have been violated. I warned Warden its actions were illegal clearly establishing my rights. I am holding Warden professionally and personally responsible for violating my right to access to the court. [929].

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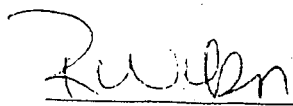
SC Court of Appeals


 Grievant Signature Date 7-17-20

ACTION REQUESTED:

I request monetary compensation for my claim in the amount of ten-million-dollars (\$10,000,000.00).

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER


 IGC Signature Date 8.11.20

WARDEN'S DECISION AND REASON:

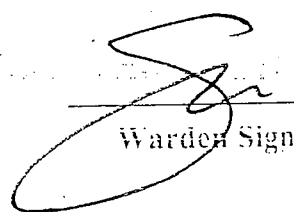
Robert Wazney SCDC #363679

LEECI-0339-20

I have reviewed your concern. In your grievance you stated that I failed to resolve your KIOSK #20-C1638548, where I held your legal mail preventing you from taking legal action in your court claim. You are requesting monetary compensation for your claim in the amount of ten million dollars. Consequently, I have reviewed the logs in the mailroom showing you have either signed for your mail consistently or the mail was sent to the dorm for the month of July. Furthermore, SCDC Policy PS-10.08 Inmate Correspondence Privileges provides that, "All incoming mail will be delivered to the mailroom or designated area for processing. SCDC's goal is to distribute letters to inmates within 48 hours of receipt, and packages within seven (7) days of receipt (excluding weekends, holidays, and emergencies) provided they are not rejected or withheld for investigation review. You also have not shown that SCDC Staff have failed to perform their job duties properly.

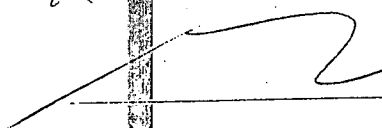
Therefore, your grievance is denied.

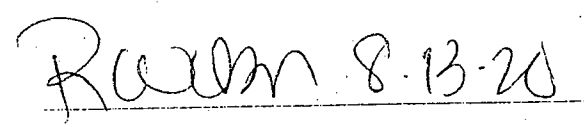
If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

 For LW 8/7/20
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

 8-13-20
Grievant Signature Date

 8-13-20
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

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Due 8-21-20

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE GRIEVANCE

Grievance No. LECIC0339-20
Code: General MA/IS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: 9-1-20
IGC Initials: DM
Date Received: 8-9-20
IGA Initials: J

INMATE NAME: WARNY, ROBERT
SCDC NUMBER: 3103679
INSTITUTION: Lee CI ✓
HOUSING UNIT: F32214 AUG 20 2020
WORK ASSIGNMENT: DORM WARDEN DP

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

Warden has failed to resolve my step one grievance where on July 15, 2020 Warden failed to resolve KIOSK 20-1638548 where Warden held my legal-mail preventing me from taking meritorious legal action in my Court claim, my Constitutional rights have been violated. I warned Warden its action were illegal clearly establishing my rights. I am holding Warden professionally and personally responsible for violating my right to access to the court. [929].

Grievant Signature

Date 8-19-20

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. You stated in this grievance that I failed to resolve your Kiosk #20-1638548, where you alleged that I held your legal mail preventing you from taking legal action in your court claim. You stated that you should be compensated for your claim in the amount of ten million dollars. The logs from the mailroom have been reviewed and you have either signed for your mail consistently or the mail was sent to the dorm for you for the month of July. SCDC Policy PS-10.08, Inmate Correspondence Privileges, provides that, "All incoming mail will be delivered to the mailroom or designated area for processing. SCDC's goal is to distribute letters to inmates within 48 hours of receipt and packages within seven (7) days of receipt (excluding weekends, holidays, and emergencies) provided they are not rejected or withheld for investigation review." You have not provided any evidence and none has been found to substantiate your allegations of staff negligence in the alleged loss of your property. Without verifiable evidence, further action is unwarranted.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Rec'd 10-7-20
Rec'd NOA appeal 10-14-20

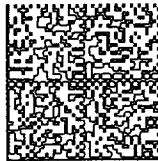
Responsible Official Signature Randall Hill Date 9/21/20

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.

Grievant Signature [Signature] Date 10-8-20

IGC Signature [Signature] Date 10-13-20

ROBERT WILLIAM WAZNEY
F32214 363679
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

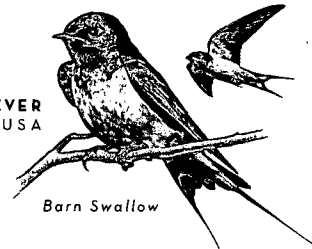


U.S. POSTAGE >>> PITNEY BOWES



ZIP 29010 \$ 000.30⁰
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FOREVER
USA



Barn Swallow

S.C. Court of Appeal
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals