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STATE OF SOUTH CAROLINA
In the Supreme Court

FEB 04 2021

SC-Court of Appeals

Appeal from Final Agency Decision

Grievance No. LEECI-0168-20
S.C. Ct. App. 2020-000995

ROBERT WILLIAM WAZNEY, Appellant,

v.

S.C. Dept. of Corr. (SCDC), Respondent.

PETITION FOR WRIT OF CERTIORARI

I, ROBERT WILLIAM WAZNEY, Petitioner, hereby certify that a Petition for Rehearing or reinstatement was made and finally ruled on by the S.C. Court of Appeals. See page 5.

/s/

ROBERT WILLIAM WAZNEY
990 Wisacky Highway
Bishopville, SC 29010
Appellant pro se (forced)

Executed January 29, 2021.

PETITION FOR WRIT OF CERTIORARI

1. Appellant, who is a United States Citizen and captive of the State of South Carolina, filed a notice of appeal from a Memorandum of the Administrative Law Court (ALC) explaining that Appellant's appeal will not be processed unless it is accompanied by the appropriate filing fee. The Memorandum is a final order because there is no further act which must be done by the court prior to a determination of the rights of the Appellant, and therefore the order is not interlocutory. HOWEVER, South Carolina Court of Appeals (SCCOA) dismissed appellate case 2020-000995 because it believes the Memorandum is not a final order.

2. Judicial review may only be sought from a final decision of the ALC. S.C. Code Ann. § 1-23-610(A)(1)(Supp. 2019). And "if there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory." Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Env'tl. Control, 387 S.C. 265, 267, 692 S.E.2d 894 (2010).

3. Therefore, ALC Memorandum is a final order which gives SCCOA jurisdiction to hear the appeal.

4. Dismissal made by SCCOA of Appellants appeal has brought federal question as to whether Appellant is being denied Equal Protection of the law pursuant United States Constitution Amendment Fourteen where other similarly situated persons were treated differently, and where Appellant is denied by the Constitution or laws of South Carolina, fundamental rights of life or liberty that were guaranteed to other citizens resident in South Carolina. S.C. CONST. Art. I, Sect. 3; U.S. CONST. Amend 14.

Affidavit or Declaraion

In Support of Petition for Writ of Certiorari

5. I am ROBERT WILLIAM WAZNEY, Petitioner, Appellant, in this action
Petition For Writ of Certiorari, Appellate Case No 2020-000995.

6. I filed Grievance with South Carolina Department of Corrections, and it went unresolved. I appealed that decision to ALC, but ALC told me I could not appeal to ALC because I could not pay them to hear the case, and ALC told me that through Memorandum. I appealed that Memorandum decision to SCCOA, but SCCOA said the Memorandum is not a final decision and SCCOA dismissed the case. I am in receipt of SCCOA decision filed December 22, 2020 which I received on or about December 31, 2020, I have no other option to file my appeal to any other court from my unresolved Grievance LEECI-0168-20, so I am now filing my appeal with South Carolina Supreme Court.

7. I request extra time from this Court to provide copy of the Appendix for this Petition due to circumstances beyond my control and due to circumstances of Covid-19. **I request an extra 30 days.**

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

~~ROBERT WILLIAM WAZNEY~~

~~Appellant, Petitioner, pro-se (-forced)~~

January 28, 2021.

CONCLUSION

9. PREMISES CONSIDERED, Appellant hereby requests this Courts
certiorari.

/s/

ROBERT WILLIAM WAZNEY

990 Wisacky Highway Bishopville, SC 29010

Appellant, Petitioner, pro se (forced)

January 28, 2021.

The South Carolina Court of Appeals

Robert Wazney #363679, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-000995

ORDER

Appellant has filed a motion to reinstate, which we construe as a petition to rehear the dismissal of his appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

James E. Salley

C.J.

J. K.

J.

Stephanie P. McDonald

J.

Columbia, South Carolina

cc:
Robert William Wazney, 00363679
Salley W. Elliott, Esquire

FILED
Dec 22 2020

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SC Court of Appeals

Appeal from Final Agency Decision

Grievance No. LEECI-0168-20
S.C. Ct. App. 2020-000995

ROBERT WILLIAM WAZNEY, Appellant,

v.

S.C. Dept. of Corr. (SCDC), Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing ~~PETITION FOR WRIT OF CERTIORARI~~ were served upon all parties by placing the same in the U.S. Mail postage prepaid addressed to the following addresses on this day.

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

S.C. Supreme Court
PO Box 11330
Columbia, SC 29221

S.C. Court of Appeals
PO Box 11629
Columbia, SC 29221

January 28, 2020.

/s/

ROBERT WILLIAM WAZNEY
990 Wisacky Highway
Bishopville, SC 29010
Appellant pro se (forced)

ROBERT WILLIAM WAZNEY
c/o Lee Correctional Institution
F32214 363679
990 Wisacky Highway
Bishopville, South Carolina 29010

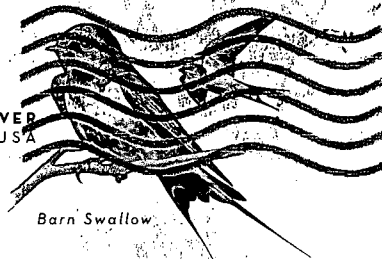
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