

**FILED**

MAR 08 2013

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

**SC ADMIN. LAW COURT**

T. Terell Bryan, 254638, )  
 )  
 Appellant, )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 )

---

Docket No.: 13-ALJ-04-0174-AP  
Grievance No.: PCI 0309-12

**ORDER OF DISMISSAL**

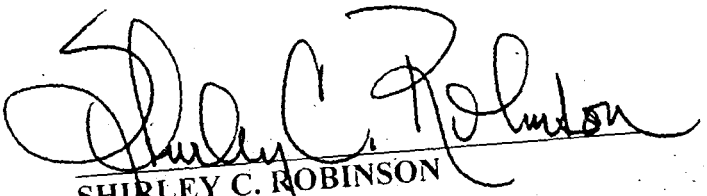
This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed March 5, 2013 by T. Terell Bryan (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant appeals the decision of the Department denying his grievance in which the Appellant complains the Department has misplaced several of his t-shirts and thermal shirts. The Appellant requests that these items be returned to him or in the alternative, that they be replaced.

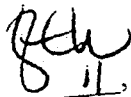
The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep’t of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

The Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling in this matter.

**IT IS HEREBY ORDERED** that this appeal is **DISMISSED, with prejudice.**

AND IT IS SO ORDERED.


  
SHIRLEY C. ROBINSON  
Administrative Law Judge

  
March 11, 2013  
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Emergency Mail Service addressed to the party(ies) or their attorney(s).

This 8 day of March 2013

By:   
Administrative Law Judge

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

T Terrell Bryan, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
South Carolina Department of Corrections, )  
 )  
Respondent. )

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-  
GRIEVANCE NO.: PCI 0309-12

Notice is hereby given that T. Terrell Bryan does hereby appeal the final decision of the South Carolina Department of Corrections dated 2/26/13 and received on 2/26/13, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

PCI Property Inventory form & the receiving inventory at McCormick C-I do not show I had the same number of t-shirts & thermal shirts. Noting in my step 1 I said thermal set meaning top & bottom. The SCDC's employee who answer the step one is lying in SCDC documents violating Adm-11.01.

T Terrell Bryan  
Appellant's Name  
2541 1/2 SMO-BIA, MCC-1  
386 Redemption Way  
Mailing Address  
McCormick, SC 29899  
City, State, Zip Code

mm  
Signed  
2/28/13  
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, T. Bryan (your name), on the 28 day of 2, 2013, in McCormick (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: General Counsel  
Address: 4114 Broad River Rd  
City, State, Zip Code: Columbia, SC 29210

T. Terrell Bryan  
Print your name:

mm  
Sign your name:

1001

DATE 10-04-12

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 1

INMATE NAME: T. Terrell Bryan  
SCDC NUMBER: 25433  
INSTITUTION: PCI  
HOUSING UNIT: BY6  
WORK ASSIGNMENT: N/A

Office Use Only  
Grievance No. 1010309-12  
Code: General PRIS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 2/18/12  
IGC Initials SM

FEB 07 2012 LP

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

When I came to PCI on 1/23/12 I had on a thermal set & a T-shirt. When brought to B-dorm (BY6) I was strip searched & my thermal set & T-shirt was taken. on about 1/26/12 Sgt. Ragland search my cell & took the two T-shirts that he gave me with my property on 1/25/12. I received no property inventory form to be shown that my property has been added to my other property. Upon information & belief my property has been thrown away.

ACTION REQUESTED: A property inventory form completed to show that my property has been placed with my other property. If my property has been thrown away, for it to be replaced with double that in new property or for a criminal investigation.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I wrote Warden McCall on 1/26/12. I spoke to Capt. Asstiens on 1/28/12. I have not received a property inventory form.

[Signature] 2/06/12  
Grievant Signature Date

ACTION TAKEN BY IGC:

All pertinent information and documentation has been reviewed. See Warden's response.

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

[Signature] 10-04-12  
IGC Signature Date  
N/A  
Grievant Signature Date

**WARDEN'S DECISION AND REASON:**

Bryan 254638 PCI 309-12

Sergeant Ragland stated that he did in fact confiscate the items from you. Sergeant Ragland stated that a 19-2 was completed and attached to the bag in which your property was placed in. The bag was taken to the property control room for storage. The form did not come with carbon copies. Therefore, you were not issued a copy. Based on this information, your appeal is without merit and, therefore, **denied**. If you do not agree with my decision, you have five days to file a Step 2 appeal.

[Signature] 10/05/12  
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.

[Signature] 10/16/12  
Grievant Signature Date

Ms. Johnson 10.05.12  
IGC Signature Date

[Signature] Served By:  
[Signature] 10-16-12

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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, via the Institutional Grievance Coordinator.

DUE: 10-32-12

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

BRANCH

INMATE NAME: Bryan, T. Terrell  
SCDC NUMBER: 254638  
INSTITUTION: MCCI ✓  
HOUSING UNIT: SMU-B19  
WORK ASSIGNMENT: N/A

RECEIVED

OCT 25 2012  
OCT 22 2012

Office Use Only  
Grievance No. PCI-030912  
Code: General PR-15  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received \_\_\_\_\_  
IGC Initials \_\_\_\_\_  
✓ IGA - ABH  
1-22-2013

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

Documentary evidence does not show that my property was returned to me, I  
move it to be replace with double that in new property, OR FOR A.  
**CRIMINAL INVESTIGATION!** The same thing happened in PC# 0944-12,  
PC# 0943-12, PC# 1205-12. See also attached EXHIBIT #1 - 3/20/12 request to  
Sgt/MS. Mclellan & PC# 0963-12.

T. Terrell 10/20/12  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. Due to a shortage of staff at several institutions and the Inmate Grievance Branch and the high volume of grievances being filed there has been a delay in responses to grievances. Based upon your Perry Correctional Institution (PCI) Property Inventory form and the receiving Inventory at McCormick Correctional Institution (MCCI) you have the same number of t-shirts and thermal shirts.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 02/26/2013  
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.

\_\_\_\_\_  
Grievant Signature Date

[Signature] 02-26-13  
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

# REQUEST

IGC/MS. McLendon  
T. Terrell Bryan  
PC I

3/03/12  
254633  
CX15

When I return from my 3/01/12 court hearing I had plan to file numerous grievances, i.e., ofc. McCall peeking in shower, stole my 2010 S.C. Rules of Court, Sgt. Smith creating hostile environment, Breach of security-back door, shower curtains, stealing sick call request, reading mail, sick call procedure, & etc. I can not file them because they took all my notes. I request the time to be tolled to file them.

CC: ON FILE

You have 15 days from the date of incident to file the grievance; an extension can not be granted.

March 13, 2012

