

EXHIBIT-A

SUPREME COURT OF SOUTH CAROLINA

In re)

Shontal L. Helton #326415

vs.

S.C.D.C. -> Respondent
General Counsel

Notice of Intent to Appeal

Final Order of Dismissal of
Grievance (LCIW-0073-21)

Pursuant to SCACR, Rule 203
Appeal No.: 21C0333

Affidavit of Service

The (appellant) moves upon the above Court, on said
Notice of Motion to Appeal, Order of Dismissal of
Grievance No. (LCIW-0073-21). Appeal No: 21C0333

The Issue Raised for Review

The (appellant) did not file Grievance Appeal
after (30) days. The (appeal) was submitted on
Friday August 27, 2021. I received a reply from the
Clerk of Court dated (September 3, 2021) to perfect
the Appeal. Enclosed is a photo copy of the
(Memorandum) that was submitted by the Court
addressed to me.

Respectfully Submitted

Shontal Helton

RECEIVED

OCT 13 2021

S.C. SUPREME COURT

Sworn and Subscribed to me

This 13 day of October 2021

Zolanda Y. Helton

Notary Public of South Carolina

My Commission Expires 11/15/24

EXHIBIT-B

SUPREME COURT OF SOUTH CAROLINA

Shonta L. Helton #326415

Appeal No.: 21C0333

Grievance No.: LC1W-0073-21

vs.

The (Appellant) files this Notice of Motion to Alter the Order of Judgement Pursuant to

S.C.D.C. - Respondent
General Counsel

F.R.C.P. Rule 59(e)

Affidavit of Service

The above-captioned (Appellant) hereby moves upon the above court, on said Motion to Alter the Order of Judgement Pursuant to Federal Rule Civil Procedure Rule 59(e). Pursuant to S.C.A.C.R. Rule 27(e) The (Appellant) raises the issue of statute of Limitation, is not and was not (Applicable) to this case at bar. The Clerk of Court received the (Appeal) prior to the (30) thirty days, and submitted a (Memorandum) to perfect the Appeal; consequently to that the Deputy Aid dismissed the Appeal absent the consent and authorization of (Deborah Brooks Durden). Judge Durden did not authorize this case to be dismissed with prejudice. The Judicial Aide (Robin Coleman) was not authorized writing on the Judge's signature and personal hand-

Sworn and Subscribed to me
This day of October 2021
[Signature]
Notary Public of South Carolina
My Commission Expires [Signature]

Respectfully Submitted
Shonta L. Helton
Shonta L. Helton

EXHIBIT-C1

Shonta Helton #326415

vs.

S.C.D.C

General Counsel

Grievance No.: LCIW 73-21

Appeal No.: 21CO333

Statement of Fact

Affidavit of Service

The above-caption (appellant) files this Notice and Motion, in the above (Grievance appeal). The statement of facts, is a detail argument that cannot be (refuted) according to (S.C.D.C Policy). The legal procedural and technical errors, are visible by the (Respondents) reply.

The (Grievant coordinator) in conjunction with the Chief of Security and Police Services did conspire to deprive the (appellant) of life, liberty and freedom. In violation of the (appellant's) state and federal civil protective rights, that cannot be violated according to (S.C.D.C. Policy) and the 14TH Amendment U.S.C.A., which is also consistent with the 8TH Amendment U.S.C.A. and 5TH Amendment U.S.C.A.

For example, or by way of illustration Quoting → Sandin-V-Conner The U.S. Supreme Court held that no (prisoner) shall be deprived of liberty or property without Due Process of Law. In no situation shall (Prison official) deprive a prisoner of safety, freedom from excessive use of force, health, medical treatment or any other form of abuse. The (appellant) was only given a (12 hour notice) stayed 39 days without a charge. On the the (22nd day), I

SUPREME COURT OF SOUTH CAROLINA

Shonta L. Helton #326415

Grievance No.: LCIW-0073-21

Vs.

Appeal No.: 21C.0333

S.C.D.C. - Respondent
General Counsel

Statement of Fact

Affidavit of Service

was told that I was being held for Pending Investigation and that an extension was requested. Yet the missing link is I was never given a copy of SCDL Form (19-29A), Incident Report which alleged I was being held for Pending Investigation. The S.C.D.C. Policy (OP-22.14) clearly states that all inmates must be given a copy of the (19-29A), Incident Report stating why they are being held Pursuant to (S.C.D.C. Policy OP-22.14) section (7.1)(7.5) within (9) days of being detained. They must go to (DHO) or be given a formal written copy of the (19-29A), Incident Report for Pending Investigation.

Respectfully submitted

Shonta L. Helton
Shonta L. Helton

I Sworn and Subscribed to me
This 7 day of October 2021.
Calvin V. [Signature]
Notary Public of South Carolina
My Commission Expires 11/16/24

SUPREME COURT OF SOUTH CAROLINA

Shonta L. Helton #326415

Grievance No.: LC1W-007321

vs.

S.C.D.C. - Respondent
General Counsel

Designation of Matter

Affidavit of Service

1. Step 2 Grievance Appeal

2. Exhibit (A) Notice of Intent to Appeal

3. Exhibit (B) Motion to Alter the Order of Judgement

4. Memorandum - date (September 3, 2021)

5. Notice of Intent to Appeal from Administrative
Law ~~Court~~ Judge

6. Statement of Fact on (Appeal No. 21CO333)

7. Step 1 Grievance

Respectfully
Submitted,
Shonta Helton

Sworn and Subscribed to me
This 7 day of October, 2021
Zalanda V. Hill
Notary Public of South Carolina
My Commission Expires 11/16/24

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S.C. SUPREME COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

MAY 25 2021

W

MAY 25 2021

MAY



| | |
|--------------------------------------|-----------------------------------|
| INMATE NAME: <u>Shonta Helton</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>326415</u> | Grievance No. <u>LC1W-0073-21</u> |
| INSTITUTION: <u>Leath Corr Inst.</u> | Code: General <u>IP/IS</u> |
| HOUSING UNIT: <u>MB-211/RHU</u> | Policy _____ |
| WORK ASSIGNMENT: <u>N/A</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>5-25-21</u> |
| | IGC Initials <u>AA</u> |

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.) April 23, 2021 @

approx. 8:50am I Shonta Helton #326415, was in my assigned living unit (PB-129) in my room when Mjr. Capers came to my door and asked me to step out of the room. She escorted me to the officers station at which time Mjr. Capers sat on the floor. There was nothing on my person. She then escorted me to the hallway where she handcuffed me, and escorted me off the building while escorting me across the yard to the Courthouse. I approached and the (2) of them escorted me to RHU. When we entered RHU I was given form SCDC 19-67 to sign. Also signed by Capt. Courtney and Sgt. Officer/Witness Sgt. Berringer and then placed in room 211. As of May 21, 2021 I have not received SCDC form 19-29A as to the reason why I was placed in RHU, and it is also well over the 21-day Pending Institutional Investigation time frame. I have committed no disciplinary offense to deserve disciplinary action, and feel as though this is a form of retaliation against me by AW Moore Shonta Helton 5-24-21 for the informal resolution I submitted by CARTSM that she responded to, and for the attempted grievance I submitted against her.

ACTION REQUESTED: That this form of retaliation and punishment is noted on my File/Record ensuring any further retaliation is sought and civil rights action have to be taken.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

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See Reverse Side for Action Taken By IGC. AA

S.C. SUPREME COURT

Andrea [Signature] 5-27-21

IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

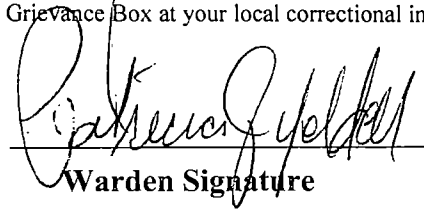
Helton, Shonta 326415

LCIW-0017-21

I have reviewed your concern. In your grievance you stated on April 23, 2021 Majors Capers came to your door and asked you to step out of the room then patted you down and escorted you to the hallway where she handcuffed you and escorted you to the Restricted Housing Unit (RHU) along with Captain Courtney. Upon your arrival to RHU you were given the form SCDC 19-67 to sign and placed in room 211. You also stated as of May 24, 2021 you have not received the SCDC form 19-29A (Incident Report) explaining the reason why you were placed in RHU and inquired about the reason your case was not heard within the 21-day timeframe. You stated that you have not committed any disciplinary offenses that warrant any disciplinary action and feel this form of punishment is in retaliation to previous informal resolutions and grievances you attempted to file against Associate Warden L. Moore. You are requesting this form of retaliation and punishment be noted on your file/record ensuing any further retaliation is sought and civil rights action have been taken. As of May 28, 2021, you are housed in RHU based on your current charges that are still pending investigation and an extension has been submitted. SCDC Policy OP-22.14: Inmate Disciplinary System provides at section 7.1 Inmates will be served with notice of disciplinary charges at least forty-eight (48) hours prior to their hearings. Should the inmate refuse to sign SCDC Form 19-69, "Inmate Disciplinary Report and Hearing Record", s/he will forfeit the opportunity to request that their accuser and/or witness(s) be present at their scheduled hearing. You have not shown that SCDC staff have failed to perform their duties properly. You are advised to follow SCDC rules and, policies and procedures.

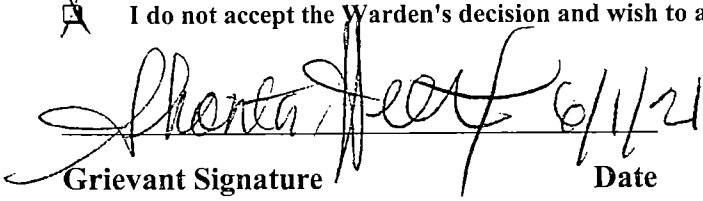
Therefore, your grievance is resolved.

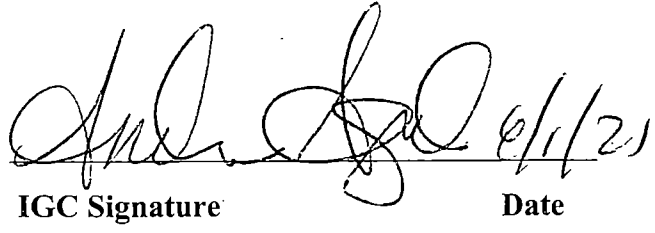
If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance for 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this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


Warden Signature 6/1/21
Date

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

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


Grievant Signature 6/1/21
Date


IGC Signature 6/1/21
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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE: 6-6-21

STEP 2

INMATE NAME: Shonta Helton
SCDC NUMBER: 326415
INSTITUTION: LEATH CORRECTIONAL INSTITUTION -WOMEN
HOUSING UNIT: A3-105A
WORK ASSIGNMENT: Bldg. Detail/DORM

RECEIVED

JUN 08 2021

Office Use Only
Grievance No. LC 10-0073-21
Code: General IP/IS
Policy _____
Disc. Hear. _____
Class. _____
Date Received 6/7/21
IGC Initials PH

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):
I was placed on Pending Institutional Investigation on April 22, 2021 and taken to R HU on April 23, 2021. At the end of the 21 days investigation an extension was approved after and not prior to the initial 21 days expiration. I was then investigated by Police Services. On June 1, 2021 I was released from R HU without being serve SCDC Form 19-29A of a disciplinary offense committed or being formally charged. I was unjustly charged with two (2) 903-Drug charges without cause, and placed into lock up as a form of retaliation by AW Moore and Shonta Helton 6/6/21 for grieving AW Moore.

Grievant Signature _____ Date _____

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

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S.C. SUPREME COURT

See reverse side for final Agency response.

Dee Hain 7-21-21
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.

Shonta Helton 7/30/21
Grievant Signature _____ Date _____

K Helton 7/30/21
IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

I have reviewed your concern. In your grievance you stated that you were in your cell on April 23, 2021 at Leath Correctional Institution (LCIW) when Major Capers came to the door and asked for you to step out the room. You state that she escorted you off the wing and searched you, but she didn't find anything. You also stated that you were escorted to RHU and it has exceeded the 21-day timeframe for staff to complete an institutional investigation. You further state that you have not committed any disciplinary offense to deserve the retaliation brought against you. You have requested that this form of retaliation/punishment be documented on your record and that civil rights action be taken if necessary. You were informed by the Warden on June 1, 2021 that you were placed in the Restrictive Housing Unit (RHU) due to a pending charge and investigation conducted by institutional staff and Police Services. Pursuant to SCDC Policy POL-23.01 Investigations (RESTRCITED), "To promote professional, ethical, lawful conduct, safety, and security throughout the Agency, SCDC will authorize Police Services to conduct criminal and administrative investigations in compliance with all applicable SCDC policies, American Correctional Association standards, and state and federal statutes. Police Services will pursue criminal prosecution when warranted. Inmate suspect(s) should be segregated in an effort to prevent further crime, destruction of evidence, and/or building a false defense. (NOTE: Inmate suspects should not be transferred to another institution or released from segregation without prior contact with the appropriate Agent.)" You have failed to substantiate your claim that Associate Warden Moore is retaliating against you by placing you in RHU.

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.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Shonta L. Helton,)

Appellant,)

vs.)

South Carolina Department of Corrections,)

Respondent.)

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: LCIW-73-21

Notice is hereby given that Shonta Larissa Helton does hereby appeal the final decision of the South Carolina Department of Corrections dated July 30, 2021 and received on July 30, 2021, 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)):

Per SCDC Policial Op-22.14 Notice of Placement in RHM must be served to inmate. Inmate only received (72 Hour Notice) (Section 7.1) was not served DHO paperwork (Section 7.5) Extension was not approved on completion of 21 day (Section 7.6) 9 days to serve Incident Report and Formally charge. Was not served (Pending Investigation paperwork) MUDUC Process Rights were violated. Sandin-V-Connner 4TH & 5TH Amendment U.S.C.A.

Shont L. Helton

Appellant's Name

2809 Airport Rd.

Mailing Address

Greenwood, SC 29649

City, State, Zip Code

Shonta L. Helton

Signed

8/28/21

Dated

RECEIVED

OCT 13 2021

S.C. SUPREME COURT

CERTIFICATE OF SERVICE

I hereby certify that I, Shonta Helton (your name), on the 28 day of August, 2021, in Greenwood (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: Clerk's Office
Name of person/Agency served: South Carolina Administrative Law Court

Address: 1205 Pendleton St. Suite 224

City, State, Zip Code: Columbia, SC 29201

Print your name: Shonta L. Helton
(See reverse side for instructions)

Sign your name: Shonta L. Helton

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

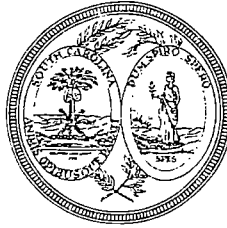
- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

In lead-up and don't
have access to Step
1 and 2 Grievance.

STATE OF SOUTH CAROLINA
Administrative Law Court

RALPH K. "TRIPP" ANDERSON, III
Chief Judge

JANA E. SHEALY
Clerk



(803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

Memorandum

To: Appellant
From: Clerk's Office, Administrative Law Court
Date: 9-3-21
Re: Compliance with ALC Special Appeals Rule

The Administrative Law Court received your information on _____.
According to ALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

- You must use the attached Notice of Appeal form to submit your appeal (See ALC Rule 57 and 59).
- A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to ALC Rule 59(C).
- A brief factual basis for each expressly and specifically asserted constitutional violation in accordance with ALC Rule 59(B).
- The Notice of Appeal form you submitted must be signed and dated.
- Filing Fee of \$25 in accordance with ALC Rule 71 for your 4th and subsequent appeal this calendar year.
- Other:

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

Shonta Helton #326415/M4-206B
Leath Correctional Institution
2809 Airport Rd.
Greenwood, SC 29649

U.S. POSTAGE PITNEY BOWES
02 4M
ZIP 29649 \$ 000.40⁰
0000378392 OCT 07 2021



Supreme Court
Daniel Shearouse
P.O. Box 11330
Columbia, SC 29211

Legal Mail

THE DEPARTMENT OF CORRECTIONS MAILROOM
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ASSUME RESPONSIBILITY FOR ITS CONTENTS

PATRICIA YELDELL, WARDEN
LEATH CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS



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