

IN THE SOUTH CAROLINA
COURT OF APPEALS

RECEIVED

Appellate case
NO 2021-001175

NOV 17 2021

SC Court of Appeals

Eric Samuel,

petitioner

vs

S.C. Dept of CORRECTIONS

Respondent

PETITION FOR WRIT
OF CERTIORARI

Eric Samuel

ERIC SAMUEL # 277784

430 DAKLAWN ROAD

PELZER S.C. 29669

Petitioner PED. SC

MR William V. Gunn

Holcomb BOMAR PA

P. O. Box 1897

Spartanburg S.C. 29304

ATTORNEYS FOR THE RESPONDENT

STATEMENT OF CASE

The petitioner on 05-20-20 filed this action against the Respondent, pursuant to the South Carolina tort claims act S.C. Code ANN § 15-78-10 et al claiming violations of his Fifth, Sixth and Fourteenth Amendment Rights which the petitioner claims due process violations occurred because the petitioner did not get the opportunity to confront the petitioner's actual accuser at the Respondent's disciplinary hearing on Nov 05, 2019 then the petitioner on 08-05-20 filed a motion for default judgment that was not ruled on by the state court also the petitioner on 08-26-20 file a motion for the leave of the court to Amend complaint and a motion to Amend complaint that was not ruled on by the state court also on 12-03-20 the petitioner filed a motion for an order compelling discovery that was not ruled on by the state court then on 05-05-21 the Respondent filed a motion for summary judgment that the state court ruled on Sept 09, 2021 granting the Respondent's motion for summary judgment then on Oct 12, 2021 the petitioner filed the Notice of Appeal then this petition for writ of certiorari follow

ISSUES OF APPEAL

1. Whether the petitioner had the right to confront the petitioner's actual accuser at the Respondent's disciplinary hearing on Nov 05, 2019
2. Whether the petitioner had the right to have the state court to rule on all of the petitioner's pending filed motions with the state court.

ARGUMENTS

1. Whether the petitioner had the right to confront the petitioner's actual accuser at the Respondent's disciplinary hearing on Nov 05, 2019

The petitioner had a right to confront the petitioner's actual accuser at the Respondent's disciplinary hearing on Nov 05, 2019 because the petitioner's actual accuser could only testify to finding the items in the petitioner's cell and the petitioner's actual accuser could only testify as to the person that claim ownership to the items found in the

Petitioner's Cell at the Respondent's Disciplinary hearing on Nov 05, 2019

a. Whether the petitioner had the rights to have the state court to rule on all of the petitioner's pending filed motions with the state court

The petitioner had the rights to have the state court to make a ruling on all of the petitioner's filed pending motions with the state court because the petitioner would have the rights to appeal the state court's decisions concerning the petitioner's pending filed motions if the state court had rule on all of the petitioner's pending filed motions

Eric Samuel
Eric Samuel #277784
430 DAYLAWN ROAD
PELZER S.C. 29669
PETITIONER PRO, SO

DATE: NOV 15, 2021

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VS

S C Dept of CORRECTIONS

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CERTIFICATE
OF
SERVICE

I Eric Samuel do hereby certify that on this date I served the petitioner's PETITION FOR WRIT OF HABEAS CORPUS on the Respondent's Attorney of Record by depositing one copy of the same in the U.S. mail first-class postage and address as follow-

MR William U. GUNN

Holcombe, BOMAR PA

P. O. Box 1897

Spartanburg S.C. 29304

ATTORNEYS for the Respondent

DATE NOV 15, 2021

by Eric Samuel
Eric Samuel

MR Eric Samuel # 277784
PERRY CORRECTIONAL INST

Q 2 A 123

430 DAKLAWN ROAD

PELZER S.C. 29669

NOV 15, 2021

JENNY ABBOTT KITCHINGS
CLERK

SOUTH CAROLINA

COURT OF APPEALS

1220 Senate Street

Columbia S.C. 29201

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SC Court of Appeals

RE: Eric Samuel vs S C Dept of CORRECTIONS
Appellate case no 2021-001175

Dear MRS KITCHINGS

Please find enclose for
filing the petitioner's petition for writ of certiorari in the above captioned case

Sincerely

Eric Samuel

Eric Samuel

MR Eric Samuel # 277784
PERRY CORRECTIONAL INST
Q2A 123
430 DAKLAWN ROAD
PELZER S.C. 29669

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JENNY ABBOTT KITCHINGS
CLERK
SOUTH CAROLINA
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COLUMBIA, S.C. 29201