

RECEIVED

JAN 31 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Shirley C. ROBINSON, ADMINISTRATIVE LAW JUDGE

ISIAH JAMES, JR., #096883, Appellant,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SCDC), Respondent

Appellate Case No. 2021-001025

RECORD ON APPEAL

**Isiah JAMES, Jr.
1810 O Street
Brunswick, Georgia 31520**

**Christina Catoe Bigelow
Office of General Counsel
PO Box 21787
Columbia, SC 29221 - 1787
Counsel for Respondent**

2

Witnesses

Sheriff I. Byrd Pennell

Lt. Ted Owens, SLED

J.L. Bonds, SLED

Tom Henderson, SLED

Tom Medley, SLED

R. Pennell, Jr., SLED

W.L. Poulos J.A. Hyatt

T.R. Mims R.J. Foley

H.A. Mathis R.M. Jones

Det. J.S. Sexton, Charleston

Isaac McCallum

Richard Ellis

Verdict

Foreman

RUBEN GRAY & E. ATKINSON (J) (M)
JOHN HOAR
PUBLIC DEFENDER SAM HASKELL, JR.
The State of South Carolina

County of SIMLER

COURT OF GENERAL SESSIONS,
MARCH Term, 1979.

THE STATE

VS.

MAURICE TRICK

ISAIAH JAMES, JR.

Arraigned 3/21/79

INDICTMENT FOR

MURDER

Travis Bell

Foreman of Grand Jury

CLERK OF COURT, 504 MYRTLE ST., COLUMBIA, S. C. 29201

THE PRISONER Maurice Trick IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS ARRAIGNMENT LEADS GUILTY AS CHARGED.

ATTEST: [Signature] Maurice Trick
C.C.P. & G.S.

THE PRISONER MAURICE TRICK BE HELD TO HARD LABOR BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FOR A PERIOD OF Life OR BE CONFINED TO HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED COUNTY FACILITIES, OR PAY A FINE OF \$

Wm F. Kenney PRESIDING JUDGE
JUN 18 1979
THE PRISONER Isiah James, Jr. IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS ARRAIGNMENT LEADS GUILTY TO VOLUNTARY MANSLAUGHTER

ATTEST: [Signature]
C.C.P. & G.S.

THE SENTENCE OF THE COURT IS THAT THE PRISONER Isiah James, Jr. BE HELD TO HARD LABOR BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 30 years OR BE CONFINED AT HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED COUNTY FACILITIES, OR PAY A FINE OF \$

JUN 18 1979
THE PRISONER Isiah James, Jr. IS PUT TO

FRANCIS M. STICKLAND, JR., CLERK
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

[Signature]

FILED IN THIS OFFICE

GENEAL COPY OF ORIGINAL

MAURICE TRICK

ISIAH JAMES, JR.

PERIOD OF

HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED

COUNTY FACILITIES, OR PAY A FINE OF \$

PRESIDING JUDGE

JUN 18 1979

THE PRISONER

IS PUT TO

LEADS GUILTY

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JUN 18 1979

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LEADS G

Witnesses

Sheriff I. Byrd Parnell

Ted Owens, SLED

J.L. Bonds, SLED

Tom Henderson, SLED

Alton Medley, SLED

B. Parnell, Jr., SLED

T.R. Wines, John Johnson

W.L. Poulsey, R.M. Jones

Jerry Hyatt, R.J. Folsom

R.A. Yachtis

Dr. C.T. Reamer, Thayer Hospital

Dr. J.S. Sexton, Charleston Medical Center

Isaac McCullum, 2890 Janie St.

Richard Ellis, 714 Escalade Drive

Verdict

Foreman

JOHN HOAR
PUBLIC DEFENDER SAM HASKELL
The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS
Term, 19 79

MARCH

THE STATE

VS.

ISIAH JAMES, JR.

Against the State

12-18-78

Isiah James, Jr.

INDICTMENT FOR

MURDER

JOHN HASKELL, Public Defender, 1100 ...

THE PRISONER MAURICE MACK IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

[Signature] Maurice Mack
C.C. & G.S.

FILED IN THIS OFFICE

ISIAH JAMES, JR. IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS ARRAIGNMENT PLEADS GUILTY ~~AS CHARGED~~ TO VOLUNTARY MANSLAUGHTER.

[Signature]
C.C. & G.S.

Francis M. Stuchland
SHERIFF
SOUTH CAROLINA

THE SENTENCE OF THE COURT IS THAT THE PRISONER Maurice Mack BE HELD TO HARD LABOR BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FOR A PERIOD OF Life OR BE CONFINED AT HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED AT COUNTY FACILITIES, OR PAY A FINE OF \$

THE SENTENCE OF THE COURT IS THAT THE PRISONER Isiah James, Jr. BE HELD TO HARD LABOR BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 30 years OR BE CONFINED AT HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED AT COUNTY FACILITIES, OR PAY A FINE OF \$

The State of South Carolina

INDICTMENT FOR MURDER

County of SUMTER

At a Court of General Sessions, convened on the 19th day of March

1979, the Grand Jurors of Sumter County present upon their oath:

That one MAURICE MACK and one ISIAH JAMES, JR.

did with malice aforethought in Sumter County on or about the 25th day of October, 1978, kill one Gary Cusamano by means of shooting

and that the said Gary Cusamano

did die in Richland County as a proximate result thereof on or about the 26th day of October, 1978

CERTIFIED TRUE COPY OF ORIGINAL FILE

[Signature] CLERK OF COURT SUMTER COUNTY SOUTH CAROLINA

Against the peace and dignity of the State.

[Signature] R. Kirk McLeod, Solicitor

JOHN IDAR
PUBLIC DEFENDER SAM HASKELL
The State of South Carolina (M)

Witnesses

and # 1 Byrd Barnett

Test Ovens, SLED

L. Bonds, SLED

W. Harrison, SLED

Clifford Medley, SLED

D. Zennell, Jr., SLED

A. Verbits

R. Vears

L. Stratos

A. Ewart

J. T. Tolley

M. Jones

Verdict

Ferraro

County of SUMNER

COURT OF GENERAL SESSIONS

MAJOR Term, 18 79

THE STATE

VS.

MAURICE MACK

ISIAH JAMES, JR.

INDICTMENT FOR

Armed Robbery

Robbery

WALTER B. RILEY

Ferraro of Grand Jury

MAJOR PARTIAL 200 DRYDEN ST. COLUMBIA, S. C. 29202

THE PRISONER ISIAH JAMES, JR IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

[Signature]
C. C. P. & G. S.

SURGEON GENERAL SICKLAND
SOUTH CAROLINA

[Signature]
BVA

THE PRESENCE OF THE COURT IS THAT THE PRISONER

Isiah James, Jr BE HELD TO MAKE C. E.

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

A PERIOD OF 25 years OR LESS

AT HARD LABOR IN ONE OF THE DEPARTMENTS DESIGNATED

COUNTY FACILITIES, OR PAY A FINE OF \$

[Signature]
PRESIDING JUDGE

JUN 18 1979 Consentance to Indictment # 140 and 139

REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/94

CURRENT LOCATION: 0232

SUBJECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT KNO LEVEL/ASSIGNMENT 02

3) RECLASSIFICATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: *Assessment of the inmate's progress in problem solving and other areas...*

CLASSIFICATION SUPERVISOR OR CASEWORKER DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

6

CLASSIFICATION REPORT DATED

6-20-97

DC # 96883 NAME: James Isiak DORM: B5

SECURITY/CUSTODY MO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT. 85 Yrs. Mos. Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Control Operator

EDUC.PGM:

EWC LEVEL: 257 EEC LEVEL

ASSIGNMENT: Canbern

* * * * *

Empty lines for additional information or notes.

STIC
REVIEW

CDC NL
NT

2

7

1:17-cv-01837-TLW-577 DOCUMENT # 3-2 DATE FILED 06/29/18 PAGE 12 OF 14
66 55

CM SCDC OFFENDER MANAGEMENT SYSTEM 01/13/99
RELEASE DATE SCREEN SMITHKIM

SCDC ID: 00096883 LOC: RIDGELAND
JAMES, JR., ISTAH OFFENDER CATEGORY: UNCLASSIFIED

CUR SENT SERVING CAT: UNCLASSIFIED
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:
TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y
CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES
MAXOUT DATE: 11/26/2023 CURRENT EWC .: 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC .: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 02/01/1988 NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ..: 001565 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS: 000000 OFFENSE > CAT 3
TOTAL EXTRA EARNED CREDITS ..: 000
TOTAL SERVICE TIME EARNED ..: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

3

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due:

STEP 2

INMATE NAME: ISIAH JAMES, JR.
SCDC NUMBER: 96883
INSTITUTION: RIDGELAND SEP 08 2011
HOUSING UNIT: GA-52
WORK ASSIGNMENT: EDUCATION - LIBRARY

RECEIVED

Office Use Only
Grievance No. RCI-0502-11
Code: General CL/PL
Policy
Disc. Hear.
Class.
Date Received 8/31/11
IGC Initials
10-14-11

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): GRIEVANT APPEALS AND GRIESES AGAINST CLASSIFICATION CUSTODY (CHANGE) (1985) AND MAJOR CLASSIFICATION POLICY CHANGE UNDER DUE PROCESS CLAUSE (REPRISAL-VINDICTIVENESS) AND EX POST FACTO CLAUSE(S) VIOLATION(S). Sanders v. SDCG, 665 S.E.2d 231, 235 (S.C. App. 2008). JAMES WAS TRANSFERRED FROM DUTCHMEN CORRECTIONAL INSTITUTION (DCI) TO KIRKLAND CORRECTIONAL INSTITUTION (KCI) THE SUMMER OF 1985; HIS CUSTODY WAS REDUCED - LATER USED IN VINDICTIVE WAY(S) AGAINST HIM (SEE BURKE "Badge # 905" REPORT); HIS WORK CREDIT(S) WERE REDUCED IN VIOLATION OF DUE PROCESS OR ARBITRARILY. THE 1997 TRANSFER WAS FROM GOODMAN CORRECTIONAL INSTITUTION (GCI) TO RIDGELAND CORRECTIONAL INSTITUTION (RCI) WHERE HE WAS SUBJECTED TO CUSTODY REDUCTION AND WORK CREDIT(S) REDUCTION CONTRARY TO DUE PROCESS AND EX POST FACTO CLAUSE(S) OF SOUTH CAROLINA AND UNITED STATES CONSTITUTION(S). HIS MAX-OUT DATE WAS REDUCED FROM 2011 or 2015 or 2016 or 2017 or 2018 to 2023.

Isiah James, Jr. 8-21-11
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have been reviewed. Prior to 1996, an inmates work credits were determined by his/her job assignment. In reviewing your records, I see no errors in your work credits or custody assignments under the classification system prior to 1996. You were permitted to retain your EWC rate when the new classification system was implemented in 1996. Per OP-21.07 Earned Work Credits, section 2.1 "Each inmate who was allowed to keep his/her earned work credit rate upon implementation of the pilot Classification System on September 16, 1996, will continue to earn EWCs at that rate as long as the inmate is not convicted of a disciplinary rules violation." It is noted you were not convicted of a disciplinary rules violation after the implementation of the new Classification System until September 2006. Your EWC credits from your transfer to Ridgeland CI in 1997 until your disciplinary rules violation in 2006 has been corrected to reflect EWC level 2. Your projected release date has moved from 12/12/23 to 5/18/23. Your custody changes show no need for modification as they were appropriate based on the criteria established under the new Classification System.

Therefore, your grievance is resolved.

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.

James E. Sp... 2/15/12
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.

Isiah James, Jr. 2/23/12 M.E. Mont... 2/23/12
Grievant Signature Date IGC Signature Date

INMATE GRIEVANCE FORM

STEP 1

9

INMATE NAME: Fresh JAMES, JR.
SCDC NUMBER: 096883
INSTITUTION: WALDEN C. I.
HOUSING UNIT: 1C 6B
WORK ASSIGNMENT: Food Service Warehouse

WLF
10/27/16
H

Office Use Only
Grievance No. 0886-16
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 10/31/16
IGC Initials BB

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

Grievant #
gripes about his max-out date calculation which is to be wrong, no ever pointing to Bo v. Moore (199); see also AL-SHABAZZ v. SCDC (2000); Audit; 38 years x 5 = 190 days; 366 days in leap year 1 day every 4 year, from 1980 to 2010 = 10 days; Goddard time credits on 206 days set forth above herein equal 4 2/3 months
RTSM # 16-264140; 10.21.16 12:43pm. He points EWC's is wrong.

ACTION REQUESTED: Do audit - calculate correct max-out date; computer calculated date on 360 days year - There must be correct adjustments. The Moore set forth correct calculations.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RTSM # 16-264140

Fresh James, Jr. 10.23.16

Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether your max-out time warrants recalculation. Once the process has been completed, you will be notified of the outcome.

Betty Dodder 12/5/16
IGC Signature Date

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

Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Goodman (I)
2/17/17

INMATE NAME: Isiah JAMES, Jr.
SCDC NUMBER: 096883
INSTITUTION: Goodman
HOUSING UNIT: B-2-39B
WORK ASSIGNMENT: Food Service Detail

Grievance No. GI 0020-17
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
PREA _____
Date Received 2/21/17
IGC Initials BB

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

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHABAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing BARKIN v. Moore) ~~Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) x 5 = 190 days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.~~

EWC's are wrongfully calculated without adjustment(s); he was denied ~~Y013~~ custody when he was eligible through liberty interest; as well as level(s) ^{2/5} ^{2/7} credit(s) wrongfully under mis-calculated sentence expiration date;

*EWC's, 440 SE 2d 883 ()

ACTION REQUESTED: Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RTSM # 16-264140; 10.21.16 12:43 PM

#16-370666
#17-455081

Isiah James # 2-16-17

Grievant Signature

Date

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my 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.

Kenneth B. Wearden 3/31/17
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.

Spahn James, II 4/6/17
Grievant Signature Date

Betty Padgett 4/6/17
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 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 in the Grievance Box within five (5) 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) 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, via placement in the Grievance Box.

MC BY. 4/11/17 12

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

INMATE NAME: JAMES, Isaiah Jr.
 SCDC NUMBER: 096883
 INSTITUTION: Goodman
 HOUSING UNIT: B-2-39B
 WORK ASSIGNMENT: Food Service Warehouse

Office Use Only
 Grievance No. GC 0020-17
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 4/10/17
 IGC Initials BB

RECEIVED
 MAY 12 2017
 DIVISION OF PAROLE & PUNITIVE RECOMMENDATION

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 360 days or 30 days per month. As it is set forth in the step 1 when James serves a year; it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decade(s). But see step 1 grievance for claims)

Isiah James Jr 4-8-17
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

John D. [Signature] 5/15/17
 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 _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Inmate Request

Today's Date: 4/11/17 13:46

Name: JAMES, JR., ISIAH -
Booking #: 096883
Permanent #: 096883

Reference #: 16-370666
Date Requested: 11/19/16 19:17
Request Type: Inmate Records
Requested By: Kiosk

Request Details: I DID FORWARD A LETTER TO YOUR DIVISION WHICH REQUESTED AN AUDIT OF ALL EWC S AND GOODTIME ALONG WITH ANY RELEVANT ADJUSTMENTS SO HE WILL ALLOW REASONABLE PERIOD OF TIME TO EXPIRE BEFORE MOVING FURTHER FORWARD. NOW THERE IS THE QUESTION OF WHETHER YOUR DIDVISION IS THE SECTION THAT NEED TO CONACT ABOUT DEPARTMENT WORK HISTORY OR RECORD BEING POSTEDALISTED ON THE INTERNET OF COURSE THIS QUESTION CAN/SHOULD BE RESPONDED THERETO SEPARATE FROM THE AUDIT REQUEST PREFERABLE IN WRITING

Disposition: Complete
Officer:
Disposition Date: 02/13/17 14:44

Request Responses

Date	Author	Note
02/13/17 15:19	c005303	Questions regarding your EWC can be addressed through your classification caseworker. The Inmate Records office does not handle EWC concerns.

Inmate Request

Today's Date: 4/11/17 13:47

Name: JAMES, JR., ISIAH -
Booking #: 096883
Permanent #: 096883

Reference #: 17-455081
Date Requested: 11/19/16 19:17
Request Type: Inmate Records
Requested By: Kiosk

Request Details: I DID FORWARD A LETTER TO YOUR DIVISION WHICH REQUESTED AN AUDIT OF ALL EWC S AND GOODTIME ALONG WITH ANY RELEVANT ADJUSTMENTS SO HE WILL ALLOW REASONABLE PERIOD OF TIME TO EXPIRE BEFORE MOVING FURTHER FORWARD. NOW THERE IS THE QUESTION OF WHETHER YOUR DIDVISION IS THE SECTION THAT NEED TO CONACT ABOUT DEPARTMENT WORK HISTORY OR RECORD BEING POSTED/LISTED ON THE INTERNET OF COURSE THIS QUESTION CAN/SHOULD BE RESPONDED THERETO SEPARATE FROM THE AUDIT REQUEST PREFERABLE IN WRITING

Disposition: Complete
Officer:
Disposition Date: 02/13/17 14:44

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

15

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 17-ALJ-04-0591-IJ
Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED
JAN 11 2018
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

**THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED.
AND IT IS SO ORDERED.**

December 29, 2017
Columbia, South Carolina



SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

CMT1100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

05/13/21
C052640

P 18

SCDC# > 096883
JAMES, JR., ISIAH -

CURR LOC: GEORGIA
SCDC CLASSIFICATION... VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	CONV	VIO
		YRS	MO	DYS	DATE	START	PROJ COMP STAT IND
* 800002	ARMED ROBBERY	025	00	000	06/18/79	12/14/78	12/06/2022 PAR V U



PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/RVK PF5-ADD DUPL PF6-DISP CONSEC PF9-DETAIN PF12-SUMRPT

19

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 05/13/21
 OMCOMITA COMMITMENT APPLICATION C052640
 SCDC #: 096883 INQUIRY CURR LOC: GEORGIA
 JAMES, JR., ISIAH - NONCONFORM SENT: N RTRN TO COURT:
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00002 INDICT NUM: 79-GS-43141 WARRANT NUM: NWN
 DATE SENTENCED...: 06/18/1979 JUDGE LAST...: LANEY, JR. FI: D
 STATUTE: CDR CODE.: GPS IND: N
 OFFENSE: 1299 ARMED ROBBERY OFFENSE DATE: 10/25/1978
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 43 SUMTER
 PLEA...: G GUILTY TYPE OF COURT.....
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/14/1978
 TOTAL SENTENCE... : 025 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE... : 025 00 000 PAROLE FACTOR.....: 2 1/3 SENT. REQ.
 PROBATION SENT... : 000 00 000 PAROLE SERV REQMT: 007 00 000
 HIP SENT.....: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: PA PAROLE SENT START DATE: 12/14/1978 DOM.IND: N
 CONSECUTIVE IND...: Y SPOUSE ABUSE: STATUTE CLASS: UNCLASSIFIED
 DNA OFFENSE IND...: Y EEC ELIG: N DEATH UTERO: SCDC CLASS...: VIOLENT
 SEX REG: N PRED OFF: N LAST UPDATE: INDICTFX DATE: 02/24/21
 NO PAROLE: NOT APPLIC CREATED BY.: DATE: 01/29/91

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

CMTI700M SCDC OFFENDER MANAGEMENT SYSTEM 05/13/21
 CMTI700D COMMITMENT APPLICATION C052640
 SCDC# > 096883 COMPLETED SCDC PRIORS
 JAMES, JR., ISIAH - CURR LOC: GEORGIA
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE SCDC CLASSIFICATION... VIOLENT

NUM	C S	A E	INCARC	SENT	SENT	SENT	CONV	VIO				
	T X	CONV	OFFENSE	YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND
800001	4	N	VOLUNTARY	MAN	060	00	000	06/18/79	12/14/78	04/12/2010	COM	V U

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...
 PF4-MODCONV PF6-NON-SCDC PRIORS

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 05/13/21
 OMCOMITA COMMITMENT APPLICATION C052640
 SCDC #: 096883 INQUIRY CURR LOC: GEORGIA
 JAMES, JR., ISIAH - NONCONFORM SENT: N RTRN TO COURT:
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00001 INDICT NUM: 79-43-139,40 WARRANT NUM: NWN
 DATE SENTENCED...: 06/18/1979 JUDGE LAST...: LANEY, JR. FI: D
 STATUTE: CDR CODE.: GPS IND: N
 OFFENSE: 0919 VOLUNTARY MANSLAUGHTER OFFENSE DATE: 10/25/1979
 CHARACT: F FACILITATION OF COUNTS: 02 OFFENSE CNTY: 43 SUMTER
 PLEA...: G GUILTY TYPE OF COURT...:
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/14/1978
 TOTAL SENTENCE...: 060 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 060 00 000 PAROLE FACTOR...: 2 1/3 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 HIP SENT.....: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: CO COMPLETE SENT START DATE: 12/14/1978 DOM.IND: N
 CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: UNCLASSIFIED
 DNA OFFENSE IND...: Y EEC ELIG: N DEATH UTERO: SCDC CLASS...: VIOLENT
 SEX REG: N PRED OFF: N LAST UPDATE: KMINIT DATE: 02/22/12
 NO PAROLE: NOT APPLIC CREATED BY.: DATE: 01/29/91

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

EWC1100D
EWC1100M
OMEWCA

SCDC OFFENDER MANAGEMENT SYSTEM
EARNED WORK CREDIT ASSIGNMENT
HISTORY OF EWC ASSIGNMENTS

05/18/21
C060177

SCDC #> 96883
JAMES, JR., ISIAH -

CURR LOC.....: GEORGIA
POP ASSIGN....: M01B
CUSTODY LIMITATIONS...: Y

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
ASSIGNMENT....: 4030 FOOD WAREHOUSE

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	DYS	EWC F/P	TOT EWC
STOREKEEPER	04/14/16	12/21/17	RELEASED/PAROLE	2	5	F	220.357
LIBRARY HELPER	07/27/15	04/12/16	INSTIT TRANSFER	2	5	F	93.214
LIBRARY HELPER	05/22/15	07/23/15	INSTIT TRANSFER	2	5	F	22.500
LIBRARY HELPER	08/10/12	05/21/15	MI ELIGIBLE FOR	3	5	F	241.666
CHIEF CLERK	09/02/11	08/09/12	LATERAL TRANSFE	3	5	F	81.666
CHIEF CLERK	08/31/11	09/01/11	INSTIT TRANSFER	3	5	F	0.476
CHIEF CLERK	09/08/06	08/30/11	INSTIT TRANSFER	3	5	F	432.857
CHIEF CLERK	02/07/06	09/07/06	ASLT/DRUG/MAJOR	2	5	F	76.071
CHIEF CLERK	07/23/04	02/06/06	INSTIT TRANSFER	2	5	F	201.428
WARDKEEPER	02/03/04	07/22/04	INMATE REQUEST	2	5	F	61.071
CANTEEN OPERATOR	02/22/02	02/02/04	INMATE REQUEST	2	5	F	253.928
CUSTODIAL WORKER	12/13/01	02/21/02	INMATE REQUEST	2	5	F	25.357

PAGE.> 0001

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

EWC1100D
EWC1100M
OMEWCA

SCDC OFFENDER MANAGEMENT SYSTEM
EARNED WORK CREDIT ASSIGNMENT
HISTORY OF EWC ASSIGNMENTS

05/18/21
C060177

SCDC # > 96883

CURR LOC.....: GEORGIA

JAMES, JR., ISIAH -

POP ASSIGN....: MO1B

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 4030 FOOD WAREHOUSE

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
CANTEEN OPERATOR	11/05/01	12/12/01	INMATE REQUEST	2	5	F	13.571
SENIOR CUSTODIAN	10/11/01	11/04/01	INMATE REQUEST	2	5	F	8.928
MATERIAL CUTTER/MARKE	06/08/00	10/10/01	INMATE REQUEST	2	5	F	175.000
CUSTODIAL WORKER	01/13/00	06/07/00	INMATE REQUEST	2	5	F	52.500
LAUNDRY ROOM ATTENDAN	01/08/98	01/12/00	INMATE REQUEST	2	5	F	262.500
CANTEEN OPERATOR	04/23/97	12/19/97	INSTIT TRANSFER	2	5	F	86.071
CANTEEN OPERATOR	01/21/97	04/22/97	INMATE REQUEST	2	7	F	46.000
CANTEEN OPERATOR	03/14/95	01/20/97	CUSTODY REVIEW	3	7	F	226.333
WARDKEEPER ASSISTANT	02/07/95	03/13/95	INMATE REQUEST	5	7	F	7.000
SENIOR PRESS OPERATOR	09/21/93	01/11/95	INSTIT TRANSFER	2	5	F	170.714
CANTEEN OPERATOR	01/12/93	09/20/93	INMATE REQUEST	3	7	F	84.000
LIBRARIAN/BOOKMOBILE	04/13/92	01/08/93	INSTIT TRANSFER	2	6	F	116.142

PAGE.> 0002

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

24

EWC1100D

SCDC OFFENDER MANAGEMENT SYSTEM

05/18/21

EWC1100M

EARNED WORK CREDIT ASSIGNMENT

C060177

OMEWCA

HISTORY OF EWC ASSIGNMENTS

SCDC #> 96883

CURR LOC.....: GEORGIA

JAMES, JR., ISIAH -

POP ASSIGN....: M01B

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT....: 4030 FOOD WAREHOUSE

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
LIBRARIAN/BOOKMOBILE	10/16/91	04/12/92	PROMOTION	2	7	F	90.000
LIBRARIAN/BOOKMOBILE	08/14/91	10/06/91	LOCKUP-INVESTIG	2	7	F	27.000
LIBRARIAN/BOOKMOBILE	04/06/91	08/13/91	PROMOTION	2	7	F	65.000
TEACHER ASSISTANT	01/11/90	04/05/91	PROMOTION	3	5	F	107.142
PROFESSIONAL PERSONNE	06/20/89	01/10/90	PROMOTION	2	5	F	73.214
ELECTRONICS REPAIR HL	01/24/89	06/19/89	PROMOTION	5	5	F	21.000
CUSTODIAL WORKER	12/21/88	01/23/89	PROMOTION	7	5	F	3.469
TEACHER ASSISTANT	04/05/88	12/15/88	AUTO-INST. TRAN	3	5	F	60.714
TEACHER ASSISTANT	10/25/85	09/15/86	INMATE REQUEST	3	5	F	77.619
TEACHER AIDE	07/19/85	10/24/85	PROMOTION	5	5	F	14.000
SENIOR TEACHER ASST.	05/23/85	07/17/85	INSTIT TRANSFER	2	5	F	20.000
CLASSROOM LEADER	10/26/84	05/22/85	PROMOTION	3	5	F	49.761

PAGE.> 0003

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

23

EWC1100D
EWC1100M
OMEWCA

SCDC OFFENDER MANAGEMENT SYSTEM
EARNED WORK CREDIT ASSIGNMENT
HISTORY OF EWC ASSIGNMENTS

05/18/21
C060177

SCDC #> 96883

CURR LOC.....: GEORGIA

JAMES, JR., ISIAH -

POP ASSIGN....: MO1B

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT....: 4030 FOOD WAREHOUSE

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	DYS	EWC F/P	TOT EWC
CLASSROOM LEADER	02/29/84	04/17/84	INSTIT TRANSFER	3	5	F	11.666
TEACHER AIDE	01/10/84	02/28/84	PROMOTION	5	5	F	7.142
SENIOR TEACHER ASST.	08/31/83	12/13/83	INSTIT TRANSFER	2	5	F	37.500
TEACHER ASSISTANT	09/14/82	08/30/83	INMATE REQUEST	3	5	F	83.571
TEACHER AIDE	06/29/82	09/13/82	PROMOTION	5	5	F	11.000
TITLE CHANGED TO 0536	08/07/79	09/12/79	TERM CODE CHG T	7	7	F	5.285

PAGE.> 0004

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

05/20/21
C052640

SCDC ID: 096883

DISPLAY INMATE OFFENSE HISTORY

CURR LOC: GEORGIA

JAMES, JR., ISIAH -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV
SERIOUS MENTAL ILLNESS: N

CASE#	DESCRIPTION	ACTION	DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00010	USE, POSS MARIJ, U	MAJOR DI	09/07/06	10/10/06	00000	CONVICTED	1
00007	ABUSE OF PRIVILEGES	OTHER AC	04/04/02	/ /	00000	CLOSED	5
00006	REFUSING OR FAILING O	OTHER AC	11/30/01	/ /	00000	CLOSED	3
00005	REFUSING OR FAILING O	MINOR DI	01/11/95	02/02/95	00000	CONVICTED	3
00004	LYING TO EMPLOYEE/MAK	MINOR DI	03/24/82	04/06/82	00000	CONVICTED	3
00003	USE OBSCENE, VULGAR, PR	MINOR DI	03/24/82	04/06/82	00000	CONVICTED	3
00002	INCITING/CREATING A D	MAJOR DI	04/21/80	07/08/80	00000	CONVICTED	2
00001	I/M UNDER INFLUENCE/P	MAJOR DI	04/21/80	07/08/80	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, 096883,)
)
 Appellant,)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 17-ALJ-04-0591-A-AP
Grievance No.: GCI 20-17

ORDER

STATEMENT OF THE CASE

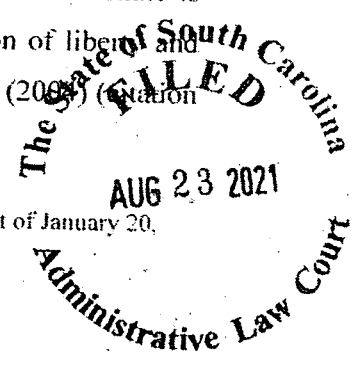
This matter is before the South Carolina Administrative Law Court (ALC or Court) on remand from the South Carolina Court of Appeals with instructions to address the merits of Isiah James' (Appellant) appeal regarding the South Carolina Department of Corrections' (Department) calculation of his sentence. Both parties filed motions requesting to supplement the record in this matter. Appellant sought to supplement the record to include documents that have no relevance to the appeal at hand and therefore these documents were not considered during review of this case. The Department requested that the Record be supplemented with the Maxout Date Calculation Worksheet showing Appellant's sentence calculations. Because the document is directly related to Appellant's issue being appealed and is necessary for the Court to address Appellant's concerns about his sentence calculations, it has been added to the record in this matter.

Upon careful consideration of the record on appeal, the parties' briefs, and a review of the applicable law, the Department's decision is affirmed.

JURISDICTION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dept. of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citing *Station*)

¹ Appellant sought to supplement the record with a 1994 classification review, classification report of January 20, 1998, and a Step 2 Grievance (RCI-0503) he received on February 23, 2012.



omitted). Such a liberty interest is at stake in the calculation of an inmate's sentence. *Tant v. S.C. Dept. of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); see also *Sullivan v. S.C. Dept. of Corrs.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

STANDARD OF REVIEW

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the Court's review is limited to the record. S.C. Code Ann. § 1-23-380(4). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

"Substantial evidence" is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." *Lark v. Bi-Lo*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981) (quoting *Law v. Richland County Sch. Dist. No. 1*, 270 S.C. 492, 495-96, 243 S.E.2d 192, 193 (1978)). Accordingly, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995).

DISCUSSION

On June 18, 1979, Appellant received two convictions for Involuntary Manslaughter and received two 30-year sentences to be served consecutively. Also, on June 18, 1979, Appellant was convicted of Armed Robbery and sentenced to 25 years to run consecutive to his Involuntary

Manslaughter sentences. Following Appellant's incarnation, the Department calculated Appellant's sentence and projected release date based upon a 360-day year.² Based upon the Department's calculations, Appellant's projected release date is December 11, 2022.³

In the appeal, Appellant, citing to *Busby v. Moore*, contends that for more than 40 years the Department incorrectly calculated his sentence by using calculations based on a 360-day year as opposed to a 365-day year. See 330 S.C. 201, 498 S.E.2d 883 (1998), overruled by *Al-Shubazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Appellant also contends that he has not been credited with the proper amount of earned work credits. This Court disagrees.

At the time of Appellant's sentencing in 1979, the Department calculated inmate sentences based upon a 360-day year. In 1995, the South Carolina General Assembly amended Title 24 by adding Section 24-13-175 so as to provide that "sentences imposed and time served must be computed based upon a three hundred and sixty-five day year." (*Act No. A83, Ratified R136, signed by Governor*). Section 62 of the Act provided that the act took effect on January 1, 1996 and applied prospectively to all crimes committed on or after that date, with some exceptions. The exceptions that are pertinent to inmates include violent offenses enumerated in Section 9 of the Act, and in Section 25 of the Act as it applies to persons convicted of a capital crime and sentenced to death. *Id.*

Because Section 24-13-175 is applied prospectively to sentences imposed on or after January 1, 1996, this provision would not apply to Appellant since he was sentenced years earlier in 1979. There are some exceptions to the prospective application, however the crimes for which Appellant was sentenced are not among the exceptions, and therefore, the Department properly computed his sentence based upon a 360-day year. Additionally, a careful review of the record shows that the Department properly credited Appellant with earned work credits and good time credits.

Appellant also contends the Department violated his due process rights by delaying the change of his custody status to MOIB for more than 7 months. However, this issue is moot at this point because Appellant is no longer incarcerated and any ruling regarding his custody status would have no effect. See *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (citation

² Appellant completed the requisite time to be served on the two Involuntary Manslaughter sentences and is currently completing his 25-year sentence for the Armed Robbery conviction.

³ Appellant was released on parole in 2017.

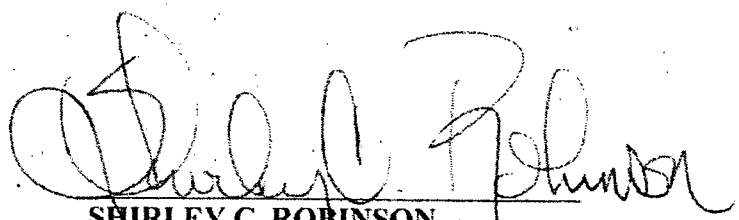
omitted) ("An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."); See also *Id.* at 567-68, 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep't.*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.")).

CONCLUSION

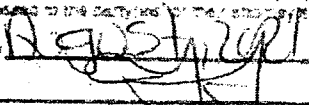
Having thoroughly reviewed the record, supplements to the record, and briefs submitted by the parties, the Court finds that substantial evidence supports the Department's calculations and final determination regarding Appellant's sentence and earned work credits. This Court further finds that the substantial rights of Appellant have not been prejudiced. Thus, the Department's decision is affirmed. See S.C. Code Ann. § 1-23-380(5).

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Department's decision is affirmed. **AND IT IS SO ORDERED.**


SHIRLEY C. ROBINSON
Administrative Law Judge

August 23, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE
This document is being served on the undersigned by electronic mail and by first class mail. I have verified that the undersigned has received this order in the above entitled action upon all parties to this case by electronic mail and by first class mail. I have verified that the undersigned has received this order in the United States mail, postage paid, or in the interagency Mail Service addressed to the clerk of the court.
This 23 day of August, 2021
By: 
Judicial Law Clerk