

March 3, 2013

Dear Mr. Shearouse,

Please find enclosed a Petition for Writ of Certiorari to the Court of Appeals.

Also enclosed is an Affidavit of Indigency, and a Proof of Service on all parties of record.

Sincerely,

Maurice Marant

RECEIVED

MAR 06 2013

S.C. SUPREME COURT
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO THE COURT OF APPEALS
FROM THE ADMINISTRATIVE LAW COURT

RALPH K. ANDERSON III, ADMINISTRATIVE LAW JUDGE

Case No. in lower court - 08-ALJ-04-00918-AP
Case No. in Appellate Court - 2011SG606

MAURICE L. MORANT

Petitioner,

RECEIVED

MAY 03 2013

S.C. SUPREME COURT

V.

SOUTH CAROLINA DEPT. OF CORRECTIONS.

Respondents.

PETITION FOR WRIT OF CERTIORARI

MAURICE L. MORANT

Appellant pro se

Evans Correctional Inst.

610 Hwy. 9 West

Bennettsville, S.C. 29512

Date March 3, 2013

IN THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO THE COURT OF APPEALS
FROM THE ADMINISTRATIVE LAW COURT

RALPH K. ANDERSON III, ADMINISTRATIVE LAW JUDGE

CASE NO. in Lower Court - 08-ALJ-04-00918-AP

CASE NO. - 2011186606

MAURICE MORANT

Petitioner,

v.

SOUTH CAROLINA DEPT. OF CORRECTIONS

Respondent.

AFFIDAVIT OF INDIGENCY

A Maurice Morant the appellant is an indigent inmate within the South Carolina Department of Corrections, and does not have the monies to pay the fee of this Court for a Petition for Writ of Certiorari.

Therefore, I respectfully petition this court to proceed in Forma Pauperis in the above captioned case.

I MAURICE MORANT DOES SWEAR THAT THE FORGOING IS TRUE
AND CORRECT.

Dated March 3, 2013

51 Maurice Morant
Evans Correctional Inst.
610 Hwy. 9 West
Bonne Hsville, SC. 29512

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO THE COURT OF APPEALS
FROM THE ADMINISTRATIVE LAW COURT
RALPH K. ANDERSON III, ADMINISTRATIVE LAW JUDGE
CASE NO. in LOWER COURT-08-ALJ-04-00918-AP
CASE NO. - 2011186606

MAURICE L. MORANT

Petitioner

v.

SOUTH CAROLINA DEPT. OF CORRECTIONS

Respondent

PROOF OF SERVICE

I Maurice Morant swears he has served a Petition For Writ of Certiorari on all parties of record on this 4 day of March 2013 by depositing copies of it in the United States Mail postage prepaid addressed to:

South Carolina Supreme Court
Daniel Sherouse (Sherouse) Clerk
P.O. Box 11330
Columbia, S.C. 29221

Office of General Counsel
South Carolina Dept. of Corrections
4444 Broad River Rd.
Columbia, S.C. 29221

Submitted and subscribed Before Me

On this 4 day of March 2013

Soy S Thomas
Notary Public of South Carolina

September 19 2019

My Commission Expires

51 Maurice Morant
Evans Correctional Inst.
610 Hwy. 9 West
Bennettsville, S.C. 29512



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 28, 2012

Maurice L. Morant, 00285174

Mr. Christopher D. Florian
PO Box 21787
Columbia SC 29221-1787

Re: Morant, Maurice v. SCDC
Appellate Case No. 2011-186606

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jenny A. Kitchings 1/27
CLERK

cc: Ralph King Anderson, III

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Maurice L. Morant, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2011-186606

Appeal From Administrative Law Court
Ralph King Anderson, III, Administrative Law Judge

Unpublished Opinion No. 2012-UP-626
Submitted November 1, 2012 – Filed November 28, 2012

AFFIRMED

Maurice L. Morant, pro se.

Christopher D. Florian, of the South Carolina Department
of Corrections, of Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities:

1. As to whether the South Carolina Department of Corrections violated Morant's
due process right: *Al-Shabazz v. State*, 338 S.C. 354, 371, 527 S.E.2d 742, 751

(2000) ("[D]ue process in a prison disciplinary proceeding involving serious misconduct requires: (1) that advance written notice of the charge be given to the inmate at least twenty-four hours before the hearing; (2) that factfinders must prepare a written statement of the evidence relied on and reasons for the disciplinary action; (3) that the inmate should be allowed to call witnesses and present documentary evidence, provided there is no undue hazard to institutional safety or correctional goals; (4) that counsel substitute (a fellow inmate or a prison employee) should be allowed to help illiterate inmates or in complex cases an inmate cannot handle alone; and (5) that the persons hearing the matter, who may be prison officials or employees, must be impartial." (citing *Wolff v. McDonnell*, 418 U.S. 539, 563-72 (1974))).

2. As to whether substantial evidence supported the guilty verdict: S.C. Code Ann. § 1-23-610(B)(e) (Supp. 2011) (providing that on review of an appeal from the Administrative Law Court (ALC), this court looks to see whether the ALC's findings are supported by substantial evidence); *Al-Shabazz*, 338 S.C. at 380, 527 S.E.2d at 756 ("Substantial evidence is relevant evidence that, considering the record as a whole, a reasonable mind would accept to support an administrative agency's action."); *id.* ("It is more than a mere scintilla of evidence, but is something less than the weight of the evidence."); *id.* ("Furthermore, the possibility of drawing two inconsistent conclusions from the evidence does not prevent a court from concluding that substantial evidence supports an administrative agency's finding.").

3. As to the remaining issues: *Al-Shabazz*, 338 S.C. at 379, 527 S.E.2d at 755 (stating that issues or arguments not raised to and ruled upon by the ALC are not preserved for review).

AFFIRMED.¹

HUFF, THOMAS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

Maurice L. Morant, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2011-186606

ORDER

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.

Thomas E. Luff
_____ J.

Paul W. Roman
_____ J.

John D. Rute
_____ J.

Columbia, South Carolina

cc:
Maurice L. Morant, 00285174
Christopher D. Florian
Ralph King Anderson, III

FILED

Jan. 25, 2013

Supporting Documentation (Evidence)

- 1) S.C.D.C. Policy OP.22.14 (dated May 14, 2004)
- 2) Accident Report and Hearing Records
- 3) Letter requesting re-hearing.
- 4) Request for witnesses by appellant.
- 5) Wardens decision (step 1 Grievance / Appeal.
- 6) Step 2 Grievance / Appeal.
- 7) Step 1 Grievance concerning DHO Ms. Brown.
- 8) Disposition of Appellants Grievance to grievance coordinator.
- 9) Appellants Notice of Appeal (to ALC)
- 10) Respondent's Brief.
- 11) Respondent's Motion To Enlarge Time.
- 12) Appellants original brief (Administrative Law Court)
- 13) Order of ALC (dated - 1-21-2011)
- 14) Letter to ALJ- ^{A)} concerning lack of ruling; ^{B)} concerning "last File".
- 15) Letter denying transcript / false dismissal.
- 16) Letters (to ALC) from Supreme Court concerning lack of ruling. (dated 10-21-09, 6-1-10)
- 17) transcript

Issues On Appeal

- 1) Rehearing of a "Not Guilty" decision not in accordance with S.C.D.C. policy OP.22.14 and violates Procedural Due Process rights / which results in deliberate deprivation of state created liberty interest.
- 2) Accusing Officers changed / altered testimony in re-hearing.
- 3) Does accusing Officers admit during rehearing he had nothing to write appellant up for.
- 4) Appellant has issues with letter requesting re-hearing.
- 5) DHO Ms. Brown admits to intimidating tactics before rehearing.
- 6) DHO Ms. Brown not fair and impartial at re-hearing.
- 7) Appellant was denied witnesses at re-hearing.
- 8) Why did respondents deny appellant the transcripts of both DHO hearings.
- 9) Why did it take 1 year to receive answer to step 2 grievance / appeal.
- 10) Why did it take 27 months to receive order from Administrative Law Judge.
- 10a) Misconduct of Administrative Law Judge.
- 11) Respondents attempt to apply wrong S.C.D.C. policy OP.22.14 to support this case.
- 12) Appellant has issue with motion to enlarge by respondents.

Copy this side

#1

21.2 Inmates desiring to listen to a copy of their taped hearing must inform their Institutional Inmate Grievance Coordinator. The Grievance Coordinator will be responsible for requesting the tape from the Hearing Officer. The tape will be forwarded to the Inmate Grievance Coordinator who will be responsible for advising the inmate when it has been received and for scheduling a time for the inmate to review that portion of the tape for the respective inmate's hearing. The tape will be played for the inmate by, and in the presence of, the Grievance Coordinator.

21.3 Once the tape has been played for the inmate, the Grievance Coordinator will return the tape to the Hearing Officer.

21.4 If the inmate so requests in the appeal, the tape recording will be made available to the appropriate reviewing authority before deciding the appeal.

22. REHEARING:

* 22.1 Where exceptional circumstances are found to exist, the Division Director of Operations or designee may order that a disciplinary case be reheard. This may be ordered if it is determined a disciplinary charge was dismissed, but compelling reasons exist for proceeding again with a rehearing of the disciplinary violation. Compelling reasons may include, but are not limited to, situations in which significant and material evidence concerning a violation is discovered after the violation hearing has been conducted. In such cases, the Division Director of Operations or designee will indicate in writing the compelling reason(s) that require a rehearing of the disciplinary violation. A rehearing may not be ordered for which an inmate did not receive timely notice of charges or an initial disciplinary hearing in a timely manner unless authorized in writing by the Agency Director.

22.2 Time Limits: A rehearing must occur within 21 calendar days from the date that the rehearing is ordered by the Division Director of Operations or Agency Director.

* 22.3 Evidence: Any evidence presented at the initial hearing may be presented at the rehearing; however, if the disciplinary conviction was overturned due to insufficient evidence, additional evidence must be presented and considered at the rehearing in order to find the inmate guilty.

22.4 Penalties:

22.4.1 Sanctions imposed at a rehearing involving loss of good time will be made effective from the date of the disciplinary infraction.

22.4.2 Sanctions imposed as a result of the initial hearing may again be assessed; however, the inmate will be given credit for penalties already served.

23. RECORD KEEPING:

23.1 In cases where an inmate has been found guilty, all written disciplinary records will be maintained for a period of eleven (11) five (5) years. (NOTE: Tape recordings will be maintained for a period of 18 months.) (*Amended by Change 1, Dated 3/15/04.*)

* 23.2 If an inmate is found not guilty, SCDC Forms 19-29A, "Incident Report" and 19-69, "Disciplinary Report and Hearing Record," will be removed from the inmate's Institutional Record. If multiple charges have been made against an inmate, then only those charges for which the inmate has been found guilty will be maintained. Charges for which the inmate has been found not guilty included on the same reports will be marked out by the Hearing Officer. (NOTE: This does not mean that the Agency cannot utilize such records for purposes of maintaining or collecting statistical or historical data.) *Gone*

24. ADDITIONAL INFORMATION ABOUT SANCTIONS:

24.1 Cell or Cube Restriction: An inmate may be placed in cell or cube restriction for the rest of the shift as a result of the employee's or supervisor's immediate corrective action, for a maximum of 30 days as a result of Informal Resolution, a maximum of 60 days for Administrative Resolution, or a maximum of 60 days for a Disciplinary Hearing. When an inmate is placed in cell or cube restriction, the following will apply:

24.1.1 Activities: The inmate is not allowed to leave his/her cell or cube except for medical reasons, meals, showers/hygiene, law library visits (during the inmate's non-work hours only), work, educational or vocational school/training, compulsory program activities, religious services (one [1] hour of worship services weekly), and legal visits. The inmate will not be authorized regular visitation.

24.1.2 Recreation: The inmate will lose out-of-cell/cube recreation privileges for the period of time that s/he is placed on cell or cube restriction status.

24.2 Extra Duty: If an inmate is given extra duty as a result of an administrative resolution or pursuant to a finding of guilt at a disciplinary hearing, and the inmate refuses to perform the extra duty, s/he may be charged for the refusal. If the inmate is found guilty and given the penalty of loss of good time, s/he may still be required to perform the extra duty.

24.3 Restitution: Refer to SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates," for procedures to be followed to assess restitution pursuant to state statutes.

24.4 Loss of Privileges: Inmates may not be denied purchase or possession of legal correspondence materials, incoming/outgoing mail, legal visits, legal phone calls upon verification by staff, educational materials needed for an educational program in which the inmate is enrolled, clothing necessities pursuant to SCDC Policy/Procedure OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," or hygiene supplies if not issued.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page of

Institution/Center: <u>WRCI</u>	
Date of Report: <u>6-28-07</u>	Time of Report: <u>1150am</u>
Reporting Official: <u>Cpl Kenneth Baldwin 020980</u>	Date of Incident: <u>6-28-07</u>
Location of Incident: <u>Holding cell</u>	Time of Incident: <u>1145 am</u>
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. <u>Maurice Morant 285174 BM</u>	1. <u>Off Kirkland</u>
2.	2. <u>SMU STIG 12.8</u>
3.	3.
4.	4.
5.	5.
On the above date and approximate time: <u>I cpl Kenneth Baldwin 020980 entered holding cell to get inmate Maurice Morant's 285174 work id. Inmate said he had no card then yelled and got in my face right in my face you stupid pussy mother fucker. You pussy ass inmate also get me off this fucking yard. Inmate had clinched up fists. First responders was called. Inmate is being charged with (809) Threatening to inflict harm</u>	
RECEIVED	
JUN 29 2007	
W. R. C. I. WARDEN'S OFFICE	
Signature: <u>[Signature]</u>	Evidence:
Witness(es):	Supervisor's Comments: <u>I concur with the above charge.</u>
Signature: <u>[Signature]</u> Title: <u>Sgt.</u> Date/Time: <u>6-28-07 1225pm</u>	STG Related - Refer to STG Committee () Yes () No () Unknown
Major / Responsible Authority:	This Incident is DRUG related (-) Yes (-) No (-) Unknown
<u>809</u>	Action Taken () Informal Resolution () Administrative Resolution <input checked="" type="checkbox"/> Refer to Disciplinary Hearing
Signature: <u>[Signature]</u> Title: <u>Capt</u> Date: <u>6/29/07</u>	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

#: 10 Inmate Name: Morant, Maurice SCDC#: 285174
b
ing Area: Ward 2 Bed 9 Job: Unemployed Custody: MRI
Use Date: 8 / 28 / 07 Offense Time: 11:45 AM/PM Offense Location: Holding cell

Offense Description: (809) Threatening to Inflict Harm on/Assaulting an Employee and/or member of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to man life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious fear of injury or death. Any unauthorized body contact of an employee or member of the public which creates serious alarm, but does not result in bodily injury.
LATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

STATE WAIVERS: CPL K. Baldwin
I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
I DO NOT WANT TO BE PRESENT AT MY HEARING I WAIVE MY RIGHT TO A HEARING
I DO WANT MY ACCUSER PRESENT AT THE HEARING I WANT A COUNSEL SUBSTITUTE 12.8
I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING I DO NOT WANT A COUNSEL SUBSTITUTE
Date & Time Notified: 7/14/07 11:26 AM By (Print): Cal Marquez
Inmate Signature: [Signature] Date: 7/11/07

HEARING INFORMATION:

Hearing Date: <u>7/25/07</u>	Hearing Time: <u>10:30 AM/PM</u>	Case # <u>71</u>	Side: <u>A+B</u>	Start: <u>721</u>	End: <u>180</u>
------------------------------	----------------------------------	------------------	------------------	-------------------	-----------------

PLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	<u>809</u>			
INMATE PLEA (G, NG, None)	<u>N/G</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE PRESENTED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL. This was found guilty of the crime above based on the offense report, the written statement provided by the inmate.
HEARING LENGTH: 15 (MINUTES)

PUNISHMENTS:
Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): 60
- Property (Days) _____ Extra Duty: _____ Restitution: \$ _____
- Canteen (Days) 90 Contact Visit Suspension Thru 180
- Other see (Days) 180 Cell Restriction (Days): _____
- Disciplinary Detention (Days): _____

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the first offense of this nature within 12 months

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD _____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature] DATE: 7-25-07

HEARING OFFICER (PRINT NAME) [Signature]

APPROVED REVERSE/MODIFY [Signature] Warden REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
Gold - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record

*(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

10 Inmate Name: Morant, Maurice SCDC#: 285174

ng Area: WSCI - SMT/AA Job: II/A Custody: ST

use Date: 06/28/07 Offense Time: 11:45 AM/PM Offense Location: Holding Cell

(809) threatening to inflict harm on/assaulting an Employee and/or Member
of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to human life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm. Any unauthorized body contact of an employee or member of the public which creates serious alarm, but does not result in bodily injury.
Offender: Col. K. Baldwin

LATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

STATE WAIVERS:

I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
I DO NOT WANT TO BE PRESENT AT MY HEARING I WAIVE MY RIGHT TO A HEARING 12.8
I DO WANT MY ACCUSER PRESENT AT THIS HEARING I WANT A COUNSEL SUBSTITUTE
I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING I DO NOT WANT A COUNSEL SUBSTITUTE

Time Notified: 7/2/07 4:14 AM/PM By (Print): J. Upton
Inmate Signature: M Morant Date: 7/2/07

HEARING INFORMATION:

Hearing Date: 7/5/07 Hearing Time: 10:02 AM Type: 70 Side: B Start: 604 End: 768

PLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

NG - Inmate was sent to the Holding Cell for 4 hrs per Col. Baldwin's order of standing behind and refusing to move. Col. Baldwin stated that if they went into the Holding Cell at a later time to get 10 by himself. OTC went into Holding Cell by himself, after being left there.

OFFENSE CODES	809			
INMATE PLEA (G, NG, Norm)	NG			
FINDINGS (G, NG, DS)	NG			

GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL:

HEARING LENGTH: _____ (MINUTES)

PUNISHMENTS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____
Property (Days) _____ Extra Duty: _____ Restitution: \$ _____**
Canteen (Days) _____ Contact Visit Suspension Thru _____
Other (Days) _____ Cell Restriction (Days): _____
Disciplinary Detention (Days): _____

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: _____

PHID TIME SERVED? YES/NO _____ IF YES, DAYS _____

DATE INMATE PLACED IN PHID _____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: M Morant DATE: 7-5-07

HEARING OFFICER (PRINT NAME) S. Patterson

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden
CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

Title - Institutional Record
Canary - Inmate (Service of Disciplinary Report)

Olden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
WATEREE RIVER CORRECTIONAL INSTITUTION

RECEIVED
JUL 11 2007

W. R. C. I.
WARDENS OFFICE

MEMORANDUM -

TO: Mr. James E. Sligh, Jr., Operations Coordinator
Division of Operations

FROM: Joel E. Anderson, Warden
Waterree River Correctional Institution

SUBJECT: Disposition of Disciplinary on Inmate Maurice Morant,
SCDC #285174

DATE: July 9, 2007

This is the incident I brought up to you briefly right before Mr. Frederick's going away party.

I disagree with Ms. Patterson's assessment and disposition of this disciplinary.

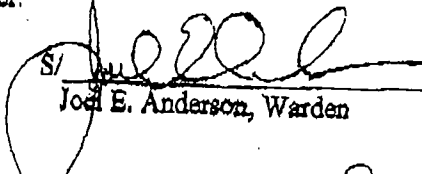
The inmate was charged with Threatening to Inflict Harm (809).

Cpl Baldwin was not threatened until he entered the holding cell to retrieve the inmate's I.D. As soon as he felt that the inmate could potentially become violent, he called for 1st responders.

The inmate was originally placed in the holding cell for refusing a directive given by Cpl. Baldwin.

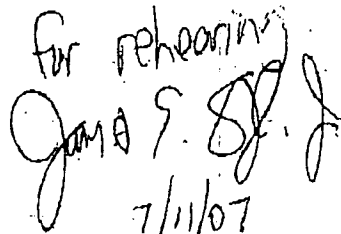
I would like to have this case re-heard based on my explanation in this letter.

Thank you for your attention to this matter.


S/ Joel E. Anderson, Warden

JES/hm

cc: Associate Warden Jordan
Major Murray

Approved for rehearing

7/11/07

No

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: <i>Mr. Marquez</i>	TITLE: <i>Cpt</i>	DATE: <i>7-23-07</i>
INMATE'S NAME: <i>Maurice Mount</i>	SCDC#: <i>285124</i>	
INSTITUTION: <i>W.R.C-I</i>	W. R. C. I WARDEN'S OFFICE	LIVING QUARTERS: <i>W-2-#9</i>

I have two (2) witnesses I would like called to my D.H.O. rehearing.

- 1. Dennis Byrd - 284331*
- 2. Gabriel Robinson - 319474*

DISPOSITION BY STAFF MEMBER:

*I/m's were paged ^{mm} for to the inside front gate for approx 30 min (from 3:20pm. Approx to 3:40p.m.)
Approx.
I/m's Never showed.*

DATE: <i>7/24/07</i>	SIGNATURE: <i>[Signature]</i>
-------------------------	----------------------------------

WARDEN'S DECISION AND REASON:


Inmate Maurice Morant #285174 WRCI 0529-07

This is in response to your grievance WRCI -0529-07 regarding Disciplinary #809 Threatening to Inflict, etc.

All pertinent documentation has been reviewed, including the Disciplinary Hearing tapes as requested. The Disciplinary Hearing Officer, Ms. Brown did conduct your hearing and in a fair and impartial manner. The sanctions imposed are within the guidelines established by the South Carolina Department of Corrections Policy.

You are correct in your statement that you were tried twice. SCDC headquarters approved a re-hearing on your charge because additional testimony was presented. — X

Therefore, your grievance is denied. If you are not satisfied with my response, you may file a Step 2 appeal (see Step 5 below).



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.

Maurice Morant - 10-9-07
Grievant Signature Date

Shirley H. Hufield 10/9/07
IGC Signature Date

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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

due
10-15-07 0

INMATE NAME: Maurice Marant
SCDC NUMBER: 285174 **KRCI**
INSTITUTION: Waterloo Correctional Inst
HOUSING UNIT: Ward 4 #10
WORK ASSIGNMENT: Tunnel Detail

OCT 18 2007
AM

Office Use Only
Grievance No. WRCI-0519-07
Code: General _____
Policy _____
Disc. Hear. 809 7/25/07
Class. _____
Date Received 10-22-07
IGC Initials SCA

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

I am appealing the decision of the warden on a step 1 appeal for the charge of "Threatening to inflict" stemming from an initial hearing on 7-5-07 in which I was found not guilty. I am requesting a rehearing of the same charge 7-25-07. I request that the reviewing authority listen to the tapes of both hearings before making a decision case as well as all issues and documentation in both step 1 and step 2 Appeals. In the initial hearing DHO Ms Patterson based her "not guilty" decision on the credible evidence as she asked questions to get a full understanding of the case. DHO Ms Brown however in the rehearing is obviously bias in her decision. Please overturn this ruling for the following reasons: Please review the following sections of the S.C.C. Policy OP 22.14 --- Sections *23.2 (if an inmate is found Not Guilty... report... will be removed from institutional record) *23.3; *27.1 (my charge was not dismissed & was found Not Guilty) *17.3 - *16.1 - *16.1.3 - *13.1 (inmate may call witnesses) and *14.1 ("Standard of Guilt"). These sections of this policy are very important to this case could please review very carefully (Continued on next page)

Maurice Marant 10-13-07
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Threatening to Inflict Harm on an Employee and/or Members of the Public (8.09) on July 25, 2007, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated May 14, 2004, and the sanction(s) imposed, which included the loss of -60- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received twenty-four (24) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

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] 09/25/2008
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.

Maurice Marant - 10-24-08
Grievant Signature Date

[Signature] 10/24/08
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

- ① I would like the reviewing authority to review the letter to the division of operations requesting a rehearing. Take note of the very first sentence which states "This is the incident I brought up to you at Mr. Fredericks retirement party." This was obviously not done in a professional manner as per policy. Instead of a letter being sent to the division as policy requires, you instead discussed this matter beforehand at a party which suggests a friend doing a favor for another friend which is bias. Furthermore, there are no "compelling" reasons nor any new evidence brought forth in this letter to warrant a rehearing. This letter also states that Cpl. Baldwin "was not threatened until he entered the holding cell. This conflicts with Cpl. Baldwin's testimony in the initial hearing, therefore the warden here at Waterco could not have listened to the tapes of this hearing to justify his false request.
- ② I strongly disagree with step 1 grievance warden's decision and reasons for denying my appeal. The warden states that headquarters approved a rehearing because additional testimony was presented, when the fact is there is no additional testimony or new anything for that matter, at all presented. All so called evidence is basically the same as (original) original incident report.
- ③ As I stated in step 1 Appeal, the DHO Ms. Brown made several attempts to intimidate me prior to the rehearing. I have evidence of this in the form of a grievance against Ms. Brown submitted by me on 7-22-07 prior to the rehearing on 7-25-07. (Grievance No. WRCZ-0491-07). Furthermore when the reviewing authority listens to the tape of the rehearing, Ms. Brown admits to these tactics on record. Also please take notice Ms. Brown's disrespectful and threatening tone of voice and her attitude during the rehearing as evidence of this.
- ④ Per S.C.D.C. policy OP-22.14 section 13.3 "if witnesses are denied by hearing officer, the hearing officer must write his or her reasons for this denial on S.C.D.C. form 19-69 in the space provided. There are no reasons for the denial of my witnesses provided on the 19-69 form in this case. Furthermore, attached to this grievance is a copy of my request for witnesses which I did not have at the time of my step 1 grievance. I received this in the mail about 3 weeks to a month after the rehearing. I would like the reviewing authority to please take a close look at this request. First take notice of the date at the bottom of the form next to Cpl. Marquez's signature (7-24-07). My hearing in fact did place on 7-25-07. Secondly, take notice of the time he supposedly called my witnesses for the hearing (Approx 3:20-3:30 PM). If you will notice my hearing was held in the morning at 10:39 am. This is a fabricated attempt to cover the fact that no witnesses were ever called nor were they going to be called in this case. These witnesses were a vital part of my defense as they were witnesses to statements made by Cpl. Baldwin following the initial hearing.
- ⑤ Please pay close attention to the testimony of officer Baldwin in both hearings as his testimony is clearly conflicting. In the first hearing he states he was entering holding cell to get I.D., because he was going to write me up for threatening prior to me going to holding cell (Note: No mention of this in incident report) yet at the rehearing by this officers own admission he said he had no reason to write me up. Therefore by his own admission through his testimony there was no reason then for me to be sent to holding cell. (Officer actually says "I don't think I had anything to write him up for) Furthermore when asked at rehearing why he entered holding cell he responds "I can't remember why I went inside. This testimony (obviously) obviously cannot possibly be held credible. Although I was sent to the holding cell for no reason, I still complied with no problem. As an inmate what more can I do to comply in this situation. I've learned from past mistakes that when an officer tells you to do something I do it. Looking at officers testimonies and lies...

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Maurice Morant
SCDC NUMBER: 285174
INSTITUTION: Waterce River C.I. 27 2007
HOUSING UNIT: Ward-2-#9 PM
WORK ASSIGNMENT: _____

Office Use Only
Grievance No. WRCI 0491-07
Code: General _____
Policy _____
Disc. Hear. A Not
Class. Heard
Date Received 7-30-07
IGC Initials MLH
unprocessed

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

On Wed. July 18, 2007 I was scheduled for a rehearing for a threatening to infl. charge. Before the hearing I was told by D.H.O. Mrs Brown that I was not to say any about this being a rehearing or the fact that I was found not guilty at the initial hearing. I was told that if I do bring up anything about this or anything dealing with policy OP.22.14, that she would make sure to "cut me off" and if I continue to to to say anything about it that she would remove me from the hearing and would have the hearing without me. I was told that "when that tapes starts rolling I don't want to hear anything about it or you're going to get on my nerves, do you understand. Furthermore when the hearing was to begin an attempt to contact the accusing officer by telephone was made but this officer could not be contacted (Cont.

ACTION REQUESTED: That either a D.H.O. be brought to hear this case or than Mrs Brown. Or that case be dismissed because of bias as it is obvious that I will be found guilty.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I've spoken to A/wardens, Warden about more than this issue but they've o talked about this matter so there is no one else whom I can talk to about this is there? The warden is the one who requested a rehearing. So who else can I talk to?

Maurice Morant 7-22-07
Grievant Signature Date

ACTION TAKEN BY IGC:

When an inmate is involved in an incident that results in a disciplinary, that issue/complaint becomes non-grievable. Therefore, this complaint will not be processed. After the Disciplinary Hearing, you may appeal that decision if there are alleged technicalities or misinterpretations of the evidence.

Also, per SCDC Policy GA-01:12, Inmate Grievance System; you may submit only one (1) grievance form and you may attach/add ONE (1) sheet of plain paper (8 1/2 x 11) written ONLY ON ONE (1) SIDE. In the future any paperwork that you attach that does not comply with this rule will be returned unprocessed.

Shirley Steinfeld 8/8/07
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

- Givovare Continued -

A was then told to go to the holding cell while the D.H.O did other hearings in 5MU, ~~that~~ and that she would "get me on the way back". On her way back from 5MU Cpl. Marquez and D.H.O. Mrs. Brown stopped at the holding cell to get me. As we were about to enter the office where the hearing was to be held Major Murray walked up and told me to wait outside. He, Major Murray, Cpl. Marquez, and Mrs. Brown entered the office and were discussing me and my case. How I know this is because I was standing at the glass door directly in front of the office while they talked for about 10 minutes. I could tell by Major Murray's hand gestures and body language as well as him glancing at me that they were discussing my case. ~~First I would like to~~ Cpl. Marquez then ^{came} ~~came~~ out to inform me that a second attempt to contact accusing office failed and the hearing was postponed "until next week". First I would like to know why I am being threatened by the D.H.O. as to what I can present in my defense at this hearing as I am sure this is not professional conduct. Also it is quite obvious that this hearing is "set up" for the sole purpose to find me guilty. How is it possible for an inmate under these circumstances to receive a fair hearing. It is not possible. Furthermore policy CP. 22.14 specifically states ^{in part} at rule 12.1 - that an inmate may be ~~not~~ present at hearing... unless behavior during hearing justifies removal. Therefore I don't see how I can be removed from a hearing for presenting

Memo

To: Mary Coleman
From: Harry Stokes
Date: 9/22/2008
Re: Complaint Letter

REC.

SEP 23 2008

INMATE GRIEVANCE

Ms. Coleman,

We received the enclosed correspondence from an inmate, Maurice Morant, SCDC # 285174, in which he asserts concerns that his step 2 grievance from October 2007 has not received a response.

Can you please have one of your staff look into these allegations and respond to this inmate's concerns.

Thanks,



Harry H. Stokes, Jr.

SCDC Deputy General Counsel

To whom this may concern,
I am writing in reference to a Grievance (Step 2) that was submitted on October 13, 2007. This Grievance/Appeal was for a charge of "threatening to inflict" for which I was found not guilty at a D.H.O. hearing, was then recharged and taken before a different D.H.O. and found guilty. I have written several times to get a response for this Step 2 Appeal. Could you please respond as soon as possible as I cannot understand why it would take a year to (to) respond to a Step 2.

The Grievance # is: W.R.C.I. - 0529.07.

I would appreciate an answer to this Grievance/Appeal as soon as possible.

Thank
you
for
your
time

RECEIVED

SEP 17 2008

GENERAL COUNSEL

5 Maurice Marat

9.16.08

Maurice Morant - 285174
SMU - #30 Newbern C.I.
4848 Goldmine Hwy
Newbern, A.C. 29067

RECEIVED

SEP 17 2008

GENERAL COUNSEL

Dept. of General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221

SCDC

SEP 17 2008

MAIL ROOM

Grievance (Step 2) that
17. This Grievance/Appeal was
"dict" for which I was found
was then recharged and
and found guilty.
to get a response for
please respond as
I understand why it
respond to a Step 2.
C.I. -0529.07.

over to this Grievance/Appeal

RECEIVED

SEP 17 2008

GENERAL COUNSEL

Maurice Morant
9.16.08

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE DIVISION

Maurice Morant-285174
Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

Docket No. 00-ALJ-04-____-AP

Notice is hereby given that Maurice Morant-285174 does hereby appeal the final decision of the South Carolina Department of Corrections dated 10-13-07 and received on 10-24-08, 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)): 1) A rehearing of a "Not Guilty" decision not in accordance with S.C.D.C. policy - OP. 22.14. 2) Accusing officer Baldwin changed / Altered testimony from first hearing. 3) At first hearing D.H.O. Ms. Patterson relied on (and weighed) "credible" evidence. 4) Appellant has issues with letter to Division of Operations ordering rehearing. 5) D.H.O. tried (also admitted) intimidating appellant prior to rehearing. 6) D.H.O. Ms. Brown answered a crucial question for accusing ofc. Baldwin in rehearing. 7) Accusing officer Baldwin admits during rehearing that he had nothing to write Appellant up for. 8) Appellants witnesses were never called to rehearing. 9) It took over one (1) year for Appellant to receive final decision of step two (2) grievance from Columbia. 10) In order to fully understand Appellants appeal, Appellant requests the transcripts of both hearings. 11) Rehearing is blatant abuse of S.C.D.C. Disciplinary system and its policies.

Maurice Morant-285174
Appellant's Name

Kershaw Corr. Inst. - 3MV#30
Mailing Address

4848 Goldmine Hwy

Kershaw, South Carolina 29067
City, State, Zip Code

N/A
Telephone Number

Maurice Morant-285174
Signed

11-4-08
Dated:

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Maurice Morant, #285174,
Appellant,

v.

South Carolina Department of Corrections,
Respondent.

) Docket No.: 08-ALJ-04-000918-AP

)

) RESPONDENT'S BRIEF

)

) Honorable Ralph K. Anderson, III

)

)

)

)

)

RECEIVED

FEB 27 2009

STATEMENT OF THE CASE

GENERAL COUNSEL

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of Maurice Morant ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on 13 August 2007, complaining of his conviction for Threatening to Inflict Harm on an Employee and/or Members of the Public, 809 under SCDC Policy OP-22.14, Inmate Disciplinary System. This grievance was investigated and denied. Appellant filed a Step Two Grievance on 13 October 2007. This grievance also was investigated and denied. Appellant lost 60 days of good time due to this conviction. Appellant filed a Notice of Appeal on or about 24 October 2008. In his Notice of Appeal Appellant says the conviction should be overturned because his case was wrongly reheard.

STANDARD OF REVIEW

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Subsequently, the Supreme Court clarified the ALC's appellate jurisdiction over inmate appeals in Sullivan v. SCDC, 355 S.C. 437, 586 S.E.2d 124 (S.C. 2003). In affirming, as modified, the ALC's *en banc* decision of McNeil v. SCDC, 2-ALJ-04-

FILED

FEB 05 2009

SC ADMIN. LAW COURT

00336-AP (September 5, 2001), the Supreme Court held the ALC's jurisdiction was limited to cases in which inmates contend prison officials have erroneously calculated their sentences, sentence-related credits, or custody status; cases in which SCDC has taken inmates' state-created liberty interest as punishment in major disciplinary hearings; or cases in which inmates' confinement implicates a state-created liberty interest.¹ See Sullivan, at 127.

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Industry Corporation, 327 S.C. 393, 489 S.E.2d 219 (S.C. App. 1997). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. South Carolina State Budget and Control Board, 325 S.C. 413, 481 S.E.2d 159 (S.C. App. 1996). 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. South Carolina Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (S.C. 1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. Heater of Seabrook, Inc. v. Public Service Commission of South Carolina, 332 S.C. 20, 503 S.E.2d 739 (S.C. 1998).

ARGUMENT

APPELLANT WAS AFFORDED DUE PROCESS

Prison disciplinary cases are not criminal trials in federal or state courts; they are administrative hearings in an institutional setting. Therefore, Due Process in prison

¹ As the Court notes, such an interest "will generally be limited to freedom from restraint which... imposes atypical or significant hardship on the inmate in relation to the ordinary incidents of prison life." Sullivan, at *128, fn5, citing Sandin v. Conner, 515 U.S. 472, 484 (1995). This analysis had previously been applied by the ALC in determining whether an inmate's custody status implicated the inmate's due process rights.

disciplinary hearings is substantially less than in a trial before a court. Due Process, as the Supreme Court has noted in Wolff v. McDonnell, 418 U.S. 539 at 566, 94 S.Ct. 2963, 2978-2982 (1974), requires the following in prison disciplinary cases:

- a) notice of charges;
- b) disclosure of evidence against defendant (may be limited);
- c) opportunity to be heard;
- d) no right to confront and cross-examine adverse witnesses;
- e) neutral and detached hearing body;
- f) aid of counsel substitute or other substitute aid where inmate is illiterate or complex case (not attorney);
- g) written statement by the fact-finder as to the evidence relied upon.

These requirements were complied with in this appeal. The Disciplinary Offense Report (DOR) and Major Disciplinary Report and Hearing Record show Appellant had notice of the charges (Threatening to Inflict Harm on an Employee and/or Members of the Public), disclosure of evidence (Disciplinary Offense Report was read), opportunity to be heard (hearing on 25 July 2007), a neutral and detached hearing body (hearing officer), Counsel Substitute, and a written statement of findings (Major Disciplinary Report and Hearing Record).

The charging officer, Corporal Kenneth Baldwin, reported that on 28 June 2007, he entered the holding cell where Appellant was housed and attempted to get Appellant's ID card for a write-up. Once Cpl. Baldwin had entered the cell, Appellant "got in my face," Cpl. Baldwin reported. Cpl. Baldwin reported that Appellant told him, "write it up, you stupid pussy mother fucker, you pussy ass. Appellant had his fists clenched and told Cpl. Baldwin to "get me off this fucking yard," Cpl. Baldwin reported.

Appellant raises as an issue that he previously was found not guilty of the same offense. Appellant is correct that his case was initially heard on 5 July 2007, that he was found not guilty, and that, upon further review, the case was re-heard on 25 July 2007. Appellant claims that OP-22.14 prohibits the re-hearing of cases in which inmates are

initially found not guilty. However, Section 24 of OP-22.14 does provide for hearing and does not restrict re-hearings to cases where inmates are found guilty. In this case, SCDC met the requirements set out on Section 24 because the Warden made a written request for rehearing to the Division of Operations, which granted the request. Furthermore, the rehearing was held within 21 days of 11 July 2007, the date the Division of Operations granted the rehearing, as required by Section 24. After hearing all the evidence presented by both sides, the hearing officer determined that, by the preponderance of the evidence, Appellant was guilty of the charge. Appellant was afforded all Due Process to which he is entitled.

**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED
BY SUBSTANTIAL EVIDENCE**

The record conclusively establishes that the "substantial evidence on the whole record" supports Respondent's final agency decision. The Hearing Officer found Appellant guilty based on the evidence. Appellant cannot show that the decision of SCDC was clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record. See Porter v. Public Service Commission, 333 S.C. 12, 507 S.E. 2d 328 (S.C. 1998).

CONCLUSION

Based on the foregoing reasons and legal authorities, SCDC respectfully requests that the final agency decision be affirmed and this matter be dismissed with prejudice.

DAVID M. TATARSKY
General Counsel

M. CAROLINE LINDSEY
Staff Attorney

SOUTH CAROLINA DEPARTMENT

OF CORRECTIONS

BY: *M Carolina Walsh*

Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

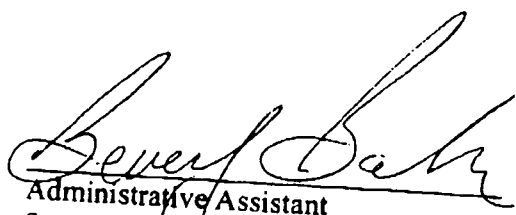
5 February 2009
Columbia, SC

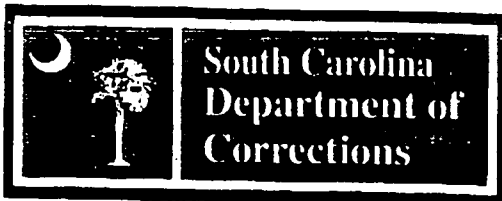
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same to his/her last known address as follows:

Maurice Morant, #285174
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

Columbia, South Carolina
February 5, 2009


Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-8508



MARK SANFORD, Governor
JON OZMINT, Director

December 29, 2008

The Honorable Ralph K. Anderson, III
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

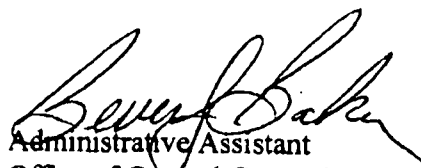
RE: Maurice Morant, #285174 v. SCDC
Docket No. 08-ALJ-04-00918-AP

Dear Judge:

Please find enclosed an original and one copy of *Respondent's Motion to Enlarge Time to File Record*, in the above-referenced matter.

Please file the original in your office and return a clocked-in copy to me for my file in the enclosed self-addressed envelope.

Sincerely,


Administrative Assistant
Office of General Counsel

Enclosures

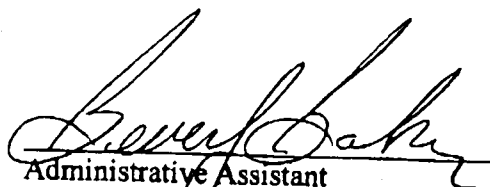
cc: Maurice Morant, #285174

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same to his/her last known address as follows:

Maurice Morant, #285174
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

Columbia, South Carolina
December 29, 2008



Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-8508

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

THE HONORABLE RALPH K. ANDERSON III

MAURICE MORANT-285174

Appellant,

v.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

Respondent.

Docket No. 08-ALJ-04-00918

• Appellant Original Brief •

Statement of Issues On Appeal

- 1) As Re-hearing in accordance with S.C.D.C policy OP. 22.14.
(Re-hearing of Not Guilty decision)
- 2) Did accusing officer change/alter testimony in rehearing.
- 3) DHO Ms. Patterson relied on "Credible Evidence" at initial hearing.
- 4) Appellant has issues with letter requesting rehearing.
- 5) Did DHO Ms. Brown admit to intimidate appellant at rehearing.
- 6) DHO answered question for officer during rehearing.
- 7) Accusing officer admits during rehearing he had nothing to write appellant up for.
- 8) Appellant's witnesses never called to rehearing.
- 9) Why didn't Respondent's send (publish) both transcripts of each hearing as requested.

Statement of the Case

A Maurice Morant the appellant was charged with "Threatening to Inflict Harm" on 6-28-07, being found not guilty at an initial hearing on 7-5-07. Appellant filed a step 1 grievance on 8-13-07 which was denied. Appellant then filed (~~Notice of Appeal~~) a step 2 grievance on or about 10-13-07 this also denied. Appellant filed a Notice of Appeal on 11-24-08 because of delay in return of step 2.

A the appellant feels this case should be overturned because case was not reheard according to procedure.

Argument

Although respondents argue that prison disciplinary hearings are not criminal trials in state or federal courts and that due process in such cases are less than in a trial before a court, there are policies, rules and procedures in place to protect inmates and employees of S.C.D.C.. These rules and procedures are in place to promote fairness within this system. In this case as well as many others, the rules and/or policies were "thrown out the window".

Prison officials must follow the guidelines put in place by the state just as inmates must follow the rules and procedures of the state and S.C.D.C.

In this case, the appellant in his following brief will prove that prison officials clearly disregarded the rules and policies of S.C.D.C. policy OP.22.14, as well as prove the overall dishonesty, deception, and cover-up within this case.

1) Rehearing of a Not Guilty decision not in accordance with S.C.D.C. Policy OP.22.14

According to S.C.D.C.'s very own Policy OP.22.14 "Inmate Disciplinary System" dated May 14, 2004 section 22-titled "Rehearing" specifically section 22.1, this policy states verbatim "where exceptional circumstances are found to exist the (Division) Division Director of Operations may order that a disciplinary case be reheard. This may be ordered if it is determined that a disciplinary charge was dismissed but compelling reasons exists for proceeding again with a rehearing for the violation. Compelling reasons may include but are not limited to situations where significant and material evidence concerning a violation is discovered after a violation hearing has been conducted. In such cases the Division Director of Operations will indicate in writing the compelling reason or reasons that require a rehearing of the disciplinary violation.

(Cont.)

First, this charge was not dismissed. I was found "NOT GUILTY" in this same policy at section 23.2. it states verbatim "If an inmate is found Not Guilty, S.C.D.C. forms 19-29A "Incident Report" and 19-69 "Disciplinary Report and Hearing Record" will be removed from the inmates institutional record. Therefore, according to S.C.D.C.'s very own policy, I was recharged for a charge that technically no longer exists.

Also there was no new evidence discovered nor presented in this case, nor presented at the rehearing. Furthermore, this policy states that in order for a rehearing to take place the Division Director of Operations must indicate in writing the reasons that require a rehearing a rehearing of a violation.

~~(ttt)~~ Within the Record an Appeal of the respondents, I and the Court was conveniently sent an S.C.D.C. policy OP.22.14, dated October 1, 2007. Please notice that respondents attempt to quote this policy in their argument. This policy does not apply to this case. This charge falls under OP.22.14, dated May 14, 2004. This was an attempt to hide the above stated facts.

In the denial of my Step 2 grievance, Policy OP.22.14 dated May 14, 2004 is specifically quoted with the reason for denial.

2) Accusing Officer changed/ altered Testimony From First Hearing*

In my Notice of Appeal submitted on 11-4-08, I the appellant specifically requested the transcripts of both hearings.

This request was also made via letter to all parties of record dated 11-26-08. This request was made in order for the reviewing authorities to get a full understanding of this case.

My reason for this request is because accusing officer Baldwin changed/ altered his testimony in the rehearing from that of the initial hearing.

In order to cover-up this fact, the respondents will only publish the transcript of the second or Rehearing.

(Cont.)

Appellant Has Issues with Letter Requesting Rehearing

S.C.D.C. policy OP.22.14 at section 22.1 states that the Division Director of Operations may order that a disciplinary case be reheard... in such cases the Division Director will indicate (must) in writing the reasons that require a rehearing.

Notice in the letter to the Division Director, the very first sentence states "This is the incident I brought up to you briefly before Mr. - Fredericks going away party". This means this case was discussed and a decision already made beforehand via improper communications. This is like a friend doing a favor for a friend.

Please also notice that Division Director of Operations did not write reasons (as per policy) why this case required a rehearing. The only thing written by the "Division Director" is "Approved for Rehearing." This approval obviously had already taken place prior at the "Party" for Mr. Fredericks.

Furthermore, see appellants' step 1 grievance. Harden Anderson denied my grievance stating "additional testimony was presented." What additional testimony? Where was this additional testimony presented? There could have no additional testimony presented prior to the rehearing, and there was no additional testimony presented at the rehearing.

This is yet another example of dishonesty in this case.

4) DHO Ms. Brown Tried Antimidating Appellant Prior To Rehearing

Prior to the rehearing on 7-18-07, DHO Ms. Brown attempted to intimidate me stating in a very nasty way that "when the tape starts rolling, if you say anything about this being a rehearing or about you being found not guilty that I will "cut you off, and if you continue to say anything about it that I will put you out of the hearing, and I will have the hearing without you and I promise I will find you guilty."

(cont.)

(Am) On this date accusing Ofc. Cpl. Baldwin could not be reached, therefore rehearing was rescheduled for 7-25-07. Prior to the rehearing on 7-22-07 the appellant submitted a grievance as to the actions of Ms. Brown. Also not, DHO Ms. Brown admits to this action at rehearing.

5) Accusing Officer Baldwin Admits (during rehearing) He Had Nothing To Write Me Up For

At rehearing, accusing officer Baldwin admits he had no reason to write me up. At this time DHO Brown proceeds to put words into Officer Baldwin's mouth.

6) Appellant's Witnesses Never Called To Rehearing

On the day of the rehearing, Cpl. Marquay (Recorder) told DHO Ms. Brown that he called witnesses for 45 minutes. This is a lie as evidenced by S.C.D.C. form 19-11 "Request To Staff" submitted by me requesting two witnesses. On this form Cpl. Marquay states verbatim, "Inmates were paged to inside front gate for approx. 30 minutes (from 3:20-3:40pm), Inmates never showed". Cpl. Marquay dated this form 7-24-07.

My hearing was held on 7-25-07 at 10:39am, not 7-24-07 at 3:20-3:40 in the afternoon.

Therefore it is quite obvious that Cpl. Marquay lied.

Conclusion

I have proven well beyond doubt in this case that the decision of the officials at S.C.D.C. as the "Agency" were clearly erroneous, capricious, and arbitrary.

There were no compelling reasons whatsoever that made this case so important to require a rehearing.

Furthermore, I have proven that it is against the S.C.D.C. policy.

8) Why did respondents deny appellants' transcripts of both DHO hearings?

Respondents refuse to publish the transcript of the first DHO hearing to cover-up the fact that Officer Baldwin changed his testimony in the second hearing.

Both transcripts are supposed to be included with the respondents Record On Appeal.

9) Why did it take 1 year to receive answer to step 2 grievance/appeal?

I the appellant submitted a grievance/appeal on this charge on 10-13-07. I did not receive (or) a disposition in this matter until 10-24-08.

10) Why did it take 27 Months to receive order from Administrative Law Court?

I the appellant submitted Notice of Appeal to the Administrative Law Court on 11-4-08. After several letters to Judge Anderson, also the Office of Jean Toal of the Supreme Court concerning a lack of ruling in this case.

It wasn't until Judge Anderson received notification from the courts (concerning appellants' legal action) that a decision was made in this matter.

Furthermore, not only was this decision erroneous, but the indiscretions surrounding Judge Anderson's decision are numerous and clearly arbitrary.

10a) Misconduct of Administrative Law Judge

After several correspondences from myself and from the office of Supreme Court Justice Toal, over a period of 24 months, also after the appellant took legal action concerning this matter did I finally get a response from the Administrative Law Court / Judge.

Judge Anderson claimed that the Administrative Law Court lost the entire file of this case. This was brought to my attention via a letter from Judge Anderson dated January 14, 2011.

[Note: January 14, 2011 was on a Friday]. Within this letter after stating that the entire file of this case was lost, it stated that they had no record of this matter and upon discovering that this file was lost that this Court requested that the Department of Corrections send a complete copy of this file in this matter. It also stated that all documents transmitted to the Court by the Department are included ~~herein~~ herein.

Furthermore, it was requested that I notify them within two days if any documents previously filed were missing.

The problem with this was the Court sent no documents with this letter. All I received was a letter, no file, no documents.

Furthermore, I was given "two days" to respond.

Friday January 14, 2011 was the date this letter was sent from this Court. This means that Monday would have been January 17, 2011. January 17, 2011 was Martin Luther King's birthday. Therefore, the earliest I could have possibly received this correspondence would have been 1/19/11. Although the appellant did not receive this letter until 1/19/11. Therefore, if I received this letter on 1/19/11, and I was given "two days" to inform this Court if any documents were missing, this means

(cont.)

that the earliest this Court could have possibly received (this) a reply from me would have been January 21, 2011.

Therefore, how is it at all possible that Judge Anderson ruled on this case on January 21, 2011, complete with case law, explanations etc. This would be impossible. Obviously.

It is quite obvious that there was a ruling on this case prior to a reply from me.

11) Respondents Attempt To Apply Wrong S.C.D.C. Policy OP.22.14 To Support Their Case

Because of the date of this disciplinary offense (6-28-07) this charge would fall under S.C.D.C. policy OP.22.14 dated May 14, 2004 as stated within the disposition of step 2 grievance/appeal.

Within the Record On Appeal from the respondents in this case, they attempt to submit S.C.D.C. Policy OP.22.14 dated October 1, 2007. This policy cannot apply to this case as it was not yet issued at the time this incident took place.

The reason S.C.D.C. is attempting to apply this policy is to attempt to cover-up the fact that policy OP.22.14 dated May 14, 2004 states verbatim at section 23.2 - "If an inmate is found Not Guilty, S.C.D.C. forms 19-29A "Incident Report" and 19-69 "Disciplinary Report and Hearing Record" will be removed from the inmates institutional record.

Thus, S.C.D.C. is attempting to cover-up the fact that I was re-charged with a charge that according to their policy can no longer exist.

12) Appellant Has Issue With Motion To Enlarge By Respondents Respondents falsify / or use bogus reasons to the Court to justify an Enlargement of Time.

2/5

RECEIVED

JAN - 9 2009

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

GENERAL COUNSEL

Maurice Morant, #285174,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No. 08-ALJ-04-00918-AP

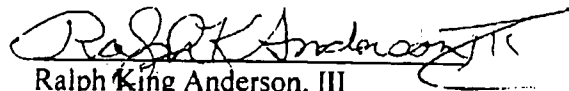
ORDER

This matter is before the Administrative Law Court pursuant to Respondent's Motion to Enlarge Time to File the Record filed on December 15, 2008. Respondent asserts that additional time is needed to review Appellant's grievance and compile the necessary documents. Therefore,

IT IS HEREBY ORDERED that Respondent's Motion to Enlarge Time to File Record is granted and the time within which Respondent may file the Record is extended for an additional period of **thirty (30) days** from the date of this Order.

IT IS FURTHER ORDERED that Appellant's brief shall be filed no later than twenty (20) days after the date the Record is filed, if it has not already been filed.

AND IT IS SO ORDERED.


Ralph King Anderson, III
Administrative Law Judge

January 6, 2009
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 Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 7th day of January, 2009
By: Amanda W. Scott
Judicial Law Clerk

FILED

JAN 07 2009

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Maurice Morant, #285174,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No. 08-ALJ-04-00918-AP

ORDER

STATEMENT OF CASE

This matter is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Maurice Morant, an inmate incarcerated with the Department of Corrections (Department or DOC). Morant was convicted of violating SCDC Disciplinary Code § 809 (Threatening to Inflict Harm on an Employee). As a result of his conviction, Morant lost sixty (60) days of “good-time” credit. He filed a grievance with the Department and the Department issued a final decision on October 13, 2008. Following the Department’s denial of that grievance, Morant filed this appeal with the ALC.

BACKGROUND

On June 28, 2007, Cpl. Kenneth Baldwin entered a holding cell to obtain Appellant’s work identification. Appellant informed Cpl. Baldwin that he did not have a card, he then began yelling “write it up you stupid p**sy mother f**ker, you p**sy ass, also get me off this f**king yard”. While yelling, Appellant had clinched his fists and was in Cpl. Baldwin’s face. As a result, Appellant was charged with violating SCDC Disciplinary Code § 809 (Threatening to Inflict Harm on an Employee).

On July 25, 2007, a Major Disciplinary Hearing was held before a DOC Disciplinary Hearing Officer (DHO). Appellant requested that his accuser be present, therefore Cpl. Baldwin was present via speakerphone. During the hearing, the DHO read a narrative of the Incident Report into the Record and received testimony from the Appellant. At the conclusion of the hearing, the DHO found the Appellant guilty of the charge and sanctioned him to the loss of

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JAN 21 2011

sixty (60) days good time. After the hearing, the DHO completed a Major Disciplinary Report and Hearing Record which documented the DHO's findings.

Appellant Morant filed a grievance with the Department appealing his conviction of the charge. After reviewing his contentions, the Warden denied Appellant's grievance. The Appellant then appealed the Warden's decision and the Department subsequently denied that grievance stating that the evidence supported the conviction and that the sanction imposed was appropriate for the violation that the Appellant committed. This appeal followed. In his appeal brief, Appellant alleges that he was denied witnesses, the Department policy does not allow for a rehearing of a not guilty verdict, the Department did not include the transcript of the original hearing in the Record and there was not substantial evidence to support the conviction.

STANDARD OF REVIEW

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 Court's appellate jurisdiction in inmate appeals is limited to state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.¹

As set forth above, when reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented. An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(A)(5) (Supp. 2008). Furthermore, an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law. See Section 1-23-380(A)(5); see also Marietta Garage, Inc. v. S.C. Dept. of Public Safety, 337 S.C. 133, 522

¹ In Sullivan, the Supreme Court also found that other conditions of confinement could potentially implicate a state created liberty interest. However, those interests are "generally limited to freedom from restraint which. . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." Sullivan v. S.C. Dept. of Corrections 355 S.C. 437, 586 S.E.2d 124 (2003) (quoting Sandin v. Conner, 515 U.S. 472, 484 (1995)). See also Slezak v. S.C. Dept. of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004).

S.E.2d 605 (Ct. App. 1999); S.C. Dept. of Labor, Licensing and Reg. v. Girgis, 332 S.C. 162, 503 S.E.2d 490 (Ct. App. 1998). “ ‘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). 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, 461 S.E.2d 388 (1995).

Additionally, in Superintendent, Mass. Corr. Inst., Walpole v. Hill, 472 U.S. 445, 455-456, 105 S.Ct. 2768 (1985), the U.S. Supreme Court held that “the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.” Moreover, in Al-Shabazz, the Court underscored that since prison officials are in the best position to decide inmate disciplinary matters, the Courts and therefore this tribunal adhere to a “hands off” approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA. Al-Shabazz at 757; see also Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) (stating the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

In this case, Appellant Morant alleges that the Department should not have revoked his sixty (60) days of accrued good time. Inmates have a protected liberty interest in their earned statutory good-time credits under the Fourteenth Amendment. Therefore, when, as here, the Department revokes an inmate’s good-time credits as punishment in a “major disciplinary hearing” involving “more serious rule violations,” prison officials must provide that inmate with “minimal due process.” Al-Shabazz at 750. Consequently, specific administrative procedures must be followed before depriving an inmate of statutorily granted earned credit, including adequate advance notice of the charges, adequate opportunity for a hearing in which the inmate can present witnesses and documentary evidence, and an impartial hearing officer who prepares a written statement of all the evidence presented and the reasons for his decision. Id. at 751 (citing Wolff v. McDonnell, 418 U.S. 539, 563-72, 94 S.Ct. 2963, 2978-82 (1974)).

DISCUSSION

Rehearing

Appellant argues that SCDC policy OP-22.14 does not provide for a rehearing when an inmate is found “Not Guilty” of a charge. To the contrary, OP-22.14 does not restrict a rehearing to a guilty verdict but rather states “[w]here exceptional circumstances are found to exist, the Division Director of Operations or designee may order that a disciplinary case be reheard.” Furthermore, Appellant did not raise the above issue at his hearing. An inmate cannot sit silently during a hearing, raising no objections, and then raise issues such as these for the first time on appeal. See Kiawah Resort Associates v. South Carolina Tax Com'n, 318 S.C. 502, 458 S.E.2d 542 (1995) (In reviewing a final decision of an administrative agency, the Administrative Law Judge “has a limited scope of review, and cannot ordinarily consider issues that were not raised to and ruled on by the administrative agency.”). The issue preservation requirement applies to assertions of constitutional violations as well. State v. Passmore, 2005 WL 415993 (Ct. App. 2005). In I’On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716 (2000), the South Carolina Supreme Court explained the underlying principle behind this rule:

Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments. The requirement also serves as a keen incentive for a party to prepare a case thoroughly. It prevents a party from keeping an ace card up his sleeve—intentionally or by chance—in the hope that an appellate court will accept that ace card and, via a reversal, give him another opportunity to prove his case.

(internal citations omitted). Consequently, the Appellant’s allegation was not preserved for appellate review.

Denial of Witnesses

Appellant argues that his due process rights were violated because he was denied the right to call witnesses at his hearing. SCDC policy OP-22.14 (3)(a)(2)(b) provides:

At the time an inmate is served with notice of disciplinary charges, the inmate will be informed of the right to present documentary evidence and to request witnesses. Should the inmate request witnesses, s/he will be required to submit a list of names of the witnesses s/he desires to be present at the hearing to his/her counsel substitute (or, if no counsel substitute has been requested, to the DHO) anytime prior to the hearing. This information will then be given to the DHO. The inmate or counsel substitute may inform the DHO at any time prior to the hearing of any changes in the list of witnesses requested.

"The discretion of prison officials in such matters is undeniably broad, but it is still subject to judicial review for abuse." Smith v. Massachusetts Dept. of Corrections, 936 F.2d 1390, 1399 (1st Cir.1991). Therefore, in Smith the Court held that:

an inmate claiming a violation of procedural due process in a disciplinary hearing must allege that his requests to call witnesses or submit written statements "were denied for reasons not having to do with institutional security or correctional goals, and that the prison officials" who denied such requests "clearly abused their considerable discretion in such matters." Such "allegations must be backed up with enough supportive facts to outline the elements of the [inmate's] claim."

Smith, at 1399 (quoting in part, Hurney v. Carver, 602 F.2d 993 (1st Cir.1979)). The Department can refute an inmates allegation explaining, in a limited manner, "the reason why witnesses were not allowed to testify . . . by making the explanation a part of the 'administrative record' . . . or they may choose to explain it 'later.'" Ponte v. Real, 471 U.S. 491, 105 S.Ct. 2192, 85 L.Ed.2d 553 (1985). Here, the Record is very clear in that Cpl. Marquez "attempted to make contact with" Appellant's witnesses and "they refused to show up." Accordingly, I do not find that the DHO's failure to produce Appellant's witnesses was an abuse of discretion. See Smith v. Massachusetts Dept. of Corrections, 936 F.2d 1390 (1st Cir.1991).

Transcript

In his Notice of Appeal, Appellant requests that the Department provide a copy of the transcript from the original hearing as a part of the Record. Appellant argues that the accusing officer changed his testimony during the second hearing. However, Appellant never made a formal Motion to Supplement the Record so as to include the original transcript.

Evidentiary Review

The Record clearly supports the facts recited in the "Background" portion of this Order. In evaluating the evidence presented at the hearing, "[t]he fact finder is imbued with broad discretion in determining credibility or believability of witnesses." Small v. Pioneer Machinery, Inc., 329 S.C. 448, 465, 494 S.E.2d 835, 843 (Ct. App. 1997). Moreover, in Superintendent v. Hill, 472 U.S. 445, 455-56, 457 (1985), the U.S. Supreme Court held that the revocation of good time must be supported by "some evidence in the record." However, "[a]scertaining whether this standard is satisfied does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." Id. at 455. Thus, if reasonable minds could arrive at the DHO's conclusion

based upon the evidence presented, the Department's decision must be upheld regardless of the derivation of the evidence. See also Smith v. Samu, 54 F.3d 788 (10th Cir. 1995).

I find that there is evidence to support the Appellant's conviction of violating SCDC Disciplinary Code § 809, Threatening to Inflict Harm on an Employee. A Code 809 violation is:

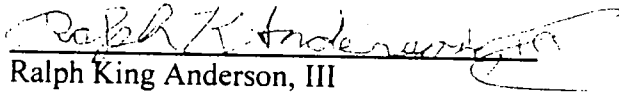
Communication, verbal or written, by an inmate to an individual that he intends to injure that person or commit a violent or unlawful act dangerous to human life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm. Any unauthorized body contact of an employee or member of the public which creates serious alarm, but does not result in bodily injury.

When viewed in light of the DHO's discretion, the Record sufficiently establishes substantial evidence that the Appellant acted in a threatening manner. Accordingly, I find that there is substantial evidence to support the Appellant's conviction of violating SCDC Disciplinary Code § 809 (Threatening to Inflict Harm on an Employee).

ORDER

IT IS THEREFORE ORDERED that the appeal of the Appellant is **DISMISSED** and the Final Decision of the Department is **AFFIRMED**;

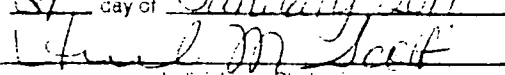
AND IT IS SO ORDERED.


Ralph King Anderson, III
Chief Administrative Law Judge

January 21, 2011
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 Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 21ST day of January 2011
By: 
Judicial Law Clerk

7-23-09

Docket No's - 08-ALJ-04-00918

08-ALJ-04-01063

Dear Judge Anderson,

This letter is in regards to two (2) that I have in Administrative Law Court that I have yet to receive an order on.

These cases are 1) Case # - 08-ALJ-04-00918 in which I the appellant filed my initial original brief on February 25, 2009, and also a motion to Amend for this same case on April 14, 2009.

The second case is case # 08-ALJ-04-01063 in which I the appellant filed my initial brief on March 30, 2009.

Both of these case were filed in a timely manner with proof of services on all parties of record.

Since the filing of my briefs, I have heard nothing further about these cases.

This is my the Appellant's request for an order in these cases. I appreciate your time and attention to this matter.

* Please note my change of Address. I have been transferred to:

Lower Savannah Pre-Release Center

361 Wire Rd.

Aiken, S.C. 29801

Please respond as soon as possible please.

Thank You For Your Time

Sincerely,

Maurice Morant

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

The Honorable Ralph K. Anderson III

Docket No's - 08-ALJ-04-005
08-ALJ-04-0106

MAURICE L. MORANT-295174
Appellant,
V.
South Carolina Dept. of Corrections
Respondent.

• PROOF OF SERVICE •

I Maurice Morant the Appellant swear I have served a request for a final order in the above said cases on the Administrative Law Court with a copy to the Office of General Counsel by depositing copies of it in the United States Mail postage prepaid addressed to:

Judge Ralph K. Anderson III
Administrative Law Court
Edgar H. Brown Building
1205 Pendleton St. Suite 224
Columbia, S.C. 29201

Office of General Counsel
P.O. Box 21787
Columbia, S.C. 29221-1787

51 Maurice Morant
L.S.P.R.C-D-1-13
361 Wire Rd.
Aiken, S.C. 29801

Submitted and Subscribed Before Me
on this 23rd day of July 2009

[Signature]
Notary Public of South Carolina
April 3, 2012
My Commission Expires

STATE OF SOUTH CAROLINA
Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



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

January 14, 2011

Maurice Morant, #285174
Trenton Correctional Institution
PO Box 1000
Trenton, SC 29847

Re: Docket No. 08-ALJ-04-01063

Mr. Morant,

In 2008 you filed three inmate grievances with our Court. Two of those appeals were promptly addressed. The other file was apparently lost and our Court has no record of this matter. Upon discovering that the file was lost our Court requested that the Department of Corrections send a complete copy of their file in this matter. All documents transmitted to the Court by the Department are included herein. Obviously, this matter needs to be resolved promptly. Therefore, I request that you notify us within two days of receipt of this letter if any documents previously filed with the Court in this case are missing.

Sincerely,

Ralph K. Anderson, III
Chief Administrative Law Judge

cc: Michael Laubshire, Esquire (w/ encl.)

STATE OF SOUTH CAROLINA
Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



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

January 24, 2011

Maurice Morant, #285174
Trenton Correctional Institution
PO Box 1000
Trenton, SC 29847

Re: Docket No. 08-ALJ-04-00918

Mr. Morant,

This Court is in receipt of your letter dated January 20, 2011. A copy of the Record, Department's Brief and Appellant's Brief was mailed to you at the above address on January 14, 2011. Out of an abundance of caution I have enclosed another copy of the documents transmitted to by the Department upon the Court's request, along with a copy of the Final Order and Decision dated January 21, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Amanda M. Scott".

Amanda M. Scott
Judicial Law Clerk

cc: Michael Laubshire, Esquire (w/ encl.)

①
1-20-11

RE: Case No: 08-ALJ-04-01063

Dear Judge Anderson,

I received your correspondence dated 1-14-11 concerning the above said case on 1-19-11.

Within this correspondence you stated that you sent me all documentation that was sent to you by S.C.D.C. because of your court supposedly losing the file of this case. Your correspondence states verbatim "all documents transmitted to the court by the department are included herein". You also ask me to notify you within two (2) days if any documents are missing.

The problem with this sir is that I received no documents within your correspondence concerning this case. It seems we are once again playing games when it comes to this matter. It seems that your court wants somebody somewhere to believe that I actually received these documents. If in fact you did send these documents, I did not receive them.

Now sir do you expect me to tell you if any documents are missing if I received no documents?

Can you please send all documentation from S.C.D.C. concerning this case so I may be able to determine if there is in fact anything missing.

Secondly, also in this correspondence you claim that your court has lost the file on this case. I personally find this hard to believe. This case was filed in your court on 10-24-08. Since this time I have sent you several letters concerning your failure to rule on this case. You have also received correspondences on at least two occasions (10-21-09 and 6-1-10) from the Supreme Court concerning this matter.

(Cont.)

With all of this considered, how and why would it take you or your court over two years to acknowledge that your court has lost the files on this case. As I said I personally find this hard to believe (because) because of the circumstances and misconduct surrounding this case as well as the individuals involved in misconduct concerning this case.

Can you please acknowledge receipt of this correspondence and also forward me the necessary documentation that you refer to in your 1-14-¹¹06 dated letter.

Thank You Sir For Your Time

Sincerely,

Maurice Morant

THE STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

Case No. 08-ALJ-04-01063

MAURICE L. MORANT-285174

Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS - Respondents

PROOF OF SERVICE.

I Maurice Morant-285174 the appellant in the above named case has served upon the Administrative Law Court specifically Chief Administrative Judge Ralph H. Anderson III, the receipt of a correspondence concerning the above case on 1-19-11.

Also the informing of this court that no documents were sent with this correspondence as stated.

I Maurice Morant the appellant swears that he has served a response to this correspondence to the Administrative Law Court's Judge Ralph H. Anderson III by depositing a copy of it in the United States Mail postage prepaid addressed to:

Judge Ralph H. Anderson III
Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St. Suite 224
Columbia, S.C. 29201

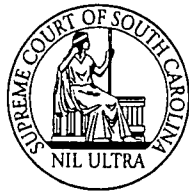
Submitted and subscribed before me
on this 20th day of January 2011

Elaine M. Freeman

Notary Public of South Carolina

June 21st, 2011
My Commission Expires

51 Maurice Morant



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

October 21, 2009

Ms. Jana E. Shealy
Edgar A. Brown Building
Second Floor, Suite 224
1205 Pendleton Street
Columbia, S. C. 29201

Re: Maurice Morant

Dear Ms. Shealy:

This will acknowledge receipt of a letter from Mr. Morant dated October 9, 2009. Since Mr. Morant is expressing concerns about cases before the Administrative Law Court, we are forwarding you a copy of Mr. Morant's October 9 letter for any assistance you might be able to give him.

Very truly yours,

CLERK

/bs

Enclosure

CC: Mr. Maurice Morant #285174

Dorm 1-#13A

Lower Savannah Pre-Release Center

361 Wire Road

Aiken, SC 29801



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

June 1, 2010

Ms. Jana E. Shealy
Edgar A. Brown Building
Second Floor, Suite 224
1205 Pendleton Street
Columbia, S. C. 29201

Re: Maurice Morant

Dear Ms. Shealy:

This will acknowledge receipt of a letter and attachments from Mr. Morant dated May 21, 2010, and addressed to Chief Justice Toal. Since Mr. Morant is expressing concerns about a case pending at the administrative law court, we are forwarding you a copy of his recent letter for any assistance you may be able to give him.

Very truly yours,

CLERK

/bs

Enclosures

CC: Mr. Maurice Morant #285174

*(4) Jana E. Shealy
Maurice Morant*

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING PROCEDURE
DOCKET No.: 918 GRIEVANCE No.: WRCI 529-07
INMATE NAME: Maurice Morant, SCDC #285174
INSTITUTION: Wateree River Correctional Institution
DATE: July 25, 2007
CHARGE: 809 Threatening to Inflict Harm on/Assaulting an Employee &/or
Member of the Public**

DHO: The purpose of this hearing is to treat the matter before me with fundamental fairness and arrive at a just decision. All parties must conduct themselves properly. Failure to do so will result in removal. State your name & SCDC# for the record.

I/M: Maurice Morant, #285174.

DHO: You're appearing before Wateree River CI Major disciplinary hearing. This is a re-hearing on case 10 which was granted & approved by Mr. Sligh on the charge of 809. This is case #10, I/M Maurice Morant, #285174. Offense date 6/28/07, offense time 11:45 a.m., offense location Wateree holding cell, offense description is on the above date & approximate I, Cpl. Kenneth Baldwin entered the holding cell to get I/M Maurice Morant's work ID. I/M said he had no card then yelled & got up in my face, write it up you stupid pussy motherfucker, you pussy ass, also get me off this fucking yard. He had clenched up fists. 1st Responders was called. You're being charged by Cpl. Baldwin. If found guilty of this charge you

**DHO-Disciplinary Hearing Officer
OFC-Accuser
I/M-Inmate**

may be counseled, reprimanded, lose privileges, assigned extra duty, cell restriction, visitation privileges suspended, pay restitution, also with you being a straight timer you may or may not receive an extension on your time. You received a copy of this charge on 7/11/07 at 11:26 a.m. & you were served by Cpl. Marquez. Is this correct?

I/M: Yes.

DHO: On the charge of 809, how do you plead?

I/M: Not guilty.

DHO: I/M Morant, do you wish to make a statement?

I/M: Yes, 1st I'd like to put on record I was found not guilty in the 1st hearing. I also wasn't afforded Counsel Substitute to be able to get statements from 2 witnesses.

DHO: You read above a 6th grade level so a Counsel Substitute wouldn't have been....

I/M: She could've got some statements.

DHO: Listen to me. Cpl. Marquez attempted to make contact with your witnesses for them to be here. They refused to show up, so that's not my fault & that's what the Counsel Substitute's for.

I/M: Also last week before the hearing was....well this hearing was supposed to have been held last week and (inaudible) put on record that I was told I could bring up anything about this being a re-hearing or saying anything.....

DHO: Right, because I told you that.....let me explain why I told you that. Because it would've been like I said in the beginning of the hearing why we were having this re-hearing & I said that in the beginning & I also said who approved it. So that's why I told you there was no need for you to do that because this is what I was going to do when I got started, which I did.

Now tell me about what happened in the holding cell because that's what you're here for.

I/M: Cpl. Baldwin was giving out mail in front of ward 3. I was working in the tunnel. An individual told me he thought I had a legal OTR. So I got.....

DHO: When you said individual are you talking about an I/M?

I/M: Yes, said I had a legal OTR. So when he was giving out mail he was at the bars, he was (inaudible). I went down there & I was kind of behind him looking to see if it was an OTR sticking out. I wanted to see if it was my OTR, it looked like my #, but I couldn't see so I trying to look around to see it. So he....

DHO: What's the procedure if you've mail?

I/M: Listen for your name.

DHO: So why were you doing what you were doing?

I/M: I was just trying to see, cause I was just seeing if it was my #.

DHO: Well you wasn't following the policy then, not following the memorandum that was going on. But go ahead.

I/M: He turned around & saw me behind him & told me to get from behind him & I did, I moved from behind him (inaudible) if you're scared. He said, well I'm not scared. Then he turned around & said, well I'm not scared of any man. So I said....

DHO: You said, OK, if you're scared? That's what you told the officer?

I/M: Yeah, I said I can move from behind you, I said OK, if you're scared or something.

DHO: Why'd you say that?

I/M: I mean it wasn't like a nasty statement or anything, I just said it. So I moved from behind him. He said I turned around & said, I'm not scared of any man, not scared of no man. I said, OK, what's the problem? Matter of fact, you go to the holding cell. OK, I complied. I really didn't say nothing, but I went, I complied with it, I didn't have no problem with that, went to the

holding cell. Ms. Kirkland was working at the holding cell, she opened the door to let me in the holding cell & that was it. Then Baldwin comes down tells Ms. Kirkland, I want him in here for over 4 hrs., you hear me, I want him in here. I didn't say anything.

DHO: There was nothing for you to say cause he wasn't talking to you.

IM: OK, so then he turns & says.....

DHO: OK, go ahead.

IM: So I go to the bars & say well, why don't you just leave me here 8 hrs. that way we probably won't see each other when I get out of here. He leaves & he comes back. This time he has a write-up in his hand. Now Lt. Ford had already been there to talk to me & had already asked me where my work ID was. I told her it was on (inaudible). And so he comes down & says I need your work ID. He's standing outside the bars & says Morant, I need your work ID. I checked my pocket. I didn't have it & I told him I didn't have it. So I said, well what, are you going to write me up for something? Well what I can do is I can do that & I said, well you know (inaudible). So he gets her to open the door to come inside. He came in there like trying to just put the intimidation on me, I don't know what he came in there for, but it wasn't for (inaudible) and we had words.

DHO: What did he say when he came in?

IM: He said something things, I can't remember exactly what he said.

DHO: What did you say, do you remember cause you said there was a conversation going on?

IM: (inaudible) what the conversation was.

DHO: Do you remember what you said since you can't remember what he said?

IM: I remember I said (inaudible), something like that.

DHO: Something to that effect?

I/M: Yes.

DHO: Anything else?

I/M: I just want to say I mean they're saying it was threatening, but it was 4 officers standing there, 4 & nobody did anything. But they feel like it's this threatening thing, but (inaudible).

DHO: Disciplinary report #10, which was read at the beginning of the hearing will be used as evidence against you. Cpl. Baldwin, is this statement you wrote true & correct?

OFC: Yes.

DHO: Would you like to add something at this time?

OFC: I'll say I/M Morant up to the inside the holding cell incident, had never had a problem out of him before & I was kind of shocked by his behavior. Other than that that's all I've to say.

DHO: When did you feel threatened by this incident?

OFC: After I was in the holding cell.

DHO: You were in the holding cell to retrieve an ID?

OFC: I'd asked for it when I was inside the holding cell, not outside of it.

DHO: What was your reason for going inside the holding cell?

OFC: Occasionally we've to go in there & I don't remember exactly why I had to go in there. I went in there to ask him for it. I felt no threat at that time. After I told him I was going to write him up & then I got cussed out.

DHO: OK, you already knew you was going to write him up. You went to the holding cell to retrieve his ID because you was going to write him up for the previous incident?

OFC: Yes.

DHO: Your reason for going to the holding cell after you sent him to the holding cell was to get his ID?

OFC: Yes.

DHO: You asked him on the outside of the holding cell for his ID?

OFC: No, on the inside.

DHO: So you never just went to the holding cell & said, hand me your ID? You went inside to get the ID?

OFC: I kept a distance from him. I didn't walk up to him or nothing.

DHO: OK, you go inside, you ask for his ID & he refuses to give it to you?

OFC: No, he didn't refuse it. He said it was on his locker. I said, OK. He said, what do you need it for? I said, I'm going to write you up. That's when I got cussed out straight to my face.

DHO: That's when he got up in your face & that's when you felt threatened?

OFC: Yes.

DHO: I/M, any questions for Ofc. Baldwin?

I/M: Yes, when was he going to write me up (inaudible).

DHO: Ofc. Baldwin, what was he going to be written up for, why'd you want his ID?

OFC: I was considering to writing him up. If I wrote him up I don't know if I would've had anything on him. It probably would've got dropped.

DHO: So you were just writing up the report for information?

OFC: Yes.

DHO: Next question?

I/M: I'd like to say....

DHO: Do you've a question?

I/M: Well, he came & told me he wasn't going to write me-up.

DHO: Do you've a question, any more for the Cpl.?

I/M: In the 1st hearing did he not say he was going to write me up for threatening him when he came down to the holding cell? That's why he was asking for my ID.

DHO: Cpl., do you remember in the 1st time this case was heard, did you tell the hearing officer you was going to write him up for threatening & that's why you went to get the ID?

OFC: I don't remember saying I was going to write him up for threatening. (inaudible) when we were standing in the tunnel if it was....he thought the whole thing was he was standing behind me was I was going to write him up for threatening. I said that could be threatening behavior, but that wasn't the reason I wrote him up for threatening.

DHO: Next question?

I/M: My next question's pertaining to that because.....

DHO: Just tell me, you don't have to explain it, just tell me the question you want me to ask & I'll do that.

I/M: I don't have any (inaudible).

DHO: Anything else you'd like to say or submit as evidence?

I/M: No.

DHO: I've heard the charge & provided an opportunity for the accused to make a statement & present evidence on his behalf. I'll consider the evidence against the accused. I'll now recess this hearing to arrive at a decision.

DHO: Re-state your name & SCDC# for the record.

I/M: Maurice Morant, #285174.

DHO: I/M Morant, I find you guilty of the charge brought against you. The evidence I relied upon to reach my decision was based on the offense report as written, also the statement provided by Cpl. Baldwin. My sanctions against you will be 180 canteen, phone & visits, also

60 days loss of good time. This punishment is given because this is your 1st charge of this nature. You will receive a copy of this hearing today explaining the results & appeals process which is located on the back of this 19-69. You have 15 days to file a grievance with the Grievance Coordinator if you are unsatisfied with my sanctions or my findings. Case now concluded.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Maurice Morant, #285174)
)
 Appellant,)
)
 -vs-)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

**CERTIFIED
TRANSCRIPT**

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.

Denise Cannarella
Transcriptionist
Office of General Counsel
South Carolina Department
of Corrections

SWORN TO before me this
_____ day of _____, _____.

(L. S.)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Maurice Morant, #285174

Appellant,

-vs-

South Carolina Department of Corrections,

Respondent.

CERTIFICATION

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.

Disciplinary Hearing Officer
South Carolina Department of Corrections

SWORN TO before me this
_____ day of _____, _____.

_____(L. S.)
Notary Public for South Carolina
My Commission Expires: _____

GRIEVANCE INVESTIGATION - DISCIPLINARY HEARING

GRIEVANCE #: WRCI- 0529-07

DATE RECEIVED: 8-14-07

INMATE NAME: Maurice Inerant

DUB DATE: 9-13-07

SCDC #: 285174

I/M INTERVIEWED: 1

DATE	STAFF (please print)	COMMENTS & SEE ATTACHED FORMS
8/14/07	<i>Redd</i>	LOGGED & CRT ENTRY COMPLETE
	<i>rec'd 8/16/07</i>	1) 19-69 Form (Major/Minor) IF DRUG RELATED TEST SHEETS <input type="checkbox"/>
	<i>" "</i>	2) SCDC 19-29 Incident Report <input checked="" type="checkbox"/>
	<i>" "</i>	3) I/M DISCIPLINARY OFFENSE HISTORY <input checked="" type="checkbox"/>
	<i>" "</i>	4) RELEASE DATE SCREEN <i>3-9-13</i> <input checked="" type="checkbox"/>
	<i>" "</i>	5) SCDC 19-67 PHD PLACEMENT
<i>Gov. Richardson</i>	<i>Class</i>	OFFENSE: <i>#809 Threatening to Inflict Harm</i>
<i>1st hearing</i>		HEARING DATE & TIME: <i>7-25-07 10:39 AM</i> <i>Re-Reading</i>
		HEARING TAPE (SIDE & #) <i>#71 A+B 721-122</i>
		HEARING OFFICER: <i>A. Brown (7-5-07)</i>
		PLEA: <i>NG</i> <i>Patterson 708</i>
		SANCTIONS: <i>1st chq this nature</i>
		<i>600 Good time</i>
		<i>180 Carter, phone & visit</i>

GRIEVANCE INVESTIGATION - DISCIPLINARY HEARING

GRIEVANCE #: WRCT- 0529-07

DATE RECEIVED: 8-14-07

INMATE NAME: Maurice Grant

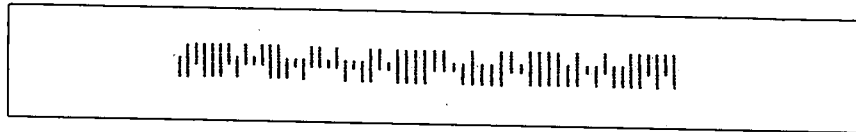
DUE DATE: 9-13-07

SCDC #: 285174

I/M INTERVIEWED: 1

DATE	STAFF (please print)	COMMENTS & SEE ATTACHED FORMS
8/14/07	<i>Adk</i>	LOGGED & CRT ENTRY COMPLETE
	<i>rec'd 8/16/07</i>	1) 19-69 Form (Major/Minor) IF DRUG RELATED TEST SHEETS
	" "	2) SCDC 19-29 Incident Report
	" "	3) I/M DISCIPLINARY OFFENSE HISTORY
	" "	4) RELEASE DATE SCREEN <i>39-13</i>
	" "	5) SCDC 19-67 PHD PLACEMENT
<i>Gov. Richardson</i>		OFFENSE: <i>#809 Threatening to Inflict</i>
<i>Class</i>		<i>Harass</i>
<i>1st hearing</i>		HEARING DATE & TIME: <i>7-25-07 10:39AM</i>
		HEARING TAPE (SIDE & #) <i>#71 A+B 721-122</i>
		HEARING OFFICER: <i>A. Brauer</i>
		PLEA: <i>NG</i>
		SANCTIONS: <i>1st chq this nature</i>
		<i>60 good time</i>
		<i>180 Carter, phone & visit</i>

Maurice Marant-285174
Evans Correctional Inst.
~~(Bennettsville, S.C. 29512)~~
610 Hwy. 9 West
Bennettsville, S.C. 29512



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