

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT  
Ralph King Anderson III, Judge

Case No. 2022-001485

**RECEIVED**

NOV 14 2022

SC Court of Appeals

Leonard Lee Foster

Appellant

v

South Carolina Department of Correction Respondent

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal

1. Order of September 27, 2022
2. grievances
3. page 1 of 36, page 4 of 36, page 23 of 36, page 30 of 36 page 31 of 36  
page 17 of 36, page 35 of 36 and September 10, 2019 Offender  
Management data screen exhibit

I certify that this designation contains no matter which is irrelevant to  
this appeal.

November 6, 2022

pro.se Leonard Foster  
Livesay Dorm 2-6A  
P.O. Box 580  
Una S.C. 29378

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

JAN 07, 2022

INMATE NAME: <u>Leonard Foster</u>	OFFICE USE ONLY
SCDC NUMBER: <u>179576</u>	Grievance No. <u>TCJ-0006-22</u>
INSTITUTION: <u>Turbeville</u>	Code: General <u>GL/CL</u>
HOUSING UNIT: <u>TA-204A</u>	Policy _____
WORK ASSIGNMENT: <u>Wardkeeper Assistant</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>1-7-22</u>
	IGC Initials <u>CF</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

In reference kiosk no. 21-02360181, 21-02392421 and 21-02392026 classification stated they forward issue regarding good behavior credits pursuant S.C. Code 24-13-210 to Central Classification. On Dec. 30, 2021 classification circumvent issue and held maxout date are Feb. 3, 2024 and time is correct.

On or about Aug. 10, 2020 Warden Sharp approved restoration of credits pursuant to policy OP. 22.57 into which SCDC failed to apply credits toward sentences. It must be duly noted as of Sept. 10, 2019 I had accumulated total service time earned 6778 by which S.C. Code 24-22-70 allow credits pursuant S.C. Code 24-13-210 shall be applied toward aggregated of sentences.

Leonard Foster Jan. 2, 2022  
 Grievant Signature Date

ACTION REQUESTED:

Immediate release, employ credits !!

ACTION TAKEN BY IGC:  PROCESSED  UNPROCESSED  OTHER

Your grievance has been received. However, it is being returned to you for the following reason (s): In accordance to SCDC Policy GA-01.12 Inmate Grievance System, Paragraph 8.4, is a non-grievable issue. Pursuant to OP-22.57 "Restoration of Lost Good Time", restoration of good time under this procedure is completely discretionary. It is not grievable under SCDC Policy GA-01.12, "Inmate Grievance System" and is not otherwise appealable.

CB Black 1-10-22  
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

CMTI200D . SCDC OFFENDER MANAGEMENT SYSTEM 07/11/22  
 OMCOMITA CONVICTION INQUIRY C052640  
 SCDC #: 179576 YOA NONCONFORM SENT: CURR LOC: LIVESAY  
 FOSTER, LEONARD LEE NONCONFORM SENT: Y RTRN TO COURT: N  
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE  
 CONVICTION NUM: S00004 INDICT NUM: 02-GS-11142 WARRANT NUM:  
 DATE SENTENCED.: 03/20/2002 JUDGE LAST.: CLARY FI: G  
 STATUTE: 56-5-2945 CDR CODE.: 0395 GPS IND: N  
 OFFENSE: 5413 FELONY DUI-DEATH RESULTS OFFENSE DATE: 11/10/2000  
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 11 CHEROKEE  
 PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO  
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 03/20/2002  
 TOTAL SENTENCE...: 025 00 000 MAND SERV REQMT...: 021 02 030  
 INCARC SENTENCE...: 025 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.  
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999  
 HIP SENT.....: 000 00 000 HAYES CRED: 00000  
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00493 EXTRA CRED: 00000  
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 11/12/2000 DOM.IND:  
 CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: NON-VIOLENT  
 DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: NON-VIOLENT  
 SEX REG: N PRED OFF: N LAST UPDATE: A GIBSON-WHITE DATE: 12/17/13  
 NO PAROLE: NO PAROLE CREATED BY.: T HUDSON DATE: 03/25/02  
  
 PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

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CMTI330D	SCDC OFFENDER MANAGEMENT SYSTEM	07/11/22
OMCOMITA	RELEASE DATE SCREEN	C052640
SCDC# > 179576		LOC: LIVESAY
FOSTER, LEONARD LEE	SCDC CLASSIFICATION..: NON-VIOLENT	
LEGAL NAME:	SEXUAL REGISTRY..: N	
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE	SEXUAL PREDATOR..: NOT APP	
TABLET ELIGIBLE.: Y	DNA STATUS.....: COMPLETED	
	GPS REQUIREMENT..: N	
	PREA DECISION....: [REDACTED]	
PREA VICTIM.....: [REDACTED]	PREA PERP...: [REDACTED]	
CURRENT SENTENCE: 040-00-000	CONSECUTIVE SENTENCE ..: Y	
040-00-000	CURRENT SENT START DATE: 11/12/2000	
PROJECTED COMPLETION DATES		
MAXOUT DATE .....: 07/23/2029	CURRENT EWC ..: 2 F 5	
YOA SIX YEAR DATE: / /	CURRENT EEC ..: NOT CURRENTLY EARNING EEC	
INITIAL PAROLE DATE: 02/12/2022	NEXT PAROLE HEARING DATE: 02/08/2023	
TOTAL GT DAYS EARNED .....: 000120	LABOR CREW/WORK PROG DATE: 99/99/9999	
TOTAL EARNED WORK CREDITS ..: 002781	LABOR CREW DISQ REASON:	
TOTAL EDUCATION CREDITS ....: 001091	CATEGORY 4 OR 5 OFFENSE	
TOTAL EXTRA EARNED CREDITS ..: 000	SUPERVISED REENTRY DATE..: 00/00/00	
TOTAL SERVICE TIME EARNED ..: 007800	ISS.....:	
PFKEYS: 5:HISTORY OF DATE CHANGES		

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 SC Court of Appeals

DISI640D  
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM  
DISCIPLINARY SYSTEM  
GOOD TIME RESTORE HISTORY

07/11/22  
C052640

SCDC# 179576  
FOSTER, LEONARD LEE

CURR LOC: LIVESAY

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CASE#	GT LOST	GT RESTORED	DISAPPRV	DISAPRV BY	LOCATION	DATE
10	20	20			TURBEVILLE	08/09/20
8	90	90			TURBEVILLE	08/09/20
*END OF LIST*						

PAGE: 0001

INFORMATION DISPLAYED

PF6-DISAPRV PENDING PF7-BACKWARD PF8-FORWARD PF10-MAIN MENU PF11-QUIT

# South Carolina Department of Corrections Classification Summary Reports

Date: Tuesday, September 10, 2019

## Classification Summary Reports

Inmate Number

### Classification Summary Report for FOSTER, LEONARD LEE :

CLASSIFICATION SUMMARY REPORT DATED 09/10/2019

FOSTER, LEONARD LEE

FBI# 220321MA3


SCDC# 00179576

OFFENDER ADULT-STRAIGHT  
TYPE: SENTENCE

INSTITUTION: TURBEVILLE


SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 40 YRS 0 MOS 0  
SENT: DAYS

VICTIM  
WITNESS: 

MED  
CLASS: 

INST DAILY NURSING  
RESTRICT: COVERAGE

MENTAL  
CLASS: 

CURRENT NO CURRENT  
PROGRAM: PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 46



RESIDENT  
STABILITY: SI

DORMROOMBUNK\_CODE: TA 0204 AB

PROJ MAXOUT  
DATE: 06/18/2029

PROJ PAROLE  
DATE: 02/12/2022

EWC  
JOB: WARDKEEPER ASSISTANT

ASSIGNMENT: BLDING DETAIL BLDG.  
#1

EWC  
LEVEL: 3F5 EEC LEVEL:

EDUC  
PGM: MASONRY (ABE)

SECURITY THREAT GROUP DESCRIPTION:  
NONE

SECURITY THREAT GROUP STATUS:  
NONE

PREVIOUS NUMBERS:

\*NO PREVIOUS NUMBERS\*

15:51:37 Tuesday, September 10, 2019

CMTI330D  
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM  
RELEASE DATE SCREEN

09/10/19  
C063953

SCDC# > 179576

LOC: **TURBEVILLE**

**FOSTER, LEONARD LEE**

SCDC CLASSIFICATION..: **NON-VIOLENT**

OFFENDER TYPE...: **ADULT-STRAIGHT SENTENCE**

SEXUAL REGISTRY...: **N**

SEXUAL PREDATOR...: **NOT APP**

DNA STATUS.....: **COMPLETED**

GPS REQUIREMENT...: **N**

PREA DECISION....:

PREA PERP...: **NONE**

PREA VICTIM.....: **NONE**

CURRENT SENTENCE: **040-00-000**  
**040-00-000**

CONSECUTIVE SENTENCE ..: **Y**

CURRENT SENT START DATE: **11/12/2000**

PROJECTED COMPLETION DATES

MAXOUT DATE .....: **06/18/2029**

CURRENT EWC ..: **3 F 5**

YOA SIX YEAR DATE: **/ /**

CURRENT EEC ..: **B7**

INITIAL PAROLE DATE: **02/12/2022**

NEXT PAROLE HEARING DATE: **02/12/2022**

TOTAL GT DAYS EARNED .....: **000000**

LABOR CREW/WORK PROG DATE: **99/99/9999**

TOTAL EARNED WORK CREDITS ..: **001614**

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS ....: **000968**

**CATEGORY 4 OR 5 OFFENSE**

TOTAL EXTRA EARNED CREDITS ..: **000**

SUPERVISED REENTRY DATE...: **00/00/00**

TOTAL SERVICE TIME EARNED ..: **006778**

ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

### Inmate Request - General

Today's Date: 7/11/22 11:11

Name: FOSTER, LEONARD LEE  
Booking #: 179576  
Permanent #: 179576

Reference #: 21-02392026  
Date Requested: 12/26/21 11:04  
Request Type: Classification  
Requested By: Kiosk

Request Details: It's obvious credits pursuant S.C. Code 24-13-210 was not applied toward sentence in reference S.C.Code 56-5-2945 Will credits be computed toward S.C.Code 56-1-1100 and S.C.Code 56-5-2910 sentences

Disposition: Complete  
Officer:  
Disposition Date: 12/30/21 15:06

#### Request Responses

Date	Author	Note
12/30/21 15:10	c062458	i answer this several time and it was send up to central classification and your time is correction

## MAXOUT DATE CALCULATION WORKSHEET

NAME: FOSTER, LEONARD SCDC #: 179576 PT 2 cs to PT 1

<input type="checkbox"/> 360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day) <input checked="" type="checkbox"/> 365 DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)	
Sentence Length: <u>15 YEARS</u> (1)      Sentence Length in Days: <u>5475</u> (2)	
<b>Total credits earned as of next cycle date:</b>	
Sentence Start Date: <u>02/05/2022</u> (3)      Next Cycle Date: <u>08/05/2022</u> (4)	
<b>Calendar Service Credit:</b> (+) <u>181</u> (5)	
Good Time Credit (Gross): <u>120</u> (6)	
Good Time Forfeited: (-) <u>0</u> (7)	
Good Time Days Lost: (-) <u>0</u> (8)	
<b>TOTAL GOOD TIME CREDIT EARNED:</b> (+) <u>120</u> (9)	
Earned Work Credit:      (+) <u>59.285</u> (10)	
Earned Education Credit:      (+) <u>0</u> (11)	
Earned Extra Credit:      (+) <u>0</u> (12)	
<b>TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12) =</b>	(-) <u>360.285</u> (13)
Remaining to satisfy as of next cycle date (enter line 4):	(=) <u>08/05/2022</u> (14) <u>5114.715</u> (15)
<b>Average Monthly Accrual Rate:</b>	
Service Days + Good Time + EWC + EEC <u>30.42</u> (16) + <u>20</u> (17) + <u>10.864285</u> (18) + <u>19</u> (19) <u>61.284285</u> (20)	
Divide Line 15 by Line 20 = <u>83</u> (21) <u>458834</u> (22)	
(whole number)      (remainder)	
Enter next cycle date from line 14: <u>08/05/2022</u> (23)	
Complete cycles from line 21:      (+) <u>11/00/6</u> (24)	
Estimated final cycle:      (=) <u>07/05/2029</u> (25)	
<b>Projection of Remaining Time to Serve:</b>	
Next cycle date from line (23) <u>08/05/2022</u> (26) Est. final cycle (from line 25) <u>07/05/2029</u> (27)	
Calendar Service Credit:      (+) <u>2526</u> (28)	
Good Time Credit:      (+) <u>1660</u> (29)	
Earned Worked Credit:      (+) <u>902.142</u> (30)	
Earned Education Credit:      (+) <u>0</u> (31)	
<b>TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31)</b>	(-) <u>5088.142</u> (32)
Remaining to satisfy as of estimated final cycle :	(=) <u>26.573</u> (33)
<b>Daily accrual rate:</b>	
Service <u>1</u> (34)+EWC Daily Rate <u>.3571482</u> (35)+EEC Daily Rate <u>1.3571482</u> (36) = <u>1.3571482</u> (37)	
Divide days remaining to earn (line 33) by daily accrual (line 37) =	<u>19.580028</u> (38)
Enter estimated final cycle (line 27):	<u>07/05/2029</u> (39)
Add days from line 38:	(+) <u>19</u> (40)
Calculate to month, day and year:	<u>07/24/2029</u> (41)
(Line 42 is lesser of Line 41 or next cycle date from line 39)	
<b>PROJECTED RELEASE DATE:</b>	(=) <u>7/24/2029</u> (42)

ERNEST ROWE  
Employee Name

  
Employee Signature

07/13/2022  
Date

me up 3.19.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

MAR 16 2022

Office Use Only

INMATE NAME: Leonard L Foster  
SCDC NUMBER: 179576  
INSTITUTION: Turbeville Livesay  
HOUSING UNIT: TA-204A  
WORK ASSIGNMENT: Wardkeeper Assistant

RECEIVED

Grievance No. TCI 0071  
Code: General CL/CL  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class \_\_\_\_\_  
PREA \_\_\_\_\_  
Date Received: 3.17.20  
IGC Initials: EP  
Date Received: 4/11/22  
IGA Initials: KC

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

The implication SCDC Policy OP-22.57 is a ex post facto violation whereby policy indicate State law does not allow good time credits which were earned during the service of one sentence to be applied to another. This is the case even if the two sentences in question are served during the same commitment period. Thus, forfeited good time credits can only be restored to the sentence or sentences that were being served at the time those credits were initially earned Is a negation of the legislative's intent of S.C. Code 24-13-210 (A)

Grievant Signature Leonard Foster Date March 15, 2022

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concerns. In your grievance you allege that on February 24, 2022 you submitted an informal resolution to Classification regarding the 6000 days of good timed owed to you. You stated that pursuant to S.C. Code 24-13-210 (a) a person whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run computed at the rate of 20 days for each month served. You are requesting to be awarded good time credit to receive a reduction in sentence and granted early release. Per the Classification department at Turbeville Correctional Institution (TCI), you have a mandatory term of incarceration of 21 years, 2 months and 30 days that must be served. In addition to the mandatory term, it has been confirmed that your time has been calculated to include all eligible good time credits earned as set forth by Central Classification (CC). You have not shown that SCDC Staff has failed to perform their job duties properly.

Therefore, your grievance has been 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.

Responsible Official Signature [Signature] Date 4/15/22

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

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

IGC Signature \_\_\_\_\_ Date \_\_\_\_\_

Leonard Foster #179576

Livesay Dorm 2-6-A

P.O. Box 580

Una S.C. 29378

**LEGAL**

The Honorable Jenny Abbott Kitchings  
Clerk South Carolina Court of Appeals  
Post Office Box 11629  
Columbia S.C. 29211

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