

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Allen Gene Morgan, #085360,)	Docket No.: 22-ALJ-04-0157-AP
)	[<u>Grievance No.: TYRCI 37-22</u>]
Appellant,)	
)	<i>Hon. Robert L. Reibold</i>
v.)	
)	RESPONDENT’S MOTION TO
South Carolina Department of Corrections,)	DISMISS
)	
Respondent.)	

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (“ALC” or “Court”) pursuant to the appeal of Allen Gene Morgan (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). Appellant is appealing SCDC’s final agency decision of April 26, 2022, that denied Appellant’s Step Two grievance.

On February 25, 2022, Appellant filed a Step One grievance alleging that the finding of “invalid” for Appellant’s protective custody evaluation denies and diminishes the facts of the record and alleged that another inmate is scheming to have Appellant removed from the Character Based Unit (“CBU”). Appellant also alleged that the bar for protective custody is too high and requested kiosk messages from 2018 be reviewed for State Wide Protective Custody (“SWPC”). The Step One Grievance was investigated and denied on March 15, 2022, because during the Institutional Protective Custody Committee (“IPCC”) review, Appellant did not provide any credible threats, names or incidents and failed to meet the standards required by policy. Thereafter, on March 16, 2022, Appellant filed a Step Two grievance to challenge SCDC policy O.P. 22.23 and alleged the finding of “invalid” was a result of a

failure to completely investigate prior to making a decision. This grievance was investigated and denied on April 26, 2022. This appeal followed.

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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the supreme court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the supreme court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. *See Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Moreover, regarding categories (2) and (3), *supra*, the South Carolina Supreme Court has consistently emphasized that the liberty or property interest implicated must be one that is *state created*. *See Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (emphasizing that the ALC's jurisdiction extends only to those cases involving the denial of "state created liberty interests" and that the Court's holding [*i.e.*, in *Wicker*] "is not to be viewed as expanding the jurisdiction of the [ALC] in any other circumstance."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property

interest”) (emphasis added).

SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. Recently, the South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC “should” dismiss the appeal. *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

This case is a prime example of a case that should be dismissed under *Slezak* and *Skipper*. Appellant is challenging the Department’s finding of “invalid” for his protective custody evaluation. Rec. p. 3. Appellant has no *state-created* liberty interest in having a particular security or custody status as long as the security or custody status does not implicate a constitutional right or exceed the limits of his sentence. *Brown v. Evatt*, 322 S.C. 189, 194, 470 S.E.2d 848, 851 (1996). “Within these limits, so far as the federal constitution is concerned, the security and custody classification of state prison inmate is a matter for state prison official discretion whose exercise is not subject to federal procedural due process constraints.” *Id.* at 194, 470 S.E.2d at 851; *see also Al-Shabazz*, 338 S.C. at 382, 527 at 757 (citing *Pruitt v. State*, 274 S.C. 565, 567-68, 266 S.E.2d 779, 780 (1980)) (noting that South Carolina courts typically maintain a hands-off approach to internal prison matters). Prisoners have no constitutional right to be housed in a particular institution. *See Olim v. Wakinekona*, 461 U.S. 238, 245-46, 103 S.Ct. 1741, 1745 (1983). Appellant has no *state-created* liberty or property interest in State Wide Protective Custody. Therefore, because no *state-created* liberty

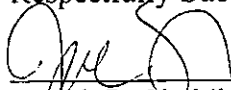
or property interest is implicated in this case, the Court should dismiss this appeal, with prejudice.

If the Court is not inclined to dismiss this Appeal, Respondent respectfully requests an additional 30 days from the date of the Order deciding this Motion to file a brief.

CONCLUSION

WHEREFORE, SCDC respectfully requests the Court dismiss this appeal.

Respectfully Submitted,



Joseph R. Shakibanasab, SC Bar No. 102825
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
Phone: (803) 896-1278
Email: Shakibanasab.joseph@doc.sc.gov

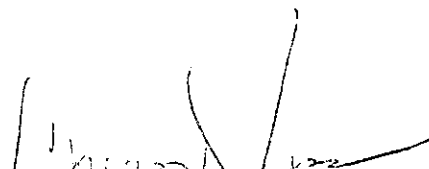
September 27, 2022
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Allen Gene Morgan, #085360,)
)
 Appellant,)
) **Certificate of Service**
 vs.)
) Docket# 22-ALJ-04-0157-AP
 South Carolina Department of Corrections,)
)
 Respondent.)

I hereby certify that a copy of the foregoing *Respondent's Motion to Dismiss* was, this date, served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Allen Gene Morgan
Inmate Number: 085360
Evans Correctional Institution
Dorm-Room-Bunk: F5A-0255-A



Cheron Hess
Administrative Coordinator
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

September 27, 2022

Due Date: 3/22/22

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: Allen Morgan
SCDC NUMBER: 085360
INSTITUTION: Tyger River 
HOUSING UNIT: RHU-13-31 MAR 30 2022
WORK ASSIGNMENT: INMATE GRIEVANCE

Grievance No. TYRCI-0037-2
Code: General
Policy
Disc. Hear.
Class C/C
PREA
Date Received: 3/28/22
IGC Initials: GC
Date Received: 4/1/22
IGA Initials: BN

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

My Grievance is challenge of OP.22.23. Inst. Griev. Coord lists as class above. The "invalid" finding by IPCC resulted from failure to completely investigate prior to the decision. The information on record is sufficient to warrant consideration of ALL the record. I was not notified of any hearing nor asked to provide any additional information. The IPCC "Review" was failed to meet the Policy requirements. Also, the process is punitive in nature, sanctions of 825 Rule Viol. The design forces me to endure a harmful environment or rebuke and suffer those consequences. The whole history on record was ignored and implies some falsehood on my part.

Grievant Signature Allen Morgan Date 3-16-22

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you are seeking Statewide Protective Custody (SWPC) to prevent any further occurrence of threats made to you at Tyger River Correctional Institution (TYRCI). You state that the IPCC found your request to be invalid and you do not believe that all the facts and your kiosk messages were considered. You further state that several inmates are the cause for you being moved from the CBU unit. You have requested that your complete record be reviewed at your next IPCC hearing. Agency records indicate that you failed to provide evidence to the board during your hearing that could substantiate your claim that there was a credible threat against you. Furthermore, you did not provide any names of the inmates threatening you until your submission of this grievance. All pertinent information regarding your request for SWPC should have been disclosed during the IPCC review and not through the Inmate Grievance System. Pursuant to SCDC Policy OP-22.23 Statewide Protective Custody, "If the inmate refuses to provide specific names and other pertinent information during this interview, this lack of information will be documented on SCDC Form 19-47, "Evaluation of Protective Concerns," and the inmate may be returned to general population." You have not shown that SCDC staff has conducted their job duties improperly.

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.

Responsible Official Signature Dorey Nelson Date 4/26/22

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 _____

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>Allen Morgan</u> SCDC NUMBER: <u>085360</u> 3/1/22 INSTITUTION: <u>Tyger River</u> JX HOUSING UNIT: <u>RHU-13-31A ✓</u> WORK ASSIGNMENT: _____ 1	<p align="center">OFFICE USE ONLY</p> Grievance No. <u>TYGER 0037-22</u> Code: <u>General</u> Policy: _____ Disc. Hear.: _____ Class. <u>CH/CL</u> PREA: _____ Date Received <u>3/2/22</u> IGC Initials <u>OC</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.) OP-22,23

KIOSK REF. No. 22-02309340-INF.RES. See record of IPCC evaluation. In seeking SWPC to lessen serious safety concerns and prevent any further life threatening attack the IPCC evaluation finding of "Invalid" denies and diminished the facts on record. The mention of ~~may be a poisoner~~ was omitted into the recording and ~~being a~~ ~~and the IPCC neglect and indifference to include this part of the~~ Kiosk record or other messages to Chaplain, Investigations, or Paper files to contraband 18 mo. ago. Also any relevant input from Rhu Capt. is hearsay, speculative, or motivated by bias and prejudice as a CBU Board member tainted by his fraternization with (Tom Lowery) who was most openly behind the scheme to get Ruffo to move me from my present place in CBU to where others (Carpozzi lawyer) could implement physical harm to me. This along with the prior 16 yrs. of 2 assaults and 1 other severe poisoning evolved into a continually dangerous existence in the main stream Gen. Pop. The BAR for Valid Finding of IPCC too high. I ASK that the whole record and complete history - incl. Grievance be forwarded to SCC for Evaluation.

Allen D. Morgan 2/25/22
 Grievant Signature Date

ACTION REQUESTED: Refer complete record incl. Kiosk messages from 2/18 to SCC to review SWPC

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

~~~~~ See Warden's response on back. ~~~~~

J. Cheryl 3/2/22  
 IGC Signature Date

**WARDEN'S DECISION AND REASON:**

Morgan, Allen 85360

TYRCI-0037-22

I have reviewed your concerns expressed in your grievance. You allege that that the decision to deny you SWPC diminishes the facts. You state that during your hearing a mention of you being poisoned was mumbled in the recording, the stolen pin number and harmful information being disseminated were not addressed. You further state that all KIOSK messages were not considered and the input of the RHU Captain is hearsay, speculative and bias. You allege that your safest placement is within the CBU because inmates Carpazzi and Lawler could cause you physical harm and referenced 2 assaults and 1 poisoning. You have requested that your complete record to include KIOSK messages from 2018 be presented to the SCC to review by the SWPC. According to SCDC records an IPCC review was performed and you did not provide any creditable threats, names or incidents and failed to meet the standards required by policy.

Therefore, your grievance is denied.


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

  
Warden Signature 3/15/22  
Date

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

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

Al Morgan 3-28-22  
Grievant Signature Date

  
IGC Signature 3/15/22  
Date

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

TYGER RIVER CORRECTIONAL INSTITUTION

VOBUNTARY STATEMENT

I, Allen B. Morgan

SCDC # 085360

AM AN INMATE OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ASSIGNED AT TYGER RIVER CORRECTIONAL INSTITUTION. I FREELY MAKE THIS STATEMENT TO LT C. Elmer WHO IS A STAFF MEMBER AT TYGER RIVER CORRECTIONAL INSTITUTION WITH NO PROMISE OR THREATS MADE TO OR AGAINST ME.

This threat to life & safety keeps occurring at different Prisons. I'm seeking SWPC till further positive solution results. This has been going on since 2004. I have been severely assaulted, ~~documented~~ by ~~Kirkland~~ ~~Wainwright~~ a letter from Police Services was stolen from Officer and circulated. There have been numerous cell-mate incidents I was removed from 2 CBU programs on reaction of inmates. Gen. Pop. is no longer an option for me. I would greatly appreciate assistance in this situation. Thank

I DO SWEAR OR AFFIRM THAT THIS IS A TRUE AND ACCURATE STATEMENT AND DO ACKNOWLEDGE A RECEIPT OF A COPY ON THIS DATE.

S/ A. Morgan

SCDC# 085360

DATE: 2-10-22

Inited by staff after 2 months lockup  
"invalid" finding 2-17-22

WITNESS: LT C. Elmer

WITNESS: \_\_\_\_\_

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
 Division of Classification and Inmate Records  
**EVALUATION OF PROTECTIVE CONCERNS**

Inmate Name: ALLEN MORGAN SCDC#: 085360 Institution: TYLER RIVER C.T.

Interviewing Employee (Print Name/Title): LT C. ELWELL

**SECTION I: PROTECTIVE CONCERNS EVALUATION**

Inmate's Reason(s) for Requesting RHU placement due to Protective Concerns: IN FEAR FOR LIFE AND SAFETY

Inmate(s) Involved: \_\_\_\_\_

Employee(s) Involved: \_\_\_\_\_

- I do want to be placed in RHU- due to protective concerns (SP)
- I do not want to be placed in RHU - due to protective concerns. (SP)

Inmate Signature: U. Morgan Date: [Redacted]

NOTE: Your signature on this line refusing RHU placement due to Protective Concerns does not prohibit the Agency, in the exercise of its discretion, from placing you in RHU (SP).

**Interviewing Officials Recommended Action:**

- Return to General Population (Indicate reason) \_\_\_\_\_
- Recommend Placement in SP for further Investigation
- Other \_\_\_\_\_

Approved/Disapproved Warden W. G. [Redacted] Date: 2/11/22  
Warden/Duty Warden/ Approved Designee

Date Forwarded to Institutional Protective Custody Committee (IPCC) 2-15-22

**SECTION II: INSTITUTIONAL PROTECTIVE CUSTODY COMMITTEE**

Disposition (Check one): Valid  Invalid  Further Investigation

Reason/Recommendation: INVALID DUE TO LACK OF INFORMATION, W/M GIVEN A DIRECTIVE TO RETURN back to General Population. W/M REFUSED

IPCC Chairperson: [Signature] Date: 2/17/22

**THIS SECTION IS ONLY TO BE COMPLETED IF THE INITIAL IPCC GRANTED AN ADDITIONAL 7 WORKING DAYS FOR FURTHER INVESTIGATION**

Disposition (Check one): Valid  Invalid

Reason/Recommendation: \_\_\_\_\_

IPCC Chairperson: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION III: CENTRAL CLASSIFICATION COMMITTEE REVIEW**

- Disposition (check one):
  - Valid
  - Invalid
  - Transfer to General Population at \_\_\_\_\_
  - Approved for Placement on Statewide Protective Custody

Recommendation \_\_\_\_\_

SI \_\_\_\_\_ Date \_\_\_\_\_  
Central Classification Representative

- cc: IPCC
- Inmate
- Institutional Records
- Central Records

SCDC Form 19-47 (June 2018)

*Should have per [Redacted] Begun their process of evaluation*

*Not Forwarded FOR SCC review*  
  
*Wait I asked for copy A month later*

### Inmate Request - General

Today's Date: 1/24/22 11:51

Name: MORGAN, ALLEN GENE  
Booking #: 085360  
Permanent #: 085360

Reference #: 22-02441002  
Date Requested: 01/19/22 14:14  
Request Type: Classification  
Requested By: Kiosk

Request Details: I came to lockup out of Concern for my safety when a design of a few inmates using their influence on certain staff Was able to get me moved From 7cbu and without any fault on my part. Not Being able to dispel this Erroneous influence on staff of criminal thinking and prison culture by these inmates i have concluded that my best efforts repeatedly end in Discord mostly because of A nonstop campaign of Personal attacks by inmates over my being Designated a snitch.this Is The fourth prison where this occurs and after several Injuries and other Attempts to harm me I'm Fed-up and hope that I can Find a place to live and work that may be agreeable to all. My options as I see it are a Worker program such as the cadre program at kirkland or protective custody where as much Freedom and priviledge is Available. Can you tell me How to proceed? Aw Glen Is somewhat aware of this Matter. Since dec.17 I have Awaited a favorable resolution other than the Original plan to move me to unit 8. Thanks

Disposition: Complete  
Officer:  
Disposition Date: 01/24/22 12:47

*as stated in Record appeal in*

Request Responses

| Date           | Author  | Note                                                                                                                                                                                                                                                                                                 |
|----------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/24/22 12:48 | c051015 | There is no record in the system of you having requested Investigation into Protective concerns. I will notify the security staff at Tyger River and someone will speak with you concerning this matter. Currently, you are in RHU for pending disciplinary action after refusing to move to Unit 8. |

*I declared PCon 12-17-21! trans.*

*No one ever came to inquire*

*94558-07*

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

|                                                          |        |      |      |       |                                 |
|----------------------------------------------------------|--------|------|------|-------|---------------------------------|
| Institution/Center: Tyger River Correctional Institution |        |      |      |       | Date of Report: 12/17/21        |
| Reporting Official (Full Name): Jason Webber             |        |      |      |       | Time of Report: 7:24 pm         |
| Employee ID #: 047416                                    |        |      |      |       | Date of Incident: 12/17/21      |
| Location of Incident: U7                                 |        |      |      |       | Time of Incident: 6:00 pm       |
| Inmate(s)/Resident:                                      | SCDC # | Age: | Sex: | Race: | Employee(s)/Witnesses Involved: |
| 1. Allen Morgan                                          | 85360  |      |      |       | 1.                              |
| 2.                                                       |        |      |      |       | 2.                              |
| 3.                                                       |        |      |      |       | 3.                              |
| 4.                                                       |        |      |      |       | 4.                              |
| 5.                                                       |        |      |      |       | 5.                              |

On the above date and approximate time:

I, Capt. Webber, went to tell Inmate Allen Morgan, 85360, that he was moving to Unit 8 tonight for him to get his stuff packed and I will be back to move him. Inmate Morgan told me that he was not going to unit 8. I tried to talk Inmate Morgan into moving and gave him a second directive to move to unit 8. Inmate Morgan refused again. Inmate Morgan was taken to lockup for refuse a directive.

*apologize for order of record moved to unit 8. I will turn this over to the unit I am in. My other*

*initial info of danger, please*

Signature: *Jason Webber* Title: Capt.

Evidence:

Disposition of Evidence:

Supervisor's Comments:  
*refer to Mayor / responsible authority*

Printed Name: *Terrence Harrison*

Signature: *[Signature]* Title: *Capt* Date/Time: *12/17/21 10:31*

Major/Responsible Authority: *825*

Printed Name: *Rayon Tucker*

Signature: *[Signature]* Title: *Capt* Date/Time: *12/17/21 10:50am*

STG Related - Refer to STG Committee  
 Yes  No  Unknown

This incident is DRUG related:  
 Yes  No  Unknown

Responsible Authority  
 Action Taken

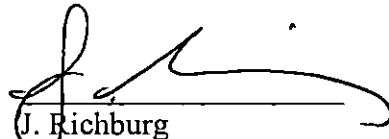
Informal Resolution  
 Administrative Resolution  
 Refer to Disciplinary Hearing

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL  
RESPONSE TO INMATE CORRESPONDENCE**

TO: Allen Morgan  
SCDC #: 085360  
INSTITUTION: Evans Correctional  
FROM: Office of General Counsel Office  
DATE: July 15, 2022  
RE: Inmate Correspondence

Mr. Morgan:

The Office of General Counsel is in receipt of your letter and I have reviewed it. Your concerns have been forwarded to Classification for handling due to you mentioning the need for protective custody. I hope this helps.

  
J. Richburg  
Administrative Coordinator  
Office of General Counsel

*No action, ignored - am.*

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
**STATEWIDE PROTECTIVE CONCERNS HEARING**  
**DOCKET No.: 22-ALJ-04-0157-AP**                      **GRIEVANCE No.: KRCI 243-22**  
**INMATE NAME: Allen Morgan**                      **SCDC No.: 85360**  
**INSTITUTION: Tyger River Correctional Institution**  
**DATE: December 17, 2022**

MS1: Go ahead.

CCP: You're appearing before ~~Protective Concerns Case Management Review~~ at Tyger River Correctional Institution, and this is being recorded at --

~~MS1: 12/17/2022, 12:18 p.m.~~

CCP: I am Chairperson AW Jeanette Glenn. I'm Committee Chairperson. ~~Committee Members~~ *ON A*  
~~are?~~ *Made him a Member Comments*  
*physical members*  
*because of my*  
*Mention of partiality*

MS1: Jason Chittum, Classification.

~~MS2: Captain Shannon Moore, RHU~~

CCP: Purpose of the review is to determine if you should be [inaudible 0:00:23] for statewide protective concern or released back to general population. All parties must conduct themselves properly. Failure to do so will result in removal. Please state your name and number for the record.

I/M: Allen Morgan, 85360.

CCP: Inmate Morgan has signed the docket. (Inaudible)

MS1: All right. Mr. Morgan is currently serving a life sentence for armed robbery and murder.

Prior commitments, uh, include: grand larceny, armed robbery, vehicle theft. No detainers

CCP: Committee Chairperson (AW Jeanette Glenn)

I/M: Inmate (Allen Morgan)

~~CM1: Committee Member 1 (Jason Chittum)~~

~~CM2: Committee Member 2 (Jim Moore)~~

*Moore not listed here*

at...uh, one, Class 1 escape and two, 582. Uh, no prior assaultive disciplinarys. Non-assaultive disciplinarys include: 1-18-22, refusing or failing to obey, he was convicted; 12-23-21, refusing or failing to obey, was convicted; 12-17-21 refusing or failing to obey, uh, that one was resolved, uh, through other. Um, and then no other non-assaultive disciplinarys, uh, until 2015. He was assigned...he came to Tyger River on 6-21-20 and has been in RHU since 12-17-21.

*other  
Pg. 20c*

CCP: Okay. Uh, Mr. Morgan...Inmate Morgan, I have a statement here. Is this your...this is your statement?

I/M: Yes, ma'am.

*Notice Blanks*

CCP: Okay. This yours. Okay. Uh, it was written by you. Well, [inaudible 0:02:19] I, Allen G. Morgan, 085360. It was a statement that [inaudible 0:02:28] to Lieutenant C. Elmore and it read as follows: This...this threat -- this threat to life and safety keep occurring at different prisons.

I'm see- -- I'm seeking state...SWPC, which Statewide Protective Concern, to further positive solution result. This has been going on since 2004. I have been...I have been severely assaulted, postponed. My Kiosk record was...was what? The Kiosk record was, uh, someone accessed it, I

guess. A letter from --

I/M: Yes, ma'am.

CCP: -- police services was stolen from officers and circulated. There have been numerous cell mates incidents. I was removed from 2 CBU on reaction of inmate. General population's no longer a option for me. I would greatly appreciate assistance in this situation. And it was signed by yourself on...on 2-10-22. But I have a synopsis cause it...it's concerns with classification and ongoing. Initially, you wasn't placed up here because of, uh, concer-...uh, PC concern. This

*OMISSION  
OF  
POISONING  
FROM  
TR SCRIPT*

*for  
interviewing*

*Recording  
transcription  
mistake -  
deliberate  
CCP  
blame  
omitted  
in Trans*

*End of Statement*

? where is that includes!

is something to end -- an end result. There was a synopsis that was sent down to Central Class through, uh, Mr. Chittum, from Central Class. <sup>TyR</sup> Mr. Chittum with Tyger River classification and it read as following: The above inmate on 17 -- on 17 December 21 was given an order to move from unit...move to unit eight. The inmate refused, and that was from unit seven, which is a CVU, right?

I/M: Yes, ma'am.

? mistake

CCP: The inmate refused and was taken to RHU on 23 December. He was then given the orders to go back to general population. He failed to comply. He was sentenced 20 year...20 days DD time, which is completed...was...was...which was completed on 20 -- January 20, 22. He re-...refused to move three times, and was given...charged accordingly, two times since in

RHU. He was...he was recommended for Adjustment Unit, but was disapproved on 6/20/2022. ? wrong

He has pending charges as of 21 January 22 for failing to obey. He was never placed in RHU based on PC concern, only a refuse to move to a certain unit. He repeatedly stated he will only do to certain housing unit. He wants [inaudible 0:05:12] that...um, that...that he wants so pick and choose which unit he'd go to, which is why a request form adjustment was submitted. Um, the paperwork for the Inmate last Thursday and he did not want to complete it at the time. At that time, he state he want to do more of his own research before submitting a request. And this was generated through [Inaudible 0:05:37] a synopsis on the whole, um, action...what's going on. I have numerous, uh, emails, which as I'm scanning is saying this -- pretty much the same thing, that Mister, um, Morgan here will only agree to go back to a certain units, and I have several, uh, Kiosk Requests. Um, this one said that you came up here for lockup on, uh, concern, which I do know for a fact that whatin' real-...that...that whatin' the initial reason why you was placed up here. It's refusal for move out of Unit 7 to Unit 8. Uh, I scanned these Kiosk Request is

sought declaration

personally. Um, you went on to say your concerns that you was personally attacked by inmates over my being a snitch. This is the fourth prison where and after several injuries and, and others. Um, this was generated on 1/19/22. This was, again, after you was placed in...up here. This shows the continued emails that was between you...yourself and Central <sup>Nb -</sup> Classification about going to the adjustment unit. A memorandum that was signed by myself, um, was stating that -- um, Mr. Morgan, give a synopsis of what -- what's going on here.

I/M: Well, on the day that I came up here, Mr. Webber...Captain Webber in...in Unit 7 there, told me that he had to move me, and, uh, he wanted me to move next door to Unit 8. I told him at that time that this was a design by the inmates in that unit there to get me out of there, and that it was a safety issue for me anywhere else. Now, uh, since I've been up here, uh, each week, for the first few weeks, someone, either Mr. Elmore, uh, just came and said, do you want to go to Unit 8? And I...it was the same, you know, situation. It's reoccurring again on the same, uh, you know, option. And I said, no. And, uh, that happened about three times and -- or four times, and three of those times, I was charged. One time, for whatever reason, I whatin'. And, uh, it was always, was I willing to go to Unit 8 or did I want to go to Unit 8? And, uh, you know, I declined each time. And, uh, this is something that I should've did in the beginning, 18 years ago, rather than, uh, kind of rough it along the way and, uh, you know, always look for the, uh, uh, place where there was the least threat, uh, to stay at and even then, that would still turn out bad. And, uh, uh, there are many other instances where, that's not mentioned there, that, uh, that was a threat. That there was, uh, you know, all kinds of intimidation, all kinds of actions by the inmates to provoke me, or to, uh --

CCP: Well, [inaudible 0:08:58]

I/M: You know, make it look like something else was going on, but I...I...I...avoided all of that up until this time, you know. Uh, I came to Tyger River for one day, back, uh, a year before I came here, as he mentioned. And then, when they sent me down [inaudible 0:09:15] uh, two guys came in the room before I even got unpacked and said, you got to go. And so I turned around and went back to Operation, was sent back to Perry that day. And, uh, you know, the same thing happened at Perry and...and like I say, it's just a...a recurring thing. And I've been very fortunate not to, uh, end up in a more sa-... uh, more serious, uh, situation where I was injured or someone else was injured. And, uh, you know, it just...it just became too much. And, uh, then I decided that this is the best option for me to, uh, seek protective custody and, uh --

CCP: Well, can I ask you something?

I/M: Yes.

CCP: [Inaudible 0:09:55]

I/M: Mm-hmm.

CCP: Why your present is a threat?

I/M: It's only...it's only a threat to those that are, uh, uh, doing something wrong or up to no good. If they...even if it's just making wine, but if it's, uh, selling drugs or, uh, you know, anything else that's against the rules. They always focus on the one that, uh, they think is, uh, the most active snitch, or the one that's most liable to go and report them. And, uh, you know, lately with the staff shortage, uh, no officers even being in the dorm at night or, uh, or not around most of the time, it...it just increases. You know, everybody's always looking to impress each other with some kind of outrageous, uh, act towards somebody else, you know, to up their rep. And if they are high on drugs or looking for a cheap check in their cell to protective custody because

they go [inaudible 0:10:54]. They always look for a victim that they can, you know, you know, hurt somebody and go to lock up, and really, it's just a PC. They're trying to get their own stuff out of a bad situation (inaudible).

CCP: Well, let me ask you this. Do you have any particular individuals that you have concerns of?

I/M: Uh, there's a quite a few that when I'm in the living area with them, it begins. That conversation begins in secret, and it just goes on and on and on until it, you know, circulates in and out every cell. And then, uh, the ones that, uh, you know, want to take it up or be a part of it, they do. The ones that don't or ignore it, you know, then they don't, but usually there's a good many that, uh, like I said, the ones that's, uh, you know, up to no good, they...they always want to take it up and say, well, we've got to do whatever we can do to get him out of here and make him move.

CCP: Okay.

I/M: They'll check in or, you know?

CCP: So, what I'm hearing is, no one individual is a...it's just the environment itself?

I/M: There are--

CCP: That you got [Inaudible 0:11:53]

I/M: There are...there are a lot of individuals that...that, uh, promote this and, and they are particular people. And it goes back to, uh, Kershaw Prison.

CCP: Okay.

I/M: And, uh, you know, there's quite a few of them here. Uh, you know, I run into them just about everywhere, and...and it takes time, you know. Usually, uh, it starts the first day or the second day, third day, when they realize I'm there, and then it just builds, and builds, and builds, you know, until something happens.

CCP: Okay.

I/M: But, uh, you know, I've...I've been, you know, pretty...pretty good at, uh, you know, letting it roll off my back or, you know, avoiding it, uh, you know, uh, uh, and, you know, it...it's sometimes impossible. Sometimes it's, uh, very stressful. It's, uh,, you know, it gets pretty dangerous because, uh, you know, I'm a man myself and, uh, you know, I'm going to try to defend myself and, you know, that don't work out too good either. In the long run, there...you still going to be found to be, you know, uh, at fault or, you know, be charged if you in turn hurt somebody when you, you know, trying to defend yourself or your right to, you know, be there in the general population, wherever you might be.

CCP: All right, Mr. Morgan, I think that we have a basis of wha-...where...we gonna ask you to step out now so we can deliberate. ??

I/M: All right.

(Recess)

*Deak  
input of deliberations  
FROM Cpt. Moore*

CCP: State your name and number for the record.

I/M: Allen Morgan, 85360.

CCP: Inmate Morgan, the, um...the...the panel has found you invalid...invalid due to lack of information. Uh, we feel like, um, with the statement in, and as you can see, even through your

own words there's only dorms that you want to select to go to -- but since now, you were saying that not necessarily [inaudible 0:13:53] dorms, you cannot even remain on this yard, right?

I/M: Uh, yes, ma'am. That's the way it looks, really. I mean, you know, I could...I could go back down and start over again and it might last a day, it might last a week, two weeks, two months, but it's going, you know, keep recurring, and...and I want to stop it, you know, right here, right now.

CCP: Okay. Well, this is -- this is where we're at. Um, we found you invalid due to the lack of information and we have to give you a directive to return back to Tyger Rivers Yard. Are you willing to go back to the yard?

I/M: No, ma'am.

CCP: Inmate Morgan has, uh, stated no, so he will [inaudible 0:14:28] will be documented before the DHO once again. Um, without it being said, you wanna return back to your cell.

I/M: Appreciate it.

*also omitted (edited out before transcribed)  
was where I stated that they left  
me in Dorm 8 many days and nights  
with no officer on duty and all  
kinds of trouble going on. -em*

# ADJUSTMENT UNIT REFERRAL

Inmate Allen Morgan

SCDC # 085360

Date 1/6/2022

| Committee Member                                                                              | Admission/<br>Release/<br>Remain | Approval/<br><u>Disapprove</u> | Reason                   |
|-----------------------------------------------------------------------------------------------|----------------------------------|--------------------------------|--------------------------|
| Stacey Richardson<br>(Division Director of Classification &<br>Inmate Records)<br>Chairperson |                                  | D                              | Return to Tyger River GP |
| Designee                                                                                      |                                  |                                |                          |
| C. Anthony Burton<br>(Warden, McCormick)                                                      |                                  | D                              |                          |
| Designee                                                                                      |                                  |                                |                          |
| Esther Labrador<br>(Mental Health)                                                            |                                  | D                              |                          |
| Designee                                                                                      |                                  |                                |                          |
| Natasha Sprattling<br>(Program Services)                                                      |                                  | D                              |                          |
| Designee                                                                                      |                                  |                                |                          |

NOTES

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM  
DISCIPLINARY SYSTEM

07/14/22  
C052640

SCDC ID: 85360

DISPLAY INMATE OFFENSE HISTORY

CURR LOC: EVANS

MORGAN, ALLEN GENE

LEGAL NAME:

PURCHASED TV Y

OFFENDER TYPE: ADULT-STRAIGHT

SERIOUS MENTAL ILLNESS: N TABLET ELIG: Y

| CASE# | OFFENSE DESCRIPTION   | TYPE ACTION | OFFENSE DATE | HEARING DATE | NET GT LOST | DHO DECISION | OFF LVL |
|-------|-----------------------|-------------|--------------|--------------|-------------|--------------|---------|
| 00008 | REFUSING OR FAILING O | MAJOR DI    | 03/11/22     | 03/28/22     | 00000       | CONVICTED    | 3       |
| 00007 | REFUSING OR FAILING O | MAJOR DI    | 01/18/22     | 02/14/22     | 00000       | CONVICTED    | 3       |
| 00006 | REFUSING OR FAILING O | ADMINIST    | 12/23/21     | 12/31/21     | 00000       | CONVICTED    | 3       |
| 00005 | REFUSING OR FAILING O | OTHER AC    | 12/17/21     | 12/21/21     | 00000       | CLOSED       | 3       |
| 00002 | CLASS I ESCAPE        | MAJOR DI    | 02/05/82     | 03/10/82     | 00000       | CONVICTED    | 1       |
| 00001 | I/M UNDER INFLUENCE/P | MAJOR DI    | 07/23/81     | 07/29/81     | 00000       | CONVICTED    | 3       |

\*\*\*END OF LIST\*\*\*

PAGE 0001

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

## Inmate Request - General

Today's Date: 3/2/22 12:35

**Name:** MORGAN, ALLEN GENE  
**Booking #:** 085360  
**Permanent #:** 085360

**Reference #:** 22-02509340  
**Date Requested:** 02/21/22 19:32  
**Request Type:** Classification  
**Requested By:** Kiosk

**Request Details:** IPCC case manager/case Worker . according to the Grievance procedure i have to seek informal Resolution before proceeding. I do so here. Due to the ipcc finding my Request for statewide Protective custody 'Invalid'. The investigation Neglected to include other Kiosk messages that did include names of inmates Who planned the scheme to move me to another unit and to do me further Harm.also the telephone/ Kiosk site has the message where i sought a New pin no. When my Messages were accessed. And other schemes began To do me harm and did Result in me being poisoned. Also comm. Member moore is biased And prejudiced against me Personally.and he is in close fraternity with one of The inmates who took the Lead in falsely manipulating the cbu Staff against me. The ipcc Finding in my case was to Hasty and limited based on only my messages to Aw Glenn. No additional Information was ever requested from me prior to the hearing. I ask for a new hearing by ipcc with the other evidence on record and an impartial Rhu member. Thanks

**Disposition:** Complete  
**Officer:**  
**Disposition Date:** 02/24/22 15:42

**Request Responses**

| Date           | Author  | Note                                                                                                                                                            |
|----------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/24/22 15:43 | c059273 | Your IPCC hearing was conducted according to policy and procedure OP22.23 Unless you have new information to provide there is no need for another IPCC hearing. |

*Mention of person left out entirely (transcript)*