

Shahen Cabbagestallk

V.

S.C. Department of Corrections

S.C. Court of Appeal

Appeal from S.C. Administrative
Law Court

Robert L. Reibold

Administrative Law Court Judge
In South Carolina Court of
Appeals

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MAY 05 2023

SC Court of Appeals

Case # 2022-001560

Amended
Final Brief

Shahen Cabbagestallk

~~██████████~~
610 Hwy 9 West
~~██████████~~

Bennettsville S.C. 29512
Evans Corrections

S.C. Department of Corrections

P.O. Box 21787/4444

Broad River Rd.

Columbia S.C. 29221-1787

By: Shahen Cabbagestallk
4/27/23

TABLE of Contents

SCDC policies

* OP-21.04 section #4.2

* OP-21.09 sections 2.4, 2.5, 2.6, 2.7

Definitions of:

* Human trafficking

* Kidnapping

Statement of Issues on appeal:

- ① I was never given 228 days of Jail time toward 85% of 18 yr Sentence for James Cabbagestalk
- ② I'm not James Cabbagestalk
- ③ policies OP-21.04 section #4.2, policy OP-21.09 sections 2.4, 2.5, 2.6, 2.7 what they say and the sections of policy stated.
- ④ Invalid Commitment order for (James Cabbagestalk)
- ⑤ I'm not James Cabbagestalk Sentence Sheet not for (Shakeen Cabbagestalk)

Statement of the case:

- ① from Jan. 12th 2007 until now 2022 is like 16 yrs. were was the 228 days Jail time given? I'd been gone home.
- ② you can't take 228 days of Jail time credit in SCDC Regardless of SCDC Disciplinarys.
- ③ SCDC policies OP-21.04 section #4.2, and policy OP-21.09 Sections 2.4, 2.5, 2.6, 2.7 is SCDC Jurisdiction to house prisoners what do those sections say.
- ④ SCDC holding me with Invalid Commitment order against there policies, against the law, and it's defined as "kidnapping and human trafficking."

Argument: ① SCDC got 2 policies OP-21.04 section #4.2, and policy OP-21.09 section #2.4, 2.5, 2.6, 2.7 and they state: "no prisoner will be accepted with an Invalid Commitment order. The commitment order gives SCDC Jurisdiction to house me (I'm not) James Cabbagestalk so legally and lawfully I'm illegally trafficking. Is the Commitment order for Shakeen Cabbagestalk? a crime and defines kidnapping and human trafficking."

By: Shakeen Cabbagestalk
4/27/23

Conclusion: Rule on issue is the Sentencing Sheet

Commitment order Invalid, and grant me relief from Commitment order by destroying this Invalid order and all records involve it in connection to me (I'm not) James Cabbagestalk. There's NO A.K.A.'S at All And I want Entire Invalid order VAlated with prejudice and I be freed of all in connection to this Invalid order.

By: Shaheen Cabbagestalk
4/27/22

Shaheen Cabbagestall

v.

S.C. Dept. of Corrections

S.C. Court of Appeals

Appeal from SC Administrative Law Court

Robert L. Reibold

Administrative Law Court
Judge in S.C. Court of Appeals

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SC Court of Appeals

Cas# : 2022-001560

Amended
Record on Appeal

Shaheen Cabbagestall

610 Hwy 9 west

Bennettsville S.C. 29512

pro se

(Sovereign)

v.

Joseph R. Shalibana Sab

S.C. Dept of Corrections

P.O. Box 21787 / 4444

Broad River Rd.

Columbia S.C. 29221-1787

(Respondent)

By: Shaheen Cabbagestall
(4/27/23)

The following was included on the Record of Appeal:

- (1) Step 1 grievance
- (2) Step 2 grievance
- (3) All filings of Administrative law Court filings including
 - (A.) Record on Appeal dated July 27, 2022
 - (B.) Respondents Motion to Supplement the Record dated September 27, 2022
 - (C.) Respondents Brief dated September 27th 2022
 - (D.) Order on Motions dated September 28, 2022 and
 - (E.) Administrative law Judge Robert L. Reibold's order dated October 21st 2022

The (Sovereign) feels (this should not) be the only things allowed on appeal because I have proof sentence is Invalid / Commitment order Invalid.

By: Shaheen Cabbage stalk
(Sovereign)
4 / 27 / 23



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS

Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

July 22, 2022

*objected
and why*

*7/28/22
Sent in
same night*

*In valid commitment
based sentence
not calculated
proper*

The Honorable Robert L. Reibold
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Shaheen Cabbagestalk, #295567, vs. SCDC
Docket No. 22-ALJ-04-0160-AP

Dear Judge Robert L. Reibold:

Find the enclosed **Record on Appeal** for the above referenced case. The Record for this case, relating to Inmate Grievance MCCI 86-22, consists of the Inmate Grievance Form(s) and other supporting documents.

Please file the original and return a clocked-in copy of the cover letter in the enclosed self-addressed envelope. If you have any questions or concerns, do not hesitate to contact me at (803) 896-3922.

Sincerely,

Cheron Hess
Cheron Hess
Administrative Coordinator
Office of General Counsel

Enclosures

cc: Inmate Shaheen Cabbagestalk, #295567
File



STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold Administrative Law Judge

ALC Case No. 22-ALJ-04-0160-AP
Appellate Case No. 2022-001560

Shaheen Cabbagestalk, #295567..... Appellant,

v.

South Carolina Department of Corrections..... Respondent.

**RESPONDENT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

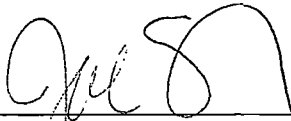
The Respondent submits that the following should be included in the Record on Appeal:

- (1) Step 1 Grievance Form;
- (2) Step 2 Grievance Form;
- (3) All filings in the Administrative Law Court Filings including:
 - a. Record on Appeal dated July 22, 2022;
 - b. Respondent's Motion to Supplement the Record dated September 27, 2022;
 - c. Respondent's Brief dated September 27, 2022;
 - d. Order on Motions dated September 28, 2022; and
 - e. Administrative Law Judge Robert L. Reibold's Order dated October 21, 2022.

The undersigned hereby certifies this Designation contains no matter that is irrelevant to this appeal.

SIGNATURE PAGE TO FOLLOW

Cabbagestalk Appellate Case No. 2022-001560



Joseph R. Shakibanasab, SC Bar No. 102825

Staff Attorney

Office of General Counsel

S.C. Department of Corrections

Post Office Box 21787

Columbia, South Carolina 29221

Phone: (803) 896-1278

January 27, 2023

Counsel for Respondent

APR 13 2022

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due By: 4/13/22

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STEP 2

Office Use Only

INMATE NAME: Shaheen Cabbagestalk

Grievance No. MCCI-0005-22

SCDC NUMBER: 295567

Code: General GL/CL

INSTITUTION: MICE

Policy _____

HOUSING UNIT: R-4 #120

Disc. Hear. _____

WORK ASSIGNMENT: Dorm worker

Class: ✓

Date Received APR 14 2022

IGC Initials JW

RVD 4/25/22 BN

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

me with copy of the documents show I want you all to provide
the credit amount total from (Jan. 12th 2007) my sentence credits
start some of which you all can't touch regard less when I
was in Dillon County jail until (August 29th 2007) pretrial detainee type law
is to be calculated against the invalid sentence that's for (James
Cabbagestalk) the policy op-21.04 (# 4.2) states SCDC can't accept new laws:
- lid commitment order I'm not (James Cabbagestalk) And I've been be
held under this invalid document now in SCDC and I've been continuously told I'll be held
held without substantial documentation that's tyranny Shaheen Cabbagestalk 9/14/22
organized crime, kidnaping, false imprisonment, I've been held in jail for 17 years 2022) my non profit provide me

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you did not receive some of your good time back as designated in grievance MCCI-0005-22. You state that your records appear as if you would serve more than 85% of your sentence which you believe is incorrect. You also state that you are at risk of suffering harm if you are held past your designated max-out date and would like to be compensated \$50,000 for each day past the designated max-out date. You further state that it is not your fault that your time is incorrect. You have requested that your good time be given back, and all staff members involved in the miscalculation of your sentence be criminally charged. Be advised that you have received over 150 disciplinary charges during your incarceration which all affect your max-out date. All the good time that was reinstated for the dismissal of charges has been entered accordingly. There has been no miscalculation or discrepancy in the calculation of your sentence.

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.

Shay Williams 5/2/22
Signature Date

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

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Warden's Area SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

APR 06 2022

Cabbagestalk (Shahen) 295567

INMATE GRIEVANCE FORM

STEP 1

McCI-0086-22

RECEIVED

OFFICE USE ONLY

INMATE: I have reviewed your concern to date and advised that your max out date is incorrect. You also stated you please be moved from October 29, 2023 to October 27, 2023. You further stated you should have been given a good time credit for disciplinary charges that were removed. You would like to earn work credits and your max out date General SCDC Policy OP-21.14. Loss Of Statutory Good Time Section 3.1 reason For Failing To Earn 3/20 Days Good Time, Policy Inmate who Accepts administrative resolution, pleads guilty, or is found guilty of violating an Agency rule or regulation will fail to earn 3/20 days of good time for the month during which the infraction occurred. In addition, part or all of an inmate's accrued good time may be forfeited as a result of a disciplinary hearing conviction within the guidelines set forth in SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Additionally, SCDC Policy OP-21.07, Earned Work Credits Section 8.1 "Earned Credits" states that your assignment will be placed in one of four job classification levels, and EWCs will be awarded on the basis of custody review of your concerns has been conducted with SCDC staff. It appears your max out date is October 27, 2023. Your sentence started on October 15, 2022. You have 15 months and 18 days with a projected release date of April 30, 2022 without disciplinary and all work credits. However due to your many disciplinary and you have failed to earn work credits at some points and times. At this time as it stands you will do more than 85% of your sentence. You are advised to follow SCDC rules, policies, and procedures.

STATEMENT OF GRIEVANCE: I would like the date of incident, and if the grievance is resolved, I would like to be released from custody, specify which policy, include supporting documentation and attach answers to SCDC or prior grievance number.

22-02565406 / 4/1/2022 Author: C067394 : Cases #157 + 158
Therefore, your grievance is denied.

When you disagree with the Warden's Decision (Decision), you may file an appeal by completing SCDC Grievance Form 10-5A, provided you 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.

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I was only gave 2 days back from (October 27th 2023 to October 27th 2023) that's not what grievance McCI-0005-22 instructs them to do and they have been Tyranny telling me they gonna hold me longer than 85% Not apart of the 3 Branch government to do so with no Authority to do so I want to Also be paid for Every day I'm not given \$50,000 do to the danger SCDC Classification will be subjecting me to around gangs and organized crime, this is organized crime by SCDC and that person and all involved fired the request is proof they tell me I'm not getting all my time back and it's not my fault I won these grievance, what is the use to having the grievance system I have been Cabbagestalk 4/1/22
I asked nothing less and to replace all with new people and new laws
Grievant Signature Date

ACTION REQUESTED: TO Remove all involved in not giving me my credit and good time back / Criminal charges filed for kidnaping, human trafficking and have my max out date fixed, this is organized crime, I want \$5000 everyday since the grievance branch decided to over turn the and classification should give it to me and I recall

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC Signature Date 4/7/22

(CONTINUE ON REVERSE SIDE)

VERY IMPORTANT

WARDEN'S DECISION AND REASON:


Cabbagestalk, Shaheen 295567

MeCI-0086-22

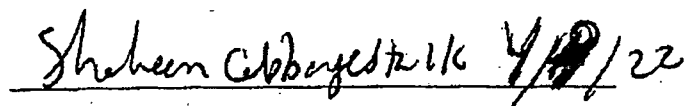
I have reviewed your concern. In your grievance you stated that your max out date is incorrect. You also state your release day moved from October 29, 2023 to October 27, 2023. You further stated you should have been given more good time credits for your disciplinary charges that were removed. You would like to earn work credits and your max out date changed. SCDC Policy OP-21.11, Loss Of Statutory Good Time Section 3.1 reason For Failing To Earn 3/20 Days Good Time, 3.1 An inmate who accepts administrative resolution, pleads guilty, or is found guilty of violating an Agency rule or regulation (will fail to earn 3/20 days of good time for the month during which the infraction occurred.) In addition, part or all of an inmate's accrued good time may be forfeited as a result of a disciplinary hearing conviction within the guidelines set forth in SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Additionally, SCDC Policy OP-21.07, Earned Work Credits Section 8.1, "Each inmate job assignment will be placed in one of four job classification levels, and EWCs will be awarded on the basis of custody" A review of your concerns has been conducted with proper SCDC staff (It appears your max out date is October 27, 2023. Your sentence started on January 12, 2007. Serving 85 % would be 15 years 3 months and 18 days with a projected release date of April 30, 2022) without disciplinarys and all work credits. However due to your many disciplinarys and you have failed to earn work credits at some points and times. At this time as it stands you will do more than 85 % of your sentence. You are advised to follow SCDC rules, policies, and procedures.

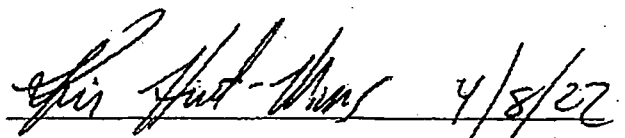
Therefore, your grievance is denied.

If you disagree with the Warden's Decision (Decision), you may file an appeal by completing SCDC Grievance Form 10-5A, provided you 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 Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.


Grievant Signature Date


IGC Signature Date

Alternative Process Served

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.

RECEIVED

JAN 30 2023

Dear,

Clerk of Courts.

SC Court of Appeals

this is to be clock, stamped
and filed and a copy returned
to me (I represent myself)

Make sure these motions are put on
the court's procket to be heard and for
Judge Robert La Reibold to hear
(Not) a clerk do not abuse
your authority clerk do not
other wise than instructed here

RECEIVED

Shaheen Cabbagestalk
v.
SCDC

JAN 30 2023
SC Court of Appeals
Case #: 2022-001560

Questions of Law

Now Cometh the (Sovereign) to this Court as regards of the following: ①

I ask this Court to Answer (or) Transfer this Question to where ever it need be at:

Can SCDC house and hold an individual with an Invalid Commitment order don't say there name and (NO) A.K.A's on the Commitment order?

② What is to be done if SCDC houses a prisoner and the Commitment order is not for them and NO A.K.A's on it the commitment order don't address the prisoners?

I ask this court if it can't answer these Questions of law to forward to a Court or Judge whom can answer these Questions of law.

By: Shaheen Cabbagestalk
[1/13/23]

RECEIVED

JAN 30 2023

Dear,

Clerk of Courts

SC Court of Appeals

this is to be clock, stamped
and filed and a copy returned
to me (~~I~~ represent myself)

Make sure these motions are put on
the court's roster to be heard and for
Judge Robert L. Reibold to hear.

(Not) a clerk do not abuse
your authority. Clerk do as
other wise than instructed here

RECEIVED

JAN 30 2023

Shakeen Cabbagestalk

V.

S.C.D.C.

SC Court of Appeals

Appellate Case # 8

2022-001560

Request for
Relief

Now cometh the (Sovereign) to this court
in the following regards:

① January 6th 2023 was the Due
Dead line for Respondents Initial Brief
and designation of matter, the remaining
3 days has also passed lawfully allowed
by the Rules of Court.

② This Case should have been proceeded
without Respondents do to the fact
they forfeited the time to comply, there
for I ask the relief asked in case
there is no timely objections or
contradictions of the facts presented in
my brief there for I ask Grant relief
asked.

Therefore I ask Relief be granted

I asked in this case

by: Shakeen Cabbagestalk

1/26/23

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MAY 05 2023

SC Court of Appeals

In the Court of Appeals
State of South Carolina

In the Court of Appeals
of South Carolina

Case No: 2022-001560

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MAR 16 2023

SC Court of Appeals

Shaheen Cabbagestalk
Appellate v.

South Carolina Department of Corrections

Certificate of Counsel

I certify my final brief complies
with the rules

Shaheen Cabbagestalk
610 hwy 9 west
[EVANS C.F.]
Bennettsville, SC. 29512
[PRO SE]

[3/10/23]

By: Shaheen Cabbagestalk
[3/10/23]