

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

RALPH KING ANDERSON, III ADMINISTRATIVE LAW JUDGE
CASE No. 22-ALJ-04-0207-AP

RICHARD V. CLOWNEY, #276073, Appellant,
v.
SCDC, Respondent.

CASE No. 2022-001813

RECORD ON APPEAL

RECEIVED

MAY 24 2023

SC Court of Appeals

#276073 RICHARD CLOWNEY
Richard Clowney
LVCI 2-17-13
P.O. Box 580
UNA, S.C. 29378

MAY 18, 2023

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STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE)
 VS.)
Richard Vandale Clowney)
 AKA:)
 Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED])
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: [REDACTED])
 DL#: [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS
 0-1 YR and/or fine up to \$1,000

INDICTMENT/CASE#: 22-3283

AW#: 2021A2320803428
 Date of Offense: 10/3/2021
 S.C. Code §: 16-23-0020
 CDR Code #: 0044

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: WEAPONS, UNLAWFUL CARRYING A PISTOL(GS)

in violation of § 16-23-0020 of the S.C. Code of Laws, bearing CDR Code # 0044

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. RC (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 103761 Richard Clowney 101695
 McCollum, Anthony SC Bar# Defendant SHANKLE, MORGAN CLEARY SC Bar#
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 1 days/months/years/Time Served Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: 11/22/21

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months To include time spent on monitored house arrest prior to trial and sentencing. The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-23-0020 or § 16-23-0020 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED
 DIVISION OF CLASSIFICATION & INMATE RECORDS
 JUN 07 2022

STATE VS Richard Vahdale Clowney INDICTMENT/CASE#:

22-3283

SPECIAL CONDITIONS: A/W#: 2021A2320603428

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- Other: _____
- Completion of GED
- No Contact with _____
- May serve W/E beginning: _____
- Public Service Employment 0 _____ days/hours
- Random Drug/Alcohol testing
- Domestic Violence Intervention Program

RESTITUTION: Deferred Def. Waives Hearing Ordered

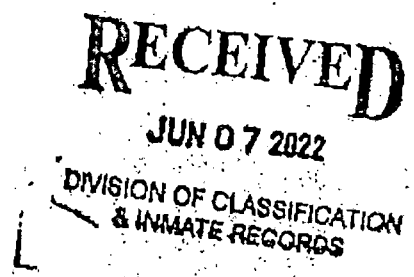
Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$	Beginning	
§14-1-206 (Assessments 107.5 %)		\$ 100.00
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§58-5-299§ (DUI Assessment)	\$12	\$
§58-1-266 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 75.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 375
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 120.75

Clerk of Court/ Deputy Clerk: Paul B. Wiseman Presiding Judge: [Signature]
 Court Reporter: [Signature] Judge Code: 2130
 Sentence Date: 6.1.22



4

130019

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

IN THE COURT OF GENERAL SESSIONS
D-57115 and/or Fine up to \$2,000

STATE VS.

INDICTMENT/CASE#: 22-3282

Richard Vandata Clowney
AKA:
Race: [redacted] Sex: [redacted] Age: [redacted]
DOB: [redacted] SSA: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL#: [redacted] SID#: [redacted]

AW#: 2021A2320603430
Date of Offense: 10/3/2021
S.C. Code § : 16-23-0500(A)
CDR Code #: 3434

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Weapons/Possession of a Firearm by a Person Convicted of a Violent Crime

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. RC (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Anthony McCollum
103781
SC Bar#

103781
SC Bar#

Richard Clowney
Defendant

101695
SHANKLE, MORGAN
CLEARY
Attorney for Defendant

101695
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 3 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: BACKDATE 12/22/21

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC, _____ days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-30 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED
JUN 07 2022
DIVISION OF CLASSIFICATION & INMATE RECORDS

STATE VS Richard Vandale Clowney INDICTMENT/CASE#: 22-3282

SPECIAL CONDITIONS: A/V#: 2021A2320803430

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Completion of GED
- No Contact with _____
- May serve WE beginning: _____
- Random Drug/Alcohol testing
- Domestic Violence Intervention Program

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

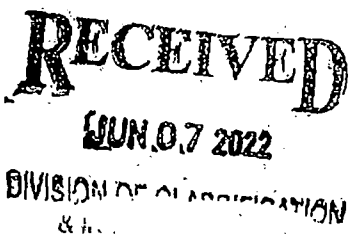
Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fines:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$	Beginning	\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§58-5-2885 (DUI Assessment)	\$12	\$
§58-1-288 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§58-5-2842(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk: Paul B. Wislenski Presiding Judge: [Signature]
 Court Reporter: [Signature] Judge Code: 2130
 Sentence Date: 6.1.22



STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE)
 VS.)
Richard Vandale Clowney)
 AKA:)
 Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED])
 DOB: [REDACTED] SSI: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: [REDACTED])
 DL#: [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS
 0-5 YRS and/or fine up to \$2,500

INDICTMENT/CASE#: 22-3284

A/V#: 2021A2320803429
 Date of Offense: 10/3/2021
 S.C. Code § : 16-23-0030
 CDR Code #: 2384

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In dispossession of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Weapons, Possession Of A Pistol By Person

In violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code # 2384

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury RC (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 103761 Richard Clowney 101695
 McCollum, Anthony SC Bar# Defendant SHANKLE, MORGAN CLEARLY SC-Bar#
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 2 days/months/years/Time Served Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment
 of \$ _____ ; plus costs and assessments as applicable; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: Back date 12/22/21

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 _____ days/months
 To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 822 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-85
 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED
JUN 07 2022
 DIVISION OF CLASSIFICATION
 OR PRIVATE RECORDS

STATE VS Richard Vandale Clowney INDICTMENT/CASE# 22-3284

SPECIAL CONDITIONS: AM#: 2021A2320603429

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with _____
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly prmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§58-5-2995 (DUI Assessment)	\$12	\$	
§58-1-286 (DUI Breath Test)	\$25	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	
§50-21-114(BUI Breath Test Fee)	\$50	\$	
§58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)	TBD	\$	3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$	
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	
	TOTAL	\$	128.75

Clerk of Court/ Deputy Clerk: Paul B. Wiseman Presiding Judge: EO C. W.
 Court Reporter: Scott Cooper Judge Code: 2130
 Sentence Date: 6.1.22

RECEIVED
JUN 07 2022
 DIVISION OF CLASSIFICATION
 & INMATE RECORDS

8

Jail 255405

STATE OF SOUTH CAROLINA
County of Greenville

IN THE COURT OF GENERAL SESSIONS

STATE VS.

Indictment Number:

2018 - GS - 23 - 02013
Probation C/WHS: W-23-21-0477

AKA: Richard Vondie Clowney
Race: [Redacted] Sex: [Redacted]
DOB: [Redacted]
SSN: [Redacted]
SID#: [Redacted]

Name of Original Offense: Distribution of Heroin 1st
Original A/W#: 2017A7330210689
Date of Original Offense: 9/22/2017
Conviction S.C. Code §: 44-53-0370
Conviction CDR Code #: 0 / 1 / 1 / 8 / 3
Original Sentence: 8 mos Probation 245 HR SS 18 mos Prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/13/18 in the Court of General Sessions of Greenville County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 7/1/2021. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: 1, 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 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387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 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787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

- Therefore, IT IS ORDERED that:
- the suspended sentence be revoked and the above named defendant be required to serve 3 months/years, the remainder of the original sentence, and/or pay \$ _____.
 - the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
 - the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
 - probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
 - the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
 - Financial Obligations: Order satisfies:

<input checked="" type="checkbox"/> Department fees (arrearage)	Civil Judgment:	<input type="checkbox"/> Department fees
<input checked="" type="checkbox"/> Fines and other fees (arrearage/balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage/balance)		<input type="checkbox"/> Restitution (and 20%)
 - Additional Conditions ordered by the Court:

- The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pre-trial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 14 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 14 day of Jan, 2022, at Greenville, SC
Presiding Judge Penny Cravely 13th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____ Witnessed by _____
Signed this _____ day of _____, 20____ at Greenville, SC

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19 NOV 15 PM 12:13
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
The State of South Carolina)
vs.)
Richard Vandale Clowney)

IN THE COURT OF
GENERAL SESSIONS

2018-GS-23-04877 (2018A2330201711)
2018-GS-23-02073 (2017A2330210689)

HIP/Weekender/Day-Reporter
Termination Order

Defendant

This matter comes before me by the staff at the Greenville County Detention Center. On November 13, 2018 the Defendant, Richard Vandale Clowney was sentenced to 2 years on the Home Incarceration Program (HIP). The Defendant failed to comply with the conditions of the program and has 517 hours/days/months/years to left satisfy this sentence.

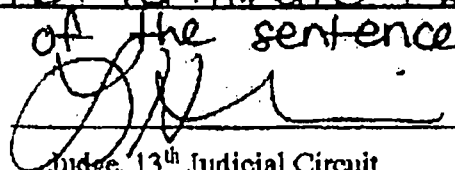
Therefore, it is ordered that the above named defendant:

Be required to serve 500 days months/years to satisfy this sentence.

Be reinstated to the program.

Other: ~~terminate the remainder of sentence~~
serve 500 days then terminate the remainder of the sentence

IT IS SO ORDERED.



Judge, 13th Judicial Circuit

Greenville, South Carolina
Dated: 11/15 2019

Defendant

HIP

15 JUN 11 PM 4:40
Paul Wickersham, COC SCL, SC

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF
GENERAL SESSIONS

The State of South Carolina)
vs.)

2018-GS-23-04877 (2018A2330201711)
2018-GS-23-02073 (2017A2330210689)

Richard Vandale Clowney

HIP/Weekender/Day-Reporter
Termination Order

Defendant

This matter comes before me by the staff at the Greenville County Detention Center. On November 28, 2018 the Defendant, Richard Vandale Clowney was sentenced to 2 Years on the Home Incarceration Program (HIP). The Defendant failed to comply with the conditions of the program and has 712 hours/days/months/years left to satisfy this sentence.

Therefore, it is ordered that the above named defendant:

- Be required to serve 0 days/months/years to satisfy this sentence.
- Be reinstated to the program.
- Other: no credit for prior jail time served

IT IS SO ORDERED.

ED CW. MCD
Judge, 13th Judicial Circuit

Greenville, South Carolina

Dated: 6/11, 2019

STATE OF SOUTH CAROLINA

COUNTY OF STATE Greenville

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018082302073
A/W#: 2017A2910210689
Date of Offense: 9/22/2017
S.C. Code §: 44-53-0370(B)(1)
CDR Code #: 0183

AKA: Richard Vandalis Clowney
Race: [redacted] Sex: [redacted] Age: [redacted]
DOB: [redacted]
Address: [redacted]
City, State, ZIP: [redacted]
DL#: [redacted]

*CDL Yes [] No [] CMV Yes [] No [] Hazard Yes [] No []
In disposition of the said indictment comes now the Defendant, who was
TO: Distribution Heroin 1H Offense

In violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0183
[] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS(CSC [] §17-25-43

The charge is: [] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury, [] Negotiated Sentence, [] Recommendation by the State,
The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State,
ATTEST: [Signature] 101312 [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 8 days/months/years, under the Youthful Offender Act not to exceed 3 years
and/or to pay a fine of \$ [redacted]; provided that upon the service of 0 days/months/years and/or payment
of \$ [redacted] plus costs and assessments as applicable; the balance is suspended with probation for 18 months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

[] CONCURRENT or [] CONSECUTIVE to sentence on:
[] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.
[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-63 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP
Total: \$ [redacted] plus 20% fee: \$ [redacted]
Payment Terms:
[] Set by SCDPPPS

Obtain GED []
Attend Voc. Rehab. or Job Corp.
May serve W/B beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fines may be pd. in equal, consecutive weekly/monthly
payments of \$ [redacted] beginning
\$ [redacted] paid to Public Defender Fund
Other:

Table with 3 columns: Fee description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(B)(1) (Breath Test Fee) \$50, §56-5-2942(1) (Vehicle Assessments) \$40/ea, 3% to County (if paid in installments).

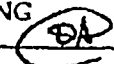
TOTAL \$ [redacted]
Clerk of Court/ Deputy Clerk: Paul B. Wislermain
Court Reporter: [redacted]
Presiding Judge: [Signature]
Judge Code: [redacted]
Sentence Date: 11/8/18
SCCA217 (04/2018)
prob begins upon comp of any early rel prog

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JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: GREENVILLE

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: <u>Richard Clowney</u>		Date of Birth: [REDACTED]		
Social Security		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
<u>10/3/2021</u>	<u>Unlawful Carrying Firearm</u>	<u>2021A2320603428</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>10/3/2021</u>	<u>Unlawful Sale/Delivery Firearm</u>	<u>2021A2320603429</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>10/3/2021</u>	<u>Poss Firearm by Felon</u>	<u>2021A2320603430</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>4/12/2021</u>	<u>Poss Death</u>	<u>2021A2320603452</u>	<u>4/14/2021</u>	<u>Bond Posted</u>
Approved by: <u>SGT. D. ARMSTRONG</u> 		Date: <u>6/7/2022</u>		

022 JUN 07 AM 11:07

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

JAIL TIME REPORT FOR SCDC TRANSFER
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Vandale Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
1/15/22	Violation of Probation	W# 2017A2330210689	1/26/2022	SCDC
		I# 182302073		
10/5/21	Violation of Probation	W# 2017A2330210689	10/29/21	Bond
		I # 182302073		
10/14/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	11/20/19	Sentenced SCDC
		I# 18230273		
8/27/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	8/30/19	Condition of Bond HIP
		I # 18230273		
5/24/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	6/19/19	SCDC On Detainer
		I # 18230273		
12/14/17	Distribution of Heroin	W# 2017A2330210689	12/15/17	Bond
		I # 18230273		
		W #		
		I #		
Approved by: S. Jones 8755			Date: 1/20/22	
Detainer:				

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

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JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
5/24/19	FTC w/HIP- Poss cocaine 1st	W # 2018a2330201711	19 6/19/19	SCDC
<i>(w/19) Per Sentence - no credit for time served</i>				
5/24/19	FTC w/HIP-Distr Heroin 1st	W # 2017a2330210689	19 6/19/19	SCDC
		I #		
		W #		
		I #		
		W #		
		I #		
	Detainer 2018gs3900269	W #		
	2018a2330201711,	I #		
	2017a2330210689			
		W #		
		I #		
		W #		
		I #		
Approved by: Officer T. Lowden			Date: 6/12/19	

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
8/30/19	All above charges	W # see all above	9/11/19	Time on HIP
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
Approved by: Officer T. Lowden		Date: 11/19/19		

**Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.*

JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
32 10/14/19	FTC w/ HIP-poss cocaine base 1st	W # 2018a2330201711	11/20/19	SCDC 32
		I #		
10/14/19	FTC w/ HIP-distr heroin 1st	W # 2017a2330210689	11/20/19	SCDC
		I #		
12/15/17	Distr heroin 1st	W # 2017a2330210689	12/15/17	Bond 1
		I #		
2 2/25/18	Poss cocaine base 1st	W # 2018a2330201711	2/27/18	Bond 2
		I #		
11/27/18	All above charges	W # see all above	12/11/18	Time on HIP program
		I #		
5/24/19	All above charges	W # see all above	6/13/19	SCDC for partial revocation of sentence 2000
		I #		
8/27/19	All above charges	W # see all above	8/30/19	Reinstated to HIP program
		I #		
Approved by: Officer T. Lowden			Date: 11/19/19	

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Richard Vandale Clowney, #276073,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No. 22-ALJ-04-0207-AP

ORDER

This matter comes before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Richard Vandale Clowney (Appellant), an inmate incarcerated with South Carolina Department of Corrections (SCDC or Department), challenging the calculation of his sentence-related credits.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On November 13, 2018, Appellant pled guilty to distribution of heroin, first offense, in violation of section 44-53-0370 of the South Carolina Code (2018 & Supp. 2022). He was sentenced to eight years suspended to an active Home Incarceration Program (HIP) sentence of two years to be monitored by Greenville County followed by eighteen months' probation. While serving the HIP sentence, Appellant violated the conditions of his sentence on two occasions. After the first violation, the court discontinued his HIP on June 11, 2019, and required that he serve six-months' incarceration and then be reinstated to the program. The court did not give Appellant credit for prior jail time served in applying the six-months sentence, although Appellant was given two days of *Hayes*¹ credit. Following Appellant's second HIP violation, on November 15, 2019, the court terminated the HIP including the reminder of the home incarceration to be served and required Appellant to serve 500 days' incarceration. Upon completion of that incarceration, Appellant was released to serve the probationary portion of his sentence. Appellant then violated his probation on January 19, 2022. The court then revoked his probation and ordered that he serve three years' incarceration on the original eight-year sentence. Pursuant to the new sentencing sheet, Appellant was to be given credit for pre-revocation hearing detention time on the

¹ See *Hayes v State*, 413 S.C. 553, 777 S.E.2d 6 (Ct. App. 2015).



probation violation as well as credit for pretrial detention time served but next to this, in parenthesis, the sheet stated “N/A if defendant has served prior SCDC time.”

Thereafter, on June 1, 2022, Appellant pled guilty to other charges, which included the following violations and resulting sentences 1) unlawful possession of a pistol in violation of section 16-23-0030 of the South Carolina Code for which he was sentenced to three years’ incarceration; 2) possession of a firearm by a person convicted of a violent crime in violation of section 16-23-500(A) of the South Carolina Code for which he was sentenced to three years’ incarceration; and 3) unlawful carrying of a pistol in violation of section 16-23-0020 of the South Carolina Code and for which he was sentenced to one year incarceration. All three firearm charges were ordered to be served concurrently and backdated from December 22, 2021.

On June 8, 2022, the Department received a Step 1 Grievance filed by Appellant, in which he argued his sentence was miscalculated. Appellant asserted he was entitled to credit for time served for the two years he was in HIP pursuant to section 24-13-40 of the South Carolina Code. The Warden denied Appellant’s Step 1 Grievance, finding that Appellant’s “current sentence is a probation violation. Any time served comes off the original 8-year sentence. Per Inmate Records Office, any credit for house arrest must be ordered by the judge.” Appellant then filed a Step 2 Grievance on June 16, 2022, again, alleging the Department incorrectly calculated his pre-revocation time served credit. His Step Two grievance was denied on July 7, 2022.

Appellant filed a Notice of Appeal with this Court on July 20, 2022, asserting that his sentence was miscalculated. The case was assigned on August 4, 2022. Appellant filed his brief on August 11, 2022.² The Department filed the Record on Appeal on September 23, 2022. The

² Since the case was assigned, Appellant has filed numerous documents with the Court. One specific document was labeled “Brief,” which the Court interprets as his Appellant’s Brief. However, this document only contains general facts of the case and the relief requested. The document did not include a statement of the issues on appeal or citations to legal authority, other than referencing one statute. Therefore, the brief is considered woefully deficient. See SCALC Rule 60; see also *Potter v. Spartanburg School Dist.* 7, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011) (“An issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory.”); *State v. Porter*, 389 S.C. 27, 35, 698 S.E.2d 237, 241 (Ct. App. 2010) (“An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority.”); *Medical Univ. of South Carolina v. Arnaud*, 360 S.C. 615, 620, 602 S.E.2d 747, 750 (2004) (finding that issues raised by the appellant were deemed abandoned because the arguments on those issues were conclusory). Appellant also filed a reply brief on August 30, 2022, prior to the Department’s brief being filed, that is woefully deficient. Nonetheless, because South Carolina favors deciding cases on the merits, the Court will address Appellant’s issues. *Micronics, Inc. v. S.C. Dep’t of Revenue*, 345 S.C. 506, 511, 548 S.E.2d 223, 226 (Ct. App. 2001). Moreover, on August 30, 2022, Appellant filed a document labeled “Motion” asserting his sentence was miscalculated. This Motion is denied as the Court is addressing his sentence calculation in this Order. On September 8, 2022, Appellant filed another document labeled “Motion” in which he asks the Court to “immediately release [him] from SCDC restraint/custody of these horrible conditions and cruel and unusual punishment of [his] liberty.” The Court denies this Motion as well.

Department filed its brief on November 23, 2022.³ The Department also filed a Motion to Supplement the Record on November 23, 2022.⁴

JURISDICTION/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). In *Al-Shabazz*, the Supreme Court set forth that the ALC has jurisdiction to review inmate appeals involving state-created liberty interests in which an inmate contends that prison officials have erroneously calculated his or her sentence. *Id.* The Court reviews these matters in "an appellate capacity." *Id.* at 388, 527 S.E.2d at 754.

"A reviewing court will not disturb findings of [an administrative agency] if its findings are supported by substantial evidence on the record as a whole." *Pearson v. JPS Converter & Indus. Corp.*, 327 S.C. 393, 397, 489 S.E.2d 219, 220 (Ct. App. 1997). A decision is supported by "substantial evidence" when the record as a whole allows reasonable minds to reach the same conclusion as the agency. *Friends of the Earth v. Pub Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's factual findings from

Additionally, on October 17, 2022, Appellant filed a document labeled "Motion for Relief," in which Appellant requested the Court to "order the statutory requirement and make his opinion based on the all the evidence of the whole record." The Court denies this Motion. Then, on November 22, 2022, Appellant filed another "Motion for Relief," in which Appellant asserts the Department failed to comply with the Court rules when it failed to timely file its brief. The Department filed its brief on November 23, 2022. The Department's brief was due one hundred and ten (110) days after the Notice of Assignment was filed, or November 22, 2022. SCALC Rule 60(A). Thus, it appears to only be one day late; therefore, the Motion is also denied.

³ In its Brief, the Department included a "Partial Motion to Dismiss" section in which it argues that Appellant only raised one issue in his Step One Grievance and that all issues other than that should be summarily dismissed as they were not preserved for review. *See Prince v. Beaufort Mem'l Hosp.*, 392 S.C. 599, 611, 709 S.E.2d 122, 128 (Ct. App. 2011) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [fact finder] to be preserved for appellate review." (quoting *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998))). Specifically, the sole issue they reference is whether Respondent correctly excluded the two-years of HIP from counting towards Appellant's probation revocation sentence. In his Notice of Appeal, Appellant generally raises the issue of his sentence being miscalculated and, in his brief, specifically raises other issues relating to the calculation of his firearm sentences. Although the Department may be correct that the other issues relating to his firearm sentences are not preserved for review, all issues are related to Appellant's sentence calculation, and as stated earlier, South Carolina favors addressing the merits of the case. Therefore, because these issues are all related and Appellant is not barred from bringing another case before the Court to raise these exact issues, the Court will address all issues relating to Appellant's sentence calculation.

⁴ The Department requested to supplement the Record to include 1) Probation Revocation Maxout Date Calculation Worksheet; 2) Probation Revocation Warrant; 3) Updated Release Data Screen; 4) Updated Conviction Summary; and 5) Updated Conviction Inquiries for 22-GS-3282, 22-GS-233283, and 22-GS-3284. Appellant did not object to the Department's request; thus, the Motion is granted.

being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). Furthermore “the party challenging a[n administrative agency’s] order bears the burden of convincingly proving that the decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record.” *Porter v. S.C. Pub. Serv. Comm'n*, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998).

DISCUSSION

Appellant asserts he is entitled to credit for time served during the two year period he was serving his HIP sentence. Appellant asserts section 24-13-40 of the South Carolina Code illustrates he must receive “prerevocation hearing detention time and pretrial detention time” following the reinstatement of his sentence resulting from his probation revocation. The Department, however, asserts it has correctly calculated Appellant’s sentence. Specifically, it contends Appellant was only entitled to jail time credit from the date of the issue of the warrant for the probation revocation to the date he was sentenced. Thus, he is entitled to pre-revocation jail time of thirty days which is being credited towards his probation revocation sentence; as a result, his sentence start date is December 20, 2021. As for his firearm charges, the Department argues Appellant is not entitled to credit for time served that occurred before the offenses even occurred; thus, he only receives credit from October 3, 2021 (the date the warrant was issued) to October 29, 2021, which makes the start date for his concurrent firearm sentences November 26, 2021.

Section 24-13-40 of the South Carolina Code (Supp. 2022) provides, in pertinent part:

In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

This statute requires that prisoners be given credit for all time served prior to sentencing unless either of the two statutory exceptions applies. *See id.* In this case, neither exception to section 24-13-40 applies to Appellant’s probation revocation sentence; however, the second exception applies to his firearm sentences. The South Carolina Supreme Court applied this statute in *Blakeney v. State*, 339 S.C. 86, 529 S.E.2d 9 (2000). In *Blakeney*, the Respondent was already in jail in Berkeley County for charges in that county when a “hold” was placed upon him by the Beaufort

County Sheriff's office for another charge. *Id.* at 88, 529 S.E.2d at 11. Although the arrest warrant for the Beaufort County charge was not issued until fifteen months later, the Supreme Court held the Respondent was entitled to credit for time served from the date Beaufort County placed a "hold" on him because he was confined in Berkeley County upon placement of the hold based on the Beaufort County charge. *Id.* at 88–89, 529 S.E.2d at 11. Overall, *Blakeney* relies on the Supreme Court's earlier holding in *Crooks v. State* that "time served" means "the time during which a defendant is in pre-trial confinement *and* charged with the offense for which he is sentenced (so long as he is not serving time for a prior conviction)." *Id.* at 88, 529 S.E.2d at 10–11 (emphasis original) (citing to *Crooks v. State*, 326 S.C. 171, 485 S.E.2d 374 (1997)). Therefore, *Blakeney* does not stand for the principle that an inmate should receive time served for time spent in jail on other charges before being charged or indicted for the crime at issue.

Nevertheless, Appellant contends that he is entitled to jail time credit while he was serving time in HIP, which occurred prior to the warrants being issued in his probation revocation and firearm sentences. Appellant has the burden of proving that SCDC did not apply the days of credit correctly and thus improperly calculated his sentence, but Appellant has failed to carry that burden. *See Porter, supra*. Appellant served almost two years in HIP as part of his original incarcerative eight-year sentence; therefore, six years remained for Appellant to serve towards this sentence. Appellant received three years out of this remaining six-year sentence for his probation revocation sentence, which he is currently serving. Thus, although Appellant is entitled to credit for the two years he served under the HIP, that credit reduced the potential remaining sentence to six-years. Accordingly, the three-year sentence he is now serving following his probation revocation is a portion of the six years that remain from his original sentence. Furthermore, under section 24-13-40, Appellant is only entitled to jail time credit from the date of the issue of the warrant for the probation revocation, which was July 1, 2021, to the date he was sentenced, January 19, 2022. Appellant was incarcerated from October 3, 2021, to October 29, 2021, and January 15, 2022, to January 19, 2022. As a result, he is entitled to pre-revocation jail time of thirty days which is being credited towards his probation revocation sentence; as a result, his sentence start date is December 20, 2021.

As for his firearm sentences, Appellant was serving an unrelated sentence when he was in HIP, which occurred prior to these sentences. Consequently, pursuant to section 23-13-40, Appellant is not entitled to time served for the period of two years when he was in HIP. According

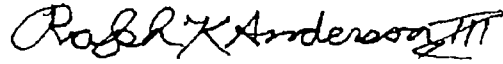
to the sentencing sheet, Appellant's sentence start date was backdated to December 22, 2021. Appellant is only entitled to credit for time served from October 3, 2021 (the date the warrant was issued) to October 29, 2021, which makes his sentence start date November 26, 2021. Therefore, Appellant earned a total of 30 days of jail time credit towards his probation revocation sentence and 26 days of jail time credit towards his firearm sentences both of which were correctly calculated and applied to his sentences by the Department. In addition, Appellant is earning good time and work credits towards his sentences.

In sum, Appellant failed to carry his burden of proving that SCDC improperly calculated his sentence and the Department's decision must be affirmed. *See Porter, supra.*

ORDER

For the reasons set forth in this Order,

IT IS HEREBY ORDERED that the Department's final agency decision is **AFFIRMED**.
AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

December 14, 2022
Columbia, South Carolina

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

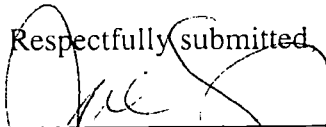
Richard Vandale Clowney, #276073,	)	Docket No.: 22-ALJ-04-0207-AP
Appellant,	)	Grievance No.: TRCI 59-22
)	
v.	)	RESPONDENT'S MOTION TO
	)	SUPPLEMENT THE RECORD
South Carolina Department of Corrections,)	
Respondent.	)	<i>Honorable Ralph King Anderson, III</i>
_____)	

Respondent, by and through the undersigned attorney, respectfully requests to supplement the record. Respondent filed the record on September 22, 2022. Respondent respectfully requests this Court allow the record to be supplemented with the following documents:

- 1) Probation Revocation Maxout Date Calculation Worksheet;
- 2) Probation Revocation Warrant;
- 3) Updated Release Date Screen;
- 4) Updated Conviction Summary;
- 5) Updated Conviction Inquiries for 22-GS-3282, 22-GS-233283, and 22-GS-3284.

It was discovered that Appellant's active firearms charge could be credited an additional twenty-six days of jail time credit, which changed the projected maxout date of the active firearms charges to June of 2023. The Probation Revocation Maxout Date Calculation Worksheet and Probation Revocation Warrant are relevant for Appellant's probation revocation sentence calculation. Respondent respectfully requests to supplement the record filed in this matter with the attached documents.

Respectfully submitted



Joseph R. Shakibanasab, SC Bar No. 102825
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
Phone: (803) 896-1278

November 22, 2022
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Richard Vandale Clowney, #276073,	)	Docket No.: 22-ALJ-04-0207-AP
	)	Grievance No.: TRCI 59-22
Appellant,)	
	)	RESPONDENT'S PARTIAL MOTION
v.	)	TO DISMISS AND BRIEF
)	
South Carolina Department of Corrections,	)	<i>Honorable Ralph King Anderson, III</i>
)	
Respondent.)	
_____)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court (“ALC”) pursuant to the appeal of Richard Vandale Clowney (“Appellant”), an inmate incarcerated with the Department of Corrections (“SCDC”).

Appellant filed a Step One Grievance on June 8, 2022, alleging SCDC incorrectly calculated his reinstated suspended sentence and requested SCDC award him two-year house arrest credit from while Appellant was on the Home Incarceration Program (“HIP”) towards his probation revocation. This grievance was investigated and denied on June 13, 2022. On June 16, 2022, Appellant filed a Step Two Grievance alleging SCDC incorrectly calculated his pre-revocation time served credit. This grievance was investigated and denied on July 7, 2012. This Appeal followed.

Respondent now submits Respondent’s Partial Motion to Dismiss and Brief.

JURISDICTION

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). In *McNeil v. South Carolina Department of Corrections*, 00-ALJ-04-00336-AP

(September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to *Al-Shabazz*. That decision holds that the ALC's appellate jurisdiction in inmate appeals is limited to two types of cases: (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 the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in *Sullivan v. SCDC*, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

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 Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. 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. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (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 Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

PARTIAL MOTION TO DISMISS

As an initial matter, the only issue Appellant raised in his Step One Grievance is whether Respondent is correctly not including the two-years of HIP to Appellant's probation revocation sentence. *See* Rec. p. 2. Appellant cannot raise new matters such as the sentence calculation for his firearms charges for the first time on appeal as they are not properly before the Court. "It is axiomatic that an issue cannot be raised for the first time on appeal but must have been raised to and ruled upon by the trial judge to be preserved for appellate review." *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (citing *Creech v. S.C. Wildlife and Marine Resources Dep't*, 328 S.C. 24, 491 S.E.2d 571 (1997)). This Court, sitting in its appellate capacity, must follow the same statutory provisions as the Court of Appeals. S.C. Code Ann. § 1-23-600(e) (Supp. 2012). Therefore, all issues other than those raised in the Step One grievance should be summarily dismissed as they are not preserved for review.

RESPONDENT'S BRIEF

ARGUMENT

I: APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY THE DEPARTMENT OF CORRECTIONS.

On November 13, 2018, Appellant plead guilty to distribution of heroin 1st offense in violation of S.C. Code Ann. § 44-53-0370. Rec. p. 23. Appellant was sentenced to eight years suspended to an active HIP sentence of two-years to be monitored by Greenville County followed by eighteen months' probation. Rec. p. 23.

While serving the HIP sentence, the Appellant violated the conditions of the program on two occasions and served those violations at the SCDC. *See* Rec. pp. 25-26. First, on June 11, 2019, Appellant's HIP was terminated for failure to comply with the

conditions of the program. Rec. p. 25. Appellant was required to serve six-months incarceration, and then be reinstated to the program, and not be given credit for prior jail time served. Rec. p. 25. Appellant had two days of *Hayes*¹ credit, which was applied to the initial six-month HIP violation.

Thereafter the second HIP violation occurred, and on November 15, 2019, Appellant's HIP was terminated again for failure to comply with the conditions of the program. Rec. p. 26. Appellant was required to serve 500 days incarceration then the remainder of his sentence was to be terminated. Rec. p. 26.

Upon completion of Appellant's HIP sentence, which was completed while serving time both on HIP and at SCDC, Appellant was released to complete the probationary portion of his sentence. Appellant then violated the terms on his probation and on January 19, 2022, Appellant's probation was revoked, and Appellant was sentenced to three-years to be served at SCDC. Rec. p. 24; *and see also* Probation Revocation Warrant.² Additionally, the boxes on the Form 9 are marked indicating that Appellant was to be given credit for pre-revocation hearing detention time on the current probation violation, and that Appellant be given credit for pretrial detention time served and stated in parenthesis it says "N/A if defendant has served prior SCDC time." Rec. p. 24.

Thereafter, on June 1, 2022, Appellant plead guilty to three firearms charges ("three firearms charges"). The three firearms charges include: (1) unlawful possession of a pistol by certain persons in violation of S.C. Code Ann. § 16-23-0030 and Appellant was sentenced to three years' incarceration, rec. pp. 10, 11; (2) possession of a firearm by a

¹ See *Hayes v. State*, 413 S.C. 553, 777 S.E.2d 6 (Ct. App. 2015).

² A copy of Appellant's Probation Revocation Warrant is attached to Respondent's Motion to Supplement the Record.

person convicted of a violent crime in violation of S.C. Code Ann. § 16-23-500(A) and Appellant was sentenced to three years' incarceration, rec. pp. 13, 14; and (3) unlawful carrying of a pistol in violation of S.C. Code Ann. § 16-23-0020 and Appellant was sentenced to one year incarceration, rec. pp. 18, 19. All three firearms charges are to be ran concurrent and to be backdated from December 21, 2021. Rec. pp. 10, 13, and 18. The applicable jail time credit further pushes the sentence start date of the firearms charges to November 26, 2021. *See Updated Conviction Summary and Updated Conviction Inquiries.*³

A. Appellant's probation revocation has been correctly calculated.

Appellant's probation revocation has been correctly calculated by the Respondent. Appellant's probation revocation occurred on January 19, 2022. Rec. pp. 22 & 24. The date of issue of the Warrant for the Probation Revocation is July 1, 2021. *See Rec. p. 24 and Probation Revocation Warrant.* Appellant is entitled to jail time credit pursuant to S.C. Code Ann. § 24-13-40 from the date of issue of the warrant for the probation revocation. *See Blakeney v. State*, 339 S.C. 86, 529 S.E.2d 9 (2000). That means Appellant gets jail time credit for time spent incarcerated after July 1, 2021. According to the Jail Time Report provided by Greenville County, The Appellant was locked up following the issue of the probation warrant from October 3, 2021 through October 29, 2021, and also from January 15, 2022 through January 19, 2022. *See Rec. pp. 30-31.* The partial probation revocation of three-years which is also terminating Appellant's probation is entitled to pre-revocation jail time of thirty days which is being credited towards Appellant's sentence and therefore

³ A copy of the Updated Conviction Summary and Updated Conviction Inquiries for 22-GS-3282, 22-GS-233283, and 22-GS-3284 are attached to Respondent's Motion to Supplement the Record.

the sentence start date is December 20, 2021. *See* Rec. p. 22; *see also* *Probation Revocation Maxout Date Calculation* (hereinafter “PRMDC”).⁴

Appellant had previously served two-years of his original eight-year sentence, therefore, six years remained for the Appellant to serve towards this sentence. Appellant would not be entitled to the two-days *Hayes* credit on this probation revocation as this time was already credited towards his six-month HIP violation that occurred on June 11, 2019, and the Form 9 itself also confirms that a defendant will not receive credit for pretrial detention time if they have served prior SCDC time. Rec. p. 24. Appellant will not receive credit for the two-year HIP sentence that was served both on HIP and at SCDC towards his current three-year probation revocation as that two-years was the original incarcerative portion of the split sentence.

Appellant’s probation revocation start date is December 20, 2021. *See* PRMDC. Appellant was sentenced to three-years for the probation revocation, or One-Thousand-Ninety-Five (1095) days. PRMDC. Appellant is earning good time and work credits towards his sentences. PRMDC. Appellant’s current projected maxout date for the probation revocation is on or about July 11, 2023. PRMDC. Appellant has not carried his burden to demonstrate Respondent has incorrectly calculated his sentence. Appellant has all of the appropriate jail time credit he is entitled to and is earning good time and work credit. *See* PRMDC. Therefore, Respondent respectfully requests its decision denying appellant’s Step Two grievance be upheld.

⁴ A copy of Appellant’s Probation Revocation Maxout Date Calculation is attached to Respondent’s Motion to Supplement the Record.

B. Appellant misconstrues the application of 24-13-40 to his current firearms charges.

Appellant asserts that Respondent has not correctly calculated his time served credits to any of his sentences, including his three firearms charges. Appellant is incorrect. Appellant's three firearms charges all occurred on October 3, 2021. *See* Rec. pp. 16 & 21; *see also* Updated Conviction Inquiries for 22-GS-3282, 22-GS-233283, and 22-GS-3284. Appellant claims that he should be awarded jail time credit dating back from 2017, 2018, 2019, and 2020, which is before the firearms offenses even occurred. *See* Motion for Relief pp. 1-2 (Oct. 18, 2022); *see also* Motion (Aug. 23, 2022). "Our supreme court has defined 'time served,' as it is used in section 24-13-40, as 'the time during which a defendant is in pre-trial confinement and charged with the offense for which he is sentenced (so long as he is not serving time for a prior conviction).'" *State v. Higgins*, 357 S.C. 382, 384, 593 S.E.2d 180, 183 (*quoting Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10-11 (2000) (emphasis in original)). Based on the definition of time served, Appellant's claim fails as a matter of law. Additionally, Appellant is receiving the backdate of December 22, 2021, per the judge's order, *see* rec. pp. 10, 13, 18, and also receiving jail time credit from October 3, 2021 to October 29, 2021, rec. p. 31, as jail time credit towards Appellant's firearms charges. Appellant's sentence start for the firearms charges is November 26, 2021. *See* Updated Conviction Inquiries for 22-GS-3282, 22-GS-233283, and 22-GS-3284. Appellant is receiving the proper amount of jail time credit for the firearms charges.

III: RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED BY SUBSTANTIAL EVIDENCE

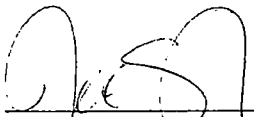
The record and Motion to Supplement the Record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency

decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n*, 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests this Court dismiss Appellant's claims that were not raised in the Step One grievance and affirm the final agency decision. Appellant has not met his burden to demonstrate Respondent is incorrectly calculating his sentence and the Department's calculation is supported by substantial evidence. Therefore, Respondent respectfully requests this Court affirm its decision.

Respectfully submitted,




Joseph R. Shakibanasab, SC Bar No. 102825
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1278

November 22, 2022
Columbia, South Carolina

MAXOUT DATE CALCULATION WORKSHEET

NAME : CLOWNEY, RICHARD SCDC #: 276073

<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>3 YEARS</u> (1)	Sentence Length in Days: <u>1095</u> (2)	
Total credits earned as of next cycle date:		
Sentence Start Date: <u>12/20/2021</u> (3)	Next Cycle Date: <u>12/20/2022</u> (4)	
Calendar Service Credit:		(+) <u>365</u> (5)
Good Time Credit (Gross): <u>240</u> (6)		
Good Time Forfeited: (-) <u>0</u> (7)		
Good Time Days Lost: (-) <u>0</u> (8)		
TOTAL GOOD TIME CREDIT EARNED:		(+) <u>240</u> (9)
Earned Work Credit: (+) <u>94.285</u> (10)		
Earned Education Credit: (+) <u>0</u> (11)		
Earned Extra Credit: (+) <u>0</u> (12)		
TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12) =		(-) <u>699.285</u> (13)
Remaining to satisfy as of next cycle date (enter line 4): <u>12/20/2022</u> (14)		(-) <u>395.715</u> (15)
Average Monthly Accrual Rate:		
Service Days + Good Time + EWC + EEC		
<u>30.42</u> (16) + <u>20</u> (17) + <u>10.864285</u> (18) + <u>0</u> (19)	<u>61.284285</u> (20)	
Divide Line 15 by Line 20 = <u>6</u> (21)	<u>4570387</u> (22)	
	(whole number)	(remainder)
Enter next cycle date from line 14: <u>12/20/2022</u> (23)		
Complete cycles from line 21: (+) <u>6</u> (24)		
Estimated final cycle: (=) <u>06/20/2023</u> (25)		
Projection of Remaining Time to Serve:		
Next cycle date from line (23) <u>12/20/2022</u> (26)	Est. final cycle (from line 25) <u>06/20/2023</u> (27)	
Calendar Service Credit: (+) <u>182</u> (28)		
Good Time Credit: (+) <u>120</u> (29)		
Earned Worked Credit: (+) <u>65</u> (30)		
Earned Education Credit: (+) <u>0</u> (31)		
TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31)		(-) <u>367</u> (32)
Remaining to satisfy as of estimated final cycle :		(=) <u>28.715</u> (33)
Daily accrual rate:		
Service <u>1</u> (34) + EWC Daily Rate <u>.3571482</u> (35) + EEC Daily Rate <u>0</u> (36) = <u>1.3571482</u> (37)		
Divide days remaining to earn (line 33) by daily accrual (line 37) =		<u>21.158337</u> (38)
Enter estimated final cycle (line 27):		<u>06/20/2023</u> (39)
Add days from line 38:		(+) <u>21</u> (40)
Calculate to month, day and year:		<u>07/11/2023</u> (41)
(Line 42 is lesser of Line 41 or next cycle date from line 39)		
PROJECTED RELEASE DATE:		(=) <u>07/11/2023</u> (42)
<u>ERNEST ROWE</u>		<u>11/22/2022</u>
Employee Name	Employee Signature	Date

WITNESSES

N.T. Stanton

Greenville Police Department

10/3/2021

ARREST WARRANT NUMBER

2021A2320603428

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-23-
AM

3283

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2022

THE STATE

vs.

RICHARD VANDALE CLOWNEY

Indictment for

v0044

UNLAWFUL CARRYING OF A HANDGUN

VIOLATION § 16-23-0020

[Handwritten signature]
FILED

RECEIVED
JUN 07 2022
DIVISION OF CLASSIFICATION
& INMATE RECORDS

33

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
UNLAWFUL CARRYING OF A HANDGUN

At a Court of General Sessions, convened on

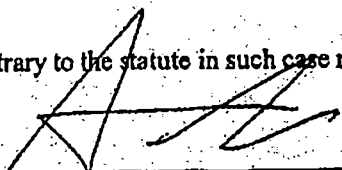
the Grand Jurors of Greenville

County present upon their oath:

That RICHARD VANDALE CLOWNEY did in Greenville County, c. or about the 3rd day of October, 2021, willfully and unlawfully have in his actual or constructive possession a handgun. This is in violation of § 16-23-0020 of the South Carolina Code of Laws (1976) as amended.

RECEIVED
JUN 07 2022
DIVISION OF CLASSIFICATION
& INMATE RECORDS

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR BAR # 103761

WITNESSES
N.T. Stanton
Greenville Police Department
10/3/2021

ARREST WARRANT NUMBER
2021A2320603430

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2022-GS-23-³²⁸²
AJM
The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS

TERM 2022

THE STATE

VS.

RICHARD VANDALE CLOWNEY

Indictment for

✓3434

POSSESSION OF A HANDGUN BY A PERSON
CONVICTED OF A CRIME OF VIOLENCE

VIOLATION § 16-23-0500

[Signature]
ENTERED
10/07/2022

RECEIVED
JUN 07 2022
DIVISION OF CLASSIFICATION
& INSTANT RECORDS

35

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A HANDGUN BY A PERSON
CONVICTED OF A CRIME OF VIOLENCE

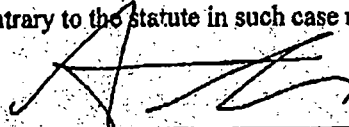
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That RICHARD VANDALE CLOWNEY did in Greenville County, on or about the 3rd day of October, 2021, possess or acquire a handgun, within this State, the defendant having been convicted of Burglary and Distribution of Cocaine Base. This is in violation of § 16-23-0030 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

BAR # 103761

Probation
ARREST WARRANT

37

Indictment Number: 18-GS-23-02073

Warrant Number: W-23-21-0477

State Identification No. (SID) 00900221

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF GREENVILLE, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that RICHARD V CLOWNEY, did on the 1 day of July, 2021 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 3, 4, 5, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 13, 2018. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring RICHARD V CLOWNEY before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at GREENVILLE, S. C. this 1 day of July, 2021.

County of **GREENVILLE**


Signature of Probation and Parole Agent

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Stephen Parker, who, first being duly sworn, deposes and says that RICHARD V CLOWNEY did within this County and State on the 1 day of July, 2021, violate the criminal laws of the State of South Carolina in the following particulars:


DESCRIPTION OF OFFENSE:

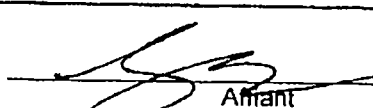
The offender has violated conditions 1, 3, 4, 5, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 13, 2018. This warrant or citation is issued pursuant to section 24-21-450 or 300.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

By failing to work at a lawful occupation or provide proof thereof. By failing to refrain from being in possession of a weapon and ammunition as evident by Anderson County Sheriff's Office incident report 2021-32295 where offender was in possession of a Smith and Wesson .380 pistol found on a moped that he was the sole driver of. By failing to refrain from the use of illegal substances as evident by drug test on 5/7/2021 where offender tested positive for meth. By failing to report to the probation office on 6/18/2021 or anytime thereafter. By failing to make himself available for substance abuse counseling referral on 6/18/2021. By failing to pay supervision fees as evident by being 6 payments (\$270) in arrears. By failing to pay Surcharge 18GS2302073 as evident by being 11 payments \$165 in arrears on a balance of \$283.25. By failing to pay Drug test fee owing \$20. Such actions constitute violation of conditions 1, 3, 4, 5, 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me
this 1 day of July, 2021.


Signature of Notary Public (L.S.)
10/2/26
My Commission Expires


Affiant
Address: SUITE 6500
301 UNIVERSITY RIDGE
GREENVILLE, SC 29601
(864) 282-4540

33

RETURN

Higgin
Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

Richard Clowney

on the 5 day of Oct 21

W. Parker
Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA
COUNTY OF
GREENVILLE

THE STATE
against

RICHARD V CLOWNEY

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 7/1/2021

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Stephen Parker

Disposition _____

Sentence _____

Co-Defendants _____

INFORMATION ON DEFENDANT

Name RICHARD V CLOWNEY
Address _____
Phone _____
Sex _____ Race _____ Height _____
Weight _____ Birth date _____
Social Security Number _____

INFORMATION ON WITNESSES

Name _____
Address _____
Phone _____
Name _____
Address _____
Phone _____
Name _____
Address _____
Phone _____

PRELIMINARY HEARING held by

Magistrate _____
on _____
with _____
Attorney for the Defendant.

Decision _____

Date Set _____
Magistrate _____
Amount _____
Surety _____
BAIL

13:33:23 Tuesday, September 20, 2022

39

CMTI100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

09/20/22
C052640

SCDC# > 276073

CURR LOC: TRENTON

CLOWNEY, RICHARD VANDALE

SCDC CLASSIFICATION...: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	CONV	VIO
		YRS	MO	DYS	DATE	START	PROJ COMP STAT IND
* S00009	POSSESS PISTOL AFTER	003	00	000	06/01/22	12/22/21	07/12/2023 AC N N
S00008	POSS FIREARM/AMMO BY	003	00	000	06/01/22	12/22/21	07/12/2023 AC N N
S00007	CARRY PROHIBITED WEA	001	00	000	06/01/22	12/22/21	07/16/2022 AC N N
S00006	DRUGS/MDP, NARCOTIC	003	00	000	01/19/22	12/20/21	07/10/2023 AC N N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

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

13:33:27 Tuesday, September 20, 2022

40

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 09/20/22
 OMCOMITA CONVICTION INQUIRY C052640
 SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
 CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00009 INDICT NUM: 22-GS-3284 WARRANT NUM: 2021A2320603429
 DATE SENTENCED...: 06/01/2022 JUDGE LAST...: MILLER FI: E
 STATUTE: 16-23-0030 CDR CODE.: 2364 GPS IND: N
 OFFENSE: 5220 POSSESS PISTOL AFTER CONV OFFENSE DATE: 10/03/2021
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
 PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
 TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 HIP SENT.....: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 12/22/2021 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: DATE: 00/00/00
 NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

13:33:30 Tuesday, September 20, 2022

41

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 09/20/22
 OMCOMITA CONVICTION INQUIRY C052640
 SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
 CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00008 INDICT NUM: 22-GS-3282 WARRANT NUM: 2021A2320603430
 DATE SENTENCED...: 06/01/2022 JUDGE LAST...: MILLER FI: E
 STATUTE: 16-23-0500(A) CDR CODE...: 3434 GPS IND: N
 OFFENSE: 3434 POSS FIREARM/AMMO BY FEL OFFENSE DATE: 10/03/2021
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
 PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
 TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 HIP SENT...: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 12/22/2021 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: DATE: 00/00/00
 NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

CMTI100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

11/22/22

SCDC# > 276073

CURR LOC: TRENTON

CLOWNEY, RICHARD VANDALE

SCDC CLASSIFICATION..: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	CONV	VIO			
		YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND
* S00006	DRUGS/MDP, NARCOTIC	003	00	000	01/19/22	12/20/21	07/10/2023	AC	N	N
S00009	POSSESS PISTOL AFTER	003	00	000	06/01/22	11/26/21	06/23/2023	AC	N	N
S00008	POSS FIREARM/AMMO BY	003	00	000	06/01/22	11/26/21	06/23/2023	AC	N	N
S00007	CARRY PROHIBITED WEA	001	00	000	06/01/22	11/26/21	06/26/2022	AC	N	N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

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

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/22/22
OMCOMITA CONVICTION INQUIRY
SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00008 INDICT NUM: 22-GS-3282 WARRANT NUM: 2021A2320603430
DATE SENTENCED.: 06/01/2022 JUDGE LAST.: MILLER FI: E
STATUTE: 16-23-0500(A) CDR CODE.: 3434 GPS IND: N
OFFENSE: 3434 POSS FIREARM/AMMO BY FEL OFFENSE DATE: 10/03/2021
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000 HAYES CRED: 00000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00026 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 11/26/2021 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: C WEISS DATE: 11/18/22
NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/22/22
OMCOMITA CONVICTION INQUIRY
SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00007 INDICT NUM: 22-GS-233283 WARRANT NUM: 2021A2320603428
DATE SENTENCED.: 06/01/2022 JUDGE LAST.: MILLER FI: E
STATUTE: 16-23-0020 CDR CODE.: 0044 GPS IND: N
OFFENSE: 5203 CARRY PROHIBITED WEAPON OFFENSE DATE: 10/03/2021
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
TOTAL SENTENCE...: 001 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 001 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000 HAYES CRED: 00000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00026 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 11/26/2021 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: NON-VIOLENT
DNA OFFENSE IND...: N EEC ELIG: Y DEATH UTERO: SCDC CLASS...: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: C WEISS DATE: 11/18/22
NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID (FA ONLY)

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/22/22
OMCOMITA CONVICTION INQUIRY
SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00009 INDICT NUM: 22-GS-3284 WARRANT NUM: 2021A2320603429
DATE SENTENCED...: 06/01/2022 JUDGE LAST...: MILLER FI: E
STATUTE: 16-23-0030 CDR CODE.: 2364 GPS IND: N
OFFENSE: 5220 POSSESS PISTOL AFTER CONV OFFENSE DATE: 10/03/2021
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000 HAYES CRED: 00000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00026 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 11/26/2021 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: C WEISS DATE: 11/18/22
NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION

PF9-DETAIN

PF4 RESTITUTION PAID(FA ONLY)

4!

CMTI330D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

11/22/22

46

SCDC# > 276073

LOC: TRENTON

CLOWNEY, RICHARD VANDALE

SCDC CLASSIFICATION...: 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 VICTIM...: [REDACTED]

PREA DECISION...: [REDACTED]

PREA PERP...: [REDACTED]

CURRENT SENTENCE: 003-00-000

CONSECUTIVE SENTENCE...: N

003-00-000

CURRENT SENT START DATE: 12/20/2021

PROJECTED COMPLETION DATES

MAXOUT DATE...: 07/10/2023

CURRENT EWC...: 2 F 5

YOA SIX YEAR DATE: / /

CURRENT EEC...: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 08/05/2022

NEXT PAROLE HEARING DATE: 08/23/2023

TOTAL GT DAYS EARNED...: 000200

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

TOTAL EARNED WORK CREDITS...: 000083

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS...: 000000

CATEGORY 4 OR 5 OFFENSE

TOTAL EXTRA EARNED CREDITS...: 000

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

TOTAL SERVICE TIME EARNED...: 000333

ISS.....

PFKEYS: 5:HISTORY OF DATE CHANGES

13:33:42 Tuesday, September 20, 2022

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CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 09/20/22
 OMCOMITA CONVICTION INQUIRY C052640
 SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
 CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: N
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE FULL REVOCATION OF S00004
 CONVICTION NUM: S00006 INDICT NUM: 18-GS-2302073 WARRANT NUM: 2017A2330210689
 DATE SENTENCED.: 01/19/2022 JUDGE LAST.: GRAVELY FI: P
 STATUTE: 44-53-370(B) (1) CDR CODE.: 0183 GPS IND: N
 OFFENSE: 0183 DRUGS/MDP, NARCOTIC 1ST OFFENSE DATE: 09/22/2017
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
 PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE.: 01/19/2022
 TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 003 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 HIP SENT.....: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00030 EXTRA CRÉD: 00000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 12/20/2021 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 PRÉD OFF: N LAST UPDATE: C WEISS DATE: 06/14/22
 NO PAROLE: NOT APPLIC CREATED BY.: W GALLMON DATE: 01/26/22

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

13:33:37 Tuesday, September 20, 2022

48

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 09/20/22
 OMCOMITA CONVICTION INQUIRY C052640
 SCDC #: 276073 YOA NONCONFORM SENT: CURR LOC: TRENTON
 CLOWNEY, RICHARD VANDALE NONCONFORM SENT: N RTRN TO COURT: Y
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00007 INDICT NUM: 22-GS-233283 WARRANT NUM: 2021A2320603428
 DATE SENTENCED...: 06/01/2022 JUDGE LAST...: MILLER FI: E
 STATUTE: 16-23-0020 CDR CODE.: 0044 GPS IND: N
 OFFENSE: 5203 CARRY PROHIBITED WEAPON OFFENSE DATE: 10/03/2021
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 23 GREENVILLE
 PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
 TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 12/22/2021
 TOTAL SENTENCE...: 001 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 001 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 HIP SENT.....: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 12/22/2021 DOM.IND:
 CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: NON-VIOLENT
 DNA OFFENSE IND...: N EEC ELIG: Y DEATH UTERO: SCDC CLASS...: NON-VIOLENT
 SEX REG: N PRED OFF: N LAST UPDATE: A BOYD DATE: 06/30/22
 NO PAROLE: NOT APPLIC CREATED BY.: K COPPEDGE DATE: 06/07/22

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

49



Offender Management System

Inmate Request - General

Today's Date: 6/9/22 10:27

Name: CLOWNEY, RICHARD VANDALE

Booking #: SCB0071119

Permanent #: SCP0071119

Reference #: 22-02857826

Date Requested: 06/03/22 13 04

Request Type: Grievance

Requested By: Kiosk

Request Details: All relief remedies concerning my issue about scdc is improperly calculating my time, keeps telling me to seek relief thru scdc grievance process and administrative procedure I have the form 9 clearly showing the order for scdc to calculate and apply all jail and house arrest credit to my sentence

Disposition: Complete

Officer:

Disposition Date: 06/08/22 11 17

Request Responses

Date	Author	Note
06/08/22 11 18	c044397	Inmate Clowney If you wish to file an inmate Grievance you must fill out an Inmate Grievance Form, SCDC 10-5 You must supply your Informal Resolution attempt with the proper department by either giving the KIOSK reference number or attaching the paper Request To Staff Member Be sure to include your Action Requested and sign/date your form J. Franklin, IGC

Inmate Request - General

Today's Date: 6/9/22 10 29

Name: CLOWNEY, RICHARD VANDALE

Booking #: SCB0071119

Permanent #: SCP0071119

Reference #: 22-02655530

Date Requested: 06/02/22 01 23

Request Type: Inmate Records

Requested By: Kiosk

Request Details: My family spoke with two seperate people at DOC headquarters inmate records Kesha and Kristan Both gave the same information for me to see classification to fill out a jail form for my house arrest credit and an auditor at headquarters will review it. This is my third attempt to get this jail form filled out!

Disposition: Complete

Officer:

Disposition Date: 06/07/22 15:45

Request Responses

Date	Author	Note
------	--------	------

06/07/22 15:46	c061401	if it is for House Arrest we can not do a jail form for it. Is this for time you spent in a county facility?
----------------	---------	--

51

Inmate Request - General

Today's Date: 6/9/22 10 28

Name: CLOWNEY, RICHARD VANDALE

Booking #: SCB0071119

Permanent #: SCP0071119

Reference #: 22-02640930

Date Requested: 05/20/22 21-51

Request Type: Classification

Requested By: Kiosk

Request Details: I need to fill out a jail time form or j time form Per the advice from central classification

Disposition: Complete

Officer:

Disposition Date: 05/23/22 17 20

Request Responses

Date	Author	Note
05/23/22 17:21	c025422	I will call for you to report to classification as soon as possible

52



Inmate Request - General

Today's Date: 6/9/22 10 29

Name: CLOWNEY, RICHARD VANDALE

Booking #: SCB0071119

Permanent #: SCP0071119

Reference #: 22-02641940

Date Requested: 05/22/22 01 20

Request Type: Inmate Records

Requested By: Kiosk

Request Details: Could you please request a form 9 from the department of probation parole and pardon services, so that scdc can apply statute 24-13-40 to my 3yr active probation revocation sentence I was told to request to this division since trenton ci doesn't have an case worker per central classification Thank you!

Disposition: Complete

Officer:

Disposition Date: 05/23/22 17 22

Request Responses

Date	Author	Note
05/23/22 17 24	c025422	You can request a copy from the Department of Probation, Pardon, and Parole Services

MOTION FOR RELIEF

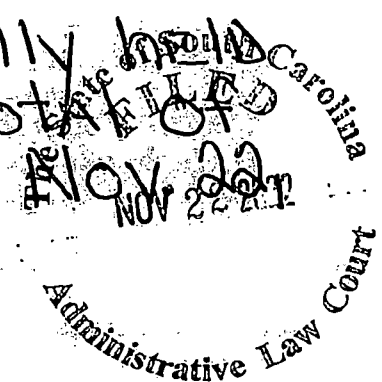
CASE NUMBER
(22C0207)

HONORABLE JUDGE ANDERSON,

I MOTION TO THE COURT FOR RELIEF ON THIS CONTESTED CASE FOR THE NEGLIGENCE AND CONSTITUTIONAL, STATUTORY VIOLATIONS BROUGHT UPON ME BY SCDC.

SCDC HAS FAILED TO COMPLY WITH THE S.C. ADMINISTRATIVE LAW COURT RULES OF PROCEDURE RULE 60 FOR UNTIMELY FILING WITHIN THE 110 DAYS TIME LIMIT PROVIDED IN SPECIAL APPEALS V. RULE 60.

I HAVE BEEN UNLAWFULLY HELD IN SCDC CUSTODY A TOTAL OF 158 DAYS AS OF TODAY NOV 22 2022.



- SCDC NEGLIGENCE HAS CAUSED MULTIPLE VIOLATIONS.
- (A) IN VIOLATION OF CONSTITUTIONAL OR STATUTORY PROVISIONS.
 - (B) IN EXCESS OF THE STATUTORY AUTHORITY OF THE AGENCY.
 - (C) MADE UPON UNLAWFUL PROCEDURE.
 - (D) AFFECTED BY OTHER ERROR OF LAW.
 - (E) CLEARLY ERRONEOUS IN VIEW OF THE RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.
 - (F) ARBITRARY OR CAPRICIOUS OR CHARACTERIZED BY ABUSE OF DISCRETION OR CLEARLY UNWARRANTED EXERCISE OF DISCRETION.

SCDC FULLY INTENDED TO DEPRIVE ME OF MY RIGHTS AND VIOLATE THE LAWS OF THIS STATE AND THE CONSTITUTION OF THIS NATION WITHOUT ANY REGARD.

RELIEF SOUGHT: C/N 22C0207

I REQUEST TO RECEIVE \$1500.00
A DAY FOR EACH UNLAWFUL DAY
UNDER SCDC RESTRAINT, PREVENT-
ING ME FROM EARNING INCOME.
\$1500.00 A DAY FOR EMOTIONAL
DISTRESS, \$1500.00 A DAY FOR
PUNITIVE DAMAGES.

I REQUEST TO RECEIVE AN
IMMEDIATE EMERGENCY RELEA-
SE FROM SCDC.

RICHARD CLOWNEY
Richard Clowney
Nov. 22, 2022

THIS STATEMENT THAT I RICHARD
VANDALE CLOWNEY HAS MADE
ARE ALL TRUE FACTS THAT ARE
SUPPORTED BY THE WHOLE
RECORD ITSELF.

SCDC GENERAL COUNSEL OFFICE
WAS SERVED WITH A COPY OF
THIS MOTION.

RICHARD CLOWNEY
Richard Clowney
276073

Nov. 22, 2022

84 GREENHOUSE RD
TRENTON SC
29847

MOTION FOR RELIEF, C/N (22CO207)

SCDC DECISION TO DENY MY STEP 1 AND STEP 2 GRIEVANCE AND UNLAWFULLY IMPOSED A SENTENCE UPON ME WITHOUT NOTICE AND A HEARING IS IN VIOLATION OF A CONSTITUTIONAL OR STATUTORY PROVISION, IN EXCESS OF STATUTORY AUTHORITY OF THE AGENCY, MADE UPON UNLAWFUL PROCEDURE, CLEARLY ERRONEOUS, OR AN UNWARRANTED EXERCISE OF DISCRETION.

PROVIDED BY RECORD ON APPEAL PAGES 25-31 HIP TERMINATION ORDERS AND JAIL TIME REPORTS PURSUANT TO SC STATUTE 24-13-40 REQUIRE SCDC TO CALCULATE FULL TIME SERVED CREDIT AND APPLY TO A PRISONERS SENTENCE. SCDC FAILED TO COMPLY WITH THE STATUTORY PROVISION BY NOT COMPUTING AND APPLYING THE FOLLOWING TIME SERVED CREDIT TO MY 3 YR OR 1095 DAY SENTENCE. THE DATES

PAGE 25. 6 Mth SENTENCE 6-11-19 to 8-30-19 (81 DAYS) PAGE 26. 500 DAYS SENTENCE 11-15-19 to 7-1-20 (229 DAYS) PAGE 27. 5-24-19 to 6-10-19 (18 DAYS) PAGE 28. 10-14-19 to 11-14-19 (32 DAYS) 12-14-17 to 12-15-17 (2 DAYS) 2-25-18 to 2-27-18 (2 DAYS) 11-27-18 to 12-11-18 (15 DAYS) PAGE 29. 8-31-19 to 9-11-19 (12 DAYS) PAGE 30. 1-14-22 to 1-25-22 (13 DAYS) PAGE 31. 10-3-21 to 10-29-21 (27 DAYS) 4-12-21 to 4-14-21 (2 DAYS) FOR A TOTAL OF 433 DAYS OF TIME SERVED CREDIT THAT SCDC IS NEGLIGENT IN APPLYING TO MY SENTENCE.

DUE TO SCDC NEGLIGENCE AND FAILURE TO COMPLY WITH THEIR REQUIREMENT TO SC STATUTE 24-13-40 HAS RESULTED IN THE UNLAWFUL IMPRISONMENT OF MYSELF AND THE DEPRIVATION OF MY RIGHTS AND ME SUFFERING MULTIPLE MENTALLY AND EMOTIONAL DAMAGES.

My PUNISHMENT AND REQUIREMENT TO SATISFY THE LENGTH OF A SENTENCE OF 3yrs OR 1095 DAYS AT A PERCENTAGE OF 53% - 65%. AT A 53% OF 1095 DAY SENTENCE WITH GOOD TIME CREDITS + EWC, I WOULD BE REQUIRED TO SERVE 577 DAYS TO SATISFY MY SENTENCE. MY SENTENCE EXPIRED ON JUNE 18, 2022 WITH THE COMPLETION OF THE 577 DAY'S REQUIREMENT.

ON JUN. 19, 2022 SCDC IMPOSED A SENTENCE UPON ME WHICH REQUIRED ME TO SERVE AN ADDITIONAL 389 DAY'S IN EXCESS OF STATUTORY AUTHORITY, MADE UPON UNLAWFUL PROCEDURE BY THE CONTINUATION OF UNLAWFUL IMPRISONMENT OF MYSELF AND DEPRIVATION OF MY RIGHTS.

I BEGAN THIS UNLAWFULLY IMPOSED 389 DAY SENTENCE ON JUNE 19, 2022 WITHOUT NOTICE AND A HEARING. AS OF TODAY OCT 18, 2022 I HAVE AN ACTIVE SERVICE ON THIS UNLAWFUL SENTENCE OF 122 DAYS AND COUNTING.

I WOULD LIKE FOR THE HONORABLE JUDGE ANDERSON TO ORDER THE STATUTORY REQUIREMENT AND MAKE HIS OPINION BASED ON ALL THE EVIDENCE OF THE WHOLE RECORD.

I RICHARD VANDAIE CLOWNEY
HERE BY DECLARE THAT MY STATEMENT IS ALL FACTS FROM THE RECORD ON APPEAL.

61

I RICHARD VANDAIE CLOWNEY
276073 TRENTON C.I.
2-13-24 84 GREENHOUSE RD.
TRENTON S.C.
29847

SERVED CHERON HESS AT THE
OFFICE OF GENERAL COUNSEL
P.O. BOX 21787 COLUMBIA S.C.
29221

RICHARD CLOWNEY
Richard Clowney

Oct. 18, 2022



REQUESTED RELIEF

- (1) I WOULD LIKE TO RECIEVE FULL CREDIT BY STATUTE AND ORDERED BY THE SENTENCING JUDGE TO BE APPLIED TO MY SENTENCE AND BE RELEASED FROM SCDC CUSTODY.
- (2) I WOULD LIKE \$500.00 EACH UNLAWFULLY DAY THAT I ENDURED CRUEL AND UNUSUAL PUNISHMENT UNDER SCDC RESTRAINT OF MY LIBERTY.

SERVED A COPY ON THE GENERAL
 COUNSEL OF SCDC
 P.O. Box 21787
 COLUMBIA S.C. 29221

U/N d x l u d u 1

63

J. RICHBURG:

Sept. 16, 2022

THIS RESPONSE CORRESPONDENCE IS IN REFERENCE TO THE LETTER THAT I RECEIVED FROM THE OFFICE OF GENERAL COUNSEL DATED AUGUST 16, 2022. THE LETTER STATES THAT YOU REVIEWED MY LETTER, AND FORWARDED MY LETTER AND MY CONCERNS REGARDING MY TIME SERVED CALCULATIONS TO THE DIVISION OF INMATE RECORDS AND CLASSIFICATION FOR HANDLING. AT THIS CURRENT TIME SCDC HAS NOT FILED MY RECORD WITH THE ADMINISTRATIVE LAW COURT. I AM STILL BEING FULLY HELD IN SCDC CUSTODY BEING DEPRIVED OF MY LIBERTY.

The State of South Carolina
 FILED
 SEP 16 2022
 Administrative Law Court

SERVED A COPY ON J. RICHBURG
 ADMINISTRATIVE COORDINATOR
 OFFICE OF GENERAL COUNSEL SCDC.
 #276073 RICHARD CLOWNE
 TFC 2-B-24 84 GREENHOUSE RD
 TRENTON SC. 2947

The State of South Carolina
 FILED
 SEP 16 2022
 Administrative Law Court

The State of South Carolina
 FILED
 SEP 14 2022
 Administrative Law Court

64

MOTION

C/N 22CO207

Grounds for Relief :

S.C. CODE OF LAW SECTION 24-13-40 PROVIDES THE FOLLOWING

(A) A PRISONER SHALL HAVE GIVEN NOTICE OF INTENTION TO APPEAL,

(b) THE COMMENCEMENT OF THE SERVICE OF THE SENTENCE FOLLOWS THE REVOCATION OF PROBATION.

My CURRENT PROBATION REVOCATION AND THE 3 CONCURRENT SENTENCES FALLS UNDER THE PROVISIONS GIVEN IN STATUTE 24-13-40.

My PROBATION REVOCATION FORM 9 AND ALL OF MY SENTENCING SHEETS CLEARLY SHOWS THAT I AM TO BE GIVEN MY TIME SERVED CREDIT. MY INCARCERATION TIME EXCEEDS THE MAXIMUM AUTHORIZED BY LAW. I HAVE BEEN IN COMPLIANCE WITH ALL RULES OF PROCEDURE FOR THE ADMINISTRATIVE LAW COURT WITH TIMELY PETITIONS ON THE NOTICE OF APPEAL, INITIAL-

South Carolina
 STATE ADMINISTRATIVE
 COURT
 SEP 08 2022
 Initials

BRIEF, Reply BRIEF, MOTIONS AND PROOF OF SERVICE. My truthful factual basis can't be DENIED BECAUSE IT'S FACTUAL EVIDENCE FROM THE WHOLE RECORD ITSELF.

RELIEF SOUGHT :

FOR THE ADMINISTRATIVE LAW COURT ALONG WITH THE ADMINISTRATIVE LAW JUDGE AND SCDC TO IMMEDIATELY RELEASE ME FROM SCDC RESTRAINT/CUSTODY OF THESE HORRIBLE CONDITIONS AND CRUEL AND UNUSUAL PUNISHMENT OF MY LIBERTY.

SERVED COPY ON SCDC GENERAL COUNSEL AT P.O. Box 21787-COLUMBIA S.C. 29221

#276073 RICHARD CLOWNEY
T-CI 2-13-24
84 GREENHOUSE RD
TRENTON S.C. 29847

copy
BRIEF

4/11/2022

66

HONORABLE JUDGE ANDERSON,

ON NOVEMBER 13, 2018 I RECEIVED A SENTENCE OF 8YRS SUSPENDED TO 2YRS HOUSE ARREST AND 18 MONTHS PROBATION. UPON MY COMPLETION OF THE 2YRS HOUSE ARREST PORTION OF THE SENTENCE. I BEGAN THE 18 MONTHS PROBATION PORTION OF THE SENTENCE.

ON JANUARY 14, 2022 I RECEIVED A 3YRS REMAINDER OF THE ORIGINAL SENTENCE PROBATION REVOCATION.

ON JUNE 1, 2022 I RECEIVED 3 CONCURRENT SENTENCES RUNNING CONCURRENT WITH THE 3YRS PROBATION REVOCATION.

ON THE PROBATION REVOCATIONS FORM 9 JUDGE GRAVELY CHECKED BOTH BOXES FOR SCDC TO CALCULATE AND APPLY PRE-REVOCATION DETENTION TIME CREDIT AND PRETRIAL DETENTION TIME SERVED CREDIT. I AM CURRENTLY BEING UNLAWFULLY HELD IN SCDC CUSTODY. MY SENTENCE SHEETS, FORM 9 AND S.C. CODE OF LAWS SECTION 24-13-40 COMPUTATION OF TIME SERVED BY PRISONERS PROVIDES THE MANDATORY LANGUAGE STATUTE THAT PRISONERS WITH A

STATE OF SOUTH CAROLINA
AUG 20 2022
RECEIVED

CURRENT SENTENCES ARE ENTITLED TO TIME SERVED BY PRISONERS UNDER SENTENCES IMPOSED BY THE COURTS OF THIS STATE MUST BE CALCULATED FROM THE DATE OF THE IMPOSITION OF THE SENTENCE.

SCDC SHOULD APPLY MY TIME SERVED CALCULATIONS TO MY SENTENCE AND GRANT ME AN EMERGENCY RELEASE.

SERVED A COPY ON THE DEPT OF GENERAL COUNSEL SCDC AT P.O. BOX 21787
COLUMBIA S.C. 29221

#276073

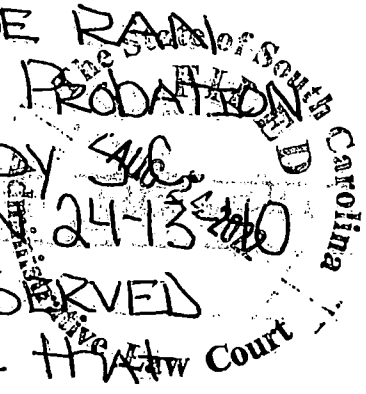
RICHARD CLOWNEY
Richard Clowney

Tr CI 2-13-24
84 GREENHOUSE RD
TRENTON S.C. 29847

AUG. 30, 2022

HONORABLE JUDGE ANDERSON
CASE NUMBER 22C0207

ON NOVEMBER 13, 2018 I RECEIVED
A SUSPENDED SENTENCE OF 8 YRS
SUSPENDED TO 2 YRS HOUSE ARREST
AND 18 MONTHS PROBATION. UPON
THE COMPLETION OF THE 2 YRS
HOUSE ARREST I WAS RELEASED
TO BEGIN THE PROBATION PORTION
OF THE SENTENCE. ON JANUARY
14, 2022 I RECEIVED A 3 YRS PRO-
BATION REVOCATION THE REMAIN-
DER OF THE ORIGINAL SENTENCE
IMPOSED. ON JUNE 1, 2022 I
RECEIVED A 1 YR SENTENCE FOR
UNLAWFUL CARRYING A PISTOL AND
A 3 YR SENTENCE FOR POSSESSION
OF A FIREARM BY A PERSON COA
VC, 3 YRS FOR POSSESSION OF
A STOLEN FIREARM. ALL 3 SENTEN-
CES WERE ORDERED TO BE RAN
CONCURRENT WITH THE PROBATION
REVOCATION. PROVIDED BY S.C.
CODES OF LAWS SECTION 24-13-110
COMPUTATION OF TIME SERVED
BY PRISONERS PROVIDE THAT



I AM ENTITLED TO FULL TIME SERVED CREDIT AGAINST THE PROBATION REVOCATION AND CONCURRENT SENTENCES THAT MUST BE CALCULATED FROM THE DATE OF IMPOSITION OF THE SENTENCE. I WOULD LIKE SCDC TO PROPERLY CALCULATE MY SENTENCE BY STATUTE AND COURT ORDERS AND EMERGENCY RELEASE ME.

A COPY IS SERVED TO THE GENERAL COUNSELS OFFICE AT SCDC
P.O. BOX 21787
COLUMBIA S.C. 29221

AUG 23, 2022

RICHARD CLOWNEY #276073
T-CI 2-B-24
84 GREENHOUSE RD
TRENTON S.C. 29847

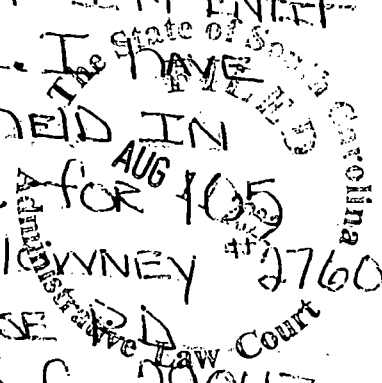
HONORABLE JUDGE ANDERSON

CASE NUMBER 22C0207

SCDC IS ERRONEOUS IN PROPERLY APPLYING STATUTE 24-13-40 COMPUTATION OF TIME SERVED BY PRISONERS TO MY REINSTATED PROBATION REVOCATION, UNLAWFUL CARRYING A PISTOL, POSSESSION OF A FIREARM COVC, POSSESSION OF A PISTOL BY PERSON. ON JANUARY 14, 2022 THE HONORABLE JUDGE GRAVELY GAVE ME 3 YRS THE REMAINDER OF MY ORIGINAL SENTENCE AND ORDERED ON THE FORM 9 THAT I AM TO RECEIVE CREDIT FOR PRE REVOCATION HEARING DETENTION TIME AND PRETRIAL DETENTION TIME. SCDC STILL WILL NOT PROPERLY CALCULATE THE TIME SERVED CREDIT I'M ENTITLED TO ON MY SENTENCE. I HAVE NOW BEEN UNLAWFULLY HELD IN THE CUSTODY OF SCDC FOR 105 DAYS.

RICHARD CLOVNEY 276073
 84 GREENHOUSE
 TRENTON S.C. 29847

AUG 11, 2022



STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RICHARD V. CLOWNEY

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-

GRIEVANCE NO.: Tr.C.T. 0059-22

Notice is hereby given that RICHARD VANVAE CLOWNEY does hereby appeal the final decision of the South Carolina Department of Corrections dated 7-7-22 and received on 7-18-22, 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)):

I'M BEING UNLAWFULLY HELD
IN SCNC CUSTODY FOR 83 DAY'S OF FALSE IMPRISONMENT.
SCDC IS ERRONEOUS IN PROPERLY APPLYING STATUE
24-13-40 TO MY SENTENCE.

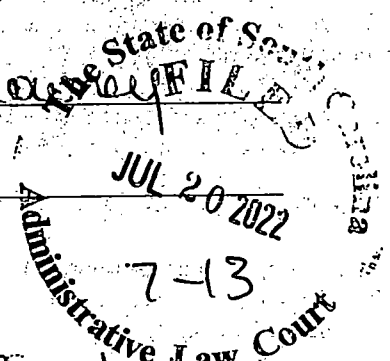
My ATTORNEY INFO: ERNEST HAMILTON
408 North Church St
(864) 380-7821
SUITE D
GREENVILLE S.C. 29601

RICHARD V. CLOWNEY #276073
Appellant's Name

84 GREENHOUSE RD
Mailing Address
TRENTON S.C. 29847
City, State, Zip Code

Richard V. Clowney
Signed

7-20-22
Dated



CERTIFICATE OF SERVICE

I hereby certify that I, R. Clowney (your name), on the 20 day of JULY, 2022, in TRENTON (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: FELECIA MCKIE, OFFICE OF GENERAL COUNSEL

Address: P.O. Box 21787 - 4444 BROWN RIVER RD

City, State, Zip Code: COLUMBIA S.C. 29221

Print your name: RICHARD CLOWNEY Sign your name: Richard Clowney
(See reverse side for instructions)

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

WUE, 030-21
71

JUN 17 2022

STEP 2

Office Use Only

INMATE GRIEVANCE



INMATE NAME: RICHARD CLOWNEY
SCDC NUMBER: 276073
INSTITUTION: TRENTON C.I.
HOUSING UNIT: 1-C-19
WORK ASSIGNMENT: DORM WORKER

Grievance No. TCI-0059-22
Code: General _____
Policy _____
Disc. Hear. _____
Class CL/CL
PREA _____
Date Received: JUN 17 2022
IGC Initials: JE
Date Received: 6/24/22
IGA Initials: KH

JUN 17 2022
(K2)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): SCDC IS ERRONOUS IN CALCULATING MY PRE REVOCATION TIME SERVED CREDIT, ON CURRENT PROBATION VIOLATION THAT'S ORDERED BY THE JUDGE ON FORM 9 SENTENCING SHEET AGAINST THE 3YRS REMAINDER OF THE ORIGINAL SENTENCE. I SERVED 26 DAYS MONITORED HOUSE ARREST, 346 DAYS CONFINEMENT SCDC MAY 2019 - JULY 1, 2020. I'M ENTITLED TO TIME SERVED AGAIN REINSTATED SPLIT SENTENCE PROBATION REVOCATION PER SC CODE OF LAW SECTION 24-13-40. 51% OF 3YRS IS 558 DAYS, AS OF TODAY I HAVE SERVED 554 DAYS OFF OF THIS SENTENCE.

Grievant Signature Richard Clowney Date 6-16-22

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. You state SCDC erroneously calculated your reinstated suspended sentence. You received an 8-year sentence on November 13, 2018, suspended to 2 years house arrest and 3 years of probation. You state you served 2 years of house arrest prior to being placed on probation. Upon your reinstated 3-year probation revocation, you state you are not receiving the credit for the 2 years house arrest credit against the probation revocation that you are entitled to receive by law. You request that SCDC properly award you 2 years of house arrest credit to your current sentence. The Warden responded to your concern on June 13, 2022. Accordingly, any credit given must be ordered by the judge. You have been given jail time credit as allowed and consistent with SC Law. Your projected release date is July 12, 2023. If you still do not understand your incarcerative sentence, you may speak with a Classification Caseworker for further clarification.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature Jacey Richardson Date 7/7/22

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 _____

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>RICHARD VANDAE CLOWNEY</u>	OFFICE USE ONLY
SCDC NUMBER: <u>276073</u>	Grievance No. <u>YRCJ 0059-22</u>
INSTITUTION: <u>TRENTON C.I.</u>	Code: General _____
HOUSING UNIT: <u>1-C-19</u>	Policy _____
WORK ASSIGNMENT: <u>DORM WORKER</u>	Disc. Hear. _____
	Class. <u>CL/CL</u>
	PREA _____
	Date Received <u>JUN 09 2022</u>
	IGC Initials <u>JF</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.)

22-02657826 (K044397) SCDC IS ERRONEOUS IN PROPERLY CALCULATING MY REINSTATED SUSPENDED SENTENCE. ON NOVEMBER 13, 2018 I RECEIVED AN 8YR SUSPENDED TO 2YRS HOUSE ARREST AND 3YRS PROBATION I SERVED THE 2YRS HOUSE ARREST PRIOR TO BEING PLACED ON PROBATION. UPON MY REINSTATED 3YR PROBATION REVOCATION, I'M NOT RECEIVING MY 2YRS HOUSE ARREST CREDIT AGAINST THIS PROBATION REVOCATION THAT BY LAW I'M ENTITLED TO RECEIVE FROM SCDC IN CALCULATING MY SENTENCE. PER S.C. CODE OF LAW SECTION 24-13-40

RICHARD CLOWNEY 6-8-22
Grievant Signature Date

ACTION REQUESTED: SCDC TO PROPERLY APPLY STATUE 24-13-40 AND AWARD ME THE 2YR HOUSE ARREST CREDIT TO MY SENTENCE.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

WARDEN'S DECISION AND REASON:

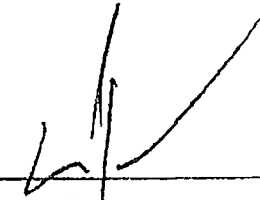
Clowney, Richard 276073

TrCI-0059-22

I have reviewed your concerns. In your grievance, you state SCDC erroneously calculated your reinstated suspended sentence. On 11-13-18, you received an 8-year sentence suspended to 2 years house arrest and 3 years of probation. You state you served 2 years of house arrest prior to being placed on probation. Upon your reinstated 3-year probation revocation, you state you are not receiving the 2-year house arrest credit against this probation revocation that you are entitled to receive by law. You request that SCDC properly award you 2 years of house arrest credit to your current sentence. After conferring with Lynn Quarles, Classification Case Manager at Trenton Correctional Institution, your current sentence is a probation violation. Any time served comes off the original 8-year sentence. Per Inmate Records Office, any credit for house arrest must be ordered by the judge.

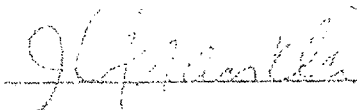
Therefore, your grievance is denied.

If you disagree with the Warden's Decision (Decision), you may file an appeal by completing SCDC Grievance Form 10-5A, provided you do so 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
6-13-22
Date

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

Richard Clowney 6-16-22
Grievant Signature Date

 6/16/22
IGC Signature Date


INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form 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.

JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: GREENVILLE

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: <u>Richard Clowney</u>		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
<u>10/3/2021</u>	<u>Unlawful Carrying Firearm</u>	<u>2021A2320603428</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>10/3/2021</u>	<u>Unlawful Sale/Delivery Firearm</u>	<u>2021A2320603429</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>10/3/2021</u>	<u>Poss Firearm by Felon</u>	<u>2021A2320603430</u>	<u>10/29/2021</u>	<u>Bond Posted</u>
<u>4/12/2021</u>	<u>Poss Death</u>	<u>2021A2320603452</u>	<u>4/14/2021</u>	<u>Bond Posted</u>
				2022 JUN 15 4 11:07
Approved by: <u>SGT. D. ARMSTRONG</u> 		Date: <u>6/7/2022</u>		

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

Exhibit 2

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JAIL TIME REPORT FOR SCDC TRANSFER
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE ~~24-13-40~~ ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Vandale Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
1/15/22	Violation of Probation	W# 2017A2330210689	1/26/2022	SCDC
		I# 182302073		
10/5/21	Violation of Probation	W# 2017A2330210689	10/29/21	Bond
		I# 182302073		
10/14/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	11/20/19	Sentenced SCDC
		I# 18230273		
8/27/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	8/30/19	Condition of Bond HIP
		I# 18230273		
5/24/19	Failure to Comply HIP Distribution of Heroin	W# 2017A2330210689	6/19/19	SCDC On Detainer
		I# 18230273		
12/14/17	Distribution of Heroin	W# 2017A2330210689	12/15/17	Bond
		I# 18230273		
		W #		
		I #		
Approved by: S. Jones 8755			Date: 1/20/22	
Detainer:				

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

Exhibit 3

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JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
5/24/19 (6/11/19)	FTC w/HIP- Poss cocaine 1st <i>Per Sentence - no credit for time served</i>	W # 2018a2330201711	19 6/11/19	SCDC
5/24/19	FTC w/HIP-Distr Heroin 1st	W # 2017a2330210689	19 6/11/19	SCDC
		I #		
		W #		
		I #		
		W #		
		I #		
	Detainer 2018gs3900269 2018a2330201711, 2017a2330210689	W #		
		I #		
		W #		
		I #		
		W #		
		I #		
Approved by: Officer T. Lowden			Date: 6/12/19	

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

Exhibit 4

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JAIL TIME REPORT FOR SCDC TRANSFER
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
8/30/19	All above charges	W # see all above	9/11/19	Time on HIP
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
Approved by: Officer T. Lowden		Date: 11/19/19		

**Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.*

JAIL TIME REPORT FOR SCDC TRANSFER
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: Greenville

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: Richard Clowney		Date of Birth: [REDACTED]		
Social Security: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant# (or) Indictment #	Release Date	Reason for Release*
32 10/14/19	FTC w/ HIP-poss cocaine base 1st	W # 2018a2330201711	11/20/19	SCDC 32
		I #		
10/14/19	FTC w/ HIP-distr heroin 1st	W # 2017a2330210689	11/20/19	SCDC
		I #		
12/15/17	Distr heroin 1st	W # 2017a2330210689	12/15/17	Bond 1
		I #		
2 2/25/18	Poss cocaine base 1st	W # 2018a2330201711	2/27/18	Bond 2
		I #		
11/27/18	All above charges	W # see all above	12/11/18	Time on HIP program
		I #		
5/24/19	All above charges	W # see all above	6/13/19	SCDC for partial revocation of sentence 2/0/19
		I #		
8/27/19	All above charges	W # see all above	8/30/19	Reinstated to HIP program
		I #		
Approved by: Officer T. Lowden			Date: 11/19/19	

*Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

(Jail Time Report form.doc)

04/07/00

RECEIVED

CERTIFICATE OF COUNSEL

MAY 24 2023

SC Court of Appeals

THE UNDERSIGNED HEREBY CERTIFIES THAT THE RECORD ON APPEAL CONTAINS ALL MATERIAL PROPOSED TO BE INCLUDED BY ANY OF THE PARTIES AND NOT ANY OTHER MATERIAL.

276073 RICHARD CLOWNEY

Richard Clowney

LVCI 2-17-13

MAY 18, 2023

UNA, S.C. 29378