

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	
Eric Samuel,)	C. A. No: 2022-CP-23-04180
)	
Plaintiff,)	
)	
v.)	
)	ORDER
South Carolina Department of)	
Corrections,)	
)	
Defendant.)	

This matter is before the Court on Motion for Summary Judgement of Defendant South Carolina Department of Corrections. The motion is made pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, and on the grounds there is no genuine issue as to any material fact and that Defendant is entitled to judgment as a matter of law. The motion is supported according to the Memorandum of Defendant, by the entire record herein, as well as an affidavit of Candace Cannady. These documents have all been served on Plaintiff and filed in the Office of the Clerk of Court.

This pro se Plaintiff, and William U. Gunn, attorney for Defendant, were heard in oral argument in open court on February 14, 2024.

It appears the Plaintiff received a \$1,400.00 stimulus check which he signed to be placed in the E.H. Cooper Trust Account. According to the affidavit and papers supplied therewith, 60% of the stimulus check could be deducted out of Plaintiff's check for restitution. It further appears undisputed that the total of \$773.89 was taken out of the stimulus check for restitution. Plaintiff contends that the \$773.89 was wrongfully deducted from his check and that he should be

reimbursed for that sum. Also, he seeks compensatory damages in the sum of \$50,000.00 against the Department of Corrections.

The affidavit of Candace Cannady shows that under Section 17.2.1.1 of Administrative Policy ADM-1512, which governs the operation of the E.H. Cooper Trust Fund as much as 60% of deposits may be withheld for restitution. Accordingly, under the \$773.89 which was deducted would be within the guidelines under that policy.

Plaintiff argues that he should have the entire \$1,400.00. However, Plaintiff was unable to offer any authority or information contrary to that submitted by Defendant.

The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder. *Singleton v. Sherer*, 377 S.C. 185, 659 S.E. 2d, 196 (Ct. App. 2008)

The Court is constrained to conclude that the summary judgment of Defendant South Carolina Department of Corrections must be granted. Accordingly, that summary judgment is granted, thereby dismissing this action.

IT IS SO ORDERED.

Alex Kinlaw, Jr.
Presiding Judge

February _____, 2024
Greenville, South Carolina



Greenville Common Pleas

Case Caption: Eric Samuel vs. Corrections SC Dept Of

Case Number: 2022CP2304180

Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763