

RECEIVED

APR 02 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal From The Administrative Law Court, Crystal M. Rookard.
Administrative Law Judge

Appellate Case No. 2023-001546

DARRELL L. GOSS,

Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Respondent.

RECORD ON APPEAL

DARRELL L. GOSS # 305517
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512
PRO SE, APPELLANT

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SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

July 13, 2022

The Honorable Shirley Canty Robinson
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

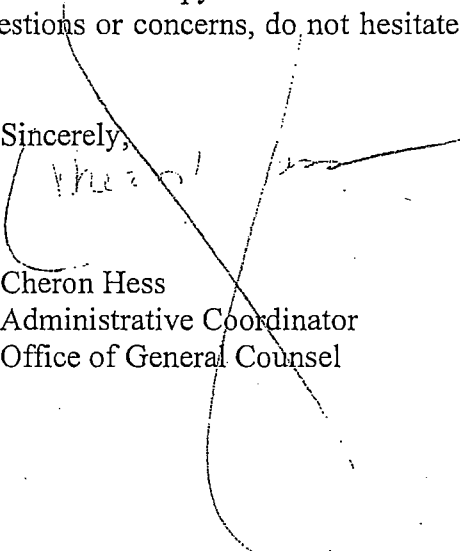
Reference: Inmate Darrell Lee Goss, #305517, vs. SCDC
Docket No. 22-ALJ-04-0141-AP

Dear Judge Shirley Canty Robinson:

Find the enclosed ***Record on Appeal*** for the above referenced case. The Record for this case, relating to Inmate Grievance LCI 172-22, consists of the Inmate Grievance Form(s) and other supporting documents.

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

Sincerely,


Cheron Hess
Administrative Coordinator
Office of General Counsel

Enclosures

cc: Inmate Darrell Lee Goss, #305517
File

Inmate Request - General

Today's Date: 7/11/22 11:10

Name: GOSS, DARRELL LEE

Booking #: 305517

Permanent #: 305517

Reference #: 22-02467568

Date Requested: 02/01/22 11:08

Request Type: Classification

Requested By: Kiosk

Request Details: Ms. Ravenel, my maxout date is suppose to be 6/15/24 but in the system its showing 9/12/25. What's going on with that and why i haven't earned any work or good behavior credits since I've been in the Restorative Unit ?

Disposition: Complete

Officer:

Disposition Date: 03/02/22 09:37

Request Responses

Date	Author	Note
03/02/22 09:39	c064996	YOUR MAXOUT DATE WAS NEVER JUNE 2024

MAR 01 - 2022

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

3

STEP 1

INMATE NAME: Darrell L. Goss

SCDC NUMBER: 305517

INSTITUTION: Lieber Corr. Inst.

HOUSING UNIT: MA - 123

WORK ASSIGNMENT:

OFFICE USE ONLY
Grievance No. LCI-0172-22
Code: General CLCL
Policy _____
Disc. Hear. _____
Class. _____
PREA _____
Date Received 03.07.22
IGC Initials (AG)

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.)

This grievance is about my max out date. My current max out date is September 12, 2025. This is incorrect. My max out date should be in June of 2024 because that will be 85% of 30 years. Plus, what about my work credits, and good behavior credits. I should be receiving those too, but I'm not.

Kiosk Reference No. : 22-02467568

Darrell L. Goss 3/7/22

Grievant Signature Date

ACTION REQUESTED: I request that my time be adjusted correctly.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse for wardens' response

ABrown 03.23.22

IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

4

Goss, Darrell 305517

LCI-0172-22

I have reviewed your concern. In your grievance you state your current max out date is September 12, 2025, which is incorrect. You state the max out date should be June 2024 because that is 85% of 20 years. You further state you should be receiving work and good behavior credits, but you are not. You have requested your time adjusted correctly. Upon review, you are currently receiving work credits. You do not receive good behavior credits because you are serving 85%. Furthermore, you have a mandatory sentence of 17 years that must be completed before you are released. You have not shown that SCDC Staff have failed to perform their job duties appropriately.

Therefore, your grievance is denied.

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

Brian Leibel 3/22/22
Warden Signature Date

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

Darrell S. Goss 3/24/22
Grievant Signature Date

APROWN 03.23.2022
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.

MAR 20 2022
LGC

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

5

INMATE NAME: Darrell L. Goss
SCDC NUMBER: 305517
INSTITUTION: Lieber Corr. Inst.
HOUSING UNIT: MA - 123
WORK ASSIGNMENT: _____

RECEIVED
MAR 30 2022

Office Use Only
Grievance No. UCI-012-22
Code: General CL/CU
Policy _____
Disc. Hear. _____
Class. _____
Date Received 03.28.22
IGC Initials AP
KCVD 4/1/22 BW

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

17 years from 2007, would be 2024. My max out is September, 2025, that's 15 months extra.

Darrell L. Goss 3/22/22
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated your maxout date should be June 2024 instead of September 12, 2025. You state that your sentence should be classified as 85% of a 20-year sentence and that you should be receiving work/good behavior credits. You have requested that your time be adjusted correctly. You were informed by the Warden on March 24, 2022 that your time was calculated correctly, and you are receiving the appropriate amount of work and good time credit. Be advised that there is no evidence, and/or documentation indicating that your maxout date was previously scheduled for June 2024. You are currently serving a minimum of 17 years on a 20-year sentence; however, due to 39 disciplinary convictions, you are serving more than the required amount due to loss of good time and work credits.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Stacey Williams 4/26/22
Signature Date

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

Grievant Signature _____ Date _____

IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

CMTI100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

07/11/22
C052640

6

SCDC# > 305517
GOSS, DARRELL LEE

CURR LOC: LIEBER
SCDC CLASSIFICATION...: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND	CONV	VIO
		YRS	MO	DYS	DATE	START					
* S00005	KIDNAPPING	020	00	000	02/26/09	06/15/07	01/11/2026	AC	V V		
S00004	ASSLT & BATT W/INTNT	020	00	000	02/26/09	06/15/07	01/11/2026	AC	V V		
S00003	ARMED ROBBERY	020	00	000	02/26/09	06/15/07	01/11/2026	AC	V V		

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 07/11/22
 OMCOMITA CONVICTION INQUIRY C052640
 SCDC #: 305517 YOA NONCONFORM SENT: CURR LOC: LIEBER
 GOSS, DARRELL LEE NONCONFORM SENT: N RTRN TO COURT: N
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00005 INDICT NUM: 07-GS-1010807 WARRANT NUM: F969631
 DATE SENTENCED.: 02/26/2009 JUDGE LAST.: NICHOLSON FI: J
 STATUTE: 16-03-0910 CDR CODE.: 0095 GPS IND: N
 OFFENSE: 1000 KIDNAPPING OFFENSE DATE: 06/14/2007
 CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 10 CHARLESTON
 PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
 TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE.: 06/15/2007
 TOTAL SENTENCE...: 020 00 000 MAND SERV REQMT...: 017 00 000
 INCARC SENTENCE...: 020 00 000 PAROLE FACTOR...: 2 1/3 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999
 HIP SENT...: 000 00 000 HAYES CRED: 00000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 06/15/2007 DOM.IND: N
 CONSECUTIVE IND.: N SPOUSE ABUSE: STATUTE CLASS: VIOLENT
 DNA OFFENSE IND.: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: VIOLENT
 SEX REG: Y PRED OFF: N LAST UPDATE: INDICTFX DATE: 02/24/21
 NO PAROLE: NO PAROLE CREATED BY.: A CRUM DATE: 03/03/09

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PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
 STATE VS.)
 DARRELL LEE GOSS)
 AKA:)
 Race: [redacted] Sex: [redacted] Age: [redacted])
 DOB: [redacted] SS#: [redacted])
 Address: [redacted])
 DL#: [redacted] SID#: [redacted])

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#: 2007GS1010807
 A/W#: F969631
 Date of Offense: 6/14/2007
 S.C. Code § : 16-03-0910
 CDR Code #: 0095

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code# 0095
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (Defendant initial)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature]
 Lawton, Trip Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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 the State Department of Corrections. SINCE 6/15/07
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 set by SCDPPPS _____

Recipient: _____

*Fine:	\$	_____
§ 14-1-206 (Assessments 107.5 %)	\$	_____
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§ 56-5-2995 (DUI Assessment)	\$12	\$ _____
§ 35.13 (Public Def/Prob)	\$500	\$ _____
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$ _____
§ 50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ 3.75
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ 5.00
TOTAL	\$	\$ 133.75

_____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling _____
 Random Drug/Alcohol testing _____
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
 Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

[Signature]
 Clerk of Court/ Deputy Clerk
 Court Reporter: A. Hoffelder

PRESIDING JUDGE [Signature]
 Judge Code: 217
 Sentence Date: 2/26/09
 SCCA/217 (07/2008)

CMTI200D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

9

OMCOMITA

CONVICTION INQUIRY

C052640

SCDC #: 305517

YOA NONCONFORM SENT:

CURR LOC: LIEBER

GOSS, DARRELL LEE

NONCONFORM SENT: N

RTRN TO COURT: N

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CONVICTION NUM: S00004 INDICT NUM: 07-GS-1010806 WARRANT NUM: F969630

DATE SENTENCED...: 02/26/2009 JUDGE LAST...: NICHOLSON

FI: J

STATUTE: 16-03-0620

CDR CODE.: 0014 GPS IND: N

OFFENSE: 1399 ASSLT & BATT W/INTNT KILL

OFFENSE DATE: 06/14/2007

CHARACT: F FACILITATION OF COUNTS: 01

OFFENSE CNTY: 10 CHARLESTON

PLEA...: G GUILTY

TYPE OF COURT...: 01 GENERAL SESSIO

TYPE SENTENCE... : S ADULT-STRAIGHT

SCDC JURIS DATE...: 06/15/2007

TOTAL SENTENCE...: 020 00 000

MAND SERV REQMT...: 017 00 000

INCARC SENTENCE...: 020 00 000

PAROLE FACTOR...: 2 1/3 SENT. REQ.

PROBATION SENT...: 000 00 000

PAROLE SERV REQMT: 999 99 999

HIP SENT...: 000 00 000

HAYES CRED: 00000

RESTITUTION REQMT: N AMT:

.00 JAIL CRED: 00000

EXTRA CRED: 00000

CONVICTION STATUS: AC ACTIVE

SENT START DATE: 06/15/2007 DOM.IND: N

CONSECUTIVE IND...: N SPOUSE ABUSE:

STATUTE CLASS: VIOLENT

DNA OFFENSE IND...: Y

EEC ELIG: Y DEATH UTERO:

SCDC CLASS...: VIOLENT

SEX REG: N PRED OFF: N

LAST UPDATE: INDICTFX

DATE: 02/24/21

NO PAROLE: NO PAROLE

CREATED BY.: A CRUM

DATE: 03/03/09

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE

VS.
DARRELL LEE GOSS

INDICTMENT/CASE#: 2007GS1010806

A/W#: F969630

Date of Offense: 6/14/2007

S.C. Code § : 16-03-0620

CDR Code #: 0014

AKA:

Race: Sex: Age:

DOB: SS#: Address:

DL#: SID:

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ABWIK/Assault and Battery with Intent to Kill

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (Defendant initial)

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

ATTEST: *[Signature]*

Lawton, Trip

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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 the State Department of Corrections. *since 6/15/07*

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

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

Payment Terms: _____

set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00

TOTAL \$ 133.75

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE *[Signature]*

Judge Code: 2117

Sentence Date: 7/26/09

SCCA/217 (07/2008)

Clerk of Court/ Deputy Clerk *[Signature]*

Court Reporter: A. Halperden

CMTI200D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

OMCOMITA

CONVICTION INQUIRY

C052640

SCDC #: 305517

YOA NONCONFORM SENT:

CURR LOC: LIEBER

GOSS, DARRELL LEE

NONCONFORM SENT: N

RTRN TO COURT: N

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CONVICTION NUM: S00003 INDICT NUM: 07-GS-1010805 WARRANT NUM: F969629

DATE SENTENCED: 02/26/2009 JUDGE LAST: NICHOLSON

FI: J

STATUTE: 16-11-0330(A)

CDR CODE: 0139 GPS IND: N

OFFENSE: 1299 ARMED ROBBERY

OFFENSE DATE: 06/14/2007

CHARACT: F FACILITATION-OF COUNTS: 01

OFFENSE CNTY: 10 CHARLESTON

PLEA: G GUILTY

TYPE OF COURT: 01 GENERAL SESSIO

TYPE SENTENCE: S ADULT-STRAIGHT

SCDC JURIS DATE: 06/15/2007

TOTAL SENTENCE: 020 00 000

MAND SERV REQMT: 017 00 000

INCARC SENTENCE: 020 00 000

PAROLE FACTOR: 2 1/3 SENT. REQ.

PROBATION SENT: 000 00 000

PAROLE SERV REQMT: 999 99 999

HIP SENT: 000 00 000

HAYES CRED: 00000

RESTITUTION REQMT: N AMT:

.00 JAIL CRED: 00000

EXTRA CRED: 00000

CONVICTION STATUS: AC ACTIVE

SENT START DATE: 06/15/2007 DOM.IND: N

CONSECUTIVE IND: N SPOUSE ABUSE:

STATUTE CLASS: VIOLENT

DNA OFFENSE IND: Y EEC ELIG: Y DEATH UTERO:

SCDC CLASS: VIOLENT

SEX REG: N PRED OFF: N

LAST UPDATE: INDICTFX

DATE: 02/24/21

NO PAROLE: NO PAROLE

CREATED BY: A CRUM

DATE: 03/03/09

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

DARRELL LEE GOSS

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS1010805
A/W#: F969629
Date of Offense: 6/14/2007
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Armed Robbery

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature]
Lawton, Trip

Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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 the State Department of Corrections. SINCE 6/15/07
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____
 set by SCDPPPS _____

Recipient: _____	
*Fine: _____	\$ _____
§ 14-1-206 (Assessments 107.5%)	\$ _____
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§ 56-5-2995 (DUI Assessment)	\$12 \$ _____
§ 35.13 (Public Def/Prob)	\$500 \$ _____
§ 73.3, 1B TP (Law Enforce. Funding)	\$25 \$ <u>2500</u>
§ 33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
§ 50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ <u>3.75</u>
§ 90.11 TP (SCCJA Surcharge)	\$5 \$ <u>5.00</u>
TOTAL	\$ <u>133.75</u>

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

Appointed PD or appointed other counsel §35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: A. Halperden

PRESIDING JUDGE [Signature]
Judge Code: 2117
Sentence Date: 2/26/09
SCCA/217 (07/2008)

CMTI700M SCDC OFFENDER MANAGEMENT SYSTEM 07/11/22
 CMTI700D COMMITMENT APPLICATION C052640
 SCDC# > 305517 COMPLETED SCDC PRIORS
 GOSS, DARRELL LEE CURR LOC: LIEBER
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE SCDC CLASSIFICATION...: VIOLENT

13

NUM	T X	CONV	OFFENSE	YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND
S00002	2	N	MAKING FALSE	000	00	030	07/23/07	08/20/07	09/19/2007	CO	N	N
Y S00001	1	N	DRIVING UNDER	000	00	180	07/23/07	08/20/07	12/20/2007	CO	N	N
Y00305517												
C00004	2	N	VIOL VEH CHOP	004	00	000	10/20/04	06/08/04	06/08/2008	AC	N	N
C00003	3	N	ASSL&BATTERY-	004	00	000	10/20/04	06/08/04	06/08/2008	AC	N	N
C00002	2	N	BREAKING INTO	004	00	000	10/20/04	06/08/04	06/08/2008	AC	N	N
C00001	2	N	POSSESS STOLE	004	00	000	10/20/04	06/08/04	06/08/2008	AC	N	N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...
 PF4-MODCONV PF6-NON-SCDC PRIORS

JAIL TIME REPORT FOR SCDC TRANSFER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, P.O. BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX #: (803) 896-1217

COUNTY SUBMITTING FORM: CHARLESTON COUNTY

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

Name: GOSS, DARRELL LEE		Date of Birth: [REDACTED]		
Social Security #: [REDACTED]		Race/Sex: [REDACTED]		
SID# [REDACTED]		FBI# [REDACTED]		
Arrest Date	Charge(s)	Warrant # (or) Indictment #	Release Date	Reason for Release
06-16-07	ARMED ROBBERY	W#F969629 I#	08-28-07	XFER SCDC OTHER CHARGE
11-27-07	ARMED ROBBERY	W#F969629 I#	03-02-09	XFER SCDC
06-16-07	ABWIK	W#F969630 I#	08-28-07	XFER SCDC OTHER CHARGE
11-27-07	ABWIK	W# F969630 I#	03-02-09	XFER SCDC
06-16-07	KIDNAPPING	W# F969631 I#	08-28-07	XFER SCDC OTHER CHARGE
11-27-07	KIDNAPPING	W# F969631 I#	03-02-09	XFER SCDC
		W# _____ I#		
		W# _____ I#		
Approved By: D.C. GEDDIS			Date: 03-03-09	

*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)

CMTI330D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

OMCOMITA

RELEASE DATE SCREEN

C052640

SCDC# > 305517

LOC: LIEBER

GOSS, DARRELL LEE

SCDC CLASSIFICATION...: VIOLENT

LEGAL NAME:

SEXUAL REGISTRY...: Y

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE

SEXUAL PREDATOR...: NOT APP

TABLET ELIGIBLE...: Y

DNA STATUS...: COMPLETED

GPS REQUIREMENT...: N

PREA DECISION...: [REDACTED]

PREA VICTIM...: [REDACTED]

PREA PERP...: [REDACTED]

CURRENT SENTENCE: 020-00-000

CONSECUTIVE SENTENCE ...: N

020-00-000

CURRENT SENT START DATE: 06/15/2007

PROJECTED COMPLETION DATES

MAXOUT DATE ...: 01/11/2026

CURRENT EWC ..: NOT CURRENTLY EARNING EWC

YOA SIX YEAR DATE: / /

CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 00/00/0000

NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED: 000198

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

TOTAL EARNED WORK CREDITS ...: 000554

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000094

CURRENT OR PRIOR SEX CONDUCT CONVICT

TOTAL EXTRA EARNED CREDITS ..: 000

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

TOTAL SERVICE TIME EARNED ...: 005046

ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

15

EECI230D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

EARNED WORK/EDUC CREDIT ASSIGNMENT

C052640

HISTORY OF EEC ASSIGNMENTS

16

SCDC #> 305517

CURR LOC.....: LIEBER

GOSS, DARRELL LEE

POP ASSIGN...: ST3

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 9005 LOCKED - UP

EEC	DESCRIPTION	START DATE	END DATE	TERMINATION REASON	CREDIT
-	LVL 3 - FULL TIME (NO EWC)	08/17/12	10/31/12	POOR ATTENDANCE	0018
-	LVL 3 - FULL TIME (NO EWC)	08/20/10	09/19/11	INSTIT TRANSFER	0093
-	LVL 2 - FULL TIME (NO EWC)	10/21/05	02/28/06	RELEASED/PAROLED	0047
-	LVL 2 - FULL TIME (NO EWC)	10/19/05	10/20/05	MI ELIGIBLE FOR LEVEL 2	0001
-	LVL 2 - FULL TIME (NO EWC)	07/27/05	10/11/05	PLACED IN ST/SP CUSTODY	0027
-	LVL 2 - FULL TIME (NO EWC)	04/29/05	06/10/05	PLACED IN ST/SP CUSTODY	0015
-	LVL 2 - FULL TIME (NO EWC)	11/24/04	04/28/05	ASLT/DRUG/MAJOR DISC	0055
-	LVL 2 - FULL TIME (NO EWC)	11/19/04	11/23/04	MI ELIGIBLE FOR LEVEL 2	0002

PAGE.> 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3: ASSIGN EEC PF4: MODIFY EEC PF5: TERMINATE EEC PF6: HDQS ADD EEC

EWCI100D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

EWCI100M

EARNED WORK CREDIT ASSIGNMENT

C052640

OMEWCA

HISTORY OF EWC ASSIGNMENTS

17

SCDC #> 305517

CURR LOC.....: LIEBER

GOSS, DARRELL LEE

POP ASSIGN...: ST3

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 9005 LOCKED - UP

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	JOB DYS	EWC F/P	TOT EWC
WARDKEEPER ASSISTANT	02/18/20	05/09/22	PLACED IN ST/SP	2	5	F	290.000
WARDKEEPER ASSISTANT	05/29/19	02/17/20	POLICY CHANGE	2	5	F	37.857
WARDKEEPER ASSISTANT	04/17/17	01/16/18	PLACED IN ST/SP	5	5	F	39.285
WARDKEEPER ASSISTANT	09/15/16	04/16/17	CUSTODY REVIEW	3	5	F	50.952
WARDKEEPER	07/18/16	07/26/16	PLACED IN ST/SP	3	5	F	2.142
CUSTODIAL WORKER	07/12/16	07/13/16	INSTIT TRANSFER	3	5	F	0.476
LAUNDRY HELPER	01/19/16	07/05/16	INSTIT TRANSFER	3	5	F	40.238
LAUNDRY HELPER	07/07/15	01/13/16	INSTIT TRANSFER	3	5	F	45.476
LAUNDRY HELPER	11/01/12	06/24/15	INSTIT TRANSFER	3	5	F	230.000
STOP PROGRAM	11/06/07	11/30/07	RELEASED/PAROLE	3	5	F	5.952

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

DISCIPLINARY SYSTEM

C052640

SCDC ID: 305517

DISPLAY INMATE OFFENSE HISTORY

GOSS, DARRELL LEE

CURR LOC: LIEBER

LEGAL NAME:

PURCHASED TV

OFFENDER TYPE: ADULT-STRAIGHT

SERIOUS MENTAL ILLNESS: N

TABLET ELIG: Y

18

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00051	POSSESSION OF A WEAPO	MAJOR DI	05/26/22	/ /	00000		1
00049	INCITING/CREATING A D	MAJOR DI	05/09/22	/ /	00000		2
00047	REFUSING OR FAILING O	OTHER AC	02/23/22	03/01/22	00000	CLOSED	3
00046	POSSESSION OF A NEGOT	MAJOR DI	02/05/19	02/13/19	00000	CONVICTED	2
00043	SMUGGLING/CONSPIRACY	MAJOR DI	03/01/18	03/13/18	00000	CONVICTED	2
00042	SMUGGLING/CONSPIRACY	MAJOR DI	02/28/18	03/13/18	00000	CONVICTED	2
00041	ASSAULT/BATTERY OF IN	MAJOR DI	01/16/18	02/09/18	00000	CONVICTED	1
00039	POSSESSION OF A WEAPO	MAJOR DI	01/03/18	01/30/18	00000	CONVICTED	1
00038	POSS. OR/ATTEMPT TO P	MAJOR DI	01/03/18	01/30/18	00000	CONVICTED	1
00037	POSS. OR/ATTEMPT TO P	MAJOR DI	09/12/17	09/25/17	00000	CONVICTED	1
00036	CREAT/ASSIST WITH SOC	MAJOR DI	03/08/17	03/28/17	00000	CONVICTED	1
00034	CREAT/ASSIST WITH SOC	MAJOR DI	02/15/17	03/10/17	00000	CONVICTED	1

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM

07/11/22

DISCIPLINARY SYSTEM

C052640

SCDC ID: 305517

DISPLAY INMATE OFFENSE HISTORY

GOSS, DARRELL LEE

CURR LOC: LIEBER

LEGAL NAME:

PURCHASED TV

OFFENDER TYPE: ADULT-STRAIGHT

SERIOUS MENTAL ILLNESS: N

TABLET ELIG: Y

21

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00005	SOLICIT EMPLOYEE, I/M,	MAJOR DI	04/18/05	05/16/05	00000	CONVICTED	3
00004	DAMAGE, DESTROY, PROP.V	OTHER AC	03/21/05	/ /	00000	CLOSED	2
00003	INTERFERING WITH COUN	OTHER AC	02/19/05	/ /	00000	CLOSED	3
00002	INTERFERING WITH COUN	OTHER AC	01/15/05	/ /	00000	CLOSED	3
00001	POSSESSION OF CONTRAB	OTHER AC	12/21/04	/ /	00000	CLOSED	3

END OF LIST

PAGE 0004

PF4-MODIFY

PF6-DISMISSED/NOT GUILTY

PF11-QUIT

PF10-MAIN MENU

MAXOUT DATE CALCULATION WORKSHEET

NAME: GOSS, DARRELL SCDC #: 305517

22

360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
 365 DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)

Sentence Length: 20 YEARS (1) Sentence Length in Days: 7300 (2)

Total credits earned as of next cycle date:
 Sentence Start Date: 06/15/2007 (3) Next Cycle Date: 08/15/2022 (4)

Calendar Service Credit: (+) 5540 (5)
 Good Time Credit (Gross): 546 (6)
 Good Time Forfeited: (-) 39 (7)
 Good Time Days Lost: (-) 258 (8)

TOTAL GOOD TIME CREDIT EARNED: (+) 249 (9)
 Earned Work Credit: (+) 546.28382 (10)
 Earned Education Credit: (+) 92.702142 (11)
 Earned Extra Credit: (+) 0 (12)
TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12)= (-) 6427.9859 (13)
 Remaining to satisfy as of next cycle date (enter line 4): 08/15/2022 (14) (=) 872.0141 (15)

Average Monthly Accrual Rate:
 Service Days + Good Time + EWC + EEC
30.42 (16) + 3 (17) + 0 (18) + 0 (19) = 33.42 (20)
 Divide Line 15 by Line 20 = 26 (21) 092582 (22)
 (whole number) (remainder)
 Enter next cycle date from line 14: 08/15/2022 (23)
 Complete cycles from line 21: (+) 2 2 (24)
 Estimated final cycle: (=) 10/15/2024 (25)

Projection of Remaining Time to Serve:
 Next cycle date from line (23) 08/15/2022 (26) Est. final cycle (from line 25) 10/15/2024 (27)
 Calendar Service Credit: (+) 792 (28)
 Good Time Credit: (+) 78 (29)
 Earned Worked Credit: (+) 0 (30)
 Earned Education Credit: (+) 0 (31)
TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) 870 (32)
 Remaining to satisfy as of estimated final cycle: (=) 2.0141 (33)

Daily accrual rate:
 Service 1 (34)+EWC Daily Rate 0 (35)+EEC Daily Rate 0 (36) = 1 (37)
 Divide days remaining to earn (line 33) by daily accrual (line 37)= 2.0141 (38)
 Enter estimated final cycle (line 27): 10/15/24 (39)
 Add days from line 38: (+) 2 (40)
 Calculate to month, day and year: 10/17/24 (41)

(Line 42 is lesser of Line 41 or next cycle date from line 39)
PROJECTED RELEASE DATE: (=) 10/15/2024 (42)
ERNEST ROWE Employee Name  Employee Signature 07/12/2022 Date

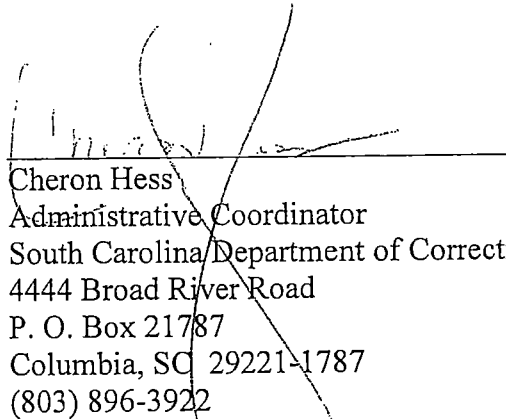
Last Modified on 10/25/02 (LAM)

CERTIFICATE OF SERVICE

23

I hereby certify that a copy of the foregoing document(s) was/were, this date, served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate Darrell Lee Goss
Inmate Number: 305517
Lieber Correctional Institution
Dorm-Room-Bunk: MB-0231-A



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

July 13, 2022

Appellant's request for an extension of time to file a brief.² The Court ordered that Appellant had **25** thirty (30) days from the date of the order to file a brief. On October 11, 2022, Appellant filed his 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

² Additional filings were made by both parties and the Court, a complete recitation of the filings are not necessary for an understanding of the appeal.

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). 26

ARGUMENTS

APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

On February 26, 2009, Appellant plead guilty and was sentenced to three criminal offenses, they were: (1) Kidnapping in violation of S.C. Code Ann. § 16-03-0910 and sentenced to twenty years (20) incarceration, Rec. pp. 5-6; (2) Assault and Battery with Intent to Kill ("ABWIK") in violation of S.C. Code Ann. § 16-03-0620 and sentenced to twenty years (20) incarceration, Rec. pp. 7-8; and (3) Armed Robbery in violation of S.C. Code Ann. § 16-11-330 (A) and sentenced to twenty years (20) incarceration, Rec. pp. 9-10. All of three sentences run concurrently to one another, and to account for jail time credit, Appellant's sentence start date is June 15, 2007, as directed by his sentencing sheets. Rec. pp. 5-10.

Appellant is serving sentences that are classified as "no-parole" offenses, meaning appellant must serve a minimum of eighty-five percent of his twenty-year sentence. *See* S.C. Code Ann. § 24-13-150 (A); *and see* §24-13-100 (identifying class A felonies as "no-parole" offenses); *and see* §16-1-90 (A) (identifying armed robbery and kidnapping as class A felonies). In addition to having a minimum service requirement of eighty-five percent, "no-parole" offenders can only earn good conduct credit at a rate of three days for each month served. S.C. Code Ann. 24-13-210 (B). The earning of good conduct credit is conditioned on the offender "faithfully observ[ing] all the rules of the institution where he is confined and has not been subject to punishment for misbehavior." *Id.* Likewise, a "no-parole" offender may earn work and education credits up to six days for every month he is employed or enrolled. *See* S.C. Code Ann. 24-13-230 (B). "A maximum annual credit for both work credit and education credit is limited to seventy-two days."

Id.

Here, Appellant was sentenced to twenty years to begin from the date of June 15, 2007.²⁷ *See* Rec. pp. 5-10. Because Appellant is serving time for “no-parole” offenses, Appellant must serve a minimum of eighty-five percent of his sentence. Eighty-five percent of twenty years is seventeen years. However, Appellant must serve more than the minimum eighty-five percent of his sentences because Appellant has been convicted of twenty-three disciplinary offenses during his present term of incarceration. *See* Rec. pp. 16-18. Each month Appellant commits a disciplinary offense, he fails to earn good time for the month which the infraction occurred. *See* S.C. Code Ann. § 24-13-210 (B). Additionally, when ever an inmate, or Appellant, is in disciplinary detention or does not have a job assignment, the inmate is not earning work credits which also impacts their release date. Because of these reasons, Appellant must serve more than the minimum eighty-five percent.

Appellant summarily asserts that his last disciplinary offense was on August 3, 2016, (disciplinary case number 33) where he lost 222 days of good conduct credit and alleges, he should have received the good conduct credits back because more than six years have passed. *See* Appellant’s Brief p. 4. Appellant is mistaken. First, Respondent notes that Appellant was convicted of nine disciplinary offenses from the time of disciplinary case number 33 and since the record was filed. Rec. p. 16. Secondly, the restoration of good conduct credit is completely a discretionary function. *See* SCDC Policy OP-22-57 section 5 (“Restoration of good time under this procedure is completely discretionary. . .”). The good conduct credit taken from Appellant by disciplinary case number 33 has not been restored. *See* Rec. pp. 17 and Good Time Restore History.³ Appellant has only had 15 days of good time credit restored, and the credit that was restored were for disciplinary case numbers 28, 41, and 46. *See* Good Time Restore History. Further, although good time was restored for disciplinary case numbers 28, 41, and 46, this does

³ A copy of the Good Time Restore History Screen was submitted in Respondent’s Motion to Supplement the Record and the Motion was granted in the Court’s September 28, 2022, Order
4 Goss Docket No. 22-ALJ-04-0141-AP

not negate the fact that Appellant never earned good time credit for the months these disciplinary offenses occurred. 28

Appellant has provided two certificates along with his brief and alleges he never received education credit for completing those programs. The certificates Appellant provided are from voluntary programs that are not eligible for education credits. To be eligible for education credits the inmate must be enrolled in an educational program. See SCDC Policy PS-08.06 and See S.C. Code Ann. 24-13-230 (B). Additionally, Appellant did not raise any issue about incorrect education credit in his Step one or two grievance and therefore Appellant should not be able to raise the issue for the first time on Appeal and the certificates submitted should be stricken. See *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)) (“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.”). 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).

Appellant has good conduct, earned work, and education credits that are properly applied to his sentence. See Rec. p. 21. During Appellant’s present term of incarceration, he has incurred twenty-three (23) disciplinary convictions which impact his projected release date. Rec. p. 16-18. Appellants current projected release date is October 15, 2024. Appellant has not carried his burden to demonstrate SCDC has incorrectly calculated his sentence. Therefore, SCDC respectfully requests its decision denying Appellant’s Step Two Grievance be upheld.

**RESPONDENT’S FINAL AGENCY DECISION IS SUPPORTED
BY SUBSTANTIAL EVIDENCE**

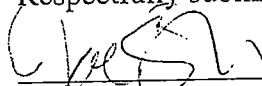
The Record and Motion to Supplement the Record conclusively establishes that the “substantial evidence on the whole record” supports the Department’s final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or

arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n*, 333 S. 29
12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed
with prejudice.

CONCLUSION

For the foregoing reasons, SCDC respectfully requests that this Court affirm SCDC's final
agency decision.

Respectfully submitted,



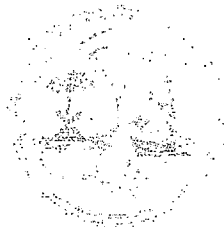
Joseph R. Shakibanasab, SC Bar No. 102825
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
Phone: (803) 896-1278

October 27, 2022
Columbia, South Carolina

STATE OF SOUTH CAROLINA
Administrative Law Court

31

Crystal M. Rookard
Administrative Law Judge



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

July 20, 2023

RE: Darrell Lee Gross, #305517 v. South Carolina Department of Corrections
Docket No.: 22-ALJ-04-0141-AP

Dear Office of General Counsel:

Initially, the Record shows Appellant's max out date as September 12, 2023. How did SCDC arrive at the max-out date October 15, 2025? The Department's brief does not explain this change.

Best Regards,

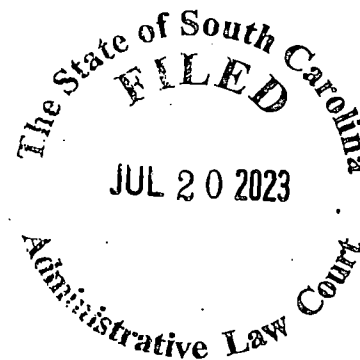
S.H.
Judicial Law Clerk to
The Honorable Shirley C. Robinson

CERTIFICATE OF SERVICE

This is to certify that the undersigned has personally served this order in the above entitled action upon all parties to this cause by depositing a copy hereto, in the United States mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 20 day of July

By:
Judicial Law Clerk





SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

32

August 17, 2023

Via Interagency Mail and Email Only

Shanice M. Hagood
Judicial Law Clerk to the Honorable Crystal M. Rookard
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201
Email: shagood@scalc.net

Reference: Darrell Lee Goss, #305517 v. South Carolina Department of Corrections
Docket No. 22-ALJ-04-0141-AP

Dear Ms. Hagood:

Please allow this letter to serve as a response to the Court's inquiry dated July 20, 2023.

I am attaching two documents to this letter. They are: (1) Projected Release/Elig Audit Trail, and (2) Transfer History Screen ("TRANCNT").

Your letter states that "[i]nitially, the Record shows Appellant's maxout date as September 12, 2023." I am unable to locate where Appellant's max out date is listed as September 12, 2023 in the record. However, the Step Two grievance states that Appellant's maxout date was previously September 12, 2025. This was adjusted due to earned credits and Appellant's disciplinary history.

During the course of preparing the Respondent's brief Appellant's projected max out date was adjusted from January 11, 2026 to October 15, 2024, once it was discovered an entry to the TRANCNT screen needed to be made. An AWL entry was added to the TRANCNT screen in the computer system. This was done to correct Appellant's sentence to give Appellant full credit for the backdate of Appellant's sentence. The sentencing judge backdated Appellant's sentences to a time when Appellant was actually serving another sentence and returned to a county detention center. SCDC had to make an AWL entry into the TRANCNT screen when the jail time is in the JURIS date or Appellant will not receive full credit for the back date. This correction was made on July 11, 2022.

Since the filing of the briefs Appellant's projected maxout date has adjusted again due to changes in Appellant's rate of earned work credits. Appellant's maxout date is now July 15, 2024.

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555
<http://www.doc.sc.gov> Email: corrections.info@doc.sc.gov



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

33

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-1278.

By copy of this letter I am serving same on the Appellant.

With best regards, I am

Sincerely,

Joseph R. Shakibanasab, SC Bar No. 102825

Staff Attorney

Office of General Counsel

Enclosures

cc: Inmate Darrell Lee Goss, #305517
File

CMTI310D

SCDC OFFENDER MANAGEMENT SYSTEM

08/17/23

COMMITMENT APPLICATION

SCDC #: 305517

PROJ RELEASE/ELIG AUDIT TRAIL

GOSS, DARRELL LEE

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

OFFENDER CATEGORY:

CURR SENT SERVING CAT: VIOLENT

34

MAXOUT DATE	PAROLE DATE	RECALC DATE	RECALC CODE	CHANGE REASON
07/15/2024	/ /	07/31/23		ADD/TERM EWC
07/15/2024	/ /	05/01/23		NEW EWC
10/06/2024	/ /	02/17/23		MOD STAT
10/06/2024	/ /	01/03/23		TERM EWC
06/28/2024	/ /	11/16/22		NEW EWC
10/15/2024	/ /	10/13/22		MOD STAT
10/15/2024	/ /	10/12/22		MOD HIST DISC
10/15/2024	/ /	09/14/22		MOD HIST DISC
10/15/2024	/ /	08/18/22		MOD HIST DISC
10/15/2024	/ /	08/05/22		MOD HIST DISC
10/15/2024	/ /	07/11/22		MOD STAT
01/11/2026	/ /	07/06/22		MOD HIST DISC

PAGE.> 0001

PF11-QUIT PF10-MAIN MENU CLEAR-PREVIOUS SCREEN PF8-FORWARD
 PF7-BACKWARD

CMTI310Q

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
PROJ RELEASE/ELIG AUDIT TRAIL

08/17/23

SCDC #: 305517

GOSS, DARRELL LEE

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

OFFENDER CATEGORY:

CURR SENT SERVING CAT: VIOLENT

35

MAXOUT DATE	PAROLE DATE	RECALC DATE	RECALC CODE	CHANGE REASON
01/11/2026	/ /	06/07/22		MOD HIST DISC
01/11/2026	/ /	06/02/22		MOD HIST DISC
01/11/2026	/ /	05/11/22		TERM EWC
09/12/2025	/ /	03/11/22		MOD HIST DISC
09/12/2025	/ /	12/08/21		MOD STAT
09/12/2025	/ /	02/09/21		MOD DETAINER
09/12/2025	/ /	08/09/20		RECALCULATION
09/12/2025	09/12/2025	02/18/20		ADD/TERM EWC
09/24/2025	09/24/2025	09/06/19		MOD HIST EWC
07/17/2026	/ /	07/18/19		MOD STAT
09/24/2025	/ /	06/10/19		MOD STAT
09/24/2025	09/24/2025	05/29/19		NEW EWC

PAGE.> 0002

PF11-QUIT PF10-MAIN MENU CLEAR-PREVIOUS SCREEN PF8-FORWARD
PF7-BACKWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/23

SCDC # 305517
GOSS, DARRELL LEE
LEGAL NAME:

CURR LOC: EVANS
VIC/WIT: Y

36

OFFENDER TYPE: ADULT-STRAIGHT

SPEC ED: Y TABLET ELIG: Y

OFF TYPE ENTRY DATE: 08/28/07

CURR DORM: 4B0118A ASGN CUST: CL POP: GP

SSNMT: 1005 BLDG DETAIL

HARDSHIP VIOLATOR: MACDOUGALL

STG:

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	EVANS	02/17/23	DISCIPLINARY
INCARCERATED	LEE	10/13/22	ADMINISTRATIVE
INCARCERATED	LIEBER	12/08/21	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	12/08/21	TO COURT
INCARCERATED	LIEBER	07/18/19	ADMINISTRATIVE
INCARCERATED	MACDOUGALL	07/18/19	ADMINISTRATIVE
INCARCERATED	LIEBER	06/10/19	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	06/10/19	TO COURT
INCARCERATED	LIEBER	05/09/19	ADMINISTRATIVE
INCARCERATED	KERSHAW	03/26/19	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	03/26/19	TO COURT

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3-> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

08/17/23

INMATE TRANSFER AND COUNT

TRANSFER HISTORY

SCDC # 305517

GOSS, DARRELL LEE

CURR LOC: EVANS

VIC/WIT: Y

37

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

SPEC ED: Y TABLET ELIG: Y

OFF TYPE ENTRY DATE: 08/28/07

CURR DORM:

4B0118A ASGN CUST: CL POP: GP

ASSNMT: 1005 BLDG DETAIL

HARDSHIP VIOLATOR: MACDOUGALL

STG:

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	KERSHAW	03/14/19	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	03/14/19	TO COURT
INCARCERATED	KERSHAW	02/28/19	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	02/28/19	TO COURT
INCARCERATED	KERSHAW	01/28/19	LOCKUP-ADJUSTMENT COMM.
INCARCERATED	MCCORMICK	01/23/19	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	01/23/19	TO COURT
INCARCERATED	MCCORMICK	10/10/18	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	10/10/18	TO COURT
INCARCERATED	MCCORMICK	10/03/18	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	10/03/18	TO COURT

PAGE.> 0002

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

SCDC # 305517

GOSS, DARRELL LEE

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

STG:

CURR LOC: EVANS

VIC/WIT: Y

SPEC ED: Y TABLET ELIG: Y

CURR DORM: 4B0118A ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	LIEBER	05/30/13	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	05/30/13	TO COURT
INCARCERATED	LIEBER	02/26/13	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	02/26/13	TO COURT
INCARCERATED	LIEBER	01/16/13	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	01/16/13	TO COURT
INCARCERATED	LIEBER	10/22/12	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	10/22/12	TO COURT
INCARCERATED	LIEBER	08/31/12	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	08/31/12	TO COURT
INCARCERATED	LIEBER	09/19/11	ADMINISTRATIVE

PAGE.> 0008

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/23

SCDC # 305517

GOSS, DARRELL LEE

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

STG:

CURR LOC: EVANS

VIC/WIT: Y

SPEC ED: Y TABLET ELIG: Y

CURR DORM: 4B0118A ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

39

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	MCCORMICK	09/06/18	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	09/06/18	TO COURT
INCARCERATED	MCCORMICK	04/19/18	ADMINISTRATIVE
INCARCERATED	ALLENDALE	02/05/18	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	02/05/18	TO COURT
INCARCERATED	ALLENDALE	01/18/18	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	01/18/18	TO COURT
INCARCERATED	ALLENDALE	01/16/18	ADMINISTRATIVE
INCARCERATED	TURBEVILLE	12/14/17	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	12/14/17	TO COURT
INCARCERATED	TURBEVILLE	08/24/17	RETURN FROM COURT

PAGE.> 0003

PF3-> TRANSFER INMATE PF4/PF5/PF6-> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/23

SCDC # 305517

GOSS, DARRELL LEE

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

STG:

CURR DORM: 4B0118A

SPEC ED: Y TABLET ELIG: Y

ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

CURR LOC: EVANS
VIC/WIT: Y

40

STATUS	LOCATION	CHG DATE	CHANGE REASON
AUTH ABSENCE (AWL)	RICHLAND CO	08/24/17	TO COURT
INCARCERATED	TURBEVILLE	02/13/17	ADMINISTRATIVE
INCARCERATED	KIRKLAND	02/13/17	MEDICAL
INCARCERATED	TURBEVILLE	11/15/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	11/14/16	MEDICAL
INCARCERATED	TURBEVILLE	09/08/16	ADMINISTRATIVE
INCARCERATED	KERSHAW	07/13/16	ADMINISTRATIVE
INCARCERATED	MACDOUGALL	07/05/16	ADMINISTRATIVE
INCARCERATED	LIEBER	06/30/16	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	06/30/16	TO COURT
INCARCERATED	LIEBER	06/09/16	RETURN FROM COURT

PAGE.> 0004

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/23

SCDC # 305517

GOSS, DARRELL LEE

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

STG:

CURR DORM: 4B0118A

SPEC ED: Y TABLET ELIG: Y

ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

CURR LOC: EVANS

VIC/WIT: Y

41

STATUS	LOCATION	CHG DATE	CHANGE REASON
AUTH ABSENCE (AWL)	RICHLAND CO	06/09/16	TO COURT
INCARCERATED	LIEBER	05/19/16	ADMINISTRATIVE
INCARCERATED	BROAD RIVER	05/18/16	TO COURT
INCARCERATED	LIEBER	01/19/16	ADMINISTRATIVE
INCARCERATED	BROAD RIVER	01/14/16	ADMINISTRATIVE
AUTH ABSENCE (AWL)	RICHLAND CO	01/14/16	MEDICAL
INCARCERATED	BROAD RIVER	01/13/16	ADMINISTRATIVE
INCARCERATED	LIEBER	08/13/15	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	08/13/15	TO COURT
INCARCERATED	LIEBER	08/03/15	ADMINISTRATIVE
INCARCERATED	KIRKLAND	08/03/15	MEDICAL

PAGE.> 0005

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

NOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

08/17/23

INMATE TRANSFER AND COUNT

SCDC # 305517

TRANSFER HISTORY

GOSS, DARRELL LEE

CURR LOC: EVANS

LEGAL NAME:

VIC/WIT: Y

OFFENDER TYPE: ADULT-STRAIGHT

SPEC ED: Y TABLET ELIG: Y

OFF TYPE ENTRY DATE: 08/28/07

CURR DORM: 4B0118A

ASGN CUST: CL POP: GP

ASSNMT: 1005 BLDG DETAIL

HARDSHIP VIOLATOR: MACDOUGALL

STG:

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	LIEBER	06/29/15	ADMINISTRATIVE
INCARCERATED	BROAD RIVER	06/25/15	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	06/25/15	TO COURT
INCARCERATED	BROAD RIVER	06/24/15	ADMINISTRATIVE
INCARCERATED	LIEBER	04/23/15	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	04/23/15	TO COURT
INCARCERATED	LIEBER	04/09/15	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	04/09/15	TO COURT
INCARCERATED	LIEBER	10/17/14	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	10/17/14	TO COURT
INCARCERATED	LIEBER	05/29/14	RETURN FROM COURT

PAGE. > .0006

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

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MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/23

SCDC # 305417
GOSS, DARRELL LEE
LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

STG:

CURR DORM: 4B0118A

SPEC ED: Y TABLET ELIG: Y

ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

CURR LOC: EVANS

VIC/WIT: Y

43

STATUS	LOCATION	CHG DATE	CHANGE REASON
AUTH ABSENCE (AWL)	RICHLAND CO	05/29/14	TO COURT
INCARCERATED	LIEBER	04/10/14	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	04/10/14	TO COURT
INCARCERATED	LIEBER	01/30/14	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	01/30/14	TO COURT
INCARCERATED	LIEBER	09/05/13	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	09/05/13	TO COURT
INCARCERATED	LIEBER	08/28/13	RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	08/28/13	TO COURT
INCARCERATED	LIEBER	08/27/13	ADMINISTRATIVE
INCARCERATED	KIRKLAND	08/26/13	MEDICAL

PAGE.> 0007

PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

MOV1220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

08/17/21

SCDC # 305517

GOSS, DARRELL LEE

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

REF TYPE ENTRY DATE: 08/28/07

ASSNMT: 1005 BLDG DETAIL

CURR LOC: EVANS

VIC/WIT: Y

SPEC ED: Y TABLET ELIG: Y

CURR DORM: 4B0118A ASGN CUST: CL POP: GP

HARDSHIP VIOLATOR: MACDOUGALL

SERIOUS MENTAL ILLNESS: N

44

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	KIRKLAND	09/16/11	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	09/15/11	TO COURT
INCARCERATED	LIEBER	06/17/11	RETURN FROM COURT
AUTH ABSENCE (AWL)	CHARLESTON CO	06/17/11	TO COURT
INCARCERATED	LIEBER	04/21/09	ADMINISTRATIVE
INCARCERATED	KIRKLAND	03/03/09	R&E PROCESSING
INCARCERATED	LIEBER	03/03/09	NEW ADMISSION
AUTH ABSENCE (AWL)	CHARLESTON CO	11/30/07	TO COURT
RELEASE	UNK	11/30/07	EXPIRATION OF SENTENCE
AUTH ABSENCE (AWL)	CHARLESTON CO	11/27/07	TO COURT
INCARCERATED	BROAD RIVER	11/05/07	ADMINISTRATIVE

PAGE.> 0009

PF3=> TRANSFER INMATE PF4/PF5/PF6:> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Darrell Lee Goss, #305517,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)
)
)
)
)

Docket No.: 22-ALJ-04-0141-AP
Grievance No.: LCI 172-22

ORDER

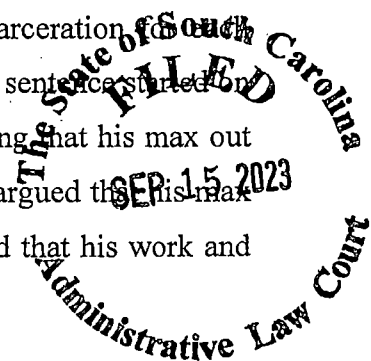
STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Darrell Lee Goss (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant contends that the Department has incorrectly calculated his sentence.

On May 9, 2022, Appellant filed a Notice of Appeal with the ALC. The case was assigned on May 19, 2022. On September 9, 2022, Respondent filed a motion to dismiss. On September 12, 2022, Appellant filed a response in opposition of the motion to dismiss. On September 28, 2022, the Court denied the Department’s motion to dismiss and granted the Appellant’s motion to reconsider. The Department subsequently filed a motion to supplement the record with a copy of the Appellant’s good time restore history screen which the court granted on September 28, 2022. The Appellant filed his brief on October 11, 2022. On October 11, 2022, the Appellant also filed a motion to supplement the record to include his certificates of completion of programs. The Department filed its brief on November 28, 2022. The Appellant did not file a reply.

BACKGROUND

On February 26, 2009, Appellant plead guilty to kidnapping, assault and battery with intent to kill, and armed robbery. Appellant was sentenced to twenty years’ incarceration for each offense. All three sentences run concurrently to one another, and Appellant’s sentence started on June 15, 2007. On March 7, 2022, Appellant filed a Step 1 Grievance arguing that his max out date is incorrect and needs to be adjusted correctly. Specifically, Appellant argued that his max out date should be in June of 2024 because that will be 85% of 20 years and that his work and



good behavior credits should be calculated into this time as well. The Warden denied ⁴⁶the grievance, noting Appellant is currently receiving work credits and does not receive good behavior credits because he is serving 85% of the sentence. On March 24, 2022, Appellant filed a Step 2 Grievance which was also denied.

ISSUE ON APPEAL

Whether there is substantial evidence in the record to support the Department's decision and max-out date of October 15, 2024.¹

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). The *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Such a liberty interest is at stake in the calculation of an inmate's sentence. *See Tant v. S.C. Dep't of Corr.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); *See also Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 and recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the Court's review is limited to the record. S.C. Code Ann. § 1-23-380(4) (2013). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the Appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and

¹ Originally, During the course of preparing the Respondent's Brief Appellant's projected max out date was adjusted from January 11, 2026 to October 15, 2024, once it was discovered an entry to the system needed to be made.

substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse⁴⁷ of discretion or clearly unwarranted exercise of discretion. *Id.*

DISCUSSION

I. Convictions/No Parole

In the instant case, Appellant was convicted of (1) Kidnapping in violation of S.C. Code Ann. § 16-03-0910, (2) Assault and Battery with the Intent to Kill in violation of S.C. Code Ann. § 16-03-0620, and (3) Armed Robbery in violation of S.C. Code Ann. § 16-11-330(A). All three convictions are listed offenses exempt from classification as enumerated in S.C. Code Ann. § 16-1-10(D), and as such, are “no parole offenses.” Appellant is serving sentences that are classified as “no-parole” offenses, meaning that Appellant must serve a minimum of eighty-five percent of his twenty-year sentence. *See* S.C. Code Ann. § 24-13-150(A). Section 24-13-100 defines a “no parole offense” as “a class A, B, or C felony, or an offense exempt from classification as enumerated in section 16-1-10(D), which is punishable by a maximum term of imprisonment for twenty years or more.” S.C. Code Ann. § 24-13-210(B).

As set forth in relevant portions of section 24-13-150 (A), “a prisoner convicted of a “no parole offense” as defined in section 24-13-100 and sentenced to the custody of the Department of Corrections..., is not eligible for early release, discharge, or community supervision..., until the prisoner has served at least eighty-five (85) percent of the actual term of imprisonment imposed”. Thus, no good time credits may be assessed until an inmate has served eighty-five (85) percent of their sentence.

Initially, the Department’s projected release date was September 12, 2025. However, this was changed due to Appellant’s earned credits and disciplinary history. Appellants corrected projected release date is October 15, 2024. The Department states that Appellant was sentenced to twenty (20) years to begin from the date of June 15, 2007. Because Appellant is serving a “no-parole” offense, Appellant must serve eighty-five (85) percent of his sentence. Eighty-five percent (85) of twenty (20) years is seventeen (17) years. Thus, the earliest possible date of release is seventeen years from June 15, 2007, which would be June 15, 2024.

Each month Appellant commits a disciplinary offense, he fails to earn good time for the month which the infraction occurred. *See* S.C. Code Ann. § 24-13-210 (B). Furthermore, whenever an inmate is in disciplinary detention or does not have a job assignment, the inmate is not earning work credits which has an impact on their release date. In the present case, Appellant

has been convicted of twenty-three (23) disciplinary offenses during his present term⁴⁸ of incarceration. Appellant's offenses resulted in a loss of Good Time days which resulted in the recalculation finding the max out date to be October 15, 2024.

Appellant acknowledges that he has lost some good-time credits due to disciplinary infractions and that his last disciplinary infraction was August 3, 2016. Appellant contends that he should have earned back those credits lost plus more. South Carolina Department of Corrections Policy states that "Restoration of good time under this procedure is completely discretionary..." See SCDC OP-22-57 section 5. The Good Time Restore History screen included in the Record shows that 15 days of good time was restored to Appellant for cases numbered 28, 41, and 46. However, it is important to note that Appellant never earned good time credit for the months that these disciplinary offense occurred.

II. Award of credit for EEC

Appellant contends that he was never given credit for the programs that he has completed while incarcerated. Appellant's appeal argument only addresses his contention that the Department incorrectly calculated his sentence. However, the question of Appellant's education credit was not preserved for this Court's review. An issue that was not raised to and ruled upon by a lower court cannot be considered for the first time on appeal. See *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)).

CONCLUSION

After carefully and thoroughly reviewing this matter, the Court finds substantial evidence supporting the Department's calculation of Appellant's sentence and determination of his projected release date of October 15, 2024. The Court also finds that the substantial rights of Appellant have not been prejudiced. Thus, the Court affirms the Department's decision.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Department's decision ⁴⁹ is **AFFIRMED.**

AND IT IS SO ORDERED.

Crystal M. Rookard

CRYSTAL M. ROOKARD

Administrative Law Judge

September 15, 2023
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to the cause by depositing a copy hereof, in the United States mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 18 day of September

By: [Signature]
Judicial Law Clerk

CERTIFICATE OF COUNSEL

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.

March 29, 2024

Darrell L. Goss

Darrell L. Goss #305517
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512
APPELLANT, PRO SE

RECEIVED

APR 02 2024

SC Court of Appeals

Corrections, Office of General Counsel, 4444 Broad River Rd., P.O. Box 21787,
Columbia, SC 29221.

Darrell A. Hers