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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Clifton D. Lyles, #294075,

Appellant,
v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 24-ALJ-04-0615-AP
Grievance No.: LIWC 0117-24

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 September 10, 2024, by Clifton D. Lyles (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). In this appeal, Appellant argues the Department miscalculated his prison sentence by failing to apply credit for time served during the time he was out of jail on an appeals bond between October, 2003, and April 10, 2005, following his previous conviction for the same offense.

ISSUE ON APPEAL

Whether the Department erred in calculating Appellant's sentence under the relevant statutes.

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. Dept. of Corrs., 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. Tant v. S.C. Dept. of Corrs., 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 Corrs., 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) (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

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S.E.2d at 754–56. Consequently, the Court’s review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2024). 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. § 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 substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.* Appellant has the burden of proving the Department’s decision is clearly erroneous, arbitrary, or an abuse of discretion. Porter v. S.C. Public Service Comm’n, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998).

DISCUSSION

Appellant asserts the Department has miscalculated his sentence by failing to apply credit for time served on his previous conviction for the same offense. On June 16, 2003, Appellant was sentenced to fifteen years’ incarceration for trafficking in crack cocaine. Appellant’s sentence was remanded on October 29, 2003, and Appellant was returned to the York County Detention Center. On November 18, 2003, Appellant was released on an appeals bond. On April 8, 2004, Appellant was tried in his absence and sentenced to thirty years’ incarceration for trafficking in crack cocaine. Appellant was subsequently arrested in North Carolina on June 10, 2005, on a fugitive of justice warrant and readmitted to the Department on July 28, 2005. Appellant’s sentence start date was June 16, 2003, which is the same sentence start date as the original fifteen-year sentence.

Trafficking crack cocaine is a Class A felony. S.C. Code Ann. § 16-1-90(A) (Supp. 2024). Class A felonies are “no parole” offenses. S.C. Code Ann. § 24-13-100 (2025). Therefore, Appellant’s conviction was for a “no parole offense.” Section 24-13-150(A) of the South Carolina Code (2025) states:

Notwithstanding any other provision of law . . . an inmate convicted of a “no parole offense” as defined in Section 24-13-100 and sentenced to the [Department] . . . is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits,

and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended.

Section 24-13-40 of the South Carolina Code (2025) states:

The computation of the 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. However, when (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, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. 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, and may be given for any time spent under monitored house arrest. 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; (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; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

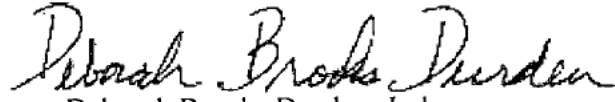
The Department calculated eighty-five percent of Appellant's thirty year sentence would result in a projected release date of July 1, 2030. This date also accounts for adding Appellant's jail time from June 10, 2005, through July 28, 2005. Appellant currently has credit for time served from June 16, 2003, to November 18, 2003. Appellant argues he should receive goodtime credit for the time he was out of prison on bond from November, 2003, to June 10, 2005. However, section 24-13-40 does not contemplate credit for time served outside of incarceration or monitored house arrest. While Appellant was on his appeals bond, Appellant was neither incarcerated nor under monitored house arrest. Therefore, Appellant is ineligible for credit for time served during the time of his appeals bond.

Based upon the foregoing, the Court concludes Appellant's assertion the Department incorrectly calculated his sentence is not supported by evidence in the record. Therefore, Appellant failed to meet his burden of proving the Department's determination was erroneous, arbitrary, or an abuse of discretion.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the decision of the Department is **AFFIRMED.**

AND IT IS SO ORDERED.


Deborah Brooks Durden, Judge
S.C. Administrative Law Court

April 7, 2025
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Robin Coleman

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden

April 7, 2025
Columbia, South Carolina

