

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod Judge
Appellate Case No. 2013-001897

Marcus Green, #241958, Appellant.

v.

South Carolina Department of Corrections, Respondent.

INITIAL BRIEF OF APPELLANT

Marcus Green, #241958
Kershaw C.I./SAIU 20
4848 Goldmine Hwy
Kershaw, South Carolina 29067

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STATEMENT OF ISSUE ON APPEAL

1. STATE CREATED LIBERTY IN MY GOODTIME THAT PROTECTED BY DUE PROCESS.

2. HOW DID THE APPELLANT LOSS 80 DAYS OF GOODTIME WITHOUT A CHARGE.

STATEMENT OF THE CASE

On January 11, 2010 I wrote Caseworker Mr. S. Biley and she told me that my maxout date was at March 19, 2014. I have a copy of it that I will be sending with this Brief. On November 10, 2010 I wrote caseworker Mr. Rabb and he told me that my maxout date was at May 20, 2014.

On April 15, 2011 I wrote Mr. John and he stated that my maxout date was on June 17, 2014.

On May 9, 2011 my maxout date was at April 17, 2014.

On October 5, 2011 I was transfer to Walden CI from Tiger River CI and my maxout date went back to June 17, 2014. Now my maxout date is at July 1, 2014.

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ARGUMENT

Out of (4) Seven disciplinaries from October 2009-
January 2013, I only lose 60 days of Good-time that's it.
(6) Six disciplinaries was fail to earn Good-time for the
month of the infraction. I only done 19th days on lock-up
and that was from April 16, 2012 to May 5, 2010. And the
the last time was February 16, 2012 to March 17, 2012.
But what happen on March 17, 2010 when Ms. S. Riley fail
to resign me to a job. (See OP-21.04 "Inmate Classification
Plan," January 1, 2010 § 5.7 Job Terminations); Ms. S. Riley
violated that Policy. I was never charge with anything so
I should have been reassigned to another job by the ICC.
Through Statute, the State provides that an inmate is
"entitled to a deduction from the term of his sentence"
if he "faithfully observes all the rules of the institution
and has not been subjected to punishment for misbehavior."
S.C. Code Ann. § 24-13-210(A) (2007). The USSC noted in Walker
that punishment in the form of "the forfeiture or
withholding of good-time credits" affects the term of
confinement. Walker, 418 U.S. at 547, 94 S.Ct. 2963
(emphasis added). Additionally, in Superintendent,
following: "Where a prisoner has a liberty interest in
good-time credits the loss of such credits threatens

his prospective freedom from confinement by extending the length of imprisonment. Thus the inmate has a strong interest in assuring that the loss of good-time credits is not imposed arbitrarily."

CONCLUSION

Because of what Ms. S. Riley fail to reassigned me to another job I lost 20 days for that month of March, 2010 and April 2010. On October 5, 2010 I was transfer to Walden CI from Tyger River CI I loss 60 days. How! I do not know. I would like to have my time correct.

Respectfully Submitted

Marcus Green

Marcus Green, # 241958

Kershaw CI / SNU # 20

4848 Goldmine Hwy

Kershaw, South Carolina 29067

October 16, 2013

Enclosures

CC File: Jenny Abbott Kitchings, Clerk
The Honorable John D. McLeod
Office of General Counsel

CERTIFICATE OF SERVICE

I, Marcus Green, hereby certify that I have this date served this Initial Brief upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Marcus Green
Marcus Green, #241958
Appellant.

October 16, 2013
Henshaw, South Carolina

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