

APR 30 2013  
Max out  
10-14-11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

Date: APR 16, 2013

STEP 2  
RECEIVED

INMATE NAME: Michael Coins  
SCDC NUMBER: 302385  
INSTITUTION: Perry C.I ✓  
HOUSING UNIT: D-X-22  
WORK ASSIGNMENT: N/A

MAY 02 2013

Office Use Only  
Grievance No. 31427-12  
Code: General  
Policy  
Disc. Hear.   
Class.  
Date Received APR 17 2013  
IGC Initials GC  
#95 903 HD 12/24/12

APR 16 2013

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I'm appealing the warden's decision due to the fact that I was convicted of 903 for possession of drugs (High Blood Pressure Medication). I tried to explain that there was a technicality in the case because my High Blood Pressure meds (Lopressor, ~~Novasc~~, Lisinipril & HCTc) are not Dose by Dose meds they are KOP meds that I am suppose to keep in my cell. they were out of the KOP bag because every morning I take one pill out of each bag (unless I'm suppose to take two a day) and sit it on my sink or window seal to remind me to take them during the day. I don't take all that medication at one time, I take two at a time. I'm human so I will forget to take the meds so I do that each day to remind me to take them. I was sanctioned to 120 days DD time, 1030 days Telephone, canteen and visitation restriction & 3 days loss of good time. For a misunderstanding.

Michael Coins 4/13/13  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of the Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants (903) on December 20, 2012, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated July 1, 2012, and the sanctions imposed, which included the loss of -3- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

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.

[Signature] 7/5/13  
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)



#95 114  
4/12 (12/24)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

11-27-12-30

Page 1 of

Institution/Center: PERRY C.I.	
Date of Report: 11-27-12	Time of Report: 1107 AM
Reporting Official: SGT. EICH # 019055	Date of Incident: 11-27-12
Location of Incident: 3MU III B-Y-14	Time of Incident: APPROX. 850 AM
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. SCOTTS, MICHAEL 302385 B M	1. Lt. HORNE
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I SGT. EICH ALONG WITH LT. HORNE WHILE CONDUCTING A RANDOM CELL SEARCH OF B-Y-14 HOUSING 1/M SCOTTS, MICHAEL # 302385 DISCOVERED ON WINDOW SILL UNDERNEA SEVERAL ENVELOPES FOUR DIFFERENT PILLS DESCRIBED AS FOLLOWS:  
 ONE ROUND IN SHAPE, PINK IN COLOR PILL LABELED WITH RE 75 ON ONE SIDE  
 ONE ROUND IN SHAPE, PEACH IN COLOR PILL LABELED WITH WEST-WARD 257 ON ONE SIDE  
 ONE ROUND IN SHAPE, GOLD IN COLOR PILL LABELED WITH WW 270 ON ONE SIDE  
 ONE ROUND IN SHAPE, WHITE IN COLOR PILL LABELED WITH 209 ON SIDE.  
 EVIDENCE TURNED INTO CONTRABAND. END OF REPORT

Signature: SGT. EICH

Evidence:

Witness(es):

Supervisor's Comments: Charge 903

Signature: Lt. Horne Title: Lt Date/Time: 11-27-12/343

Major / Responsible Authority:

903 - Possession / 1155

Signature:

STG Related - Refer to STG Committee  
 Yes  NO  Unknown

This Incident is DRUG related  
 Yes  No  Unknown

Action Taken

Informal Resolution  
 Administrative Resolution  
 Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
CONTROLLED SUBSTANCE AND DISPOSITION FORM

RECEIPT CONTROL NUMBER: \_\_\_\_\_

CONTROL/LOG NUMBER: \_\_\_\_\_

Institution: PCT

Date: 11-29-12

Inmate Name: Michael Gains

SCDC #: 302385

Inmate Name: \_\_\_\_\_

SCDC #: \_\_\_\_\_

Inmate Name: \_\_\_\_\_

SCDC #: \_\_\_\_\_

DRUG/ALCOHOL ANALYSIS

Quantity/Weight: \_\_\_\_\_ Date Analyzed/Weighed: \_\_\_\_\_

Type of Test: ( ) Valtox Drug ( ) Sight and Smell ( ) Other: \_\_\_\_\_

Test Results: ( ) Marijuana ( ) Cocaine ( ) Heroin ( ) Alcohol Con

( ) Other: \_\_\_\_\_

SI: \_\_\_\_\_

PHARMACY PRESCRIPTION/MEDICATION VERIFICATION

Date Examined: 11-29-12 Quantity/Weight: \_\_\_\_\_

Examination Results: one yellow round tablet - lisinopril 40mg, one pink round tablet - M, one peach tablet round - Hcrz 50mg, Amlodipine 10mg -> white round t

Prescription Medications: (✓) Are ( ) Are not ( ) Issued by SCDC all meds:  
(✓) Were ( ) Were not ( ) Issued to inmate are dose  
dose

SI: [Signature]

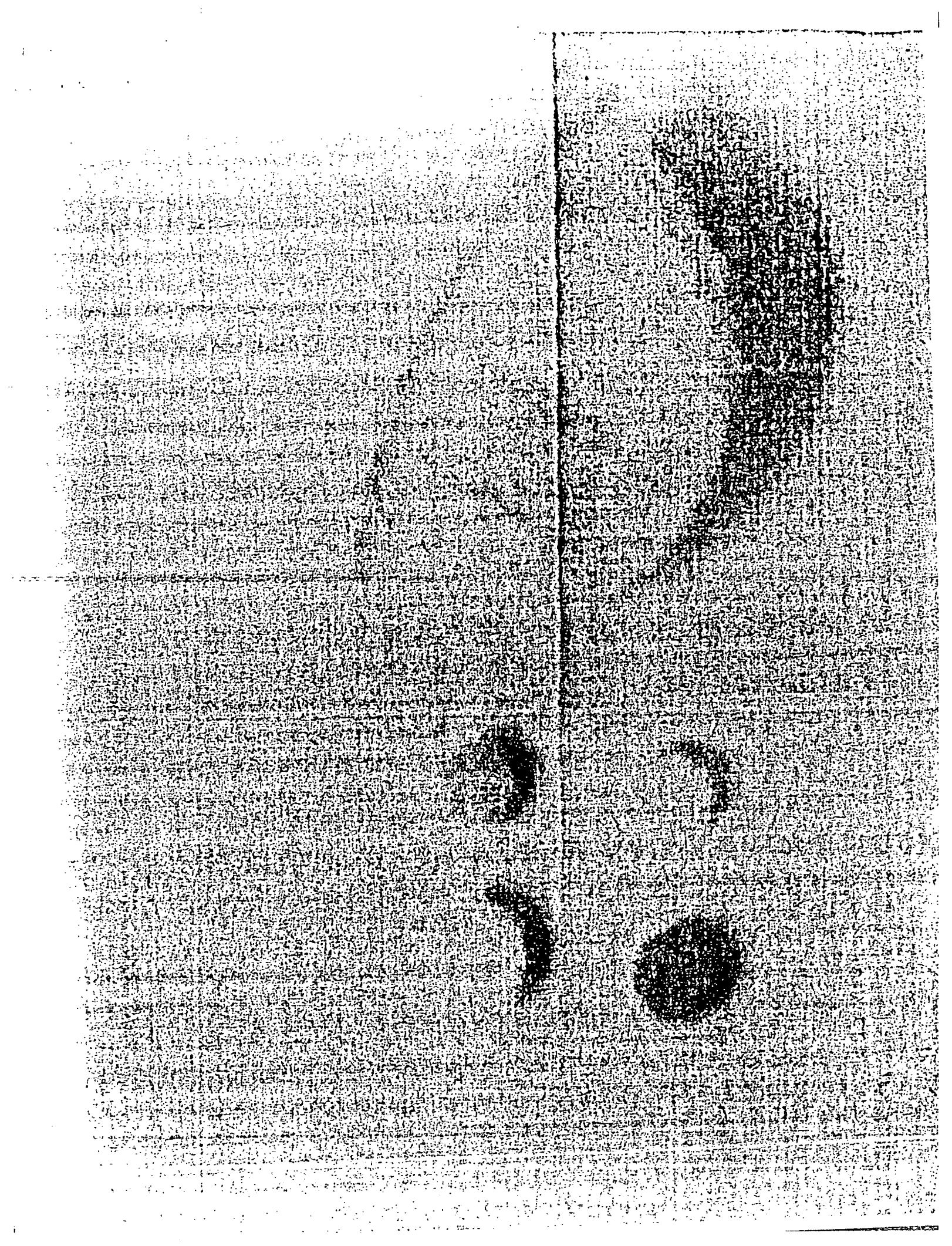
DISPOSITION OF CONTRABAND/EVIDENCE BY CONTRABAND CONTROL OFFICER

Disposition Date: \_\_\_\_\_ Place: \_\_\_\_\_

( ) Destroyed ( ) Turned into Stock ( ) Held for Display

( ) Turned into Inmate Welfare Fund ( ) Returned to: \_\_\_\_\_

Disposition Witness Signature: \_\_\_\_\_ Title: \_\_\_\_\_



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY MENTAL HEALTH STATEMENT

INSTITUTION: Perry CI

Inmate: Michael Groins SCDC #: 302385  
was charged with the following offense: # 903  
Use / Possession

on 11-27-12 (date) at app. 8:50A (time). Based on SCDC  
19-24, "Incident Report" dated at 11-27-12 at 11:07am (time)  
by Reporting Official Sgt. Eichen  
(Print Name)

~~Mental Health was asked to provide a statement regarding the inmate's mental status at the time the offense occurred. An assessment will be conducted within three business days after receiving the Incident Report. This assessment will serve a period of 15 working days should the inmate receive additional charges.~~

After researching the incident and the inmate's mental health functioning, it has been determined that the inmate:

A. Lacked the capacity to appreciate the wrongfulness of their actions at the time for the following reason(s): \_\_\_\_\_

B. Although classified as Mentally Ill, was able to understand the nature and quality of the act committed.

If you require additional information, please contact me using the information below:

Counselor: M Harris at extension: 1163

This document serves as a Mental Health Procedure under General Provisions § 700.8

MH

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT AND HEARING RECORD

GT: 3

Case#: 95 Inmate Name: GOINS, MICHAEL SCDC#: 302385

Living Area: B414 Job: LOCK-UP Custody: DDZ

Offense Date: 11/27/12 Offense Time: 8:30 AM PM Institution: PCI

Offense Description: **903: The trafficking, use and/or possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Equivalents:** The actual or constructive trafficking, use or possession of drugs of any description (except those prescribed by an authorized physician as within authorized amounts, expiration dates, e.g. carbamazepine, narcotics, valproic acid, benzodiazepines, and poisons, as well as all drug paraphernalia, such as needles, syringes, etc. Any inmate so positive for any unauthorized drug, refusing test, or failing to produce a negative. This rule violation encompasses the "hoarding" of prescribed medication.

Charging Officer Employee: B. EICH Title: SGT.  
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- I DO NOT WANT TO BE PRESENT AT MY HEARING
- I DO WANT MY ACCUSER PRESENT AT THE HEARING
- I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- I WAIVE MY RIGHT TO A HEARING
- I WANT A COUNSEL SUBSTITUTE
- I DO NOT WANT A COUNSEL SUBSTITUTE

10.8

Date & Time Notified: 12/11/12 12:35 AM (M) By (Print): L. W. Golden  
Inmate Signature: Michael A. Goins SCDC#: 302385 Date: 12/11/12

HEARING INFORMATION:

Hearing Date: 12/20/12	Hearing Time: 9:30 am/pm	Tap:	Side:	Start:	End:
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EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES; (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

(1) I am accused of (1) Mental Health - Disturbance prevent staying I am not able to understand the nature of the act committed

OFFENSE CODES	903			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILTY: (A) ADMISSION OF GUILTY (B) OFFICER'S REPORT (C) WITNESS TESTIMONY (D) OTHER, EXPLAIN IN DETAIL: (B) (C) (D) Sgt. EICH that I am not able to understand the nature of the act committed

HEARING LENGTH: (MINUTES) 15-20 minutes in hearing  
SANCTIONS: 60 days

Loss of Privileges (Days): \_\_\_\_\_ Reprimand: \_\_\_\_\_ Loss of Good Time (days): 3

\* Property (Days): \_\_\_\_\_ Extra Duty: \_\_\_\_\_ Restitution: \$ \_\_\_\_\_

\* Canteen (Days): 10 (DD 311) Visit Suspension Thru 12/31/13 (DD 311)

\* Other (Days): 10 (DD 311) Cell Restriction (Days): \_\_\_\_\_

\* Disciplinary Detention (Days): 22

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 903 still 7 days

CREDIT FOR TIME SERVED? YES (NO) IF YES, DAYS \_\_\_\_\_

DATE INMATE PLACED IN PHD: \_\_\_\_\_

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Michael Goins DATE: 12/11/12

HEARING OFFICER (PRINT NAME): R. L. Turner

APPROVED REVERSE MIDDLE: [Signature] REASON: \_\_\_\_\_

CONTACT YOUR CLASSIFIER ALONG WITH WORKER FOR OR NSI SERVICES IF YOU DO NOT UNDERSTAND THIS COPY

While last received by: \_\_\_\_\_ Contact: \_\_\_\_\_

DATE: 12/10/12

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY HEARING PROCEDURE**

**DOCKET No.: 13-ALJ-04-0530-AP**                      **GRIEVANCE No.: PCI 3427-12**  
**INMATE NAME: Michael Goins**                      **SCDC No.: 302385**  
**INSTITUTION: Perry Correctional Institution**  
**DATE: December 20, 2012**

**CHARGE: 903-The Trafficking, Use and/or Possession of Narcotics, Marijuana, or  
Unauthorized Drugs, Including Prescription Drugs or Inhalants**

DHO: State your name and SCDC Number, please.

I/M: Michael Goins, 302385.

DHO: Inmate Goins, the purpose behind this hearing is to treat the matters before me with fundamental fairness and arrive at a just decision. All parties must conduct themselves properly. Failure to do so would result in removal. Do you understand?

I/M: Yes sir.

~~DHO: You're appearing before this Disciplinary Hearing which is being held at, uh,~~

Perry Correctional Institution; approximately 9:33 a.m. on 12-20-12. I am Mr. Turner, Disciplinary Hearing Officer and Inmate Goins is being represented by Counsel Substitute Gray. Counsel Substitute Gray, are you and the accused ready to proceed?

C/S: Yes.

DHO: With that understanding, I'll read the charge into the record. Inmate Goins, I have before me Case Number 95; it reads: Michael Goins, 3028...excuse me, 302385; uh, inmate charged with 903-The Trafficking, Use and/or Possession of Narcotics, Marijuana, Unauthorized Drugs, uh, Including Prescription Drugs, or Inhalants; uh, Charging Official in this case is Sergeant B. Eich. We do have Sergeant Eich present by

**DHO: Disciplinary Hearing Officer**

**I/M: Inmate**

**C/S: Counsel Substitute**

**OFC: Accuser**

sp...uh, in the Hearing Room at the request of the accused. Sergeant Eich, would you verify your presents by stating your name and rank?

OFC: Sergeant Eich.

DHO: Thank you. In support of the charge against the accused, the following Incident Report: Perry Correctional Institution; Date of the Report: 11-27-12; Time of the Report: um, 11:07 a.m.; Reporting Official: Sergeant Eich, 049055; Date of the Incident: 11-27-12; Location of the Incident: SMU III, B-Y-14; Time of the Incident: Approximately 8:50 a.m.; Inmate in Question: Michael Goins; 302385; Employees Involved: Lieutenant Horne; On the Above Date and Approximate Time: I, Sergeant Eich, along with Lieutenant Horne, while conducting a random cell search of B-Y-14 housing, um, Michael Goins, uh, 302385, discovered on the window sill underneath several envelopes, ~~four different pills described as follows: One round in shape, pink in color, pill labeled~~ with RE 75 on one side; and one round in shape, peach in color, pill labeled with West-Ward, uh, 257 on one side; uh, one round in shape, gold in color, pill labeled with WW 270 on one side; one round in shape, white in color, pill labeled with, uh, 209 on one side. Evidence was turned into contraband. End of the Report. Signature is that of Sergeant Eich. In evidence in the case, I do have a 19-79 in the name of the accused. It reads as follows: 11-29-12...Pharmacy Prescription/Medication Verification: 11-29-12; Examination Results: one yellow round tablet-Lisinopril 40 milligrams; one pink round tablet-uh, Metroprazol; one peach tablet round-HCTZ 500 milligrams...uh, 50 milligrams; uh, one Amloda...um, Amlo...depine...I'm sorry. I...I know I mispronounced that. Uh, 10 milligrams, a white round tablet. All meds are dose by dose. Uh, signature is that of LPN, uh, Natros. In evidence in the case, I do have a photograph

of the meds that is blurry, but, uh, you can make out the medications. Do you agree

Counsel?

C/S: Yes.

DHO: It does appear to be as described. Inmate Goins, if you plead guilty to this charge, or if you happen to be found guilty of the offense, you would not be eligible to earn good time for the month of November in this case. Do you understand?

I/M: Yes sir.

DHO: In addition to this, if I happen to find you guilty of this charge you could lose visitation privileges, canteen privileges, telephone privileges, you could be assigned disciplinary detention, there could be additional loss of good time in this case. Do you understand this?

---

I/M: Yes sir.

DHO: Uh, to the offense of 903-The Trafficking, Use and/or Possession of Narcotics, Marijuana, Unauthorized Drugs, Including Prescription Drugs or Inhalants, how do you plead?

I/M: I plead not guilty.

DHO: This is your opportunity to tell me why you feel you're not guilty in this case.

I/M: I'm not guilty because those pills right there are my KOP pills...uh, medication.

DHO: According to your mental health...uh, excuse me, the Medical Statement says they are all dose by dose medications, sir.

I/M: Na. That's...that's...that's...that's a KOP medication. I don't...there must be a misprint or something.

DHO: This isn't a misprint. This is filled out by hand by medical, sir.

I/M: And you said that was per who, ma'am...sir. Um...

DHO: Uh, LPN Natros.

I/M: Okay. Alright. Well...

DHO: Counsel, do you have anything on behalf of the accused in this case?

C/S: No. He just showed me the dose by dose pills that was present in his window when I spoke with him.

DHO: With that understanding, the information that will be used to support the charge against you will be: the Incident Report, previously read into the record; testimony of the accused...excuse me. Did you have any questions for the accuser in this case? You requested his presents.

I/M: No sir.

---

DHO: Any questions for the accuser, Counsel?

C/S: No sir.

DHO: Sergeant Eich, is the content of your report true and correct?

OFC: Yes sir.

DHO: Do you have anything else that's relevant to the charge?

OFC: No sir.

DHO: Thank you. Again, the information that will be used to support the charge against you will be: the Incident Report, uh, previously read into the record; testimony of Sergeant Eich; the 19-79 indicating that you were hording dose by dose medications; and the photograph of the evidence. I have provided you to make a statement, present evidence, call witnesses on your behalf and I am prepared now to recess this re...uh,

hearing and arrive at a decision. If you'll step acrossed, I'll be with you shortly. Restate your name and SCDC Number, please.

I/M: Michael Goins, 302385.

DHO: Inmate Goins, I have found guilty of the offense that was brought against you today. The information used to arrive at this decision was: the Incident Report, previously read into the record; the testimony of Sergeant Eich that his report was true and correct as written; the photograph of the evidence; and the 19-79 indicating you were hording dose by dose medications. Uh, sanctions that have been imposed: 720 days disciplinary detention; uh, 1,080 days canteen; 1,080 days telephone; 1,080 days visitation; 3 days loss of good time. You do have the right to appeal both the determination of guilt and the sanctions portion of the charge. The manner in which you

~~do so, is you file an SCDC Form 10-5. That's a Step One Grievance Form with the~~  
Grievance Coordinator. If you're going to appeal the case, it must be done within fifteen days. That's fifteen days from the time I give you your copy of the Hearing Report here today. Also remember that if you need any assistance with an appeal, the Grievance Coordinator helps you with the process. Do you understand the appeal rights?

I/M: Yes sir.

DHO: Do you need a copy of a...a Grievance Form?

I/M: Yes sir.

DHO: Okay. I'll give you one here in a second. That concludes this hearing.

Michael Gains # 302385,  
Appellant,

v.

South Carolina Department  
of Corrections,  
Respondents.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Docket No.: 13-ALJ-04-0530-AP

APPELLANT'S BRIEF

The pro se appellant, Michael Gains, hereby brief grievance no.: PCI 3427-12 and states as follows:

### HISTORY

1) This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the notice of appeal filed by the appellant per grievance no.: PCI 3427-12.

~~2) Appellant states that his clearly established Due Process rights have been violated.~~ Appellant stated to the Disciplinary Hearing Officer (DHO) that the medication confiscated from his cell were all Keep On Person (KOP) medication and the Counsel substitute notified the DHO of the same but he was so deliberately impartial towards the ~~appellant~~ Appellant, he could not see the facts of the case.

3.) Moreover, the Inmate Grievance Coordinator (IGC) and Warden failed to properly investigate the grievance as requested by appellant and required by SCOC Policy/Procedures DP-22.14 "Inmate Disciplinary System."

### QUESTIONS PRESENTED

- 4) I. Did the respondents violate appellants due process right to a fair and impartial hearing?
- II. Did the respondents violate appellants due process rights by the IGC & warden failing to properly investigate the grievances?
- III. Did the Counsel substitute clearly state at the hearing (page 4, line 5 of the transcript) that when she came to appellants cell clear to interview him about the charge, the appellant showed her the alleged case by case pills that were present in his window (meaning the appellant had them on his person in KOP bags)?

IV. Can the respondents prove that the medications confiscated from the appellant were dose by dose medication instead of KOP meds? If not, why?

V. Is it true that the evidence relied upon to convict the appellant of hoarding medications is the SCDC 19-79 form signed by RN Jennifer Nations that the medication was administered dose by dose? Is it also true that RN J. Nations is human and could have made an slight "pen error" on the SCDC 19-79 form?

VI. Did the accuser ever state in his 19-29(A) form that the alleged medication was hidden or un-bagged on the window?

## ARGUMENT

5.) I. The Respondents violated Appellants' clearly established due process rights by not affording him an fair and impartial hearing to discover the facts of the case.

II. Appellants due process rights were violated by respondents failure to investigate the facts of the case in discovering that all of the appellants blood pressure medications (as described on the 19-29(A) form and the 19-79 for as Lisinopril, Lopressor, Norvasc & Hydrochlorothiazide) are KOP medication.

6.) ~~In Porter v. Public Service Commission, 333 S.C. 12 (S.C. 1998), the Appellant~~ failed to show that the decision of the agency was clearly erroneous, or arbitrary or capricious, or an abuse of its discretion, in view of the substantial evidence on the whole record. In this case it is different. The appellant in this case can prove that the substantial evidence on the whole record (the 19-79 form) is clearly erroneous without doubt. Attached to this Brief is Exhibit A attached by the appellant. The Exhibit is an SCDC Request to Staff Member written by the appellant to the "Health Care Authority" (HCA) Mr. Matthew Harper at Perry C.I. about the appellants KOP medications. Mr. Harper answered back by stating which all medications are KOP on my medical charts. In which he listed all of medications the appellant was charged with (Lopressor, Lisinopril, Norvasc & Hydrochlorothiazide) as KOP medications. This evidence alone proves that the evidence used to convict the appellant was clearly erroneous, namely the 19-79 form.

7.) In Wolff v. McDonnell 418 U.S. 539, 566 (1974), the Supreme Court stated as part of Due process that the accused must be given "a written statement by the fact-finder as to the evidence relied upon" to convict him/her. Indeed, this was accomplished by the fact-finder but the evidence relied upon to convict the appellant was clearly erroneous. In Pearson v. JPS Converter & Industry Corporation, 327 S.C. 393, 489 S.E. 2d 219 (S.C. App. 1997) the Supreme Court viewed "substantial evidence" as evidence which, considering the record as a whole, would allow

a reasonable mind to reach the same conclusion that administrative agency reached. See also, Hendley v. South Carolina State Budget and Control Board, 325 S.C. 413 (S.C. App. 1996) which states the same. This ALC agency cannot reach the same conclusion as the SCDC agency with the evidence being relied upon to convict the appellant shown as clearly erroneous.

8.) Walt v. McDennell 418 U.S. 539, 70-71 (1974) made it clear that a prisoner has a procedural due process right to an impartial examiner at prison disciplinary proceedings (or at least those proceedings in which a constitutionally significant interest of the prisoner is at stake).

9.) Wherefore, the due process of the appellant was clearly violated by having an unfair and impartial hearing as well as using clearly erroneous substantial evidence to convict the appellant with.

10.) Appellants due process rights were also violated by the IAC and the Warden failing to properly investigate the grievance per SCDC policy IP-22-14 and GA 12.01.

11.) Per SCDC Policy/procedure GA-DI.12 Titled "Inmate Grievance System" the IAC Upon receipt of the grievance has a duty to interview all affected employees and conduct such complete investigation into the situation then make recommendations to the warden. In this case, the IAC breached this duty by not interviewing medical staff to determine the facts of the case.

12.) ~~This challenge is not completely to the grievance system, but rather is a challenge to the method and procedures ignored by respondent, when they failed to act per policy.~~ Pursuant to Furtrick v. S.C. Dept. of Probation, Parole and Pardon Services, 576 S.E. 2d 146 (2003). This challenge raises a sufficient liberty interest to trigger due process requirements of judicial review by this court. If respondent fails to act as mandated by policy, it has the effect of rendering relief thus the grievance system is non-existent.

13.) Wherefore, Appellants due process rights were clearly violated by the respondents convicting him with clearly erroneous evidence. The charge should be dismissed.

## CONCLUSION

Since it is undisputed that appellant was convicted with the upholding of clearly erroneous evidence, namely the 1979 form signed by RN Jennifer Nations, Appellants procedural due process rights have been violated. Appellant asks that the disciplinary conviction be remanded, reversed and vacated as all sanctions should be lifted also.

### - Constitutional Law → 251

Due process rights may be sometimes postponed, but they need not and should not be eliminated... U.S.C.A. Const. Amend. 14...

\* Appellant hereby affirms under penalty of perjury 28 U.S.C. § 1746 and 18 U.S.C. § 1621, that the above is true and correct.

Pelzer, South Carolina  
September 13, 2013

Respectfully Submitted,  
Mr. Michael D. Gains  
Mr. Michael D. Gains # 302385  
430 Oaklawn Rd.  
Pelzer, S.C. 29669

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 REQUEST TO STAFF MEMBER

EXHIBIT  
 A

TO: NAME: Mr. Harper	TITLE: HCA	DATE: April 30 <sup>th</sup> , 2013
INMATE'S NAME: Michael Coins		SCDC#: 302385
INSTITUTION: Perry, C.I.		LIVING QUARTERS: D-X-22

Mr. Harper,

You sent my request back last week when I asked you to verify by request that I was taking Lisinopril, Norvasc, Hydrochlorothiazide & Lopressor for High blood pressure and that they were all "KOP" (Keep On Person) medications.

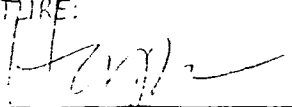
You responded back that all you seen that were KOP's were the Norvasc & Lopressor. You couldn't have looked great. I've been on Lopressor, Norvasc, Hydrochlorothiazide & Lisinopril for about 2 years and it's always been a KOP medication.

All I'm asking you to do is look in the computer and verify on this request what are my KOP medications so my meds will stop being taken by security because someone in medical is telling them its not KOP. I want to be able to show this request the next time it happens. Thank You!

DISPOSITION BY STAFF MEMBER:

Your Kops are:

Methimazol	Norvasc
Lisinopril	Methocarbamol
HCTZ	Lopressor
FiberLax	
Millicofmas	
Pillusec	

DATE: APR 02 2013	SIGNATURE: 
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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Michael Goins, # 302385,  
Appellant,

Docket No.: 13-ALS-04-0530-AP

v.

PROOF OF SERVICE

South Carolina Department of  
Corrections,  
Respondents.

I, Michael Goins, as a pro se litigant, certify under penalty of perjury that I did on September 13, 2013 serve a copy of Appellant's Brief with an exhibit upon the following agencies:

- 1.) Administrative Law Court 1205 Pendleton St., Ste 224 Columbia, S.C. 29201; And
- 2.) SCDC Office of General Counsel P.O. Box 21787 Columbia, S.C. 29221-1787

by depositing the above stated documents in the U.S. Mail, postage prepaid.

Pelzer, South Carolina

SWORN to and subscribed before me this  
12<sup>th</sup> day of September, 2013.

Nancy C. Munkad (L.S.)  
Notary Public of South Carolina

My Commission expires: 1-23-2021

151 Michael Blum

Mr. Michael Goins # 302385  
430 Oaklawn Road  
Pelzer, S.C. 29669



STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Michael Goins, #302385, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )  
)

Docket No. 13-ALJ-04-0530-AP


ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC). Appellant appeals denial of his Step 2 Grievance which affirms his conviction for Trafficking, Use or Possession of Narcotics, Marijuana or Unauthorized Drugs, Including Prescription Drugs or Inhalants, (9.03) SCDC Policy OP-22.14 Inmate Disciplinary System.

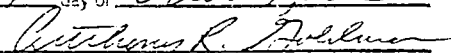
This appeal was assigned to the undersigned on July 26, 2013, making Inmate's Brief due on or before September 30, 2013. No such Brief has been filed as of the date of this Order set forth below. ALC Rule 62 provides that an appeal may be dismissed for failure to comply with any one of the rules of procedure for appeals. Thus dismissal is proper for failure to file the Brief required under ALC Rule 60.

**THEREFORE, IT IS ORDERED** that the within appeal is hereby **DISMISSED, WITH PREJUDICE.**

Columbia, S.C.  
October 4, 2013

  
\_\_\_\_\_  
John D. McLeod, Judge,  
South Carolina Administrative Law Court

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 this 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 4 day of October, 2013  
By:   
\_\_\_\_\_  
Judicial Law Clerk

**FILED**  
OCT 04 2013  
SC ADMIN. LAW COURT