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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Leonard Foster, #179576,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)

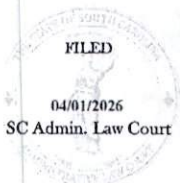
Docket No. 25-ALJ-04-0256-AP

FINAL ORDER

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on June 2, 2025 by Leonard Foster (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, the Appellant filed a Notice of Appeal with this court appealing the denial of his grievance because the Department has violated his Fourteenth Amendment by withholding and failing to apply the good time credits from his completed felony DUI sentence to his current sentences.

STANDARD OF REVIEW

The ALC has jurisdiction to consider appeals where an inmate believes his sentence-related credits have been erroneously calculated by prison officials. *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). When reviewing the Department's decisions in inmate grievance matters, the ALC sits in its appellate capacity, applying the appellate standard of the Administrative Procedures Act. *See id.*, 338 S.C. at 377, 527 S.E.2d at 754. Consequently, review in inmate grievance cases is limited to the record presented. S.C. Code Ann. § 1-23-380(4). 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 an 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



a clearly unwarranted exercise of discretion. *Id.* A liberty interest is at stake in the calculation of an inmate's sentence. *Tant v. S.C. Dep't 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).

DISCUSSION

On March 20, 2002, the Appellant pled guilty to and was sentenced as a Habitual Traffic Offender, for Reckless Homicide, and Felony DUI (Death). The Appellant was sentenced to five (5) years for the Habitual Traffic Offender conviction to be served consecutively with his Reckless Homicide and Felony DUI (Death) convictions. The Appellant was sentenced to ten (10) years for Reckless Homicide to be served consecutively with his Felony DUI (Death) and Habitual Traffic Offender convictions and the Appellant was sentenced to twenty-five (25) years for Felony DUI (Death) to be served consecutively with his Reckless Homicide and Habitual Traffic Offender convictions. The Appellant was credited 493 days towards his sentences. On March 22, 2002, the Appellant was admitted to the Department to serve his sentences.

The Appellant contends that the 762 days of good time credit he is owed from his Felony DUI (Death) combined with 800 days good time credit for Reckless Homicide sentence, equals a total of 1,562 days of good time credit that should be applied to his current sentence.¹ Therefore, when the 1,562 days of good time credit he earned from his previous sentences are applied to his current sentence, the Appellant asserts he is entitled to be released.

Subsection 16-1-20(A)(2) of the South Carolina Code defines a Class B felony as a felony which is punishable by not more than twenty-five (25) years. Subsection 56-5-2945(A)(2) provides that felony DUI that results in death is punishable by imprisonment not more than twenty-five (25) years, therefore making it a Class B felony. Subsection 24-13-100 of the South Carolina Code defines a no parole offense as a Class A, B, or C felony, thereby making Felony DUI (Death) a no parole offense and requiring that the Appellant serve at least 85% of his sentence.

The Department credited the Appellant with 493 days jail time credit toward his total forty (40) year consecutive sentence. Therefore, the Appellant's sentence start date was November 12,

¹ The Appellant does not explain how he reached his good time credit calculations.

2000. The Appellant is serving his Felony DUI (Death) sentence first, which would allow the Appellant to become parole eligible upon the completion of this no parole sentence. The Appellant is statutorily required to serve at least 85% of the actual term of imprisonment imposed for his no parole offense, therefore the Appellant must serve at least twenty-one (21) years, two (2) months, and thirty (30) days from his sentence start date.

Subsection 24-13-210 (B) provides that an inmate convicted of a no parole offense “whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from his sentence beginning from his sentence start date, “...computed at the rate of three days for each month served.” However, no inmate convicted of a no parole offense is entitled to a reduction in his sentence “...below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150.” In addition, “[w]hen two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.” *Id.* Therefore, in accordance with the statute, the Appellant earned good time credits at the rate of three (3) days for each month he served for his Felony DUI (Death) sentence beginning from his sentence start date of November 12, 2000. However, the Department explains that the Appellant has also failed to earn good time credit and lost good time credit through the disciplinary process. Furthermore, the good time credits the Appellant did earn cannot be used to reduce his Felony DUI (Death) sentence below the mandatory 85% that he is statutorily required to serve.

Consequently, on February 5, 2022, the Appellant completed his Felony DUI (Death) sentence and began his consecutive Reckless Homicide sentence. With the current projected work credits and good time credits applied to the Appellant’s ten (10) year sentence, the Appellant’s maxout date will be January 28, 2027. Upon the completion of his Reckless Homicide sentence, the Appellant will begin serving his five (5) year Habitual Traffic Offender sentence. This sentence is to begin on January 28, 2027 and with the Appellant’s projected time credits and earned work credits, will be complete on July 18, 2029.

On March 27, 2026, the Appellant filed a Motion to Dismiss for Failure to Comply with Rules, arguing that the Department violated his Fourteenth (14th) Amendment by failing to apply the good time credits he earned while serving his twenty-five (25) year sentence for Felony DUI (Death) to the remaining sentences that he is serving. Therefore, the Appellant requests the court award him the good time credits he earned and that he be released without delay.

However, the record establishes that the Department's decision is supported by substantial evidence and that the Appellant has failed to prove that the Department's decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. Consequently, the review in inmate grievance cases is limited to the Record presented. An Administrative Law Judge may not substitute his or her judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5). In the case at hand, the court will not substitute its judgment for that of the agency because there is substantial evidence to support the Department's assertion that the Department has correctly applied the applicable good time credit to the Appellant's sentences. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the decision of the Department is **AFFIRMED**.
AND IT IS SO ORDERED.

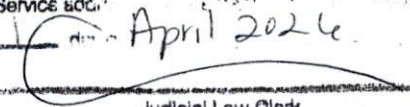


S. Phillip Lenski
Administrative Law Judge

April 1, 2026
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 this cause by depositing a copy hereof, in the United States _____ postage paid _____ agency, Mail Service address _____ (s).

This 1 April 2026

Judicial Law Clerk

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/11/25

SCDC ID: 179576

DISPLAY INMATE OFFENSE HISTORY

FOSTER, LEONARD LEE

CURR LOC: WATEREE RI

LEGAL NAME:

PURCHASED TV Y

OFFENDER TYPE: ADULT-STRAIGHT

SERIOUS MENTAL ILLNESS: N

TABLET ELIG: Y

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
- 00019	DISRESPECT	ADMINIST	04/14/23	04/21/23	00000	CONVICTED	3
- 00018	OUT OF PLACE	OTHER AC	08/03/22	08/04/22	00000	CLOSED	3
- 00017	REFUSING TO WORK	OTHER AC	08/31/20	09/08/20	00000	CLOSED	3
- 00016	DAMAGE, DESTROY PROP.	ADMINIST	09/14/15	09/22/15	00000	CONVICTED	3
- 00014	FIGHTING WITHOUT A WE	ADMINIST	05/01/09	/ /	00000	CONVICTED	3
- 00012	OUT OF PLACE	OTHER AC	02/08/08	/ /	00000	CLOSED	3
- 00011	POSSESSION OF CONTRAB	OTHER AC	08/31/05	/ /	00000	CLOSED	3
- 00010	STRIKING AN EMPLOYEE	MAJOR DI	06/05/05	06/22/05	00000	CONVICTED	2
- 00009	STRIKE I/M W/WO WEAP	MINOR DI	07/26/04	07/30/04	00000	CONVICTED	2
- 00008	USE, POSS NARC, MARIJ, U	MAJOR DI	04/16/04	04/27/04	00000	CONVICTED	1
- 00007	OUT OF PLACE	MINOR DI	08/17/03	08/25/03	00000	CONVICTED	3
- 00006	FIGHTING WITHOUT A WE	MINOR DI	09/20/95	/ /	00000	CONVICTED	3

PAGE 0001

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PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

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SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/11/25

SCDC ID: 179576

DISPLAY INMATE OFFENSE HISTORY

FOSTER, LEONARD LEE

CURR LOC: WATEREE RI

LEGAL NAME:

PURCHASED TV Y

OFFENDER TYPE: ADULT-STRAIGHT

SERIOUS MENTAL ILLNESS: N

TABLET ELIG: Y

CASE#	DESCRIPTION	ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00005	USE OBSCENE, VULGAR, PR	MINOR DI	08/16/94	09/21/94	00030	CONVICTED	3
00004	REFUSING OR FAILING O	MINOR DI	08/16/94	09/21/94	00000	CONVICTED	3
00003	I/M UNDER INFLUENCE/P	MAJOR DI	01/01/93	01/21/93	00000	CONVICTED	3
00002	REFUSING OR FAILING O	MINOR DI	09/17/92	10/01/92	00030	CONVICTED	3
00001	POSSESSION OF CONTRAB	MAJOR DI	08/27/92	09/17/92	00000	CONVICTED	3

END OF LIST

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

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SC Court of Appeals

DISK40D
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
GOOD TIME RESTORE HISTORY

08/11/25

SCDC# 179576

CURR LOC: WATEREE RIVE

FOSTER, LEONARD LEE

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CASE#	GT LOST	GT RESTORED	DISAPPRV	MODIFIED BY	LOCATION	DATE
10	20	20			TURBEVILLE	08/09/20
8	90	90			TURBEVILLE	08/09/20

END OF LIST

PAGE: 0001

INFORMATION DISPLAYED

PF6-DISAPRV PENDING PF7-BACKWARD PF8-FORWARD PF10-MAIN MENU PF11-QUIT

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