

EUGENE DANIELS, #146660

APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS, RESPONDENT,

APPELLATE CASE NO. 2013-DD2358

PROOF OF SERVICE OF A NOTICE OF APPEAL

I CERTIFY THAT I HAVE SERVED THE NOTICE OF APPEAL ON THE RESPONDENTS BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, POSTAGE PREPAID, ON NOVEMBER 21, 2013 ADDRESSED TO THE GENERAL COUNSEL OFFICE, ALSO THE CLERK OF COURT AT THERE ADDRESS OF RECORD, POST OFFICE BOX 21787 COLUMBIA, SC, 29211, ALSO 1205 PENDLETON STREET COLUMBIA, SC, 29201.

SINCERELY,

1 Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY CORR. INST. Q2B-205
430 DAKLAWN ROAD
PELZER, SC. 29669

1 November 21, 2013

DATE:

SUBORN TO BEFORE ME ON THIS 21st DAY
OF November, 2013

Nancy C Muchant
NOTARY PUBLIC:

1-23-2023

MY COMMISSION EXPIRES:

RECEIVED

DEC 03 2013

SC Court of Appeals

EUGENE DANIELS, #146660

APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS, RESPONDENT.

APPELLANT CASE NO. 2013-002358

NOTICE OF APPEAL RECEIVED

NOV 21 2013

P.C.I. MAILROOM

THE HONORABLE JENNY ABBOTT KITCHING, CLERK, SOUTH CAROLINA
COURT OF APPEALS, POST OFFICE BOX 11629

RE: EUGENE DANIELS #146660, APPELLANT, VS. SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS, RESPONDENT, CASE NO. 2013-002358.

DEAR MRS. JENNY ABBOTT KITCHING:

ENCLOSED FOR FILING IS A NOTICE OF APPEAL IN THE ABOVE CASE.
ALSO ENCLOSED ARE THE FOLLOWING:

- (1) PROOF OF SERVICE OF THE NOTICE OF APPEAL ON RESPONDENTS.
- (2) A COPY OF THE ORDER'S JUDGEMENT WHICH IS ARE TO BE CHALLENGED ON APPEAL.
- (3) A CERTIFICATE OF SERVICE FINANCIAL FORM OF APPELLANT SCDC ACCOUNT.
- (4) THIS APPEAL IS BEING FILED WITH THE SUPREME COURT BECAUSE IT WAS DISMISS AT THE ADMINISTRATIVE LAW COURT.

CC:

SC DEPT. OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
POST OFFICE BOX 21787
COLUMBIA, SC, 29211

SC ADMINISTRATIVE LAW COURT
JANET SHEALY - CLERK
EDGAR A. BROWN BLDG./SUITE #224
1205 PENDLETON STREET
COLUMBIA, SC, 29201

Sincerely,

/ Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY CORR. INST. Q2B-205
430 OAKLAWN ROAD
PELZER, SC, 29669

/ November 21, 2013
DATE:

RECEIVED

DEC 03 2013

SC Court of Appeals

EUGENE DANIELS #146660
PERRY C.I. / Q3A-112
430 OAKLAWN ROAD
PELZER, SC. 29669

RECEIVED
MAY 08 2013
P.C.I. MAILROOM

MAY 08 2013

SC ADMINISTRATIVE LAW COURT
JANET SHEALY - CLERK
EDGAR A. BROWN BLDG. / SUITE #224
1205 PENDLETON STREET
COLUMBIA, SC. 29201

RE: EUGENE DANIELS V. SC DEPT. OF CORRECTIONS.
DOCKET NO. 13CO254

DEAR HONORABLE CLERK,

PLEASE FIND ENCLOSED HERewith) A COPY OF INITIAL BRIEF OF APPELLANT ALONG WITH SUPPORTING DOCUMENTS ATTACHED THERETO. AS SHOWN BY PROOF OF SERVICE) RESPONDENT HAS BEEN SERVED COPIES OF THE SAME IN THIS MATTER.

IN ADVANCE, THANK YOU KINDLY FOR YOUR TIME AND ATTENTION.
BEST REGARDS.

SINCERELY,
Eugene Daniels
EUGENE DANIELS

ENCLOSURES: _____

CC: SC DEPT. OF CORRECTIONS
OFFICE OF GENERAL COUNSEL

FILE

RECEIVED

DEC 03 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

APPEAL FROM AGENCY FINAL DECISION
GRIEVANCE NO. LEE CI - 2509-11
DOCKET NO. 13C0254

EUGENE DANIELS, #146660, APPELLANT,
v.

SOUTH CAROLINA DEPT.
OF CORRECTIONS, ET AL, RESPONDENT.

INITIAL BRIEF OF APPELLANT

EUGENE DANIELS, #146660
PERRY C. I. / Q3A-112
430 OAKLAWN ROAD
PELZER, SC, 29669
APPELLANT, PRO SE

OTHER COUNSEL OF RECORD:
S.C. DEPT. OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
POST OFFICE BOX 21787
COLUMBIA, SC, 29211
ATTORNEY FOR RESPONDENT

RECEIVED

DEC 03 2013

SC Court of Appeals

STATEMENT OF ISSUES ON APPEAL

Does THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS COMMIT ERROR by FAILING TO PROPERLY CALCULATE AND GIVE APPELLANT FULL CREDIT FOR GOOD BEHAVIOR, PURSUANT TO S.C. CODE OF LAW § 24-13-210.

Does SCDC'S FAILURE TO PROPERLY CALCULATE APPELLANT'S GOOD TIME CREDITS. VIOLATE HIS PROTECTED LIBERTY INTERESTS PURSUANT TO DUE PROCESS OF LAW OF FEDERAL AND STATE CONSTITUTIONS U.S. CONST. AMEND. 14 § 1, AND S.C. CONST. ART. 1 § 3?

STATEMENT OF CASE

APPELLANT (EUGENE DANIELS) #146660 is incarcerated in the South Carolina Department of Corrections (SCDC) and currently assigned/housed at PERRY Correctional Institution (PERRY) located in Pelzer, SC. On October 19, 2011 Appellant filed a Step One Grievance against Lee Correctional Institutional Classification for refusing to properly calculate his sentence, giving him credit for earned goodtime.

STATEMENT OF FACTS

On September 11, 2011 Appellant wrote Warden Padula, Lee Correctional Institution a SCDC Form 19-11 requesting to know how much goodtime I've lost. See attach request from Warden Padula dated September 30, 2011. Warden Padula stated Appellant lost 772 days total since I been incarcerated.

ARGUMENT

APPELLANT, would RESPECTFULLY ARGUE to this Honorable Court that, by its VERY NATURE, the REFERENCE MADE to the GRIEVANCE FILED LEE CI - 2509-11 that LEE CORRECTIONAL INSTITUTION CLASSIFICATION FAILED to PROPERLY CALCULATE APPELLANT GOODTIME.

CONCLUSION

BASED UPON THE FOREGOING FACTS, ARGUMENT AND ACCOMPANYING EVIDENCE IN SUPPORT THEREOF, APPELLANT IS ENTITLED TO GOODTIME CREDITS PURSUANT TO S.C. CODE OF LAW § 24-13-210 IN ACCORDS WITH STATE AND U.S. CONSTITUTIONS ART. 1, 3 AND AMEND 14, § 1, RESPECTFULLY.

WHEREFORE, APPELLANT RESPECTFULLY MOVES this COURT to OVRULE THE AGENCY'S FINALE DECISION AND FURTHER DIRECT THE S.C. DEPT. OF CORRECTIONS BY COURT ORDER TO PROPERLY CALCULATE AND APPLY, ALL GOODTIME CREDITS PURSUANT TO S.C. CODE OF LAW § 24-13-210

DATE: MAY 08, 2013

RESPECTFULLY Submitted,

/ Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY C.I. / Q3A-112
430 OAKLAWN ROAD
PELZER, SC. 29669

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

APPEAL FROM AGENCY FINAL DECISION

GRIEVANCE NO. LEE C.I. 2509-11

DOCKET NO. 13CO254

RECEIVED
MAY 08 2013
P.C.I. MAILROOM

EUGENE DANIELS #146660, APPELLANT,

v.
SOUTH CAROLINA DEPT. RESPONDENT,
OF CORRECTIONS, ET AL

PROOF OF SERVICE

I HEREBY CERTIFY THAT, ON THIS DAY, I DID FILE/SERVE THE FOREGOING DOCUMENT(S); INITIAL BRIEF OF APPELLANT AND ATTACHMENTS, UPON THE INDIVIDUALS LISTED BELOW BY PLACING COPIES OF THE SAME IN THE U.S. MAIL, POSTAGE PREPAID, FOR DELIVERY TO THEIR LAST KNOWN ADDRESS AS FOLLOWS:

SC ADMINISTRATIVE LAW COURT
JANET SNEALY - CLERK
EDGAR A. BROWN BLDG. / SUITE #224
1205 PENDLETON STREET
COLUMBIA, SC, 29201

SC DEPT. OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
POST OFFICE BOX 21787
COLUMBIA, SC, 29211

SWORN TO AND SUBSCRIBE BEFORE ME THIS
DAY OF MAY, 2013

Patricia S. Johnson

NOTARY PUBLIC FOR SOUTH CAROLINA:

MY COMMISSION EXPIRES: 4-26-2020

Eugene Daniels #146660

EUGENE DANIELS #146660
PERRY C.I. 103A-112
430 OAKLAWN ROAD
PELZER, SC, 29669

* EMERGENCY GRIEVANCE *
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

Page 1 of 2
Due: 11/10/11

INMATE NAME: EUGENE DANIELS
SCDC NUMBER: #00146660
INSTITUTION: Lee
HOUSING UNIT: ASU-27-NORTH (OCT 19 2011)
WORK ASSIGNMENT: NONE ASSIGN

Office Use Only
Grievance No. LeeCI 2509-11
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 10/24/11
IGC Initials [Signature]

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

This grievance is on Lee Correctional Institution Classification Supervisor Ms. Reams. Reason she miscalculated my goodtime. On 09-30-11 I was informed by Warden Padula that my calculated goodtime was incorrect. Warden Padula stated since I've been incarcerated I've lost seven hundred and seventy two days (772) goodtime. Then my maxout date shouldn't be May 31, 2014. I've only lost 2 years 1 month and 11 days. Please forward this grievance to the General Counsel Office ASAP so this error can be rectified. Attach is Warden Padula response dated September 30, 2011.

ACTION REQUESTED: That my goodtime days be calculated correctly.
Also that my maxout date be changed to the appropriate date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote Ms. Reams supervisor Associate Warden Nolan concerning this issue starting July 01, 2011 until September 11, 2011. Also wrote him again on October 17, 2011 as instructed by IGC Johnson on October 14, 2011. As of October 19, 2011 I have not received an response. My five (5) days to have this grievance back in the box is 10-22-11.
I can't wait on A/W Nolan anymore.
The date 10-22-11 is on a Saturday.

Eugene Daniels 10-19-11
Grievant Signature Date

ACTION TAKEN BY IGC:

IGC conferred with appropriate staff and reviewed pertinent documentation. See Warden's response.

[Signature] 10/25/11
IGC Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

Grievant Signature Date

September 11, 2011	WARDEN PADULA, Lee C. I.
#00146660	Lee C. I., ASU-27-North EUGENE DANIELS

Mr. Padula :

WARDEN
SEP 14 2011
LEE CI

IF you will please ANSWER these questions for me. I wrote Ms. Winters several requests concerning this starting July 01, 2011. As of 09-11-11 she have not respond. What I would like to know is my Parole, Maxout date. Also I would like to know how much goodtime I've lost the last twelve (12) months. Please Respond. Thank you AND GOD BLESS YOU.

Maxout - 5/31/2014
Parole - 4/27/2012

I have no idea how much good time you've lost in the past year. Total loss of good time through is 772 days.

Robert, Warden 9/20/11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: Eugene Daniels
 SCDC NUMBER: 146660
 INSTITUTION: LCP
 HOUSING UNIT: smu# 27
 WORK ASSIGNMENT: NONE ASSIGN

Office Use Only
 Grievance No. 2011-01-3509
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 11/16/11
 IGC Initials ED

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

When I first came in SCDC on February 1988 with 30 years my maxout date was February 2004. Warden Padula stated on 09-30-11 that I've lost 772 days goodtime which is 2 years 1 month 11 days. Therefore my maxout date should be no later than February 2007. Classification have made an error with the offender management system. Someone have enter that I've lost more than 772 days goodtime when I haven't. I'm requesting that someone at the General Counsel Office Rectify this error. Warden Padula 9-30-11 request is attach.

Eugene Daniels 11-11-11
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. Due to a shortage of staff at several institutions and the Inmate Grievance Branch and the high volume of incoming grievances there has been a delay in responses to grievances. Every effort is being made to process grievances as quickly as possible. Your record has been reviewed. First you have failed to maintain a continual work/school history; therefore, your failure to earn EWC and EFC credits has also changed your projected max-out date. I do not understand the numbers quoted in the warden's response. You have 326 convictions which resulted in your failing to earn good time 133 times and you lost an additional 3,294 days accrued good time since you were incarcerated. Your projected max-out date is June 14, 2014. However, failure to maintain a job, staying enrolled in school or further disciplinarys will alter the projected max-out date and could extend your time further.

Therefore, your grievance is resolved.

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] 2-6-13
 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.

Eugene Daniels 2-25-13
 Grievant Signature Date

[Signature] 2-25-13
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Eugene Daniels #146660,)
)

Appellant,)
)

vs.)

NOTICE OF APPEAL

South Carolina Department of Corrections,)
)

Respondent.)
)

DOCKET NO. ALJ-04-
GRIEVANCE NO.: Lee CI 2509-11

Notice is hereby given that Eugene Daniels #146660 does hereby appeal the final decision of the South Carolina Department of Corrections dated February 6, 2013 and received on February 25, 2013, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

I EUGENE DANIELS, HEREBY PURSUANT TO RULE #33, APPEAL THE EXHAUSTION OF HIS STATE REMEDIES DATED FEBRUARY 06, 2013. PURSUANT TO RULE #21 ALC; APPLICANT REQUEST THE RESPONDENT TO PRODUCE THE FOLLOWING DOCUMENTATION:
1) DOCUMENTATION AS TO ALL SCDC CONVICTION AND SENTENCING; 2) DOCUMENTATION AS TO SANCTIONS INQUIRED FROM CONVICTIONS; 3) DOCUMENTS AS TO GOODTIME FORWARDED MAXOUT RELEASE; AND 4) NOTARIZE AFFIDAVIT FROM WARDEN PADULA TO SUPPORT WHY, "HE STATED APPLICANT LOST 772 DAYS", SINCE APPLICANT BEEN INCARCERATED WHICH INCLUDES A SIGN AFFIDAVIT FROM ALL SCDC EMPLOYEE'S THAT'S INVOLVE IN GRIEVANCE LEE CI - 2509-11. "SEE ATTACH"

Eugene Daniels #146660
Appellant's Name

Eugene Daniels #146660
Signed

Perry CI 430 Colclawn Road
Mailing Address

MARCH 20, 2013
Dated

Pelzer, SC 29669
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Eugene Daniels (your name), on the 20 day of MARCH, 2013, in PELZER (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States

Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Office of General Counsel at Department of Corrections
Address: 4444 Broad River Road, P.O. Box 21787

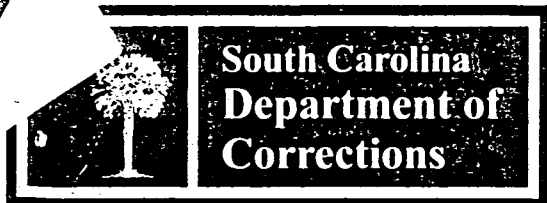
City, State, Zip Code: Columbia SC 29221-1787

Print your name: Eugene Daniels #146660

Sign your name: Eugene Daniels

(See reverse side for instructions)

APPLICANT CONTENDS THAT IT IS RELEVANT TO THE SUBJECT
MATTER IN THIS CASE.



NIKKI R. HALEY, Governor
WILLIAM R. BYARS, JR., Director

July 2, 2013

The Honorable Carolyn C. Matthews
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Eugene Daniels, #146660, vs. SCDC
Docket No. 13-ALJ-04-0254-AP

Dear Judge Matthews:

Find enclosed an original and one copy of the *Respondent's Brief* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

Cheron M. Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Eugene Daniels, #146660
File

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Eugene Daniels, #146660,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

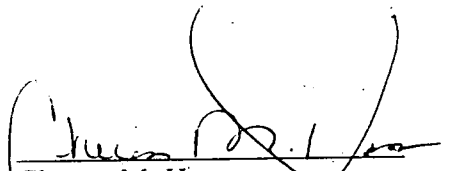
)
)
)
)
)
)
)
)
)
)
)

Certificate of Service

Docket# 13-ALJ-04-0254-AP

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Eugene Daniels, #146660
Perry Correctional Institution



Cheron M. Hess
Administrative Assistant
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

July 2, 2013

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Eugene Daniels, # 146660,) Docket No.: 13-ALJ-04-0254-AP
Appellant,)
v.) **RESPONDENT'S BRIEF**
South Carolina Department of Corrections,)
Respondent.)
Honorable Carolyn C. Matthews

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Eugene Daniels ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on October 19, 2011, claiming his sentence was not being calculated properly. This grievance was investigated and denied when it was determined that SCDC was properly calculating the sentence. Appellant filed a Step Two Grievance on November 14, 2011. This grievance was also investigated and denied. Appellant received the final agency determination on February 25, 2013, and he filed his Notice of Appeal March 20, 2013. Because appellant's sentence has been properly calculated, the final determination of the Department should be affirmed.

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 S.E.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 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).

ARGUMENT

APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

Appellant is currently in SCDC custody serving a thirty-one-year aggregate sentence for three counts of armed robbery, one count of assault with intent to kill, one count of assault on a police officer; and one count of throwing bodily fluids on a correctional officer. In this appeal, appellant claims his sentence has been incorrectly calculated. Specifically, appellant appears to contend he should have received additional good time credits. However, appellant has received all credits to which he is entitled, and his sentence has been correctly implemented.

In response to appellant's challenge to SCDC's calculation of his good time credits and other sentence-related credits, SCDC performed the attached manual calculation confirming the sentence has been calculated correctly. This manual

calculation is attached, and it conclusively demonstrates SCDC has correctly calculated appellant's sentence.

Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating 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 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.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

Respectfully submitted,



CHRISTOPHER D. FLORIAN
Deputy General Counsel
South Carolina Department of Corrections
Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

July 2, 2013
Columbia, South Carolina

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND WOMEN'S FACILITIES

INMATE CORRESPONDENCE

INMATE: Eugene Daniels, SCD# 146660
FROM: Stephanie Willis, Assistant Division Director, Inmate Records Office
SUBJECT: Request for Copies or Review of Record
DATE: October 30, 2013

Your request has been received and reviewed. The following is the status of your request:

- Approved for requested copies. Sufficient funds must be available before copies are made.
- Disapproved for requested copies. No reason cited for requested copies.
- Disapproved for requested copies. Reason for request is insufficient.
- Approved for review of record as time permits by Case Manager/Caseworker. **Only review of requested documents.**
- Disapproved for review of record. Reason for request is insufficient.
- Other:

SI Stephanie Willis
Stephanie Willis

cc: Central Record
Case Manager ✓

Given to Mr. T. Norman, for action ~~_____~~ Humside
11/12/13

10/1/13
500

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: MRS. STEPHANIE WILLIS	TITLE: INMATE RECORDS	DATE: October 02, 2013
INMATE'S NAME: EUGENE DANIELS		SCDC #: # 146660
INSTITUTION: PERRY		LIVING QUARTERS: Q2B - 205

DEAR MRS. WILLIS:

I would like a copy of my "Disciplinary Disposition"
Start date FEBRUARY 11, 1988 until OCTOBER 02, 2013.

I NEED THESE COPIES FOR THE PENDING CASE I HAVE
WITH THE SOUTH CAROLINA ADMINISTRATIVE LAW
COURT AS EVIDENCE. CASE NO. 13-ALJ-04-0254-AP.
THANK YOU FOR YOUR TIME AND GOD BLESS YOU.

1 October 02, 2013
DATE

Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY CORR. INST.

DISPOSITION BY STAFF MEMBER:

2013 OCT 11 PM 1:17

DATE: SIGNATURE:

AFFIDAVIT OF EUGENE DANIELS #146660

I would like a COPY OF MY "DISCIPLINARY DISPOSITION"
START DATE FEBRUARY 11, 1988 UNTIL OCTOBER 08, 2013.
I NEED THESE COPIES FOR THE PENDING CASE I
HAVE WITH THE SOUTH CAROLINA ADMINISTRATIVE
LAW COURT AS EVIDENCE. CASE NO. 13-ALJ-04-0254-AI
THIS THE THIRD TIME REQUESTING THESE DOCUMENTS.
THANK YOU FOR YOUR TIME AND GOD BLESS YOU.

RECEIVED

OCT 09 2013

R.C.I. MAILROOM

SWORN TO BEFORE ME ON
THIS _____ DAY OF _____ 2013.

NOTARY PUBLIC:

MY COMMISSION EXPIRES:

1 Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY CORR. INST. 02B 20.
430 OAKLAWN ROAD
PELZER, SC. 29669

1 October 09, 2013
DATE:

2014 11 09 17

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Eugene Daniels, #146660,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 13-ALJ-04-0254-AP
Grievance No.: LCI 2509-11

ORDER

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed March 22, 2013 by Eugene Daniels ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Appellant filed a Step One Grievance on October 19, 2011, claiming his sentence was not being calculated properly. This grievance was investigated and denied. Appellant filed a Step Two Grievance on November 14, 2011, which was also investigated and denied.

STANDARD OF REVIEW

The ALC'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 ALC's appellate jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his/her sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.

When reviewing the SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. Id. at 380, 527 S.E.2d at 756. Consequently, the review in these cases is limited to the record presented. An Administrative Law Judge may not substitute their 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).

LAW/ANALYSIS

Appellant is currently in SCDC custody serving a thirty-one-year aggregate sentence for three counts of armed robbery, one count of assault with intent to kill, one count of assault on a police officer, and one count of throwing bodily fluids on a correctional officer. In this appeal

FILED

OCT 25 2013

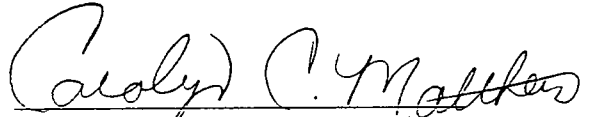
SC ADMIN. LAW COURT

Appellant claims his sentence has been incorrectly calculated. Specifically, Appellant contends he should have received additional good-time credits.

In response to Appellant's challenge to SCDC's calculation of his good-time credits and other sentence-related credits, SCDC performed a manual calculation confirming that the sentence has been calculated correctly. Appellant has been convicted of 326 disciplinary violations during his incarceration. As a result, Appellant has lost several thousand good-time credits. The calculations conclusively demonstrate that SCDC has correctly calculated Appellant's sentence. Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence.

Therefore, for the foregoing reasons this appeal is **DISMISSED, WITH PREJUDICE.**

IT IS SO ORDERED.


CAROLYN C. MATTHEWS
S.C. Administrative Law Court

October 25, 2013
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 mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 25th day of October 2013
By: ARLD
Judicial Law Clerk

IN THE SUPREME COURT
STATE OF SOUTH CAROLINA

EUGENE DANIELS, #146660

VS. APPELLANT

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS
RESPONDENT.

DOCKET NO. 13-ALJ-04-0254-AP

NOTICE OF APPEAL

NOTICE OF APPEAL

I, EUGENE DANIELS #146660, APPEAL THE DECISION OF THE
HONORABLE CAROLYN C. MATTHEWS DATED OCTOBER 25, 2013.
APPELLANT RECEIVED A COPY OF THIS DECISION ON OCTOBER 28, 2013.

/ Eugene Daniels #146660
EUGENE DANIELS #146660
PERRY CORR. INST. A2B-205
430 OAKLAWN ROAD
PELZER, SC. 29669

/ October 31, 2013
DATE:

RECEIVED
OCT 31 2013
P.C.I. MAILROOM

IN THE SUPREME COURT
STATE OF SOUTH CAROLINA

EUGENE DANIELS, #146660

VS. APPELLANT.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS, RESPONDENT.

DOCKET NO. 13-ALJ-04-D254-AP

CERTIFICATE OF SERVICE.

RECEIVED

OCT 31 2013

P.C.I. MAILROOM

I HEREBY CERTIFY THAT A COPY OF THE FOREGOING MOTION WAS
THIS DATE SERVED UPON THE FOLLOWING INDIVIDUALS LISTED
BELOW BY PLACING A COPY OF THE SAME VIA MAIL TO HIS/HER
LAST KNOWN ADDRESS AS FOLLOWS:

CHERON M. HESS
ADMINISTRATIVE ASSISTANT
OFFICE OF GENERAL COUNSEL
P.O. BOX 21787 / 4444 BROAD RIVER RD.
COLUMBIA, SC. 29221-1787

/ Eugene Daniels #146660
EUGENE DANIELS #146660 A2B-20
PERRY CORR. INSTITUTION
430 OAKLAWN ROAD
PELZER, SC. 29669

THE HONORABLE CAROLYN C. MATTHEWS
SOUTH CAROLINA ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BUILDING, SUITE #224
COLUMBIA, SC. 29201

SWORN TO BEFORE ME THIS 31ST
DAY OF October, 2013.

Nancy C. Merchant
NOTARY PUBLIC:

1-23-2023

MY COMMISSION EXPIRES:

NOVEMBER 12, 2013

RE: STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT
DOCKET NO. 13-ALJ-04-0254-AP

DEAR CLERK:

I AM WRITING REQUESTING THIS OFFICE ASSISTANCE WITH
THIS CASE THAT WAS APPEAL TO THE SOUTH CAROLINA
SUPREME COURT ON OCTOBER 31, 2013.

/ Eugene Daniels #146660

EUGENE DANIELS #146660

PERRY CORR. INST. A2B-205

430 OAKLAWN ROAD

PEIZER, S.C. 29669

/ November 12, 2013

DATE:

RECEIVED

NOV 12 2013

P.C.I. MAILROOM