

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

APPEAL FROM THE SOUTH CAROLINA DEPT. OF CORRECTIONS
FINAL AGENCY DECISION

Honorable S. Phillip Lenski, Administrative Law Judge

Grievance No. PCI-1339-13

Case No. 13C0824

JAMES ALLAN GUNNELLS Appellant

vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS Respondent

APPELLANT BRIEF

James Allan Gunnells #305475
Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669
Appellant Pro Se

STATEMENT OF ISSUES ON APPEAL

1. MR. GUNNELL HAS A LIBERTY INTEREST IN HIS CUSTODY CLASSIFICATION AND CONDITIONS OF CONFINEMENT UNDER SANDIN v. CONNOR, 515 U.S. 472 (1995) AND WILKINSON v. AUSTIN, 545 U.S. 209 (2005). THE SOUTH CAROLINA DEPARTMENT OF CORRECTION HAS DEPRIVED MR. GUNNELL OF THAT LIBERTY INTEREST WITHOUT DUE PROCESS OF LAW.

A. GUNNELL HAS A LIBERTY-INTEREST IN HIS CONDITIONS OF CONFINEMENT AND CUSTODY STATUS.

B. GUNNELL'S DUE PROCESS RIGHTS REQUIRE RESPONDENTS TO PROVIDE HIM THE OPPORTUNITY TO CALL WITNESSES AND PRESENT DOCUMENTARY EVIDENCE IN HIS DEFENSE WHEN PERMITTING HIM TO DO SO WILL NOT BE HAZARDOUS TO SAFETY OR CORRECTIONAL GOALS.

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of James Allan Gunnells ("Gunnells"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC").

In May, 2013, SCDC placed Gunnells in the Special Management Unit ("SMU") after his alleged participation in a incident which him along with other inmates were implicated as acting in a threatening manner towards an SCDC employee. On June 7, 2013, Gunnells was convicted of the offense "809: Threatening to Inflict Harm". The Disciplinary Hearing Officer Ms. A. Glidewell imposed the following sanction: Loss of Property privileges for 360 days, Loss of Canteen Privileges for 360 days, loss of telephone privileges for 360 days, Loss of Visitation privileges for 360 days and committed to Disciplinary Detention in the Special Management Unit for 360 days.

Gunnells filed an appeal by filing a Step One Grievance on June 12, 2013, asserting in relevant part that he was denied due process because he never had an opportunity to consult with his Counsel Substitute prior to the Disciplinary Hearing and most important that he requested that witnesses be present or available to contradict the accusing officials report, however the witnesses was never called; and Gunnells was told on the record not to speak on his own behalf and not to speak about witnesses. In the Wardens response to Gunnell's appeal, the issue concerning the "Witnesses" was never addressed.

On July 4, 2013 Gunnells filed his Step Two Grievance making the same assertions that he made in his Step One Grievance; once again SCDC in its final Agency decision failed to specifically address the issue concerning the "witnesses" that was requested but never called. The Step Two Grievance was denied on September 10, 2013. This Appeal now follows.

STANDARD OF REVIEW

The ALC's jurisdiction to hear this matter is derived from the decision of South Carolina Supreme Court in Al-Shabazz v. State, 527 S.E.2d 724, 338 S.C. 354 (S.C. 2000). When reviewing the Department's decisions in inmate grievance matters, the ALJD sits in an appellate capacity. Al-Shabazz, 527 S.E.2d at 756.

ARGUMENT

1. GUNNELLS HAS A LIBERTY INTEREST IN HIS CUSTODY CLASSIFICATION AND CONDITIONS OF CONFINEMENT UNDER SANDIN v. CONNOR, 515 U.S. 472 (1995) AND WILKINSON v. AUSTIN, 545 U.S. 209 (2005). THE SOUTH CAROLINA DEPARTMENT OF CORRECTION HAS DEPRIVED GUNNELLS OF THAT LIBERTY INTEREST WITHOUT DUE-PROCESS OF LAW.

In order to obtain relief under a Due process claim, Gunnells must show that he has a liberty interest in his Custody status and classification, and that the SCDC has violated that liberty interest without due process of law. See Al-Shabazz v. State, 527 S.E.2d at 750.

- A. GUNNELLS HAS A LIBERTY-INTEREST IN HIS CONDITIONS OF CONFINEMENT AND CUSTODY STATUS.

The Fourteenth Amendment's Due Process Clause protects persons against deprivations of life, liberty, or property; and those who seek to invoke its Procedural protection must establish that one of these interests is at stake. A liberty interest may arise from the Constitution itself, or it may arise from an expectation or interest created by State laws or policies. Wilkinson v. Austin, 545 U.S. 209, 221 (2005)

While the Supreme Court has held that "the Constitution itself does not give rise to a liberty interest in avoiding transfer to more adverse conditions of confinement," Meachum v. Fang, 427 U.S. 215, 225 (1976), the Court has also held that a liberty interest in avoiding particular conditions of confinement may arise from State policies or regulations, subject to certain limitations. Sandin v. Connor, 515 U.S. 472 (1995). In Sandin the Court adopted a two prong approach to determine if a prisoner's constitutionally protected liberty interests are implicated by his conditions of confinement. Under the two-prong approach, an inmate's interest in his custody status or conditions of confinement is protected by the Due Process Clause if the Department's actions concerning that

interest: (1) result in an atypical and significant hardship, in either duration or degree of restriction, in relation to the ordinary incidents of prison life; or (2) affect the duration of the prisoner's sentence. Id. at 486-487. In Wilkinson v. Austin, the Court explained that the two prong approach enunciated in Sandin was used to determine whether a liberty interest exists. Once a Court determines a liberty interest exists, it will then inquire as to what process is due by considering the three factors in Matthews v. Eldridge, 424 U.S. 319 (1976).

The first Sandin prong addresses liberty interest determinations related to State created liberty interests. Because Gunnell's serving life without parole, the second prong under Sandin is not applicable to Gunnells.

Gunnells was initially segregated in Solitary confinement in May, 2013. In June 7, 2013 Gunnells was convicted of the offense "809" and was sanctioned with 360 days disciplinary detention in SMU, where he is now confined.

In SMU, inmates may not participate in prison employment, education or other organized activity. Inmates are confined to their cells twenty-three hours a day during the week and twenty-four hours a day on the weekend. Inmates are severely limited in the amount and kind of personal property that they may keep in their cells. Upon information and belief the conditions of confinement in MSU are very similar, if not identical, to those in SMU. The Fourth Circuit has held that "all three levels of MSU 'seriously restrict an inmate's ordinary prison privileges' and that even the level three inmates who retain the most privileges, are 'greatly restrained in activity as compared to their general population counterparts'" Id. see Incumaa v. Ozmint, 507 F.3d 281, 283 (4th Cir. 2007)

While Gunnell's conditions of confinement have been severely restricted, the length of time that he must be confined in the SMU is also a relevant factor. Although the Courts have not developed a consensus regarding how much time in confinement constitutes an "atypical and significant hardship" the majority of United States Courts of Appeals have considered the nature of confinement and its duration in determining whether the confinement imposes an "atypical and significant hardship." The Fourth Circuit has been reluctant to recognize an inmates liberty interest in avoiding solitary confinement, however the Fourth Circuit has not addressed a case in which the length of administrative segregation was twelve months. See Beveratti v. Smith 120 F.3d 500 (4th Cir. 1997). However in Iqbal v. Hasty 490 F.3d 143, 161 (2^d Cir. 2007) That Court held "Segregation of longer than 305 days is sufficiently atypical to require procedural due process protection under Sandin."

The highly restrictive nature of Gunnell's confinement and combined with the significant length of time of Gunnell's confinement in SMU, coupled with the fact that Gunnell will be subject to a "indefinite" period of confinement once he has completed the disciplinary detention time inasmuch as he will be on Security Detention, this all amounts to an "atypical and significant hardship in relation to the ordinary incidents of prison life" under the Sandin standard, thereby creating a liberty interest in his custody status and Conditions of Confinement.

B. GUNNELL'S DUE PROCESS RIGHTS REQUIRE RESPONDENTS TO PROVIDE HIM THE OPPORTUNITY TO CALL WITNESSES AND PRESENT DOCUMENTARY EVIDENCE IN HIS DEFENSE WHEN PERMITTING HIM TO DO SO WILL NOT BE HAZARDOUS TO SAFETY OR CORRECTIONAL GOALS.

Once a liberty interest is established, the Courts must turn to what process is due an inmate whom the prison seeks to place in Solitary confinement. In Wilkinson the Supreme Court applied the framework established in Matthews v. Eldridge to evaluate the sufficiency of particular procedures. Matthews v. Eldridge however is not the controlling case in this instant matter. The instant case involves a Prison disciplinary proceeding, thus Wolff v. McDonnell 418 U.S. 539, 94 S.Ct. 2963 (1974) is the controlling case. In Wolff, the Supreme Court outlined the minimum requirements of procedural due process in prison disciplinary proceedings resulting in loss of good-time credit or imposition of Solitary confinement. The Court held that prisoners must be afforded (1) written notice of claimed violation, at least 24 hours in advance of appearance before adjustment committee, (2) written statement of factfinders as to evidence relied on and reason for disciplinary action taken, except that certain items of evidence could be excluded when personal or institutional safety would be implicated, if statement indicated the fact of the omission; and (3) opportunity to call witnesses and present documentary evidence in defense when permitting him to do so would not be unduly hazardous to institutional safety or correctional goals. I.d. at 2978-2980.

Appellant argues that he did not receive the process which was due to him before he was placed in Solitary confinement as a result of the Disciplinary hearing decision. One of the witnesses that Appellant Gunnell asked to be present was an officer who was present at the time, see Exhibit A. This officer could have effectively refuted the accusing officer's report. Thus this witness testimony was not only relevant it was material evidence that could have changed the outcome of the proceeding. Moreover permitting Gunnell to call these witnesses would not have been hazardous to Safety or the

Correctional goals of SCDC. If Gunnell's witnesses were likely to jeopardize the life or safety of persons or the security and order of the institution, and these witnesses were denied by the hearing officer, for these reasons, then the hearing officer was required to write her reasons for the denial on the SCDC form 19-69. "Disciplinary Report and Hearing Record". see SCDC Policy and Procedure O.P. 22:14 section 15.3. A review of the Disciplinary Report and Hearing Record, will show that no written reasons were given as to why Gunnell's was not allowed to call his witnesses, a review of the actual recording of the hearing will show only that Gunnell's was told that he could not speak in his own behalf and not to mention anything about witnesses. The right to present the testimony of impartial witnesses and real evidence to corroborate his version of the facts is particularly crucial to an accused inmate, who obviously faces a severe credibility problem when trying to disprove the charges of a prisoner guard. see Morrissey v. Brewer 408 U.S. at 489, 92 S.Ct. at 2604

Pursuant to SCDC Policy and Procedure O.P. 22.14 section 8, prior to the Disciplinary Hearing, the Counsel Substitute has the following responsibilities in preparing for the Hearing:

- (1) Read the SCDC form 19-29 a and 19-69 to the accused inmate and make sure the inmate understands the charges.
- (2) Obtain the accused inmates statement as to exactly what took place.
- (3) Obtain the names of all employees and inmates whom the accused wishes to call as witnesses.
- (4) Interview relevant witnesses prior to the hearing
- (5) Inform the hearing officer of the names of all witnesses the inmate has requested.
- (6) obtain any documentary evidence relevant to the case that is not already in possession of the accused inmate.

In the instant case Gunnell's Counsel Substitute did not interview relevant witnesses prior to the hearing, did not inform the hearing officer of the names of all witnesses Gunnell's requested and failed to obtain any statements or documentary evidence relevant to the case. As a result this deprived Gunnell's of the process which was due to him before he could be placed in Solitary Confinement see Nix v. Evatt 850 F. Supp 455 (D.S.C.) ("Prison officials who were potentially liable for depriving prisoner of procedural due-process, by failing to provide sufficiently competent representation for Prison DHO hearing while prisoner was held in administrative detention, included Hearing officer who was aware of situation and denied prisoners request to obtain witnesses, prisoners inmate representative who failed to contact potential witnesses,")..

CONCLUSION

Appellant is entitled to have his conviction Reversed and Remanded. Because he was deprived of a liberty interest without proper due process of law.

Respectfully Submitted,

James Allan Gunnells# 305475
Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669

CERTIFICATE OF SERVICE

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

Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Post Office Box 21787
Columbia, S.C. 29221-1787

Pelzer, South Carolina
January _____ 2014

James Allan Gunnells# 305475
Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669

RECEIVED

MAR 27 2014

SC Court of Appeals

REQUEST TO STAFF

TO: MRS. POLLMAN
FROM: JAMES GUNNELLS #305475

5-09-13

ASUC-6

RECEIVED

MAY 14 2013

DISCIPLINARY

MRS. POLLMAN,

I'm TRYING TO HAVE WITNESSES PRESENT AT MY D.H.O. HEARING. I NEED SGT. BILYON, P/M'S JAMES SIMPSON, JOHN TINSLEY, SEAN NELSON, L.A. BERNSTEIN. THANK YOU FOR YOUR TIME AND ASSISTANCE IN THIS MATTER. HAVE A GOOD DAY.

P.S. ALSO COULD YOU ADD P/M HOWARD PETERS, THANK YOU. ALL P/M'S ARE LOCATED IN Q-3-B.

SINCERELY YOURS,

MR. JAMES A. GUNNELLS

Mr. Gunnells, I will pass this on to Counsel Substitute, but while you are on C.I. the matter will be suspended until you are feeling better.
Wallma 5/14/13

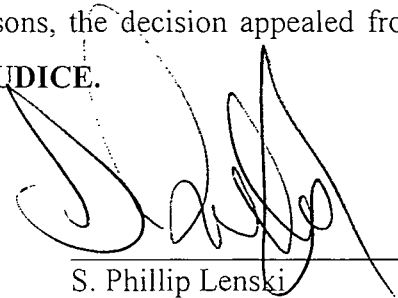
APPELLANT'S EXHIBIT A

Sandin v. Conner, 515 U.S. 472, 115 S.Ct. 2293 (1995).

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. SCDC v. Mitchell, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the Record presented.

In this case, the Appellant did not lose any good time as part of his punishment and therefore his punishment does not affect a state-created liberty or property interest. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. See Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) and Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).

THEREFORE, for the foregoing reasons, the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.



S. Phillip Lenski
Administrative Law Judge

January 31, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Leah E. Garland, 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, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Leah E. Garland
Judicial Law Clerk

January 31, 2014
Columbia, South Carolina

FILED

JAN 31 2014

SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: L. BUTTREY	TITLE: CLASSIFICATION	DATE: 6-27-13
INMATE'S NAME: JAMES GUNNELLS		SCDC #: 305475
INSTITUTION: P.C.I.		LIVING QUARTERS: SMU D-X-9


MRS. BUTTREY,

I RECEIVED MY STEP 1 APPEAL BACK TODAY FROM MY HEARING THAT WAS HELD ON 6-07-13. IN THE WARDEN'S RESPONSE IT SAID THAT WE MET PRIOR TO MY HEARING. I NEVER SEEN YOU BEFORE MY HEARING WAS ACTUALLY IN PROGRESS, SO I'M TRYING TO UNDERSTAND HOW THAT WAS PUT ON MY STEP 1? I NEVER DISCUSSED ANYTHING WITH YOU EVER! I WAS JUST BROUGHT IN AND THE HEARING WAS STARTED. SO CAN YOU PLEASE EXPLAIN TO ME HOW THEY SAID YOU SEEN ME PRIOR TO MY HEARING? I'D GREATLY APPRECIATE YOUR TIME IN HELPING ME UNDERSTAND HOW THAT CAME ABOUT WHEN IT NEVER HAPPENED. THANK YOU FOR YOUR TIME.

SINCERELY,
MR. JAMES L. GUNNELLS

DISPOSITION BY STAFF MEMBER:

As I told you on the day of the hearing, this was a Classification custody review ~~NOT~~ a DHO hearing. I do not need to speak to you before hand, you were given a 48 hour notice that you signed required by policy.

DATE: 7-3-13	SIGNATURE: 
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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: MS BUTTREY	TITLE: CLASSIFICATION	DATE: 9-24-13
INMATE'S NAME: JAMES GUNNELLS	SCDC #: 305475	
INSTITUTION: P.C.I.	LIVING QUARTERS: SMU D-49	

MS. BUTTREY,

I'm TRYING TO FIGURE OUT WHY I NEVER RECEIVED MY PAPERWORK FOR MY S.D. REVIEW FOR THIS MONTH? IF YOU COULD RESOLVE THIS I'D GREATLY APPRECIATE IT. THANK YOU FOR YOUR TIME AND ASSISTANCE IN THIS MATTER.

SINCERELY,
MR. JAMES L. GUNNELLS

DISPOSITION BY STAFF MEMBER:

You were given a copy stating that you were to complete DD time which changed you from SD to DD until the time is complete. You will not get a 1930 until you are placed back on SD

DATE: 9-27-13	SIGNATURE: J Buttreay
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: L. BUTTREY	TITLE: CLASSIFICATION	DATE: 10-30-13
INMATE'S NAME: JAMES GUNNELLS		SCDC #: 305475
INSTITUTION: P.C.I.	OCT 31 2013	LIVING QUARTERS: D-X-9

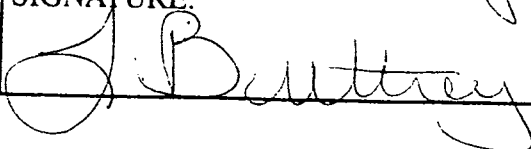
MS. BUTTREY,

I'm writing you concerning my custody status. I know we went through the discrepancies dealing with the S.D. issue, but I'm still being classified as a level (1) ONE INMATE. I know my status was supposed to revert back to its original form, but even that wasn't a level ONE. I'm supposed to be on D.D. level II, so if you could please help to straighten this out before it turns into a bigger issue. I don't appreciate being chained up like an animal because of someone else's mistakes. So anything you can do will be greatly appreciated. THANKS FOR YOUR TIME AND ASSISTANCE.

SINCERELY,
MR. JAMES A. GUNNELLS

DISPOSITION BY STAFF MEMBER:

You are a level 1. When you were first placed back in SMU on PHD, you still had remaining DD time to serve. You were then placed on DDIN before your next charge was heard by the DAO. You advanced to a level 1 when you were convicted of this. It doesn't matter if you were SD or DD. You are still a level 1. You are reviewed every 30 days.

DATE: 11-12-13	SIGNATURE: 
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Classification and Inmate Records

SMU INSTITUTIONAL CLASSIFICATION COMMITTEE REVIEW

Inmate Name: Gunnells, James SCDC #: 305475

Institution: Perry Date Inmate Placed in SMU: 5/3/13

Inmate Assignment (if applicable): SD-Level I SD-Level II SD-Level III Protective Custody

The Institutional Classification Committee met on: 6/28/13 to conduct a Initial seven-day Review
 Regularly Scheduled _____ Day Review

The Committee recommends that the above referenced inmate be:

- Release from SMU and Returned to the General Population
- INITIALLY Placed in Security Detention in the following SD-Level: Level I Level II Level III
(NOTE: INITIAL Placement in Security Detention Requires State Classification Approval)
- Advanced/Reduced/Remain in Security Detention Level Assignment: SD-Level I
(circle one) SD-Level II
 SD-Level III
 Protective Custody
- Remain in Protective Custody Status.
- Released from Protective Custody and Returned to the General Population.

The Committee further recommended that the inmate replaced on SD
(list any other special restrictions/needs here)

The justification for this decision was: threat to staff

S/ J. B. Britney Date: 6/28/13
(Institutional Classification Committee Chairperson)

X Florence Mauney (approved) / disapproved

White: Institutional Record
Canary: Central Records
Pink: Inmate

NMH

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

GT: ϕ

Case#: 54 Inmate Name: GUNNELLS JAMES SCDC#: 305475
Living Area: CAT B25 D25 Job: 17CK-UP Custody: ST3
Offense Date: 05/02/13 Offense Time: 6:20 AM/PM Institution: PCI

Offense Description: 809: Threatening to inflict harm or assaulting an Employee and/or Members of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to human life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm.

Charging Officer/Employee: Z. RISING Title: OFC.

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.

CI 5/14/13 - 5/17/13 = 4 DAYS EX. 5/27/13 5/23/13 - 6/6/13 = 15 DAYS

INMATE WAIVERS: EXT. GRANTED FROM 5/23/13 EXP. 6/27/13 12.8

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 26

I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING

I WAIVE MY RIGHT TO A HEARING

SMU/SEGREGATION ONLY Buttrey

I WANT A COUNSEL SUBSTITUTE 26

I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 05/09/13 10:45 AM/PM By (Print): POULMAN

Inmate Signature: [Signature] SCDC#: 305475 Date: 05/09/13

HEARING INFORMATION:

Hearing Date: <u>5/17/13</u>	Hearing Time: <u>12:29 am/pm</u>	Tape: _____	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.

Buttrey

OFFENSE CODES	<u>809</u>			
INMATE PLEA (G, NG, None)	<u>NG</u>			
FINDINGS (G, NG, DS)	<u>DS</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Buttrey statement

HEARING LENGTH: 10 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

* Property (Days) 180 + 180 = 360 Extra Duty: _____ Restitution: \$ _____ **

* Canteen (Days) 180 + 180 = 360 Visit Suspension Thru 1-1-180 + 180 = 360

* Other 7/18/13 (Days) 180 + 180 = 360 Cell Restriction (Days): _____

* Disciplinary Detention (Days) 180 - 180 = 360 3rd

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 809 charge

CREDIT FOR PHD TIME SERVED? YES/NO NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD _____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature] DATE: 5/17/13

HEARING OFFICER (PRINT NAME) AL TUNNEY A. G. Dewell

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Canary - Inmate (Service of Disciplinary Report)
Pink - Central Record

M/O: 9999

** (Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

This is to inform you that a Disciplinary Hearing was held. Your copy of the Disciplinary Report and Hearing Record is attached. If you were found guilty you have the right to appeal the decision of the Hearing Officer with respect to the determination of guilt or penalty imposed. You may appeal the decision by filing an Inmate Grievance using SCDC Form 10-5, "Step 1 Grievance Form." If you are dissatisfied with the response you receive to your grievance, you may then file an appeal to the next level (see SCDC Procedure GA 01.12, "Inmate Grievance System," for information on filing appeals).

Your Inmate Grievance Coordinator may assist you in the appeal process by sending him/her SCDC Form 19-11 "Request to Staff Member."