

The State of South Carolina

In The Court of Appeals

APPEAL FROM ADMINISTRATION LAW COURT  
JUDGE CAROLYN C. MATTHEWS

Docket NO. 12-ALJ-04-0798-IS

APPELLATE CASE NO. 2013-002231

Michael Jones #237769 . . . . . APPELLANTS

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS . . . . . RESPONDENT

RECORD ON APPEAL

Mr. Michael Jones #237769  
P.O. #21  
430 OAKLAWN Rd.  
Pelzer, SC 29669  
MR. Michael Jones

**RECEIVED**  
NOV 27 2013  
**SC Court of Appeals**

Christopher D. Florian, ESQ.  
SCDC OFFICE OF GENERAL COUNSEL  
4444 Broad River Rd. / P.O. Box 21787  
Columbia, SC 29221

## Index

- 1) SCDC Incident Report 19-29 (A) of June 7, 2012
- 2) SCDC Disciplinary Report and Hearing Record
- 3) SCDC Form 19-11 Request to Staff Member of June 13, 2012
- 4) SCDC Form 19-11 Request to Staff Member of October 11, 2012
- 5) STATEMENT
- 6) SCDC Form 10-9 STEP ONE Grievance
- 7) SCDC Hearing Procedure Transcript of June 26, 2012
- 8) Respondent's Brief of April 24, 2012

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

423

*(Signature)* Page 1 of 1

Institution/Center: <u>Lieber</u>					
Date of Report: <u>6-7-12</u>			Time of Report: <u>APP 3:12 PM</u>		
Reporting Official: <u>Cpl. Shane Mosher</u>			Date of Incident: <u>6-7-12</u>		
Location of Incident: <u>INU cally past</u>			Time of Incident: <u>APP 2:50 PM</u>		
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. <u>Karlton Brockman</u>	<u>312752</u>		<u>B/M</u>	<u>(M/H)</u>	1. <u>Cofe Greg Lichlstein</u>
2. <u>Michael Jones</u>	<u>237769</u>		<u>B/M</u>	<u>(M/H)</u>	2. <u>Lt. Jordan Williams</u>
3. <u>(Ferry)</u>				<u>(M/H)</u>	3.
4.					4.
5.					5.

(31)  
(S)

**On the above date and approximate time:** I, Cpl. Shane Mosher along with Cofe Greg Lichlstein were conducting a controlled cell strip out on I/M Karlton Brockman 312752 B/M and I/M Michael Jones 237769 B/M when I placed the property in the cally. I discovered a black samsung cellphone and charger fell on the floor. Both I/M's will be charged with ~~878~~ possession of any cellphone or other type of communication device. Lt. Jordan Williams was not present.

EXHIBIT D

Signature: Cpl. Shane Mosher

Evidence: HELD by Contraband

Witness(es):

Supervisor's Comments: Both inmates cell 32  
changed to 32-1520  
both inmates cell 32

STG Related - Refer to STG Committee
( ) Yes <input checked="" type="checkbox"/> No    ( ) Unknown
This Incident is DRUG related
( ) Yes <input checked="" type="checkbox"/> No    ( ) Unknown

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date/Time: 6-7-12

Major/ Responsible Authority: Refer to DITO  
with I/M changed 398

Action Taken
( ) Informal Resolution
( ) Administrative Resolution
<input checked="" type="checkbox"/> Refer to Disciplinary Hearing

595

Signature: (Signature) Title: \_\_\_\_\_ Date: 6/8/12

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT AND HEARING RECORD

6743

Case # 37 Inmate Name: Jones, Michael Lavon SCDC#: 237769  
 Living Area: 104 Ayko Job: \_\_\_\_\_ Custody: ST3  
 Offense Date: 06/07/12 Offense Time: 2:50 XXX/PM Institution: Lieber - SMU Salley Port

Offense Description: (398) The Possession of Any Cell Phone or Other Type of Communication Device Possession of, receives or uses (audio/visual), conceals, disposes, stores, facilitates, buys, sales of cellular phones or other communications equipment and/or any components the This includes, but is not limited to, MP3 players, I-pods, or any like devices.

Charging Officer/Employee: Shane Mosher Title: CPL (SMU) "Echo"

**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
- CS Assigned (Locked Down)

Date & Time Notified: 6/8/12 10:10 AM By (Print): Sgt. James Jones  
 Inmate Signature: Michael Jones SCDC#: 237769 Date: 6/8

**HEARING INFORMATION:**

Hearing Date: <u>6/26/12</u>	Hearing Time: <u>9:24 AM</u>	Tap:	Side:	Start:	End:
------------------------------	------------------------------	------	-------	--------	------

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED 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 DURING THE HEARING.

OFFENSE CODES	<u>398</u>				
INMATE PLEA (G, NG, None)	<u>NG</u>				
FINDINGS (G, NG, DS)	<u>NG</u>				

Maxout  
05-25-

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: Cpt. Mosher's report

HEARING LENGTH: \_\_\_\_\_ (MINUTES)

PUNISHMENTS: Property (Days) 300 - 350  
Cell (Days) 75 - 100  
Disciplinary/Detention (Days) 300 - 350

REASONS FOR PARTICULAR PUNISHMENT IMPOSED: 1st 875 charge

ARRESTED FOR PHD TIME SERVED (YES/NO) IF YES, DAYS: 2 days

DATE INMATE PLACED IN PHD: 6-25-12

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Michael Jones DATE: 6/26/12

HEARING OFFICER (PRINT NAME): Shane Mosher

APPROVED REVERSE MODIFY: Shorency Moore REASON: \_\_\_\_\_

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

REQUEST TO STAFF MEMBER

TO: MS. HARRIS/DHO

DATE: 6/13/12

FROM: Mr. Michael Jones

SCDC: 237769

JUST: Perry

LQ: A-Y#16

BXIS

I have an approaching disciplinary hearing for a 898 infraction I have requested Counsel sub assistance. I need for my Counsel Sub. To [Retrieve the following vital information] (1) A statement from Lieber Correctional Smu - Night Lt. Wright that: I/M Karlton Brockman # 312952 asked him to sign & witness a statement of fact he wrote claiming ownership of cell phone which he (Lt. Wright) spoke he could not do but went & spoke to a captain & informed Mr. Brockman that he (Brockman) should put it in the mail cause me carrying it would make it suspect. (2) ~~GET A COMPUTER PRINT OUT OF HOW MANY (898) CONVICTIONS~~

Mr. Karlton Brockman # 312952 has been convicted of verses my zero.

As stated above these <sup>two</sup> informative informational references are vital to my defense please see they are provided.

Thankyou IAM,

Mr. Jones

SCDC REQUEST TO STAFFMEMBER

LIEBER DISC. HEARING RECORDER  
MS. MARTIN

DATE: 10/11/12

EXHIBIT(A)

FROM: MICHAEL JONES

SCDC: 237769

INST: PERRY

LQ: D-X#5

I HAVE BEEN INFORMED THAT I NEED TO WRITE YOU IN REGARDS OF MAILING TO ME AN ALLEGED STATEMENT CLAIMING OWNERSHIP OF A CELL PHONE. I INITIAL WAS CHARGED JUNE 7, 2012 AT LIEBER THE CHARGE WAS HEARD HERE AT PERRY C.I. JUNE 26, 2012 BEFORE R.L. TURNER. I AM REQUESTING A COPY OF THE CONFESSION STATEMENT SO I MAY HAVE IT IN MY FILES I HAVE SOME HOW MISPLACED THE COPY GIVEN TO ME. PLEASE HELP ME THANK YOU SINCERELY

**RECEIVED**

OCT 17 2012

MAJOR'S OFFICE  
LIEBER C.I.

Disposition By Staffmember:

I/M Jones,

If your case was heard at Perry C.I. then all the documentation would have been forwarded to that institution in regards to the case you are inquiring on. If I did not hear your case here at Lieber C.I. - I would not have any documentatic in my files regarding case # 87.

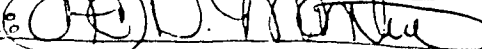
All documentation regarding case # 87 would be in the files at Perry C.I. from Disciplinary Hearing held on 06-26-12.

I am unable to help you resolve this matter from Lieber Correctional Institution.

\*\*\*Correction: In cross-referencing this matter I was able to locate your statement as it was a "companion" case with I/M Brockman.

Enclosed is a copy of this statement requested in the above narrative and it was never verified prior to your transfer to Perry C.I. per Ms. Bachman!

Date: 10-17-12

Signature: 

DHO RECORDER  
OFC Martin

DECLARATION OF FACT

618112

I, Michael Jones, 237769, BEING OF SOLEM MIND  
HERE ATTEST THAT THE SAMSUNG CELL PHONE FOUND  
BY OFFICER SHANE MOSHER WAS MINE NO ONE ASKED  
WHOSE IT WAS AND MR. KARLON BROECKMAN WAS WRONGFULLY  
CHARGED.

Me Michael L. Jones 237769  
Michael L. Jones 237769

Not transferred to Perry 6/1/12  
is and not verify in whole statement.

1st Tubicle witnessed  
statement.



## SCDC INTIMATE GRIEVANCE FORM STEP 1 CONTINUED:

THE CELLPHONE picture produced AT THE HEARING WAS GREY IN COLOR AND NOT EVEN A Samsung. THE GREY CELL PHONE CONFLICTED AND CONTRADICTED SCDC FORM 19-29A. Cpl. Musher FALSIFIED HIS TESTIMONY AND VIOLATED SCDC POLICY OP-22.14 (3-2) FULL STATEMENT OF FACTS UNDERLYING THE OFFENSE HIS (CPL. Musher) SCDC FORM 19-29A CLEARLY STATES "WHEN I PLACED THEIR PROPERTY IN THE SALLY PORT AREA A BLACK SAMSUNG CELL PHONE AND CHARGER FELL ON THE FLOOR. BOTH INMATES WILL BE CHARGED WITH (SP8)." ONCE ACKNOWLEDGING ON TAPE HE (CPL. Musher) NEVER ASKED WHOSE PHONE IT WAS TO THE GRIEVANT AND INMATE BROCKMAN. DISCIPLINARY HEARING OFFICER R.L. TURNER LEAD Cpl. Musher TO provide FIBRE TESTIMONY AND CONTRADICT HIS 19-29A STATEMENT OF FACT BY STATING THE PHONE FELL SPECIFICALLY FROM MY PERSONAL PROPERTY. THIS CONTRADICTIONARY FALSE STATEMENT STANDS OUT. IF THE BLACK CELL PHONE FELL FROM MY SOLELY PACKED PERSONAL PROPERTY, WHY WAS THIS VITAL INFORMATION NOT WRITTEN IN THE ORIGINAL 19-29A SCDC FORM WHICH REQUIRED AT A MINIMUM A FULL STATEMENT OF FACTS. A BLACK CELL PHONE FALLING FROM MY PERSONAL PROPERTY WOULD BE AN ESSENTIAL ELEMENT REQUIRED BY SCDC FORM 19-29A AND NOT LEFT OUT AND BOTH ME AND INMATE BROCKMAN WOULD NOT BE REQUIRED TO BE CHARGED. Cpl. Musher ALSO GAVE FALSE TESTIMONY AFTER D.H.O. TURNER ASKED WAS CELL PHONE BLACK. Cpl. Musher REPLIED YES. D.H.O. TURNER THEN ASKED "SO IF THE PICTURE OF THE CELL PHONE I HAVE IS GREY IN COLOR THAT WOULD BE SUFFICIENT TO SAY THAT WOULD NOT BE THE PHONE WOULD IT?" Cpl. Musher STATED NO IT WOULDN'T BE. THEN FALSELY STATED BLACK CELL PHONES TURN GREY WHEN PHOTOGRAPHED. THIS UNJUST MANIPULATION TO COVER THE GREY CELL PHONE ATTEMPTING TO BE FORCEFULLY PASSED OFF AS BLACK SHOWS Cpl. Musher COMPASSION TO BE UNTRUTHFULLY AND D.H.O. TURNER'S WILLINGNESS TO AID HIM. IN ACCORD WITH SCDC POLICY OP-22.14 (10) AND (10.1) DISCIPLINARY RECORDER'S RESPONSIBILITIES, THE GRIEVANT WAS SERVED 19-69 FORM JUNE 8, 2012 AT LIEBER C.I. THEN TRANSFERRED TO PERRY C.I. JUNE 11, 2012, THE GRIEVANT SUBMITTED SCDC FORM 19-11 REQUEST TO STAFF MEMBER TO D.H.O. RECORDER S.G.T. HARRIS REQUEST MY APPOINTED COUNSEL SUBSTITUTE OBTAIN CRITICAL STATEMENT CONTAINING VITAL INFORMATION THAT THE BLACK CELL PHONE IN 19-29A WAS NOT MINE FROM SCDC EMPLOYEE WITNESS LIEBER C.I. S.M.U. LT. WRIGHT WHO WORKED S.M.U. THE NIGHT OF JUNE 8, 2012 ALONG WITH S.G.T. JAMES JONES SERVED SCDC FORM 19-69 LT. WRIGHT INITIAL SCDC FORM 19-69 WHERE S.G.T. JONES CHECKED WRONG BOX. LIEBER S.M.U. NIGHT SHIFT LT. WRIGHT WAS/IS IN POSSESSION OF TRUE FACT INFORMATION THAT BLACK CELL WAS NOT MINE. CORRECTLY PERRY D.H.O. RECORDER S.G.T. HARRIS FORWARDED REQUEST FORM TO COUNSEL SUBSTITUTE HENDERSBURG.

SCDC GRIEVANCE FORM STEP 1 CONTINUED:

Counsel Substitute Hendersburg VIOLATED SCDC policy op-22.14 SEVERAL TIMES OVER. Counsel Substitute Hendersburg VIOLATED SCDC policy op-22.14 (8.1.3) "When the INMATE, BECAUSE OF THE COMPLEXITY OF THE ISSUE, WILL BE UNLIKELY TO BE ABLE TO COLLECT AND PRESENT THE EVIDENCE NECESSARY FOR AN ADEQUATE COMPREHENSION OF THE CASE." Counsel Substitute Hendersburg VIOLATED THIS SECTION, IN SUBMITTED SCDC FORM 19-11 I REQUIRED OF Counsel Substitute Hendersburg TO OBTAIN Lieber Smu LT. Wright's STATEMENT WHICH WOULD STATE IN CLEAR WORDS INMATE BROCKMAN #312952 ADMITTED VERBALLY TO HIM THE BLACK CELL PHONE WAS HIS AND FURTHER MORE WROTE A STATEMENT BEFORE LT. WRIGHT CLAIMING OWNER SHIP WHICH HE ASKED LT. WRIGHT TO WITNESS WRITTEN BY HIS HAND. FURTHER MORE I ASKED C/S HENDERSBURG TO OBTAIN FROM THE COMPUTER CONFIRMED FACT NECESSARY FOR AN ADEQUATE COMPREHENSION OF THE CASE IN SCDC 19-11 FORM THAT I HAD NO (898) CONVICTIONS ON MY RECORD WERE AS INMATE KARLTON BROCKMAN HAS AT LEAST FIVE TO SIX CONVICTIONS OF (898). C/S HENDERSBURG TOLD ME SHE NEVER ATTEMPTED TO CONTACT Lieber Smu LT. WRIGHT, WHO I INFORMED HER VIA SCDC 19-11 HAD ABOVE NOTED CRITICAL INFORMATION, BECAUSE SHE SPOKE TO INMATE BROCKMAN'S Counsel Substitute WHO SAID I WROTE A STATEMENT CLAIMING THE PHONE A STATEMENT NEVER PRODUCED AND I ADMITTINGLY DENY WRITTING. C/S HENDERSBURG DENIED ME MY VITAL EMPLOYEE WITNESS WHOSE STATEMENT CONTRADICTED WITH NON-FRIVOLOUS INFORMATION. THE ALLEGATION OF ME WRITTING A STATEMENT THAT I NEVER WROTE AND STATED CLEARLY ON RECORD I NEVER DID, HAVE NO KNOWLEDGE OF, AND WAS NEVER PRODUCED AT HEARING ALSO VIOLATING op-22.14 (15.1). C/S HENDERSBURG VIOLATED SCDC policy op-22.14 (8.2.4) "INTERVIEWING RELEVANT WITNESSES PRIOR TO THE HEARING. FOR THOSE WITNESSES WHO WILL NOT BE ABLE TO APPEAR AT THE HEARING, OBTAIN WRITTEN STATEMENTS THAT CAN BE GIVEN TO THE HEARING OFFICER AT THE HEARING." BY NOT INTERVIEWING Lieber Smu LT. WRIGHT NOR OBTAIN HIS STATEMENT THIS POLICY SECTION WAS VIOLATED THOROUGHLY BY C/S HENDERSBURG. C/S HENDERSBURG VIOLATED MY SCDC POLICY op-22.14 SECTION (15.3) DUE PROCESS RIGHT BY DENYING ME MY WITNESS Lieber Smu LT. WRIGHT "IF AN EMPLOYEE HAS BEEN CALLED AS A WITNESS AND HAS INFORMATION THAT IS RELEVANT TO THE CASE, THEN HE/SHE IS OBLIGATED TO PROVIDE SAID INFORMATION. LIEBER CPL. MASTER STATEMENT ON RECORD THAT HE NEVER ASKED WHOSE PHONE IT WAS ALONG WITH HIS STATEMENT OF FACTS IN 19-29A INCIDENT REPORT THAT JUST STATED A BLACK PHONE WAS FOUND IN A COMMON AREA (SALLY PORT) Lieber Smu LT. WRIGHT STATEMENT WAS VITAL TO MY DEFENSE CAUSE INMATE BROCKMAN CLAIMED PHONE IN FRONT OF HIM AND TRIED TO GET HIM TO WITNESS A SIGNED STATEMENT WRITTEN BY HIM WHICH

SCCC INMATE GRIEVANCE FORM STEP 1 CONTINUED:

Completely Refutes the phone being mine and I adamantly deny I wrote the alleged forged statement inmate Brockman submitted in violation of SCCC policy OP-22.14 (8.35) FORGERY. DISCIPLINARY HEARING OFFICER R.L. TURNER VIOLATED SCCC policy op-22.14 (9.1) "IMPLEMENTING AND ADHERING TO ESTABLISHED GUIDELINES AS THEY RELATE TO THE HEARING PHASE OF THE DISCIPLINARY PROCESS;" WHEN HE VIOLATED SCCC policy op-22.14 (15.1) WHERE HE (D.H.O) USED UNPRODUCED FORGED DOCUMENT AS VALID EVIDENCE IN GUILTY FINDING WHERE THE RECORD REFLECTS THE STATEMENT WAS NOT PRODUCE NOR READ INTO RECORD OF HEARING AND C/S HENDERSBURG STATED ON RECORD THE FORGED DOCUMENT WAS NOT ~~IN~~ IN HER NOR D.H.O. TURNER POSSESSION. D.H.O. TURNER ALSO VIOLATED SCCC policy 22.14 (15.1) BY USING A ~~BLACK~~ PICTURE OF A "GREY" CELL PHONE TO CONVICT WHEN SCCC FORM 19-29A CLEARLY STATES A "BLACK" SAMSUNG CELL PHONE. D.H.O. TURNER VIOLATED HIS OFFICIAL COMPASSITY/ BY NOT BEING IMPARTIAL, BEING ADVERSIAL TALKING OVER ME IMPEDING MY QUESTIONS.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 1

Case # PCI-1773-1  
Office Use Only  
Grievance No. PCI-1902-12  
Code: General  
Policy \_\_\_\_\_  
Disc. Hear. #87 HD6  
Class. OMB 6/12  
Date Received JUL 10 2012  
IGC Initials Sm  
898 Poss Attempt Poss

INMATE NAME: MR. MICHAEL LINES  
SCDC NUMBER: 237769  
INSTITUTION: Perry  
HOUSING UNIT: D45  
WORK ASSIGNMENT: \_\_\_\_\_

JUL 10 2012 (P)

**STATE GRIEVANCE** (include documentation, and date of incident; if SCDC Policy, indicate which policy) ON 6/26/12 GRIEVANT WAS FOUND GUILTY OF 898 CASE #87. GRIEVANT APPEALS IN ACCORD WITH SCDC POLICY OP-22.14 (23.4) I REQUEST RECORD BE AVAILABLE FOR AUTHORITY. OP-22.14 (3.2) STATES SCDC FORM 19-29A CONTAIN AT A MINIMUM A FULL STATEMENT OF FACTS. 19-29A BY CPL. MOSHER CLEARLY STATES CELLPHONE WAS A BLACK SAMSUNG. IN ACCORD WITH SCDC OP-22.14 (5.1) A PICTURE OF EVIDENCE WAS PRESENTED PICTURE VIOLATED OP-22.14 (15.1) PICTURE WAS A GREY CELL PHONE NOT EVEN A SAMSUNG COUNSEL SUBSTITUTE (C/S) HENDERBURG ACKNOWLEDGE ON TAPE PICTURE WAS GREY CELL PHONE I POINTED OUT PICTURE EVIDENCE PRODUCED WAS A GREY CELLPHONE. D.H.O TURNER SPOKE "SO IF THE PICTURE OF THE CELLPHONE I HAVE IS GREY IN COLOR THAT WOULD BE SUFFICIENT TO SAY THAT WOULD NOT BE THE PHONE WOULD IT?" CPL MOSHER STATED NO IT WOULDN'T BE. BLACK CELLPHONES DO NOT TURN GREY WHEN PHOTOGRAPHED. OP-22.14 (3.2) WAS VIOLATED BY CPL. MOSHER. 19-29A CLEARLY STATES "WHEN I PLACED THEIR PROPERTY IN THE SALLYPORT (A COMMON AREA) AREA A BLACK CELL PHONE AND CHARGER FELL ON THE FLOOR. BOTH I/M'S WILL BE CHARGED WITH (898)." 19-29A IS TO CONTAIN A FULL STATEMENT AND DESCRIPTION OF FACTS. 19-29A DOES NOT STATE WHERE THIS BLACK PHONE FELL. AFTER ADMITTING ON TAPE HE (CPL. MOSHER) NEVER ASKED WHOSE PHONE IT WAS TO NEITHER GRIEVANT NOR I/M BROCKMAN. CPL. MOSHER CONTRADICTS HIS 19-29A STATEMENT OF FACT SAYING PHONE FELL FROM MY PROPERTY. THIS SHOULD BE VIEWED AS VITAL ESSENTIAL ELEMENT. THAT OP-22.14 (3.2) DEMANDS OF ~~COMPETENT~~ SUFFICIENT 19-29A & WOULD NOT BE LEFT OUT PERSONAL PROPERTY IS NOT COMMON AREA AND BOTH I/M'S WOULD NOT NEED TO BE CHARGED. IN GRIEVANT'S EYE THIS IS ATTEMPT TO GET A GUILTY VERDICT JUST AS

**ACTION REQUESTED:** THAT CONVICTION OF (898) BE VACATED FROM GRIEVANT RECORD ALL PUNISHMENTS IMPOSED LIFTED DETENTION TIME VACATED AND VISITATION PRIVILEGES BE REINSTITATED WHERE I HAD MY VISITS.

**SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:**

RAISED ALL ISSUES AT DISCIPLINARY HEARING TO BEST OF MY ABILITIES WROTE SCDC 19-11 TO C/S HENDERBURG TO OBTAIN VITAL SCDC EMPLOYEE WITNESS STATEMENT.

MR. Michael Lines 237769 7/9/12  
Grievant Signature Date

**ACTION TAKEN BY IGC:**

Reviewed Disciplinary Documentation

Sm 8/13/12  
IGC Signature Date

Supplemental appeal continued:

To Turn a Black Samsung cellphone into a clearly Grey non-descript one. I submitted to D.H. Turner Harris in record with SCOC op-22.14 (10)(10.1) SCOC Form 19-11 to give to assigned C/S. SGT. performed her duties. C/S Hendersburg D.D. NOT. C/S Hendersburg violates SCOC op-22.14(8.1.3), (8.2.4). Grievant in submitted SCOC Form 19-11 asked appointed C/S Hendersburg to obtain critical statement containing vital information that "black" cellphone found was not mine from SCOC employee witness Lieber C.I. S.M.U. LT. Wright who worked S.M.U. The night of June 8, 2012 who along with SGT. James Jones served SCOC Form 19-6A LT. Wright's initials are on Form 19-69 prisoner Brockman #32952 stated clearly to Lieber LT. Wright "black" cellphone was his not mine and further I/m Brockman #32952 wrote a statement admitting phone was his tried to get LT. Wright to sign it as a witness cause it was common knowledge I was being transferred Monday 6/11/12 LT. Wright said he couldn't sign but would be my witness and for Brockman to put written statement in box mail Monday. In 19-11 SCOC Form I clearly stated Lieber C.I. LT. Wright could prove Black Samsung was not mine & that Brockman wrote a statement. C/S Hendersburg Arbitrarily Denied me vital SCOC employee witness violating also SCOC op-22.14(15.3). I asked C/S Hendersburg to obtain along with SCOC employee witness statement the computer confirmed fact necessary for an adequate comprehension of the case I had no (898) convictions were as Brockman has several. C/S Hendersburg stated she denied me my SCOC employee witness cause she called Lieber and a C/S for Brockman said I wrote a statement saying Black phone was mine. I adamantly deny writing any statement, Lieber employee LT. Wright statement would have refuted falsely forged document with non-frivolous information. C/S Hendersburg and D.H.O. Turner both violated op-22.14 (15.1) by using a unproduced and never read into record alleged forged document which was use as evidence where document was unproduce and I clearly stated I wrote nothing with denied employee witness to verify I do own the Black phone leaving I/m Brockman clearly in violation of op-22.14 (835) Forgery. D.H.O Turner violated op-22.14 (9.1) (15.1) (15.3) by using unproduce "forged" document, a clear picture of "Grey" non-descript Cell phone were 19-29A clearly states black and allowing my SCOC employee witness with vital information in my case be denied unjustly and finding me guilty violating SCOC op-22.14 (16)(16.1).

Jones 237769

PT 1902-12

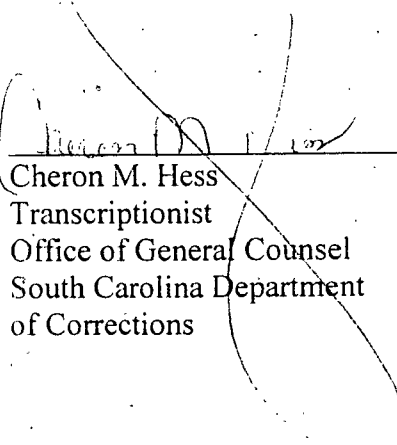
STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW JUDGE COURT

Michael Jones, #237769, )  
Appellant, )  
-vs- )  
South Carolina Department of Corrections, )  
Respondent. )


**CERTIFIED TRANSCRIPT**  
Docket No.: 12-ALJ-04-0798-IJ

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.

  
Cheron M. Hess  
Transcriptionist  
Office of General Counsel  
South Carolina Department  
of Corrections

SWORN TO before me this  
11 day of December, 2012

  
(L. S.)  
Notary Public for South Carolina  
My Commission Expires: 9-18-2018

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW JUDGE COURT

Michael Jones, #237769,

Appellant,

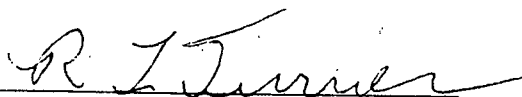
-vs-

South Carolina Department of Corrections,

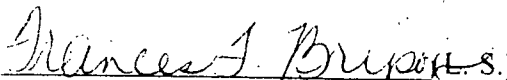
Respondent.

)  
)  
)  
)  
) **CERTIFICATION**  
) Docket No.: 12-ALJ-04-0798-IJ  
)  
)  
)  
)

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.

  
Disciplinary Hearing Officer  
South Carolina Department of Corrections

SWORN TO before me this  
10<sup>th</sup> day of December, 2012

  
Notary Public for South Carolina  
My Commission Expires: June 02, 2015

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

**DOCKET No.: 12-ALJ-04-0798-IJ GRIEVANCE No.: PCI 1902-12**

**INMATE NAME: Michael Jones SCDC No.: 237769**

**INSTITUTION: Perry Correctional Institution**

**DATE: June 26, 2012**

**CHARGE: 898-The Possession of Any Cell Phone or Other Type of Communication Device**

DHO: State your name and SCDC Number, please.

I/M: Michael Jones, 23-77-69.

DHO: Inmate Jones, 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: Understand.

DHO: You're appearing before this Disciplinary Hearing, which is taking place at Perry Correctional Institution; approximately 9:24 a.m. on 06-26-12. I am Mr. Turner, Disciplinary Hearing Officer. Uh, Inmate Jones is being represented by Counsel Substitute Hindenburg. Counsel Substitute Hindenburg, are you and the accused ready to proceed?

C/S: Yes.

DHO: With that understanding, I'll read the charge into the record. Inmate Jones, I have before me Case Number 87. It reads: Michael Lavon Jones, uh, 237769; Inmate Charged with 898-The Possession of Any Cell Phones or other Types of Communication Devices; which is defined as the possession of, receives, uses, conceals, disposes, stores, facilitates, barter, buys, sells of cellular phones or other communication equipment and/or any components thereof. This includes, but is not limited to, M3 pr...MP3 players, iPods and

**DHO: Disciplinary Hearing Officer**

**I/M: Inmate**

**OFC: Accuser**

**C/S: Counsel Substitute**

any other like devices. Charging Official is Corporal Shane Mosher. We have Corporal Mosher present by speakerphone at the request of the accused. Corporal Mosher, would you verify your presence by stating your name and rank?

OFC: This is Corporal Shane Mosher.

DHO: Thank you. In support of the charge against the accused, the following Incident Report: Lieber Correctional Institution; Date of the Report: 06-07-12; Time of the Report: approximately 3:12 p.m.; uh, Reporting Official: Corporal Shane Mosher; Date of the Incident: 06-07-12; Location of the Incident: SMU Sally Port; Time of the Incident: approximately, uh, 2:50 p.m.; uh, Inmates in Question: uh, Karlton Brockman, uh, 31272 f...uh, 752, and Michael Jones, 237769; uh, Employees Involved: Corporal, uh, Greg, uh, Wahlstrom and, uh, Lieutenant Jordan Williams; On the Above Date and Approximate Time: I, Corporal Shane Mosher, along with, uh, Officer Greg, uh, Wahlstrom, were conducting a controlled cell strip out on Inmate Karlton Brockman, uh, 312952, uh, and Inmate, uh, Michael Jones, 237769. [When I placed, uh, their property in the Sally Port area, a black Samsung cell phone and charger fell on the floor. Both inmates will be charged with 898-Possession of Any Cell Phone or Other Types of Communication Device.] Uh, Lieutenant Jordan Williams was notified. Signature is that of Corporal Shane Mosher. Uh, Evidence: Held by Contrabanc. In evidence in the case, I do have a valid Chain of Custody and I do have a photograph. It does appear to be the evidence outlined in the narrative of the Incident Report. Do you agree Counsel?

C/S: Yes.

I/M: So, that's a black cell phone? Did you see that? That's not a black cell phone. That's a gray one. So, that's a black cell phone, Counsel Substitute?

C/S: Uh, that's what, um...

I/M: No. I'm asking you, that picture of the evidence right there. Per policy 15.1, Presentin' of the evidence, is that a black cell phone or is that a gray cell phone?

DHO: It appears to be gray in the photograph.

C/S: Yeah, the front of it is gray.

I/M: Yeah, nah...it's...the Incident Report says a black cell phone.

DHO: Inmate Mosher, 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, uh, June in this case. Do you understand?

I/M: I understand.

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 further loss of good time in the case. Do you understand this?

I/M: I understand.

DHO: To the offense of 898, uh, The Possession of Any Cell Phones or Other Types of Communications Equipment, how do you plead?

I/M: Not guilty.

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

I/M: Uh, I have...I have a question that I would like to direct through the Counsel Substitute to, uh, Corporal Shane Mosher. I just wanna ask, is his...

DHO: No sir. You'll put your statement on s...record as to what happened first, then you can...may a...ask appropriate questions, those that are non repetitive in nature and those

that are relevant to the charge only. This is your opportunity to make a statement on the record, sir. This is the last time I'll afford you that opportunity.

I/M: Okay. Well, I got...I sent in a request form to, um, Sergeant Harrison, whose the, uh, DHO Recorder; on 06-13. [I requested that my Counsel Substitute, or either her, obtain a statement from Lieutenant Wright. Um, Lieutenant Wright was the one who served the charge along with Sergeant James, uh, Sergeant James Jones at Lieber Correctional Institution, at which time Inmate Brockman presented a written statement to Lieutenant Wright. Lieutenant Wright said that he would not be able to, uh, sign the statement, but it should've been turned in to, uh, the DHO people. Now, I've been informed by the Counsel Substitute, you know what I'm sayin', in violation of, uh, Policy OP 22.14, 8.15, that she did not obtain this, uh...this, uh,...this witness' statement. Policy...policy also states that...that if I call a employee as a witness that has relevant information, that's Section 15.3, and he has relevant information to this case, that he must be ob...is obligated to provide said inso...said info. Um...uh...um the Counsel Substitute also done read me the Incident Report. Uh, that would obtain wit...the...the witness statement. Okay, fine. Now, um, the Sally Port area...the Sally Port area...the Sally Port area is a common area. And...and the Incident Report...Incident Report ain't true an correct and the, uh, is the, uh, is to...is to state, per Policy OP 22.14, in Section 3.2, a full statement...a full statement of the facts underlining the offense. And I'd also like to submit into the record, per evidence...per status of guilt, Policy OP 22.14, Section 15.1, at the presen...at the presentation of...of the hearing of the evidence, a picture shall be produced. [The picture that is produced is a gray cell phone, when the Incident Report clearly states that this was a black cell phone and this is not the correct picture of the cell phone.]

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

C/S: Um, I did call Lieber upon the accused's request. He stated that there was suppose to be a signed statement by Inmate Brockman where Inmate Brockman was claiming ownership of the cell phone. Upon contacting Lieber, uh, Inmate Brockman's Counsel Substitute stated to me that they did have a signed statement, but it was from Mr. Jones claiming ownership of the cell phone and they're gonna be, uh, sending a copy of that statement to us.

DHO: Anything else?

C/S: That's it.

I/M: Mmm... I told you that I didn't sign no statement. Well, enter that into the record as well, I mean...

DHO: Any questions for the accuser, Counsel?

C/S: No questions.

I/M: Yes, a question. Yes a q...ma'am...

C/S: Well, you never told me any...

DHO: Well, then if you've got questions, sir...

C/S: ...questions to ask.

DHO: ...provide them to your Counsel Substitute.

I/M: I mean, the only thing I want you to ask him is, did he ever ask who cell phone it was.

C/S: Did you ask whose cell phone it was, Officer?

DHO: Officer Mosher?

OFC: Yes sir?

DHO: Did you hear the question?

OFC: No sir.

DHO: The question was, did you ever ask whose cell phone it was?

OFC: No sir, 'cause at the time it was found, uh, the inmate was in, uh, the Captain's office.

DHO: Anything further, Counsel?

I/M: I mean...

C/S: Any more?

I/M: I mean, you the Counsel Substitute. I mean, if you...if you got two (2) inmates in one (1) common area and...

DHO: Sir.

I/M: ...something's found in the area...

C/S: Do you have anymore questions...

DHO: That's testimony...

C/S: ...that you want to ask?

DHO: ...that is not a question. Come to a distinct question you want your Counsel Substitute to ask for you.

I/M: Uh, I (inaudible).

DHO: Counsel, do you have any further questions?

C/S: No.

DHO: Corporal Mosher, is the content of your report true and correct as written?

OFC: Yes sir.

DHO: The cell phone that you found, according to your Incident Report, indicates a black Samsung cell phone, is that correct?

OFC: Yes sir.

DHO: So, if I have a photograph of a gray Samsung or a gray cell phone, nondescript in color, that would not be correct. Is that correct?

OFC: No sir. Then it mi...it might've been the flash (inaudible) light colored gray, but it was a black cell phone.

DHO: And did you see whose property this cell phone fell from?

OFC: It fell out of Inmate Jones, 'cause when we did the, uh, controlled cell. We, um, took, like, 'cause, uh, Inmate Jones slept on the bottom bunk, we folded up all his mattress and his blanket and everything and carried it outside and we did the same thing with his, uh, roommate's property and then took it outside to inventory and to bag it.

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

OFC: No sir.

DHO: Thank you kindly for your help with this matter.

OFC: Yes sir.

DHO: Counsel, do you have anything further?

C/S: No.

DHO: With that understanding, the information that will be used to support the charge against you is: the Incident Report, previously read into the record; testimony of your accuser during the hearing; the, uh, photograph submitted as evidence. And I have provided you the opportunity to make a statement, present evidence, call witnesses on your

behalf and I am prepared now to recess this hearing, arrive at a decision. If you'll step across, I'll be with you shortly.

DHO: Restate your name and SCDC Number, please.

I/M: Michael Jones, 23-77-69.

DHO: [Inmate Jones, I have found you guilty of the offense that was brought against you today] The information that was used to arrive at this decision is: the Incident Report, previously read into the record; the testimony of Corporal Mosher that: his report was true and correct as written; that [the photo flash makes the phone appear gray when it is actually black] uh, that...uh, the phone itself fell from your property; and that, uh, [testimony of Counsel Substitute Hendenburg and Ms. Bachman, Counsel Substitute at Lieber Correctional Institution, stated they had a signed statement from yourself claiming responsibility for the phone.] Uh, sanctions that have been imposed, excuse me, and a photo of the evidence. Sanctions that have been imposed: 358 days, uh, disciplinary detention; 718 days canteen; 718 days telephone; 718 days visitation; 450 days loss of good time. You do have the right to appeal the sanctions portion of the charge and the determination of guilt. The manner in which you do so is you file an SCDC Form 10-5. That is a Step 1 Grievance Form with the Grievance Coordinator. If you're going to appeal this case, it must be done within 15 days. That is 15 days from the time I hand 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 your appeal rights as I have explained them to you?

I/M: I understand.

DHO: That concludes this hearing.



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

April 24, 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 Michael Lavon Jones, #237769, vs. SCDC  
Docket No. 12-ALJ-04-0798-IJ

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

c c: Inmate Michael Lavon Jones, #237769  
File

RECEIVED

NOV 27 2013


SC Court of Appeals

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Michael Lavon Jones, #237769, )  
)  
Appellant, )  
) **Certificate of Service**  
vs. )  
) Docket# 12-ALJ-04-0798-IJ  
South Carolina Department of Corrections, )  
)  
Respondent. )

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 Michael Lavon Jones, #237769  
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

April 24, 2013

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Michael Jones, # 237769,	)	Docket No.: 12-ALJ-04-0798-IJ
	)	
Appellant,	)	RESPONDENT'S BRIEF
	)	
v.	)	Honorable Carolyn C. Matthews
	)	
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	
_____	)	

**STATEMENT OF THE CASE**

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of Michael Jones ("appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on July 10, 2012, challenging his disciplinary conviction for possession of any cell phone or other type of communications device, 898 under SCDC Policy OP-22.14, Inmate Disciplinary System. This grievance was investigated and denied. Appellant filed a Step Two Grievance, which was also investigated and denied.

Appellant has now appealed to this Court, claiming his disciplinary conviction is the result of due process violations. For the reasons that follow, SCDC respectfully requests the disciplinary conviction be upheld.

**STANDARD OF REVIEW**

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). Subsequently, the Supreme Court clarified the ALC's appellate jurisdiction over inmate appeals in Sullivan v. SCDC, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's en banc decision of McNeil v. SCDC, 02-ALJ-04-00336-AP.

(September 5, 2001), the Supreme Court held the ALC's jurisdiction was limited to cases in which inmates contend prison officials have erroneously calculated their sentences, sentence-related credits, or custody status; cases in which SCDC has taken inmates' state-created liberty interest as punishment in major disciplinary hearings; or cases in which inmates' confinement implicates a state-created liberty interest.<sup>1</sup> See Sullivan at 443, 586 S.E.2d at 127.

A reviewing court will not disturb findings of an administrative agency if those 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 the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. 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 Service Commission of S.C., 332 S.C. 20, 503 S.E.2d 739 (1998).

## ARGUMENT

### **APPELLANT WAS AFFORDED DUE PROCESS**

Prison disciplinary cases are not criminal trials in federal or state courts; they are

---

<sup>1</sup> As the Court notes, such an interest "will generally be limited to freedom from restraint which...imposes atypical or significant hardship on the inmate in relation to the ordinary incidents of prison life." Sullivan, at 128 n.5 (citing Sandin v. Conner, 515 U.S. 472, 484 (1995)). This analysis had previously been applied by the ALC in determining whether an inmate's custody status implicated the inmate's due process rights.

administrative hearings in an institutional setting. Therefore, Due Process in prison disciplinary hearings is substantially less than in a trial before a court. Due Process, as the Supreme Court has noted in Wolff v. McDonnell, 418 U.S. 539, 566, 94 S.Ct. 2963, 2978-2982 (1974), requires the following in prison disciplinary cases:

They STRAIGHT  
Took out  
Right to  
CALL  
WITNESS

- a) notice of charges;
- b) disclosure of evidence against defendant (may be limited);
- c) opportunity to be heard;
- d) no right to confront and cross-examine adverse witnesses;
- e) neutral and detached hearing body;
- f) aid of counsel substitute or other substitute aid where inmate is illiterate or complex case (not attorney);
- g) written statement by the fact-finder as to the evidence relied upon.

These requirements were complied with in this appeal. The Disciplinary Report and Hearing Record shows appellant had notice of the charges (possession of any cell phone or other type of communications device), disclosure of evidence (Disciplinary Offense Report was read), opportunity to be heard (hearing on June 26, 2012), a neutral and detached hearing body (hearing officer), aid of counsel substitute, and a written statement of findings (Major Disciplinary Report and Hearing Record).

There was ample evidentiary support for the disciplinary conviction. Corporal Mosher reported that while he was conducting a controlled strip-out of appellant's cell, he placed appellant's property, along with the property of appellant's roommate, in the sally-port area. When he placed it on the floor, a cell phone and charger fell on the floor. At the hearing, Mosher explained the cell phone fell from appellant's property. After hearing all of the evidence presented, the disciplinary hearing officer found appellant was guilty based on Johnson's report. See Superintendent, Massachusetts Correctional Institution, Walpole v. Hill, 472 U.S. 445, 455-56 (1985) ("The relevant question is whether there is any evidence in the record that could support the conclusion reached by

the disciplinary board.”).<sup>2</sup>

Therefore, because the disciplinary hearing complied with due process requirements, SCDC respectfully requests its final agency decision be upheld.

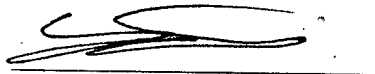
**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED  
BY SUBSTANTIAL EVIDENCE**

The record conclusively establishes that the “substantial evidence on the whole record” supports SCDC’s final agency decision. The hearing officer found appellant guilty based on the evidence. Appellant cannot show that the decision of SCDC was clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record. See Porter v. Public Service Comm’n, 333 S.C. 12, 507 S.E. 2d 328 (1998).

**CONCLUSION**

Based on the foregoing reasons and legal authorities, SCDC respectfully requests that the final agency decision be affirmed and this matter be dismissed with prejudice.

Respectfully submitted,

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

April 24, 2013  
Columbia, South Carolina

<sup>2</sup> In Hill, the Court further elaborated, “The fundamental fairness guaranteed by the Due Process Clause does not require courts to set aside decisions of prison administrators that have some basis in fact. Revocation of good time credits is not comparable to a criminal conviction, and neither the amount of evidence necessary to support such a conviction, nor any other standard greater than some evidence applies in this context.” Id. (citations omitted).

The State of South Carolina

In the Court of Appeal

---

Appeal from Administrative Law Court

Judge Carolyn C. Matthews

Docket No. 12-ALJ-04-0798-IS

---

Appellate Case No. 2013-002231

---

Michael Jones #237769 . . . . . Appellant,

v.

South Carolina Department of Corrections . . . . . Respondent.

---

Certificate of Appellant

---

The undersigned certified that this record on appeal submitted contains all genuine documents in Appellant's possession.

November 21<sup>st</sup>, 2013  
Pelzer, South Carolina.

Mr. Michael L. Jones #237769  
MR. MICHAEL L. JONES #237769  
PCI O-X # 21  
430 OAKLAWN Rd.  
Pelzer, SC 29669