

July 25, 2014

Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RE: STANGO DAMBALLAH #137525, Appellant
V. South Carolina DEPT of Corrections, Respondent, Appellate Case No. 2014-001486

Dear Ms. Kitchings,

Please find enclosed a copy of your letter dated July 15, 2014 as well as the order of administrative law court judge S. Phillip Lenski.

1. Also enclosed is a proof of service showing that the same was sent to the admin. law court and served upon the Respondent.
2. All of the above documents are to be placed with my notice of appeal per the instructions of your letter dated July 15, 2014. Thank you.

Sincerely

Stango Damballah
Stango Damballah #137525
Kershaw Correctional Inst.
4848 Gold Mine Hwy
PB # 18
Kershaw, S.C. 29067

RECEIVED

JUL 30 2014

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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July 15, 2014

Shango DamBallah, 137525
Kershaw Correctional Inst.
4848 Goldmine Highway
PB #18
Kershaw SC 29067

Re: Shango DamBallah v. SCDC (3)
Appellate Case No. 2014-001486

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SC Court of Appeals

Dear Mr. DamBallah:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR); and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings".


CLERK

cc: Daniel John Crooks, III, Esquire
Christopher D. Florian, Esquire

Appellant's sentencing sheets and calculating the Appellant's service days, good time credits, and earned work credits. The Department review demonstrates that if the Appellant maintains the same levels of credits and does not receive any disciplinary convictions, his projected release date will be March 6, 2014. It is clear from the Department's research that it correctly applied the all of the good time credits earned by the Appellant. The Appellant complains that his projected release date has not moved as he has earned good time credits. However, this assertion is in error. All good time credits, education credits, and earned work credits that could possibly be earned by the Appellant during his sentence are added into the calculation of his projected release date. The only time his projected release date changes is when he loses good time credit based on a disciplinary conviction and therefore becomes a date further in the future.

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. ~~Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).~~ Consequently, the review in inmate grievance cases is limited to the Record presented. Moreover, 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) (Supp. 2010). Based on the foregoing,

IT IS HEREBY ORDERED that the Department's determination is **AFFIRMED.**
AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

May 30, 2014
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From the Administrative Law Court
S. Phillip LenSKI, Administrative Law Judge

CASE NO.: 13-ALJ-04-0918-AP

Shango Damballah #137525 Appellant,

v

South Carolina,
Department of Corrections Respondent,

PROOF OF SERVICE

I certify that I have sent a copy of the Court of Appeals' letter dated July 15, 2014, and the ALJ order of May 30, 2014 to ALJ Judge S. Phillip LenSKI as well as having served the respondent by placing the same in the Kershaw Correctional Mailbox with postage affixed and addressed to Daniel J. Crooks, III, Office of General Counsel, P.O. Box 21787, 4444 Broad River Road, Columbia, S.C. 29221-1787 this 25th day of July, 2014.

Shango Damballah

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4848 Gold Mine Hwy
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Kershaw, S.C. 29067

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SC Court of Appeals

Honorable Jenny ABBOTT Kitchings, Clerk
S.C. COURT OF APPEALS
Post office Box 11629
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AUG 10 2014

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