

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

Due
4/30/14

INMATE NAME: Justin Turner MAY 02 2014
 SCDC NUMBER: 330518 INMATE GRIEVANCE
 INSTITUTION: Zee CI
 HOUSING UNIT: Asu 10 APR 28 2014
 WORK ASSIGNMENT: _____

Office Use Only
 Grievance No. Zee CI - 435-14
 Code: General _____
 Policy _____
 Disc. Hear. 903 #22
 Class. _____
 Date Received 4/29/14
 IGC Initials [Signature]

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): The decision and reason for denial is bogus! SCDC Policy OP-22-14 7.2, 7.4 clearly states that the extension starts at the completion of the initial 21 calendar day hearing, not when the extension comes back. Also the extension does not have the date of the expiration of the initial 21 calendar day hearing on it. It says in policy OP-22-14 7.4 that the expiration date of the initial 21 calendar day hearing must be noted on the memorandum. This is crazy that I have to go through all of this. So policy guidelines was not followed and that is clear and I have proof. You have 60 days to answer to this according to Inmate Grievance System policy GA-01.12

[Signature] 4/27/14
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of the Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants (903), case #22, level 1 offense, on April 8, 2014, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated July 1, 2012, and the sanctions imposed, which included the loss of -60- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner. It is noted that this is your 3rd conviction for this type offense. It is also noted that your sanctions were miscalculated and should reflect 1,080 days for canteen, phone and visit.

Therefore, your grievance is denied.

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] 8/5/14
 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.

[Signature] 8/21/14
 Grievant Signature Date

[Signature] 8/21/14
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Dueo

INMATE GRIEVANCE FORM

4/30/14

STEP 1

INMATE NAME: <u>JUSTIN TURNER</u>	OFFICE USE ONLY
SCDC NUMBER: <u>330518</u>	Grievance No. <u>LEECT043514</u>
INSTITUTION: <u>LEEC I</u>	Code: General _____
HOUSING UNIT: <u>Smu-Sortif Room #10 DP</u>	Policy _____
WORK ASSIGNMENT: _____	Disc. Hear. <u>9034/8/14 #22</u>
	Class. _____
	PREA _____
	Date Received <u>4/11/14</u>
	IGC Initials <u>S</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) On the date of 1/02/14 I was charged with 403 Possession of Narcotics, etc. I was convicted on 4/08/14. I have a copy of an extension paper which I was given at the hearing, but prior to the hearing. I did not sign the memorandum because it clearly states that it's all messed up. It gives the reasons for extension due to the Disciplinary Hearing Officer will be out of the institution which is his excuse because D.H.O. was still going on through D.H.O. Brown. Also it's clearly past time for an extension according to policy OP-22-14 7.2 and 7.4. 7.4 clearly explains that the extension is to be filed and approved before the initial 21 calendar days is up and the extension will start exactly after the initial 21 calendar-day hearing. It has been 90 days from this charge. Well past the extension. Also on the memorandum at the bottom handwritten states: This document was originally received in this office in January 2014, ~~but the officials were unable to locate the document.~~ and our fax copy acknowledges it was faxed back to LEECI, but the officials were unable to locate the document. Although this approval appears late, it is correcting a human error. That totally contradicts the time received which is March 13, 2014 so it was not approved before the 21 day hearing. Also it states "Although it appears late, it is correcting a human error", yes which means the charge is over with because they messed up and did not follow policy. That is not my fault; that is why there's that thing called "Policy" that has to be followed. This violates my amendment rights. 14th Amendment: Due Process, for being held on lockup for 95 days without a hearing. That is incomplete procedure and incomplete and falsified documentation.

Justin Turner 4/08/14
 Grievant Signature Date

ACTION REQUESTED: For the charge to be taken off my record and all privileges taken for this charge reinstated along with taking away the Disciplinary Detention time that was given for this charge.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Reviewed case and considered reasons for appeal. There was substantial compliance with institutional standards and procedures. The decision of the DHO was based on substantial evidence and under the circumstances, the sanctions imposed were proportionate to the rule violation. Therefore, I am recommending the conviction be upheld. See Warden's response.

C. James 4/10/14
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

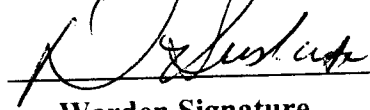
WARDEN'S DECISION AND REASON:

Inmate Turner:

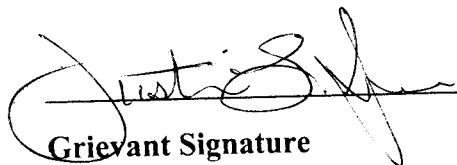
You have appealed the results of your 04/8/14 Major Disciplinary Hearing for case # 22 where you were found guilty on the charge of **903 The Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, Including Prescription Drugs, or Inhalants**. An investigation of your hearing was conducted. Policy does not mandate when you are to be notified of an extension but merely states the inmate will be provided with a copy. Your hearing was conducted within policy guidelines. The extension was requested within the 21 day period mandated for your case to be heard and was heard within 21 days of the date of the approved extension.

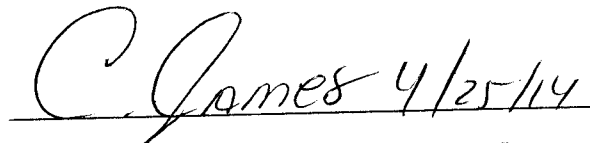
No technicalities, procedural errors, or misinterpretation of evidence was noted and the decision of the Disciplinary Hearing Officer was based on substantial evidence. The sentence imposed was not excessive but proportionate to the rule violation. Based on this information your appeal is without merit. Your grievance is, therefore, **denied**.

If not satisfied with my response, you have the opportunity to appeal to the appropriate official. If you wish to do so, complete the Step 2 Grievance Form provided and submit it, along with your copy of the Step 1 Grievance Form, to the Inmate Grievance Coordinator within five (5) calendar days.


Warden Signature 4/18/14
Date

- I accept the Warden's decision and consider the matter closed.
 I do not accept the Warden's decision and wish to appeal.


Grievant Signature 4/25/14
Date


IGC Signature 4/25/14
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.