

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Honorable S. Phillip Lenski

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Case No.: 14-ALJ-04-0355-AP

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**RECEIVED**

DEC 18 2014

**SC Court of Appeals**

Kevin Fowler, #222318, Respondent,

v.

South Carolina Department of Corrections, Appellant.

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**RECORD ON APPEAL**

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Shanika Johnson  
P.O. Box 21787  
Columbia, SC 29221  
(803) 896-8508  
Attorney for Appellant

Tommy A. Thomas, Esq.  
P.O. Box 88  
Irmo, S.C. 29063  
(803) 732-5507  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

GENERAL COUNSEL

Kevin L. Fowler, 222318,

Docket No. 14-ALJ-04-0355-AP

Appellant,

vs.

ORDER

South Carolina Department of Corrections,

Respondent.

This matter is before the South Carolina Administrative Law Court ("ALC" or "court") pursuant to the Notice of Appeal filed April 10, 2014 by Kevin L. Fowler ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Appellant filed a Step One Grievance on September 11, 2013, claiming his sentence is not subject to the requirement that Appellant serve Eighty-Five percent (85%) of his sentence before he becomes eligible for release. This grievance was denied. Appellant then filed a Step Two Grievance on November 3, 2013. This grievance was investigated and denied. Appellant filed his Notice of Appeal on April 10, 2014 claiming that his offense of Distribution of Heroin, second offense should not be considered a "no parole" offense and therefore, the Appellant's work credits and good conduct credits should be applied to his entire sentence, not just the remainder of his sentence after he has served 85% of his sentence.

**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 her judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1

**FILED**

AUG 28 2014

SC ADMIN LAW COURT

23-380(5). The ALC will not disturb the findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Indus. 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 conclusion reached by the administrative agency. Trimmier v. S.C. Dep't of Labor, Licensing & Regulation, 405 S.C. 239, 246, 746 S.E.2d 491, 494 (Ct. App. 2013) (quoting Porter v. S.C. Pub. Serv. Comm'n, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998)). 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, 353, 461 S.E.2d 388, 391 (1995) (quoting Palmetto Alliance, Inc. v. S.C. Pub. Serv. Comm'n, 282 S.C. 430, 432, 319 S.E.2d 695, 696 (1984)).

#### LAW/ANALYSIS

On October 4, 2012, the Appellant plead guilty to Distribution of Heroin, second offense and was sentenced to a terms of ten years' incarceration. Distribution of Heroin, second offense is in violation of S.C. Code Ann. § 44-53-370(b)(1).

The requirement that an inmate convicted of a "no parole" offense serve 85% of the sentence is found in S.C. Code Ann. § 24-13-150(A), which reads:

Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

Under S.C. Code Ann. § 24-13-100, a "no parole" offense is defined as "a class A, B, or C felony or an offense exempt from classification as enumerated in Section 16-1-10(d), which is punishable by a maximum term of imprisonment for twenty years or more." Distribution of

Heroin, second offense is a Class A felony. See S.C. Code. Ann. § 16-1-90(A).

The Appellant contends that his conviction is not subject to the requirement that an inmate serve 85% of the sentence. Appellant relies upon language added to S.C. Code Ann. § 44-53-370(b)(1) by the Omnibus Crime Reduction and Sentencing Reform Act of 2010, which reads:

Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

See S.C. Act No. 273 (June 2, 2010). The Appellant contends that with the enactment of the Omnibus Crime Reduction, the General Assembly's intention was to lessen the punishment for drug offenses, and to provide for probation and parole for offenders who were previously ineligible for probation and parole. The court agrees that it appears from the plain language of the statute that the General Assembly intended to allow inmates convicted of drug offenses to be eligible for parole, therefore removing certain drug offenses from the "no parole" category. Based on the language of S.C. Code Ann. § 44-53-370(b)(1), Distribution of Heroin is no longer intended to be a "no parole" offense and work credits and good conduct credits should be applied to the entirety of an inmate's sentence when he is sentenced under § 44-53-370(b)(1).

In this case, the Department has calculated the Appellant's sentence as if he was convicted of a "no parole" offense and is not applying work credits being earned by the Appellant to the initial 85% of his sentence, and is only using them to reduce the portion of his sentence remaining after he has served the initial 85%. If the Appellant had been sentenced prior to the 2010 Omnibus Crime Reduction and Sentencing Reform Act, the Department's calculation of his sentence would be correct. However, as stated above, this court finds that the 2010 amendment to § 44-53-370(b)(1) removed the Appellant's crime from the "no parole" category. Because the Appellant committed his crime and was sentenced subsequent to § 44-53-370(b)(1)'s revision, the Department should calculate the Appellant's sentence by applying his earned work credits and good conduct credits towards the entirety of his sentence.<sup>1</sup>

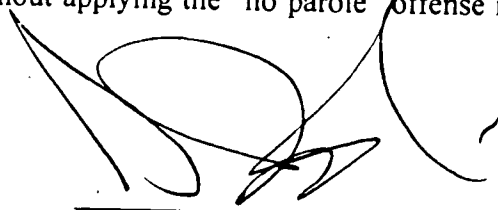
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<sup>1</sup> The court finds specious the argument put forth in SCDC's brief that nothing in the 2010 amendment to §44-53-370(b)(1) is incompatible with the Department's interpretation that after 2010, an offender convicted of distribution of a controlled substance pursuant to the subsection must still serve 85% of his sentence before he is eligible for parole, supervised furlough,


Based on the foregoing

**IT IS HEREBY ORDERED** that the appeal is **REMANDED** for the Department to calculate the Appellant's sentence without applying the "no parole" offense requirements found in S.C. Code Ann. § 24-13-150(A).

**AND IT IS SO ORDERED.**



S. Phillip Lenski  
S.C. Administrative Law Court

August , 2014  
Columbia, South Carolina

---

community supervision, work release, work credits, education credits, and good time credits. Prior to the amendment, inmates convicted of no-parole offenses pursuant to §44-53-370 were eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good time credits after they had served the requisite 85% of their sentence. To accept SCDC's interpretation of the §44-53-370(b)(1) amendment would be to hold that the General Assembly amended the statute for no purpose whatsoever. Such an interpretation is unreasonable.

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

August 28, 2014  
Columbia, South Carolina

**FILED**

AUG 28 2014

SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Kevin Fowler **RECEIVED** SEP 12 2013 Grievance No. KAGE 1363-13  
 SCDC NUMBER: 222318 Code: General \_\_\_\_\_  
 INSTITUTION: Kershaw C.I. SEP 12 2013 Policy \_\_\_\_\_  
 HOUSING UNIT: Magnolia #2 Kershaw C.I. Disc. Hear.   
 WORK ASSIGNMENT: Kitchen GRIEVANCE PREA \_\_\_\_\_  
 Date Received 9/10/13  
 IGC Initials [Signature]

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

The S.C. General Assembly Passed the 2010 omnibus Crime Bill, Giving those convicted of 1st, 2nd and 3rd offenses under S.C. 44-53-370, the Statutory Right to Receive Good time, Work Credits and Parole eligibility, For those convicted on or after June 1st, 2010.

I WAS convicted on October 4, 2012, For A violation under S.C. Code § 44-53-370, And I'm suppose To Receive the Right to Good time, Work Credits and Parole eligibility.

I submitted A Request, (see Attached) to my Inst. Caseworker and SCDC Headquarters, "STATE Classification", Requesting to know why I'm not Receiving the Statutory Right to Good time, Work Credits and Parole Eligibility.

I received A Response on 9/6/13 with the Attached explanation. I'm now Filing this Grievance where SCDC is not Following the Legislative Intent in Applying Good time, Work Credits and Parole Eligibility under S.C. Code 44-53-370

ACTION REQUESTED: To Be Afforded the Good time, Work Credit And Parole Eligibility under S.C. Code § 44-53-370, Pursuant TO the June 1st 2010 omnibus Crime Bill.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

See Attached Request And Answers

Kevin Fowler 9/11/13  
 Grievant Signature Date

Inmate Fowler;  
WARDEN'S DECISION AND REASON:

This is in response to KRCI-1363-13. All pertinent information and documentation has been reviewed. Nothing has been found to support your allegations that you are entitled to receive work credits or good time. Case Manager, Mrs. Your was interviewed and indicated you are not eligible to receive work credits due to you have a mandatory 85% sentence.

Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.

Wynne C McCal 10-28-13  
Warden Signature Date

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

Kenn E. Zink 11/1/13  
Grievant Signature Date

P. Hough 11/1/13  
IGC Signature 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 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 in the Grievance Box within five (5) 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) 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, via placement in the Grievance Box.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

*DUE*  
*11/6/13*  
Office Use Only  
Grievance No. *1301-1303-13*  
Code: General  
Policy  
Disc. Hear.  
Class   
Date Received *11/4/13*  
IGC Initials *PK*

STEP 2  
NOV 04 2013

INMATE NAME: *Kevin Fowler*  
SCDC NUMBER: *222318*  
INSTITUTION: *Kershaw CI*  
HOUSING UNIT: *MAGNOLIA #1 ASIDE*  
WORK ASSIGNMENT: *KITCHEN - OFFICE CLERK*

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *The S.C. General Assembly passed the 2010 Omnibus Crime Bill, Modifying STATE LAW Giving those convicted of 1st, 2nd and 3rd offenses under S.C. Code § 44-53-370 the STATUTORY Right To Receive Good Time, Work Credits And Parole Eligibility on offenses Committed After June 1, 2010. I WAS Convicted on October 1, 2012, for A Violation of S.C. Code § 44-53-370, And Pursuant to the new Legislation entitled to Statutory Good Time, Work Credits And Parole Eligibility. STATE LAW stipulates That (1) The LANGUAGE OF A STATUTE overrides The PDR Code, And (2) Subsequent LAW Supercedes The Previous LAW, Therefore Modifying The 85% STATUTES.*

*Kevin L Fowler* *11/3/2013*  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. Although you are eligible for parole per the 2010 Sentencing Reform Act, you must still serve a mandatory minimum of 85% of your 10 year sentence which totals a minimum service of 8 years and 6 months if you are not granted parole. You are receiving all good time and work credits possible.

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.

*J. Glasto* *3-17-14*  
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.

Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: Kevin Fowler  
SCDC NUMBER: 222318  
INSTITUTION: \_\_\_\_\_  
HOUSING UNIT: \_\_\_\_\_  
WORK ASSIGNMENT: \_\_\_\_\_

Office Use Only  
Grievance No. KRCI-1363-13  
Code: General \_\_\_\_\_  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class.  \_\_\_\_\_  
Date Received \_\_\_\_\_  
IGC Initials \_\_\_\_\_

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

The following is in response to the inmate's appeal to the Administrative Law Court (ALC).

for Chris Hallman 9/4/2014  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

In order to comply with the order issued by the Honorable S. Phillip Lenski, your sentence has been recalculated. Based upon the new calculations your projected max out date is October 3, 2017.

Therefore, I consider this matter 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] 09/04/2014  
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.

Grievant Signature

Date

IGC Signature

Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

## INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

DOC

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS. Kevin Lapatrick Fowler
AKA:
Race: BLACK Sex: M Age: 40
DOB: 10-29-1971 SS#:
Address: 562 Arlington Street
City, State, Zip: Spartanburg SC 29303
DL#: 007040598 SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4200579
A/W#: M128647
Date of Offense: 9/14/2011
S.C. Code §: 44-53-0370(B)
CDR Code #: 0185

SENTENCE SHEET N.C. vs Alford

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Distribution of Heroin 2nd 5--30 years and/or \$50,000

CONVICTED OF or PLEADS

in violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0184
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State
ATTEST: JORDAN, JENNIFER A SC Bar# 69423 Defendant Kelli L. Fisher SC Bar# 68610 Attorney for Defendant John G. Pickett SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

SPECIAL CONDITIONS:

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$288.40

Appointed PD or appointed other counsel; § 47.12 requires \$500 be paid to Clerk during probation.
Signature: [Signature]
Date: 10/4/12

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2053
Sentence Date: October 4, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Kevin Lapatrack Fowler

AKA:

Race: BLACK Sex: M Age: 40

DOB: 10-29-1971 SS#: [REDACTED]

Address: 562 Arlington Street
City, State, Zip: Spartanburg SC 29303

DL#: 007040598 SID#:

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was TO: Distribution of Heroin 2nd 5-30 years and/or up to \$50,000

in violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0184

[X] NON-VIOLENT [ ] VIOLENT [X] SERIOUS [ ] MOST SERIOUS [ ] Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: [X] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury.
The plea is: [ ] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [X] Recommendation by the State. Conc

ATTEST: JORDAN, JENNIFER A SC Bar# 69423
Defendant: [Signature] SC Bar# [REDACTED]
Attorney for Defendant: John G. Reckenbeil SC Bar# 68610

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [ ] County Detention Center,
for a determinate term of 10 days/months/years or [ ] under the Youthful Offender Act not to exceed [ ] years
and/or to pay a fine of \$ [ ]; provided that upon the service of [ ] days/months/years and/or payment
of \$ [ ]; plus costs and assessments as applicable\*; the balance is suspended with probation for [ ]

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
[ ] CONCURRENT or [ ] CONSECUTIVE to sentence on:
[ ] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
[ ] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered
Total: \$ [ ] plus 20% fee: \$ [ ]
Payment Terms: [ ]
[ ] Set by SCDPPPS

PTUP [ ] days/hours Public Service Employment
Obtain GED [ ]
Attend Voc. Rehab. or Job Corp. [ ]
May serve W/E beginning [ ]
Substance Abuse Counseling [ ]
Random Drug/Alcohol testing [ ]
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [ ] beginning [ ]
\$ [ ] paid to Public Defender Fund
Other: [ ]

Table with 3 columns: Description, Rate, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$238.00

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 3093
Sentence Date: October 4, 2012

SENTENCE SHEET AC US Aiford

[ ] CONVICTED OF or [ ] PLEADS

[Signatures and stamps]

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

RECEIVED

APR 15 2014

KEVIN L. FOWLER #222318

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL GENERAL COUNSEL

DOCKET NO. -ALJ-04-  
GRIEVANCE NO.: KRCI 1363-13

Notice is hereby given that KEVIN L. FOWLER #222318 does hereby appeal the final decision of the South Carolina Department of Corrections dated 3-17-14 and received on 4-1-14, 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)):

THE RESPONDENT IS UNLAWFULLY DENYING THE APPELLANT HIS STATUTORY RIGHT TO THE PRIVILEGES SET FORTH IN THE STATUTE (44-53-370(B)(1)) THEREFORE VIOLATING THE APPELLANT'S LIBERTY INTEREST. THE RESPONDENT IS MISCALCULATING APPELLANT'S SENTENCE BY NOT APPLYING APPELLANT'S EARNED WORK CREDITS AND GOOD CONDUCT CREDITS TO APPELLANT'S PROJECTED RELEASE DATE, PURSUANT TO THE 2010 OMNIBUS CRIME BILL.

KEVIN L. FOWLER #222318  
Appellant's Name

Kevin L. Fowler  
Signed

LIVESTAY B N2/24A P.O. BOX 580  
Mailing Address

APRIL 9, 2014  
Dated

LINA, SC 29378  
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, KEVIN L. FOWLER (your name), on the 9<sup>th</sup> day of APRIL, 2014, in SPARTANBURG (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 SC DEPT. OF CORRECTIONS

Address: 4444 BROAD RIVER ROAD

City, State, Zip Code: COLUMBIA, SC 29210

KEVIN L. FOWLER  
Print your name Sign your name  
(See reverse side for instructions)

Kevin L. Fowler

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

**CERTIFICATE OF COUNSEL**

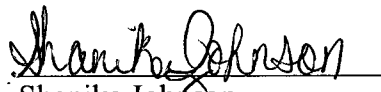
I certify that this *Record on Appeal* contains all material proposed to be included by the parties and not any other material.

Dated: December 16, 2014.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS

Attorney for Appellant



Shanika Johnson  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221  
(803) 896-8508

**RECEIVED**

DEC 18 2014

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Honorable S. Phillip Lenski

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Case No.: 14-ALJ-04-0355-AP

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**RECEIVED**

DEC 18 2014

Kevin Fowler, #222318, Respondent,

**SC Court of Appeals**

v.

South Carolina Department of Corrections, Appellant.


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**CERTIFICATE OF SERVICE**

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I hereby certify that I have served a copy of the foregoing *Record on Appeal* to Respondent by depositing a copy of same in the United States Mail, postage prepaid, December 16, 2014, addressed to the Respondent's attorney as follows:

Tommy A. Thomas, Esq.  
P.O. Box 88  
Irmo, S.C. 29063

  
Shanika Johnson  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221  
Attorney for Appellant