

INITIAL BRIEF OF APPELLANT  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE

CASE NO. : 2015-000183

**RECEIVED**

MAR 03 2015

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS, (S.C.D.C.),

**SC Court of Appeals**

Respondent,

v.

George Cleveland, III, #357770, APPELLANT.

INITIAL BRIEF OF APPELLANT

George Cleveland, III, #357770  
EVANS CORRECTIONAL INSTITUTION  
610 Hwy 9 West  
Bennettsville, SC 29512  
PRO-SE

# TABLE OF CONTENTS .page (5)

TABLE OF AUTHORITIES

STATEMENT OF ISSUES ON APPEAL

STATEMENT OF THE CASE

ARGUMENT:

1. The A.L.J.D. ERRED by RULING IT LACKED JURISDICTION OVER my MIS-CALCULATION APPEAL OF GOOD-BEHAVIOR-CREDITS BY THE S.C.D.C.

CONCLUSION

# TABLE OF AUTHORITIES

## CASES

SLEZAK v. S.C.D.C., 361, S.C., 327,  
605, S.E., 2D., 506, S.C., (2004).

AL-SHABAZZ v. STATE, 338, S.C., 338,  
S.C., 354, 527, S.E., 2D., 742, (2000)

SULLIVAN v. S.C.D.C., 355, S.C., 427,  
586, S.E., 2D., 124 (2003).

## STATUTES

S.C. code Ann. § 24-13-210 (A), (1976)  
(Good Behavior Credits)

S.C. code Ann. § 24-13-100, (1976)  
(no parolable offenses)

S.C. code Ann. § 24-3-20, (1976)  
(Designated Facility)

S.C. code Ann. § 24-3-30, (1976)  
(Designated Facility)

S.C. code Ann. § 16-21-0080, (1976),  
(Poss. of stolen vehicle over \$10,000).

## A. STATEMENT OF ISSUES ON APPEAL

1. Did the SOUTH CAROLINA ADMINISTRATIVE LAW COURT DIVISION (A.L.J.D.) ERR IN Ruling my (A.L.J.D.) appeal lacked Jurisdiction to Decide IF the S.C.D.C. Improperly Calculated my Sentence Related Good Behavior Credits, despite me clearly Arguing the S.C.D.C. Improperly Calculated my Good-Behavior-Credits?

## B. STATEMENT OF THE CASE

ON FEBRUARY 21, 2014, I HAND-WROTE A Request to STAFF member (R.T.S.M.) see Appellant's exhibit — because EVANS CORRECTIONAL INSTITUTION had An insufficient amount of the S.C.D.C., (R.T.S.M.) form 19-11's, the (R.T.S.M.) WAS Addressed to the CASE-MANAGER: MR. JAMES Bethca

The question dealt directly with my Good-Behavior-Credit Calculations. ON MARCH 03, 2014, he Responded:

"your calculations are wrong,"  
see exhibit —,

Dissatisfied with the answer, I  
filed an on-time step-1 GRIEVANCE  
ON MARCH 07, 2014, ON MARCH 28,  
2014, EVANS CORRECTIONAL'S WARDEN  
Willie Eagleton denied my GRIEVANCE  
in full, see exhibit —. He Reasoned  
that "All sentence-related credits  
have been applied," I.D.

Dissatisfied with WARDEN Eagleton's  
decision and Reasoning, I filed  
An on-time step-2 GRIEVANCE  
ON APRIL 03, 2014.

ON August 22, 2014, my GRIEVANCE WAS  
AGAIN denied with no explanation  
on the law despite requesting supporting  
Documents by the S.I.C.D.C. STAFF AT  
Columbia, see exhibit —.

I filed An timely notice of Appeal  
with the South CAROLINA Administrative

LAW COURT. My case was assigned  
Docket number: 14-ALJ-0771-AP,  
And assigned to the Honorable  
CAROLYN C. MATTHEWS. My notice  
of Appeal was filed on September  
16, 2014, And assigned on September  
25, 2014, see exhibit —.

on October 20, 2014, I filed an  
motion for an enlargement to file  
my original brief because of two  
(2) pending criminal cases that  
consumed my time as I traveled  
to General Sessions Court in Greenville  
and Oconee Counties, S.C., see exhibit  
—.

on October 22, 2014, the A.L.J. granted  
my motion for an enlargement until,  
on or before December 05, 2014, and  
the court ordered the S.C.D.C. to file  
the record within twenty (20) days  
after the filing of my original  
brief, see exhibit —.

On November 25, 2014, my ORIGINAL BRIEF of nine-teen (19) pages which exceeded the ten (10) page maximum under Rule 60 (A) of the Special Administrative Law Rules section V, see exhibit —. On the same date, I also filed a motion to exceed page limit because of the important question of law, see exhibit —.

Around the same time, the S.C.D.C. filed the Record with the A.L.J.D.

The S.C.D.C. filed a motion to dismiss my Administrative Law Court Appeal under SLEZAK, see exhibit —.

In their motion to dismiss, the S.C.D.C. argued my case should be dismissed because I did not allege a liberty interest, thus, should be denied, id. at p. — of exhibit —.

The S.C.D.C. further argued the  
4.

"the Department gave "Detailed Responses" in both Step-1 and Step-2 Responses And there is no documentation that Appellant provided that shows the Department is incorrectly calculating his sentence's" I.D. At pp. — of exhibit —.

On December 31, 2014, I filed a Response to the Respondent's motion to Dismiss, see exhibit —.

In my eleven (11) page Response, I argued that the ALJID. had jurisdiction to hear my case under SLEZAK because, the SLEZAK Court reasoned the ALJID. has jurisdiction to hear S.C.D.C. Final decision in a non-collateral or Administrative matter, see exhibit —.

I further stated clearly that the S.C.D.C. has mis-calculated my sentence related credits despite

the ALJ.D Reasoning that I WAS NOT "specifically Arguing" ... my "sentence is improperly calculated, see exhibit \_\_\_\_\_.

ON JANUARY 15, 2015, the ALJ.D filed Judge Matthews' order dismissing my ALJ.D. appeal under SLEZAK, see exhibit \_\_\_\_\_.

ON JANUARY 21, 2015, I signed for, and received the dismissal order from the Evans Correctional Institution's mail-room.

ON February 02, 2015, my appeal was assigned case number: 2015-0001803, in this court, and this BRIEF follows.

#### D. ARGUMENT

The ALJ.D. erred in Ruling it lacked Jurisdiction over my Allegation of miss-calculated Good-Behavior credits by the S.C.D.C.

Sic. code Ann. §24-13-210 (A) Reads:  
"An inmate convicted of an offense  
Against this state, except a no  
parole offense as defined in  
§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 §24-3-20 or §24-3-30  
whose record of conduct shows  
that he has not been subjected  
to punishment for misbehavior is  
entitled to a deduction from the  
term of his sentence beginning  
with the day on which the service  
of his sentence commences to run  
computed at the rate of twenty (20)  
days for each month served."

I provided the A.C.J.D. with a  
copy of my sentence sheet which  
shows a non-violent sentence,

thus A PROBABLE offense of POSS.  
of stolen vehicle, S.C. code § 16-21-  
0080, see exhibit —.

The ALJ.D. Reasoned that I WAS  
Arguing the method of the S.C.D.C.  
Calculations, but separated my argument  
that the S.C.D.C. HAS BEEN calculating  
my sentence related credits incorrectly,  
See exhibit —.

I submit, these issues ARE one  
of the SAME because if the method  
the S.C.D.C. is using is contrary  
to state LAW, then my sentence  
calculations reflects a sentence  
method of ~~to~~ junk-math

As I stated above, the § 24-13-210 (A)  
Requires the S.C.D.C. credit me twenty  
(20) days A month for good-behavior  
that is not being done.

IN Stezak v. S.C.D.C., 361, S.C., 327,  
605, S.E., 2d, 506, S.C. (2004), the  
8.

State Supreme Court clarified the jurisdiction of the ALJ.D. to all final decisions of the S.C.D.C. in a non-collateral or administrative matter.

The state court further reasoned the ALJ.D. has appellate jurisdiction over any matter where the procedural prerequisites for perfecting such an appeal have been met.

The ALJ.D. took what the state court reasoned in the conclusion of the opinion of: "we hold that the ALJ.D. has jurisdiction over all properly perfected inmate appeals, but clarify that it may summarily decide those appeals that do not implicate an inmate's [state-liberty created interest]." And dismissed my appeal based solely on this very confusing closing, but earlier in the opinion

the state supreme court Reasoned that the ALJ.D. has subject matter jurisdiction to hear any procedural prerequisite for perfecting such a appeal has been met.

since Al-shabazz v. State, 338, S.C., 338, S.E., 354, 522, S.E. 2d, 742 (2000), the ALJ.D. has had difficulty with what the court can hear, and rule on; In Sullivan v. SDC, 355, S.C., 437, 586, S.E., 2d, 124, (2003) the state Supreme court again clarified the jurisdiction of the ALJ.D.

Judge Matthews' Ruling only focused on reading the words of: "state Liberty Interest"; And if an INMATE'S argument is missing these three (3) words, the S.C.D.C. is filing motions left and right successfully dismissing under SLEZAK because of the

10.

Deprivation of the three (3) words stated above, the ALJ.D in my instant case overlooked the point of my appeal which was and still is; the S.C.D.C. has mis-calculated my twenty (20) days a month as the law requires. It is unclear how the ALJ.D. determined no jurisdiction to hear the matter when a mis-calculation of my sentence related credits run directly in line with a state-liberty interest because arguing since the beginning of the R.T.S.M. to Mr. James Bethea

On page one (1) of my original brief filed with the A.L.J.D., I put my argument in question form which was: "Did S.C.D.C. correctly deduct the correct amount of Good-Behavior cred. of twenty (20) days for each month served under S.C. Code Ann. § 24-13-210 (A) (1976)..."

See p. — of exhibit —.

Further, on p. — of exhibit —, I clearly argued that my calculations based on §24-13-210 (A) equate to a prison term of seven-hundred fifty (750) days, not three (3) years nine (9) months as S.C.D.C. incorrectly has it calculated, see exhibit —.

Judge Matthews also erred in ruling, "I'm not appealing a decision that perfected [my] credits; rather, [I'm] such credits"... see p. — of exhibit —.

Judge Matthews also erred by ruling "there is not a state created liberty interest in the loss of opportunity to earn additional good-time credits"; see exhibit —. I.D. at p. —.

The COURT'S REASONING IN NOT EARNING ADDITIONAL GOOD-TIME CREDITS IS MIS-GUIDED BECAUSE MY WHOLE ARGUMENT TO THE COURT WAS I WAS NOT AWARDED ALL MY GOOD-BEHAVIOR CREDITS INITIALLY MY ARGUMENT SAID NOTHING ABOUT ADDITIONAL GOOD BEHAVIOR CREDITS, SEE EXHIBIT — I. D. AT PP. —, —, —, AND —.

THE MIS-CALCULATIONS OF MY SENTENCE RELATED CREDITS FOR GOOD-BEHAVIOR ARE INCORRECT, THE ALTA HAS SUBJECT MATTER JURISDICTION TO MY APPEAL BECAUSE AN ERROR IN SENTENCE RELATED CREDIT BY THE S.C.D.C. RESULTS FROM AN INCREASED TERM IN PRISON, ACCORDINGLY IS AN STATE-LIBERTY INTEREST, AND THE PROCEDURAL PREREQUISITE FOR THE ~~PRO~~ PERFECTING SUCH AN APPEAL HAS BEEN MET BECAUSE OF MY TIMELY

filed notice of appeal with the  
A.L.J.D. And this court; consequently,  
the A.L.J.D. has subject matter  
jurisdiction to hear, and rule  
on my good-behavior credits as  
the credits decrease my projected-  
max-out ~~prison~~ prison day.

### E. Conclusion

Based on the foregoing arguments, I  
respectfully pray this court reverse  
in part or in full, modify and  
remand back to the Administrative  
Law Court with or without instructions  
to hear my step-2 grievance appeal  
because of the mis calculations  
of my good-behavior credits that  
would further decrease my prison  
release date, this is a state protected  
liberty interest, and a perfected filed  
grievance and notice of appeal  
filing; therefore, the A.L.J.D. has

JURISDICTION to determine if the  
S.C.D.C. followed state LAW by  
AWARDING me ALL my Good Behaviour  
Credits, I submit, the S.C.D.C.  
has not. I hope this case finally  
eliminate A.L.J.D. JURISDICTION  
issues related to S.C.D.C. INMATES  
Appealing the final decision to  
the A.L.J.D.

Respectfully Submitted,  
~~George Cleveland~~  
George Cleveland #35770  
EVANS CORRECTIONAL INSTITUTION  
610 Hwy 9 West  
Bennettsville, SC 29512

Dated: FEBRUARY 26, 2015

APPELLANT'S PROOF OF SERVICE

The STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE

2015-  
CASE NO. 15-000183

South Carolina Department  
of CORRECTIONS, (S.C.D.C.)

v.

George Cleveland III #357770 APPELLANT.

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**SC Court of Appeals**  
Respondent,

APPELLANT'S PROOF OF SERVICE

I, George Cleveland III, certifies that on this date below he served the Respondent the Initial Brief, and Designation of Matters to be included on Record by U.S. Mail, postage paid at the address below!

PROOF OF SERVICE

Respondent:  
S.C.D.C.  
Office of General Counsel  
Attention: Mr. DANIEL J. CROOKS, III  
P.O. Box 21787  
Columbia, S.C. 29221-1787

Respectfully Submitted  
~~George Cleveland, III~~  
George Cleveland, III 357770  
Evans Correctional Institution  
610 Hwy 9 West  
Bennettsville, SC. 29512

DATED: FEBRUARY 26, 2015

PAGE 2 OF 2

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SC Court of Appeals

February 26, 2015


The South CAROLINA COURT OF APPEALS  
Attention Clerk of Court's Office  
P.O. Box 11629  
Columbia, S.C. ~~29201~~ 29211

Re: Appellant's Initial Brief and  
matters to be included in  
Record on Appeal filing  
Case No: 2015-000183

Dear Clerk's Office,  
Attached to this letter is my  
Initial Briefs and my designation  
of matters to be included  
in Record on Appeal, and proof  
of service.

Can you please file these  
attached documents for me.

Respectfully Requested,

  
George Cleveland, III #857770  
Evans Correctional Institution  
610 Hwy 9 West  
Bennettsville, SC 29512

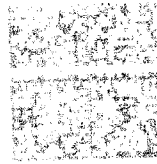
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