

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FOR THE SOUTH CAROLINA DEPT. OF CORRS
BRYAN STIRLING - DIRECTOR

RECEIVED

APR 29 2015

CASE # LCI 0164-13

SC Court of Appeals

JOHN DYKEMAN #245443

CASE NO.

APPELLANT

2015 - 000509

v

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

RESPONDENT

PROOF OF SERVICE

I JOHN DYKEMAN HEREBY CERTIFY THAT I HAVE
SERVED A TRUE AND COMPLETE COPY BY DEPOSITING IN
THE U.S. MAIL FIRST CLASS POSTAGE PREPAID ADDRESSED
AS FOLLOWS:

GENERAL COUNSEL

SOUTH CAROLINA COURT OF APPEALS

S.C. DEPT. OF CORRS.

P.O. BOX 11629

P.O. BOX ~~29787~~

COLUMBIA, S.C. 29211

COLUMBIA, S.C. 29221

SOUTH CAROLINA ADMIN. LAW COURT.

1205 PEARL DIXON ST.

4-24-15

COLUMBIA, S.C. 29211

DATE



JOHN DYKEMAN #245443

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

INMATE COPY

STEP 1

INMATE NAME: John Dykeman
 SCDC NUMBER: 245443
 INSTITUTION: Lieber
 HOUSING UNIT: Edisto A. 41
 WORK ASSIGNMENT: Mechanics helper

RECEIVED

APR 29 2015

SC Court of Appeals

Office Use Only
 Grievance No. ACT 0164-13
 Code: General IC IS
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 1/28/13
 IGC Initials B

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) For the past year at every opportunity I have asked the Associate Wardens and Warden as well as CAPTs and the Unit Lt. To this date the unit does not have a designated room to be used as a community rest room. The inmates of this unit are using mop closet and showers to urinate and defecate in because they can't get into their assigned rooms except on the hours at the unit officer's convenience. This is creating an unsafe environment in which to not only live but work as well. Any officer, unit Lt, CAPT, Associate Wardens, and Warden have been notified and still these conditions persist.

ACTION REQUESTED: To have one room designated as unit rest room or to have doors opened during the hours of 0430 - 2300 daily.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:
 Have spoken to unit Lt on a daily basis have spoken to Associate Warden Blackwell, Associate Warden Thompson, Warden McFadden, CAPTs Clark and Shepard. Their response is the same there's nothing they can do.

John Dykeman 1-24-13
 Grievant Signature Date

ACTION TAKEN BY IGC: See Warden's Response

Bachman 2/5/13
 IGC Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

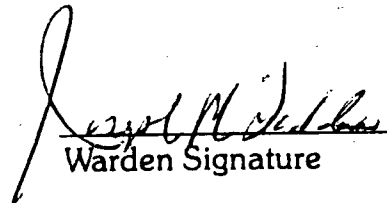
NK
 Grievant Signature Date

WARDEN'S DECISION AND REASON:

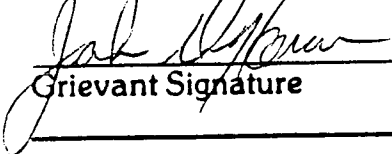
Inmate Dkyeman;


This is in response to LCI 0164-13. All pertinent information and documentation has been reviewed. Associate Warden Blackwell stated that there will be no open room or a designated rest-room for the dorms. If inmates need to use the rest-room they are to stay in their cell until the next time the Officer opens the door. The reason for this is due to security and control movements of inmates. It helps prevent inmates from fighting and stealing from each other.

Based on this information, therefore you action request is **denied**. If not satisfied with my response, see Step 5 below.


Warden Signature 2/11/13
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 2-14-13
Date


IGC Signature 2/14/13
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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 the Institutional Grievance Coordinator.

24-59

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due:

INMATE COPY
FEB 20 2013

STEP 2 RECEIVED

INMATE NAME: John Dykeman

SCDC NUMBER: 245443

INSTITUTION: Lieber

HOUSING UNIT: Edisto A 41

WORK ASSIGNMENT: Prison Industries

FEB 21 2013

INMATE GRIEVANCE
FEB 15 2013

Office Use Only
Grievance No. LCI 0164-13
Code: General IC IS
Policy _____
Disc. Hear. _____
Class. _____
Date Received _____
IGC Initials _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Even with doors locked there have still been fights and stealing. There exists an serious health condition for both staff and inmates alike. You can't stay in a room 24 hrs a day and not eat, get medical attention, or shower. We still have to use the showers that these inmates are using for a restroom. By not designating a single room to be used as a restroom for a wing a dangerous health condition is being advocated by SCDC personnel and inmates are being forced to live in these conditions with no regard for the consequences of their actions. There are rooms on each wing that could be converted for this use. measures need to be taken to stop the unsafe conditions that inmates are being subjected to in the name of security.
John Dykeman 2-14-13
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. After reviewing the documentation accompanying your grievance, we concur with the warden's decision. Due to security concerns, doors will not be left open. Inmates are advised to stay in their cells or to be waiting at their door when the officer does rounds. There will be no open room or designated restroom for the dorms.

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] 12/02/2014
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.

[Signature] 1-2-15
Grievant Signature Date

[Signature] 1/2/15
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.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

APR 29 2015

JOHN DYKEMAN 245443)

Appellant,)

vs.)

South Carolina Department of Corrections,)

Respondent.)

SC Court of Appeals

NOTICE OF APPEAL

DOCKET NO. -ALJ-04- -
GRIEVANCE NO.: LCI-0164-13

Notice is hereby given that JOHN DYKEMAN 245443 does hereby appeal the final decision of the South Carolina Department of Corrections dated 12-02-14 and received on 1-2-15, 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)):

APPELLANT HEREBY GIVES NOTICE OF APPEAL BASED ON THE SERIOUSNESS AND UNSANITARY CONDITIONS IN WHICH I'MS ARE AT HUBER ARE BEING FORCED TO LIVE IN. THE ALLEGATIONS ARE EASILY VERIFIED BY READING STEP 1 AND 2 GRIEVANCES, THESE CONDITIONS NOT ONLY VIOLATE THE EIGHT AMENDMENT BUT ALSO THE SOUTH CAROLINA CONSTITUTION. ONCE A HEARING DATE HAS BEEN SET APPELLANT WILL FILE A BRIEF WITH SUPPORTING FACTS AND CASE LAW THESE CONDITIONS CLEARLY SHOW CRUEL AND UNUSUAL PUNISHMENT AND THE POSSIBILITY OF FUTURE HEALTH ISSUES

John Dykeman 245443

Appellant's Name

John Dykeman
Signed

PO BOX 205 LET CA-59

Mailing Address

2-4-15

Dated

Ridgeville, SC 29472

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, John Dykeman (your name), on the 4 day of FEBRUARY, 2015, in RIDGEVILLE (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 PO BOX 21787, COLUMBIA, SC 29221-1787
CLERKS OFFICE 1205 PENDLETON STREET SUITE 2201 COLUMBIA 29201

Address:

City, State, Zip Code: _____

John Dykeman John Dykeman
Print your name Sign your name

(See reverse side for instructions)

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.**

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case number	Inmate number	Inmate first name	Inmate last name	Grievance No	Respondent	Filing date	Date Assigned	Judge last name
15C0070	245443	JOHN	DYKEMAN	LCI 164-13	DOC	2/5/2015	2/19/2015	DURDEN

FILED

FEB 19 2015

ADMIN. LAW COUF

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

6

RECEIVED

APR 29 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket No. 15-ALJ-04-0070-AP
Grievance No. LCI 0164-13

John Dykeman, #245443,

Appellant,

vs.

ORDER OF DISMISSAL

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 by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate appeals the decision of SCDC in a matter concerning the living conditions at SCDC. SCDC's decision indicates he was not sanctioned with the loss of any good time credits; Inmate made no claim for the loss of any other state created liberty or property interest; and, made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is no state-created liberty interest in the loss of opportunity to earn additional good time credits. Howard v. SCDC, 399 S.C. 618, 733 S.E.2d 211 (2012).

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here. Therefore,

IT IS ORDERED that this appeal is hereby **DISMISSED, WITH PREJUDICE.**

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

February 26, 2015
Columbia, South Carolina

FILED

FEB 26 2015

SC ADMIN. LAW COURT

RIGHT OF SERVICE
I hereby certify that the undersigned has this date
delivered a copy of the above entitled action upon all
parties to the cause by depositing a copy herof,
in the United States mail postage paid, at the [agency]
mailing address to the parties or their attorneys.
February 26, 2015
[Signature]
[Title]

JOHN DYERMAN #295443 - CA-59

2100 RR CORR. INST.

P.O. BOX 205

ROSELINNE, S.C.

29472

RECEIVED

APR 29 2015

SC Court of Appeals

RECEIVED

APR 24 2015

MAILROOM

SOUTH CAROLINA COURT OF APPEALS

P.O. BOX 11629

COLUMBIA, S.C.

29211

STOP FOR LEGAL USE ONLY
LIEBERCI
DEC 30 2012

MAIL ROOM

THE DEPARTMENT OF CORRECTIONS
INSPECTED OR RECORDED THIS DOCUMENT WITHOUT
THE DEPARTMENT DOES NOT ASSUME ANY RESPONSIBILITY
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

FOR LEGAL USE ONLY