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SC Court of Appeals

APPELLANT'S REPLY BRIEF TO
INITIAL BRIEF BY RESPONDENT

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE

LOWER CASE NO. 2014-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, III, #35777D,

v.

APPELLANT,

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

RESPONDENT.

APPELLANT'S REPLY BRIEF

1.

Appellant George Cleveland, ~~III~~, respectfully files this reply to the Respondent's INITIAL BRIEF PURSUANT to Rule 208(B)(3) S.C.A.C.R.

2.

MIS-CALCULATION OF MY GOOD BEHAVIOR CREDITS BY S.C.D.C. IS A STATE-CREATED LIBERTY INTEREST UNDER SLEZAK!

The Respondent argues that they "interpret SLEZAK.... FOR THE SAKE OF JUDICIAL economy the A.L.C. to SUMMARILY dismiss inmate[s] case that do not involve A STATE-CREATED!.. see Respondent's INITIAL BRIEF AT p. 4 (hereinafter R.I.B.), AND RELEVANT page number; "STATE CREATED Liberty Interest" is exactly what I'm ARGUING. "S.C.D.C. HAS MIS-CALCULATED my sentence"... see my filed INITIAL

1.

BRIEF AT 5-6, see also 8-12, id.,
which directly deal with my sentence
mis-calculation.

IF my sentence is miscalculated my
Liberty is RESTRAINED for longer
prison sentence. "The state of being
free; freedom" is the definition of LIBERTY.
Webster's III New Riverside Dictionary
Revised Edition; at 397, Copyright 1996
(Office Edition).

I submit, I want my freedom based
on the legally calculated month which is
currently wrong, thus prolonging my
prison sentence which is prejudicial
to me; accordingly, my argument through-
out this entire case in the upper, and
lower courts involves a state-created Liberty
interest.

3.

SKIPPER IS DISTINGUISHABLE
FROM MY CASE:

Next, the Respondent argues that "this COURT [S.C. COURT OF APPEALS] has interpreted SLEZAK to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the A.L.C. 'should' dismiss the appeal," *id.*

My sentence related credit miscalculation by the S.C.D.C. is distinguishable from SKIPPER v. S.C.D.C., 370 S.C., 267, 633, S.E., 2d., 910 (Ct. App. 2006) because in SKIPPER, the issue related solely to Skipper's guilty conviction by the S.C.D.C. for "possession of marijuana," *id.*, at 911 AT EVANS CORRECTIONAL where he

3.

WORKED A PRISON JOB WHERE HE
EARNED A HOURLY WAGE, SKIPPER
WAS SUBSEQUENTLY FIRED FROM
HIS JOB, AND TRANSFERRED TO Lee
CORRECTIONAL, I'D, MY CASE DEALS WITH
MY FREEDOM, NOT A PRISON JOB,
OR A DOPE CHARGE; THEREFORE, SKIPPER
IS WHOLLY DISTINGUISHABLE FROM
MY INSTANT CASE.

4.

I PROVIDED THE A.L.C. WITH REAL
EVIDENCE AND THE S.C.D.C. PROVIDED
NO DETAILED RESPONSES:

THE RESPONDENT NEXT ARGUES I "PRODUCED" ...
"NOTHING" ... TO THE "A.L.C. INDICATED
THAT THE DEPARTMENT WAS IMPROPERLY
APPLYING THE APPLICABLE LAW"; AND THE
S.C.D.C. GAVE "DETAILED RESPONSES" TO

4.

both steps of my GRIEVANCES within
the S.C.D.C., see R.I.B. AT 4.

FIRST the ~~the~~ APPLICABLE LAW WAS
PROVIDED, AND ARGUED TO THE A.L.C.,
i.e., S.C. CODE § 24-13-210 (A) AS
AMENDED "is emphatically the province
AND duty of the JUDICIAL DEPARTMENT
to say what the LAW is." MARBURY
V. MADISON, 5, U.S., 139, 138, 1, CRANCH,
5, U.S., 137, 2, L. ED., 60 (1803),
quoted FROM Abbeville county school
Dist. v. STATE, 410, S.C., 619, 767,
S.E., 2d., 157, S.C., 2014, id AT 163,
the S.C.D.C. has absolutely provided
NO DETAILED RESPONSES. "All sentence
related credits have been Applied",
(step-1 GRIEVANCE), AND the step-2

Grievance provided nothing detailed either. Both Grievances ARE PART OF THIS COURT'S RECORD.

Instead of the S.C.D.C. is providing demonstrative evidence by computer generated print-outs, but this court must also focus on "the true meaning of the LAW!" State v. SHAW, 9, S.C., 94, 1878 WL 5316, S.C. (1878), id at 10.

Computers only produced the data that is was programmed to provide. The S.C.D.C. computers were programmed incorrectly. People make "mistakes same as lawyers and judges". Washington v. Whitaker, 317, S.C., 108, 451, S.E., 2d, 894, S.C. (1994), but instead of arguing what the
6.

LAW IS, ID, COMPUTER GENERATED
PRINTOUTS SHOWING WHAT MY MAT-OUT
DATE IS. ACCORDING TO THE S.C.D.C.
IS THE ONLY EVIDENCE PROVIDED.

A CALCULATOR, PAPER, AND A INK PEN
IS WHAT THE S.C.D.C. NEED, NOT A
PRINTOUT.

THE SAME IS TRUE IF I ASKED THE
CASHIER AT JOHN BROWN'S BISCUIT HOUSE¹:

HEY WHY IS MY TOTAL \$19.95 WHEN I
ONLY ORDERED A BISCUIT COMBO WHICH
READS \$3.99 ON THE MENU ABOVE THE
CASHIER'S REGISTER.

THE CASHIER REPLY: (SIR MY REGISTER
SAYS \$19.95) WHICH PROVIDES A PUZZLED
AND HUNGRY LOOK BECAUSE THE CASHIER

1. JOHN BROWN'S BISCUIT HOUSE IS A
FICTITIOUS NAME, AND IS RELEVANT TO MY
ARGUMENT OF: WHAT'S IN IT POINT.
7.

is clueless of how the total
WAS CALCULATED by whom-ever
PROGRAMED the price into the
computer.

the SAME is true in my case here,
the S.I.C.D.C. is simply pushing buttons
on the computer and refuse or
merely clueless on calculates my
"GOOD BEHAVIOR" credits, § 24-13-
210. AS AMENDED.

my point here is I requested from
day-one with the S.I.C.D.C.: WHAT'S
IN IT, i.e., explain how my max-out
DATE WAS DETERMINED based on
state-law, but AS OF the DATE of
this reply BRIEF, I still do not
understand how the S.I.C.D.C. calculates
my good behavior credits; consequently,

I provided ample evidence to the A.L.C., AND the S.C.D.C. HAS NO PROVIDED A SHRED OF DETAILED RESPONSES.

5.

STATE LAW PROVIDES
NO SPECIFIC PERCENTAGE!

next, the Respondent argues (Appellate in essence argues that the Department is not creating him with 20-days of good time credit to which he is entitled due to his serving 'paroleable' 55-65% sentences." R.I.B. at 5.

I submit I am entitled 20-days for each month served and the LAW S.C. code § 24-13-210(A) AS Amended imposes absolutely NO "55%-65%" Range Restrictions; the S.C.D.C. ARBITRARY

9,

percentage Range is without Authority AS state LAW, SUPRA, did not provide such language in this statute.

This statute Reads: "GOOD BEHAVIOR" not Good-time, AND 20 days per month served, not "55% - 65% CAP AS A SOUTH CAROLINA STATE Agency is not the JUDICIAL DEPARTMENT: "to say what the LAW is," Reasoned chief justice JOHN MARSHALL of the United States SUPREME COURT in MARBURY v. MADISON, id., wrote over 227 years Ago, the ARGUMENT by the S.C.D.C. is without merit AS its' not APPLYING State LAW; accordingly, the S.C.D.C. cannot impose a "55% - 65%" limit because the LAW is: NO EXPRESS

LANGUAGE GRANTS them Authority
to do so.

6.

A.L.C. HAS JURISDICTION:

The A.L.C. HAS JURISDICTION to hear my
CASE because my CASE involves a
clear violation of the united states
Constitution's due process clause; Liberty
interest under the fourteenth § 2 Amend-
ment, and in violation of the STATUTORY
PROVISIONS under S.C. code § 24-13-210
(A.). S.C. code § 1-23-610 (Supp. 2006)
(A.L.C. JURISDICTION); consequently, the
SOUTH CAROLINA ADMINISTRATIVE LAW COURT
HAD JURISDICTION to hear my INSTANT CASE
AND ERRED by dismissing my CASE
UNDER SLEZAK, SUPRA., IN CONTRARY

to the Respondent's Argument in their R.I.B. filed in this court at 4-6.

7.
CONCLUSION:

The JUDICIAL DEPARTMENT is the BRANCH OF GOVERNMENT; the REASON what the LAW is ESSENTIAL to SEPERATE POWER in OUR GOVERNMENT which "prevent[S] FRAUD AND CORRUPTION, AND FOSTER[S] TRUST in government. DISABATO v. SOUTH CAROLINA ASS'N. OF SCHOOL ADM'RS, 404, S.C., 433, 746, S.E., 2D., 329, S.C., 2013, id at 331.

IF MY CREDITS ARE MIS-CALCULATED, IT'S A TOTAL WASTE OF PUBLIC STATE RESOURCES; POSSIBLY AFFECTING OTHER INMATES, thus FOSTERING A CLOUD OF MIS-TRUST IN GOVERNMENT BY SOUTH CAROLINA

TAXPAYERS, AND CITIZENS IN GENERAL,
THERE HAS BEEN HUNDREDS OF CASES²,
THAT HAVE BEEN FILED IN THE A.L.C.,
AND THIS COURT OVER THE YEARS
THAT MERIT MY SAME ARGUMENT;
THE S.C.D.C. IS MIS-CALCULATING MY
GOOD BEHAVIOR CREDITS. IN CLOSING,
I RESPECTFULLY REQUEST THE FOLLOWING RELIEF:

- 7-1. REVERSE THE A.L.C. DISMISSAL IN
ALL OR IN PART; LOWER CASE NO. 2014-
ALJ-04-0771-AP; IN ALL OR IN PART,
- 7-2. RULE ON THE MERITS OF MY CASE IN
PART OR WHOLE,
- 7-3. PROVIDE ANY CLARIFICATION TO THE A.L.C.'S
JURISDICTION RELEVANT TO INMATES' RELATED

2, A quick type into the WESTLAW DATABASE
WILL PROVIDE THIS COURT WITH A TREASURE-
TROVE OF CREDITS MIS-CALCULATIONS BY INMATES

GRIEVANCES within the A.L.C. -

7-4. Any other Relief this Court deems
JUST AND/PROPER.

Respectfully Submitted,

s/ George Cleveland III

George Cleveland III # 357770
MACDOUGALL CORRECTIONAL INST.
1516 OLD GILLIARD ROAD
Ridgeville S.C. 29472

DATED: August 06, 2015

Allegations of the S.C.D.C. calculations,

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

LOWER CASE NO. 2014-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, III,
#357770,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS,

RESPONDENT.

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SC Court of Appeals

APPELLANT'S PROOF OF SERVICE

PROOF OF SERVICE:

1. I, George Cleveland, III, proceeding pro se, certifies that on the date below, I served on the Respondent by United States Mail with proper postage affixed to the following:

- 1-1. APPELLANT'S Reply BRIEF;
- 1-2. APPELLANT'S VERIFIED* MOTION TO FILE REPLY BRIEF OUT OF TIME, to the following address;

2. S.C.D.C.
OFFICE OF GENERAL COUNSEL
c/o MR. DANIEL J. CROOKS, III, STAFF ATTORNEY
P.O. Box 21787
Columbia, S.C. 29221.

APPELLATE CASE NO. 2015-000183

Respectfully submitted,



George Cleveland, III, #357770
MACDUGALL CORRECTIONAL INST.
1516 OLD GILLIARD ROAD
Ridgeville, S.C. 29472

Dated: August 06, 2015

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the south CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings, CLERK
P.O. Box 11629
Columbia S.C. 29211

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SC Court of Appeals

Re: Appellant's Reply Brief,
AND motion to file out of time
Appellate case no. 2015-000183;
George Cleveland, III #3577200
S.C.D.C.

1. DEAR MRS. Kitchings,

Attached to this letter is
my Reply Brief to Respondent's
Initial Brief, Proof of Service,
AND my verified motion to
file my Reply Brief AS timely?

2. CAN YOU FORWARD my
out of time filing motion to
A justice FOR his OR her
consideration?

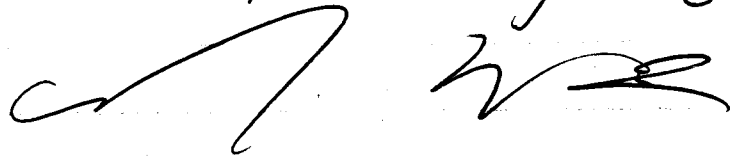
3. CAN you please kindly stamp
the extra copies AND mail

PAGE 2 OF 2

them back to me in the
provided self addressed
stamp envelope.?

Respectfully Requested

8-06-15



George Cleveland III ~~at~~ 35770
MACDOUGALL CORRECTIONAL INST
1516 OLD GILLIARD ROAD
RIDGEVILLE, SC 29172

Geo [redacted] B57772, M2-C5-A

MacDoughll corrections Inst
1516 Old Gilliard Road
Ridgeville S.C. 29472



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