

JAN 09 2015

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Al-JAMARR SPANN
 SCDC NUMBER: #284394
 INSTITUTION: Liebert Correctional
 HOUSING UNIT: Loop 20
 WORK ASSIGNMENT: Head Laundry Worker

OFFICE USE ONLY
 Grievance No. LA 10020-15
 Code: General
 Policy _____
 Disc. Hear. 1-5-15
 Class. Case # 30
 PREA _____
 Date Received JAN 12 2015
 IGC Initials BJ

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.) I Al-JAMARR SPANN #284394 am filing this grievance/appeal on DHO F. BACHMAN for finding me guilty on charge #854 exhibitionism and Public Masturbation case #30. Before my hearing date on 01/05/15 I submitted a request to staff member Form to Counsel Substitute Ms. Atchley requesting aide because of the complexity of the issues in my case, I will be unlikely to be able to collect and present evidence necessary for an adequate comprehension of the case, and DHO BACHMAN denied my request for a Counsel Substitute to represent me. I needed a Counsel Substitute to obtain documentary evidence relevant to the case that was not in my possession. For SADA OP-20.14 policy/procedures, in sections Counsel Substitute and Responsibilities, I was suppose to be granted an Counsel Substitute for the factor in requirements I listed above. Further more, when I started reading from the statement that I wrote, DHO BACHMAN stopped me and wouldn't let me finish. I asked her two times if I can finish reading my statement and both times she told me no, cutting off my defense/evidence from being heard, to prove my innocence, as if the hearing was one sided, against me. DHO BACHMAN asked Ofc. Simpson where he was sitting when the incident occurred and he said in front of the desk. I asked DHO BACHMAN than to call Ofc. Seaks back to confirm that, for I can at least get some type of ground (conflict) to show DHO BACHMAN that both Ofc. Seaks and Ofc. Simpson were lying about what happened that day and the only conflict was between DHO BACHMAN and I. My due process rights has been violated. After recess which lasted #15 seconds, DHO BACHMAN said she read my two page statement which is impossible for two reasons; #1, because of the time for me and #2, because if she had read the statement she would have had to question both Ofc. Seaks and Ofc. Simpson again separately in a NEW MANNER, but she didn't, and she didn't call Ofc. Seaks back to confirm where Ofc. Simpson was sitting at. And DHO BACHMAN never explained below by number on the SADA 19-09 'Disciplinary Report/Hearing Record' why she excluded evidence from the hearing and why she denied Al Jamaarr Spann 01/08/15 me confrontation questioning and/or cross examination of a witness at the hearing.

Grievant Signature _____ Date _____

ACTION REQUESTED: I'm asking that this #854 charge case #30 be dismissed due to the technicality of DHO BACHMAN not overseeing and coordinating due process hearings correctly and for denying me a Counsel substitute to represent me.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden Response

Betty J. Jones 1.26.15
 IGC Signature _____ Date _____

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Al-Jamar Spann #284394 LCI-0030-15

You have appealed the results of your 01/05/15 Disciplinary Hearing where you were found guilty on the charge of 854 Exhibitionism and Public, case #36. The issues you stated do not warrant a reversal of the charge. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence were noted and the decision of the Disciplinary Hearing Officer was based on substantial evidence.

Based on this information, your appeal is without merit and therefore denied. If not satisfied with my response, see Step 5 below.

Joseph M. D. Loh 2/13/15
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.

Al J. Spann 02/26/15
Grievant Signature Date

B. Thomas 2.26.15
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 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.

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

03.03.15

MAR 03 2015 WLS

INMATE NAME: Al-JAMAAR SPANN
 SCDC NUMBER: #284394
 INSTITUTION: Lieber Correctional
 HOUSING UNIT: Ashley B #03
 WORK ASSIGNMENT: Laundry Worker

RECEIVED

INMATE GRIEVANCE

Office Use Only
 Grievance No. 204 2015
 Code: General
 Policy _____
 Disc. Hear. 854 1-5 15
 Class. _____
 Date Received 3.3.15
 IGC Initials BT

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I Al JAMAAR SPANN #284394 AM
 Filing this Step Two Appeal/Grievance (A/g) on WARDEN For denying my Step One A/g. For
 the Warden's decision and reason for denying my Step One A/g, he stated that the issues I stated on
 my Step One A/g do not warrant a reversal of the charge I'm charged with and no technicalities, procedure
 errors or misinterpretations of evidence were noted. The request to staff member form I submitted to the Hear-
 ing Officer prior to my hearing day requesting a Counsel Substitute to represent me at my hearing be-
 cause of the complexity of the issues on my case, I will be unlikely to be able to collect and present evidence
 necessary for an adequate comprehension of the case is true, and that's rule 8.1.3 under section 8. Counsel
 Substitute in the OP-22.14 Policy Procedure issue dated February 2, 2015. I was not afforded adequate
 due process protection. Part of the OP-22.14 Policy Statement states; The Administrative and
 application of the Inmate Disciplinary System will be completed in compliance with all applicable
 state and Federal statutes, rules and regulations, and in a manner that ensures inmates
 are afforded adequate due process protection. I needed a Counsel Substitute to view from
 where my accusers says they were seated when they supposedly viewed my misbehavior.
 Rule 8.2.6 covers what's stated above as
 a Counsel Substitute responsibilities.

Al J. Spann 03/01/15
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Exhibitionism and Public Masturbation (854), case #36 on January 5, 2015, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated July 1, 2012, and the sanctions imposed, which included the loss of -0- days accrued good time, were appropriate for the rules violation. 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.

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] 05/13/2015
 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.

Al J. Spann 06/19/15 [Signature] 6.19.15
 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.