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State of South Carolina
County of Saluda

In The Court of Common Pleas
For The 11th Judicial Circuit

Billy Lee Lisenby JR, #200273
Petitioner(s)

Habeas Corpus

v.

Bryan Stirling, Director, South Carolina
Department of Corrections, Respondent(s)

The above Petitioner now comes before this honorable Court by way of Habeas Corpus. He first argues that he is being held unlawfully and his sentence has already expired.

Petitioner argues that SCDC has miscalculated his good time, in which makes this case ripe for review.

The privilege of the Writ of habeas Corpus shall not be suspended unless when in case of insurrection rebellion or invasion, the public safety may require it.

Per Code 1976, § 24-13-210(A) "Inmates in custody of South Carolina Department of Corrections were not entitled to have credit for good conduct calculated and applied at beginning of their sentences."

It further states:

"A prisoner convicted of an offense against this State, ... and sentenced to the custody of the Department of Corrections whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined

and 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 days for each month served."

S.C.D.C. is telling petitioner that he earns his good-time at the beginning of his sentence, so therefore his sentence cannot be deducted 20 days for every month he is infraction free. In *Busby v. Moore* (cite as 498 S.E. 2d 883 (S.C. 19 98)), where it states "The Supreme Court held that inmates were not entitled to have credit for good conduct calculated and applied at beginning of their sentences."

Petitioner argues that he has 800 days good time credits. He has not received but (2) disciplinary infractions since January/Feb 2013. Every month Petitioner went disciplinary free his sentence should be deducted. S.C.D.C. is not following this. IF S.C.D.C. would have deducted the 20 days a month for Petitioner's good behavior his sentence would have expired by now.

Relief

Petitioner ask that he be given his 800 days good time and Released from S.C.D.C. custody.

Dated: July 28th, 2015

Billy Lee Lively
Billy Lee Lively JR, #200273
P.O. Box 2039
Ridgeland Care Inst.
Ridgeland S.C. 29926

MAIL MAIL

STATE OF SOUTH CAROLINA)

COUNTY OF *Saluda*)

Billy Lee Lisenby JR; #200273)

Plaintiff(s))

vs.)

Director Bryan Stirling)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP -

Submitted By:

Address:

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts

- Constructions (100)
- Debt Collection (110)
- General (130)
- Breach of Contract (140)
- Fraud/Bad Faith (150)
- Failure to Deliver/Warranty (160)
- Employment Discrim (170)
- Employment (180)
- Other (199)

Torts - Professional Malpractice

- Dental Malpractice (200)
- Legal Malpractice (210)
- Medical Malpractice (220)
- Previous Notice of Intent Case #
20__-NI-____-_____
- Notice/ File Med Mal (230)
- Other (299)

Torts - Personal Injury

- Conversion (310)
- Motor Vehicle Accident (320)
- Premises Liability (330)
- Products Liability (340)
- Personal Injury (350)
- Wrongful Death (360)
- Assault/Battery (370)
- Sander/Libel (380)
- Other (399)

Real Property

- Claim & Delivery (400)
- Condemnation (410)
- Foreclosure (420)
- Mechanic's Lien (430)
- Partition (440)
- Possession (450)
- Building Code Violation (460)
- Other (499)

Inmate Petitions

- PCR (500)
- Mandamus (520)
- Habeas Corpus (530)
- Other (599)

Administrative Law/Relief

- Reinstate Drv. License (800)
- Judicial Review (810)
- Relief (820)
- Permanent Injunction (830)
- Forfeiture-Petition (840)
- Forfeiture—Consent Order (850)
- Other (899)

Judgments/Settlements

- Death Settlement (700)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Minor Settlement (730)
- Transcript Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Payment Rights Application (760)
- Confession of Judgment (770)
- Petition for Workers Compensation Settlement Approval (780)
- Other (799)

Appeals

- Arbitration (900)
- Magistrate-Civil (910)
- Magistrate-Criminal (920)
- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Security Comm (991)
- Other (999)

Special/Complex /Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Other (699)
- Sexual Predator (510)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out-of State Depositions (650)
- Motion to Quash Subpoena in an Out-of-County Action (660)
- Pre-Suit Discovery (670)

Submitting Party Signature: _____

Billy Lee Lisenby

Date: *July 28th 2015*

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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STATE OF SOUTH CAROLINA,)
)
COUNTY OF *Saluda*)
)
Billy Lee Lisorby Jr,)
)
Plaintiff)
)
vs.)
)
Director Bryan Stirling)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO.

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OCT 18 2015
SC Court of Appeals
SC Court of Appeals

I, _____, being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me)
this *28th* day of *July*, *2015*)
Virginia Robinson)
Notary Public for South Carolina)
My Commission expires *May 20, 2021*)

Billy Lee Lisorby Jr

Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2 _____

JUDGE/CLERK OF COURT
_____, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Please send me
the Habeas Corpus
back. It is
my only copy.



Billy Lee Lisenby JR, #200273
Ridgeland Corr. Inst. CA3
P.O. Box 2039
Ridgeland S.C. 29934

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OCT 13 2015

SC Court of Appeals

Please send me a checked-In copy.

Thanking you in advance!

Billy

Billy Lee Lisenby Jr, #200273

P.O. Box 2099

Ridgeland Conc. Inst.

Ridgeland S.C. 29936

RIDGELAND CORRECTIONAL
INSTITUTION

OCT 9 2015

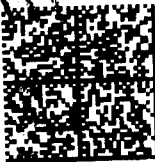
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200273

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