

STATE OF SOUTH CAROLINA

In the Court of Appeals

22048

John D. McLeod, Administrative Law Judge
APPEAL FROM THE ADMINISTRATIVE LAW COURT
Appellate Case No.: 2014-002613

The Honorable John D. McLeod
Trial Court Case No.: 2014-ALC-D4D365-AP

Kevin J. Daniels, #247291,

RECEIVED Appellant,

JUN 26 2015

SC Court of Appeals

vs

South Carolina Department of
Corrections,

Respondent.

RECORD ON APPEAL

Kevin J. Daniels
Kevin J. Daniels, SCDC #247291
Appellant, pro se
Kershaw Correctional Institution
4949 Coldmine Highway
Kershaw, S.C. 29067
Appellant is not represented
by counsel.

Christina Catoe Bigelow
Office of General Counsel
P.O. Box 21787
Columbia, SC 29221
803-896-1738
Counsel for Respondent

LEGAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

John D. McLeod, Administrative Law Judge

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Case No.: 2014-ALJ-040365-AP

Appellate Case No.: 2014-002613

Kevin J. Daniels, SCDC#247291,

Appellant,

v.

South Carolina Department of
Corrections,

Respondent.

RECORD ON APPEAL

Daniel J. Crooks, III, Esquire
Staff Attorney
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221-1787
Telephone 803 896 8555
Attorney for Respondent.

Kevin J. Daniels, SCDC#247291
Appellant pro se.
Kershaw Correctional Institution
4348 Goldmine Highway
Kershaw, South Carolina 29067
Appellant not represented
by Counsel.

LEGAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

John D. McLeod, Administrative Law Judge

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Case No.: 2014-ALJ-040365 - AP

Appellate Case No.: 2014-002613

Kevin J. Daniels,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

RECORD ON APPEAL

Kevin J. Daniels, SCDC # 247291
Appellant, pro se
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067
Not represented by Counsel.

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South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221-1787
Telephone 803 896 8555
Attorney for Respondent

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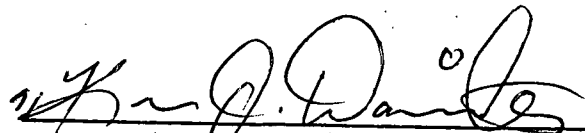
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CERTIFICATE

I, Kevin J. Daniels, pro se appellant in the above captioned action the undersigned hereby certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any material irrelevant to the issues on appeal in this case.

Dated: 6/22/2015.


 Kevin J. Daniels, SCDC #247291
 Appellant, pro se
 Kershaw Correctional Institution
 4848 Goldmine Highway
 Kershaw, South Carolina 29067
 Date 6-22-2015.

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Kevin J. Daniels, #247291,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)

Docket No. 14-ALJ-04-0365-AP

ORDER OF DISMISSAL

STATEMENT OF THE CASE

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 contends that 388 days of credit is not being properly applied to his concurrent sentences and appeals the denial of his Step 2 grievance in which SCDC found that Inmate’s sentence has been properly calculated.

FACTUAL BACKGROUND

Inmate is incarcerated for three separate offenses, listed in chronological order from the date of the offense, as follows:

1. **Indictment 11-GS-32-00794:** On October 7, 2010, Inmate committed a 3rd or subsequent property offense and on June 8, 2011 was sentenced to a 10 year suspended sentence and 3 years probation. However, Inmate was arrested on February 2, 2013, *infra*, and his probation was revoked. As a result, on March 15, 2013, Inmate received a 5 year sentence and credited time from the date of the arrest on February 2, 2013.
2. **Indictment 12-GS-40-00680:** On August 23, 2011, Inmate committed a 3rd or subsequent property offense and on September 3, 2012 was sentenced to serve 6 years. It was noted on Inmate’s sentencing sheet that 388 days would be credited to this term of incarceration.
3. **Indictment 13-GS-32-01526:** On February 2, 2013, Inmate committed an offense of shoplifting and, on May 8, 2013, was sentenced to serve 8 years. This offense was deemed a violation of the terms of Inmate’s probation related to his property offense from October 7, 2010, *supra*. It was noted on Inmate’s sentencing sheet that credit would apply to this term of incarceration starting from the date of this offense, February 2, 2013.

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FILED

NOV 21 2014

SC ADMIN. LAW COURT

The sentencing sheets contained in the record indicate that Inmate's 8 year and 6 year sentences are to be served concurrently.

ISSUE ON APPEAL

Did the Department calculate the Inmate's sentence correctly?

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). The Court's appellate jurisdiction in inmate appeals is limited to state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented.

An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1- 23-380(5) (2013). Furthermore, an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law. See Section 1-23-380(5); See also Marietta Garage, Inc. v. South Carolina Dep't of Public Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct. App. 1999); South Carolina Dep't of Labor, Licensing and Regulation v. Girgis, 332 S.C. 162, 503 S.E.2d 490 (Ct. App. 1998). "'Substantial evidence' is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." Lark v. Bi-Lo, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). Accordingly, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. Grant v. South Carolina Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995).

Additionally, in Superintendent, Massachusetts Corr. Inst., Walpole v. Hill, 472 U.S. 445,

Page 2.

105 S. Ct. 2768 (1985), the U.S. Supreme Court held that "the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." Moreover, in Al-Shabazz, the Court underscored that since prison officials are in the best position to decide inmate disciplinary matters, the Courts and therefore this tribunal adhere to a "hands off" approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA. Al-Shabazz at 757; See also Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) (stating the traditional "hands off" approach of South Carolina courts regarding internal prison discipline and policy).

DISCUSSION

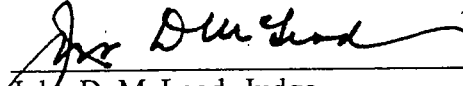
Inmate contends on appeal that the 388 days of credit for time served being applied to Indictment 12-GS-40-00680 should also apply to Indictment 13-GS-32-01526, in order to reduce the total amount of time of incarceration that must be served. However, the Department argues that the sentencing sheets indicate that the credit only applies to Indictment 13-GS-32-01526. Furthermore, the Department notes that the credit pertains to time that transpired before the offense date of Indictment 13-GS-32-01526.

S.C. Code Ann. § 24-13-40 states in part that "The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence." Furthermore, an inmate is not entitled to credit for detention that was served prior to the time he was charged with another offense. Crooks v. State, 326 S.C. 171, 175, 485 S.E.2d 374, 376 (1997).

Based upon the substantial evidence in the record, the Court finds that Inmate is being properly credited for time served. The sentencing order for indictment 12-GS-40-00680 clearly states that Inmate is to receive 388 days applied toward that particular sentence. Indictment 13-GS-32-01526 also clearly states that Inmate is to receive credit for time served commencing on February 2, 2013, which is the date of the offense and the date of the arrest.

Therefore, for the foregoing reasons the Decision appealed from is Affirmed and this appeal is hereby **DISMISSED, WITH PREJUDICE**.

November 21, 2014
Columbia, S.C.



John D. McLeod, Judge
S.C. Administrative Law Court

Page 3.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE
9/10/13
1090

Kevin Jerome Daniels, aka
INMATE NAME: Eric Williams
SCDC NUMBER: 247291
INSTITUTION: Kershaw
HOUSING UNIT: OB-16
WORK ASSIGNMENT: Dorm Worker

STEP 2
SEP 12 2013
RECEIVED
SEP 16 2013
KERSHAW CI
GRIEVANCE

Office Use Only
Grievance No. KACT-200
Code: General
Policy Disc/Heat
Class: ✓
Date Received 9/11/13
IGC Initials PK
GRIEVANCE

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): SCDC has improperly calculated my sentence release date on indictment no. 2012GS4000680. The 388 days of jail time I was given credit for by the court on that sentence was not properly applied to my sentence calculation by SCDC the 388 days of jail time credit should have been applied to the total amount of sentences I was serving when #2012GS4000680 was activated by SCDC so as to reduce the total amt. of time I'd be required to serve before max-out on those sentences since the 388 days jail time credits were awarded to a concurrent sentence and all my sentences I'm serving are understood to be served concurrent to each other. Please adjust my sentence accordingly.
#247291

[Signature]
Grievant Signature
9-11-13
Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have been reviewed. You have been given credit for all jail time credit due on your sentences. 2012GS4000680 sentenced on 9/13/12 clearly states you are to be given jail time credit in the amount of 388 days. 2013GS3201526 sentenced on 5/8/13 clearly states you are to be given jail time credit beginning 2/2/13. Furthermore, the jail time report from Lexington County shows you were detained on your probation violation 11GS32000794 beginning 2/2/13. While your sentences are concurrent, based on the jail time for each offense, your sentences do have different start and projected completion dates. All jail time has been correctly applied for each sentence.

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] 3-7-14
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] 3/25/14
Grievant Signature Date

[Signature] 3/25/14
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

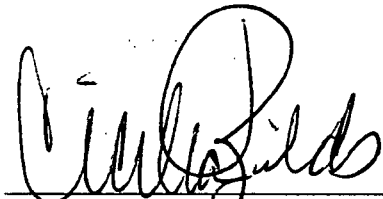
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WARDEN'S DECISION AND REASON:

Inmate Williams;

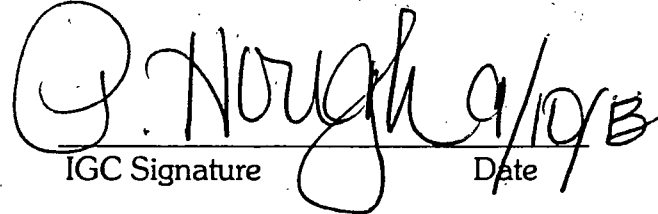
This is in response to KRCI-1090-13. All pertinent information and documentation has been reviewed. Nothing has been found to support your allegations that your jail time credit was not applied to your sentence. You were given jail time credit on offense number eleven for three hundred and eighty eight days. Your max out date of 6/26/2017 is correct. I see no error in your jail time credit.

Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.


Warden Signature 8-29-18
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 Date


IGC Signature 9/10/18
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.

3
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE
9/10/13
100013

Kevin Jerome Daniels, aka
INMATE NAME: Eric Williams
SCDC NUMBER: 247291
INSTITUTION: Kershaw
HOUSING UNIT: OB-16
WORK ASSIGNMENT: Dorm Worker

STEP 2
SEP 12 2013
RECEIVED
SEP 16 2013
INMATE GRIEVANCE
KERSHAW CI
GRIEVANCE

Office Use Only
Grievance No. KRCT 3000
Code: General
Policy Disc/Hear.
Class. ✓
Date Received 9/11/13
IGC Initials PK

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): SCDC has improperly calculated my sentence release date on indictment no. 2012GS4000680. The 388 days of jail time I was given credit for by the court on that sentence was not properly applied to my sentence calculation by SCDC the 388 days of jail time credit should have been applied to the total amount of sentences I was serving when #2012GS4000680 was activated by SCDC so as to reduce the total amt. of time I'd be required to serve before max-out on those sentences since the 388 days jail time credits were awarded to a concurrent sentence and all my sentence I'm serving are understood to be served concurrent to each other. Please adjust my sentence accordingly.

[Signature] #247291
Date 9-11-13

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have been reviewed. You have been given credit for all jail time credit due on your sentences. 2012GS4000680 sentenced on 9/13/12 clearly states you are to be given jail time credit in the amount of 388 days. 2013GS3201526 sentenced on 5/8/13 clearly states you are to be given jail time credit beginning 2/2/13. Furthermore, the jail time report from Lexington County shows you were detained on your probation violation 11GS32000794 beginning 2/2/13. While your sentences are concurrent, based on the jail time for each offense, your sentences do have different start and projected completion dates. All jail time has been correctly applied for each sentence.

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] 3-7-14
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.

Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Dear Appellant:

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
14C0365	247291	KEVIN	DANIELS	KRCI 1090-13	DOC	4/15/2014	4/24/2014	MCLEOD

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FILED

APR 24 2014

ADMIN. LAW COURT

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.

Clerk's Office
South Carolina Administrative Court
1205 Pendleton Street
Columbia, South Carolina 29201

1.

Kevin J. Daniels, SCDC#247291
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

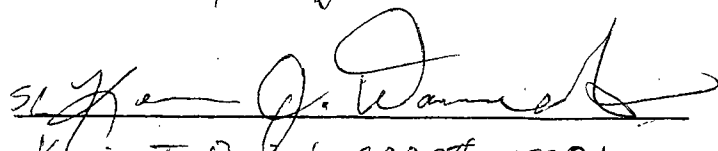
3/31/2014

Dear Sir/Madam:

Please find enclosed a notice of appeal and a copy of the grievance form from the S. C. Dept. of Corrections, (SCDC) that is the subject of this appeal.

Please file the enclosed and return a true and correct copy to me. I intend to use the documents as evidence in the trial of this matter. I make this request to be provided authenticated copies to use as evidence pursuant to Rule 901, SCAE.

Thank you for any time and attention you give this matter.
Sincerely,



Kevin J. Daniels, SCDC#247291
Appellant Pro se
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067
Date: 3-31-2014

COPY

FILED

APR 15 2014

ADMIN. LAW COURT

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STATE OF SOUTH CAROLINA
COUNTY OF Lexington
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS3200794

VS.
Kevin Jerome Daniels

AAW#: J034080

Date of Offense: 10/7/2010

S.C. Code §: 16-01-0057

CDR Code #: 2367

AKA: _____
Race: W Sex: M Age: 48
DOB: _____ SS#: _____

Address: _____
City, State, Zip: _____

DL# _____ SID# _____
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Enhancement / Property offense, 3rd or sub. conviction, enhancement to Felony B

In violation of § 16-01-0057 of the S.C. Code of Laws, bearing CDR Code # 2367

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: J. Mares 64191 [Signature] 12210
Solitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 15 days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

CONCURRENT or CONSECUTIVE to sentences on:
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RESTITUTION: Deferred Def. Waives Hearing Ordered

SPECIAL CONDITIONS:

PTUP

A TRUE COPY

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS

days/hours Public Service Employment
Lex. Co. C.C.C.P., G.S. & F.C.

Obtain GED

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: Enter if Successfully Complete
1 Year for Christ Prison I & II

Conditional Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge [Signature]

Judge Code: 2145

Sentence Date: 8 June 11

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-236 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def./Prb)	\$500	\$ <u>500.00</u>
§14-1-212 (Law Enbrce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$
TOTAL		\$ <u>600.00</u>

Clerk of Court/Deputy Clerk Beth A. Cauce

Court Reporter: Coconut Partners / Brenda Sigwalt

SCCA217 (08/2010)

TO BE RELEASED FROM LCDC IF NO ADMS
Page 9.

85/86/2013 13:48 803570025

3

CRIMINAL RECORD PAGE 82/

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

KEVIN JEROME DANIELS

AKA:
Race: BLACK Sex: M Age: 49
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2012GS4000680
A/W#: K689544
Date of Offense: 8/23/2011
S.C. Code §: 16-01-0057
CDR Code #: 2367

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Enhancement / Property offense, 3rd or sub. conviction, enhancement to Felony E
CONVICTED OF or PLEADS

in violation of § 16-01-0057 of the S.C. Code of Laws, bearing CDR Code # 2367
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waiver, Presentation to Grand Jury, Negotiated Settlement, Recommendation by the State.
The plea is: Without Negotiations or Recommendation

ATTEST: ABL, BRITTON 78660 Defendant
K. [Signature] Attorney for Defendant 100017 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 6 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 15,000 provided that upon the service of 15,000 day/months/years and/or payment
of \$ plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 300 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-63 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ 500.00 plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient: Wal-Mart

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2993 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(T) (Vehicle Assessment) \$40/va, Proviso 90.5 (SOCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

days/hours Public Service Employment:
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: credit
convert civil fine/judgment

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Jeanette McBride
Court Reporter Holms

Presiding Judge [Signature]
Judge Code: 2161
Sentence Date: 9-13-12

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Kevin J Daniels

AKA:

Race: Black Sex: M Age: 50

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS3201526

A/W#: 2013A4021600469

Date of Offense: 2/2/2013

S.C. Code § : 16-13-0110(A)

CDR Code #: 2877

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877. NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

ATLAS: Solicitor: 064208 SC Bar# Defendant: Attorney for Defendant: 66261 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 8 days/month/years or under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference. ATU

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. CREDIT TIME FROM FEB. 2, 2013

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL \$1300

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other: PAY COURT COSTS W/IN 180 DAYS OF RELEASE FROM ACTUAL INCARCERATION

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: William P. ... Judge Code: 2057 Sentence Date: MAY 8, 2013

Clerk of Court/ Deputy Clerk: Beth A. ... Court Reporter: Stacy Steppal

STATE OF SOUTH CAROLINA
County of LEXINGTON
STATE VS.

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 11-GS-32-794
Probation C/W#s: W-32-11-0276 +
W-32-13-0022

AKA: Kevin J. DANIELS
Race: B Sex: M
DOB: _____
SSN: _____
SID#: 313211

Name of Original Offense: PROP. OFFENSE, 3RD OR SUBSEQ
Original A/W#: J034080
Date of Original Offense: 10/7/10
Conviction S.C. Code §: 16-01-0057
Conviction CDR Code #: 2131617
Original Sentence: 10 YRS SS 3 YR PROBATION

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/4/11 in the Court of General Sessions of LEXINGTON County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 5/24/11. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court:
VACATE BENCH WARRANT, CTS ON W-32-13-0022 FROM 2/6/13
CTS ON W-32-11-0276 - 4 DAYS

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 0 months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 15 day of MARCH, 2013
LEXINGTON, SC

Shaward P. King
Presiding Judge
11th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____

Witnessed by [Signature]

Signed this _____ day of _____, at _____, SC.

A TRUE COPY
Tax. Co. C.C.U.H. C.S. & F.C.
SC

3.

JAIL TIME REPORT FOR SCDC TRANSFER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-85-01 FAX #: (803) 896-1217

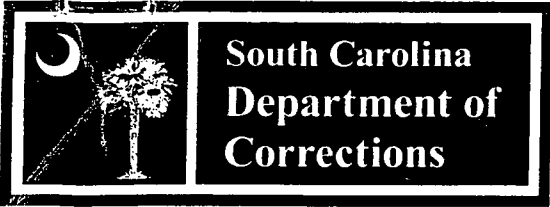
COUNTY SUBMITTING FORM: Lexington County Sheriff's Department

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing ...

Name: DANIELS, KEVIN JEROME		Date of Birth: 12/16/1962		
Social Security #: 249-21-2630		Race/Sex: B/M		
SID #:		FBI #: 805263W9		
Arrest Date	Charge	Warrant # (or)	Release Date	Reason for Release
		Indictment #		
02/02/2013	SHOPLIFTING/ENHANCEMENT	W # J034080 ✓ I # 11GS32000794	03/20/2013	Transferred to SCDC
02/02/13	Hold For Richland court	W # 201265466/A I # W #	3/20/13	ll k
		I # W #		
		I # W #		
		I # W #		
		I # W #		
9/14/2012	SHOPLIFTING ENHANCEMENT	W # J034080 I # 11GS32000794	9/18/2012	BONDED OUT
Approved By: SGT. TAYLOR		Date: 03-20-2013		

* Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

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NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

August 28, 2014

The Honorable John D. McLeod
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Kevin Daniels, #247291 vs. SCDC
Docket No. 14-ALJ-04-0365-AP

Dear Judge McLeod:

Find enclosed an original and one copy of the *Respondent's Return To Motion To Compel* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Kevin Daniels, #247291
File

6.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kevin Daniels, # 247291,)	Docket No.: 14-ALJ-04-0365-AP
)	
Appellant,)	
)	
v.)	RESPONDENT'S RETURN TO MOTION
)	TO COMPEL
South Carolina Department of Corrections,)	Honorable John D. McLeod
)	
Respondent.)	
_____)	

In response to appellant's motion to compel dated August 22, 2014, the South Carolina Department of Corrections (SCDC), by and through the undersigned attorney, responds as follows and requests appellant's motion be DENIED:

1. This matter comes before the Court by way of appellant's appeal from a final decision of SCDC upholding the calculation of appellant's pre-conviction jail time credit.
2. Appellant is in the custody of SCDC serving three concurrent sentences for shoplifting convictions:
 - a. A 388-day incarcerative sentence on indictment number 2012-GS-40-00680 pursuant to a sentencing order dated September 13, 2012;
 - b. A five-year incarcerative sentence on indictment number 2011-GS-32-00794 pursuant to a probation revocation order dated March 15, 2013;
 - c. And an eight-year incarcerative sentence on indictment number 2013-GS-32-01526 pursuant to a sentencing order dated May 8, 2013.
3. On July 22, 2013 the Court ordered SCDC to supplement the record on appeal with "a sentence calculation related to Appellant's term(s) of incarceration."

- 6.
4. In response to the Order to Supplement the Record on Appeal, on August 15, 2014, SCDC submitted a manual maxout date calculation worksheet on appellant's eight-year sentence. SCDC completed the calculation using the eight-year sentence because that sentence is longer, and ends later than appellant's other sentences. As a result, the eight-year sentence controls the duration of appellant's incarceration. Specifically, appellant is projected to complete his eight-year sentence on June 28, 2017, which compares to a projected completion date of November 28, 2015 on the five-year sentence and a completion date of April 22, 2012 on the 388-day sentence.
 5. On August 22, 2014, appellant filed a Motion to Compel requesting that SCDC be required to perform manual date verifications on his other sentences.
 6. SCDC has submitted a manual verification that the eight-year sentence that controls the duration of appellant's incarceration is correct. Completing an additional verification on appellant's sentences of lesser duration could not result in an earlier projected release date, but completing such a verification would require several hours of additional manual calculations by SCDC personnel.
 7. Therefore, because performing a manual date verification would impose a substantial burden on SCDC personnel without the possibility of having an impact on appellant's release date, appellant's motion to compel should be denied.

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WHEREFORE, respondent requests the Court DENY appellant's motion to compel.

Respectfully Submitted,

CHRISTOPHER FLORIAN
Deputy General Counsel

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS



Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

August 28, 2014
Columbia, South Carolina

MAXOUT DATE CALCULATION WORKSHEET

NAME: DANIELS, KEVIN J **SCDC #:** 247291

- 360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
- 365 DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)

Sentence Length: 8 YEARS (1) Sentence Length in Days: 2920 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 02/02/13 (3) Next Cycle Date: 09/02/14 (4)

Calendar Service Credit: (+) 577 (5)

Good Time Credit (Gross): 360 (6)

Good Time Forfeited: (-) 20 (7)

Good Time Days Lost: (-) 40 (8)

TOTAL GOOD TIME CREDIT EARNED: (+) 300 (9)

Earned Work Credit: (+) 107.141 (10)

Earned Education Credit: (+) NA (11)

Earned Extra Credit: (+) NA (12)

TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12) = (-) 984.141 (13)

Remaining to satisfy as of next cycle date (enter line 4): 09/02/14 (14) (=) 1935.859 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC
30.42(16) + 20 (17) + 7.2428571 (18) + NA(19) = 57.6628571 (20)

Divide Line 15 by Line 20 = 33 (21) .57202707 (22)
 (whole number) (remainder)

Enter next cycle date from line 14: 09/02/14 (23)

Complete cycles from line 21: (+) 33 (24)

Estimated final cycle: (=) 06/02/17 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23): 09/02/14 (26) Est. final cycle (from line 25): 06/02/17 (27)

Calendar Service Credit: (+) 1004 (28)

Good Time Credit: (+) 660 (29)

Earned Worked Credit: (+) 239.047 (30)

Earned Education Credit: (+) NA (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) 1903.047 (32)

Remaining to satisfy as of estimated final cycle : (=) 32.812 (33)

Daily accrual rate:

Service 1 (34)+EWC Daily Rate .2380952(35)+EEC Daily Rate NA(36) = 1.2380952 (37)

Divide days remaining to earn (line 33) by daily accrual (line 37) = 26.5020008 (38)

Enter estimated final cycle (line 27): 06/02/17 (39)

Add days from line 38: (+) 26 (40)

Calculate to month, day and year: 06/28/17 (41)

(Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE: (=) 06/28/17 (42)

STEPHANIE WILLIS
Employee Name

Stephanie Willis
Employee Signature

08/13/14
Date

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kevin Daniels, # 247291,)	Docket No.: 14-ALJ-04-0365-AP
)	
Appellant,)	RESPONDENT'S BRIEF
)	
v.)	Honorable John D. McLeod
)	
South Carolina Department of Corrections,)	
)	
Respondent.)	
_____)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Kevin Daniels (appellant), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on July 25, 2013, claiming his sentences was not being calculated properly. This grievance was denied when it was determined the sentences had been implemented correctly. Appellant filed a Step Two Grievance on September 12, 2013. The Step Two Grievance was also investigated and denied. Appellant received the final agency determination on March 7, 2014, and he filed his Notice of Appeal on March 31, 2014.

Because appellant's sentence has been properly implemented, the final determination of the Department should be affirmed.

JURISDICTION

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). In McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to Al-

Shabazz. That decision holds that the ALC's appellate jurisdiction in inmate appeals is limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in Sullivan v. SCDC, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, Appellant contends that SCDC has incorrectly calculated his sentence. Consequently, this case falls within the range of cases considered by this Court on appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Industry Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. Grant v. S.C. Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C., 332 S.C. 20, 503 S.E.2d 739 (1998).

ARGUMENT**APPELLANT'S SENTENCE HAS BEEN CORRECTLY
CALCULATED BY RESPONDENT**

In this appeal, appellant claims he should be receiving additional pre-conviction jail time credit on his current sentences. However, contrary to appellant's claims, his jail time credit has been correctly calculated.

On June 8, 2011, appellant plead guilty to third or subsequent property offense on indictment number 2011-GS-32-00794. He was sentenced to a term of ten years' incarceration, suspended upon the service of time served and three years' probation.

On September 13, 2012, appellant plead guilty to a separate charge of third or subsequent property offense on indictment number 2012-GS-40-00680. He was sentenced to six years' incarceration suspended upon service of 388 days' time served.

Subsequently, on February 2, 2013, appellant committed a shoplifting offense, and he was arrested the same day. On March 15, 2013, appellant's probation was revoked on indictment number 2011-GS-32-00794 and appellant was sentenced to five years' incarceration. Then, on May 8, 2013 appellant plead guilty to the shoplifting charge on indictment number 2013-GS-32-01526. He was sentenced to eight years' incarceration.

S.C. Code Ann. § 24-13-40 provides that with limited exceptions, inmates are entitled to credit for time served prior to trial and sentencing. However, an inmate is not entitled to credit for detention prior to the time he was charged with an offense. See Crooks v. State, 326 S.C. 171, 175, 485 S.E.2d 374, 376 (1997) (holding that an offender could not receive credit for detention before an offense was charged). If a written sentencing order directs that an inmate receive a specific amount of pre-conviction jail

time credit, then the written order is controlling. See Tant v. SCDC, Op. No. 27392 (S.C. Sup. Ct. filed May 28, 2014 (“We see no reason why the Department should not be able to rely on unambiguous sentencing sheets as indicative of the intended sentence.”) (petition for rehearing pending); Mention v. SCDC, unpublished S.C. Sup. Ct. Order filed October 20, 1999 (“In our opinion, the Department of Corrections’ authority to run the state’s prison system does not give it the power to change a sentence imposed by a trial court.”) (copy attached).

Appellant’s pre-conviction jail time has been calculated correctly. On indictment number 2012-GS-40-00680, the sentencing order directs that appellant should receive 388 days of pre-conviction credit, and he has received 388 days as ordered.

On indictment number 2013-GS-32-01526, the sentencing order states appellant should receive “credit for time from Feb. 2, 2013.” As noted in SCDC’s final agency decision appellant has received credit from February 2, 2013 on that sentence.¹

As to appellant’s probation revocation, the jail time report provided by the Lexington County Sheriff’s Department reflects that appellant was arrested on February 2, 2013 until his sentencing on March 15, 2013. Based on this documentation, appellant has been credited for pre-revocation credit from February 2, 2013.

Because SCDC has correctly determined appellant was not entitled to any pre-conviction jail time credit May 11, 2007 to May 30, 2008, the final agency decision should be affirmed.

¹ Appellant argues he should receive 388 days of credit toward his sentence on indictment number 2013-GS-32-01526 based upon the credit he received on indictment number 2012-GS-40-00680. Appellant’s argument is incorrect for two reasons. First, the sentencing order reflects only credit from February 2, 2013. Second, according to the

**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED
BY SUBSTANTIAL EVIDENCE**

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. See Porter v. Public Service Comm'n, 333 S.C. 12, 507 S.E.2d 328 (1998).

CONCLUSION

Based on the reasoning above, the Department of Corrections respectfully requests the final agency decision be affirmed.

Respectfully submitted,

CHRISTOPHER D. FLORIAN
Deputy General Counsel

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

BY: _____

Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

July 10, 2014
Columbia, South Carolina

sentencing order; appellant's offense occurred on February 2, 2013. Appellant cannot receive credit for detention prior to the date he committed the crime in question.


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate Kevin J. Daniels, #247291
Kershaw Correctional Institution

Columbia, South Carolina
June 5, 2014

RECEIVED
JUN 26 2015
SC Court of Appeals



Cheron M. Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

3

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

Handwritten initials 7-22-13
HARRADO

TO: NAME: <i>Engram</i> <i>A.W. Ms. Ingraham</i>	TITLE:	DATE: <i>7/2/13</i>
INMATE'S NAME: <i>Kevin J. Daniels a/k/a Eric Williams</i>	SCDC #: <i>247291</i>	JUL 03 2013
INSTITUTION: <i>Kershaw</i>	LIVING QUARTERS: <i>03-15</i>	

Dear Ms. Ingraham: 247291-2013-07-03-1

I'm writing you about my sentence computation. About 3 days ago I talked to Ms. York the casemngr. about my sentence computation in her office. I'm not satisfied with the answers she gave me about my sentence so, I'm appealing to you. Please correct my sentence computation. I'm serving 3 concurrent sentences. On my 6 yr. sentence I was given 388 days jail time credit. Those 388 days jailtime credits should be applied to my total sentence, however, due to the erroneous sentence construction by SCDC the 388 days jail time credit has been misapplied to my sentences and I've been indirectly denied the full credit to my sentences.

Please calculate and apply the 388 days jail time to my concurrent sentences to reduce the amount of time I must serve to max-out my sentences. The sentence for indictment no. 2012 GS 4000680 has never been activated by a court of competent jurisdiction, therefore SCDC has no authority to impose that sentence on me at this time. Please give this matter your immediate attention.

DISPOSITION BY STAFF MEMBER:
Ms. York has researched this issue and consulted with inmate record and sentencing has been correctly. I do understand from Ms. York that you have discussed this with Classification staff.

DATE: <i>7/9/13</i>	SIGNATURE: <i>Lisa R. Engr</i>
------------------------	-----------------------------------

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STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 26 2015

John D. McLeod, Administrative Law Judge SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Case No.: 2014-ALJ-D40365-AP

Appellate Case No.: 2014-002613

Kevin J. Daniels, SCDC#247291,

Appellant,

v.

South Carolina Department of
Corrections,

Respondent.

CERTIFICATE OF SERVICE

I, Kevin J. Daniels, appellant in the above captioned action certify that I have served a copy of the Record on Appeal on Daniel J. Crooks, III, Esquire by depositing a copy of it in the United States mail postage pre-paid on 6/22/2015, addressed to: Daniel J. Crooks, III, Esquire, Staff Attorney, South Carolina Department of Corrections, Post Office Box 21787, Columbia, South Carolina 29221-1787.

Respectfully submitted,

Kevin J. Daniels

Kevin J. Daniels, SCDC#247291
Appellant, pro se
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, S.C. 29067

Date 6/22/2015

Sworn to and subscribed
before me this 22nd day
of June, 2015.

Cathie A. Amara
NOTARY PUBLIC OF SOUTH CAROLINA

My commission expires December 22, 2018

Other Counsel of Record: Daniel J. Crooks, III, Esq., Staff Attorney
S.C. Dept. of Corrections, P.O. Box 21787
Columbia, S.C. 29221-1787.
Tel: 803 296 8556.

LEGAL