

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002114

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DEC 11 2015

SC Court of Appeals

William Ford, # 232122

Appellant,

v.

South Carolina Department
of Corrections

Defendant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. All that is included in the Initial Brief.
2. Exhibit 1
3. Exhibit 2
4. Exhibit 3
5. Exhibit 4

I certify that this designation contains no matter which is irrelevant to this appeal.

December 4, 2015

William Ford

William Ford, # 232122

Pro-Se. Appellant

Macdougall Correctional Institution
1516 Old Gilliant Rd.
Bridgeville, S.C. 29472



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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December 01, 2015

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SC Court of Appeals

William Ford, 232122
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville SC 29472

Re: William Ford v. SCDC (2)
Appellate Case No. 2015-002114

Dear Mr. Ford:

Upon reviewing your designation of matter, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The designation of matter must comply with Rule 209(b), SCACR. Specifically, you must state each item you wish to designate individually.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Christina Catoe Bigelow, Esquire

Exhibit (1)

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: William E. Ford
SCDC NUMBER: 232122
INSTITUTION: MacDougall
HOUSING UNIT: Magnolia 1 B20-A
WORK ASSIGNMENT: Dorm

10/13/14
E. Boyd

Office Use Only
Grievance No. MacC.I. 0106-14
Code: General _____
Policy _____
Disc. Hear. _____
Class. ✓
Date Received 10/13/14
IGC Initials EL

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I was given notice to report to classification on 10-8-2014. Ms. Boyd notified me that I would be having an ICC Transfer. When I ask her about it she said I had to talk to the State Coordinator for ICC Mr. Bellinger. I talk to Mr. Bellinger and he was unable or unwilling to tell me anything as to where, when, or why I was being transferred and accused me of "knowing what its about".

ACTION REQUESTED: I was not properly informed as to where, when, or why I was being transferred nor was I informed as to the cause of such transfer whether it is in retaliation of SCDC or a Federal Investigation. Thus I am requesting to know whats going on.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

On 10-9-2014 Ms. Boyd sent me to the Institution Classification Board and I further asked about my unanswered questions. We talked again with Mr. Bellinger and he still did not tell me why this is happening.

William E Ford 10-12-2014
Grievant Signature Date

ACTION TAKEN BY IGC:

Inmate Ford: I have reviewed your grievance and pertinent information. I have spoken with Ms. Boyd, Classification Case Manager, and was informed that this is an involuntary transfer (Interstate Corrections Compact) per the Division of Operations. SCDC's General Counsel and the US Attorney Office/SC.

Stephanie R... 10/16/14
IGC Signature Date

William E Ford 10-16-14
Grievant 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.

...

WARDEN'S DECISION AND REASON:

Inmate William Ford, #232122, Grievance MacD 106-14

I have reviewed your grievance and pertinent information.

You have been notified by State Classification that you are scheduled for an **INVOLUNTARY** transfer (Interstate Corrections Compact). I have spoken with Ms. Boyd, Classification Case Manager, and she told me that SCDC has been informed you are to be **involuntarily** transferred and that this transfer has been authorized by the Division of Operations, SCDC's General Counsel and the US Attorney (SC).

You were given notification of your appearance at the Classification Hearing and were informed by Mr. Bellinger of State Classification of the above. No additional information is available at this time. However, when SCDC is notified of when and where you are to be transferred you will be notified at that time in order that you can inform your family and make arrangements for any property that you cannot take with you to be mailed home.

Based on the above, I consider your grievance resolved. If you wish to appeal this decision, please see Ms. Ramey, Grievance Coordinator, to obtain a Step 2 form.

Edel T Tyler 10-16-14
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.

William Ford 10-17-14
Grievant Signature Date

Georgina Ramey 10-17-14
IGC Signature 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.

Exhibit (2)

pg. 14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: William Ford
SCDC NUMBER: 232122
INSTITUTION: MacDougall
HOUSING UNIT: Mag 1
WORK ASSIGNMENT: Dorm

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OCT 21 2014

INMATE GRIEVANCE

Office Use Only
Grievance No. 106-14
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 10/17/14
IGC Initials GC

10-28-14

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

SCDC Failed to properly inform me of transfer. Policy states a 48 hour notice be given, and a detailed memorandum stating the reasons for transfer, and counsel, none of this was ~~be~~ given to me per (OP-21.03 4.3 - 4.3.2) Because of this, I have fear, anxiety, depression, and I can't sleep. Transfer without due process implicates my state created liberties. Persons in step 1 failed to perform their duties i.e. protocol

William Ford 10-17-
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. This matter was explained to you by your Warden and an attorney in the General Counsel's Office. You have been informed that there will be no ICC transfer.

Therefore, I consider this matter resolved.

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] 12/10/14
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.

William Ford 12-17-14
Grievant Signature Date

[Signature] 12/17/14
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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- 3.6 Upon review and approval of the submitted application, the *ICC coordinator or designee* will determine if South Carolina has a contract with the requested state. If a contract has been signed and is valid, the *ICC coordinator or designee* will forward a completed copy of the inmate's Central and medical records to the requested state for review and approval/disapproval. The inmate will be advised of this action.
- 3.7 Upon notification of disposition (approval/disapproval) from the requested state, the *ICC coordinator or designee* will advise the inmate and, if the request has been approved, will make transportation arrangements with the receiving state.
- 3.8 If an inmate is approved for an interstate transfer and the requested state is not a member, the inmate will be advised in writing by the *ICC coordinator or designee*.
- 3.9 If an inmate is approved for an interstate transfer and the requested state is a member of the Compact by an agreement with South Carolina, but is not active, the *ICC coordinator or designee* will make a reasonable effort to implement such an agreement.
- 3.10 The receiving state will submit an initial classification summary to South Carolina within ninety (90) days of the receipt of the inmate and thereafter will submit a classification progress report semi-annually. The *ICC coordinator or designee* will review the reports, make any necessary changes in the Earned Work Credit section of the inmate's automated record, and submit reports for file in the inmate's central record.
- 3.11 Transfer under the provisions of the Interstate Corrections Compact will not affect the release or parole dates determined by the State of South Carolina, except as applicable to any normal earned work credit changes or disciplinary actions. Inmates who serve South Carolina sentences in other states may be awarded earned work credits and/or earned educational credits as determined by the Division Director of Classification and Inmate Records, based upon information furnished by the other state's corrections department.
- 3.12 Pursuant to procedures regarding Interstate Corrections Compact (ICC) transfers, inmates who transfer under the ICC do so at their own request and are not eligible for inmate pay from SCDC while at the receiving state. If the inmate is returned to SCDC for administrative reasons, s/he may be assigned to a job and receive inmate pay provided such is allowed by policies/procedures governing inmate pay.
- 3.13 An SCDC inmate that was transferred to another state as a result of an Interstate Corrections Compact transfer may request to be returned to the SCDC. The inmate must clearly state his/her reasons for requesting their return to the SCDC. If this request is approved, the inmate will be responsible for all expenses incurred in facilitating this request. Once returned to the SCDC, the inmate will be ineligible for future ICC transfers, under his incarceration or future incarcerations.
- 3.14 If any inmate is disapproved by the SCDC or the requested state, for an Interstate Corrections Compact, s/he may reapply six (6) months after the date of disapproval if all other requirements cited in Procedure 3.1, above, are met.

By: ~~See change March 1, 2006~~ ?

4: SOUTH CAROLINA AS SENDING STATE - INVOLUNTARY TRANSFER: When an inmate is to be involuntarily transferred from the SCDC to another state, the procedures below will be followed:

- 4.1 The Warden may request that an inmate be considered for an involuntary transfer to another state. This request would normally be based upon a need by the inmate for protection beyond that which is available within this state, or based upon the inmate's being a management problem in SCDC, or in the interest of rehabilitation (i.e., to provide an inmate a fresh start in another prison system). The inmate should not have any post-conviction relief hearings pending *or* *detainers*.
- 4.2 The Classification Caseworker will forward the request for the involuntary transfer to the *ICC coordinator or designee*.
- 4.3 The Classification Caseworker will serve written notice (SCDC Form 18-34, "48 Hour Notice") upon the

(See Reverse Side)

inmate at least 48 hours prior to the *ICC* hearing, advising the inmate that s/he:

4.3.1 is being considered for an involuntary transfer to another state prison system under the Interstate Corrections Compact (NOTE: A detailed memorandum outlining the reasons for the transfer will be included in the written notice *with a copy to the inmate*, and will also be read to the inmate at the hearing.);

4.3.2 may request a counsel substitute to investigate the reasons for the involuntary transfer and assist in his/her presentation at the hearing;

4.3.3 has the right to be present at this hearing and that a taped recording of the hearing and State Classification Committee deliberations will be maintained for six (6) years;

4.3.4 may offer witnesses on his/her behalf as to why s/he should or should not be granted such a transfer (NOTE: The *ICC coordinator or designee* may limit the number of witnesses and rule on issues of relevancy. Reasons will be documented as to why certain evidence or witnesses were not admitted into the record.);

4.3.5 may cross-examine witnesses offered against him/her, if any;

4.3.6 will have an opportunity to be heard; and

4.3.7 will be advised by memorandum of the State Classification Committee's findings.

4.4 The *ICC Coordinator or designee* will, within *three (3) working days* after the hearing, submit a report to the Division Director of Classification and Inmate Records recommending approval or denial of the interstate transfer. This report will be in memorandum format and will contain explicit reasons why such transfer should or should not take place. The inmate will be provided a copy of this report.

4.5 *If approved, the report will then be submitted to the Division Director of Classification and Compliance.* The Division Director of Classification and *Compliance* will either approve or disapprove the report and submit it to the *Division Director of Operations*, with an information copy to the *ICC coordinator or designee* and to the Warden.

4.6 Upon receipt, the *Division Director of Operations* will either approve or disapprove the recommendation. If the *Division Director of Operations* recommends approval, s/he will provide a copy of the memorandum and approval to the Division Director of Classification and Inmate Records and instruct him/her that the procedures of the Interstate Corrections Compact are to be utilized and to arrange a transfer as expeditiously as possible.

4.7 The inmate will be advised in writing via a memorandum by the *ICC Coordinator or designee* of the decision.

4.8 The inmate may appeal any request denial to the Director of the South Carolina Department of Corrections.

4.9 The receiving state will provide a Classification Progress Report (available from the Division of Classification and Inmate Records every six (6) months to SCDC. The progress report will include any changes in Earned Work Credits, custody, disciplinary history, and/or security status.

4.10 Inmates who transfer under the ICC on an involuntary basis are not eligible for inmate pay from SCDC while at the receiving state. If an inmate is returned to SCDC for administrative reasons, s/he may be assigned to a job and receive inmate pay provided such is allowed by policies/procedures governing inmate pay.

5. SOUTH CAROLINA AS RECEIVING STATE: When an inmate voluntarily requests to be transferred to the SCDC or is being recommended for involuntary transfer, the interstate transfer procedures below will be followed:

5.1 Inmate requests for interstate transfer or referrals for involuntary transfer will be forwarded to the *ICC coordinator or designee* from the appropriate correctional officials of the sending state.

(See Reverse Side)

RECEIVED

JUN 03 2015

Dear Mr. Crooks:

SCDC's General ~~COUNSEL~~ **GENERAL COUNSEL**

The Figure below is the out of pocket expenses that has accumulated since 10-8-14 until the present date. All that I want is the money that SCDC has cost me and my family and to be left alone for the remainder of my sentence. Upon the payment of \$476.22 * Four Hundred and Seventy six dollars and twenty two cent of this settlement I William Ford SCDC Number 232122 agrees to drop all pending litigation pertaining to an Involuntary ICC Transfer and Grievance Numbers 0106-14, • 106-14, 0127-14 and 127-14.

State of SC County of Beaufort
The foregoing instrument was acknowledged before me this 07 day of JUN, 2015
by WILLIAM FORD
LISA M. CROSS Notary Public
My Commission Expires Jan 16, 2024

LISA M. CROSS
Notary Public, State of South Carolina
My Commission Expires 1/16/2024

Sign: William Ford
Date: June 2nd 2015

William Ford # 232122
MacDougall Correctional Inst.
Magnolia 1 ASA
1516 Old Gilliard Rd
Ridgeville, SC 29472

→ Mrs. Ford — OFFICE OF GENERAL COUNSEL 06/04/2015

The Department declines your offer to settle. Also, you will note that you will still have the opportunity to appeal the Department's final decision on Grievance 0127-14. Also, a letter such as this one does not need to be notarized. That is not a proper use of Notary services.

D. Crooks

Willi [redacted]
M.C.I. Magnolia ASA
1516 Old Gilliard Rd
Ridgeville, S.C. 29472



RECEIVED
DEC 07 2015
MacDougall Corr. Inst.
Mailroom

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

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