

The State of South Carolina  
In The Court of Appeals

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JAN 26 2016  
SC Court of Appeals

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Appeal From Administrative Law Court

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Administrative Judge Deborah Brooks Dudder

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Case NO: 15-ALJ-04-0179-AP

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Billy Lee Lisenby JR, #200273 ..... Appellant

v.  
South Carolina Department of Corrections ..... Respondent

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Appellant's Initial Brief

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Dated: Jan. 20<sup>th</sup> 2016

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## I. Statutes

S.C. Code Ann. § 24-13-260 . . . . . 4

## Statement of The Issue(s) on Appeal

I. Did the Respondent's miscalculate Appellant's goodtime by not re-instating his 200 days goodtime after Deputy Director Padula told them to?

## Statement of Case

On 4-11-15 Deputy Director Padula did in fact order that the sanctions imposed were excessive amount for a second conviction of 903 Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, Including Prescription Drugs, or Inhalants (9.03), case #134 Feb. 11<sup>th</sup> 2013, and that the amount of goodtime taken be reduced to 30 days and all other sanctions imposed will be reduced to 180 days. Prior to Deputy Director Padula ordering this Appellant's max-out was Feb. 2018, and it moved to NOV. 2017, that is not 200 days.

## Argument

The Respondent violated Appellant's Rights by miscalculating his goodtime credits. On 2-11-13 Appellant was convicted of 903: The Trafficking and/or Use of Poss. of Narcotics, case #134. In this case Appellant loss 230 days goodtime. But on Appellant's Step 2 on 4-11-15 the amount of goodtime taken was reduced to 30 days and all other sanctions imposed were reduced to 180 days. Note on 4-11-14 Appellant's max-out was Feb. 25<sup>th</sup> 2018. On May 27<sup>th</sup> 2014 they allegedly re-instated his 200 days goodtime but his max-out only moved to Nov. 2017, when it should have moved to Aug. 2017. Appellant's classification worker MR. Tucker agreed and said he was going to look into this but never did. The only reason Appellant's max-out moved to June 2017 is because he got a job. No matter how you put it From Feb. 2018, to Nov. of 2017 is not 200 days.

Respondent's Brief at the ALC level states "instead of taking 230 days as the D.H.O stated on page 5 of the transcript, they took 260 days see page 6 of the Respondent's brief. So instead of owing him 200 days goodtime they owed him 230 days. They say they reinstated Appellant's 200 days. But there is no record of this. S.C.D.C is trying to confuse the courts. If I catch a million charges that has nothing to do with the 200 or 260 days they owe Appellant. They illegally took 230 days or 260 days that is owed to Appellant. So the day they were told to reinstate his goodtime 230 or 260 days was suppose to be deducted from his sentence not 99 days. Example IF I worked all week and I get paid \$300.00 a week but the day before I lose \$200.00 my boss still owes me that \$300.00 that has nothing to do with the \$200.00 I loss.

The Respondent's knowingly willing and intelligently violated Appellant by not re-instating his 200 days good time. Evermore Respondent's violated South Carolina's Code of Law title § 24-13-260 Failure of Officer having charge of convict to allow deduction in time of serving sentence, penalty;

"Any officer having charge of any such convict who shall refuse to allow such deduction in time of serving sentence shall be guilty of a misdemeanor and shall, upon conviction, suffer imprisonment for less than thirty days or pay a fine of not less than one hundred dollars."

Look on page 6 they state they took 260 days for offense #134. But they state on 4-29-14 offense #134 was reduced to 30 days lost good time, however it should be noted that the adjusted release date perfected on 4-29-14, resulting in the release date moving from 2-25-18 to 11-18-17 some 99 days. They are agreeing with what Appellant is arguing. Appellant was arguing that they owed him 200 days, but now based upon Respondent's records they were suppose to reinstate 230 days, but they only gave him 99 days, good time. No where in their records have they restored the 260 days or 200 days good time in full.

Based upon S.C.D.C records on page 6 they only gave him 99 days good time per their brief. But they allege they took 260 days. So now they owe 131 days good time.

### Conclusion

Wherefore, for all the reasons stated above, this Court should award Appellant his good time in full.

Dated: Jan. 20<sup>th</sup> 2016

Respectfully submitted,

Billy Lee Lisby

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Certificate of Compliance

The undersigned hereby certifies that this Initial Brief of Appellate Counsel  
with Rule 211(b), SCACR and the Supreme Court's order of August 17, 2015  
JAN 20 2016  
SC Court of Appeals

Dated: Jan. 20<sup>th</sup> 2016

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Certificate of Service

I hereby certify that I have served Respondent a copy of Appellant's Initial Brief by depositing a copy of same in the United States Mail, postage prepaid, Jan. 20<sup>th</sup>, 2016, addressed to the Respondent as follows:

Dated: Jan. 20<sup>th</sup>, 2016

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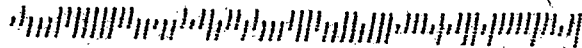
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