

State of South Carolina
Administrative Law Court

RECEIVED

FEB 10 2016

SC Court of Appeals

^{#100}
CHRISTOPHER HICKS 246896

Appellant,

Notice of Appeal

Docket No. 15-ALJ-04-2484AP

Grievance No. WRCI 214-15

vs.

South Carolina Department of Corrections

Notice is hereby given that CHRISTOPHER HICKS #100 246896 does hereby appeal the final Decision of the South Carolina Department of Corrections dated N/A and received on N/A a copy which is attached. A General Statement of the Grounds for Appeal is (see S.C. Code Ann. § 1-23-380(A)(6)):

The South Carolina Department of Corrections officers acting on behalf of the State of South Carolina failed to follow its own policy & procedure concerning disciplinary sanctions which created a liberty interest at stake that required Appellant the application of due process where he was not free to move about the Institution and participate in daily work educational, recreational, and rehabilitative programs due to his transfer from general population to EHU.

CHRISTOPHER HICKS #100 246896
Appellant's Name

610. Hwy 21 West #4B-204
mailing address

Bennettsville SC 29512
City, State, ZIP Code

Christopher Hicks
Signed

February 05, 2016
Dated

Certificate of Service

I hereby certify that I CHRISTOPHER HICKS #100 246896 on the 5th day of February, 2016 in Bennettsville (City), South Carolina, served a copy of the foregoing notice of appeal on all parties to this matter by depositing the same in the United States mail, postage paid on in the mailroom of the undersigned's institution and addressed as follows: Administrative Law Court Edgar A. Brown Building 1205 Pendleton Street Suite 224 Columbia SC 29201

South Carolina Dep't of Corr... General Counsel 444 Broad river Road Columbia SC 29221

South Carolina Court of Appeals (Clerk) Jenny Abbott Kitchens, Post Office Box 11629 Columbia, South Carolina 29221

Sincerely,

CHRISTOPHER HICKS #100 246896

Enclosures

C/o Administrative Law Court South Carolina Dep't of Corr., General South Carolina Court of Appeals (Clerk)

S. Ouellet

Subscribed and sworn to before me this 5th day of February, 2016 S. Ouellet (Notary Public of South Carolina) Commission Expires 2/24

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SC Court of Appeals

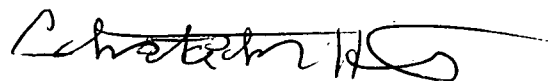
Dear Clerk

Please find enclosed

A notice of appeal in regards to Docket
No. 15-ALS-04-0484-AP Grievance No. WCRT0214-15.

which was received December the Eighth of 2015
12-08-2015. This order was handed down by

South Carolina Administrative Law Court Judge
Deborah Braks Darden, "Judge". Also I would
like to request all Discovery material in this
matter. Thank you.



P.S. These Documents are to meet the
requirements of the notice of appeal.

* Please Note The required filing fee has
not been enclosed due to the failure of
the Evans Corrections/ mailroom failure
to return the financial certificate showing
I have no funds to require payment. This
is a issue that mailroom controls. It was
submitted but not returned.

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

FEB 10 2016

Christopher Hicks, #246896,

Docket No. 15-AP-0001-PP
Grievance No. WRCI 0214-15

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

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 appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good time credits; Inmate made no claim for the loss of any other state created liberty or property interest; and, made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is no state-created liberty interest in the loss of opportunity to earn additional good time credits. Howard v. SCDC, 399 S.C. 618, 733 S.E.2d 211 (2012).

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here. Therefore,

IT IS ORDERED that this appeal is hereby **DISMISSED, WITH PREJUDICE.**

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

December 3, 2015
Columbia, South Carolina

FILED

DEC 03 2015

SC ADMIN. LAW COURT

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, or in the Emergency Mail Service addressed to the party(ies) or their attorney(s).

This 3rd day of December 2015

By: R. E. C.

Judicial Law Clerk

15/15

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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INMATE GRIEVANCE FORM

STEP 1

FEB 10 2016

INMATE NAME: CHRISTOPHER HICKS
 SCDC NUMBER: #00246896
 INSTITUTION: (FARM) WATFORD JUN 22 2015
 HOUSING UNIT: lock-up 2 RM
 WORK ASSIGNMENT: "2672"

SC Court of Appeals
 Grievance No. WCI 02 Appeals
 Code: General
 Policy
 Disc. Hear. 309 #3
 Class. HO 6/17/15
 PREA
 Date Received 6/23/15
 IGC Initials mm

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'm appealing the D.H.O. Decision based on the fact I was charged with a 902 CLASS II ESCAPE IN WHICH I WAS FOUND NOT GUILTY. The D.H.O. officer ms. Brown charged me with a "809" Threatening to inflict harm which is not a lesser included offense. I was not given notice of date for a new hearing. She stated on the record "She find me guilty of threatening to inflict" and that she could charge me with whatever she wanted and that officer Smith could charge me with whatever he wanted. This IS in violation of my due process right to defend myself of such "Charge." The hearing held was in regards to a "902" Charge. The purpose of C.R. 22.14 IS to provide "Guidelines" for the Administration and application of SCDC Disciplinary System to provide "Appropriate redress and adequate due process." I was placed in PHD on 06-03-15 due to a frequent allegations alleged against me and I was denied the process due to me in regards to "Appear before the Classification Committee at the Institution within even calendar days of placement in PHD. The incident report is fraudulent and violates SCDC Guidelines." A.P. 22.14 states at minimum incident report shall include reporting officers "full name" A sergeant Smith - A Captain Roberts, a major James, whom "shall all know the rules, Administration and application of SCDC Guidelines in which I all failed to obey and in that "Denied me Jim Christopher Hicks #246896 appropriate redress and adequate due process. Captain Roberts, and major James failed to investigate this incident document. I ask the hearing tape be reviewed. It Smith stated he didn't know who scratched out threatening to inflict and of who initiated DC on the report is concluded that numerous officers attempted to punish Jim Christopher Hicks #246896 by means of fraud, escape a "serious charge. Sgt. Roberts charged Jim with "802" without comment" therefore it is concluded that Jim is charged "due to Abuse of Authority acting in their own complicity" in which major James conspired and aided in emptying the report. It is unknown who wrote the incident report and it is my "educated guess" that Lt. Daniel Carraway issued me my charges, and attended my DHO hearing being the same officer who signed off on the charges "misconduct" last hearing with the above mentioned charges. It is clear that such violations of inmates entitled due process right is violated could be subject to this retaliation and Abuse of Authority. I request all charges, sanctions and due process be removed from its position and I be restored back to my job status and immediate release from the unconstitutional 06-17-2015 mm mm
 Grievant Signature Date
 I Smith own alleged incident report that he "threatened inmate Hicks which at hearings of D.H.O. The question satisfied to be answered.

ACTION REQUESTED: That DHO officer Brown be removed from position as a SCDC representative within her own complicity. And I also request that Director McCall be informed of the activity of superior officers who are acting in their own complicity violating inmates due process rights to redress adequately by SCDC guidelines. Also would like to request that the South Carolina state attorney general be made aware of the conduct that have been exposed to by officers of the state acting outside of guidelines of SCDC.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden's Response

Muscha Michel 6/26/15
 IGC Signature Date

JUL 17 2015

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

11/19/15

STEP 2

INMATE GRIEVANCE

INMATE NAME: Christopher Hicks
SCDC NUMBER: 246896
INSTITUTION: WRCT
HOUSING UNIT: RHU
WORK ASSIGNMENT: N/A

Office Use Only
Grievance No. WRCT-0214-15
Code: General _____
Policy _____
Disc. Hear. SCA #3
Class. HD 6/17/15
Date Received 7/13/15
IGC Initials vam

JUL 10 2015
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SC Court of Appeals

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I'm appealing the warden's decision because his decision promotes his officers to violate state and federal statutes, rules, and regulations in a manner that does not ensure inmates are afforded adequate "due process" protection. O.P. 22.14 → 9.6 States: Hearing officer determines that another offense of equal level is more appropriate, the inmate is with an additional 48 hour notice in order to prepare for new charge of "809" threatening to inflict harm on a staff member. The recorder will be responsible for the following: To ensure that SCDC form 19-69 will be served to inmate at least 48 hours prior to the hearing. There was not a detainer for charge of "809" case to be heard by hearing officer. See OP 22.14 → 12. Restrictions on personnel participating in the hearing. O.P. 22.14 → 2 States: Inmates may not be subjected to any form of coercion designed to persuade them to waive their rights to 48 hour notice. O.P. 22.14 → 1.3 States: employees who work with inmates will receive training regarding rules of inmates conduct. The rationale for the rules and sanctions available. The general provisions of 22.14 → 1.1 States: The rules will be enforced and ignorance of the rules will not be accepted as a defense for disciplinary offenses and for that reason I'm appealing the warden's decision.
22.14 → Policy statement reads: That the Administration and Christopher Hicks 07-07-2015
Implementation of the Inmate Disciplinary System will be completed. **Grievant Signature** **Date**
Compliance with all applicable state and federal statutes, rules and regulations.

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Threatening to Inflict Harm on an employee and/or Members of the Public (809), case #3, level 2 offense, on June 17, 2015, under SCDC Policy OP-22.14, Inmate Disciplinary system, dated February 2, 2015, and the sanction(s) imposed, which included the loss of 0- days accrued good time, were appropriate for the rules violation(s). 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. This charge was reduced from a level 1 offense of 902 Class II Escape to a level 2 offense.

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] 7/24/15
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)

WARDEN'S DECISION AND REASON:

Inmate Hicks:

This is in response to WRCI-0214-15. You have appealed the results of your 06/17/15 Disciplinary Hearing where you were found guilty on the charge of 809 Threatening to Inflict Harm, case #3. You were originally charged with a 903 Escape II but after a review of the hearing the DHO felt that your charge should be reduced to the 809 charge. 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. You were originally charged with a 903 Escape II but after a review of the hearing the DHO felt that your charge should be reduced to the 809 charge. 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:

D. Be... 6-26-15
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.

[Signature] 07-07-15
Grievant Signature Date

Michele Michel 7/7/15
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

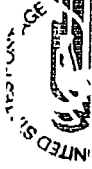
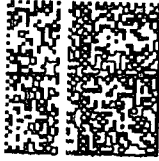
1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section 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.

CHRISTIAN MICHIECKIS 296096
610.464.1424
Bennettville SC 29512

- Inter-Agency -
MAIL

(Clerk)
The South Carolina Court of Appeals
Post office Box 11629
Columbia SC 29211

- LEGAL -



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FEB 10 2016

SC Court of Appeals

SCDC

JAN 11 2016

MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

EVANS CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

11-20-67