

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

MAY 05 2016

Case No: 16-ALJ-04-0022-AP

SC Court of Appeals

Grievance No: Lee C.I. 0544-15

Donald E. Griffin, Jr., #1785349,

Appellant,

- - VS - -

South Carolina Department

of Corrections,

Respondent.

NOTICE OF APPEAL

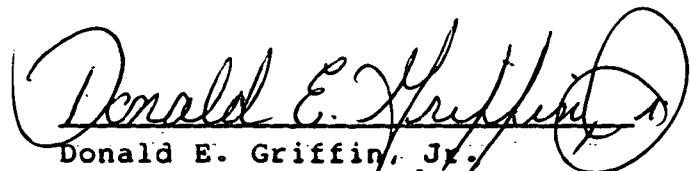
Donald E. Griffin, Jr., #175349, appeals from a decision of the Honorable S. Phillip Lenski, dated April 4, 2016. Appellant received a copy of this Order on April 7, 2016.

OTHER COUNSEL OF RECORD

Office of General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC. 29221-1787

COUNSEL FOR RESPONDENT

Date: 5-3-16



Donald E. Griffin, Jr.
SCDC No: 175349
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina

29010

APPELLANT, pro se

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No: 16-ALJ-04-0022-AP

Grievance No: Lee C.I. 0544-15

RECEIVED

MAY 05 2016

SC Court of Appeals

Donald E. Griffin, Jr., #1785349,

Appellant,

- - VS - -

South Carolina Department

of Corrections,

Respondent.

C E R T I F I C A T E O F S E R V I C E

I, Donald E. griffin, Jr., #175349, the appellant in the above captioned matter; hereby declares under the penalty of perjury, that on this date, I have served a copy of the NOTICE OF APPEAL, upon the Respondent, by placing a copy of same, in prison mailroom officials hands, for depositing in the U.S. Mail, requesting first class postage affixed, and addressed as indicated below:

Office of General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC. 29221-1787

DATE: 5-3-16

Donald E. Griffin, Jr.

Donald E. Griffin, Jr., 175349
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina

29010

APPELLANT

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge
Case No: 16-ALJ-04-0022-AP
Grievance No: Lee C.I. 0544-15

RECEIVED
MAY 05 2016
SC Court of Appeals

DONALD E. GRIFFIN, JR., 175349,

Appellant,

- - VS - -

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS,

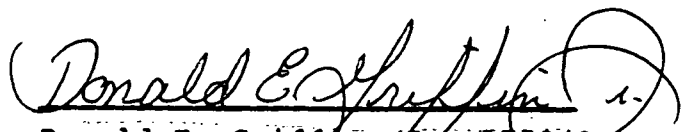
Respondent.

C E R T I F I C A T E O F S E R V I C E

I, Donald E. Griffin, Jr., #175349, the appellant in the above captioned matter; hereby declares under the penalty of perjury, that on this date, I have served a copy of the NOTICE OF APPEAL, upon the lower court, by placing a copy of same, in prison mailroom officials hands, for depositing in the U.S. Mail, requesting first class postage affixed, and addressed as indicated below:

Office of the Clerk
Administrative Law Court
Edgar A. Brown Bld, Ste. 224
1205 Pendleton St.
Columbia, SC. 29201

Date: 5-3-16


Donald E. Griffin, Jr. 175349
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, SC. 29010

APPELLANT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Due 8/19/15

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>DONALD E. GRIFFIN, JR.</u>	OFFICE USE ONLY
SCDC NUMBER: <u>175349</u>	Grievance No. <u>Lee CT 0544-15</u>
INSTITUTION: <u>LEE CORRECTIONAL INSTITUTION</u>	Code: General <u>pr/ps</u>
HOUSING UNIT: <u>F-1-A Unit, # 1158</u>	Policy _____
WORK ASSIGNMENT: <u>PRISON INDUSTRIES</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>7/2/15</u>
	IGC Initials <u>GC/HR</u>

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.)

When I returned from my institutional work assignment (prison industries - East) I found my assigned room unsecured and my television, power cord, surge protector, and canteen purchased antenna was missing. I informed the officer on duty, and she said she would inform the Unit Lieutenant. No investigation into this matter was ever conducted by prison officials.

This incident occurred during the summer of 2013, while Lt. Kirkland was assigned as Unit Supervisor of the F-1 Unit (Kershaw), I was assigned to room no: 2145. It was evident my room was broken into by someone having a homemade key, or the officer on duty left my room unsecured while tending to some other matter.

Several times during the following weeks I tried to speak with Lt. Kirkland about this; however, I was put off or she was not in the Unit.

NOTE: for additional details please refer to the attached (RTSM).

ALSO ATTACHED: Proof of Purchase, SCDC 20-18) form
 Receipt of Purchase, (#402239) dated 2/14/08
 Television Stand Approval, dated 2/12/10
 Television Purchase Agreement, dated 11/14/07

ADDITIONALLY: My inmate account will reflect the \$15.00 deposit still in effect.

Donald E. Griffin, Jr.
 Grievant Signature Date

JUNE 29, 2015

ACTION REQUESTED: The agency has a duty to ensure a prisoner's assigned room is secure. This did not happen. Grievant request the agency replace his television, power cord, surge protector, and canteen purchased antenna.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

K. Swain 8/6/15
 IGC Signature Date

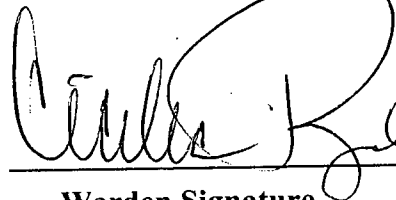
(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Griffin:

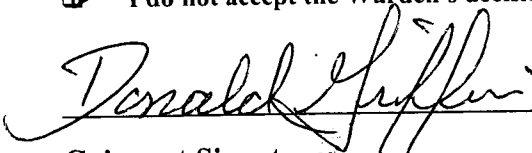
This is in response to LEECI-0544-15. All pertinent information and documentation has been reviewed. Although agency records show that you had a TV on 4/20/11, your inventory sheet dated 10/23/14 which had your signature did not show a TV listed. Per your grievance statement, your room was broken into and your TV was stolen in 2013 while Lt. Kirkland was Unit Lieutenant. You stated you informed the officer on duty, but you gave no name. Lt. Durant was contacted but he could not substantiate this incident. Lt. Kirkland is no longer with SCDC. Personal property is not the responsibility of SCDC unless it is in our control. Reimbursement for personal property will only be given if the item(s) were deliberately lost or damaged by SCDC staff while in SCDC control. Nothing has been found to support your allegations that staff are responsible for the loss of any of your property.


Based on this information, I cannot grant any action on this issue. If not satisfied with my response, see Step 5 below.


Warden Signature 8-7-15
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 8/12/15
Date


IGC Signature 8/12/15
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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

AUG 20 2015

STEP 2

INMATE NAME: Donald Guffe
SCDC NUMBER: 175349
INSTITUTION: Lee CT
HOUSING UNIT: F-1-A, Room No: 1158 **AUG 17 2015**
WORK ASSIGNMENT: Prison Industries - East

Office Use Only
INMATE GRIEVANCE
Grievance No. Sec 27-0544-15
Code: General policy
Policy _____
Disc. Hear. _____
Class. _____
Date Received 8/18/15
IGC Initials CGH

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

GRIEVANT REINSTATES HIS GRIEVANCE AS IF STATED HERETO VERBATIM

In addition, grievant asserts the agency (SCDC) has a duty to ensure a prisoner's assigned room is secured (locked - and - prohibit anyone unauthorized from entering the room). This did not happen. Grievant did inform the officer on duty, as well as, the Unit's Lieutenant to this matter. The agency took no action to locate grievant's stolen property.

Donald E. Guffe
Grievant Signature 8/17/15 Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your complaint. You stated that your property was stolen in the summer of 2013. There is no credible evidence of negligence on the part of an SCDC employee in the alleged loss of your property. Personal property is not the responsibility of SCDC unless it is in our control.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. 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.

Wayne Corbett 11-23-15
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.

Donald Guffe 12/22/15
Grievant Signature Date

K. [Signature] 12/22/15
IGC Signature Date

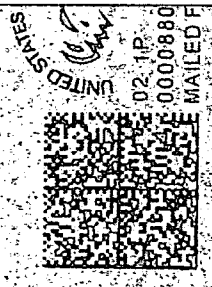
(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

EXAMPLE: I was denied my right to a fair hearing because the hearing officer was biased and did not allow me to present my case. I was also denied the right to a fair hearing because the hearing officer was biased and did not allow me to present my case.

Donald E. Geiffen, Jr. # 175349
LE
F-1
990 Wisacky Hwy
Bishopville SC. 29010



RECEIVED

MAY 05 2016

SC Court of Appeals

South Carolina Court of Appeals
Office of the Clerk
P.O. Box 11629
Columbia SC. 29211