

LEGAL MAIL

STATE OF South Carolina
In The Supreme Court

Appeal From The Administrative Law Court **RECEIVED**

Deborah Brooks Darden-Administrative Law Judge
ALC Case No. 13-ALJ 04-0765-AP

APR 07 2016
SC Court of Appeals

Opinion No. 2015-UP-505 (S.C. Ct. App. Filed 11-4-15)
Appellate Case No. 2016-00430

Charles Ray Carter 246054

v

Petitioner

South Carolina Department of Corrections

Respondent

Reply To Respondent's Return To Petition For writ of Certiorari

Charles Ray Carter 246054
PROSE Petitioner
P.O. Box 2039
Ridgeland SC 29936

LEGAL MAIL

Index

Issues Presented ————— page 1
 Statement of the Case — page 1
 Standard of Review ————— page 1
 Argument ————— page 2-3-4
 Conclusion ————— Page 4-5

Exhibits 1 Thru 13

ARREST Warrant Exhibit # 1
 Indictment ————— # 2
 Verdict Form ————— # 3
 Pronouncement of sentence
 Page 261 of Trial Record — # 4
 Original Sentencing sheet - Code 102 — # 5
 Modified Sentencing sheet - code 114
 3rd offense — # 6
 General Session Doctored Report — # 7
 Release Date screen ————— # 8
 Letter to Clerk of Court — # 9
 Reply From Clerk ————— # 10
 Affidavit of Michael Stobbe — # 11
 Commitment Text ————— # 12
 Step One Grievance ————— # 13
 Copy of envelope showing date
 Received
 PROOF OF Service

Issues Presented

1. The Court of Appeals Errored By Affirming The decision of The Administrative Law Court rejecting Petitioner's challenge to Unlawful modification of His December 1997 Sentence where His Sentence was properly entered into SCAC's system pursuant to His original Sentencing Sheet under Code 102-30 years - PWID But was modified by Manipulation and Expansive Contact by SCAC prison officials with York County Sheriff Dept - Clerk of Court and Solicitors Office to Code 114 and Added The words 3rd offense to His Sentencing Sheet in 1998 according to its own admitting in a sworn Affidavit by Records Clerk Michael Stobbe and A Commitment Text as in Exhibit # 12

2. SCAC Violated The Separation of powers act and manipulated The 5th Amendment Grand Jury Indictment process when it entered Code 114 into its system in 1998 which Created a Different Drug statute of 3585 - Manu-Dist-Ect completely different from The Body and statute in The original Indictment That Petitioner was convicted under even though The indictment itself GS-9746-1609 was never even Filed with The Clerk of Courts office prior to Trial.

→ Statement of The Case - Adopts and incorporate The Same Statement of Case as Respondent's Brief states

→ Standard of Review - Adopts and incorporate The same standard of Review stated by Respondent's Brief

Argument

The Court of Appeals Errored By Affirming The Administrative Law Courts Decision Rejecting The Petitioners Challenge To The Unlawful Modification Of His December 1997 Sentence and Indictment

On 4-1-97 Petitioner was Arrested For PWID Crack in York County See Arrest Warrant - E455557 - Code 0102 - Exhibit # one. Petitioner was subsequently Indicted By A York County Grand Jury On May 22-97 under The Code on The Face of The Indictment of SC Code - 44-53-375-COR code 112. See Exhibit # Two - For Face of The Indictment. On 12-10-97 The Honorable John C Hayes III Sentenced Petitioner To 30 years For PWID Crack - See Exhibit # 3 - Verdict Form - and Exhibit # 4 - Page 261 of Transcript For Pronouncement of sentence of 30 years For Exact Quote By The Court. Contrary To Respondent's assertion That Petitioner Was Sentenced For under Code 114 For Drugs - Manufacture, distribution - ETC which is False - Please See Back of Indictment of Exhibit # 2 For Correct and proper Drug Statute, and The Front of The Indictment For The Correct Code of 112-44-53-375. Respondent Goes on To state in its Return That The Clerk of Court wrote in The incorrect COR Code, However, This Sentencing Sheet was Filled out and sign By Judge Hayes and SCDC properly entered This sentence according to The original Sentencing Sheet. See Exhibit # 5 - original sentencing sheet and Exhibit # 6 - Modified Sentencing Sheet That according to Michael Stobbes affidavit was Faxed to Him By The York County Clerk of Court. What was MR Stobbes doing in Touch with The Clerk of Court. Pursuant to *Tand vs SCDC*, The Sentencing Sheet was what SCDC is held To. Pursuant to *Hill vs US - Ex Rel - Wampler* - No Clerk can add anything to a Sentencing Sheet. anything Added to a Sentencing Sheet other By Than anyone But a Judge is Void. See Exhibit # 11 - Stobbes Affidavit Admitting That He Modified Petitioner's sentence From 102 To 114. Also See Exhibit # 12 - Commitment Text showing That Sentence was modified By Ex parte Contact - Well after The Term of Court Had Expired - almost a year outside The Records

Respondent Furtherly States That upon petitioners entry into SCDC that his sentence was entered under the incorrect CAR Code even though it was the Code that his sentencing sheet reflected. Pursuant to TANT US SCDC-when even the prison officials realize that they have erroneously recorded a sentence, it must afford the prisoner due process

which requires-A Notice, A Hearing and Meaningful Judicial Review as well as The Right To Be Heard By a grievance system. However, in this case, petitioner was never afforded his rights to due process. His sentence was modified without him being aware and increased the amount of time that he must serve by 10 years. See Exhibit #8-Release Date screen showing parole date of 1-5-04-Maxout Date of-10-7-2013. See Exhibit #5-original Sentencing sheet Code 102 and Exhibit #6 modified Sentencing sheet Code 114. In response to Respondent's stating that petitioner took the initiative to write to the Clerk of Court about a detainer and on October 13-1998 the the inmates Records office received a letter in reply from Deputy Clerk Peggy Carroll which is Exhibit #10- However, in petitioners letter to the clerk which is Exhibit #9- No where in his letter is any mentioning of 3rd offense, therefore, this was a false and misleading reply by the alleged Deputy Clerk. Furtherly-petitioner also informs the court that Peggy Carroll was not a Deputy Clerk but did work at the Sheriff Department and the Court House but was also the mother of the ARRESTING Narcotic officer- named Kelly Carroll Lovelace. There fore petitioner is now under a different indictment drug statute completely different from the statute and CAR Code in his original indictment. Even though SCDC cannot produce an indictment to show this statute, it has actuality-A re-indicting of petitioner without due process.

Furtherly - In Bennett The SC Supreme Court Ruled That The Statute and Code on The Sentencing sheet will Dictate a sentence which is why SCDC went out of its way and of The Record To Modify Petitioners sentence without Him Being aware.

Conclusion

ALL The Evidence and Exhibits Clearly Shows That SCDC Clearly Modified Petitioners sentence without affording Him Due process pursuant To TANT VS SCDC and Hill VS US. Ex Rel Wampler- 298-US-460 The Arrest warrant Clearly Shows That Petitioner was charged under Code 102 which is Exhibit No 1. Exhibit # 2 which is The Indictment displays COR code 112-44-53-375 and The Back of The Indictment which is The Statute That Petitioner was convicted and sentenced under Has Been Taken away From Him and placed Him under a new statute That was not even created until around June 1998 and Also a violation of The Ex post Facto Clause By increasing The amount of Time That Petitioner must serve by 10 more years. Exhibit # 3 which is The Verdict Form Reveals That Petitioner was convicted For PWID. Exhibit # 4 which is Page 261 Line 6-7 of The Trial Record Shows The Exact pronouncement of The sentence. Exhibit # 5 The original sentencing sheet Filled out and signed By Judge Hayes clearly shows The sentence To be 30 years For PWID-Code 102. Exhibit # 6 is The Modified sentencing sheet showing That The 102 is scratched out with 114 written under The 102 and The words 3rd offense Having Been Added. Exhibit # 7 is The General session Docket ^{and up} Report - Line 7 showing Code 102 and Line 14 showing 30yr sentence. Exhibit # 8 is The Release Date screen That Petitioner Received upon His initial Classification Review Shows His original max out date To be 10-7-2013 and parole date of 1-5-04. All This was Taken away From petitioner without Him Being aware. Exhibit # 9 is The letter That Petitioner wrote To The Clerk of Court, But There is no mentioning of any 3rd offense as Exhibit # 10 states which is The Reply From The clerk By Peggy Carroll. At The Bottom of This Reply Letter it is also Admitted in writing That per statute - The sentence was modified To 114 on Oct-26-1998.

LEGAL MAIL

EXHIBIT # 11 is a sworn AFFIDAVIT By SCDC Records Clerk Michael STORBE Admitting That He Modified Petitioners Sentence From 102 To 114 claiming That He Received a Faxed Copy of The Sentencing Sheet From The Clerk of Court, Dated May 21-1998.

EXHIBIT # 12 is a Commitment Text Showing That A Copy of a Sentencing Sheet Showing Code 114 Verified By Sally in The Solicitors Office, Which Verifies That There was Exparte Contact well outside The Record and That The Code was Modified From 102 To 114 Per M. STORBE. EXHIBIT # 13 is a Copy of Petitioners Step 1 Grievance. The Wardens Response on Back of The Grievance Clearly Reveals That Petitioners Sentence was Modified From 102 To 114 per a Sentencing sheet Received From The York County Clerk of Court. In US. VS Hill 298 US 460-Holding That any provision for imprisonment which is inserted by a clerk But not included in The Sentence pronounced By The Judge is Void. Therefore The Modified Sentencing Sheet That was Faxed To SCDC on May 21-1998 with The Code 114 and words 3rd offense Being Added should Be Void Because it was not in The original Sentencing Sheet. SCDC Admits That There is no Ambiguity in The Sentencing Sheet which Restricts SCDC To The original Sentencing Sheet pursuant To TANT VS SCDC. Petitioner Had His mind and Heart Set on Going up For parole on 1-5-04 in The alternative maxing out His Sentence on 10-7-2013. However SCDC Took This all away From Him without Him knowing and without affording Him Due Process of Law for a State Created protected Liberty Interest. Therefor Petitioner pray That This Honorable Court Grant This Petition For Writ of Certiorari AS Far as The Timeliness of This process. The Grievance was Filed well Before petitioners initial maxout date of 10-7-2013. There is no statute on policy That constitutes a prisoner to stay in prison past His release Date.

Charles Ray Carter
2460SP
P.O. Box 2039
Ridgeland SC 29936

ARREST WARRANT

E-455557

#1 ONE

379

THE STATE

against

CHARLES RAY CARTER

441 GIVENS ROAD

ROCK HILL, S. C. 29732

Phone: 327-5438

SSN: 248-98-2577

Sex: M Race: B Height: 71" Weight: 245

Date: 12-03-55

Agency ORI #: 0460000

Prosecuting Agency: YCSO

Prosecuting Officer: WILLIAMS, G. P.

Offense: POSSESSION OF CRACK WITH INTENT TO DISTRIBUTE-4TH

Code/Ordinance Sec. 44-53-375(B)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge (L.S.)

Signature of Constable/Law Enforcement Officer

RETURN

A copy of this arrest warrant was delivered to

defendant CHARLES RAY CARTER

on 4-1-57

Signature of Issuing Judge

TICKET # 30773

STATE OF SOUTH CAROLINA

County/ Municipality of

Personally appeared before me the affiant

G. P. WILLIAMS

CHARLES RAY CARTER

violates the criminal laws of the

04-01-97

State of South Carolina (or ordinance of

DESCRIPTION OF OFFENSE:

SECTION 44-53-375(B)

POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE-4TH OFF.

cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

ON 04-01-97 OFFICERS WITH THE YORK COUNTY SHERIFF'S OFFICE WERE CONDUCTING AN

INVESTIGATION ON I-77 IN FORT WILK, S. C. DURING THIS STOP, THE

DEPARTMENT STOPPED A 1982 CADILLAC FOR IMPROPER TAG. DURING THIS STOP, THE

DEFENDANT (CHARLES RAY CARTER) WAS FOUND TO BE IN POSSESSION OF NUMEROUS ROCKS OF CRACK

COCAINE, THIS BEING CONSISTENT WITH THE DISTRIBUTION OF CRACK COCAINE. A CHECK

OF CARTER'S CRIMINAL HISTORY SHOWED THAT HE HAS THREE PREVIOUS DRUG CONVICTIONS

AGAINST THE PEACE AND DIGNITY OF THIS STATE AND THE LAWS SO MADE AND PROVIDED.

THE QUANTITY OF CRACK WAS MORE THAN ONE GRAM.

Sworn to and subscribed before me

04-01-97

Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA

County/ Municipality of

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 04-01-97 defendant CHARLES RAY CARTER

did violate the criminal laws of the State of South Carolina (or ordinance of

SECTION 44-53-375 (B)

POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before

me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the

defendant at the time of its execution or as soon thereafter as is practicable.

Judge's Address 1675 YORK HWY. YORK, S. C. 29745

Judge's Telephone 628-3095

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

AFFIDAVIT

Handwritten signature/initials

S.C. Attorney Gen. 147 28, 1990 SCA 618

01022

FILED-RECEIVED PAGE BOOK

APR 4 10 28 AM '97

DAVID HAMILTON C.P.M. O.C.P. CITY SC YORK COUNTY SC

WITNESSES

YCSD / WILLIAMS

S/ Kirkland

.mac

ARREST WARRANT NO E-45557

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

Date:

Shane Nichols 052297

VERDICT

Guilty

GL Hanks
Foreman of Petit Jury

12/10/97
Date:

Exhibit # 2
DOCKET NO. # 97-GS-46-1609

The State of South Carolina

COUNTY OF YORK

COURT OF GENERAL SESSIONS

MAY 22ND, TERM 1997

THE STATE

vs.

CHARLES RAY CARTER

Indictment for
UNLAWFUL DRUGS

POSSESSION OF CRACK COCAINE
WITH INTENT TO DISTRIBUTE

SC CODE 44-53-375
CDR Code 0112

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Charles Ray Carter

hereby appear in my own proper person and plead guilty to the within indictment or to

Possession of Crack, 3rd⁺

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

GERTIFIED TRUE COPY
Donna Harbough
JAN 19 12 19 PM '97
Deputy Clerk
YORK COUNTY S.C.

INDICTMENT

At a Court of General Sessions, convened on May 22nd, 1997, the Grand Jury of York County present upon their oath:

POSSESSION OF CRACK COCAINE
WITH INTENT TO DISTRIBUTE

That Charles Ray Carter did in York County on or about April 1, 1997, possess with intent to distribute a quantity of Crack Cocaine, a controlled substance under provisions of Section 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such Possession with Intent to Distribute not having been authorized by law, all in violation of Section 44-53-375, Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Julia D. Nemms
ASSISTANT SOLICITOR

Exhibit #3

CERTIFIED TRUE COPY
STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF GENERAL SESSIONS
VERDICT FORM

Donna Yorkland
JAN 19 2 19 PM '98
Duty Clerk
DAVID HAMILTON
C.C.P. & C.S.
YORK COUNTY, SC

STATE OF SOUTH CAROLINA
V.
Charles Ray Carter
DEFENDANT.
POSSESSION OF CRACK COCAINE WITH
INTENT TO DISTRIBUTE
97-GS-46-1609

X We find the Defendant Guilty of Possession of Crack Cocaine With Intent to Distribute.

_____ We find the Defendant Guilty of the Lesser Included Offense of Possession of Crack Cocaine.

_____ We find the Defendant Not Guilty.

David Hamilton
Foreperson

December 10, 1997

THE COURT: MR. CARTER, IS THERE ANYTHING YOU WANT TO SAY?

MR. CARTER: I JUST ASK FOR LENIENCY. I JUST HOPE I'LL SEE MY MAMA ALIVE AGAIN; SHE'S A VERY SICK LADY.

THE COURT: WELL, I REGRET THAT, BUT YOU'VE GOT A REAL HEAVY RECORD. THE SENTENCE OF THE COURT IS FOR THIRTY YEARS IMPRISONMENT.

NOW, I TOLD YOU EARLIER THAT I WOULD TELL YOU ABOUT APPEAL. YOU HAVE 10 DAYS, IF YOU WISH, FROM TODAY'S DATE TO FILE WHAT'S CALLED A NOTICE OF INTENT TO APPEAL. BUT YOU HAVE TO FILE IT WITHIN 10 DAYS OR YOU LOSE YOUR RIGHT TO APPEAL.

MR. CARTER: WHERE WOULD I OBTAIN THE MATERIAL TO DO THAT.

THE COURT: WELL, THERE'S NO FORM OTHER THAN WHAT'S IN THE RULE BOOK. I'LL HAVE MY LAW CLERK RUN YOU A COPY OF THE NOTICE OF APPEAL -- WHAT I'LL DO, THERE'S AN APPENDIX OF FORMS TO RULES OF COURT, AND I WILL HAVE XEROXED FOR YOU ALL OF THESE FORMS, HAVE THEM COPIED, EVERY ONE OF THEM. SOME DON'T APPLY -- WELL, I WILL UP THROUGH FORM 12 BECAUSE THEN YOU GET INTO BRIEFS. YES, UP THROUGH FORM 12 I WILL HAVE MY LAW CLERK MAKE YOU COPIES. IT SHOULD BE ADDRESSES -- I CAN'T VERIFY IT BECAUSE I HAVEN'T GONE OVER THEM, BUT THERE WILL BE FORMS THAT YOU CAN USE THAT SHOULD HAVE THE ADDRESSES THAT YOU WOULD WANT.

EXHIBIT # 4 Indigent 261

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNTY OF YORK

CERTIFIED TRUE COPY

CASE NO: 97 GS-46-1609

THE STATE VS

Donna Harbrough, Deputy Clerk
JAN 19 2 19 PM '98
DAVIS HAMILTON
C.C.O.P. 3.5
YORK COUNTY, SC

WARRANT NO: E 455557

CHARGE: #0102 Poss Crack Cocaine w/P

Charles Ray Carter

The sentence of the Court is that Charles Ray Carter, the defendant named in this indictment be confined to the State Board of Corrections/York County Detention Center for a term of Thirty (30) YEARS (AND) (OR) pay a fine of \$ _____ : provided that upon the service of _____ (and)(or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable * , the balance is suspended and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (YES) (NO)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PAYABLE TO CLERK FOR (VICTIM) _____

PROPERTY DAMAGE \$ _____
TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: _____

DATE: 12-10-97

YORK, SOUTH CAROLINA

*COST AND ASSESSMENTS:

FINE	\$ _____
ACADEMY <u>su</u>	\$ <u>100.00</u>
C.C.A.	\$ _____
L.C.F.	\$ _____
C.A.T.	\$ _____
OTHER	\$ _____
GRAND TOTAL	\$ <u>100.00</u>

John Hagan
Presiding Judge
David Hamilton
Clerk of Court
Date of Birth 12-03-55
Social Security 248-98-2577
Driver's License: N/A

COPY RECEIVED BY: X Charles Ray Carter
Defendant

ATTORNEY FOR DEF: Pro Se
ADDRESS: 4411 Givens Rd
Rock Hill, SC 29730

M F
B / W

STATE OF SOUTH CAROLINA

EXHIBIT #6

COUNT NO. _____

COUNTY OF YORK

CASE NO: 97 GS-46-1609

THE STATE VS

WARRANT NO: E 455557
CHARGE: ~~POSSESS~~ Poss Crack Cocaine, W/P (0114) 3RD OFF

Charles Ray Carter

The sentence of the Court is that Charles Ray Carter, the defendant named in this indictment be confined to the State Board of Corrections/York County Detention Center for a term of Thirty (30) YEARS (AND) (OR) pay a fine of \$ _____ : provided that upon the service of _____ (and)(or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance i suspended and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (YES) (NO): _____

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PAYABLE TO CLERK FOR (VICTIM) _____

PROPERTY DAMAGE \$ _____
TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: _____

DATE: 12-10-97

YORK, SOUTH CAROLINA

*COST AND ASSESSMENTS:

FINE \$ _____
ACADEMY ~~su~~ \$ 150.00
C.C.A. \$ _____
L.C.F. \$ _____
C.A.T. \$ _____
OTHER \$ _____
GRAND TOTAL \$ 120.00

John Hagan
Presiding Judge
David Hamilton
Clerk of Court
Date of Birth 12-23-55
Social Security 248-98-2577
Driver's License: N/A

COPY RECEIVED BY: X Charles Ray Carter
Defendant

ATTORNEY FOR DEF: Pro Se
ADDRESS: 4411 Givens Rd
Rock Hill, SC 29730

M F
B / W

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE -

Copies Exhibited # 7
CERTIFIED TRUE COPY *se*

012

OCT 22 9 04 AM '98

DAVE E. ...
CLERK ...
YORK COUNTY, SC

GENERAL SESSIONS DOCKET REPORT FOR YORK COUNTY

REPORT RUN DATE - 121197

1 INDICTMENT NUMBER: 976S4601609

2 DEFENDANT NAME: CARTER, CHARLES RAY AKA:

3 ADDRESS: 4411 GIVENS ROAD CITY: ROCK HILL STATE: SC ZIP 29730

4 SOCIAL SECURITY NUMBER: 248982577 SEX: 1 MALE RACE: 2 BLACK

5 DATE OF BIRTH: 120355 DRIVERS LICENSE STATE / NO.: SC / 99999999

6 MARITAL STATUS:

7 WARRANT OR TICKET NUMBER: E455557 COUNTS: 01 OFFENSE CODE: 0102

8 NO WARRANT? 0 NAME OF OFFENSE: DRUGS/POSS (1GM

9 DATE OF ARREST: 040197 DATE RECD BY CLERK: 040497 SUMMARY JUDGE:

10 DISP DATE: 121097 DISP TYPE: 2 TRIAL/GUILTY

11 DISP TYPE EXPLANATION:

12 JUDGE CODE/NAME: 049 HAYES, JOHN C III COURT REPORTER: JANET FISCHER

13 CONVICTION: CTS: 01 OFFENSE: 0102 DRUGS/POSS (1GM

14 SENTENCE:
30 YEARS

DEFENSE ATTORNEY: WILLIAM BRAY PROSECUTING ATTORNEY: JULIA NIMMS

CMT15300

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

384

01/27/98

DOC ID: 00246054
ARTER, CHARLES RAY

SMITHKIN
LOC: MCCORMICK

OFFENDER CATEGORY: NON-VIOLENT
CURR SENT SERVING CAT: NON-VIOLENT

TOTAL SENTENCE 030-00-000
CURRENT SENTENCE .. 030-00-000

CONSECUTIVE SENTENCE ... N
CURRENT SENT START DATE: 12/09/1997

PROJECTED COMPLETION DATES
MAXOUT DATE 10/07/2013
FULL TIME 11/14/2027
GOOD TIME 12/24/2015
INITIAL PAROLE DATE 01/05/2004

OFFENDER TYPE..... ADULT-STRAIGHT SENTENCE
CURRENT EWC .. 3 F 5
CURRENT EEC .. NOT CURRENTLY EARNING EEC
REST CTR COMPLETION DATE: 00/00/0000
NEXT PAROLE HEARING DATE: 01/05/2004

TOTAL GT DAYS EARNED 000020
TOTAL EARNED WORK CREDITS ... 000003
TOTAL EDUCATION CREDITS 000000
TOTAL EXTRA EARNED CREDITS .. 000
TOTAL SERVICE TIME EARNED ... 000050

LABOR CREW/WORK PROG DATE: 99/99/9999
LABOR CREW DISQ REASON:
OUTSTANDING DETAINER

PFKEYS: S: HISTORY OF DATE CHANGES

*I was sentenced in 12-10-97
This is what was given to me at
McCormick CI by The ICC when
I started my sentence.*

Exhibit # 8

99-1604

Reference Commitment order
and Detainer.

Dear Clerk



EXHIBIT # 9

S.C.D.C Records Branch is showing That I was sentence For Manufacturing a Control Substance which is incorrect. On December 10-1997, I was sentence By Judge Hayes For Poss of Crack with Intent to Distribute. Please send a copy of original Indictment and Commitment To S.C.D.C Offenders Records Office. Please provide me with a copy of your Correspondance in This Matter. I would also appreciate it very much if you would inform as to why a Detainer is still pending against me after I have Filed a Timely notice for Speedy Trial or Dismissal. Please advise me of The proper and necessary procedure to Resolve The issue That I have addressed in The Above.

Respect Fully Submitted

Charles Ray Carter
RT 2 Box 100-F4-A-292
McCormick SC 29898

Copies York County Clerks Office

Judge Purden S.C. Supreme Court 12-14

There is nothing in this letter about 3rd offense as the Clerk stated in her response or requesting such in Form at 11/14/97
Charles Carter

McCORMICK, S.C. 29899

F-4-A-272

RT # 2 BOX 100

CC: MR. CHARLES RAY CARTER

DEPUTY CLERK

PEGGY C. CARROLL

[Handwritten signature]
YOURS TRULY

I TRUST THAT THIS WILL MEET YOUR REQUIREMENTS.

MFG. CONTROL SUBSTANCE AS HE INDICATED IN HIS LETTER.
CONVICTION WAS FOR FOSS. CRACK COCAINE WITH INTENT TO DIST. 3RD OFFENSE, AND NOT
COPIES OF HIS SENTENCE SHEET FOR A CONVICTION ON 12/20/97 INDICATING HIS
I HAVE BEEN REQUESTED BY AN INMATE, CHARLES RAY CARTER, TO PROVIDE YOU WITH

DEAR MS. TURBEVILLE:
[Handwritten signature]
COLUMBIA, SOUTH CAROLINA 29221
4444 BROAD RIVER ROAD
OFFENDER RECORDS OFFICE
S.S. DEPARTMENT OF CORRECTIONS

OCTOBER 13, 1998

98 OCT 16 10:47

OFFENDER RECORDS BRANCH

P.O. Box 649, York, South Carolina 29731

CLERK OF COURTS OFFICE



[Handwritten notes:]
10/14/98
look Division, Council Bureau
inmate is being documented
correctly at 208 code 811
Manna/101st's creek - 3rd S.

24754

2 Copies



EXHIBIT # 11

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Charles Ray Carter, #246054)
)
 Plaintiff,)
)
 v.)
)
 South Carolina Department)
 of Corrections,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 CASE NO. 07-CP-40-6038

AFFIDAVIT OF MICHAEL J. STOBBE

RICHLAND COUNTY
 FILED
 2008 MAR -5 PM 4:02
 BARBARA A. SCOTT
 C.C.C. & G.S.

PERSONALLY APPEARED before me, Michael J. Stobbe, who first being duly sworn deposes and avers the following:

1. I am currently employed by the State of South Carolina and the South Carolina Department of Corrections (SCDC) and hold the position of Branch Chief of Document Processing and Release Section in the Division of Classification and Inmate Records. I have been employed with SCDC in my current capacity since 1996. I have been with SCDC since 1977.

2. In my position, I am responsible for receiving and organizing documentation regarding each inmate within SCDC for central filing, and for ensuring that such documentation satisfies the Department's requirements.

3. In 1997, inmate Charles Ray Carter, #246054, was convicted of possession of crack cocaine with intent to distribute, 3rd offense and sentenced to thirty (30) years in prison. See attached Sentencing Orders with accompanying Indictments.

4. SCDC received Inmate Carter on December 16, 1997, along with the necessary and appropriate information to process him into the Department. Such information, which was

present on the Sentencing Orders and Indictments presented to the Department, included specifically:

- inmate's name
- sentencing jurisdiction/county
- indictment numbers
- offenses
- length of sentence
- CDR code relating to sentence
- sentencing judge's name/signature
- sentencing date

5. Upon his arrival at SCDC, Inmate Carter's sentencing sheet indicated a charge of possession of crack cocaine with intent to distribute and a sentence of thirty (30) years, but listed the CDR code as 0102. At that time, CDR code 0102 indicated a charge of possession of less than one gram of ice, crank, or crack cocaine, third or subsequent offense. Because the incorrect CDR code was used, the Plaintiff's records originally reflected a projected release date of January 13, 2016, and a date for an initial parole hearing of June 7, 2005.

6. I then received a correction of the CDR code for Inmate Carter from the York County Clerk of Court dated May 21, 1998. This corrected code was again verified by a letter dated October 13, 1998. This correspondence indicated that the correct CDR code was 0114, which at the time was the code for distribution of crack cocaine, third or subsequent offense.

7. After verifying that the new CDR for Inmate Carter code was in fact the correct code, the SCDC records were adjusted to reflect the corrected CDR code. Following this correction, the Plaintiff's records reflected a projected release date of June 3, 2023, and that the Plaintiff is not eligible for parole.

8. A letter from Judge John C. Hayes, III dated September 10, 2004, further attested that the correct CDR code for Inmate Carter's offense is 0114.

9. At all times mentioned in the Complaint, I acted within the scope of my employment as an employee of the State of South Carolina and the SCDC and within the rules, regulations, laws and policies of the SCDC.

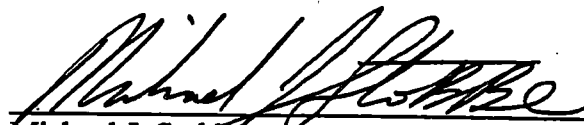
10. At all times mentioned in the Complaint in the above captioned action, I exercised the discretion necessary to carry out my duties as an employee of the SCDC and as Branch Chief of Document Processing and Release Section in the Division of Classification and Inmate Records.

12. At no time did I knowingly violate or observe another violate any of Inmate Carter's constitutional rights.

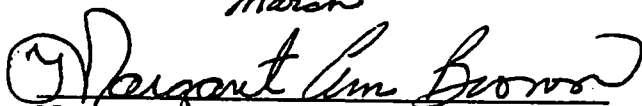
13. I followed all SCDC policies and procedures, as well as all state and federal laws and regulations in my actions involving Inmate Carter.

14. I hereby certify and attest that the documents made Exhibits hereto are true and complete copies of the original SCDC documents.

FURTHER THE AFFIANT SAYETH NOT.


Michael J. Stobbe

SWORN to before me this
5th day of ~~February~~, 2008.
March


Notary Public for South Carolina

My Commission Expires: 7/6/09

modified ~~_____~~

12



Exhibit # ~~_____~~
~~_____~~ 12

REPORT 1 CONTINUED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFENDER SUMMARY

INMATE NO: 246054

NAME: CARTER, CHARLES RAY

***** NO CONSECUTIVE STRUCTURE *****

** COMMITMENT TEXT **

PER JAIL TIME SHEET FROM YORK CO., SC DET. CTR. SHOWS DATE ADMITTED FOR JAIL TIME PURPOSES IS 12/09/97 THRU 12/10/97-DATE OF SENTENCE. RUDY, B.R. R&E CTR. 12/17/97. RECORD AUDITED 12/29/97. S. WILLIS///CORRECTED OFFENSE DATE ON CT#1. YORK CO. CLERK'S OFFICE FAXED A COPY OF THE SENTENCING SHEET WHICH SHOWS A STAT-UTE CODE C F (0114). STATUTE CODE WAS VERIFIED BY SALLY IN THE YORK CO. SOLICITOR'S OFFICE. 05/21/98 DRP///OFFENSE #1 MODIFIED CDR CODE FROM 0102 TO 0114 PER M. STOBBE'S DOCUMENTATION FILED IN RECORD 10/16/98-LCUSAAC, 8/22/01...

Exhibit # 13

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Charles Carter
 SCDC NUMBER: 246054
 INSTITUTION: Ridge Land C.I.
 HOUSING UNIT: SIA 28
 WORK ASSIGNMENT: None

Office Use Only
 Grievance No. RCI 0856-12
 Code: General CL/CL
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 10/11/12
 IGC Initials MB

OCT 08 2012
 J.O.

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

I was sentenced in December 1997. My Sentencing Sheet reflected code 102. My initial Release date screen stated that my parole eligible date was 1-5-04 and my max out date was 10-7-2013. I still have this document. However, in 1998 my sentencing sheet was modified by Records Clerk Michael Stobbe by changing the code from 102 to 114 which then terminated my parole eligibility and increased my sentence by 10 years. In a recent ruling by the SC Court of Appeals in the case of TANT VS SCDC - The Court ruled that SCDC could not modify a sentencing sheet that was without ambiguity. There fore with the earn work credits and good time that I would have earned my sentence is suppose to be expired.

ACTION REQUESTED: That my original sentencing sheet code of 102 be reinstated and that my EWCs and Good time be given to me retroactively and applied to my sentence.
 EWC and Good time

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I have exhausted these procedures before this new ruling was put into place. There fore I'm filing this grievance base on the ruling in TANT VS SCDC that was not available when I file in the past.

Charles Carter 10-4-2012
 Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance has been investigated and because of time restraints, forwarded to the Warden for his review/decision. See Warden's decision

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

M. E. Montford 11/16/12
 IGC Signature Date

N/A
 Grievant Signature Date

JA-28

WARDEN'S DECISION AND REASON:

CARTER, CHARLES - 246054

This is in response to RCI-0856-12. All pertinent information has been reviewed and all procedures were followed appropriately. According to your Classification Case Worker, Ms. Chisholm, your CDR code was modified from 0102 to 0114 per a sentencing sheet received from Your County Clerk of Court Office. It is a mandatory 85% sentence requiring you to serve 25 years 6 months. If you feel this is incorrect, you need to contact York County Clerk of Court. With your work credits and good time, your max out date is 06/03/2023. You are currently serving 25 years 5 months 24 days. Your time can not drop below the 85% requirement.

Based on this information, I consider this matter resolved. If not satisfied with my response, see Step 5 below.

Revered Cole 12/7/12
Warden Signature Date

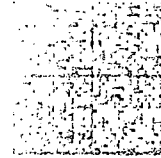
- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Charles Carter 1-3-13
Grievant Signature Date

M. E. [Signature] 1/3/13
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.



ZIP 29223 \$ 004.42⁰
02 4W
0000388 267 MAR 28 2010

South Carolina
Department of
Corrections

Office of General Counsel
P.O. Box 21787-4444 Broad River Road
Columbia, South Carolina 29221-1787

RIDGELAND CORRECTIONAL
INSTITUTION

MAR 28 2010

MAIL ROOM

Charles Ray Carter, # 246054
Ridgeland Correctional Institution
Post Office Box 2039
Ridgeland, South Carolina 29936