

The State Of South Carolina
In The Court Of Appeals

RECEIVED

JUL 22 2016

Appeal From The S.C. Administrative Law Court
S. Philip Lenski, Administrative Law Judge

Appellant Case No. 2016-001274

Jose Alberto Maldonado #312648, Appellant,

V.

South Carolina Department OF Corrections, Respondent.

Appendix, Record on Appeal

Subscribed, This 19 day of July, 2016.

Rule 208(a)(1), And 267, SCACR

Respectfully Submitted,

Jose Maldonado
s/ Jose Maldonado
Jose Alberto Maldonado, #312648
Kershaw Corr. Inst. MB/Room, #59
4848 Goldmine Highway
Kershaw, S. C. 29067

INDEX

Appendix, Record on Appeal

- 1). The South Carolina Court of Appeals Requirement of "Rule 267 SCACR". From June 17, 2016. See (Appendix (I-of-II). C/A#:2016-001274:
- 2). The South Carolina Court Of Appeals, is "Acknowledge receipt my documents in the above entitled matter. According to Rule 203 SCACR From Date January 13, 2016. See (Appx.III -of-IV). Case No. 2016-000055;
- 3). STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT "ORDER". Affirming the Dep't's Decision, From: May 20, 2016 see, the (Appenix: A(1-of-5));
- 4). S.C. Dep't of Corrections, Respondent's Brief, and Respondent Brief and Motion to File Out of Time. From May 2, 2016. See: (App. Ct. Doc.2. Appx. A(6-of-14));
- 5). S.C. Dep't of corrections, Respondent's Record, consisting of Inmate Grievance "KRCI 1415-14, in the above reference case." See: (App. Ct. Doc. 2. Appx. B,pg. (1-of-17)), including, the "Only Respondent's Inmate Request paper submitted on Evidence date 12/19/14." See: (Appx. B(6));
- 6). ALC's "ORDER DENYING MOTION FOR DISCOVERY". See: (Appx. B (18-of-19));
- 7). The South Carolina Court of Appeals Appellate Case No. 2016 -000055 ORDER File "a letter requesting to withdraw his Appeal" from February 2, 2016. See (Appx. C(1));
- 8). The South Carolina Court of Appeal "REMITITUR" Appellate #: 2016-000055 From February 29, 2016 See (Appx. C(2));
- 9). Inmate Grievance (Step 1, date 12/11/2014). See: (Appx. C(3));

- 10). Inmate (Step 2 Date 1/9/2015) See (Appx. C(5));
- 11). The, "Notice of Appeal" see: (Appx. C(7));
- 12). The, "State Grand Jury of South Carolina MEMORANDUM" Dated "April 13, 2007", Re: Jose A. Maldonado 2005-GS-47-26, "Started the Fraudulent Number through the State Grand Jury" see (Appx. C(10));
- 13). A March 9, 2015, Information belong to the State Grand Jury, to notify Appellant that's no pending charges, see the (Appx. C(12));
- 14). The State Grand Jury, Information from April 17, 2015, in this Document consisting the "void Sentence an Appellant his incarceration," See (App. Ct. Doc.2. Appx. C(13));
- 15). The Hon: D. Garrison Hill judge, "Letter" addressed to Ms. Karen Ratigan, on September 2, 2015, to contact his Office in regard the issued of April 17, 2017 "state grand jury" Motion of Discovery in such matter. See, (Appx. C(14));
- 16). The, First "letter" From, Hon: D. Garrison Hill judge, filed on May 28, 2015. To the Assistant Ms. "Karen Ratigan", To ask her to "review and take whatever action her deem appropriate" Pursuant's my pending motions in the 13th Judicial Circuit's General Session Court Term. See (Appx. C(15)); and
- 17). Therefore, is all Fraudulent Documents, Starting, Sentencing Sheet(s), SUPERSEDING INDICTMENT FOR UNLAWFUL DRUGS Trafficking Methamphetamine (Conspiracy) S.C. Code Ann. § 44-53-375(C)(5) >400 grams - Three Counts; a Sentence Sheet, with a Indictment for his First Offenced Trafficking in Cocaine FROM June 24, 2003, AND The Supreme Court of S. C. Supreme Court Appellate C/A# 2014-001164, Lower Court Case No. 2013CP2301440, See: (Appx. C(16-of-24, & 25));

Here, the First Indictment For Three Counts Date: February 22, 2006, Furthermore, Is a "Second Indictment within the two Counts" Date: "December 13, 2005", with a Sentenced Sheet, and a First Offence Sentencing Sheets, with a indictment from June 24, 2003 C/A# 2003-GS-4547. See (Appx.C(26-of-36)).

APPENDIX: (I- of -IV.)



FILE: (App. Ct. Doc 2: Appx. (I) Received on appeal)

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 17, 2016

Jose Alberto Maldonado #312648
Kershaw Correctional Institute
4848 Goldmine Hwy. /MB/Room 59
Kershaw SC 29067

Re: Jose Maldonado v. SCDC (2)
Appellate Case No. 2016-001274

Dear Mr. Maldonado:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

File: (App. Ct. Doc. 2. APPX. (II). Record on Appeal)

This is to advise that the title in the above matter has been changed to read as follows:

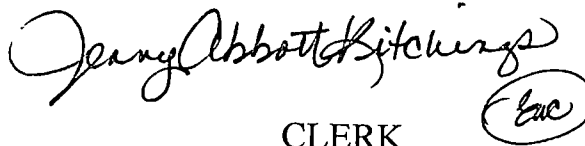
Jose Alberto Maldonado #312648, Appellant,

v.

South Carolina Department of Corrections, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Jeany Abbott Bitchings". To the right of the signature is a small circle containing the letters "EAC".

CLERK

cc: David M. Tatarsky, Esquire
Jana E. Shealy



File: (APP. Ct. Doc. 2 APPX. III. Record on Appeal)
The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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January 13, 2016

Jose Alberto Maldonado, 312648
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29069

Re: Jose Maldonado v. SCDC
Appellate Case No. 2016-000055

Dear Mr. Maldonado:

This will acknowledge receipt of your documents in the above entitled matter. According to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must include the name of the court from which the appeal is taken; the judge's name; the lower court docket number; the date of the order being appealed; a statement of when the appealing party received the decision from which the appeal is taken; the name of the appealing party; and the names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each. A copy of the order being challenged on appeal, a certificate of service showing the notice has been timely served on all respondents, and a filing fee of \$100.00 must accompany the notice of appeal.

Within ten (10) days of the date of this letter, you must provide the Court with the following:

(1) A notice of appeal containing all information required in Rule 203, SCACR.

- File: (App. Ct. Doc. 2. Appx. IV. Record on Appeal)
- (2) The one-hundred dollar (\$100) filing fee.
 - (3) Proof of service naming the documents served and showing you timely served all parties to the appeal.
 - (4) A copy of the court order being challenged on appeal.

Failure to provide the requested items will result in dismissal of your appeal.

Please be advised that the time limits for perfecting this appeal are not held in abeyance.

If you intend to proceed with this appeal pro se, the fact that you are not an attorney does not relieve you of the responsibility to perfect your appeal in accordance with the South Carolina Appellate Court Rules. These rules are now available on the Internet at www.sccourts.org.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christina Catoe Bigelow, Esquire

File: (App. Ct. Doc. 2; Appx. A(2) - Record on Appeal)
Rule 62.¹ Pursuant to SCALC Rule 3(B), the court may for good cause shown extend the time to file, unless otherwise proscribed by rule or law. After reviewing the file and the Department's Motion to File out of Time, the court concludes that the Appellant's interlocutory Court of Appeal filing constitutes good cause for confusion regarding the briefing deadline. Therefore, the court denies the Appellant's motion and grants the Department's Motion. Having received the briefs of all the parties and ruled on the above motions, the court now reviews the case on the merits.

ISSUE ON APPEAL

Whether the Department erred in calculating the Appellant's sentence under the relevant statutes.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dep't of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). A liberty interest is at stake in the calculation of an inmate's sentence. *Tant v. S.C. Dep't of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); see also *Sullivan v. S.C. Dep't of Corrs.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

In sentence calculation cases, the court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the court's review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2015). Additionally, the court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2015). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in

¹ The court notes that the Appellant makes his arguments based upon an older version of ALC rules. In April of 2015, new rules went into effect that extended the filing deadlines for inmate appeals. See SCALC Rules 59 & 60(A).

File: (App. Ct. Doc. 2. APPX. A(3) Record on Appeal)
violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

DISCUSSION

In this case, the Appellant seems to be challenging the overall validity of his sentences. Because this court exists to review the actions of administrative agencies and not the actions of circuit court judges, this court cannot rule on the validity of the Appellant's sentences. See *Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Envtl. Control*, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative action under the South Carolina Constitution); *Jernigan v. State*, 340 S.C. 256, 259–60, 531 S.E.2d 507, 508–09 (2000) (citations omitted) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in *Al-Shabazz*). Instead, this court reviews the Appellant's case to determine if the Department is properly enforcing the Appellant's sentence, pursuant to the order of the circuit court judge and under the relevant laws. See *State v. Bennett*, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Ct. App. 2007).

The Appellant has been committed to the Department to serve multiple concurrent sentences. The longest sentence the Appellant is currently serving is twenty (20) years for Trafficking Methamphetamines 28–100 grams, second offense. The Appellant was sentenced on April 10, 2007. However, the Department has credited the Appellant with time served prior to sentencing, creating a sentence "start date" of August 6, 2005. The earliest date by which the Appellant could potentially be released is determined by the rules of "no parole" offenses. The Appellant was convicted of Trafficking Methamphetamines pursuant to section 44-53-375(C)(2)(b) of the South Carolina Code. This offense is classified as a Class A felony, pursuant to section 16-1-90(A). A Class A felony is one to which a penalty of not more than thirty years applies, as stated in section 16-1-20(A). A Class A felony is a "no-parole offense." S.C.

File: (App. Ct. Doc. 2, Appx. A(4) Record on Appeal)
Code Ann. § 24-13-100 (2007).² An inmate serving a no-parole offense "is not eligible for early release, discharge, or community supervision . . . until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed." S.C. Code Ann. § 24-13-150(A) (Supp. 2015).³ "This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended." *Id.*

The Appellant was sentenced to twenty (20) years, which is seven thousand three hundred (7,300) days. Eighty-five (85) percent of seven thousand three hundred (7,300) is six thousand two hundred five (6,205) days. Assuming that the Department correctly applied time served and running the sentence from August 6, 2005,⁴ the earliest possible date by which the Appellant could be released is August 2, 2022.⁵ Because the Department reached the same conclusion in its final decision and because the Appellant has established no reason to differ from that conclusion, the court affirms.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Appellant's Motion to Resolve Appeal Adversely is **DENIED**.

IT IS FURTHER ORDERED that the Respondent's Motion to File out of Time is **GRANTED**.

IT IS ALSO ORDERED that the decision of the Department is **AFFIRMED**.

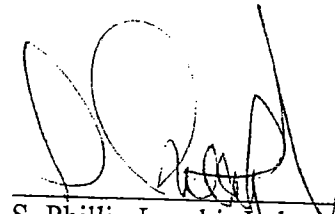
² Recently, the Court of Appeals found that this statute was preempted for the purposes of calculating the sentence for certain drug offenses by the expression of legislative intent contained in amendments to section 44-53-375 made in 2010. *See generally Bolin v. S.C. Dep't of Corrs.*, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016) (reh'g denied Feb. 24, 2016). However, in this case, the Appellant was sentenced prior to the enactment of those amendments and under a different subsection.

³ Section 24-13-150 was amended in 2010. However, subsection (A), which applies in this case, was not altered in any way that affects the issues presented here.

⁴ Section 24-13-150 neither expressly includes, nor expressly excludes, time served from the percentage calculation. However, it stands to reason that time served is indeed time served on the sentence imposed and that credit for that time would be included in the calculation. This conclusion is further supported by the fact that the Department appears to have interpreted the law in that manner and by the rule that ambiguities in sentencing statutes are construed in favor of the defendant. *See State v. Sweat*, 386 S.C. 339, 351, 688 S.E.2d 569, 575 (2010) (quoting *Dunton v. S.C. Bd. of Exam'rs in Optometry*, 291 S.C. 221, 223, 353 S.E.2d 132, 133 (1987)) ("The construction of a statute by the agency charged with its administration will be accorded the most respectful consideration and will not be overruled absent compelling reasons."); *Nelson v. Ozmint*, 390 S.C. 432, 436, 702 S.E.2d 369, 371 (2010) (citing *State v. Blackmon*, 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991)) ("When a statute is penal in nature, it must be strictly construed against the State and in favor of the defendant.")).

⁵ The court notes that a budget proviso regarding release dates from the 2007 to 2008 fiscal year budget would be applicable to the Appellant. *See* 2007 S.C. Act 117, Part 1B, § 37.25 (effective July 1, 2007). However, the court does not apply it here since the Appellant's actual release date may vary.

File: (APP. Ct. Doc 2. Appx. A(5). Record on Appeal
AND IT IS SO ORDERED.



S. Phillip Lenski, Judge
S.C. Administrative Law Court

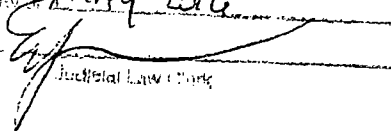
May 20, 2016
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has in a true and correct copy of the above in this court and has filed the same to the cause by recording a copy thereof.

This service was made by personal delivery to the parties and their attorneys at law, and is hereby acknowledged to the undersigned.

20th May 2016


Judicial Law Clerk



NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

May 2, 2016

File: (App Ct Doc 2. APPX. A(6). Record on Appeal)

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Jose Alberto Maldonado, #312648, vs. SCDC
Docket No. 15-ALJ-04-0567-AP

Dear Judge Lenski:

Find enclosed an original and one copy of the *Respondent's Brief and Motion to File Out of Time* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Jose Alberto Maldonado, #312648
File

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

File: (App. Ct. Doc. 2. Appx. A (7). Record on Appeal)

Jose Alberto Maldonado, #312648,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

)
)
)
) **Certificate of Service**
)
) Docket# 15-ALJ-04-0567-AP
)
)
)
)

I hereby certify that a copy of the foregoing brief and motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Jose Alberto Maldonado
Inmate Number: 312648
Kershaw Correctional Institution
Dorm-Room-Bunk: MB-0059-T


Cheron Hess
Administrative Assistant
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

May 2, 2016

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

File: (App. Ct. Doc. 2. APPX. A(8) Record on Appeal)

Jose Alberto Maldonado, #312648,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 15-ALJ-04-0567-AP

) Grievance No.: KRCI 1415-14

) RESPONDENT'S BRIEF

) *Honorable S. Phillip Lenski*

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Jose Alberto Maldonado ("appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on December 11, 2014, claiming his projected max-out date was not being calculated properly. This grievance was investigated and denied when it was determined that SCDC has properly calculated Appellant's sentence. Appellant filed a Step Two Grievance on January 9, 2015. This grievance was also investigated and denied. Appellant subsequently filed his Notice of Appeal with the ALC on October 19, 2015. Appellant filed his brief with the ALC on December 2, 2015, and SCDC filed the Record on Appeal on January 4, 2016. Appellant then filed an Initial Brief with the South Carolina Court of Appeals on January 6, 2016. The Court of Appeal dismissed the case via an Order dated February 10, 2016 and remitted the case on February 29, 2016. Due to the same case being filed in multiple courts, there was some confusion on the side of SCDC. SCDC has requested to file outside of time via a motion submitted with this brief.

File: (App. Ct. Doc. 2. Appx. A(9). Record on Appeal

Because Appellant's sentence has been properly calculated, the final determination of the Department should be affirmed.

JURISDICTION

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). In McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to Al-Shabazz. That decision holds that the ALC's appellate jurisdiction in inmate appeals is limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in Sullivan v. SCDC, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, Appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Industry Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent

File: (App. Ct. Doc. 2. APPX. A(10) Record on Appeal)
an administrative agency's finding from being supported by substantial evidence. Grant v. S.C. Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C., 332 S.C. 20, 503 S.E.2d 739 (1998).

ARGUMENTS

APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

On April 10, 2007, Appellant was sentenced to twenty years for Trafficking in Crack Cocaine, with a sentence start date of April 10, 2007. Appellant argues that the court provided misleading information on the indictment sheet for this charge, indictment number 05-GS-4726. However, the indictment sheet is what SCDC uses when calculating Appellant's sentence, and it is SCDC's position that the indictment sheet is clear. On the indictment sheet, the Presiding Judge very clearly states that Appellant is to be sentenced to twenty years for Trafficking in Crack Cocaine. *See Exhibit A.* The sentencing date is April 10, 2007, but the Presiding Judge, again, clearly states that Appellant is to receive time served starting on August 6, 2005. Because Trafficking in Crack Cocaine is a no-parole offense, Appellant must serve at least eighty-five percent of his sentence. S.C. Code Ann. § 24-13-150. With this and Appellant's time served taken into account, his max-out date is calculated at August 2, 2022.

Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence. Therefore, SCDC respectfully requests its decision denying appellant's Step Two grievance be upheld.

File: (APP. CT. Doc. 2. APPX. A(11). Record on Appeal)

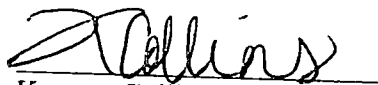
**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED BY
SUBSTANTIAL EVIDENCE**

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, arbitrary or capricious, or an abuse of discretion. See Porter v. Public Service Comm'n, 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

CONCLUSION

Because Appellant's sentence has been properly calculated and Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence, the final determination of the Department should be affirmed. Therefore, SCDC respectfully requests its decision denying appellant's Step Two grievance be upheld and this case be dismissed.

Respectfully submitted,



Kensey Collins
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1943

May 2, 2016
Columbia, South Carolina

Exhibit A

FILED

APR 10 2007

Exhibit (1) File on 12/11/2014 (IGP)

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

IN THE COURT OF GENERAL SESSIONS

José Alberto Maldonado

INDICTMENT/CASE#:

AKA: _____
Race: H Sex: M Age: 33

AW#: _____

Date of Offense: 4/1/05 - 2/22/06

DOB: 7/20/1973 SS#: 225-62-1399

S.C. Code §: _____

CDR Code #: _____

Address: Landbeach Court, Lot #104
Greenville SC 29611

44-53-375(C)(5)

City, State, Zip

DL# _____

SID# _____

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

0: Trafficking Methamphetamines 28-100 grams, 2nd offense (7-30 years + \$50,000) (35%)
violation of §44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0131819

☐ NON-VIOLENT

☒ VIOLENT

☒ SERIOUS

☐ MOST SERIOUS

☐ 17-25-45

he charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
he plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

TEST:

James R. Parks
Solicitor

José Maldonado
Defendant

[Signature]
Attorney for Defendant

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
or a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probatic
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26, County IV and 03-GS-23-4
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. Credit since Aug. 6, 2005
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____

SPECIAL CONDITIONS:

PTUP

Payment Terms:
set by SCDPPPS

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

Other: _____ paid to Public Defender Fund

Expenditures:

Item	Amount
-1-206 (Assessments 107.5%)	\$ _____
-1-211(A)(1) (Conv. Surcharge)	\$ _____
-1-211(A)(2) (DUI Surcharge)	\$100
5-2995 (DUI Assessment)	\$100
13 (Public Def/Prob)	\$12
3, 1B TP (Law Enforce. Funding)	\$500
7, 1B TP (Drug Court Surcharge)	\$25
21-114(BUI Breath Test Fee)	\$100
5-2942(J) (Vehicle Assessment)	\$50
County (if paid in installments)	\$40/ea.
AL	\$275
	\$200.75
	231.75

James R. Parks
Clerk of Court/ Deputy Clerk
Reporter: Robin Hild

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: _____

Sentence Date: 4-10-07 613

✓217 (2/2006)

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defe

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

File: (APP. Ct. Doc. 2. APPX. A(13). Record on Appeal)

Jose Alberto Maldonado, #312648,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 15-ALJ-04-0567-AP

Grievance No.: KRCI 1415-14

Hon. S. Phillip Lenski

**RESPONDENT'S MOTION
TO FILE OUT OF TIME**

COMES NOW, Respondent, South Carolina Department of Corrections, and requests that this Honorable Court grant Respondent leave to file its Brief out of time. In support of this request, Respondent shows this Honorable Court the following:

1. This matter comes before the Court by way of Appellant's challenge to a disciplinary conviction pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).
2. Appellant filed his brief with the ALC on December 2, 2015, and SCDC filed the Record on Appeal on January 4, 2016. Appellant then filed an Initial Brief with the South Carolina Court of Appeals on January 6, 2016. The Court of Appeal dismissed the case via an Order dated February 10, 2016 and remitted the case on February 29, 2016.
3. Respondent's brief was due February 16, 2016. Due to an administrative oversight, Respondent did not file their Brief in a timely manner.

WHEREFORE, Respondent respectfully requests to file and serve Respondent's Brief out of time in this matter.

[Signature block on the following page.]

File: (APP. Ct. Doc. 2 - APPX. A(14). Record on Appeal

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "K Collins", written over a horizontal line.

Kensey Collins

Staff Attorney

South Carolina Department of Corrections

Post Office Box 21787

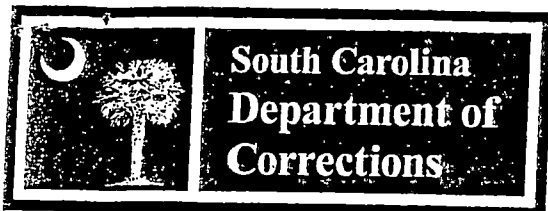
4444 Broad River Road

Columbia, South Carolina 29221

(803) 896-1943

May 2, 2016

Columbia, South Carolina



NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

APPENDIX: (B) Pages (1 of 19)

Files (App. Ct. Doc. 2, Appx B, (1) Record on Appeal)

January 4, 2016

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Jose Maldonado, #312648, vs. SCDC
Docket No. 15-ALJ-04-0567-AP

Dear Judge S. Phillip Lenski:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance KRCI 1415-14, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Jose Maldonado, #312648
File

Issue date: _____

Attachments: 1 of 17 Files (App. Ct. Doc. 3)

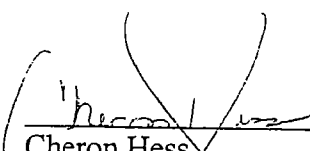
CERTIFICATE OF SERVICE

File: (APP. Ct. Doc 2. APPX. B(2). Record on Appeal)

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate Jose Maldonado
Inmate Number: 312648
Kershaw Correctional Institution
Dorm-Room-Bunk: MB-0059-T

Columbia, South Carolina
January 4, 2016


Cheron Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

Attachment: 2-0F-12 File: (A.L.C. Doc. 3)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2 JAN 12 2015

INMATE NAME: Jose Alberto Maldonado

SCDC NUMBER: 312648

INSTITUTION: Kershaw CI.

HOUSING UNIT: Magnolia B, Room # 59 KERSHAW CI

WORK ASSIGNMENT: Education is Library

File: (App. Ct. Doc. 2, Appx. B(3) Record on Appeal)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): This appeal is for the Warden decision; in response to KRCI-1415-14. That, answer didn't cover up my Grievance Inf., from the classification #(038600). The (IGP) is to compel disclosure, with the Step 1. Were I am filed it on 12/11/2014 Kiosk # 14-338547, answer 12/8/2014. This appeal due process, pursue the records. Pursuant of SDC's Policy CP-21.09(2).

Holding, at ¶[2.1] shall, the inmate records office in the Division of the "Classification & Inmate Records is Responsible for Administering a Uniform Process for Activating Records on Inmate admitted into the (SDC)", (emphasis supplied)...? See also ¶[2.2] same policy: The Reception & Evaluation has the primary duty to received, process and enter "Sentencing documentation for all inmate received into the SDC." See id., at ¶[2.4, & 5]; the ("[R-&E Center can accept an inmate into the custody, and also the SDC provided an inmate's received an a valid commitment order"] i.e.,); Tant v. S.C. Dep't of Corr., 395 S.C. 446, 718 SE.2d 753 (2011). Further the appeal pursuit the right information upon that "TRUE BILL" Supersending Ind., #05-GS-23-4726, mislead Counts, dates. from Dec. 13, 2005, & Feb. 22, 2006]. That against the Policy, (CP-21.09 ¶[2.5]); Code 1976 §§ 17-19-100, 44-53-375(C)(5), and (Violate the § 44-53-375(C)(b)(2); SCRPC, Rule 60(b)(5), USCA. Const. Amend. 14. Because, therein is no valid sentence(s) to be served with the SDC. The Warden action didn't cover the (IGP), for denied the hearing, without documentation. Id. at ¶[2.2], and him raised that I, Jose A. Maldonado, 1/9/2015, am failed to indicate what type of hearing, but on the 1/7/2015 him, Grievant Signature Date, or Ms. York, send an annual hearing without records. See, Step 3 below, Attach copy, and the (IGC've all Recs.,).

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

We reviewed your complaint and found that Warden Dunlap addressed your concerns appropriately. Indictment 03-GS-2304545 (ine distribution in proximate of a school) is a concurrent sentence, with a starting date of August 5, 2005; indictment 03-GS-547 (Trafficking in Cocaine) is a concurrent sentence, with a starting date of August 6, 2005 and indictment 05-GS-4726+ (Trafficking in Crack Cocaine) is a concurrent sentence, with a starting date of August 6, 2005. Indictment 05-GS-4726+ has a statutory time of 85% (17 years). Therefore, your max-out date will be August 2022. Keep in mind, any disciplinary infractions or employment can cause your max-out date to change. Your sentence is correct.

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.

Attachment: 3-of-17 File: (A.L.C. Doc. 3)

Signature: *Keith Scary* Date: 8/30/15

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)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

File: (App. Ct. Doc 2. Appx. B.4) STEP 1 DEC 11 2014 Record on Appeal

INMATE NAME: <u>Jose Alberto Maldonado</u>	OFFICE/USE ONLY Grievance No. <u>FACE 1415-14</u>
SCDC NUMBER: <u>312648</u>	Code: General
INSTITUTION: <u>Kershaw Correction Institution</u>	Policy
HOUSING UNIT: <u>Magnolia B, Room # 59</u>	Disc. Hear. ☒
WORK ASSIGNMENT: <u>Library</u>	Class. ☒
	PREA
	Date Received <u>12/18/14</u>
	IGC Initials <u>JA</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.) The Inmate Jose A. Maldonado pursue the response date "kiosk 14-338547 12/8/2014." From Author is No.: (038600). When that information I was received did not cover my issue to the hearing I am looking? That kiosk had been submitted on 11/16/2014. Throughout's the classification is response for my view, such answer said that; ("YOU HAVE 20 YEARS SENTENCE FOR 'TRAFFICKING IN CRACK COCAINE'). The ("IGP"), is to demanded a hearing for a compelled the (two) consecutively sentences. Upon [Inds. 03-GS-23-4545, & 05-GS-23-4726]. In that records, I would present the judge wrongly mislead instructions to the concurrent sentences. The Inmate assert that at the Kiosk : dated 11/16/2014 stated as follows:

Pursued at the policy OP-21-09[2], INMATE RECORDS PLAN & ACTIVATING INMATE RECORDS PLAN/MATTER OF INSUFFICIENCY AND CONSTRUCTION OF SENTENCES IMPOSED.

The Inmate Jose A. Maldonado assert that by the S.C. Dept. of Corr. is policies, and the S.C. Const., Code of laws. Had been wrongly applied concurrent sentences, the (1st. one) is for (7) year, (2nd was been mislead and applied for 20 years sentenced). The Inmate's confine in custody at the KRCI. This Department of Correction must provide to the Inmate with formal notice when it seek to recalculate its initial determination through the amended sentences of the concurrences of (TRUE BILL). The (IGP), have now being submit to obtain a hearing, to recorder with a tape, and "Video Camara Review". That can be prove, or present it in his next legal due process, and fixing the concurrent sentences, accordingly is TANI V. S.C. DEPT. OF CORR., 395 S.C. 446, 718 S.E.2d 753 (2011) "to quash the" [Ind., 05-GS-23-4726]; pursuant §§ 17-19-100, (44-53-375(C)(5)). Was violated § 44-53-375(C)(2)(b), for a second offence(s) see e.g., CLAIR V. STATE, 324 S.C. 144, 478 S.E.2d 54 (1996); STATE V. FONSECA, 383 S.C. 646, 681 S.E.2d 1, (2009); CARTER V. STATE, 329 S.C. 355, 495 S.E.2d 776, fn. 1, 777 (1998); SIMMONS V. STATE, S.C., 471 S.C., 471 S.E.2d 455 (1993); IN RE MAGISTRATES USE OF VIDEOCONFERENCES, S.C., 471 S.E.2d 459 (1995).

Please send me a "Update hearing" to examine the indictment(s). Jose A Maldonado, 12-11-2014
Because, the S.C. Department of Corrections did not have jurisdiction to the Inmate (JAM) to be in custody either KRCI. The Inmate have deadline in this matter. See the Copy Order.

ACTION REQUESTED: When the Department of Correction decides its original recodation of a sentence was erroneous, it mus afford the inmate formal notice of the amended sentence(s) See (Exhibits Indictments with Sentence sheets) I have the Right and opportunity to be heard through the grievance procedure. See Attached Exhibits.

ACTION TAKEN BY IGC: ☐ PROCESSED ☒ UNPROCESSED ☐ OTHER

Due to nature of grievance
Sec. Warden's Response

Attachment: 4-of-17 File (A.L.C. Doc. 3)

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

Inmate Maldonado
WARDEN'S DECISION AND REASON:

File: (APP. Ct. Doc. 2. APPX. B(5) Record on Appeal
This is in response to KRCI-1415-14. All pertinent information and documentation has been reviewed. Your request to staff was answered appropriately by Case Manager, Mrs. York. You requested a hearing due to your sentence has been calculated incorrectly, however you failed to indicate what type of hearing. It is noted that your annual review is in January of this year. You may present any issues or questions to the Kershaw ICC at that time. No error has been found in your sentence calculation.

Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.

[Signature] 1/2/15
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] 1/8/15
Inmate Signature Date

[Signature] 1/8/15
IGC Signature Date

Attachments: 5 of 17 File (A.L.C. Doc. 3)

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

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.

Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.

Only one (1) issue is to be addressed on each form.

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.

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.

Inmate Request

Today's Date: 12/19/14 14:32

Name: MALDONADO, JOSE

Booking #: 312648

Permanent #: 312648 File: (APP. Ct. Doc. 2. Appx. B(6). Record on Appeal)

Reference #: 14-338547

Date Requested: 11/16/14 22:58

Request Type: Classification

Requested By: Kiosk

Request Details: DEAR CASE WORKER, MRS. YORK, RE:JOSE A. MALDONADO V. S.C. DEPART. OF CORR., IS POLICIES OP-21.09[2]; INMATE RECORDS PLAN AND ACTIVATING INMATE RECORDS/MATTER OF SUFFICIENCY AND CONSTRUCTION OF SENTENCES IMPOSED. THAT, THE INMATE JOSE A. MALDONADO, ASSERT BY THE S.C.DEPART. OF CORR. IS POLICIES, AND S.C. CONSTITUTION CODE OF LAWS. HAD BEEN WRONGLY APPLIED CONCURRENT SENTENCES, 1ST, IS FOR 7 YEARS; 2ND WAS BEEN MISLEAD TO [20] YEARS. THE S.C. DEPART. OF CORR. IN KR. MUST PROVIDE TO THE INMATE WITH FORMAL NOTICE WHEN IT SEEK TO RECALCULATE ITS INITIAL DETERMINATION OF HIS CONCURRENCES. AND ADVISE THE INMATE OF HIS RIGHT TO FILE A GRIEVANCE TO OBTAIN A HEARING AND FIXING HIS SENTENCES. PURSUANT IS TAN V. S.C.DEPART. OF CORR.,395 S.C.446 718 S.E.2D 753 [S.C.APP.2011]. [ALTHOUGH THE INTENT OF THE JUDGE IS CONTROLLING WHETHER SENTENCES FUN CONCURRENTLY, AMBIGUITY OR DOUBTS RELATIVE TO A SENTENCES SHOULD BE RESOLVED IN FAVOR BY THE INMATE. S.C.CODE ANN. CLAUSE 17-19-100, 44-53-375[C][2][B].

Disposition: Complete

Officer:

Disposition Date: 12/08/14 15:26

Request Responses

Date	Author	Note
12/08/14 15:27	c038600	You have a 20 year sentence for trafficking in crack cocaine.

Attachment: G-OF-17 File (A.L.C. Doc 3)

IN THE COURT OF GENERAL SESSIONS

White Clark

File: (App. Ct. Doc. 2. Appx. B(8) Record on Appeal) (IGP) EXHIBIT (6) File on 12/11/2014

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Jose Maldonado

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2003GS2304545
A/W#: H441256
Date of Offense: 04-10-2003
S.C. Code §: 44-53-0445
CDR Code #: 0107

AKA: _____
Race: W Sex: M Age: 32
DOB: 07-20-1973 SS#: 026-78-19.0
Address: 5 FLETCHER ST
GREENVILLE, SC 29611
DL#: 26678119 SID#: _____

☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE W/IN 1/2 MILE
in violation of § 44-53-0445 of the S.C. Code of Laws, bearing CDR Code # 0107
☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Jose K. Monts Solicitor. Jose Maldonado Defendant. [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 1 ~~day~~ month/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 105 DAYS

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____
*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 35-13 (Public Def/Prob)	\$500
§ 73.3, 1B TP (Law Enforce. Funding)	\$25
§ 33.7, 1B TP (Drug Court Surcharge)	\$100
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca
1/2 to County (if paid in installments)	\$
TOTAL	\$

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

Paul B. Wickersham
Clerk of Court/ Deputy Clerk
Court Reporter: [Signature]

PRESIDING JUDGE [Signature]
Judge Code: 2 11 13 0
Sentence Date: 11-29-05

Attachment = 8-08-17. File: (A.L.C. Doc- 3)

File: (App. Ct. Doc. 2. Appx. B(9). Record on Appeal)

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF COCAINE WITH INTENT TO
DISTRIBUTE WITHIN CLOSE PROXIMITY TO
SCHOOL

At a Court of General Sessions, convened on JUNE 24, 2003 the Grand

Jurors of Greenville County present upon their oath:

That JOSE ALBERTO MALDONADO did in Greenville County, on or about the 10th day of April, 2003, willfully and unlawfully possess with the intent to distribute a quantity of Cocaine. This incident occurred within one-half (1/2) mile from Greenville Tech College, Northwest Campus. This is in violation of §44-53-445 of the South Carolina Code of Laws (1976) as amended.

Attachment: 9-0F-17 File (A.L.C. Doc. 3)

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

Jose R. Mont
SOLICITOR

DOCKET NO. 2003-GS-23-

JLK

004545

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

JUNE TERM 2003

PLEAD GUILTY THE STATE
vs.

JOSE ALBERTO MALDONADO

Indictment for

POSSESSION OF COCAINE WITH INTENT TO
DISTRIBUTE WITHIN CLOSE PROXIMITY TO
SCHOOL

VIOLATION § 44-53-445

WITNESSES

BRAGG

GCSO

04/10/03

ARREST WARRANT NUMBER

H441256

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Attachment: 10-08-17 File (A-L-C. Doc. 3)

DL SUSPENDS

Did Clerk receive driver's license?

YES

NO

If no, explain

Defendant

File: (App. Ch. Doc. 2. Appx. B(10) Record on Appeal)

551

The Supreme Court of South Carolina

File: (APP. Ct. Doc. 2, Appx. B(11). Record on Appeal)
Jose Alberto Maldonado, Petitioner,

v.

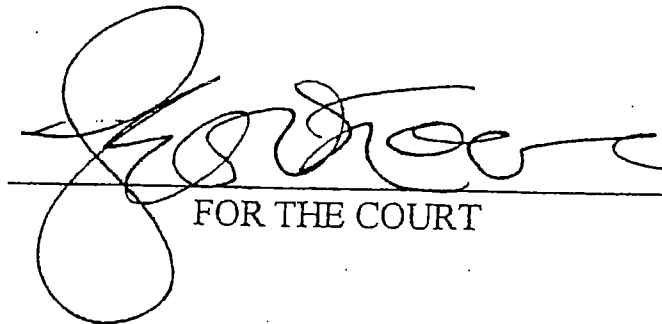
State of South Carolina, Respondent.

Appellate Case No. 2014-001164

Lower Court Case No. 2013CP2301440

ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
June 19, 2014

cc: Karen Christine Ratigan, Esquire
Mr. Jose A. Maldonado, #312648

Attachment: 11-01-17 File (A.L.C. Doc. 3)

File: (App. Ct. Doc. 2 - Appx. B(12). Record on Appeal)

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED

JUN 20 2014

Kerul
MAILROOM

Attachment: 12-of-17 File (A.L.C. Doc. 3)

MB7

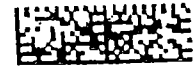
JOSE A. MALDONADO, #312648
KERSHAW CORRECTIONAL INSTITUTION
4848 GOLD MINE HWY
KERSHAW SC 29069

COLUMBIA
SC 290
19 JUN '14
PM 3 L

Hasler
06/19/2014
US POSTAGE

FIRST-CLASS MAIL

\$00.48⁰



ZIP 29201
011D12602823

C/A #: 2014-1164. Exhibit (2)

29067813699



~~Exhibit (2)~~

~~3- Appendix File 4~~
~~C/AH-1204-1164~~

STATE GRAND JURY OF SOUTH CAROLINA
(IGP) EXTRA EXHIBIT File on 12/11/200
(10)

STATE OF SOUTH CAROLINA)
VS.)
EMILIANO GARCIA AGUIRRE,)
PAMELA RENEE BOZZI,)
JOSE ALBERTO MALDONADO,)
KENNETH SCOTT POPE aka "SCOTTY",)
LISA LAVERN RAMIREZ,)
THOMAS ERNIE ROBERTS,)
OSCAR SANCHEZ,)
JOHN NELSON TURNER, JR. aka "JJ",)
KELLY LEE NALLEY TURNER,)
DEFENDANTS.)

CASE NO. 2005GS 47 21

INDICTMENT FOR
UNLAWFUL DRUGS

Trafficking Methamphetamine
(Conspiracy)
S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine
> 400 grams - Two Counts
S.C. Code Ann. § 44-53-375(C)(5)

Possession of a Firearm during the
Commission of a Violent Crime
S.C. Code Ann. § 16-23-490

File: (App. Ct. Doc. 2, Appx. B(13), Record on Appeal)
At a session of the State Grand Jury of South Carolina, convened in Columbia,

South Carolina, on December 13, 2005, the State Grand Jurors present upon their oath:

COUNT I
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)
S.C. Code Ann. § 44-53-375 (C)(5)

ORIGINAL FILED
DEC 13 2005
LISA C. DUNBAR
CLERK, STATE GRAND JURY

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

Attachment: 13-of-17 File (A.L.C. Doc. 3)

(IGP) EXHIBIT (2) File on 12/11/2014.

FILED

FEB 22 2006

LISA D. DUNBAR,
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA	)	CASE NO. <u>2005-GS-47-26</u>
	)	
VS.	)	SUPERSEDING
	)	INDICTMENT FOR
EMILIANO GARCIA AGUIRRE,	)	UNLAWFUL DRUGS
PAMELA RENEE BOZZI,	)	
JOSE ALBERTO MALDONADO,	)	Trafficking Methamphetamine
KENNETH SCOTT POPE aka "SCOTTY",	)	(Conspiracy)
LISA LAVERN RAMIREZ,	)	S.C. Code Ann. § 44-53-375(C)(5)
THOMAS ERNIE ROBERTS,	)	
OSCAR SANCHEZ,	)	Trafficking Methamphetamine
JOHN NELSON TURNER, JR. aka "JJ",	)	> 400 grams - Three Counts
KELLY LEE NALLEY TURNER,	)	S.C. Code Ann. § 44-53-375(C)(5)
	)	
DEFENDANTS.	)	Possession of a Firearm during the
	)	Commission of a Violent Crime
	)	S.C. Code Ann. § 16-23-490
	)	
	)	

Attachment: 14-OF-17 File (A.L.C. Doc. 3)

At a session of the State Grand Jury of South Carolina, convened in Columbia,
South Carolina, on February 22, 2006, the State Grand Jurors present upon their oath:

File: (App. Ct. Doc. 2 - Appx. B(14). Record on Appeal)
COUNT I

TRAFFICKING METHAMPHETAMINE (CONSPIRACY)
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

RECEIVED
FEB 22 2006

(IGP) EXHIBIT (3) File on 12/11/2014

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

File: (App. Ct. Doc. 2. APPX. B(15). Record on Appeal)
COUNT II
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: 15-0F-17 File (A.W.C. Doc. 3)

(IGP) EXHIBIT (4) File on 12/11/2014

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: 16-06-17 File (A.L.C. Doc. 3)

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended; such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

File: (App. Ct. Doc. 2. APPX. B(16) Record on Appeal)

COUNT V
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

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

A True Bill

Attachment: (17) File (A.L.C. Doc. 3)

Cathy P. Coffey
FOREMAN

File: (App. Ct. Doc. 2. APPX. B(17). Record on Appeal)

Henry McMaster
HENRY McMASTER (sop)
ATTORNEY GENERAL

File: (APP. Ct. Doc. 2, APPX. B(18), Record on Appeal

Docket No. 15-ALJ-04-0567-AP

ORDER DENYING MOTION FOR DISCOVERY

y.

Respondent.

11/11/1961, Dec. 1, in EC. App (1)

FILED

DEC 18 2015

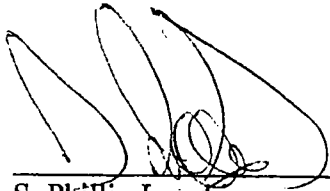
pg. 7

DATA - DATA/CONF

Re: (APP. Ct. Doc. 2. APPX. B(4) Record on Appeal)
Appellant's Motion for Discovery above and beyond what is contained within the Record After
Final Decision is hereby **DENIED**.

AND IT IS SO ORDERED.

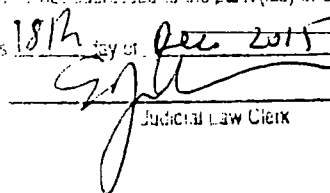
December 18, 2015
Columbia, South Carolina



S. Phillip Lenski
Administrative Law Judge

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 Interagency
Mail Service addressed to the party(ies) or their attorney(s).

This 18th day of Dec 2015


Judicial Law Clerk

(Attachment: B. Doc. 1. In SC. App. Ct.)

The South Carolina Court of Appeals

APPENDIX: (C): Page (4-of-34)

Jose Alberto Maldonado, #312648, Appellant,

File (App. Cl. Doc. 2. APPX. C (1). Record on Appeal)
v.

South Carolina Department of Corrections, Respondent.

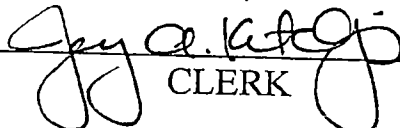
Appellate Case No. 2016-000055

ORDER

Appellant has filed a letter requesting to withdraw his appeal. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Jose Alberto Maldonado, 312648

Christina Catoe Bigelow, Esquire

FILED

2/10/2016 AB



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 29, 2016

File: (APP. Ct. Doc. 2. Appx. C(2) Record on Appeal)
The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street
Suite 224
Columbia SC 29201

REMITTITUR

Re: Jose Maldonado v. SCDC
Lower Court Case No. 2015ALJ040567AP
Appellate Case No. 2016-000055

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Jose Alberto Maldonado, 312648
Christina Catoe Bigelow, Esquire

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 DEC 11 2014

INMATE NAME: <u>Jose Alberto Maldonado</u> SCDC NUMBER: <u>312648</u> INSTITUTION: <u>Kershaw Correction Institution</u> HOUSING UNIT: <u>Magnolia B, Room # 59</u> WORK ASSIGNMENT: <u>Library</u> File: <u>(App. Ct. Doc. 2. Appx. C(3) Record on Appeal)</u>	OFFICE USE ONLY Grievance No. <u>1415-14</u> Code: General _____ Policy _____ Disc. Hear. _____ Class. ☒ _____ PREA _____ Date Received <u>12/18/14</u> IGC Initials <u>PA</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.) The Inmate Jose A. Maldonado pursue the response date "kiosk 14-338547 12/8/2014." From Author is No.: (038600). When that information I was received did not cover my issue to the hearing I am looking? That kiosk had been submitted on 11/16/2014. Throughout's the classification is response for my view, such answer said that; ("YOU HAVE 20 YEARS SENTENCE FOR 'TRAFFICKING IN CRACK COCAINE'). The ("IGP"), is to demanded a hearing for a compelled the (two) consecutively sentences. Upon [Inds. 03-GS-23-4545, & 05-GS-23-4726]. In that records, I would present the judge wrongly mislead instructions to the concurrent sentences. The Inmate assert that at the Kiosk : dated 11/16/2014 stated as follows:

Pursued at the policy OP-21-09[2], INMATE RECORDS PLAN & ACTIVATING INMATE RECORDS PLAN/MATTER OF INSUFFICIENCY AND CONSTRUCTION OF SENTENCES IMPOSED.

The Inmate Jose A. Maldonado assert that by the S.C. Dept. of Corr. is policies, and the S.C. Const., Code of laws. Had been wrongly applied concurrent sentences, the (1st. one) is for (7) year, (2nd was been mislead and applied for 20 years sentenced). The Inmate's confine in custody at the KRCI. This Department of Correction must provide to the Inmate with formal notice when it seek to recalculate its initial determination through the amended sentences of the concurrences of (TRUE BILL). The (IGP), have now being submit to obtain a hearing, to recorder with a tape, and "Video Camara Review". That can be prove, or present it in his next legal due process, and fixing the concurrent sentences, accordingly is TANT V. S.C. DEPART. OF CORR., 395 S.C. 446, 718 SE.2d 753 (2011) "to quash the" [Ind., 05-GS-23-4726]; pursuant §§ 17-19-100, (44-53-375(C)(5)). Was violated § 44-53-375(C)(2)(b), for a second offense(s) see e.g., CLAIR V. STATE, 324 S.C. 144, 478 SE.2d 54 (1996); STATE V. FONSECA, 383 S.C. 646, 681 S.E.2d 1, (2009); CARTER V. STATE, 329 S.C. 355, 495 S.E.2d 776, fn. 1, 777 (1998); SIMMONS V. STATE, S.C., 471 S.C., 471 S.E.2d 455 (1993); IN RE MAGISTRATES USE OF VIDEOCONFERENCES, S.C., 471 S.E.2d 459 (1995).

Please send me a "Update hearing" to examine the indictment(s). Jose A Maldonado, 12-11-2014
Because, the S.C. Department of Corrections did not have juris[diction] to the Inmate (JAM) to be in custody either KRCI. The Inmate have deadline in this matter. See the Copy Order.

Grievant Signature _____ Date _____
(Attach (10) Copies)

ACTION REQUESTED: When the Department of Correction decides its original recodation of a sentence was erroneous, it mus afford the inmate formal notice of the amended sentence(s) See (Exhibits Indictments with Sentence sheets) I have the Right and opportunity to be heard through the grievance procedure. See Attached Exhibits.

ACTION TAKEN BY IGC: ☒ PROCESSED ☒ UNPROCESSED ☐ OTHER

Due to nature of grievance
See Warden's Response

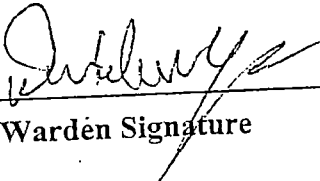
Date 12/30/14
IGC Signature _____

Inmate Maldonado
WARDEN'S DECISION AND REASON:

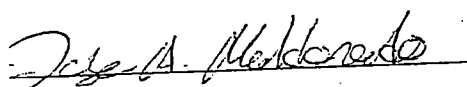
File: (APP. Ct. Doc. 2. APPX. C(4). Record on Appeal)

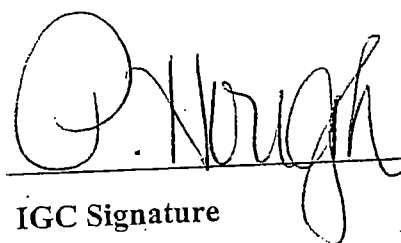
This is in response to KRCI-1415-14. All pertinent information and documentation has been reviewed. Your request to staff was answered appropriately by Case Manager, Mrs. York. You requested a hearing due to your sentence has been calculated incorrectly, however you failed to indicate what type of hearing. It is noted that your annual review is in January of this year. You may present any issues or questions to the Kershaw ICC at that time. No error has been found in your sentence calculation.

Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.

 1/2/15
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.

 1/8/15
Grievant Signature Date

 1/8/15
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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

("Began the Attached: B")
Attached(A); & Attachment(B)'s pending

STEP 2 JAN 12 2015

INMATE NAME: Jose Alberto Maldonado

SCDC NUMBER: 312648

INSTITUTION: Kershaw C.I.

HOUSING UNIT: Magnolia B, Room # 59

WORK ASSIGNMENT: Education is Library
(Attachment: A-1)

Office Use Only
Grievance No. 1415-14
Code: General
Policy
Disc. Hear.
Class.
Date Received 1/12/15
IGC Initials

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): This appeal is for the Warden decision; in response to KRCI-1415-14. That, answer didn't cover up my Grievance Inf., from the classification #(038600). The (IGP) is to compel disclosure, with the Step 1. Were I am filed it on 12/11/2014 Kiosk # 14-338547, answer 12/8/2014. This appeal due process, pursue the records. Pursuant of SDC's Policy CP-21.09(2).

Holding, at ¶[2.1] shall, the inmate records office in the Division of the "Classification & Inmate Records is Responsible for Administering a Uniform Process for Activating Records on Inmate admitted into the (SDC)", (emphasis supplied)...? See also ¶[2.2] same policy: The Reception & Evaluation has the primary duty to received, process and enter "Sentencing documentation for all inmate received into the SDC." See id., at ¶[2.4, & 5]; the ("[R-&E Center can accept an inmate into the custody, and also the SDC provided an inmate's received an a valid commitment order"] i.e.,); Tant v. S.C. Dep't of Corr., 395 S.C. 446, 718 SE.2d 753 (2011). Further the appeal pursuant the right information upon that "TRUE BILL" Supersending Ind., #05-GS-23-4726, mislead Counts, dates. from Dec. 13, 2005, & Feb. 22, 2006]. That against the Policy, (CP-21.09 ¶[2.5]); Code 1976 §§ 17-19-100, 44-53-375(C)(5), and (Violate the § 44-53-375(C)(b)(2); SCRPC, Rule 60(b)(5), USCA. Const. Amend. 14. Because, therein is no valid sentence(s) to be served with the SDC. The Warden action didn't cover the (IGP), for denied the hearing, without documentation. Id. at ¶[2.2], and him raised that I am failed to indicate what type of hearing, but on the 1/7/2015 him, Jose A. Maldonado 1/9/2015 or Ms. York, send an annual hearing without records. See, Step 3 below, Attach copy, and the (IGC've all Records.).

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

ave reviewed your complaint and found that Warden Dunlap addressed your concerns appropriately. Indictment 03-GS-2304545 (cocaine distribution in proximate of a school) is a concurrent sentence, with a starting date of August 5, 2005; indictment 03-GS-14547 (Trafficking in Cocaine) is a concurrent sentence, with a starting date of August 6, 2005 and indictment 05-GS-4726+ (trafficking in Crack Cocaine) is a concurrent sentence, with a starting date of August 6, 2005. Indictment 05-GS-4726+ has a mandatory time of 85% (17 years). Therefore, your max-out date will be August 2022. Keep in mind, any disciplinary infractions or employment can cause your max-out date to change. Your sentence is correct.

refofe, your grievance is denied.

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.

File: (App. Ct. Doc. 2. Appx. C(5) Record on Appeal)

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.

José A. Maldonado
Grievant Signature

Date

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.

File: (App. Ct. Doc. 2. APPX. C(6) Record on Appeal)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT
File: APP. Ct. Doc. 3- APPX. C(7) Record on Appeal
Jose Alberto Maldonado

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: KRCI 4415 -14

Notice is hereby given that Jose Alberto Maldonado does hereby appeal the final decision of the South Carolina Department of Corrections dated August 30th, 2015 and received on September 25th, 2015, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The Appellant, seeking an Order to compel disclosure, between this Hon: Court. And pursuing his criminal records, have been legal in ("SCDOC"). Because, the Appellant believe, that sentences had, or have wrongful been applied upon the appellant: Is conviction, now enter's (SCDC Policy No.:OP-21.097[2]); see Attachments:(A),and (B)'s (Exhibits:1-of-10); see e.g., Tant v. S.C.Dep't of Corr. (2011) below this (IGP.2) at (Attached (A-B)). The Appellant assert that such convictions don't cover up his sentenced by (SCDC Policy), mislead information under the activating inmate records plan for insufficient & construction of sentences been imposed. Therein make the "conviction null & void." I demand a Order in review such records. Because, that against false arrest and false imprisonment/with the (SCDC).

Jose Alberto Maldonado
Appellant's Name

Jose Maldonado
Signed

KRCI. MB/Rm. #59 11818 Cordune Hwy
Mailing Address

October 19th, 2015
Dated

Kershaw, S.C. 29067
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, J.A. Maldonado (your name), on the 19th day of October, 20 15, in Kershaw (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, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: General Counsel David Tatarsky
Address: Post- Office Box 21787

City, State, Zip Code: Columbia South Carolina 29221

Print your name: Jose Alberto Maldonado
(See reverse side for instructions)

Sign your name: Jose Maldonado

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.

(Attachments: A)

File: (APP. Ct. Doc. 2. APPX. C (8) Record on Appeal)

File: (APP. Ct. Doc-2. Appx. C(9) Record on Appeal)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

NOTICE OF APPEAL

GRIEVANCE NO.: KRCI 4415 - 14

PROOF OF SERVICE BY MAIL

I, Jose Alberto Maldonado, a civil person presently incarcerated at Kershaw, Correctional Institution, ("SCDOC"). Do hereby affirm that:

Mr. JOSE ALBERTO MALDONADO Declare Under the South Carolina Rules of Civil Procedure. Rule 4(g), and Code of Law §§ 15-29-10, 15-29-20, see also 28 U.S.C.A. § 1746. That, on below said date Appellant, did deposit a true and exact copy of foresaid "NOTICE OF APPEAL", inside Kershaw, Correctional Institution mailroom is clerk, to be forward through the U.S. Posted system with sufficient postage to:

Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC. 29201

General Counsel David Tatarski
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, South Carolina 29221

Further, Appellant said and Notarized
This 19th day of October, 2015.

Respectfull Submitted

1st Jose Alberto Maldonado
Jose Alberto Maldonado
#312648, the Appellant

SWORN TO and SUBSCRIBED Before Me

This 19th day of October, 2015.

Carmine A. Amador
Notary Public For South Carolina

My Commission Expires: _____

My Commission Expires December 22, 2016

Kershaw, S.C. Dept. of Correction
Magnolia B/Room #59
4848 Goldmine Highway
Kershaw, South Carolina, 29067

File:(Doc.1) on 10/19/2015.

State Grand Jury of South Carolina



JAMES R. PARKS
CLERK OF COURT

Office of the Clerk

1000 Assembly Street
Rembert Dennis Building
Suite 519
Columbia, South Carolina 29201

POST OFFICE BOX 11508
COLUMBIA, SC 29211-1508
TELEPHONE: 803-734-0497
FAX: 803-734-0513

MEMORANDUM

April 13, 2007

File: (App. Ct. Doc. 2 - Appx. C(10) Record on Appeal)

TO: Jose A. Maldonado
C/o Inmate Records
Post Office Box 21787
Columbia, SC 29221

SCDC
C/o Inmate Records
Post Office Box 21787
Columbia, SC 29221

James H. Price
644 E. Washington St
Greenville, SC 29601

Susan Porter, Esquire
Attorney General Office
5th Floor Intra-Office Mail

FROM: James R. Parks *AvP*
Clerk of Court
State Grand Jury
Post Office Box 11508
Columbia, SC 29211

RE: Jose A. Maldonado 2005-GS-47-26

MESSAGE: Please find enclosed a copy of the following:

- Sentencing Sheets filed April 10, 2007

If you have any questions, please give this office a call at 803-734-0497.

*State grand Jury
Date April 13, 2007
(Attachments A-3)*

FILED

(Attachment 'D1')

STATE OF SOUTH CAROLINA

APR 10, 2007

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#:

Jose Alberto Maldonado

A/W#: Direct Indictment - GS- 47 - 26 Count I

A: H Sex: M Age: 33

Date of Offense: 4/1/05 - 2/22/06

B: 7/20/1973 SS#: 225-62-1399

S.C. Code §: 44-53-375(C)(5)

Address: Landbeach Court, Lot #104

CDR Code #: 0 1 3 1 7 1 0

City, State, Zip: Greenville SC 29611

SID#

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
Trafficking Methamphetamine 28-100 grams, second offense (7-30 years; \$50,000)(35%)

Violation of §44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9

NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

EST: W.O. P. Jr.
Solicitor

Jose Maldonado
Defendant

[Signature]
Attorney for Defendant

BEFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years.
or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 ; plus costs and assessments as applicable*; the balance is suspended with probation for
days/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
are incorporated by reference.

CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26, Count IV, and 03-GS-23-454
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. Credit since Aug. 6, 2005

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

File: CAPP. Ct. Doc. 2 APPX. C(11) Record on Appeal

SUBSTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
\$ plus 20% fee: \$ PTUP

Ant Terms: days/hours Public Service Employment
by SCDPPPS

ent:

206 (Assessments 107.5%)	\$	
211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
211(A)(2) (DUI Surcharge)	\$100	\$
2995 (DUI Assessment)	\$12	\$
3 (Public Def/Prob)	\$500	\$
1B TP (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
1B TP (Drug Court Surcharge)	\$100	\$ <u>100.00</u>
-114(BUI Breath Test Fee)	\$50	\$
2942(J) (Vehicle Assessment)	\$40/ea	\$
County (if paid in installments)		\$ <u>75</u>
		\$ <u>220.75</u>
		\$ <u>231.75</u>

James R. Parks
Clerk of Court/Deputy Clerk
Reporter: Robin Hild

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE A. Oran
Judge Code:
Sentence Date: 4-10-07 613

217 (2/2006)

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

File: (APP. Ct. Doc. 2 - APPX. C (12) Record on Appeal)

March 9, 2015

Jose Alberto Maldonado # 312648
Kershaw Correctional Institution MB/Room #59
4848 Goldmine Highway
Kershaw SC 29067

We have received your inquiry:

- ☐ A copy of all enclosed has been forwarded to: ☐ Your Attorney ☐ Public Defender's Office
- ☐ For matters concerning PCR's, please contact the Office of the Attorney General, PCR Division, P.O. Box 11549, Columbia, S.C. 29211.
- ☐ SCDC calculates credit for time served. Please contact your classification caseworker at your institution for assistance.
- ☐ We need more information:
☐ Case Number ☐ Charge ☐ SSN ☐ Court Location ☐ Date of Arrest
- ☐ This office does not provide Legal Advice or Legal Forms.
- ☐ Please speak with your attorney regarding your request.
- ☐ Please direct your request to _____ County Clerk of Court.
- ☒ Other: There are no pending charges, therefore the information is being returned to you.

State Grand Jury of South Carolina



(1)

MES R. PARKS
CLERK OF COURT

Office of the Clerk

1000 Assembly Street
Rembert Dennis Building
Suite 519
Columbia, South Carolina 29201

POST OFFICE BOX 11508
COLUMBIA, SC 29211-1508
TELEPHONE: 803-734-0497
FAX: 803-734-0513

April 17, 2015

Jose Maldonado #312648 *File: (APP. Ct. Doc. 2. Appx. C(13) Record on Appeal)*
Kershaw Correctional Institution MB/Room #59
4848 Goldmine HWY
Kershaw SC 29067

We have received your inquiry:

☐ A copy of all enclosed has been forwarded to: ☐ Your Attorney ☐ Public Defender's Office

☐ For matters concerning PCR's, please contact the Office of the Attorney General, PCR Division, P.O. Box 11549, Columbia, S.C. 29211.

☐ SCDC calculates credit for time served. Please contact your classification caseworker at your institution for assistance.

☐ We need more information:
☐ Case Number ☐ Charge ☐ SSN ☐ Court Location ☐ Date of Arrest

☐ This office does not provide Legal Advice or Legal Forms.

☒ There is no record of said charge.

☒ Please speak with your attorney regarding your request.

☐ Please direct your request to _____ county Clerk of Court.

☐ Other: Our office has no record of a State Grand Jury case regarding this matter.

File: (Attachment: (A) Doc.3)



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

D. GARRISON HILL
JUDGE

GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET, SUITE 213
GREENVILLE, SOUTH CAROLINA 29601
TELEPHONE: (864) 467-8484
FAX: (864) 467-8595
E-MAIL: ghillj@scccourts.org

September 2, 2015

Ms. Karen Ratigan *File: (App. Ct. Doc. 2, APPX. C.(14) Record on Appeal)*
Assistant Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211

Re: State v. Jose A. Maldonado

Dear Ms. Ratigan,

Please see the attached motion from defendant Jose A. Maldonado, received on August 31, 2015. Please do not hesitate to contact my office if you have any questions.

Sincerely,

D. Garrison Hill

DGH:jg

cc: Jose A. Maldonado



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

D. GARRISON HILL
JUDGE

GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET, SUITE 213
GREENVILLE, SOUTH CAROLINA 29601
TELEPHONE: (864) 467-8484
FAX: (864) 467-8595
E-MAIL: ghill@sccourts.org

May 28, 2015

Ms. Karen Ratigan *File: (APP. Ct. Doc. 2. APP. C(15) Record on Appeal)*
Assistant Deputy Attorney General
PO Box 11549
Columbia, SC 29211

RE: Jose Alberto Maldonado (#312648)

Dear Ms. Ratigan:

Enclosed please find a copy of Mr. Maldonado's motions received recently by my office.
Please review and take whatever action you deem appropriate.

Sincerely,

[Signature]
D. Garrison Hill

cc: Mr. Jose A. Maldonado (#312648)
Kershaw Correctional Institute
4848 Goldmine Highway
Kershaw, SC 29067

File: (Attachment (B) Doc.4)

July 27th, 2015

FILED

STATE OF SOUTH CAROLINA

APR 10 2007

Exhibit (1) File on 12/11/2014 (IGP)
("Attached:B")
IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#:

AKA: Jose Alberto Maldonado
Race: H Sex: M Age: 33
DOB: 7/20/1973 SS#: 225-62-1379
Address: Wanderbeach Court, Lot #104
City, State, Zip: Greenville SC 29611
DL# _____ SID# _____

AW#: _____ GS- 42 - 26 Count I
Date of Offense: 4/1/05 - 2/22/06
S.C. Code §: 44-53-375(c)(5)
CDR Code #: 0 1 3 1 7 1 0

☐ CASE RESTORED
SENTENCE
☐ PLEA ☐ TRIAL

File: (APP. Ct. Doc. 2, APPX. C (16) Record on Appeal)
In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Trafficking Methamphetamine 28-100 grams, 2nd offense (7-30 years & \$50,000) (85%)
in violation of 44-53-375(c) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
TEST: _____

Solicitor

Defendant

Attorney for Defendant

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____ plus costs and assessments as applicable*, the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26, Count IV and 03-GS-23-45
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. Credit since Aug. 6, 2005
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
If: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
Set by SCDPPPS _____

SPECIAL CONDITIONS:
PTUP _____

Client: _____
Fees:
I-206 (Assessments 107.5%) \$
I-211(A)(1) (Conv. Surcharge) \$
-211(A)(2) (DUI Surcharge) \$100 \$ 100.00
I-2995 (DUI Assessment) \$100 \$
I-13 (Public Def/Prob) \$12 \$
I-1B TP (Law Enforce. Funding) \$500 \$
I-1B TP (Drug Court Surcharge) \$25 \$ 25.00
I-114 (BUI Breath Test Fee) \$100 \$ 100.00
I-2942(J) (Vehicle Assessment) \$50 \$
County (if paid in installments) \$40/ea. \$
\$ 75
\$ 220.75
\$ 231.75

_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: Attu

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE A. D. D.
Judge Code: _____
Sentence Date: 4-10-07 613

James R. Parks
Clerk of Court/Deputy Clerk
Reporter: Robin Hild

217 (2/2006)

White - Clerk

FILED

FEB 22 2006

(IGP) EXHIBIT (2) File on 12/11/2014.
("Attache:B")

STATE GRAND JURY OF SOUTH CAROLINA

USA D. SOUTHERN,
CLERK, STATE GRAND J

File: (App. Ct. Doc. 2. APPX. C(17) Record on Appeal)

STATE OF SOUTH CAROLINA)

CASE NO. 2005-GS-47-26

VS.)

**SUPERSEDING
INDICTMENT FOR
UNLAWFUL DRUGS**

EMILIANO GARCIA AGUIRRE,)

PAMELA RENEE BOZZI,)

JOSE ALBERTO MALDONADO,)

KENNETH SCOTT POPE aka "SCOTTY",)

LISA LAVERN RAMIREZ,)

THOMAS ERNIE ROBERTS,)

OSCAR SANCHEZ,)

JOHN NELSON TURNER, JR. aka "JJ",)

KELLY LEE NALLEY TURNER,)

DEFENDANTS.)

Trafficking Methamphetamine
(Conspiracy)

S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine
> 400 grams - Three Counts
S.C. Code Ann. § 44-53-375(C)(5)

Possession of a Firearm during the
Commission of a Violent Crime
S.C. Code Ann. § 16-23-490

At a session of the State Grand Jury of South Carolina, convened in Columbia,
South Carolina, on February 22, 2006, the State Grand Jurors present upon their oath:

**COUNT I
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)
S.C. Code Ann. § 44-53-375 (C)(5)**

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

RECEIVED

MAR 06 2006

("Attached:B")
(IGP) EXHIBIT (3) File on 12/11/2014

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

File: (App. Ct. Doc. 2. Appx. C (18) Record on Appeal)
COUNT II
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

("Attached:B")

(IGP) EXHIBIT (4) File on 12/11/2014

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

File: (APP. Ct. Doc. 2. APPX. C (19) Record on Appeal)
That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about

May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

("Attached:B")

(IGP) EXHIBIT (5) File on 12/11/2014

File: CAPP. Ct. Doc. 2. APPX. C (20) Record on Appeal

COUNT V
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

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

A. True Bill

Cathy P. Coffey
FOREMAN

Henry McMaster
HENRY McMASTER (sop)
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Jose Maldonado

AKA:

Race: W Sex: M Age: 32

DOB: 07-20-1973 SS#: 026-78-19.0

Address: 5 FLETCHER ST

GREENVILLE, SC 29611

DL#: 26678119

SID#:

File: (APP. CL. Doc. 2. Appx. C (21). Record on Appeal)

In disposition of the said indictment comes now the Defendant who was

TO: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE W/IN 1/2 MILE

in violation of § 44-53-0445

of the S.C. Code of Laws, bearing CDR Code # 0107

☐ NON-VIOLENT

☐ VIOLENT

☒ SERIOUS

☐ MOST SERIOUS

☐ 17-25-45

The charge is: ☒ As Indicted,

☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ Without Negotiations or Recommendation,

☐ Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Jose K. Monte
Solicitor.

Jose Maldonado
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 115 DAYS

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharg

§ 14-1-211(A)(2) (DUI Surcharg

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding

§ 33.7, 1B TP (Drug Court Surcharg

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(7) (Vehicle Assessment

3% to County (if paid in installments

TOTAL

Paul B. Wicherhammer
Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

("Attached:B")

(IGP) EXHIBIT (6) File on 12/11/2014

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2304545

A/W#: H441256

Date of Offense: 04-10-2003

S.C. Code §: 44-53-0445

CDR Code #: 0107

☐ CASE RESTORED
SENTENCE

☒ PLEA ☐ TRIAL

☐ CONVICTED OF or ☒ PLEADS

("Attached:B")
(IGP) EXHIBIT (7) File on 12/11/2014

File: (App. Ct. Doc. 2. APPX. C(22) Record on Appeal)

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION OF COCAINE WITH INTENT TO
COUNTY OF GREENVILLE	)	DISTRIBUTE WITHIN CLOSE PROXIMITY TO
		SCHOOL

At a Court of General Sessions, convened on JUNE 24, 2003 the Grand

Jurors of Greenville County present upon their oath:

That JOSE ALBERTO MALDONADO did in Greenville County, on or about the 10th day of April, 2003, willfully and unlawfully possess with the intent to distribute a quantity of Cocaine. This incident occurred within one-half (1/2) mile from Greenville Tech College, Northwest Campus. This is in violation of §44-53-445 of the South Carolina Code of Laws (1976) as amended.

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

Jay K. Mont
SOLICITOR

("Attached:B")

DOCKET NO. 2003-GS-23-
JLK

004545

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

JUNE TERM 2003

PLEAD GUILTY THE STATE
vs.

JOSE ALBERTO MALDONADO

Indictment for

POSSESSION OF COCAINE WITH INTENT TO
DISTRIBUTE WITHIN CLOSE PROXIMITY TO
SCHOOL

VIOLATION § 44-53-445

WITNESSES

BRAGG

GCSO

04/10/03

ARREST WARRANT NUMBER

H441256

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

File: (APP. Ct. Doc. 2. APPX. C (23) Record on Appeal)

DL SUSPENDS

Did Clerk receive driver's license?

YES

NO

If no, explain

Defendant

551

~~Filed (1)~~
~~C.A.#. 2014-1164 Exhibit (1)~~ (IGP) EXHIBIT (9) File on 12/11/2014
(~~"Attached: B"~~)

The Supreme Court of South Carolina

File: CAPP. Ct. Doc. 2. APPX. C (24). Record on Appeal)
Jose Alberto Maldonado, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001164
Lower Court Case No. 2013CP2301440

ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
June 19, 2014

cc: Karen Christine Ratigan, Esquire
Mr. Jose A. Maldonado, #312648

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED
JUN 20 2014
KerCI
MAILROOM

MB37

JOSE A. MALDONADO, #312648
KERSHAW CORRECTIONAL INSTITUTION
4848 GOLD MINE HWY
KERSHAW SC 29069

COLUMBIA
SC 290
19 JUN '14
PM 3 L

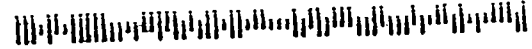
Hasler
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CA# 11-2014-1154-EXHIBIT (2)

File: App. Ct. Dec. 2. App. C (35) Record on Appeal

29067813699



(Attached: B/Exhibit (10)(2))

STATE GRAND JURY OF SOUTH CAROLINA

File: (APP. Ct. Doc. 2. Appx. C(26). Record on Appeal)
STATE OF SOUTH CAROLINA) CASE NO. **2005GS 47 26**
)
VS.) **INDICTMENT FOR**
) **UNLAWFUL DRUGS**
)
EMILIANO GARCIA AGUIRRE,)
PAMELA RENEE BOZZI,) Trafficking Methamphetamine
JOSE ALBERTO MALDONADO,) (Conspiracy)
KENNETH SCOTT POPE aka "SCOTTY",) S.C. Code Ann. § 44-53-375(C)(5)
LISA LAVERN RAMIREZ,)
THOMAS ERNIE ROBERTS,) Trafficking Methamphetamine
OSCAR SANCHEZ,) > 400 grams -- Two Counts
JOHN NELSON TURNER, JR. aka "JJ",) S.C. Code Ann. § 44-53-375(C)(5)
KELLY LEE NALLEY TURNER,)
DEFENDANTS.) Possession of a Firearm during the
Commission of a Violent Crime
S.C. Code Ann. § 16-23-490

At a session of the State Grand Jury of South Carolina, convened in Columbia,
South Carolina, on December 13, 2005, the State Grand Jurors present upon their oath:

ORIGINAL FILED

COUNT I
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)
S.C. Code Ann. § 44-53-375 (C)(5)

DEC 13 2005
LISA C. DUNCAN,
CLERK, STATE GRAND JURY

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons
whose names are both known and unknown to the State Grand Jury, did in Anderson
County, Greenville County, Oconee County and Pickens County of South Carolina,

PRICE, ASHMORE & BEASLEY, P.A.

ATTORNEYS AT LAW
644 E. WASHINGTON STREET
GREENVILLE, SOUTH CAROLINA 29601
TELEPHONE (864) 467-1001
FACSIMILE (864) 242-6560

JAMES H. PRICE, III *
BEATTIE B. ASHMORE
RYAN L. BEASLEY

*Licensed to practice law in South Carolina and New York

October 13, 2008

COPY

File: (App. Ct. Doc. 2. Appx. C(27). Record on Appeal)

Rodney W. Richey, Esq.
Richey and Richey Attorneys At Law
PO Box 10916
Greenville, SC 29603-0916

Re: Jose Alberto Maldonado, SCDC # 312648 vs. The State of South Carolina
Case No.: 2008-CP-23-2140

Dear Mr. Richey:

I am responding to your subpoena demanding copies of my entire file concerning Jose Maldonado.

I have enclosed copies of what I can give you which is primarily letters between Mr. Maldonado and me. The reason that I can not give you anything more is the following:

1. The primary case was a Statewide Grand Jury case;
2. All Statewide Grand Jury materials were covered by a standing Order requiring their destruction or return to the Attorney General's Office. I chose to simply have them destroyed.

I represented Mr. Maldonado in another case which was a garden variety state case with Assistant Solicitor, Joyce Monts. Unfortunately, the discovery in that case was destroyed with the Statewide Grand Jury discovery.

I will be glad to meet with you at anytime to discuss Mr. Maldonado's situation. If you have any questions, please do not hesitate to contact me.

As always, I remain,

Yours very truly,

PRICE, ASHMORE & BEASLEY, P.A.

James H. Price, III

JHP:fab

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

File: (App. Ct. Doc. 2. APPX. C (28). Record on Appeal)

COUNT II
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

~~Attended~~
(Attended: B/EX/inf: (10)(b))

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME

S.C. Code Ann. § 16-23-490

File: (APP. Ct. Doc. 2- APPX. C(29). Record on Appeal)
That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about

May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

File: (APP. Ct. Doc. 2 APPX. E (30) Record on Appeal)
(c) (Attached: B/EXHb) f(10)

COUNT III
POSSESSION OF A FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
TRAFFICKING METHAMPHETAMINE > 400 GRAMS
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Exhibit (2)

File: (APP Ct. Doc. 2. APPX. C(31). Record on Appeal)

COUNT V

TRAFFICKING METHAMPHETAMINE > 400 GRAMS

S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

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

A True Bill

~~(Attorney)~~
(d) Attached - B/Exhibit (10)

Cathy P. Coffey
FOREMAN

Henry McMaster
HENRY McMASTER (sop)
ATTORNEY GENERAL

FILED

(Attachments: 3-ESP)

STATE OF SOUTH CAROLINA

APR 10 2007

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville JAMES R. PARKS
CLERK, STATE GRAND JURY

DATE VS. Jose Alberto Maldonado) 2005 -GS- 47 - 26 Court IV
AW#: _____
Date of Offense: 6/26/2005
S.C. Code #: 44-53-375(C)(5)
CDR Code #: 0 1 3 1 7 1 0
ICE: H Sex: M Age: 33
DOB: 7/20/1973 SS#: 225-62-1379 225
Address: Pandemon Court
City, State, Zip: Lot 104 Greenville SC 162-1399
_____ SID# 29611

File: (App. Ct. Doc. 2. APPX. C(32). Record on Appeal)
Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
Trafficking Methamphetamine 28-100grams, second offense (7-30yrs & \$50,000 Fine)(85%)
Violation of 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9
NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
EST. James C. Patis Jose Maldonado [Signature]
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
_____ plus costs and assessments as applicable*, the balance is suspended with probation for _____
the/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.
CONCURRENT or ☐ CONSECUTIVE to sentence on: 05-GS-47-26 Court I & 03-GS-23-4547
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State.
Department of Corrections. Credit since Aug. 6, 2005
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

STITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
\$ _____ plus 20% fee: \$ _____
ent Terms: _____
t by SCDPPPS _____
ient: _____

-206 (Assessments 107.5%)	\$	
-211(A)(1) (Conv. Surcharge)	\$	
-211(A)(2) (DUI Surcharge)	\$100	\$ 100.
-2995 (DUI Assessment)	\$100	\$
-3 (Public Def/Prob)	\$12	\$
-1B TP (Law Enforce. Funding)	\$500	\$
-1B TP (Drug Court Surcharge)	\$25	\$ 25
-114(BUI Breath Test Fee)	\$100	\$ 100.0
-2942(J) (Vehicle Assessment)	\$50	\$
County (if paid in installments)	\$40/ea	\$
		\$ 317.5
		\$ 317.5
		231.75

James R. Parks
Clerk of Court/ Deputy Clerk
Reporter: Robin Hild

SPECIAL CONDITIONS:
PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]
Judge Code: _____
Sentence Date: 4-10-07 1 613

Files: (App. Ct. Doc 2 APPX. C(34). Record on Appeal)

STATE OF SOUTH CAROLINA

COUNTY OF GreenvilleSTATE VS.Jose Maldonado

AKA: _____

Race: W Sex: M Age: 32DOB: 07-20-1973 SS#: 026-78-19-0Address: 300 SULPHUR SPRINGS RD J3GREENVILLE SC 29611DL#: 26678119 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2304547A/W#: G803304Date of Offense: 04-10-2003S.C. Code §: 44-53-0370CDR Code #: 0388
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: TRAFFICKING IN COCAINE > 28 GRAMS, 2ND OFFENSEin violation of § 44-53-0370 of the S.C. Code of Laws, bearing CDR Code # 0388☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jose K. Monte
Solicitor:Jose Maldonado
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 115 DAYS

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine: _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharg

§ 14-1-211(A)(2) (DUI Surcharg

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding

§ 33.7, 1B TP (Drug Court Surcharg)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(D) (Vehicle Assessment

3% to County (if paid in installments)

TOTAL

Paul B. Wicksmaier
Clerk of Court/ Deputy ClerkCourt Reporter: [Signature]

PTUP

_____ days/hours Public Service Employment

Obtain OED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE [Signature]Judge Code: 2 11 B BSentence Date: 11-29-05

(Attachment C-1)

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING COCAINE

File: (App. Ct. Doc. 2. APPX. C (35) - Record on Appeal)

At a Court of General Sessions, convened on JUNE 24, 2003 the Grand

Jurors of Greenville County present upon their oath:

That JOSE ALBERTO MALDONADO did in Greenville County, on or about the 10th day of April, 2003, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 28 grams of Cocaine. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

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

Jose K. Mouta
SOLICITOR

WITNESSES

BRAGG

GCSO

04/10/03

ARREST WARRANT NUMBER

DIRECT INDICTMENT

(G803304)

ACTION OF GRAND JURY

TRUE BILL

Russell P. [Signature]
FOREMAN GRAND JURY
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-23-

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

JUNE TERM 2003

THE STATE

vs.

JOSE ALBERTO MALDONADO

PLEAD GUILTY

[Signature]

Indictment for

TRAFFICKING COCAINE

VIOLATION § 44-53-370

File: (APP. CT. Doc. 2. APPX. C(26). Record on Appeal)

20388
2359

DL SUSPENDS

Did Clerk receive driver's license?

YES _____ NO NO

If no, explain It's on file

Defendant

(Attachment: C-2)

550

RECEIVED

JUL 22 2016

SC Court of Appeals

Appellant Case No.: 2016-001274

Certificate of Service

I, Jose A. Maldonado, a civil person presently
confining at Kershaw South Carolina Correctional Institution
("SCDC"). Do hereby affirm that:

Mr. Jose A. Maldonado, 312648. Appellant Pro - Se
in the above-captioned matter, hereby under oath and penalty of
perjury certify, that I have served "Initial Brief of Appellant
and Appendix, Record on Appeal", with "Alphabetical Order, (A, B,
and C. Record on Appeal)", have being attached below this Motion.
Further, the Appellant file thru the Kershaw C.I. is Mail Room; upon the
below listed of address on the same dated. To:

JANNY ABBOTT KITCHINGS
Clerk
Post Office Box 11629
Columbia, South Carolina 29211

General Counsel David Tatarsky (SCDC)
P.O. Box 21787
4444 Broad River Road
Columbia S.C. 29221

Further, Appellant said and Notarized
This 19 day of July, 2016. Respectfully Submitted

Sworn To and SUBSCRIBED Before Me
This 19th day of July, 2016.

Catharine A. Amoser
Notary Public For South Carolina

My Commission Expires: _____

My Commission Expires December 22, 2018

Jose A. Maldonado
Jose A. Maldonado #312648
Appellant Pro - Se

Kershaw Corr. Inst. MB/Rm.#59
4848 Goldmine Highway
Kershaw, S.C. 29067

File: (App.Ct. Doc.2)