

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Justin H. Griffin, #315057, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )  
)

Docket No. 16-ALI-04-0100-AP

RECEIVED

AUG 19 2016

SC Court of Appeals  
ORDER AFFIRMING DECISION

FILED

JUN 20 2016

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed February 3, 2016, by Justin H. Griffin ("Inmate"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Inmate filed his Step One and Step Two Grievances arguing that his good time credits and work credits were not correctly applied to his sentence.

Inmate filed his Notice of Appeal on February 3, 2016, claiming that SCDC is violating S.C. Code Ann. §§ 24-13-210(B) (Supp. 2015) and 24-13-230(B) (Supp. 2015) and thereby incorrectly calculating his sentence.

**STANDARD OF REVIEW**

The ALC'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 ALC's appellate jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his/her sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.*

When reviewing the SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 380, 527 S.E.2d at 756. Consequently, the review in these cases is limited to the record presented. An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5) (Supp. 2015). The ALC will not disturb the findings of an administrative agency if its findings

are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Indus. Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). “Substantial evidence” is evidence which, considering the record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. Trimmier v. S.C. Dep’t of Labor, Licensing & Regulation, 405 S.C. 239, 246, 746 S.E.2d 491, 494 (Ct. App. 2013) (quoting Porter v. S.C. Pub. Serv. Comm’n, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998)). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence. Grant v. S.C. Coastal Council, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995) (quoting Palmetto Alliance, Inc. v. S.C. Pub. Serv. Comm’n, 282 S.C. 430, 432, 319 S.E.2d 695, 696 (1984)).

### LAW/ANALYSIS

Inmate was sentenced on November 29, 2007, to a thirteen (13) year sentence for Armed Robbery. Armed Robbery has a “mandatory minimum term of not less than ten years or more than thirty years...” S.C. Code Ann. § 16-11-330(A) (2015). S.C. Code Ann. § 24-13-100 (2007) defines a “no parole offense” as a “class A, B, or C felony or an offense exempt from classification as enumerated in Section 16-1-10(d), which is punishable by a maximum term of imprisonment for twenty years or more.” Pursuant to S.C. Code Ann. § 16-1-20 (2015), A Class A felony is defined as an offense that if convicted, an individual could serve “not more than thirty years.” Armed Robbery is a Class A offense and is therefore a no parole offense. S.C. Code Ann. § 24-13-150(A) (Supp. 2015) provides that a person convicted of a no parole offense is not eligible for early release until that person has served at least eighty-five percent of the actual term of imprisonment imposed.

Because Armed Robbery is a no parole offense, the amount of good time credits given to Inmate is governed by S.C. Code Ann. § 24-13-210(B), not subsection A. S.C. Code Ann. § 24-13-210(B) reads:

An inmate convicted of a "no parole offense" against this State as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no inmate serving a sentence for life imprisonment

or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. **No inmate convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150.** When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed. (emphasis added).

Also, again because Inmate was convicted of a no parole offense, the amount of work credits granted to Inmate is provided by S.C. Code Ann. § 24-13-230(B), and not subsection A. S.C. Code Ann. § 24-13-230(B) states:

The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. **No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150.** A maximum annual credit for both work credit and education credit is limited to seventy-two days. (emphasis added).

Therefore, Inmate has the ability to earn three days of good time credit a month and six days of work credit a month.

After a review of the record in this case, from the period of his sentence start date of October 6, 2006, to the "next cycle date" of May 6, 2016, as outlined in the maxout date calculation worksheet, Inmate, had he earned the maximum amount of credit, would have a gross good time credit of 345 days. However, as a result of disciplinary convictions, Inmate lost 54 days because he lost the opportunity to earn good time credit for the months in which he had a disciplinary conviction.<sup>1</sup> Further, Inmate lost 231 good time credit days because of sanctions as a result of disciplinary convictions. As a result, Inmate has only earned 60 days of good time credit. Additionally, Inmate has only earned 226.343 of work credit days.

Inmate, in his brief, argues that he should only serve eighty five percent of his sentence.

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<sup>1</sup> SCDC records reveal that if Inmate was convicted of at least two disciplinary convictions during the same month, he only lost the opportunity to earn good time credit for the one month.

Inmate's argument is incorrect. Inmate must serve eighty-five percent of his sentence, however, Inmate's ability to serve the mandatory minimum is contingent on earning good time credit and work credit, which is itself contingent, in part, on good behavior. Inmate has lost several days of good time credit as a result of his disciplinary convictions. Inmate has also lost the opportunity to earn good time on account of his disciplinary convictions. Also, Inmate was unable to be constantly earn work credits because, in part, of his disciplinary convictions. Therefore, Inmate's sentence has been correctly calculated.

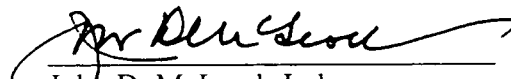
Inmate has failed to establish that SCDC is incorrectly applying his statutory right to good time credit and work credit. Because SCDC's decisions is supported by substantial evidence, I affirm.

Based upon the foregoing,

**IT IS HEREBY ORDERED** that the final decision of the SCDC is **AFFIRMED**.

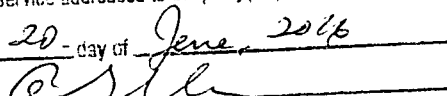
**AND IT IS SO ORDERED.**

Columbia, S.C.  
June 20, 2016

  
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John D. McLeod, Judge  
S.C. Administrative Law Court

CERTIFICATE OF SERVICE

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

This 20 day of June, 2016  
By:   
\_\_\_\_\_  
Judicial Law Clerk