

5  
222933

APPELLANT'S RECORD ON APPEAL RECEIVED

THE STATE OF SOUTH CAROLINA SEP 23 2015

IN THE COURT OF APPEALS SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE

LOWER CASE NO. 14-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, ~~III~~, #357770,

v.

APPELLANT,

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS,

RESPONDENT.

APPELLANT'S RECORD ON APPEAL

George Cleveland, ~~III~~, #357770  
TURBEVILLE CORRECTIONAL INST.  
P.O. Box 252  
TURBEVILLE, S.C. 29162  
PRO SE APPELLANT

Christina Catoe Bigelow  
Office of General Counsel  
P.O. Box 21787  
Columbia, SC 29221  
803-896-1738  
  
Counsel for Respondent

INDEX

APPELLATE CASE NO. 2015-000183

ORDER OF DISMISSAL OF A.L.C FILED  
ON JANUARY 15, 2015 . . . . . 1-2

RESPONDENT'S MOTION TO DISMISS UNDER  
SLEZAK (DATED DECEMBER 17, 2014) . . . . . 3-7

APPELLANT'S ORIGINAL BRIEF (DATED NOV,  
24, 2014) . . . . . 8-26

APPELLANT'S EXHIBIT(S)

REQUEST TO STAFF MEMBER TO CASE-  
MANAGER JAMES BETHEA (DATED MARCH  
03, 2014) . . . . . 27

STEP-1 INMATE GRIEVANCE FORM (FRONT)  
. . . . . 28

STEP-1 INMATE GRIEVANCE FORM (BACK)  
. . . . . 29

STEP-2 INMATE GRIEVANCE FORM . . . . . 30

GENERAL SESSIONS SENTENCE SHEET  
(CURRENT 6-YEAR NON-VIOLENT PRISON  
SENTENCE) . . . . . 31

A.L.C. ASSIGNMENT SHEET FILED SEPT.  
25, 2014 . . . . . 32

RECEIVED

SEP 23 2015

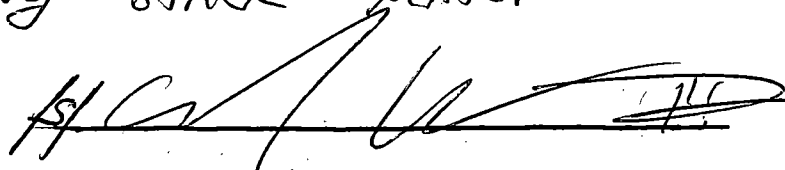
SC Court of Appeals

APPELLATE CASE NO. 2015-000183

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the record on appeal contains ALL MATERIAL proposed to be included by any of the parties and not any other material.

DATED: SEPT. 18, 2015

  
George Cleveland, III #35770  
Turbeville Correctional Inst.  
P.O. Box 252  
Turbeville, S.C. 29162

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

George Cleveland, III, #357770,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 14-ALJ-04-0771-AP  
Grievance No.: ECI 221-14

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed September 16, 2014 by George Cleveland, III ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Appellant appeals the decision of SCDC in a dispute raised by Appellant regarding the calculation of his sentence-related good time credits and appropriate max out date. Though the Appellant discusses calculation of sentence-related credits, Appellant is not appealing a decision that affected his credits; rather, he is addressing how SCDC is calculating such credits and raising issue with how SCDC staff is trained. SCDC's Step 2 Grievance decision indicates that he was not sanctioned with the loss of any good-time credits, nor does Appellant make a claim for the loss of any other state-created liberty interest. There is no state-created liberty interest in the loss of opportunity to earn additional good-time credits. Howard v. S.C. Dep't of Corr., 399 S.C. 618, 733 S.E.2d 211 (2012); see also S.C. Code Ann. § 1-23-600 (D) (2012).

On its face, it appears that Appellant is arguing that his sentence has been calculated incorrectly and, in some way, he may be presenting such an argument. However, upon examining all of his materials presented, Appellant is actually presenting argument that the Department's method of calculation as a whole is incorrect<sup>1</sup>, and that their staff is improperly trained<sup>2</sup> and ignorant of the law<sup>3</sup>. In his brief, Appellant appears to argue for different methods of calculation of good time credits, and avers that the Department should follow one of the schemes that he has developed<sup>4</sup>. Appellant further alleges that the days that he has lost due to disciplinary actions are not at issue here.<sup>5</sup>

<sup>1</sup> Appellant's Brief p. 18.

<sup>2</sup> Appellant's Brief p. 15, 17.

<sup>3</sup> Appellant's Brief p. 10.

<sup>4</sup> Appellant's Brief p. 11-13.

<sup>5</sup> Appellant's Brief p. 16.

**FILED**

JAN 15 2015

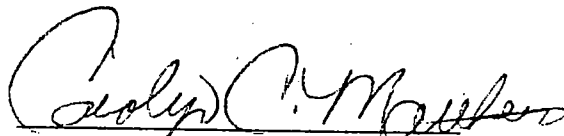
SC ADMIN. LAW COURT

The totality of these arguments present an issue upon which this Court cannot rule. It is not within this Court's jurisdiction to decide how sentences are calculated pursuant to statute and, because the Appellant is not specifically arguing that his sentence is improperly calculated, this issue does not fall under one of the exceptions regarding jurisdiction as found in the canon of cases regarding ALC jurisdiction over inmate cases, including *Sullivan vs. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003).

Under *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." *Id.* at 331, 605 S.E.2d at 508. Such is the case present. It is therefore,

**ORDERED** that this appeal is **DISMISSED, WITH PREJUDICE.**

**AND IT IS SO ORDERED.**



**CAROLYN C. MATTHEWS**  
Administrative Law Judge

January 15, 2015  
Columbia, South Carolina

**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, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 15 day of January 15  
BY [Signature]  
Judicial Law Clerk

STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT

George Cleveland, III, # 357770,	)	Docket No.: 14-ALJ-04-0771-AP
	)	[Grievance No.: ECI-221-14]
Appellant,	)	
	)	Hon. S. Phillip Lenski
v.	)	
	)	
South Carolina Department of Corrections,	)	<b>RESPONDENT'S MOTION TO</b>
	)	<b>DISMISS UNDER SLEZAK</b>
Respondent.	)	

---

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (ALC) pursuant to the appeal of George Cleveland (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department). Appellant is appealing a Step 2 decision that does not implicate a state-created liberty or property interest. Therefore, the Department moves for dismissal under *Slezak*.

STANDARD OF REVIEW

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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the supreme court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the supreme court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which

SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. See *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Moreover, regarding categories (2) and (3), *supra*, the South Carolina Supreme Court has consistently emphasized that the liberty or property interest implicated must be one that is *state created*. See *Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (emphasizing that the ALC's jurisdiction extends only to those cases involving the denial of "state created liberty interests" and that the Court's holding [*i.e.*, in *Wicker*] "is not to be viewed as expanding the jurisdiction of the [ALC] in any other circumstance."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (emphasis added).

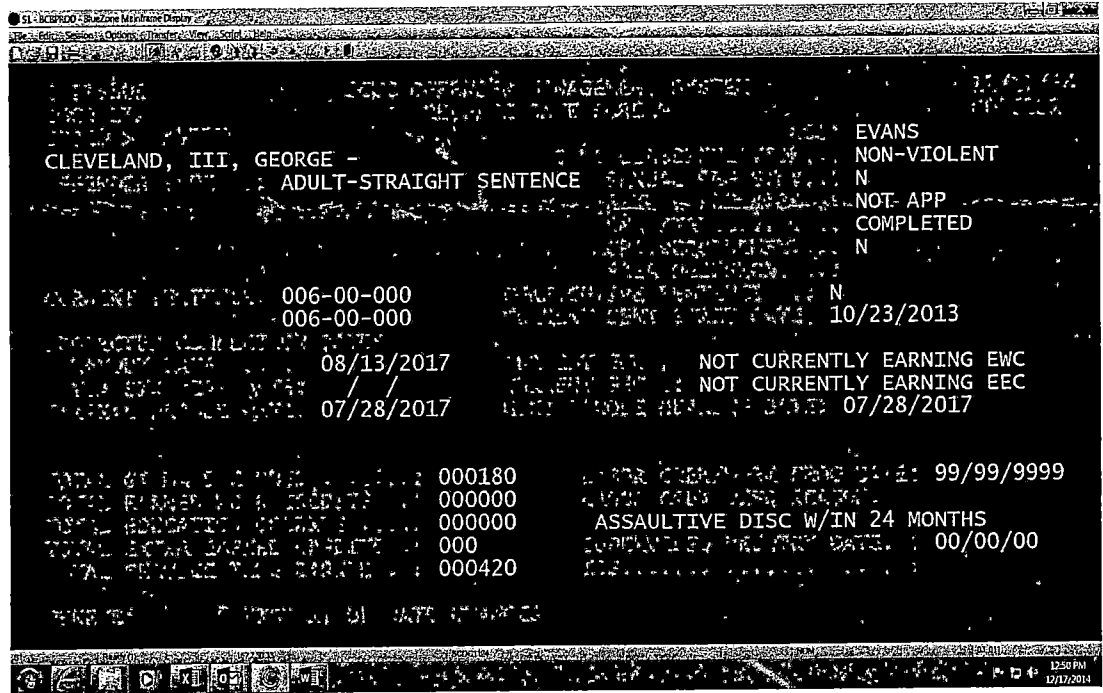
SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. Recently, the South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC "should" dismiss the appeal. *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

#### **ARGUMENT IN SUPPORT OF MOTION TO DISMISS**

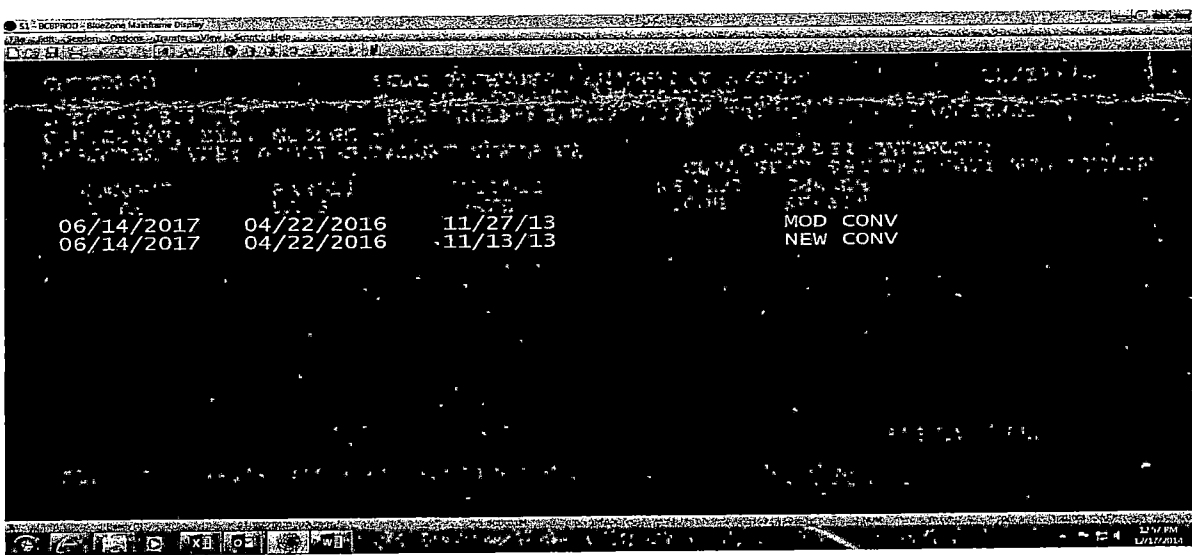
This case should be dismissed under *Slezak* and *Skipper*. Here, Appellant challenges what he perceives to be his inability to earn good-time credits. However, all of the sentences for which Appellant is serving time are those to which the 20-days-per-month good-time credit rule applies. As such, it is difficult to understand precisely what Appellant is alleging. The Department gave detailed responses in

both the Step 1 and Step 2 responses, and there is no documentation that Appellant provides that shows that the Department is incorrectly calculating his sentence.

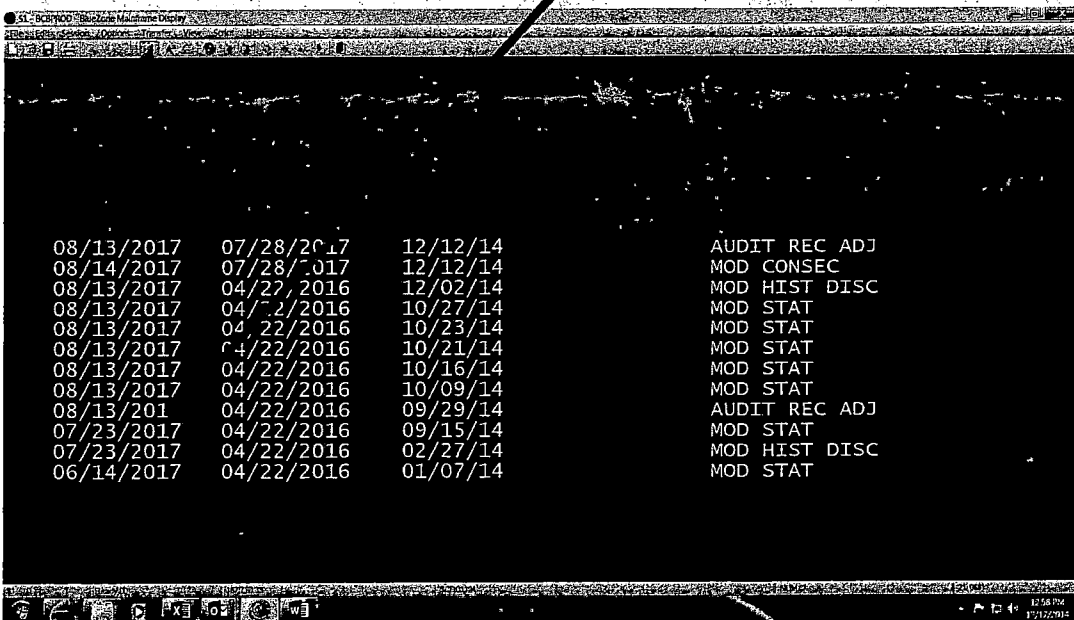
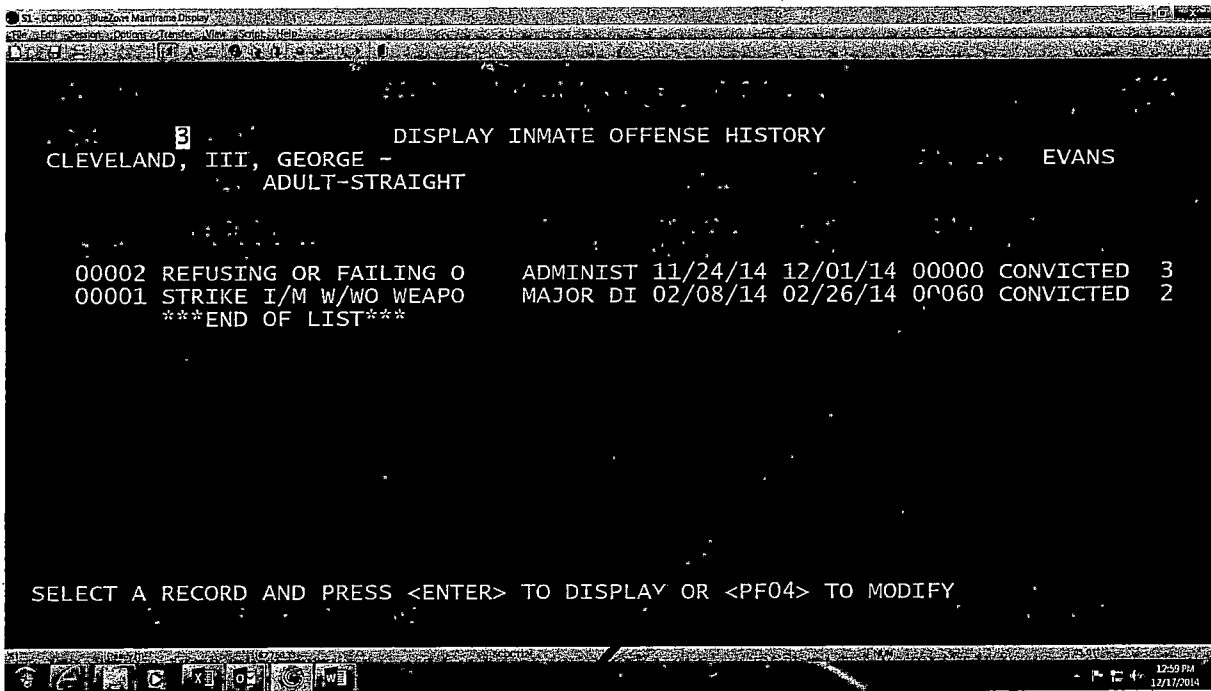
Moreover, here is a screenshot showing the 6-year sentence, along with the total amount of good-time credit Appellant has already earned:



Appellant's max-out date, upon entry into the Department's custody, was June 14, 2017:



However, on February 27, 2014, September 29, 2014, and December 2, 2014, Appellant's record was updated to reflect the effects of the two disciplinarys: *i.e.*, the failure of the 20 days of good-time credits to be applied for the months in which the disciplinary infractions occurred, and the deduction of 60 days of good-time credit as a result of the February 26, 2014 conviction for the *Striking an Inmate Without a Weapon* offense.



Accordingly, there is no error in the Department's calculation of Appellant's max-out date (as of December 17, 2014) of August 13, 2017.

Therefore, because no liberty or property interest is involved in this case, the Court should dismiss this case pursuant to *Slezak* and *Skipper*.

**CONCLUSION**

For the foregoing reasons, the Court should dismiss this appeal, with prejudice.

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY. 

Daniel J. Crooks III  
Staff Attorney  
S.C. Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29221  
(803) 896-1355

Columbia, South Carolina

December 17, 2014

# STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT

GEORGE CLEVELAND, III,  
S.C.D.C. #357770,  
Appellant,

v.

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS, (S.C.D.C.),  
Respondent.

APPELLANT'S  
ORIGINAL  
BRIEF,

HONORABLE  
CAROLYN E.  
MATTHEWS  
Docket NO:  
14-ALJ-04-  
0771-AP

1. Appellant George Cleveland, III #357770  
An inmate incarcerated with the  
South Carolina Department of Corrections  
(S.C.D.C.) files this original Brief  
pursuant to the Administrative Law  
Court special Appeals rule 60 (A.)  
And 60 (B.).

G.C.

## STATEMENT OF THE ISSUES ON APPEAL:

(B)(1)

Did S.C.D.C. correctly deduct the  
correct amount of Good Behavior  
credit of twenty (20) days for each  
month served under S.C. Code Ann.  
1976 § 24-13-210 (A.) for an parole

STATEMENT OF THE CASE:

(B.) (2.) ON February 21, 2014, I hand-wrote a Request to Staff Member (R.T.S.M.) form because EVANS Correctional Institution had an insufficient amount of the S.C.D.C. Form 19-11's, the (R.T.S.M.) WAS addressed to the CASE MANAGER AT EVANS Correctional Institution Mr. JAMES Bethea.

The question dealt directly with my good behavior credit calculations.

ON MARCH 03, 2014, he responded: "YOUR CALCULATIONS ARE WRONG".

Dissatisfied with his answer, I filed an on-time step-1 GRIEVANCE ON MARCH 07, 2014. ON MARCH 28, 2014,

G.C. EVANS Correctional Warden Willie Eagleton denied my GRIEVANCE in full. He reasoned that "All sentence-related credits have been applied."

Dissatisfied with Warden Eagleton's decision, I filed on-time An Step-2 GRIEVANCE ON April 03, 2014  
2.

ON August 22, 2014, My Grievance WAS AGAIN denied with no explanation ON the law despite requesting supporting Documents to support the decision by S.C. D.C. STAFF AT COLUMBIA, S.C.

Finally, I filed AN timely notice of Appeal with this court AND my case WAS Assigned Docket number: 14-ALJ-0771-AP, AND Assigned with the Honorable Carolyn C. Matthews. Notice of Appeal was filed on 9/16/14, AND Assigned on 9/25/14, AND on Oct 20, 2014, my motion for AN enlargement was filed in this court for this Appeal, AND on Oct 22, 2014, this court GRANTED my motion for AN Enlargement to file my original Brief until Dec 05, 2014

G.C.

## ARGUMENT:

1. S.C. D.C. INCORRECTLY CALCULATED MY GOOD BEHAVIOR CREDIT:

South CAROLINA Code Ann. § 24-  
13-210 (A.) reads: "An inmate page 11

convicted of an offense against  
this state, except a no parole  
offense as defined in § 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  
§ 24-3-20 or § 24-3-30 whose record  
of conduct shows that he 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 twenty  
(20) days for each month served  
G.C. which the good conduct credit  
is computed."

The law is clear and unambiguous  
about the deduction in my prison

Sentence of twenty (20) days A month for each month served if I faithfully observe all the institutional rules,

§ 24-13-210 (A) required S.C.D.C. to deduct the Good Behavior Credit At the beginning of my sentence for each month "served" means to go through a term of imprisonment.

I plead guilty to poss. of stolen vehicle in violation of state law pursuant to § 16-21-0080. The vehicle was valued at ten-thousand (\$10000) or more, thus constitutes a felony which carries a prison term of not more than ten (10) years and/or a fine in the discretion of the court see S.C. code Ann. § 16-21-0080 (3).

G.C.

The Greenville County General Sessions Court sentenced me to AN six (6) year prison term see Attached Appellant exhibit (1).

Since the crime I was convicted of is AN PAROLE OFFENSE, I'm eligible for twenty (20) days A month of good behavior credit see S.C. Code Ann. § 24-13-210, see Also Attached sentencing sheets where the court checked non-violent sentence.

S.C. Code Ann. § 24-13-100 Defines "no parole offense AS AN CLASS A, B, OR C Felony which ARE punishable by A MAXIMUM term of imprisonment for twenty (20) years OR MORE; Accordingly, my crime maximum sentence is ten (10) years; thus my crime of: poss. of stolen vehicle over \$10,000 OR MORE is A PAROLE OFFENSE UNDER S.C. Code Ann. § 24-13-100, AND UNDER S.C. Code Ann. § 16-21-0080 (3.); therefore, I'm eligible for A deduction OF my prison sentence of twenty (20) days A month served under S.C. Code Ann. § 24-13-100 list all the no PAROLE offenses in great detail, but the list is rather large in length, AND would exceed the ten (10) PAGE limit pursuant to this Courts' 6.

Rule 60 capping my original brief to ten (10) pages.

Some of the prohibited crimes are: murder, rape, looting in a state of emergency, and many, many more which none apply to my conviction. At issue here.

S.C.D.C. has authority if an inmate commits an offense or violates a rule S.C.D.C. ~~code~~ can take away good behavior credit under s.c. code Ann.

§24-13-210 (D). This responsibility is solely the responsibility of S.C.D.C. or an designated facility authorized under §24-3-20 or §24-3-30.

I have tried to reason with Mr. James Bethea who is the casemanager here at Evans Correctional. He supervises caseworkers here.

G.C. My early release date is in contrary to state law, and do not reflect the number of good behavior credit I'm required to be awarded under §24-13-210 (A).

The Record of Appeal ASK Mr. Bethea  
 A CLEAR AND STRAIGHT-FORWARD  
 QUESTION: IF I'M AWARDED TWENTY  
 (20) DAYS A MONTH IF I BREAK  
 NO RULES, TWENTY (20) MULTIPLIED  
 BY TWELVE (12) WHICH IS A TOTAL  
 YEAR, I SHOULD EARN TWO-HUNDRED-  
 FORTY (240) DAYS A YEAR. TWO-  
 HUNDRED-FORTY (240) DAYS MULTIPLIED  
 BY SIX (6) WHICH IS THE TOTAL NUMBER  
 OF MY PRISON SENTENCE, SEE APPELLANT  
 EXHIBIT 1. THE TOTAL NUMBER OF GOOD  
 BEHAVIOR DAYS SHOULD BE FOURTEEN-  
 HUNDRED-FORTY (1440) DAYS. IF YOU  
 MULTIPLY THREE-HUNDRED-SIXTY (365)  
 (DAYS A YEAR) BY SIX (6) YEAR (TOTAL  
 SENTENCE), THE TOTAL IS TWO-  
 G.C. THOUSAND, ONE HUNDRED, NINETY (2190)  
 SUBTRACT (2190 FROM (1440), THE GRAND  
 TOTAL OF MY PRISON SENTENCE IS OR  
 SHOULD BE SEVEN-~~000~~ HUNDRED-FIFTY  
 (750) DAYS, NOT THREE (3) YEARS,  
 NINE (9) MONTHS AS S.C.D.C. INCORRECTLY  
 HAVE IT CURRENTLY CALCULATED.

Mr. Bethea four (4) word response "was: "your calculations are wrong" on March 3, 2014, see my February 21, 2014 letter to him filed by respondent's Record of Appeal on November 05, 2014. He provided no evidence despite my request from him to forward to an S.C.D.C. staff attorney if he was not familiar with this statute: § 24-13-210(A)

My grievance was there after denied by warden Eagleton which simply requested him to decrease my release date to reflect state law. This decision and reason did not specifically address my question of how the law reads.

Finally, my step-2 grievance was G.C. Also denied again without specifically addressing the state statute as I requested from the start, and reasoned "the I.G.C. and the warden have addressed your concerns appropriately." The step-2 writer further requested me to address my issues and concerns

page 17

with our prison case manager Mr. James Bethea the same case manager who outright refused to investigate and seek legal assistance from S.C.D.C. staff attorneys.

This case centers around S.C.D.C. employees unwilling or ignorant of state law, research, and provide me with specific findings of fact regarding my good behavior credit question. Instead S.C.D.C. ~~employees~~ employees merely kicked the can down the road and tried to convince me my max-out date including my good behavior credit was already calculated, but I submit it is because S.C.D.C. staff are wholly ignorant of the state laws that govern the Department. S.C.D.C. has mis-calculated my good behavior credits and outright refused to provide an fundamental basis of the reason.

G.C.

AS S.C. Code Ann. §24-13-210 plainly reads, S.C.D.C. must give

me All my Good behavior credit <sup>Page 18</sup>  
up front, from the date of my  
sentence commences to the total  
prison term to be served.

the only logical reasoning that  
could accord S.C.D.C. to withhold  
forfeited good behavior credit  
is to award the credit ahead  
of time because S.C.D.C. has  
sole discretion to withhold  
the credit for inmates who are  
convicted of violating an S.C.D.C.  
policy pursuant to S.C. Code Ann.  
§ 24-13-210(D). For example,  
suppose inmate: (A) was sentenced  
to imprisonment for one (1) year  
awarded twenty (20) days a  
month for good behavior and, S.C.D.C.  
G.C. calculated his twenty (20) days  
the beginning of each month, this  
would cause S.C.D.C. to hire  
additional staff to confirm the  
calculations are accurate. This would  
cause inmates' release dates to  
change monthly and strain the  
S.C.D.C. computer system programed

page 19

to make the changes. It would  
Also provide inmates An uncertain  
release date.

Suppose Inmate: (B.) was sentenced  
to imprisonment for one (1) year  
Awarded twenty (20) days A month  
for good behavior, but instead  
of a monthly calculation, S.C.D.C.  
calculated the twenty (20) days in  
advance for the entire one (1)  
year sentence substantially  
reducing his sentence because  
of the incentive of a sentence  
reduction for following all the  
institution's rules. If inmate: (B.)  
does not, S.C.D.C. can revoke  
good behavior credit that was  
Applied in advance.

G.C. In order for S.C.D.C. to Revoke  
Good Behavior Credit, it must award  
the credit in full, thus is the  
reasonable approach. This example  
Inmate: (B.) is fully awarded his  
max-out date, he can fully plan his  
life after prison, unless Inmate:  
(B.) chooses to put his max-out

PAGE 20

in jeopardy with AN INCREASE  
in the number of days he must  
remain in prison for AN rule  
violation that ~~was~~ he was convicted  
of.

Inmate (B) example is the most  
logical and I submit was the  
intent of the General Assembly  
because they used language that  
plainly reads to the beginning to  
the end of the prison term with no  
limit on the amount of good behavior  
credit of twenty (20.) days AN  
inmate can be awarded under  
§24-13-210 (A) for parole offenses.

G.C. If it was a limit, the General  
Assembly would have been part of  
the language. If the General  
Assembly's intent was for S.C.D.C.  
to set their own cap of the  
number of days I could be  
awarded under §24-13-210 (A)  
it would have expressly wrote  
it in §24-13-210 (A) In other

words, the law is clear <sup>page 21</sup> in it's  
language that I must be  
awarded all my good behavior  
credit up front, and if I break  
a rule, I will be punished with  
the possibility of losing good  
behavior credit days, then and  
only then should my max-out  
date increase because S.C.D.C.  
can't take this credit from  
me unless it was given to me  
in full to begin with.

Finally, the state law has safe-  
guards to protect my liberty  
interests while in prison, S.C. Code  
Ann. §24-13-260 reads: "An officer  
having charge of an inmate who  
refuses to allow a deduction in  
time of serving sentence is guilty  
of a misdemeanor, and upon conviction  
must be imprisoned for not less  
than thirty (30) days or pay a  
hundred (\$100.00) fine."

this law makes certain that Bethany Engleton, And the Author of the step-2 GRIEVANCE who NAME IS NOT legible, have All broken that LAW for ~~for~~ Refusing to deduct the correct number of Good Behavior Credit I'm legally entitled to under the LAW.

Even S.C.D.C. is no immune from following the LAW, And the S.C.D.C. staff ARE suppose to be the poster-child for inmates sent to their custody by S.C. Courts that do so to Reshape, OR TRANSFORM the inmate, And Correcting from PAST mistakes, but in THIS PARTICULAR CASE, S.C.D.C. is the one that need correcting.

G.C.

(4.)

CONCLUSION:

The South Carolina Department of Collections (S.C.D.C.) has failed to properly train its employees of state LAW, thus

This has caused an willful page 23  
increase in my MAX-OUT DATE  
without lawful justification.

My projected release is currently  
the late part of Aug 2017, instead  
of the seven-hundred-fifty  
(750) days the law requires  
S.C.D.C. to calculate my MAX-OUT  
date too. My start-date of  
my prison sentence is 10/23/2013,  
(750) day computes to: two (2)  
years, twenty (20) days; therefore,  
computes to around 11/12/15 before  
any forfeited Good Behavior  
credits for breaking institutional  
rules. This matter is not at issue  
here; therefore, I need not make  
it part of my instant argument.

G.C. In the step-1 Grievance Response  
dated received MARCH 07, 2014, which  
is part of the record, warden  
Engleton uses the term Good  
Time Credit, so does the writer  
of the step-2 Grievance see  
16.

Step-2 Grievance stamped <sup>page 24</sup> received  
on April 08, 2014 both times  
incorrectly naming "Good Behavior  
Credit" to "Good Time Credit".

§24-13-210(A.) use the language  
"Good Behavior Credit." This falls  
in-line with the legislation's  
intent of rewarding inmates for  
obeying the institutional rules, and  
~~and~~ punishing the inmates who  
do not. The "Good Time Credit"  
as used by the writers of my  
step 1 and step 2 grievances are  
mis-guided and nothing in or  
about prison is considered or  
actually is a good-time.

G.C. S.C. D.C. is not as a whole,  
training its employees on the state  
law regarding in this particular  
case with calculating credits that  
send inmates home early for  
following the rules. Thousands of  
other inmates I submit could also

be mis-calculated which is <sup>PAGE 25</sup>  
repugnant in the highest possible  
way AND A substantial drain  
on limited state financial  
resources, the current Good  
Behavior credit calculation  
system currently in play at  
S.C.D.C. is inherently flawed.  
I pray for the following relief:

## PRAYER FOR RELIEF:

~~ORDER~~  
1. ORDER S.C.D.C. to deduct  
twenty (20) days a month for  
every month of my total prison  
term of six (6) years pursuant  
to the plain-language of S.C.  
Code Ann. § 24-13-210 (A).

2. Any other relief this court  
deems just and/or proper  
in the context of this case

Respectfully submitted,

~~St. C. W.~~

George Cleveland, III 357770,  
F4A258

EVANS CORRECTIONAL INST  
610 Hwy 9 West  
Bennettsville, S.C. 29512

G.C.

Dated: November 24, 2014  
19.

## Request TO STAFF

To: Mr. Bethea (Classification Case Manager)

From: George Cleveland

Date: Feb 21, 2014

SCDC: 357770

Institution: EVANS CI

Living Quarters: (MA 131)

Dear Mr. Bethea,

I'm really confused regarding the returned Feb 10, 2014 response regarding my Good Behavior credit question. The law is clear. S.C. Code § 24-13-210 clearly states that my offense qualify me for 20 days a month of good behavior ~~and~~ credit. If no time is taken from me for disciplinary reasons I will earn 240 days a year. My total sentence is 6 years. If you multiply  $240 \times 6 = 1440$ ; if you multiply  $365 \times 6 = 2190$ ; if you subtract  $2190 - 1440 = 750$  days in prison. This is far less the (June 2017) release date in the computer. If you are not familiar with this law, please forward this to a staff lawyer for review please? thanks  
Maxout 7-23-2017 your calculations are wrong.

3-3-14

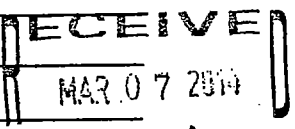
J. Beth Case Manager

George.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: George Cleveland  
SCDC NUMBER: 357770  
INSTITUTION: EVANS CI  
HOUSING UNIT: MA 131  
WORK ASSIGNMENT: \_\_\_\_\_ BY: [Signature]



Office Use Only  
Grievance No. ECI-02214  
Code: General \_\_\_\_\_  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. ✓  
Date Received 3/11/14  
IGC Initials AG

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

Mr. Bethea (Case Manager) is unwilling to research a state law that clearly states I can earn 20 days a month for good behavior. The attached request to staff spells out what my total sentence would be if I remain discipline free. I also ask him to talk with a staff lawyer which he did not do. SC Code Annot. §24-13-210 states my crime meets the criteria for the 20 days a month.

ACTION REQUESTED:

~~Order~~ order my time to <sup>decrease</sup> ~~20 days~~ according to the 20DA. A month of good behavioral credit.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I sent Mr. Bethea a staff request form dated 2-21-14 and it was returned to me on 3-3-14.

[Signature] 3-6-14  
Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance along with pertinent documentation has been reviewed, see warden's response

[Signature] 3/25/14  
IGC Signature Date

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

\_\_\_\_\_  
Grievant Signature Date

WARDEN'S DECISION AND REASON:

- Inmate Cleveland:

This is in response to grievance # ECI 0221-14

I have reviewed your grievance and pertinent documentation. All sentence-related credits to include (Good Time Credits, and Jail Time Credits) have been applied. Be mindful that your release date changes upon termination of institutional job assignments, disciplinary convictions where you automatically fail to earn the 20 days good time for the month, and losing earned work credits depending upon the seriousness of the convictions. A review of your record shows you have a sentence start date of 10/23/13 with 13 days of jail-time credit. Your disciplinary history beginning February 2014 until present you have lost approximately 60 days of good time and you have failed to earn 20 days. You are housed in general population, not earning work credits, nor assigned to any education programs. Based on the information provided your projective release date is July, 2017, therefore I consider this matter resolved.

If you wish to pursue this matter, please contact your grievance coordinator for the appropriate forms. You have five (5) days from receipt of my response to submit a Step -2 grievance form.

[Signature] 3-28-14  
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] 4/1/14  
Grievant Signature Date

[Signature] 4/1/14  
IGC Signature Date

I'm signed as his signature

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

Page 30

Step 1 to  
Due April 5

STEP 2

INMATE NAME: George Cleveland  
SCDC NUMBER: 357770  
INSTITUTION: EVANS CORRECTIONAL  
HOUSING UNIT: S.M.U. 131-A  
WORK ASSIGNMENT: \_\_\_\_\_ BY: QB

Office Use Only  
Grievance No. 14-021-14  
Code: General \_\_\_\_\_  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class.  \_\_\_\_\_  
Date Received 4/3/14  
IGC Initials AB

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

S.C. Code Annot. §24-13-210 clearly states I earn 20 days a month for good behavior which I calculated to be off my 6-year sentence to be 2,190 days. I asked classification to forward my request to a staff lawyer. IF my calculations are wrong, please provide supporting documents i.e.: state law or policy. I simply want to make sure my time is correct pursuant to state law or policy.

[Signature] 4-1-14  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your complaint and found that the IGC and the Warden have addressed your concerns appropriately. Good time credits are factored into your projected max-out date. When you are convicted of a disciplinary infraction by the Disciplinary Hearing Officer, you will automatically, fail to earn the 20 days good time for the month the disciplinary occurred, and any additional good time credits depending upon the seriousness of the infraction and the circumstances surrounding the infraction. However, SCDC Policy OP-21.11, Loss of Statutory Good Time, inmates are awarded good time based on displaying a positive institutional adjustment. At this time, your projected max-out date is July 23, 2017. This date is subject to change and will increase to a future date if you are convicted of additional rules violations. Any additional classification issues and concerns should be addressed to Mr. Bethea Classification Case Manager at Evans CI.

Therefore, I consider this matter resolved.

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.

[Signature] 8-22-14  
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.

[Signature] 9/3/14 Date  
[Signature] 9/3/14 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
George Cleveland III
AKA:
Race: BLACK Sex: M Age: 33
DOB: SS#:
Address:
City, State, Zip: South Carolina, SC 29678
DL#: SID#:

INDICTMENT/CASE#: 2012GS2307504
A/W#: 2012A2330200168
Date of Offense: 5/7/2012
S.C. Code § : 16-21-0080
CDR Code #: 3468

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Poss., conceal, sell., or dispose of stolen vehicle, value \$10,000 or more

CONVICTED OF or PLEADS

in violation of § 16-21-0080 of the S.C. Code of Laws, bearing CDR Code # 3468
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §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: Watts, Austin SC Bar# 78974 Defendant Attorney for Defendant SC Bar# 66326

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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 6 months/years and/or payment
of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for 5

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Set by SCDPPPS PER ORDER

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
pts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with columns for Recipient, \*Fine, and amounts. Includes items like § 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, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Winklesman
Court Reporter: M. Masling

Presiding Judge [Signature]
Judge Code: 2170
Sentence Date: 11-5-13

Probation begins after completion of any early release program.

Vertical text on right side: Paul B. Winklesman, Clerk of Court C.P. & G.S., Greenville County, SC, Dated 4-3-14

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Number	Inmate Number	Inmate First Name	Inmate Last Name	Grievance No.	Respondent	Filing Date	Date Assigned	Judge Last Name
14C0771	357770	GEORGE	CLEVELAND	ECI 221-14	DOC	9/16/2014	9/25/2014	MATTHEWS

**FILED**

SEP 25 2014

ADMIN. LAW COURT

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

*page 32*