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APPELLANT'S SUPPLEMENTAL RECORD
ON APPEAL

OCT 22 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

LOWER CASE NO. 2014-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, III, #357770

APPELLANT,

v.

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

RESPONDENT.

APPELLANT'S SUPPLEMENTAL RECORD

Christina Catoe Bigelow
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Counsel for Respondent

George Cleveland, III, #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, S.C. 29162
pro se Appellant,

APPELLANT CASE NO. 2015-000183
SUPPLEMENTAL RECORD INDEX
BY APPELLANT

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APPELLANT'S RESPONSE TO MOTION TO DISMISS
UNDER SLEZAK FILED IN THE A.L.J.D.

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

George Cleveland, III,
#357770,
Appellant,

Docket no.:
14-ALJ-04-
0771-AP

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

APPELLANT'S
Response TO
MOTION TO DISMISS

HONORABLE CAROLYN
C. MATTHEWS

1. Comes now, George Cleveland, III;
S.C.D.C. no: 357770 responds to the
S.C.D.C.'s motion to Dismiss under
SLEZAK filed with this Court on
OR AROUND December 18, 2014 and
I signed and recieved a copy of
the motion in my prison mail-room
December 23, 2014.

CASE BACKGROUND:

2. This case was filed on September
25, 2014; Assigned to Judge Carolyn
C. Matthews.

FILED

DEC 31 2014

SC ADMIN. LAW COURT

3. The S.C.D.C. filed the Record in this Court on or around November 06, 2014.
4. On or around October 21, 2014, I filed with this Court a motion for an enlargement until at least December 05, 2014.
5. On October 22, 2014, this Court granted my motion to enlarge time to file Brief was ordered to be filed "on or before December 05, 2014." See Docket Number: 14-ALJ-04-0771-AP order granting Relief filed on October 22, 2014.
6. The Court further ordered the Respondent "shall have twenty (20) days from the date that Appellant's Brief is filed to file Respondent's brief." Quoting from the order.
7. On November 25, 2014, my Brief was clocked-stamped filed with this Court, thus, triggering the twenty

(20) day deadline for the Respondent to file their brief.

8. December 15, 2014 was the twenty (20) day deadline imposed by this Court for the filing of the Respondent's brief.
9. the Respondent on December 17, 2014, and filed at least December 18, 2014 a late motion to dismiss my case under SLEZAK, without even filing a Respondent Brief
10. On December 23, 2014, I signed for and received from my prison-mail-room the motion to dismiss, this response in opposition to the Respondent's motion to dismiss is within the ten (10) day deadline pursuant to Special Appeals Rule 63.

ARGUMENT:

11. the Respondent's reply on SLEZAK v. S.C.D.C., 361, S.C., 327, 605, S.E., 2d., 3,

12. The Respondents Allege "difficulty" understanding my Allegation, despite on page-1 in the statement of the Issues on Appeal in my Brief, I provided a bona fide showing the issue which is: 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) "...
13. I further Alleged S.C.D.C. employees ARE ignorant of State Law by not programming their system to deduct the correct Amount of good behavior Credits under § 24-13-210 (A) SUPRA. See page 10 from my Brief,
14. The Respondents Agree the S.C.D.C. gave detailed responses both the Step-1 And Step-2 At the bottom And the top of page-3 of the Respondent's motion to Dismiss.

15. The Respondents further Allege And provides screen-shots in Support of their motion which is A mere showing of what my total Sentence is, projected-max-out Date, projected parole Date, Display Inmate offense history, and An Actual INCREASE in my MAX-OUT DATE from June 14, ~~2016~~ 2017 to August 13, 2017 And my projected PAROLE DATE INCREASE from April 22, 2016 to July 28, 2017; see page 3 And of the Respondent's Motion to Dismiss,
16. All the screen-shots show is A reading of what's on the computer Screen within the S.C.D.C. computer Screen, but does not provide me with the information I've been seeking since February 21, 2014; see Request to Staff Member ~~1~~ Mr. James Bethea; EVANS CORRECTIONAL CLASSIFICATION CASE-MANAGER.

17. no one including the LAWYERS for S.C.D.C. CAN explain why the state LAW is in conflict with what S.C.D.C. computer systems ARE calculating.
18. The Respondents' Reading from A Computer screen AND not the state LAW in this case is equal to A person baking A cake, but not knowing the Recipe of the cake, thus buys A pre-mixed cake mix, and upon questions about what was all mixed into the flour to make the cake is unknown to the baker.
19. IN other words, the S.C.D.C. LAWYERS ARE clueless OR have refused to READ the LAW AND mix it in within their instant motion, but instead files A motion to dismiss which is late AND should be denied on this basis along, and for misreading Steezak court Reasoning.

20. Respondent Allege no liberty interest in my case And stated no "ERROR in the Department's calculation of Appellant's MAX-OUT DATE." I.D. At PAGE 5 At the top.
21. The SLEZAK court clarified that the Administrative Law Court has SUBJECT MATTER JURISDICTION to hear Appeals from the final decision of the S.C.D.C. Final decision in A NON-COLLATERAL OR Administrative MATTERS I.D. At 1.
22. In other words, the Administrative Law Court CAN HEAR AND DOES HAVE SUBJECT MATTER JURISDICTION to hear my case because I'm not satisfied with the S.C.D.C.'s non-specific answers OR my specific questions of why my MAX-OUT DATE does not reflect the twenty (20) days A month
- 7.

for every month served on my total sentence AS § 24-13-210 (A) supra reads. Since my Allegation is that my MAT-out date is higher than what it should be. My issue is directly related to my liberty; therefore, remains a liberty interest.

23. The Slezak court reasoned that several of the claims Slezak claimed were in fact state protected liberty interests, thus the Administrative Law court had subject matter jurisdiction to hear the case, therefore; the case was remanded to the Administrative Law court.

24. I submit, this case revolves around a clear violation of state law because S.C. D.C. has mis-calculated my Good Behavior credits, and provided

responses like: your MAX-out date is correct, All credits have been given without directly Answering my question why my MAX-out Date that S.C.D.C. has calculated contradicts State-law

CONCLUSION:

25. Bottom Line, my MAX-out date currently of August 2017 is wrong based on what state Law reads.
26. S.C.D.C. has refused to Answer my questions, and provides only System-calculated Answers which does not explain how S.C.D.C. has arrived at the number that they currently have calculated.
27. The State Supreme Court reasoned under Slezak that State Liberty interests are implicated when Good Behavior credits come into

PLAY of INCREASING OR DECREASING
A PRISON SENTENCE AS IS THE
UNDERLINE ISSUE IN MY CASE.

28. S.C.D.C. HAS FAILED TO PROVIDE
FACTS SUPPORTED BY EVIDENCE OF
HOW THEY ENDED UP WITH MY
MAKE-OUT DATE CURRENTLY.

29. THIS NOVEL ISSUE HAS A SUBSTANTIAL
EFFECT ON OTHER NON-VIOLENT
INMATE WITHIN THE S.C.D.C.;
THEREFORE, A FUNDAMENTAL STATE-
LIBERTY INTEREST IS AT THE CENTER
OF MY THEORY WHICH IS THE S.C.D.C.,
IS USING JUNK-MATH IN DETERMINING,
AND CALCULATING MY GOOD BEHAVIOR
CREDITS WHICH DECREASES MY STAY
IN S.C.D.C. CUSTODY, THUS INCREASING
THE POSSIBILITY OF A SUBSTANTIAL
EARLY RELEASE DATE.

30. BASED ON THE FOREGOING, I PRAY
FOR THE FOLLOWING RELIEF.

PRAYER FOR RELIEF:

31. Wherefore, deny the Respondents motion to Dismiss.
32. Make a finding of fact that the S.C.D.C. failed to timely file a reply Brief or motions before the December 15, 2014, And strike the motion to Dismiss from the Record.
33. Order the S.C.D.C. to Award me twenty (20) days of good time or good behavior credit for every month of my six (6) years prison sentence which totals (1440) in total earned credits that must be deducted from my total prison sentence of six (6) years.

Respectfully Submitted,
George Cleveland III
 George Cleveland III # 35770, F4A258
 Evans Correctional Institution
 610 Hwy 9 West
 Bennettsville, S.C. 29512

Dated: December 30, 2014
 11.

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APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

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LOWER CASE NO. 2014 ALJ-04-0771-AP

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George Cleveland, III, #357770,

v.

APPELLANT,

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

RESPONDENT.

APPELLANT'S PROOF OF SERVICE

George Cleveland, III, #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, SC. 29162
PRO SE Appellant

APPELLANT'S PROOF OF SERVICE

I, George Cleveland III, proceeding pro se certifies that on the date below, I handed to the TURBEVILLE CORRECTIONAL'S MAIL-ROOM STAFF properly addressed to be mailed first-class-mail by the United States Postal-service the following:

APPELLANT'S FINAL BRIEF; APPELLANT'S MOTION TO TIMELY
FILE FINAL BRIEF;
APPELLANT'S MOTION FOR LEAVE TO SUPPLEMENT
RECORD;
APPELLANT'S SUPPLEMENTAL RECORD ON APPEAL
(conditioned on action by the court);
to the Respondent's undersigned Attorney

RECEIVED

S.C.D.C.

OFFICE OF GENERAL COUNSEL

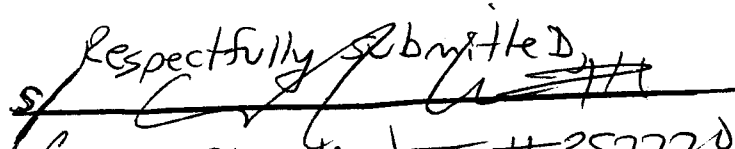
MR. DANIEL JOHN CROOKS III, Esq.

P.O. Box 21787

Columbia, S.C. 29221-1787

OCT 22 2015

SC Court of Appeals

Respectfully Submitted,

George Cleveland III #357720
TURBEVILLE CORRECTIONAL INST.
P.O. BOX 252
TURBEVILLE, S.C. 29162

Dated October 20, 2015