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ORIGINAL
RECEIVED

The State of South Carolina
In The Court of Appeals

AUG 16 2016

SC Court of Appeals

Appeal From South Carolina Administrative Law Court
The Honorable Deborah Brooks Dunder, ALJ

ALC Case No. 15-ALJ-04-0178-AP
Appellate Case No. 2015-002343

Billy Lee Lisenby JR, #200273 Appellant

v.
State of South Carolina Dept. of Corrections Respondent

Amended
Record ON Appeal

Dated: Aug. 11th 2016

Billy Lee Lisenby JR, #200273
P.O. Box 2039
Ridgeland C.I
Ridgeland S.C. 29936

Christina C. Bigelow
4444 Broad River Road
Columbia, SC 29210

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EB-2 JUN 17 2014

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

INMATE COPY

STEP 1

INMATE NAME: Billy Lee Lisenby JA

SCDC NUMBER: #200273

INSTITUTION: Liebee C. I

HOUSING UNIT: AB 31

WORK ASSIGNMENT: Down Worker

Grievance No. LCI-06064-14

Code: General

Policy _____

Disc. Hear. _____

Class.

PREA _____

Date Received 06-18-14

IGC Initials BT

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) *After talking to my caseworker on 6-13-14 it is determined that, on March 3, 2009 at approx 3:45 PM I was charged with Poss. of Contraband. On March 31, 2009 I was convicted of 3.17 Contraband. The charge was overturned by the ALC and all sanctions were lifted on 4-22-10 See Grievance TCI-377-09. In this case my goodtime was never re-instated.*

ACTION REQUESTED: *I ask that my goodtime be re-instated and my sentence be reduced.*

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

See Reference 14-114255

Billy Lee Lisenby
Grievant Signature

June 16, 14
Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE BY:
8-17-14

STEP 2

RECEIVED
AUG 20 2014
AUG 18 2014
(CR)

INMATE NAME: BILLY LISENBY
SCDC NUMBER: 200273
INSTITUTION: Lieber C.I.
HOUSING UNIT: E-B-26
WORK ASSIGNMENT: N/A

Office Use Only
Grievance No. LCI-0664-14
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 8/18/14
IGC Initials BT

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *After talking to my caseworker Tucker not Willis on 6-13-14 it was determined that, On March 3, 2009 at approx. 8:45 PM I was charged with Pass. of Contraband. On March 31, 2009 I was convicted of 8.17 Contraband. The charge was overturned by the ALC and all sanctions were lifted, on 4-22-10 See Grievance TCI-377-09. In this case my goodtime was never re-instated, nor the 20 days I fail to earn for the month.*

Billy Lee Lyf Aug. 15, 2014
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have thoroughly been reviewed. Case #104 was overturned and 30 days loss of good time was restored on April 22, 2010.

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.

JG Gaster 3-30-15
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.

Billy Lee Lyf 4-9-15
Grievant Signature Date

BG Thomas 4-9-15
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lisenby, # 200273,	)	Docket No.: 15-ALJ-04-0179-AP
	)	[Grievance No: LCI 0620-14]
Appellant,)	
	)	<i>Hon. Deborah Brooks Durden</i>
v.)	
)	
South Carolina Department of Corrections,	)	RESPONDENT'S BRIEF
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>		

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Billy Lisenby ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC") serving a thirteen (13) year sentence. Appellant filed a Step One Grievance, LCI 0620-14, on June 6, 2014, claiming his sentence was not being calculated properly. This grievance was investigated and denied when it was determined SCDC was properly calculating the sentence. Appellant then filed a Step Two Grievance on August 18, 2014. This grievance was also investigated and denied on March 30, 2015. Appellant filed his Notice of Appeal April 12, 2015. 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). 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 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).

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

STANDARD OF REVIEW

The ALC should not disturb findings of an administrative agency if those findings are supported by substantial evidence on the record as a whole. *Pearson v. JPS*

Converter & Ind. Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). Stated differently, an Administrative Law Judge may not substitute their 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) (amended by 2008 Act No. 334, § 5, eff. June 16, 2008). Additionally, "an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law." *Matthews v. S.C. Dep't of Corr.*, Case No.: 04-ALJ-04-00248-AP, available at <http://www.scalc.net/decisions.aspx?id=1203&q=4> (filed Dec. 21, 2004) (Anderson, A.L.J.); see S.C. Code Ann. § 1-23-380(5)(e); see also *Marietta Garage, Inc. v. S.C. Dep't. of Pub. Safety*, 337 S.C. 133, 522 S.E.2d 605 (1999); *S.C. Dep't. of Labor, Licensing & Regulation v. Girgis*, 332 S.C. 162, 503 S.E.2d 490 (1998).

"Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that the administrative agency reached. *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 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. Pub. Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

Finally, in deciding appeals from inmate grievances, the ALC must consider that prisons officials are in the best position to decide inmate disciplinary matters. In *Al-*

Shabazz, the supreme court “underscored that since prison officials are in the best position to decide inmate disciplinary matters, the Courts and therefore this tribunal adhere to a ‘hands off’ approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA.” *Matthews v. S.C. Dep’t of Corr.*, *supra*, page 3 (citing *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757 (stating that “[c]ourts traditionally have adopted a ‘hands off’ doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters”)); *see also Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) (referring to the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

ARGUMENTS

APPELLANT’S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

Appellant is currently in SCDC custody serving a thirteen year sentence for assault with the intent to kill, failure to stop for police and assault on a correctional officer. In this appeal, Appellant claims his sentence has been incorrectly calculated. Specifically, Appellant contends the good time he lost in select disciplinary hearings, which was later returned to him, has been incorrectly calculated resulting in an incorrect max out date.

In response to Appellant’s challenge to SCDC’s calculation of his good time credits and other sentence-related credits, SCDC Branch Chief for Records Management and Release, Michael Stobbe, performed a manual calculation confirming Appellant’s sentence has been calculated correctly. The final explanation by Mr. Stobbe addresses several disciplinary cases which Appellant has also raised in other grievances, as they all

factor into the calculation of the maxout date. The summary provided by Mr. Stobee is presented below verbatim with emphasis added:

All SCDC release dates are projected.

Assumptions are made, that on any particular day the release date will remain the same as long as nothing changes in the inmate's record that will affect their release date. (These factors are statutory service time, inmate confined; statutory good time, 20 or 3 days a month; earned work credits and/or earned educational credits.

Inmate Lisenby earns 20 days a month good time.

As I demonstrated in yesterdays' e-mail **this inmate's projected release date is correct**, whether you verify it separating the consecutive sentences (ten and three) or verify them as a total sentence of 13 years.

Questions have been raised in regards to the taking away good time and restoring good time of disciplinary offenses #104, #106, #116, and #134.

Case #104 offense date was 03/03/09. Hearing date was 03/31/09 and inmate forfeited 20 days and lost 30, for a total of 50. The hearing results were entered 04/01/09. Inmate's monthly earning rate was 50.42 (not on EWC/EEC). Release date moved from 03/05/16 to 04/03/16 = 29 days. Case #104 was dismissed and entered on 06/04/10. Inmate's release date remained the same at 07/13/16. It is noted that during the period from 03/31/09 and 06/04/10 this inmate was convicted of offenses #106, #108, #109 for total of combined good time of 210 days.

Case #106 was reheard on 10/26/09. The decision increased the loss of good time from 120 to 150. There is nothing to give back.

Case #116 offense date was 09/18/10. Hearing date was 10/06/10. Originally entered on 10/08/10, on which inmate's earning rate was 50.42. Inmate lost 20 good time days (had already forfeited 20 days for the cycle for the convictions of offenses #114- #115 08/25,27/10. Inmate's release date adjusted from 09/20/16 to 10/11/16 some 21 days. On 12/08/11 offense #116 was overturned/dismissed, 20 days of good time was restored. Inmate's projected release date remained the same at 04/19/16. Inmate's monthly earning rate at this time of was 57.42 days. Inmate had been convicted and forfeited/lost a total of 130 days between 09/08/10-12/08/11.

Offense #134 offense date was 01/31/13. Original hearing date was 02/11/13. Inmate's earning rate was 50.42. For this offense the inmate lost a total of 260 days good time. Note: he also lost an additional 60 days of good time for offense #135 that was heard and entered on the same date 02/12/13, that has been restored on another action 01/09/15, but was included in the adjustment of the release date from 05/12/17 to 11/18/17 some 190 days. On 04/29/14 offense #134 was reduced to 30 days lost good time, however it should be noted that the adjusted release date perfected on 04/29/14, resulting in the release date moving from 02/25/2018 to 11/18/17 some 99 days. Note this outcome still contains the 60 days of lost good time not yet overturned from offense #135 (overturned 01/09/15).

Michael J. Stobbe
Branch Chief Records Management and Release
South Carolina Department of Corrections (SCDC)
P.O. Box 21787 / 4444 Broad River Road
Columbia, South Carolina 29221-1787
Phone # : 803-896-2074
Fax # : 803-896-2749
Email : Stobbe.Michael@doc.sc.gov

The manual calculation conducted by Mr. Stobbe is attached and it conclusively demonstrates SCDC has correctly calculated appellant's sentence.

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.

**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, or arbitrary or capricious, or an abuse of discretion. See Porter v. Public Service Comm'n, 333 S.C. 12,

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12		EARNED + 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 04/19/12		EARNED + 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12		EARNED + 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12		EARNED + 20
		= 320
		- 20 Forfeit
		300
		- 30 Lost
		270 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

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SCDC # 200273

Date	Staff (Please Print)	Comments
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		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12		Earned + 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12		Earned + 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12		Earned + 20
		= 320
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		300
		- 30 Lost
		270 Remaining

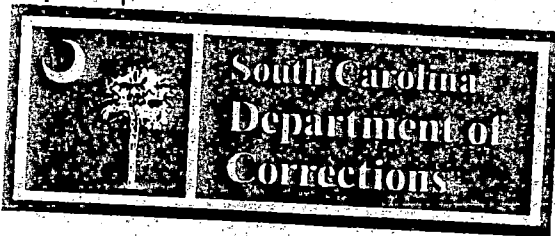
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		300 Remaining
11/19/12 - 12/19/12		EARNED + 20
		= 320
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		300
		- 30 Lost
		270 Remaining



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

August 10, 2015

The Honorable Deborah Brooks Durden
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Billy Lisenby, #200273 vs. SCDC
Docket No. 15-ALJ-04-0178-AP

Dear Judge Durden:

Find enclosed an original and one copy of the *Respondent's Brief* 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,

E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Billy Lisenby, #200273
File

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lisenby, # 200273,	)	Docket No.: 15-ALJ-04-0178-AP
	)	- [Grievance No: LCI 0664-14]
Appellant,)	
	)	<i>Hon. Deborah Brooks Durdan</i>
v.)	
)	
South Carolina Department of Corrections,	)	RESPONDENT'S BRIEF
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>		

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Billy Lisenby ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC") serving a thirteen (13) year sentence. Appellant filed a Step One Grievance, LCI 0664-14, on June 17, 2014, claiming his sentence was not being calculated properly. This grievance was investigated and denied when it was determined SCDC was properly calculating the sentence. Appellant then filed a Step Two Grievance on August 18, 2014. This grievance was also investigated and denied on March 30, 2015. Appellant filed his Notice of Appeal April 12, 2015. Because appellant's sentence has been properly calculated, the final determination of the Department should be affirmed.

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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 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).

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are supported by substantial evidence on the record as a whole. *Pearson v. JPS Converter & Ind. Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). Stated differently, an Administrative Law Judge may not substitute their 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) (amended by 2008 Act No. 334, § 5, eff. June 16, 2008). Additionally, "an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law." *Matthews v. S.C. Dep't of Corr.*, Case No.: 04-ALJ-04-00248-AP, available at <http://www.scalc.net/decisions.aspx?id=1203&q=4> (filed Dec. 21, 2004) (Anderson, A.L.J.); see S.C. Code Ann. § 1-23-380(5)(e); see also *Marietta Garage, Inc. v. S.C. Dep't. of Pub. Safety*, 337 S.C. 133, 522 S.E.2d 605 (1999); *S.C. Dep't. of Labor, Licensing & Regulation v. Girgis*, 332 S.C. 162, 503 S.E.2d 490 (1998).

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ARGUMENTS

APPELLANT’S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

Appellant is currently in SCDC custody serving a thirteen year sentence for assault with the intent to kill, failure to stop for police and assault on a correctional officer. In this appeal, Appellant claims his sentence has been incorrectly calculated. Specifically, Appellant contends the good time he lost in select disciplinary hearings, which was later returned to him, has been incorrectly calculated resulting in an incorrect max out date.

In response to Appellant’s challenge to SCDC’s calculation of his good time credits and other sentence-related credits, SCDC Branch Chief for Records Management and Release, Michael Stobbe, performed a manual calculation confirming Appellant’s sentence has been calculated correctly. The final explanation by Mr. Stobbe addresses several disciplinary cases which Appellant has also raised in other grievances, as they all

factor into the calculation of the maxout date. The summary provided by Mr. Stobee is presented below verbatim with emphasis added:

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Michael J. Stobbe
Branch Chief Records Management and Release
South Carolina Department of Corrections (SCDC)
P.O. Box 21787 / 4444 Broad River Road
Columbia, South Carolina 29221-1787
Phone # : 803-896-2074
Fax # : 803-896-2749
Email : Stobbe.Michael@doc.sc.gov

The manual calculation conducted by Mr. Stobbe is attached and it conclusively demonstrates SCDC has correctly calculated appellant's sentence.

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.

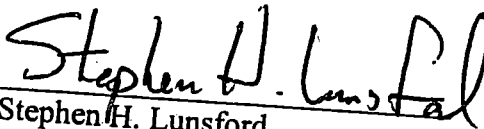
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BY SUBSTANTIAL EVIDENCE**

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, or 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.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

Stephen H. Lunsford
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1940

August 10, 2015
Columbia, South Carolina

MAXOUT DATE CALCULATION WORKSHEET

NAME: **Lisenby, Billy**

SCDC #: **200273**

360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
 365 DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)

Sentence Length: 13 Years (1) Sentence Length in Days: 4745 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 05/19/08 (3) Next Cycle Date: 08/19/15 (4)

Calendar Service Credit:

Good Time Credit (Gross): 1780 (6)
 Good Time Forfeited: (-) 400 (7)
 Good Time Days Lost: (-) 560 (8)

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 820 (9)
 Earned Education Credit: (+) 191.852 (10)
 Earned Extra Credit: (+) 0 (11)
TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12 = (+) NA 12

Remaining to satisfy as of next cycle date enter line 4: (-) 3720.852 (13)
08/19/15 (14) (-) 1024.148 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC
30.42(16) + 20 (17) + 7.242 (18) + 0(19) = 57.662 (20)
 Divide Line 15 by Line 20 = 17 (21) whole number .847 (22) remainder

Enter next cycle date from line 14: 08/19/15 (23)

Complete cycles from line 21: 5 (24)

Estimated final cycle: 01/19/17 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23): 08/19/15 (26) Est. final cycle from line 25: 01/19/17 (27)

Calendar Service Credit: (+) 519 (28)
 Good Time Credit: (+) 340 (29)
 Earned Worked Credit: (+) 123.571 (30)
 Earned Education Credit: (+) 0 (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) 982.571 32

Remaining to satisfy as of estimated final cycle: (=) 41.577 33

Daily accrual rate:

Service 1 (34) + EWC Daily Rate 238 (35) + EEC Daily Rate 0(36) = 1 238 37
 Divide days remaining to earn (line 33) by daily accrual (line 37): 33.584 (38)

Enter estimated final cycle (line 27): 01/19/17 (39)

Add days from line 38: + 33 (40)

Calculate to month, day and year: 02/21/17 (41)

(Line 41 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE:

MICHAEL J. STOBBE

Employee Name

Michael J. Stobbe
 Employee Signature

(=) 02/19/17 42

08/08/17

Date

MAXOUT DATE CALCULATION WORKSHEET

NAME: Lisenby, Billy

SCDC #: 200273

- 360-DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
- 365-DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)

Sentence Length: 10 Years (1) Sentence Length in Days: 3650 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 03/19/08 (3) Next Cycle Date: 07/19/15 (4)

Calendar Service Credit: (+) 2678 (5)

Good Time Credit (Gross): 1760 (6)

Good Time Forfeited: (-) 400 (7)

Good Time Days Lost: (-) 560 (8)

TOTAL GOOD TIME CREDIT EARNED: (+) 800 (9)

Earned Work Credit: (+) 184,472 (10)

Earned Education Credit: (+) 0 (11)

Earned Extra Credit: (+) NA (12)

TOTAL CREDIT (Lines 5 + 9 + 10 + 11 + 12) = 3662,472 (13)

Remaining to satisfy as of next cycle date (enter line 4): 07/19/15 (14) (=) 32,172 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC:
 _____ (16) + _____ (17) + _____ (18) + _____ (19) = _____ (20)

Divide Line 15 by Line 20 = _____ (21) _____ (22)
 (whole number) (remainder)

Enter next cycle date from line 14 _____ (23)

Complete cycles from line 21 (+) _____ (24)

Estimated final cycle. (=) _____ (25)

Projection of Remaining Time to Serve:
 Next cycle date from line 23 _____ (26) Est. final cycle (from line 25) _____ (27)

Calendar Service Credit: (+) _____ (28)

Good Time Credit: (+) _____ (29)

Earned Worked Credit: (+) _____ (30)

Earned Education Credit: (+) _____ (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) _____ (32)

Remaining to satisfy as of estimated final cycle: (=) _____ (33)

Daily accrual rate:
 Service (34)+EWC Daily Rate _____ (35)+EEC Daily Rate _____ (36) = _____ (37)

Divide days remaining to earn line 33 by daily accrual (line 37) = _____ (38)

Enter estimated final cycle (line 27) _____ (39)

Add days from line 38 (+) _____ (40)

Calculate to month, day and year _____ (41)

(Line 42 is lesser of Line 41 or next cycle date from line 39)
 PROJECTED RELEASE DATE: (=) 07/19/15 (42)

MICHAEL L STOBBE Employee Name [Signature] Employee Signature 08/08/15 Date

MAXOUT DATE CALCULATION WORKSHEET

NAME: Lisenby, Billy

SCDC #: 200273

- 360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
- 365 DATE CALCULATION - (Year = 365 Month = 30-42 Day = Day)

Sentence Length 3 Years (1) Sentence Length in Days: 1095 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 07/19/15 (3) Next Cycle Date: 08/19/15 (4)

Calendar Service Credit:

Good Time Credit (Gross): 12 + 20 (6) (+) 31 (5)

Good Time Forfeited: (-) 0 (7)

Good Time Days Lost: (-) 0 (8)

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 32 (9)

Earned Education Credit: (+) 7,380 (10)

Earned Extra Credit: (-) 0 (11)

TOTAL CREDIT: (lines 9 + 10 + 11 + 12) = (+) NA (12)

Remaining to satisfy as of next cycle date (enter line 4): (-) 70,380 (13)
08/19/15 (14) (=) 1024.62 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC
30.42 (16) + 20 (17) + 7,242 (18) - 0 (19) = 57.662 (20)

Divide Line 15 b. Line 20 = 17 (21) 769 (22)
 (whole number remainder)

Enter next cycle date from line 14: 08/19/15 (23)

Complete cycles from line 21 (+) 5 (24)

Estimated final cycle: 01/19/17 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23) 08/19/15 (26) Est. final cycle from line 25 01/19/17 (27)

Calendar Service Credit (+) 519 (28)

Good Time Credit (+) 340 (29)

Earned Worked Credit (+) 123,571 (30)

Earned Education Credit (+) 0 (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30) + 31 982,571 (32)

Remaining to satisfy as of estimated final cycle: (-) 42,049 (33)

Daily accrual rate:

Service 1-34 - EWC Daily Rate 238 (35) + EEC Daily Rate 0 (36) 1,238 (37)

Divide days remaining to earn (line 33) by daily accrual (line 37) = 33.965 (38)

Enter estimated final cycle (line 27): 01/19/17 (39)

Add days from line 38 (+) 33 (40)

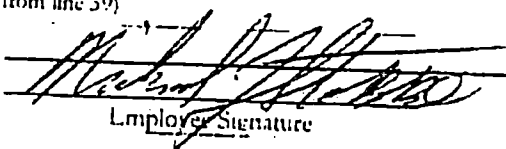
Calculate to month, day and year: 02/21/17 (41)

Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE:

MICHAEL J. STOBRE

Employee Name



Employer Signature

02/19/17 42

08/08/15

D.u

LEVEL	DAYS WORKED	DAILY CREDIT	CREDIT PER MONTH		CREDIT PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
2	7	.50	15.0000	15.0000	180.0000	180.0000
2	6	.4285714	12.8571	13.037142	154.2852	156.4459
2	5	.3571482	10.7142	10.864285	128.5704	130.37142
3	7	.333	10.0000	10.14	120.0000	121.68
3	5	.2380952	7.1428	7.2428571	85.7142	86.914285
5	7	.2000	6.0000	6.084	72.0000	73.008
5	5	.1428571	4.2857	4.3457142	51.4285	52.148568
7	7	.1428571	4.2857	4.3457141	51.4285	52.148568
7	5	.102040	3.0612	3.1040815	36.7346	37.248918

Work Credits are applicable toward the initial parole eligibility and max-out dates on straight time convictions.

Bonus Education Credits

TRAINING HOURS PER WEEK		BONUS CREDITS PER DAY	BONUS CREDITS/MONTH		CREDITS PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
B4	4-7	.0571	1.713	1.7369	20.556	20.8428
B5	8-11	.0857	2.571	2.6069	30.852	31.2828
B6	12-14	.1142	3.426	3.4739	41.112	41.6868
B7	15+	.1428	4.284	4.343	51.408	52.116

EW/C/EEC COEFFICIENT FOR 85% NON-PAROLABLE SENTENCE:

For offenses committed on or after January 1, 1996, classified by the statute as non-parolable, the following earning rates are stipulated by statute to the following levels of credit to be capped at six (6) a month and no more than 72 a year.

LEVEL	DAYS WORKED	CREDIT PER DAY	CREDIT PER MONTH	CREDIT PER YEAR
2	7	0.1972386	6.000	72.000
2	6	0.1972386	6.000	72.000
2	5	0.1972386	6.000	72.000
3	7	0.1972386	6.000	72.000
3	5	0.1972386	6.000	72.000
5	7	0.1972386	6.000	72.000
5	5	0.1428571	4.3457142	52.148568
7	7	0.1428571	4.3457141	52.148568
7	5	0.1020408	3.1040815	37.248979

DISI1000

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CURR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00106	A & B OF AN EMP, ETC	MAJOR DI	03/30/09	10/26/09	00150	CONVICTED	1 08A
00103	REFUSING OR FAILING O	ADMINIST	10/03/08	/ /	00000	CONVICTED	3
00102	THREATENING TO INFLIC	MAJOR DI	08/04/08	08/13/08	00030	CONVICTED	2
00100	DISRESPECT	MAJOR DI	07/05/08	07/09/08	00000	CONVICTED	3
00099	FIGHTING WITHOUT A WE	ADMINIST	06/30/08	/ /	00000	CONVICTED	3
00098	USE OBSCENE, VULGAR, PR	MAJOR DI	10/16/02	10/25/02	00015	CONVICTED	3
00097	FALSE STATEMENT TO HA	MINOR DI	10/13/02	10/21/02	00000	CONVICTED	3
00096	STRIKE I/M W/VO WEAPO	OTHER AC	07/26/02	/ /	00000	CLOSED	2
00095	DISRESPECT	OTHER AC	07/19/02	/ /	00000	CLOSED	3
00094	REFUSING OR FAILING O	MINOR DI	07/14/02	07/19/02	00000	CONVICTED	3
00093	USE OBSCENE, VULGAR, PR	OTHER AC	06/24/02	/ /	00000	CLOSED	3
00092	POSSESSION OF A WEAPO	MAJOR DI	05/14/02	05/23/02	00090	CONVICTED	2
00090	ABUSE OF PRIVILEGES	OTHER AC	05/01/02	/ /	00000	CLOSED	5

PAGE 0003

PF4-MODIFY PF6-DISMISSER/NDI FULLY

PF11-QUIT PF10-MAIN MENU

0768

DIS1100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

09/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CURR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00124	THREATENING TO INFLIC	14 MAJOR DI	02/24/12	03/06/12	00060	CONVICTED	2
00123	USE, POSS NARC, MARIJ, U	13 MAJOR DI	02/04/12	02/14/12	00000	CONVICTED	1
00122	POSS. OR/ATTEMPT TO F	13 MAJOR DI	02/04/12	02/14/12	00060	CONVICTED	1
00118	THREATENING TO INFLIC	12 MAJOR DI	12/20/10	01/05/11	00030	CONVICTED	2
00119	REFUSING OR FAILING	12 MAJOR DI	12/19/10	01/05/11	00030	CONVICTED	3
00117	DAMAGE, DESTROY PROP.	11 MAJOR DI	12/18/10	01/05/11	00030	CONVICTED	3
00115	DAMAGE, DESTROY PROP.	10 ADMINIST	08/23/10	08/27/10	00000	CONVICTED	3
00114	UNAUTHORIZED SERVICES	9 MAJOR DI	08/10/10	08/25/10	00000	CONVICTED	5
00113	USE OBSCENE, VULGAR, PR	8 MAJOR DI	06/25/10	07/19/10	00030	CONVICTED	3
00112	FORGERY OR POSS. ANY F	7 MAJOR DI	06/22/10	07/28/10	00000	CONVICTED	3
00110	DAMAGE, DESTROY PROP.	6 MAJOR DI	05/31/10	06/23/10	00020	CONVICTED	3
00109	ABUSE OF PRIVILEGES	6 ADMINIST	12/02/09	12/07/09	00000	CONVICTED	5
00108	ABUSE OF PRIVILEGES	5 ADMINIST	10/06/09	10/08/09	00000	CONVICTED	5

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

03/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CURR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT	DHO	OFF
00147	USE, POSS NARC, MARIJ, U	MAJOR DI	01/20/15	02/17/15	00000	CONVICTED	1
00146	POSSESSION OF CONTRAB	MAJOR DI	03/11/14	04/08/14	00000	CONVICTED	3
00142	DISRESPECT	OTHER AC	07/01/13	07/24/13	00000	CLOSED	3
00140	DISRESPECT	OTHER AC	02/14/13	03/06/13	00000	CLOSED	3
00138	POSSESSION OF CONTRAB	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	3
00137	UNAUTH I/M ORGAN/PART	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	2
00136	POSSESSION OF A WEAPO	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	2
00134	USE, POSS NARC, MARIJ, U	MAJOR DI	01/31/13	02/11/13	00030	CONVICTED	1
00133	DISRESPECT	MAJOR DI	12/10/12	12/17/12	00030	CONVICTED	3
00132	POSSESSION OF CONTRAB	MAJOR DI	11/05/12	11/19/12	00000	CONVICTED	3
00131	POSSESSION OF A WEAPO	MAJOR DI	10/19/12	11/05/12	00060	CONVICTED	2
00127	POSS. OR/ATTEMPT TO P	MAJOR DI	06/08/12	06/20/12	00000	CONVICTED	1
00126	STRIKING AN EMPLOYEE	MAJOR DI	06/08/12	06/20/12	00000	CONVICTED	2

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF--DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 1 of 5

Inmate Name:

Lisonby, Billy

SCDC #

200273

Date	Staff (Please Print)	Comments
8/8/15	StoB20	
		Admitted 5/2/2008
		SSD 3/19/2008
		Good time EARNED & Lost
03/19/08 - 07/19/08		EARNED 80
		- 20 Forfeit
		60 Remaining
07/19/08 - 08/19/08		EARNED + 20
		80
		- 20 Forfeit
		- 30 Lost
		30 Remaining
08/19/08 - 10/19/08		EARNED + 40
		70
		- 20 Forfeit
		50 Remaining
10/19/08 - 04/19/09		EARNED 120
		= 170
		- 20 Forfeit
		= 150
		- 150 Lost
		0 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 2 of 5

Inmate Name: _____

SCDC #

200273

Date	Staff (Please Print)	Comments
		4/19/09 0 Balance
04/19/09 -	10/19/09	EARNED + 120
		= 120
		- 20 Forfeit
		= 100 Remaining
10/19/09 -	12/19/09	EARNED + 40
		= 140
		- 20 Forfeit
		= 120 Remaining
12/19/09 -	06/19/2010	EARNED + 120
		= 240
		- 20 Forfeit
		= 220
		- 20 Lost
		= 200 Remaining
06/19/10 -	07/19/10	EARNED + 20
		= 220
		- 20 Forfeit
		= 200
		- 30 Lost
		= 170 Remaining
07/19/10 -	08/19/10	EARNED + 20
		= 190
		- 20 Forfeit
		= 170 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

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Inmate Name: _____

SCDC# 200273

Date	Staff (Please Print)	Comments
		170 Remaining
08/19/10 -	09/19/10	Earned +20
		= 190
		- 20 Forfeit
		= 170 Remaining
9/19/10 -	12/19/10	Earned + 60
		= 230
		- 20 Forfeit
		= 210
		150
		150
		150
		- 30 Lost
		= 180 Remaining
12/19/10 -	01/19/11	Earned + 20
		= 200
		- 20 Forfeit
		180
		- 60 Lost
		= 120 Remaining
01/19/11 -	02/19/12	Earned +260
		= 380
		- 20 Forfeit
		= 360
		- 60 Lost
		= 300

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12		Earned + 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12		Earned + 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12		Earned + 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12		Earned + 20
		= 320
		- 20 Forfeit
		300

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 1 of 5

Inmate Name: Lisonby, Billy

SCDC # 200273

Date	Staff (Please Print)	Comments
8/8/15	StoB20	
		Admitted 5/2/2008
		SSD 3/19/2008
		Good time EARNED & Lost
03/19/08 - 07/19/08		EARNED 80
		- 20 Forfeit
		60 Remaining
07/19/08 - 08/19/08		EARNED + 20
		80
		- 20 Forfeit
		- 30 Lost
		30 Remaining
08/19/08 - 10/19/08		EARNED + 40
		70
		- 20 Forfeit
		50 Remaining
10/19/08 - 04/19/09		EARNED 120
		= 170
		- 20 Forfeit
		= 150
		- 150 Lost
		0 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 2 of 5

Inmate Name: _____

SCDC #

200273

Date	Staff (Please Print)	Comments
		4/19/09 0 Balance
04/19/09 -	10/19/09	EARNED + 120
		= 120
		- 20 Forfeit
		= 100 Remaining
10/19/09 -	12/19/09	EARNED + 40
		= 140
		- 20 Forfeit
		= 120 Remaining
12/19/09 -	06/19/2010	EARNED + 120
		= 240
		- 20 Forfeit
		= 220
		- 20 Lost
		= 200 Remaining
06/19/10 -	07/19/10	EARNED + 20
		= 220
		- 20 Forfeit
		= 200
		- 30 Lost
		= 170 Remaining
07/19/10 -	08/19/10	EARNED + 20
		= 190
		- 20 Forfeit
		= 170 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

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Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		170 Remaining
08/19/10 - 09/19/10		EARNED +20
		= 190
		- 20 Forfeit
		= 170 Remaining
9/19/10 - 12/19/10		EARNED + 60
		= 230
		- 20 Forfeit
		= 210
		150 Remaining
		150 Remaining
		- 30 Lost
		= 180 Remaining
12/19/10 - 01/19/11		EARNED + 20
		= 200
		- 20 Forfeit
		180
		- 60 Lost
		= 120 Remaining
01/19/11 - 02/19/12		EARNED +260
		= 380
		- 20 Forfeit
		= 360
		- 60 Lost
		= 300

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12	Earned	+ 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12	Earned	+ 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12	Earned	+ 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12	Earned	+ 20
		= 320
		- 20 Forfeit
		300

WARDEN'S DECISION AND REASON:

Inmate Billy Lisenby #200273

LCI-0620-14

All pertinent information and documentation has been reviewed. After speaking with Classification it was discovered that the (200) of good time you speak of was reinstated on April 29, 2014. Since that time you have received (7) additional disciplinaries resulting in the loss of an additional (200) days of good time. You stated on your grievance that your maxout date was April 2014 in February 2014, when in fact it was February 2018. Your current max-out date is June 2017 and it will increase every time you receive a disciplinary.

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

Joseph M. J. [Signature] 8/12/14
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.

Billy La [Signature] 8-12-14
Grievant Signature Date

B. J. [Signature] 8/12/14
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

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

Exhibit #7



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

May 29, 2015

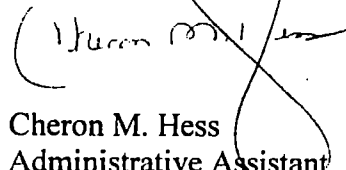
The Honorable Deborah Brooks Durden
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Billy Lisenby, #200273, vs. SCDC
Docket No. 15-ALJ-04-0178-AP

Dear Judge Deborah Brooks Durden:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance LCI 664-14, 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 M. Hess
Administrative Assistant
Office of General Counsel

Enclosures

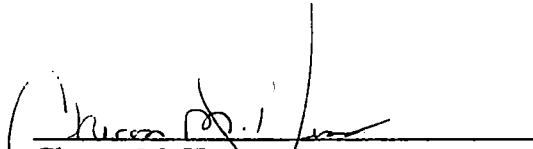
cc: Inmate Billy Lisenby, #200273
File

CERTIFICATE OF SERVICE

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 Billy Lisenby
Inmate Number: 200273
Dorm-Room-Bunk: EA-0020-B
Lieber Correctional Institution

Columbia, South Carolina
May 29, 2015


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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE BY:

8-17-14

RECEIVED
STEP 2

Office Use Only

INMATE NAME: BILLY LISENBY AUG 20 2014
SCDC NUMBER: 200273
INSTITUTION: Lieber C.I
HOUSING UNIT: E-B-26
WORK ASSIGNMENT: N/A

Grievance No. LCI-0664-14
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 8/18/14
IGC Initials BT

INMATE GRIEVANCE

AUG 18 2014

(AP)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *After talking to my case manager Tucker not Willis on 6-13-14 it was determined that, On March 3, 2009 at approx. 8:45 pm I was charged with Pass. of contraband. On March 31, 2009 I was convicted of 8.17 contraband. The charge was overturned by the ALJ and all sanctions were lifted, on 4-22-10 See Grievance TCI-377-09. In this case my good time was never re-instituted, nor the 20 days I fail to earn for the month.*

Billy Lee Lyf Aug. 15, 2011
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have thoroughly been reviewed. Case #104 was overturned and 30 days loss of good time was restored on April 22, 2010.

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.

J. G. Gaster 3-30-15
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.

Exhibit #2

Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

EB-2 JUN 17 2014

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

3

STEP 1

INMATE NAME: Billy Lee Lisabay JA
 SCDC NUMBER: #200273
 INSTITUTION: Lieber C. I
 HOUSING UNIT: AB 31
 WORK ASSIGNMENT: Doorm Walker

Grievance No. LCT-00004-14
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 PREA _____
 Date Received 06-18-14
 IGC Initials BT

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) After talking to my caseworker on 6-13-14 it is determined that, On March 3, 2009 at approx 8:45 PM I was charged with Poss of Contraband. On March 31, 2009 I was convicted of 8.17 Contraband. The charge was overturned by the ALC and all sanctions were lifted on 4-22-10 See Grievance TCI-377-09. In this case my goodtime was never re-instated.

ACTION REQUESTED: I ask that my goodtime be re-instated and my sentence be reduced.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

See Reference 14-114255

Billy Lee Lisabay June 16, 14
 Grievant Signature Date

WARDEN'S DECISION AND REASON
Inmate Billy Eisenby #200273

LCI-0664-14

All pertinent information and documentation has been reviewed. You state that after your spoke to your caseworker on June 13, 2014, all sanctions would be lifted. Ms. Willis from Classification, who handles good time for disciplinary actions, was called and she stated there was no good time taken for the dismissed disciplinary from 03/2009. The reason that your maxout appears to be going up is because of your disciplinary history.

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

Joell M. Jella 8/7/14
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.

Billy Eisenby 8-12-14
Grievant Signature Date

B. Shorne 8/12/14
IGC Signature Date

Exhib. 1+3

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 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 in the Grievance Box within five (5) 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) 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, via placement in the Grievance Box.

Failure to report as instructed will result in grievance.
 LCI-0828-14 being closed due to failure to participate
 LCI-0664-14 in the grievance process.
 LCI-0755-14 LCI-0620-14 LCI-0691-14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 Operations

ORDER TO REPORT

SCDC # 200273	Name BILLY LISENBY	Area EB-26
REPORT TO <u>GRIEVANCE</u> AT <u>10AM 8/12/14</u> (TUESDAY)		
Bring All Belongings <input type="checkbox"/> Bring State Clothing <input type="checkbox"/> Bring Nothing <input checked="" type="checkbox"/>		
Date 8/8/14	Signed W. Scarborough	
Date 8/8/14	Inmate's Signature Billy Lisenby	
Date 8/8/14	Staff Member's Signature C. N. Small	

Inmate Request Audit Trail

Today's Date: 6/18/14 9:51

Name: LIENBY, BILLY
 Booking #: 200273
 Permanent #: 200273

Reference #: 14-114255
 Date Requested: 06/13/14 08:16
 Request Type: Disciplinary
 Requested By: Kiosk

Request Details: I CAUGHT A POSS. OF CONTRABAND CHARGE IN MARCH 2009 AND IT WAS OVERTURNED BY THE ALJ. SDCDC HAS FAIL TO REINSTATE MY GOODTIME. I AM WRITING YOU BECAUSE MR. TUCKER TOLD ME TO. WILL YOU LOOK INTO THIS.

Review Level:
 Disposition: Complete
 Officer:
 Disposition Date: 06/13/14 11:17

Request Responses

Date	Author	Note
06/13/14 11:18	c042398	I/M Lienby, All your charges that were overturned the good time has been re-instated. Your good time is correct as is your max out date. If you have any further problems with this you need to address Columbia.

Request Notes

Date	Author	Note

Audit Trail Updates

Date	User ID	Original Value	New Value	Column Name
06/13/14 10:18	c042398		2014-06-13 11:17:00.0	DISPOSITION_DATE
06/13/14 10:18	c042398	PEND	COMP	DISPOSITION
06/13/14 10:18	c042398	2014-06-13 08:16:48.0	2014-06-13 08:18:00.0	DATE_REQUESTED

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lisenby, # 200273,	)	Docket No.: 15-ALJ-04-0179-AP
	)	[Grievance No: LCI 0620-14]
Appellant,)	
	)	<i>Hon. Deborah Brooks Durden</i>
v.)	
)	
South Carolina Department of Corrections,	)	RESPONDENT'S BRIEF
)	
Respondent.)	
<hr/>		

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Billy Lisenby ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC") serving a thirteen (13) year sentence. Appellant filed a Step One Grievance, LCI 0620-14, on June 6, 2014, claiming his sentence was not being calculated properly. This grievance was investigated and denied when it was determined SCDC was properly calculating the sentence. Appellant then filed a Step Two Grievance on August 18, 2014. This grievance was also investigated and denied on March 30, 2015. Appellant filed his Notice of Appeal April 12, 2015. 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). 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 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).

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

STANDARD OF REVIEW

The ALC should not disturb findings of an administrative agency if those findings are supported by substantial evidence on the record as a whole. *Pearson v. JPS*

Converter & Ind. Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). Stated differently, an Administrative Law Judge may not substitute their 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) (amended by 2008 Act No. 334, § 5, eff. June 16, 2008). Additionally, "an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law." *Matthews v. S.C. Dep't of Corr.*, Case No.: 04-ALJ-04-00248-AP, available at <http://www.scalc.net/decisions.aspx?id=1203&q=4> (filed Dec. 21, 2004) (Anderson, A.L.J.); see S.C. Code Ann. § 1-23-380(5)(e); see also *Marietta Garage, Inc. v. S.C. Dep't. of Pub. Safety*, 337 S.C. 133, 522 S.E.2d 605 (1999); *S.C. Dep't. of Labor, Licensing & Regulation v. Girgis*, 332 S.C. 162, 503 S.E.2d 490 (1998).

"Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that the administrative agency reached. *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 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. Pub. Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

Finally, in deciding appeals from inmate grievances, the ALC must consider that prisons officials are in the best position to decide inmate disciplinary matters. In *Al-*

Shabazz, the supreme court “underscored that since prison officials are in the best position to decide inmate disciplinary matters, the Courts and therefore this tribunal adhere to a ‘hands off’ approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA.” *Matthews v. S.C. Dep’t of Corr.*, *supra*, page 3 (citing *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757 (stating that “[c]ourts traditionally have adopted a ‘hands off’ doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters”)); *see also Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) (referring to the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

ARGUMENTS

APPELLANT’S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

Appellant is currently in SCDC custody serving a thirteen year sentence for assault with the intent to kill, failure to stop for police and assault on a correctional officer. In this appeal, Appellant claims his sentence has been incorrectly calculated. Specifically, Appellant contends the good time he lost in select disciplinary hearings, which was later returned to him, has been incorrectly calculated resulting in an incorrect max out date.

In response to Appellant’s challenge to SCDC’s calculation of his good time credits and other sentence-related credits, SCDC Branch Chief for Records Management and Release, Michael Stobbe, performed a manual calculation confirming Appellant’s sentence has been calculated correctly. The final explanation by Mr. Stobbe addresses several disciplinary cases which Appellant has also raised in other grievances, as they all

factor into the calculation of the maxout date. The summary provided by Mr. Stobee is presented below verbatim with emphasis added:

All SCDC release dates are projected.

Assumptions are made, that on any particular day the release date will remain the same as long as nothing changes in the inmate's record that will affect their release date. (These factors are statutory service time, inmate confined; statutory good time, 20 or 3 days a month; earned work credits and/or earned educational credits.

Inmate Lisenby earns 20 days a month good time.

As I demonstrated in yesterdays' e-mail **this inmate's projected release date is correct**, whether you verify it separating the consecutive sentences (ten and three) or verify them as a total sentence of 13 years.

Questions have been raised in regards to the taking away good time and restoring good time of disciplinary offenses #104, #106, #116, and #134.

Case #104 offense date was 03/03/09. Hearing date was 03/31/09 and inmate forfeited 20 days and lost 30, for a total of 50. The hearing results were entered 04/01/09. Inmate's monthly earning rate was 50.42 (not on EWC/EEC). Release date moved from 03/05/16 to 04/03/16 = 29 days. Case #104 was dismissed and entered on 06/04/10. Inmate's release date remained the same at 07/13/16. It is noted that during the period from 03/31/09 and 06/04/10 this inmate was convicted of offenses #106, #108, #109 for total of combined good time of 210 days.

Case #106 was reheard on 10/26/09. The decision increased the loss of good time from 120 to 150. There is nothing to give back.

Case #116 offense date was 09/18/10. Hearing date was 10/06/10. Originally entered on 10/08/10, on which inmate's earning rate was 50.42. Inmate lost 20 good time days (had already forfeited 20 days for the cycle for the convictions of offenses #114- #115 08/25,27/10. Inmate's release date adjusted from 09/20/16 to 10/11/16 some 21 days. On 12/08/11 offense #116 was overturned/dismissed, 20 days of good time was restored. Inmate's projected release date remained the same at 04/19/16. Inmate's monthly earning rate at this time of was 57.42 days. Inmate had been convicted and forfeited/lost a total of 130 days between 09/08/10-12/08/11.

Offense #134 offense date was 01/31/13. Original hearing date was 02/11/13. Inmate's earning rate was 50.42. For this offense the inmate lost a total of 260 days good time. Note: he also lost an additional 60 days of good time for offense #135 that was heard and entered on the same date 02/12/13, that has been restored on another action 01/09/15, but was included in the adjustment of the release date from 05/12/17 to 11/18/17 some 190 days. On 04/29/14 offense #134 was reduced to 30 days lost good time, however it should be noted that the adjusted release date perfected on 04/29/14, resulting in the release date moving from 02/25/2018 to 11/18/17 some 99 days. Note this outcome still contains the 60 days of lost good time not yet overturned from offense #135 (overturned 01/09/15).

Michael J. Stobbe
Branch Chief Records Management and Release
South Carolina Department of Corrections (SCDC)
P.O. Box 21787 / 4444 Broad River Road
Columbia, South Carolina 29221-1787
Phone # : 803-896-2074
Fax # : 803-896-2749
Email : Stobbe.Michael@doc.sc.gov

The manual calculation conducted by Mr. Stobbe is attached and it conclusively demonstrates SCDC has correctly calculated appellant's sentence.

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.

**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, or arbitrary or capricious, or an abuse of discretion. See Porter v. Public Service Comm'n, 333 S.C. 12,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12		Earned + 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12		Earned + 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12		Earned + 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12		Earned + 20
		= 320
		- 20 Forfeit
		300
		- 30 Lost
		270 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12		EARNED + 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12		EARNED + 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12		EARNED + 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12		EARNED + 20
		= 320
		- 20 Forfeit
		300
		- 30 Lost
		270 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

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

August 10, 2015

The Honorable Deborah Brooks Durden
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Billy Lisenby, #200273 vs. SCDC
Docket No. 15-ALJ-04-0178-AP

Dear Judge Durden:

Find enclosed an original and one copy of the *Respondent's Brief* 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,

E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Billy Lisenby, #200273
File

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Billy Lisenby, #200273,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

)
)
) **Certificate of Service**
)
) Docket# 15-ALJ-04-0178-AP
)
)
)
)
)

I hereby certify that a copy of the foregoing brief 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:

Billy Lisenby, #200273
Ridgeland Correctional Institution
DRB: CA-0003-B



E. Dee Dee Bowers
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

August 10, 2015

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lisenby, # 200273,	)	Docket No.: 15-ALJ-04-0178-AP
	)	[Grievance No: LCI 0664-14]
Appellant,)	
	)	<i>Hon. Deborah Brooks Durden</i>
v.)	
)	
South Carolina Department of Corrections,	)	RESPONDENT'S BRIEF
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Billy Lisenby ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC") serving a thirteen (13) year sentence. Appellant filed a Step One Grievance, LCI 0664-14, on June 17, 2014, claiming his sentence was not being calculated properly. This grievance was investigated and denied when it was determined SCDC was properly calculating the sentence. Appellant then filed a Step Two Grievance on August 18, 2014. This grievance was also investigated and denied on March 30, 2015. Appellant filed his Notice of Appeal April 12, 2015. Because appellant's sentence has been properly calculated, the final determination of the Department should be affirmed.

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Moreover, regarding categories (2) and (3), *supra*, the 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).

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Finally, in deciding appeals from inmate grievances, the ALC must consider that

prisons officials are in the best position to decide inmate disciplinary matters. In *Al-Shabazz*, the supreme court “underscored that since prison officials are in the best position to decide inmate disciplinary matters, the Courts and therefore this tribunal adhere to a ‘hands off’ approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA.” *Matthews v. S.C. Dep’t of Corr., supra*, page 3 (citing *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757 (stating that “[c]ourts traditionally have adopted a ‘hands off’ doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters”)); *see also Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) (referring to the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

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APPELLANT’S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

Appellant is currently in SCDC custody serving a thirteen year sentence for assault with the intent to kill, failure to stop for police and assault on a correctional officer. In this appeal, Appellant claims his sentence has been incorrectly calculated. Specifically, Appellant contends the good time he lost in select disciplinary hearings, which was later returned to him, has been incorrectly calculated resulting in an incorrect max out date.

In response to Appellant’s challenge to SCDC’s calculation of his good time credits and other sentence-related credits, SCDC Branch Chief for Records Management and Release, Michael Stobbe, performed a manual calculation confirming Appellant’s sentence has been calculated correctly. The final explanation by Mr. Stobbe addresses several disciplinary cases which Appellant has also raised in other grievances, as they all

factor into the calculation of the maxout date. The summary provided by Mr. Stobee is presented below verbatim with emphasis added:

All SCDC release dates are projected.

Assumptions are made, that on any particular day the release date will remain the same as long as nothing changes in the inmate's record that will affect their release date. (These factors are statutory service time, inmate confined; statutory good time, 20 or 3 days a month; earned work credits and/or earned educational credits.

Inmate Lisenby earns 20 days a month good time.

As I demonstrated in yesterdays' e-mail **this inmate's projected release date is correct**, whether you verify it separating the consecutive sentences (ten and three) or verify them as a total sentence of 13 years.

Questions have been raised in regards to the taking away good time and restoring good time of disciplinary offenses #104, #106, #116, and #134.

Case #104 offense date was 03/03/09. Hearing date was 03/31/09 and inmate forfeited 20 days and lost 30, for a total of 50. The hearing results were entered 04/01/09. Inmate's monthly earning rate was 50.42 (not on EWC/EEC). Release date moved from 03/05/16 to 04/03/16 = 29 days. Case #104 was dismissed and entered on 06/04/10. Inmate's release date remained the same at 07/13/16. It is noted that during the period from 03/31/09 and 06/04/10 this inmate was convicted of offenses #106, #108, #109 for total of combined good time of 210 days.

Case #106 was reheard on 10/26/09. The decision increased the loss of good time from 120 to 150. There is nothing to give back.

Case #116 offense date was 09/18/10. Hearing date was 10/06/10. Originally entered on 10/08/10, on which inmate's earning rate was 50.42. Inmate lost 20 good time days (had already forfeited 20 days for the cycle for the convictions of offenses #114- #115 08/25,27/10. Inmate's release date adjusted from 09/20/16 to 10/11/16 some 21 days. On 12/08/11 offense #116 was overturned/dismissed, 20 days of good time was restored. Inmate's projected release date remained the same at 04/19/16. Inmate's monthly earning rate at this time of was 57.42 days. Inmate had been convicted and forfeited/lost a total of 130 days between 09/08/10-12/08/11.

Offense #134 offense date was 01/31/13. Original hearing date was 02/11/13. Inmate's earning rate was 50.42. For this offense the inmate lost a total of 260 days good time. Note: he also lost an additional 60 days of good time for offense #135 that was heard and entered on the same date 02/12/13, that has been restored on another action 01/09/15, but was included in the adjustment of the release date from 05/12/17 to 11/18/17 some 190 days. On 04/29/14 offense #134 was reduced to 30 days lost good time, however it should be noted that the adjusted release date perfected on 04/29/14, resulting in the release date moving from 02/25/2018 to 11/18/17 some 99 days. Note this outcome still contains the 60 days of lost good time not yet overturned from offense #135 (overturned 01/09/15).

Michael J. Stobbe
Branch Chief Records Management and Release
South Carolina Department of Corrections (SCDC)
P.O. Box 21787 / 4444 Broad River Road
Columbia, South Carolina 29221-1787
Phone # : 803-896-2074
Fax # : 803-896-2749
Email : Stobbe.Michael@doc.sc.gov

The manual calculation conducted by Mr. Stobbe is attached and it conclusively demonstrates SCDC has correctly calculated appellant's sentence.

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.

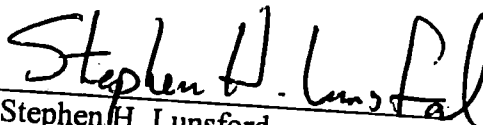
**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED
BY SUBSTANTIAL EVIDENCE**

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, or 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.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

Stephen H. Lunsford
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1940

August 10, 2015
Columbia, South Carolina

MAXOUT DATE CALCULATION WORKSHEET

NAME: **Lisenby, Billy**

SCDC #: **200273**

- 360 DATE CALCULATION - (Year = 360, Month = 30, Day = Day)
- 365 DATE CALCULATION - (Year = 365, Month = 30.42, Day = Day)

Sentence Length: 13 Years (1) Sentence Length in Days: 4745 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 03/19/08 (3) Next Cycle Date: 08/19/15 (4)

Calendar Service Credit:

Good Time Credit (Gross): 1780 (6) (+) 2709 (5)

Good Time Forfeited: (-) 400 (7)

Good Time Days Lost: (-) 560 (8)

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 820 (9)

Earned Education Credit: (+) 191.852 (10)

Earned Extra Credit: (+) 0 (11)

TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12 = + NA (12)

Remaining to satisfy as of next cycle date enter line 4 (-) 3720.852 (13)

08/19/15 (14) (-) 1024.148 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC

30.42(16) + 20 (17) + 7.242 (18) + 0(19) = 57.662 (20)

Divide Line 15 by Line 20 = 17 (21) .847 (22)

whole number (remainder)

Enter next cycle date from line 14: 08/19/15 (23)

Complete cycles from line 21: 5 (24)

Estimated final cycle: 01/19/17 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23): 08/19/15 (26) 1st final cycle from line 25: 01/19/17 (27)

Calendar Service Credit: (+) 519 (28)

Good Time Credit: (+) 340 (29)

Earned Worked Credit: (+) 123.571 (30)

Earned Education Credit: (+) 0 (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31. (-) 982.571 (32)

Remaining to satisfy as of estimated final cycle: (=) 41.57 (33)

Daily accrual rate:

Service I (34) + EWC Daily Rate .238 (35) + EEC Daily Rate 0 (36) = 1.238 (37)

Divide days remaining to earn (line 33) by daily accrual (line 37): 33.564 (38)

Enter estimated final cycle (line 27): 01/19/17 (39)

Add days from line 38: + 33 (40)

Calculate to month, day and year: 02/21/17 (41)

(Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE:

(=) 02/19/17 (42)

MICHAEL J. STOBBE

Employee Name

Michael J. Stobbe

Employee Signature

08/08/17

Date

MAXOUT DATE CALCULATION WORKSHEET

NAME: Lisenby, Billy

SCDC #: 200273

360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
 365 DATE CALCULATION - (Year = 365 Month = 30.42 Day = Day)

Sentence Length: 10 Years (1) Sentence Length in Days: 3650 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 03/19/08 (3) Next Cycle Date: 07/19/15 (4)

Calendar Service Credit:

Good Time Credit (Gross): 1760 (6) (+) 2678 (5)
 Good Time Forfeited: (-) 400 (7)
 Good Time Days Lost: (-) 560 (8)

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 800 (9)
 Earned Education Credit: (+) 184,472 (10)
 Earned Extra Credit: (+) 0 (11)
TOTAL CREDIT (Lines 9 + 10 + 11 + 12) = (+) NA (12)

Remaining to satisfy as of next cycle date (enter line 4): 07/19/15 (14) (=) 12,172 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC
 _____ (16) + _____ (17) + _____ (18) + _____ (19) = _____ (20)

Divide Line 15 by Line 20 = _____ (21) _____ (22)
 (whole number) (remainder)

Enter next cycle date from lin. 14 _____ (23)
 Complete cycles from line 21 (+) _____ (24)
 Estimated final cycle. (=) _____ (25)

Projection of Remaining Time to Serve:

Next cycle date from line 23 _____ (26) Est. final cycle (from line 25) _____ (27)

Calendar Service Credit: (+) _____ (28)
 Good Time Credit: (+) _____ (29)
 Earned Worked Credit: (+) _____ (30)
 Earned Education Credit: (+) _____ (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) _____ (32)

Remaining to satisfy as of estimated final cycle: (=) _____ (33)

Daily accrual rate:

Service (34)+EWC Daily Rate _____ (35)+EEC Daily Rate _____ (36) = _____ (37)

Divide days remaining to earn line 33 by daily accrual (line 37) = _____ (38)

Enter estimated final cycle (line 27) _____ (39)

Add days from line 38 (+) _____ (40)

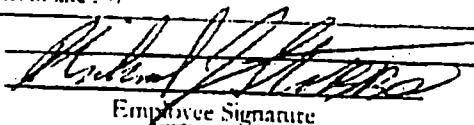
Calculate to month, day and year _____ (41)

(Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE:

MICHAEL L. STOBBE

Employee Name



Employee Signature

(=) 07/19/15 (42)

08/08/15

Date

MAXOUT DATE CALCULATION WORKSHEET

NAME: Lisenby, Billy

SCDC #: 200273

360 DATE CALCULATION - (Year = 360 Month = 30 Day = Day)
365 DATE CALCULATION - (Year = 365 Month = 30-42 Day = Day)

Sentence Length 3 Years (1) Sentence Length in Days: 1095 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 07/19/15 (3) Next Cycle Date: 08/19/15 (4)

Calendar Service Credit:

Good Time Credit (Gross): 12 + 20 (6) (+) 31 (5)

Good Time Forfeited: (-) 0 (7)

Good Time Days Lost: (-) 0 (8)

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 32 (9)

Earned Education Credit: (+) 7,380 (10)

Earned Extra Credit: (-) 0 (11)

TOTAL CREDIT: (lines 9 + 10 + 11 + 12) = (+) NA (12)

Remaining to satisfy as of next cycle date (enter line 13): (-) 70,380 (13)

08/19/15 (14) (=) 1024.62 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC

30.42 (16) + 20 (17) + 7,242 (18) - 0 (19) = 57,662 (20)

Divide Line 15 b. Line 20 = 17 (21) 769 (22) (whole number remainder)

Enter next cycle date from line 14: 08/19/15 (23)

Complete cycles from line 21 (+) 5 (24)

Estimated final cycle: 01/19/17 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23) 08/19/15 (26) Est. final cycle from line 25 01/19/17 (27)

Calendar Service Credit (+) 519 (28)

Good Time Credit (+) 340 (29)

Earned Worked Credit (+) 123,571 (30)

Earned Education Credit (+) 0 (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (+) 982,571 (32)

Remaining to satisfy as of estimated final cycle: (-) 42,049 (33)

Daily accrual rate:

Service 1-34 - EWC Daily Rate 238 (35) + EEC Daily Rate 0 (36) 1,238 (37)

Divide days remaining to earn (line 33) by daily accrual (line 37) = 33,965 (38)

Enter estimated final cycle (line 27): 01/19/17 (39)

Add days from line 38 (+) 33 (40)

Calculate to month, day and year 02/21/17 (41)

Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE:

MICHAEL J. STOBRE

Employee Name

Michael J. Stobre (Signature)

Employer Signature

02/19/17 (42)

08/08/15

Date

LEVEL	DAYS WORKED	DAILY CREDIT	CREDIT PER MONTH		CREDIT PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
2	7	.50	15.0000	15.0000	180.0000	180.0000
2	6	.4285714	12.8571	13.037142	154.2852	156.4459
2	5	.3571482	10.7142	10.864285	128.5704	130.37142
3	7	.333	10.0000	10.14	120.0000	121.68
3	5	.2380952	7.1428	7.2428571	85.7142	86.914285
5	7	.2000	6.0000	6.084	72.0000	73.008
5	5	.1428571	4.2857	4.3457142	51.4285	52.148568
7	7	.1428571	4.2857	4.3457141	51.4285	52.148568
7	5	.102040	3.0612	3.1040815	36.7346	37.248918

Work Credits are applicable toward the initial parole eligibility and max-out dates on straight time convictions.

Bonus Education Credits

TRAINING HOURS PER WEEK		BONUS CREDITS PER DAY	BONUS CREDITS/MONTH		CREDITS PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
B4	4-7	.0571	1.713	1.7369	20.556	20.8428
B5	8-11	.0857	2.571	2.6069	30.852	31.2828
B6	12-14	.1142	3.426	3.4739	41.112	41.6868
B7	15+	.1428	4.284	4.343	51.408	52.116

EW/C/EE COEFFICIENT FOR 85% NON-PAROLABLE SENTENCE:

For offenses committed on or after January 1, 1996, classified by the statute as non-parolable, the following earning rates are stipulated by statute to the following levels of credit to be capped at six (6) a month and no more than 72 a year.

LEVEL	DAYS WORKED	CREDIT PER DAY	CREDIT PER MONTH	CREDIT PER YEAR
2	7	0.1972386	6.000	72.000
2	6	0.1972386	6.000	72.000
2	5	0.1972386	6.000	72.000
3	7	0.1972386	6.000	72.000
3	5	0.1972386	6.000	72.000
5	7	0.1972386	6.000	72.000
5	5	0.1428571	4.3457142	52.148568
7	7	0.1428571	4.3457141	52.148568
7	5	0.1020408	3.1040815	37.248979

DISI1000

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CORR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT	DHO	OFF
					LOST	DECISION	LVL
00106	A & B OF AN EMP, ETC	MAJOR DI	03/30/09	10/26/09	00150	CONVICTED	1 O Ba
00103	REFUSING OR FAILING O	ADMINIST	10/03/08	/ /	00000	CONVICTED	3
00102	THREATENING TO INFELIC	MAJOR DI	08/04/08	08/13/08	00030	CONVICTED	2
00100	DISRESPECT	MAJOR DI	07/05/08	07/09/08	00000	CONVICTED	3
00099	FIGHTING WITHOUT A WE	ADMINIST	06/30/08	/ /	00000	CONVICTED	3
00098	USE OBSCENE, VULGAR, PR	MAJOR DI	10/16/02	10/25/02	00015	CONVICTED	3
00097	FALSE STATEMENT TO HA	MINOR DI	10/13/02	10/21/02	00000	CONVICTED	3
00096	STRIKE I/M W/WO WEAPO	OTHER AC	07/26/02	/ /	00000	CLOSED	2
00095	DISRESPECT	OTHER AC	07/19/02	/ /	00000	CLOSED	3
00094	REFUSING OR FAILING O	MINOR DI	07/14/02	07/19/02	00000	CONVICTED	3
00093	USE OBSCENE, VULGAR, PR	OTHER AC	06/24/02	/ /	00000	CLOSED	3
00092	POSSESSION OF A WEAPO	MAJOR DI	05/14/02	05/23/02	00090	CONVICTED	2
00090	ABUSE OF PRIVILEGES	OTHER AC	05/01/02	/ /	00000	CLOSED	5

PAGE 0003

FF4-MODIFY FF6-DISMISSED/NDI FULLY

FF11-QUIT FF10-MAIN MENU

0768

DIS100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CURR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00124	THREATENING TO INFLIC	14 MAJOR DI	02/24/12	03/06/12	00060	CONVICTED	2
00123	USE, POSS NARC, MARIJ, U	13 MAJOR DI	02/04/12	02/14/12	00000	CONVICTED	1
00122	POSS. OR/ATTEMPT TO P	13 MAJOR DI	02/04/12	02/14/12	00060	CONVICTED	1
00118	THREATENING TO INFLIC	12 MAJOR DI	12/20/10	01/05/11	00030	CONVICTED	2
00119	REFUSING OR FAILING O	12 MAJOR DI	12/19/10	01/05/11	00030	CONVICTED	3
00117	DAMAGE, DESTROY PROP.	11 MAJOR DI	12/18/10	01/05/11	00030	CONVICTED	3
00115	DAMAGE, DESTROY PROP.	11 ADMINIST	08/23/10	08/27/10	00000	CONVICTED	3
00114	UNAUTHORIZED SERVICES	11 MAJOR DI	08/10/10	08/25/10	00000	CONVICTED	5
00113	USE OBSCENE, VULGAR, PR	11 MAJOR DI	06/25/10	07/19/10	00030	CONVICTED	3
00112	FORGERY OR POSS ANY F	11 MAJOR DI	06/22/10	07/28/10	00000	CONVICTED	3
00110	DAMAGE, DESTROY PROP.	11 MAJOR DI	05/31/10	06/23/10	00020	CONVICTED	3
00109	ABUSE OF PRIVILEGES	11 ADMINIST	12/02/09	12/07/09	00000	CONVICTED	5
00108	ABUSE OF PRIVILEGES	11 ADMINIST	10/06/09	10/08/09	00000	CONVICTED	5

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

DISI1000

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/08/15
C001714

SCDC ID: 200273

DISPLAY INMATE OFFENSE HISTORY

LISENBY, BILLY -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CURR LOC: RIDGELAND

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT	DHO	OFF
00147	USE, POSS NARC, MARIJ, U	MAJOR DI	01/20/15	02/17/15	00000	CONVICTED	1
00146	POSSESSION OF CONTRAB	MAJOR DI	03/11/14	04/08/14	00000	CONVICTED	3
00142	DISRESPECT	OTHER AC	07/01/13	07/24/13	00000	CLOSED	3
00140	DISRESPECT	OTHER AC	02/14/13	03/06/13	00000	CLOSED	3
00138	POSSESSION OF CONTRAB	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	3
00137	UNAUTH I/M ORGAN/PART	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	2
00136	POSSESSION OF A WEAPO	MAJOR DI	01/31/13	02/25/13	00000	CONVICTED	2
00134	USE, POSS NARC, MARIJ, U	MAJOR DI	01/31/13	02/11/13	00030	CONVICTED	1
00133	DISRESPECT	MAJOR DI	12/10/12	12/17/12	00030	CONVICTED	3
00132	POSSESSION OF CONTRAB	MAJOR DI	11/05/12	11/19/12	00000	CONVICTED	3
00131	POSSESSION OF A WEAPO	MAJOR DI	10/19/12	11/05/12	00060	CONVICTED	2
00127	POSS. OR/ATTEMPT TO P	MAJOR DI	06/08/12	06/20/12	00000	CONVICTED	1
00126	STRIKING AN EMPLOYEE	MAJOR DI	06/08/12	06/20/12	00000	CONVICTED	2

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF1-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 1 of 5

Inmate Name: Lisensby, Billy

SCDC# 200273

Date	Staff (Please Print)	Comments
8/8/15	StoB20	
		Admitted 5/2/2008
		SSD 3/19/2008
		Good time EARNED & Lost
03/19/08 - 07/19/08		EARNED 80
		- 20 Forfeit
		60 Remaining
07/19/08 - 08/19/08		EARNED + 20
		80
		- 20 Forfeit
		- 30 Lost
		30 Remaining
08/19/08 - 10/19/08		EARNED + 40
		70
		- 20 Forfeit
		50 Remaining
10/19/08 - 04/19/09		EARNED 120
		= 170
		- 20 Forfeit
		= 150
		- 150 Lost
		0 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 2 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		4/19/09 0 Balance
04/19/09 -	10/19/09	EARNED + 120
		= 120
		- 20 Forfeit
		= 100 Remaining
10/19/09 -	12/19/09	EARNED + 40
		= 140
		- 20 Forfeit
		= 120 Remaining
12/19/09 -	06/19/2010	EARNED + 120
		= 240
		- 20 Forfeit
		= 220
		- 20 Lost
		= 200 Remaining
06/19/10 -	07/19/10	EARNED + 20
		= 220
		- 20 Forfeit
		= 200
		- 30 Lost
		= 170 Remaining
07/19/10 -	08/19/10	EARNED + 20
		= 190
		- 20 Forfeit
		= 170 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 3/5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		170 Remaining
08/19/10 -	09/19/10	Earned +20
		= 190
		- 20 Forfeit
		= 170 Remaining
9/19/10 -	12/19/10	Earned + 60
		= 230
		- 20 Forfeit
		= 210
		150 Remaining
		150 Remaining
		- 30 Lost
		= 180 Remaining
12/19/10 -	01/19/11	Earned + 20
		= 200
		- 20 Forfeit
		180
		- 60 Lost
		= 120 Remaining
01/19/11 -	02/19/12	Earned +260
		= 380
		- 20 Forfeit
		= 360
		- 60 Lost
		= 300

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12	EARNED	+ 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12	EARNED	+ 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12	EARNED	+ 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12	EARNED	+ 20
		= 320
		- 20 Forfeit
		300

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 1 of 5

Inmate Name: Lisn By, Billy

SCDC # 200273

Date	Staff (Please Print)	Comments
8/8/15	StoB/20	
		Admitted 5/2/2008
		SSD 3/19/2008
		Good time EARNED & Lost
03/19/08 - 07/19/08		EARNED 80
		- 20 Forfeit
		60 Remaining
07/19/08 - 08/19/08		EARNED + 20
		80
		- 20 Forfeit
		- 30 Lost
		30 Remaining
08/19/08 - 10/19/08		EARNED + 40
		70
		- 20 Forfeit
		50 Remaining
10/19/08 - 04/19/09		EARNED 120
		= 170
		- 20 Forfeit
		= 150
		- 150 Lost
		0 Remaining

**SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda**

Page 2 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		4/19/09 0 Balance
04/19/09 -	10/19/09	EARNED +120
		= 120
		- 20 Forfeit
		= 100 Remaining
10/19/09 -	12/19/09	EARNED + 40
		= 140
		- 20 Forfeit
		= 120 Remaining
12/19/09 -	06/19/2010	EARNED + 120
		= 240
		- 20 Forfeit
		= 220
		- 20 Lost
		= 200 Remaining
06/19/10 -	07/19/10	EARNED + 20
		= 220
		- 20 Forfeit
		= 200
		- 30 Lost
		= 170 Remaining
07/19/10 -	08/19/10	EARNED + 20
		= 190
		- 20 Forfeit
		= 170 Remaining

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 3/5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		170 Remaining
08/19/10 - 09/19/10		EARNED +20
		= 190
		- 20 Forfeit
		= 170 Remaining
9/19/10 - 12/19/10		EARNED + 60
		= 230
		- 20 Forfeit
		= 210
		150 Remaining
		150 Remaining
		150 Remaining
		- 30 Lost
		= 180 Remaining
12/19/10 - 01/19/11		EARNED + 20
		= 200
		- 20 Forfeit
		180
		- 60 Lost
		= 120 Remaining
01/19/11 - 02/19/12		EARNED +260
		= 380
		- 20 Forfeit
		= 360
		- 60 Lost
		= 300

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Staff Memoranda

Page 4 of 5

Inmate Name: _____

SCDC # 200273

Date	Staff (Please Print)	Comments
		Remaining 300
02/19/12 - 03/19/12	Earned	+ 20
		= 320
		- 20 Forfeit
		= 300
		- 60 Lost
		= 240 Remaining
03/19/12 - 06/19/12	Earned	+ 60
		300
		- 20 Forfeit
		280 Remaining
06/19/12 - 11/19/12	Earned	+ 100
		380
		- 20 Forfeit
		360
		- 60 Lost
		300 Remaining
11/19/12 - 12/19/12	Earned	+ 20
		= 320
		- 20 Forfeit
		300

WARDEN'S DECISION AND REASON:

Inmate Billy Lisenby #200273

LCI-0620-14

All pertinent information and documentation has been reviewed. After speaking with Classification it was discovered that the (200) of good time you speak of was reinstated on April 29, 2014. Since that time you have received (7) additional disciplinaries resulting in the loss of an additional (200) days of good time. You stated on your grievance that your maxout date was April 2014 in February 2014, when in fact it was February 2018. Your current max-out date is June 2017 and it will increase every time you receive a disciplinary.

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

David M. J. [Signature] 8/12/14
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.

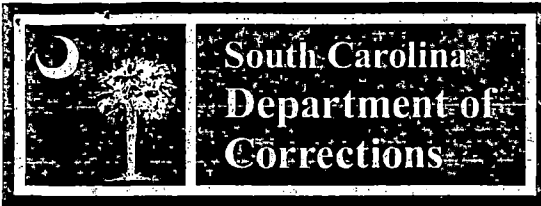
Billy Lisenby 8-12-14
Grievant Signature Date

B. J. [Signature] 8/12/14
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

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

Exhibit #3



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

May 29, 2015

The Honorable Deborah Brooks Durden
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Billy Lisenby, #200273, vs. SCDC
Docket No. 15-ALJ-04-0178-AP

Dear Judge Deborah Brooks Durden:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance LCI 664-14, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheron M. Hess", is written over a large, stylized "X" mark.

Cheron M. Hess
Administrative Assistant
Office of General Counsel

Enclosures

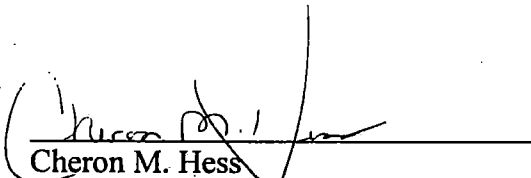
cc: Inmate Billy Lisenby, #200273
File

CERTIFICATE OF SERVICE

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 Billy Lisenby
Inmate Number: 200273
Dorm-Room-Bunk: EA-0020-B
Lieber Correctional Institution

Columbia, South Carolina
May 29, 2015



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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE BY:

8-17-14

RECEIVED
STEP 2

Office Use Only

INMATE NAME: BILLY LISENBY AUG 20 2014
 SCDC NUMBER: 200273
 INSTITUTION: Lieber C.I
 HOUSING UNIT: E-B-26
 WORK ASSIGNMENT: N/A

Grievance No. LCI-0664-14
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class.
 Date Received 8/18/14
 IGC Initials BT

INMATE GRIEVANCE
 AUG 18 2014
 (AP)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *After talking to my caseworker Tucker not Willis on 6-13-14 it was determined that, on March 3, 2009 at approx. 8:45 PM I was charged with Pass. of Contraband. On March 31, 2009 I was convicted of 8.17 Contraband. The charge was overturned by the ALC and all Sanctions were lifted, on 4-22-10 See Grievance TCI-377-09. In this case my goodtime was never re-instated, nor the 20 days I fail to earn for the month.*

Billy Lee Lyf Aug. 15, 2014
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have thoroughly been reviewed. Case #104 was overturned and 30 days loss of good time was restored on April 22, 2010.

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.

J. G. Gaster 3-30-15
 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.

Exhibit #2

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

EB-2 JUN 17 2014

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

3

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Billy Lee Lisenby JR
SCDC NUMBER: #200273
INSTITUTION: Lieber C. I
HOUSING UNIT: AB 31
WORK ASSIGNMENT: Doem Worker

Grievance No. LCI-06004-14
Code: General _____
Policy _____
Disc. Hear. _____
Class. i _____
PREA _____
Date Received 06.18.14
IGC Initials BT

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) After talking to my caseworker on 6-13-14 it is determined that, On March 3, 2009 at approx 8:45 PM I was charged with Poss of Contraband. On March 31, 2009 I was convicted of 8.17 Contraband. The charge was overturned by the ALC and all sanctions were lifted on 4-22-10 See Grievance TCI-377-09. In this case my goodtime was never re-instated.

ACTION REQUESTED: I ask that my goodtime be re-instated and my sentence be reduced.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

See Reference 14-114255

Billy Lee Lisenby JR June 16, 14
Grievant Signature Date

WARDEN'S DECISION AND REASON
Inmate Billy Eisenby #200273

LCI-0664-14

All pertinent information and documentation has been reviewed. You state that after your spoke to your caseworker on June 13, 2014, all sanctions would be lifted. Ms. Willis from Classification, who handles good time for disciplinary actions, was called and she stated there was no good time taken for the dismissed disciplinary from 03/2009. The reason that your maxout appears to be going up is because of your disciplinary history.

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

Joell McJella 8/21/14
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.

Billy Eisenby 8-12-14
Grievant Signature Date

B. Shorne 8/12/14
IGC Signature Date

Exhib. 1+3

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 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 in the Grievance Box within five (5) 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) 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, via placement in the Grievance Box.

Failure to report as instructed will result in grievance.
 LCI-0828-14 being closed due to failure to participate
 LCI-0664-14 in the grievance process.
 LCI-0755-14
 LCI-0620-14
 LCI-0691-14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 Operations

ORDER TO REPORT

SCDC # 200273	Name BILLY LISENBY	Area EB-26
REPORT TO <u>GRIEVANCE</u> AT <u>10AM 8/12/14</u> (TUESDAY)		
Bring All Belongings <input type="checkbox"/> Bring State Clothing <input type="checkbox"/> Bring Nothing <input checked="" type="checkbox"/>		
Date 8/8/14	Signed W. Scarborough	
Date 8/8/14	Inmate's Signature Billy Lisensby	
Date 8/8/14	Staff Member's Signature C. N. Jarrell	

Inmate Request Audit Trail

Today's Date: 6/18/14 9:51

Name: LISEBY, BILLY
 Booking #: 200273
 Permanent #: 200273

Reference #: 14-114255
 Date Requested: 06/13/14 08:16
 Request Type: Disciplinary
 Requested By: Kiosk

Request Details: I CAUGHT A POSS. OF CONTRABAND CHARGE IN MARCH 2009 AND IT WAS OVERTURNED BY THE ALJ. SCDC HAS FAIL TO REINSTATE MY GOODTIME. I AM WRITING YOU BECAUSE MR. TUCKER TOLD ME TO. WILL YOU LOOK INTO THIS.

Review Level:
Disposition: Complete
Officer:
Disposition Date: 06/13/14 11:17

Request Responses

Date	Author	Note
06/13/14 11:18	c042398	I/M Lisenby, All your charges that were overturned the good time has been re-instated. Your good time is correct as is your max out data. If you have any further problems with this you need to address Columbia.

Request Notes

Date	Author	Note

Audit Trail Updates

Date	User ID	Original Value	New Value	Column Name
06/13/14 10:18	c042398		2014-06-13 11:17:00.0	DISPOSITION_DATE
06/13/14 10:18	c042398	PEND	COMP	DISPOSITION
06/13/14 10:18	c042398	2014-06-13 08:16:48.0	2014-06-13 08:16:00.0	DATE_REQUESTED

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lee Lisenby, Jr., #200273,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 15-ALJ-04-0178-AP

Grievance No. LCI 0664-14

ORDER FILED

NOV 06 2015

SC ADMIN. LAW COURT

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC or Department). Appellant began to serve a 13-year sentence at the Department on March 19, 2008. On June 16, 2014, Inmate filed a Step 1 Grievance. On March 31, 2009, Inmate was convicted of a disciplinary offense and was sanctioned with the loss 30 days of good time credit. The charge and sanctions were eventually overturned. Inmate alleges that as of June 13, 2014, the Department had failed to reinstate his good time credit. On March 30, 2014, the Department denied Inmate's Step 1 Grievance and stated that as of April 22, 2010, the Department had restored his 30 days of good time credit. On June 16, 2014, Inmate filed a Step 2 Grievance and made the same argument. On August 7, 2014, the Department denied Inmate's Step 2 Grievance and noted that Inmate's projected max-out date kept increasing due to his disciplinary history. On April 13, 2015, Inmate filed his Notice of Appeal with this Court.

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 Court'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 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

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: Aug. 11th 2016

Billy Lee Jr.

Billy Lee Lisiby Jr, #200273

P.O. Box 2039

Ridgeland C. I

Ridgeland S.C. 29936

RECEIVED

AUG 16 2016

SC Court of Appeals

State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Court
Administrative Law Judge Deborah Brooks Dueden
ALC Case NO. 15-ALJ-04-0178-AP
Appellate Case No. 2015-002340

Billy Lee Lisenby, JR; #200273, Appellant


v.
South Carolina Department of Corrections, Respondent

RECEIVED
AUG 16 2016
SC Court of Appeals

PROOF OF SERVICE

Undersigned Appellant hereby certify that on today's date, I mailed a copy of Appellant's Amended Record on Appeal to Respondent addressed to Christina Cathe Bigelow Deputy General Counsel S.C. Department of Corrections Columbia S.C. 29221

Dated: Aug. 11th 2016


Billy Lee Lisenby JR; #200273

State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Court
Administrative Law Judge Deborah Brooks Darden

ALC Case NO. 15-ALJ-04-0178-AP
Appellate Case NO. 2015-002343

RECEIVED

AUG 16 2016

SC Court of Appeals

Billy Lee Lisenby, JR; #200273,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Appellant's Amended Designation of Matter
To Be Included In The Record on Appeal

The Appellant submits that the following should be included in the Record on Appeal:

- (1) Step 1 and 2 Grievance Forms
- (2) ALC filings and attachments;
- (3) Administrative Law Judge Darden's Order dated Nov. 6, 2015

The undersigned hereby certifies this Designation contains no matter that is irrelevant to this appeal.

Dated: Aug. 11th, 2016

Billy Lee Lisenby
Billy Lee Lisenby JR; #200273

LEGAL MAIL

State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Court
Administrative Law Judge Deborah Brooks Dunder

ALC Case No. 15-ALJ-04-0178-AP

Appellate Case No. 2015-002343

RECEIVED

AUG 16 2016

SC Court of Appeals

Billy Lee Lisenby, JR; #200213, Appellant,

v.

South Carolina Department of Corrections,
Respondent.

PROOF OF SERVICE

Undersigned Appellant hereby certify that on today's date, I mailed a copy of the Appellant's Amend Designation of Matter to be Included in the Record on Appeal to Respondent, addressed to Christina Catve Bigelow Deputy General Counsel Office of General Counsel S.C. Department of Corrections P.O. Box 21787 Columbia S.C. 29221.

Dated: Aug. 11th 2016

Billy Lee Lisenby
Billy Lee Lisenby JR; #200213

LEGAL MAIL