



South Carolina Court of Appeals

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CHARLES GORDON #312072

~~TO:~~

~~1578 GARRINGER BOYER HWY.~~
~~TURBEVILLE, SC 29162~~

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SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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October 31, 2016

Charles Gordon #312072
TCI
1578 Clarence Coker Hwy.
Turbeville SC 29162

Re: Charles Gordon #312072 v. SCDC
Appellate Case No. 2016-002202

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SC Court of Appeals

Dear Mr. Gordon:

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

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

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

filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Kensey Collins, Esquire
Jana E. Shealy



The South Carolina Court of Appeals

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CLERK

V. CLAIRE ALLEN
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October 31, 2016

Charles Gordon #312072
TCI
1578 Clarence Coker Hwy.
Turbeville SC 29162

Re: Charles Gordon #312072 v. SCDC
Appellate Case No. 2016-002202

Dear Mr. Gordon:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service does not indicate you served the notice of appeal. Specifically, it states you served "the foregoing motion." An amended proof of service must be filed.
- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$100.00.
- We are returning the "appellant's brief" included with your filings, as it is not necessary to provide the material at this time. Please see Rule 208, SCACR, for guidance on when to file the appellant's initial brief with the Court.

- You are requested to serve and file an amended notice of appeal. All parties are advised that service of the amended notice of appeal does not affect the timelines for the appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Kensey Collins, Esquire
Jana E. Shealy

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Charles Gordon, #312072,
Appellant,

) Docket No. 16-ALJ-04-0412-AP
) [Grievance No.: TCF 104-16]

vs.
South Carolina Dept. of Corrections,
Respondent.

) APPELLANT'S BRIEF

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SC Court of Appeals

STATEMENT OF THE CASE

On January 28, 2016 at 7:15 AM, Corporal Chris Kolb over Law Law B Unit wrote Appellant up for 809 Threaten to Inflict Harm on / Assaulting an Employee and/or Members of the Public.

On February 5, 2016 at 11:55 AM, Appellant was notified of going to the D.H.D. and requested to have his accuser present.

On February 22, 2016 at 11:19 AM, Appellant was found guilty of 809 Threatening to Inflict Harm on / Assaulting an Employee and/or Members of the Public based upon Corporal Chris Kolb's report.

Then Appellant appealed their decision based upon the twenty (20) days Loss of Good Time as one of the

sanctions that was taken on Grievance Step 1 and 2. Which both Grievances came back as the sanctions being proper.

STATEMENT OF THE ISSUE ON APPEAL

How can South Carolina Department of Corrections change the Appellant's projected max-out date by taking away a disciplinary infraction of twenty (20) days Loss of Good Time, when Appellant is serving an eighty-five percent (85%) mandatory minimum "no parole offense" sentence and this percentage must be calculated without the application of Earned Work, Education, or Good Conduct Credits under S.C. Code §24-13-150(A)?

ARGUMENT

Appellant asserts that he "is to serve a mandatory minimum of an eighty-five percent (85%) sentence and this percentage must be calculated without the application of Earned Work, Education, or Good Conduct Credits under S.C. Code § 24-13-150(A)."

In the ORDER AFFIRMING DECISION by the Honorable Judge John D. McLeod stated that Appellant must serve 85% of his sentence without any reduction whatsoever. Any good time credits he has earned can

be applied only to reduce the portion of his sentence that remains after the 85% has been served. Thus, the 20 days the Appellant lost in the disciplinary matter which gave rise to this appeal, would increase by 20 days the time he is required to serve in the portion of his sentence that remained after he completed the mandatory 85%.

When Appellant lost 20 days due to a disciplinary infraction, he never completed the mandatory 85% sentence first. This makes it unlawful for the South Carolina Department of Corrections to have Appellant do 20 days more than the mandatory 85% in the Penitentiary.

Then the Honorable Judge John D. McLeod stated in the conclusion as if the Appellant was challenging the conviction by S.C.D.C.'s policy and procedure instead of going with the statute S.C. Code §24-13-150(A) at hand since it overrides S.C.D.C. policy and procedures.

CONCLUSION

WHEREFORE, under SCRPC, Rule 59, Appellant respectfully request the Court to grant him relief on the ground that the 20 days that South Carolina Department of Corrections had him serve over the mandatory 85% sentence be accredited due to it being unlawful.

Respectfully submitted,

Charles Gordon

Charles Gordon
Turbeville Correctional Inst.
1578 Clarence Coker Hwy.
Turbeville, S.C. 29162

October 20, 2016

Turbeville, South Carolina