

6

MLT 1105

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 10/01/16 TO 10/31/16

ACCOUNT NO. 00200509

BELTON, ROBERT -

CURR BAL AS OF 11/04/16: 0.55

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
10/31/16	MONEY ORDER	50.00	0.00	69.11
10/29/16	DNA PROCESSI	0.00	1.00	19.11
10/28/16	MONEY ORDER	20.00	0.00	20.11
10/19/16	CANTEEN PURC	0.00	38.06	0.11
10/19/16	DNA PROCESSI	0.00	1.00	38.17
10/18/16	MONEY ORDER	20.00	0.00	39.17
10/14/16	DNA PROCESSI	0.00	1.00	19.17
10/13/16	MONEY ORDER	20.00	0.00	20.17
10/11/16	CANTEEN PURC	0.00	15.33	0.17
10/11/16	DNA PROCESSI	0.00	0.75	15.50
10/10/16	MONEY ORDER	15.00	0.00	16.25
10/04/16	CANTEEN PURC	0.00	38.04	1.25
10/04/16	DNA PROCESSI	0.00	2.00	39.29
10/03/16	MONEY ORDER	40.00	0.00	41.29

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NOV 16 2016

SC Court of Appeals

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

NOV 16 2016

INMATE GRIEVANCE FORM

SC Court of Appeals

STEP 1

INMATE NAME: <u>BELTON, Robert</u>	OFFICE USE ONLY
SCDC NUMBER: <u>200509</u> <u>JAN 08, 2016</u>	Grievance No. <u>BRCT 0026-16</u>
INSTITUTION: <u>BRCT</u>	Code: General _____
HOUSING UNIT: <u>Mont</u>	Policy _____
WORK ASSIGNMENT: <u>Mark Barber Shop</u>	Disc. Hear. _____
	Class. <u>✓</u>
	PREA _____
	Date Received <u>JAN 12 2016</u>
	IGC Initials <u>(RB)</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

This grievance relates to my being incorrectly classified as a "violent offender". I submitted an I/M Request to classification in regards to this issue on 11/26/15. (Kiosk Ref #15-911612). It has been more than (30) thirty days without action or response to my I/M Request. Consequently, I am now submitting this I/M Grievance to your office for appropriate action.

I am serving a non-violent prison term as specifically ordered by the sentencing court. (Please see my J & C documents). The SCDC cannot lawfully amend a sentencing court's order. Moreover, I agreed to accept plea offer only on condition that adjudicated offense was a non-violent conviction.

x RB 12/28/15
Grievant Signature Date

Thank you for your time.

ACTION REQUESTED: Classification should be directed to correct my offense conduct classification to non-violent as specified by the sentencing documents. And recalculate my "max-out" date.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Wardens response

OBarnes 2/2/16
IGC Signature Date


(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

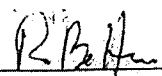
Inmate Belton Robert 200509

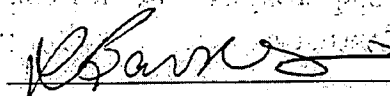
This is in response to BRCI-0026-16. All pertinent information and documentation has been reviewed. Per Classification Supervisor, Ms. Macon, you are classified as violent due to you having a violent offense. According to Policy O.P. 2104 Inmate Classification Plan Section 6.1 Part 1, Commitments over 90 days are counted. The Kidnapping charge you were convicted of is a violent conviction. Therefore, you are being classified correctly by Classification. Nothing has been amended, your court order is being carried out accordingly.

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

 2/19/16
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.

 2/19/2016
Grievant Signature Date

 2/19/16
IGC Signature Date

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 or Kiosk reference number 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 it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievance can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

DUE: 2/24/16

STEP 2 RECEIVED

INMATE NAME: Robert Better

Office Use Only
Grievance No. BCCI - 002676

SCDC NUMBER: 200509

FEB 23, 2016

FEB 25 2016

Code: General

INSTITUTION: BCCI

INMATE GRIEVANCE

Policy

HOUSING UNIT: M14 1105

Disc. Hear.

WORK ASSIGNMENT: Baber

Class. Ch/Ch

Date Received FEB 24 2016

IGC Initials

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

The Warden's response to my grievance fails to make a distinction between my current active convictions and sentence and prior conviction of Kidnapping. I am not incarcerated for Kidnapping (indictment No. 2014-GS-4004185). I am incarcerated for and serving 8 yrs. on a different conviction of Assault 1st. Degree (indictment No. 2014-GS-4004186). SCDC Policy OP-21.09 requires classification of offense of "current active convictions" for purposes of parole and offense classification. I have already satisfied the sentence for Kidnapping which was 10 yrs. suspended "time served", so now I am serving the separate and different term of commitment being a "non-violent" Assault and Battery 1st. Degree conviction. OP-21.09-14

R. Better 2/19/2016
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concern has been reviewed. You stated in this grievance that you were incorrectly classified as a "Violent Offender." SCDC OP21.04, Inmate Classification Plan, paragraph 6.1, states commitments over 90 days are counted scored in your classification calculation. You were convicted of Kidnapping, which is classified as violent offense. Although the sentencing court may have determined that you are serving a non-violent prison term, your behavior at SCDC will determine how SCDC classifies you while incarcerated. Therefore, based on your overall record, you are classified correctly. You have not provided any evidence to substantiate your allegations that you have been classified incorrectly. Without verifiable evidence, further action is unwarranted.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. 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.

Quith... 4/21/16
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.

R. Better 2/29/16
Grievant Signature Date

pbarnes 4-29-16
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

NOV 16 2016

SC Court of Appeals

Robert Belton, 200509)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

NOTICE OF APPEAL

DOCKET NO. -ALJ-04- -
GRIEVANCE NO.: BACE -0026-16

Notice is hereby given that Robert Belton SCDC #200509 does hereby appeal the final decision of the South Carolina Department of Corrections dated 4-21-16 and received on 4-29-16, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The Appellant has a valid liberty interest in his classification designation/status while serving his state prison sentence. The SCDC has been, and continues to, erroneously classify the Appellant as a "violent offender" for custody level, earned work/Educational credits, goodtime calculation and calculation of sentence expiration date. The Appellant is serving 8 years active commitment for violation of SC Code §16-03-600(c)(1) (A+B 1st Degree) which is a non-violent (65% service) sentence. The SCDC is using Appellant's inactive Kidnapping conviction as basis for his classification on A+B "active" term of incarceration. Finally, SCDC chgd its position on Step 2 arguing that my institutional "behavior" determines classification. Applicant has a clear disciplinary record and behavior doesn't affect crime classification.

Robert Belton
Appellant's Name
4460 Broad River Rd.
Columbia, SE 29210
Mailing Address

R. Belton
Signed
May 4, 2016
Dated

FILED

MAY 05 2016

4-29

City, State, Zip Code

SC ADMIN. LAW COURT

CERTIFICATE OF SERVICE

I hereby certify that I, R. Belton (your name), on the 5th day of May, 2016, in Columbia (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: General Counsel, SC Dept Corrections
Address: 4444 Broad River Road

City, State, Zip Code: Columbia, SC 29210

Print your name: Robert Belton
(See reverse side for instructions)

Sign your name: R. Belton

STATE OF SOUTH CAROLINA

Exhibit A

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Robert Belton Jr

INDICTMENT/CASE#: 2014GS4004185 **RECEIVED**

AKA: _____

A/W#: DP14133

Race: B Sex: M Age: _____

Date of Offense: 4/24/2014 **NOV 16 2015**

DOB: 6-3-1972 SS#: 251-69-8359

Code §: 16-03-0910 CDR Code #: 0095 **SC Court of Appeals**

Address: _____
City, State, Zip: _____

NOV 16 2016

RECOMMENDED SENTENCE SHEET NEGOTIATED

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Kidnapping / Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Paul Sampson 15969 SC Bar# R. Belton Defendant Time Served, No Registry Attorney for Defendant 70-429 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 ~~months~~ years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 7/5 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 511 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

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

Payment Terms: _____
 Set by SCDPPPS _____
Recipient: _____

*Fine:		\$
14-1-206 (Assessments 107.5 %)		\$
14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
14-1-211(A)(2) (DUI Surcharge)	\$100	\$
56-5-2995 (DUI Assessment)	\$12	\$
56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
14-1-212 (Law Enforce. Funding)	\$25	\$
14-1-213 (Drug Court Surcharge)	\$150	\$
50-21-114 (BUI Breath Test Fee)	\$50	\$
56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
% to County (if paid in installments)		\$
TOTAL		\$

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund

Other:
*** NO CONTACT w/ VICTIM DIRECTLY/INDIRECTLY**
*** NO SEX OFFENDER REGISTRY**
PER THE NEGOTIATED SENTENCE
IT IS ALSO ON SEX OFF. REGISTRY
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jeanette M. Bridges
Court Reporter: Embrey

Presiding Judge: Re Howard
Judge Code: 2164
Sentence Date: 9-17-15

COUNTY OF Richland VS. STATE

Robert Belton

INDICTMENT/CASE#: 2014GS4004186

A/W#: DP14134

Date of Offense: 4/24/2014

S.C. Code § : 16-03-600(c)(1)

CDR Code #: 3412

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NOV 16 2016

SC Court of Appeals

SENTENCE SHEET

AKA:

Race: BIK Sex: M Age: 43

DOB: 6/3/72 SS#: 251-69-8359

Address: P.O. Box 123

City, State, Zip: Richland S.C. 29180

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Assault & Battery 1st degree

CONVICTED OF or PLEADS

in violation of § 16-03-600(c)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Paul Sampson 15964 Robert Belton Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 8 years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections: 511 days

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:

Table with 2 columns: Description and Amount. Includes items like Assessments 107.5%, Conv. Surcharge, DUI Surcharge, etc.

CERTIFIED TRUE COPY OF ORIGINAL FILED

PTUP days/hours Public Service Employment

Obtain GED Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: NO CONTACT w/ the Victim directly or indirectly

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

Presiding Judge

Judge Code: 2164

Sentence Date: 9-17-15

Clerk of Court/ Deputy Clerk

Court Reporter