

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable Ralph King Anderson, III, Administrative Law Judge  
Docket No.: 16-ALJ-04-0055-AP

Alonzo Brinkley #271143,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

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**RECORD ON APPEAL**

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TOMMY A. THOMAS  
SC Bar No.: 005536  
Attorney for Appellant  
P.O. Box 88  
Irmo, SC 29063  
(803) 732-5507

Christina Bigelow, Esq.  
Office of General Counsel  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, SC 29210

**RECEIVED**

DEC 28 2016

SC Court of Appeals

**INDEX**

Lower Court Record on Appeal .....1

Supplement to Record on Appeal..... 35

Lower Court Brief of Appellant .....39

Respondent’s Motion to Dismiss and Alternately Respondent’s Brief .....49

Appellant’s Return to Respondent’s Motion to Dismiss.....60

Lower Court’s Order of Dismissal .....63

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>Albaza Brinkley</u>	TYREX OFFICE USE ONLY
SCDC NUMBER: <u>271143</u>	Grievance No. <u>0374-15</u>
INSTITUTION: <u>Tyger River Corr Inst.</u>	Code: General _____
HOUSING UNIT: <u>4-203</u>	Policy _____
WORK ASSIGNMENT: <u>General Detail</u>	Disc. Hear. _____
	Class. <input checked="" type="checkbox"/> _____
	PREA _____
	Date Received <u>8/10/15</u>
	IGC Initials <u>GB</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.)

I submit this grievance in reference to the non-uniform revocation of good time for disciplinary convictions. I understand that prisoners serving violent 85% sentences are subject to the loss of good time for disciplinary convictions. However, it is highly unfair when one prisoner loses good time resulting in having to spend more time in prison for a certain offense but another prisoner does not lose any good time for the same offense and, therefore, does not have to spend any extra time in prison. This happens non-uniformly regardless of the number of offenses. This practice violates the sentencing guidelines of section 16-2 of OP 22.14 which states "the DHO must consider the penalties given to other inmates for the same or similar disciplinary offenses".

I have several examples of prisoners who are serving violent straight-adult 85% sentences just like I am but have not lost any good time for the same offenses which I have. I have questioned Ms. Fowler (Kiosk Reference # 15-130432) about this which she responded to on 7-28-2015 and Sgt. Poole (Kiosk Reference # 15-748083) about this which she responded to on 8-5-2015. Ms. Fowler refused to answer my question and Sgt. Poole advised me to file a grievance.

A. Brinkley 8-7-2015  
Grievant Signature Date

**ACTION REQUESTED:** I request for my max-out date to be corrected to 12-1-2016 which equals 85% of the 20 year sentence given to me.

**ACTION TAKEN BY IGC:**  PROCESSED     UNPROCESSED     OTHER

J. Gombau  
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

OCT 12 2015

STEP 2

Office Use Only

INMATE GRIEVANCE

INMATE NAME: Aleaza Brinkley

SCDC NUMBER: 271143

INSTITUTION: Tyger River <sup>9-23-15</sup>  
<sub>RDC</sub>

HOUSING UNIT: 4-203

WORK ASSIGNMENT: General Detail

Grievance No. TYRCE 0374-15

Code: General \_\_\_\_\_

Policy \_\_\_\_\_

Disc. Hear. \_\_\_\_\_

Class  \_\_\_\_\_

PREA \_\_\_\_\_

Date Received: 9/27/15

IGC Initials: JB

Date Received: \_\_\_\_\_

IGA Initials: \_\_\_\_\_

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I appeal the Warden's disposition due to the fact that section 16.2 of OP 22.14 was not taken into consideration. In his response, the Warden stated "the DHO takes good time for any disciplinarys which classification has no control over". If this was factual then Tekeq Glover (271546) would have lost good time for his contraband convictions, Keran Sapp (335506) would have lost good time for his striking an employee conviction, and William Goram (245536), who was recently released from SCDC, would have lost good time for his numerous possession of narcotics convictions. I have lost good time for these same offenses which contradicts section 16.2 of OP 22.14. Grievant Signature A Brinkley Date 9-23-2015

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your complaint. Due to your excessive amount of disciplinary infractions and subsequent loss of good time, your projected max-out date has changed. The calculation of your sentence is correct and your current max-out date is correct.

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.

Responsible Official Signature Janita Aguh Date 1-4-16

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.

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

IGC Signature \_\_\_\_\_ Date \_\_\_\_\_

(SEE REVERSE SIDE FOR INSTRUCTIONS)

**WARDEN'S DECISION AND REASON:**

**Inmate Brinkley #271143**

This is in reference to TYRCI 0374-15. All pertinent information and documentation has been reviewed. Request for Statement by Mrs. Fowler, Classification Casemanager dated 08/24/15 states: "I/M Brinkley has an 85% sentence of armed robbery and is required to complete 17 years and could complete the entire 20 years with disciplinary convictions. Once good time is lost it cannot be given back unless a grievance is overturned. The DHO takes good time for any disciplinaries and classification has not control of how much and when he does it. ~~It does appear I/M Brinkley has received several disciplinary sanctions and has two (2) more pending.~~" JG/AB

Based on this information, I consider this grievance denied. If you are not satisfied with my decision see Step 5 below.

Jim Daley 9/10/15  
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.

ABinkley 9-22-2015  
Grievant Signature Date

J. Gamball 9/22/15  
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 grievances 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  
TYRCI CORRECTIONAL INSTITUTION**

**REQUEST FOR STATEMENT**

**DATE: 08/24/15**

**TO: Mrs. Fowler, Classification Manager**

**FROM: Ms. J. Gambrell, IGC**

**INMATE: Alonzo Brinkley #271143**

**GRIEVANCE NUMBER: TYRCI 0374-15**

The above inmate has filed a grievance and I am investigating the alleged incident. Remember that all grievances are confidential and can only be discussed with your immediate supervisor. Also, please keep in mind that you cannot retaliate against inmates for filing a grievance.

**PLEASE READ AND GIVE YOUR ACCOUNT OF THE INCIDENT BELOW.**

In accordance with Agency Policy GA-01.12, Inmate Grievance System, the above inmate has submitted a grievance which stated that:

I/M Brinkley states he does not understand why some inmates who are serving violent straight adult 85% sentences and have not lost any good time like he has lost. I/M is requesting that his max-out date be changed to 12-01-16 which equals 85% of the 20 year sentence given to him.

Do you recall the above incident? If so, what were the circumstances?

\* Please respond no later than: 08/31/15.

**STAFF STATEMENT:**

*I/M Brinkley has an 85% sentence of Armed Robbery + is required to complete 17 years + could complete the entire 20 years with disciplinary convictions. Once good time is lost it cannot be given back unless a grievance is overturned. The DHO takes good time for any disciplinary and Classification has no control of how much + when he does it. It does appear I/M Brinkley has received several disciplinary sanctions + has 2 more pending.*

Signature: Karen M. Fowler

Date: 8-24-15

**If you have any questions please call me at ext. 3570**



00006

14:36:26 Wednesday, March 16, 2016

CMII100D  
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM  
COMMITMENT APPLICATION  
CONVICTION SUMMARY

03/16/16  
C056427

SCDC# > 271143  
BRINKLEY, ALONZO R

CURR LOC: TYGER RI  
SCDC CLASSIFICATION... VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	START	PROJ COMP	STAT	IND	CONV	VIO
✓ S00003	ASSL&BATTERY-HIGH&AG	010	00	000	11/30/00	12/21/99	09/01/2006	ACT	N	N	✓
✓ S00007	FIREARMS PROVISION	005	00	000	11/30/00	12/21/99	12/19/2004	ACT	N	N	✓
✓ S00006	CARRY PROHIBITED WEA	001	00	000	11/30/00	12/21/99	08/02/2000	ACT	N	N	✓
✓ S00005	FAIL TO STOP FOR OFF	003	00	000	11/30/00	12/21/99	10/01/2001	ACT	N	N	✓
✓ S00004	RESISTING OFFICER	001	00	000	11/30/00	12/21/99	08/02/2000	ACT	N	N	✓
✓ S00002	POSSESS STOLEN VEHIC	010	00	000	11/30/00	12/21/99	09/01/2006	ACT	N	N	✓
✓ * S00001	ARMED ROBBERY	020	00	000	11/30/00	12/21/99	11/19/2017	ACT	V	V	✓

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF York  
STATE \_\_\_\_\_ VS. \_\_\_\_\_

00-GS-46-2062

Alonzo R. Brinkley

A/W#: 2083971

AKA: \_\_\_\_\_

Date of Offense: Dec 17, 1999

Race: B Sex: M

S.C. Code §: 16-03-0620

DOB: 10/21/74 Age: 26

CDR Code #: 0101114

SSN: 041-84-6048

DL#: \_\_\_\_\_

SID#: SC 0129 5540

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO:

Assault & Battery High and Aggravated Nature  
in violation of § C/L of the S.C. Code of Laws, bearing CDR Code # 0101113

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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

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

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 90 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: .....\$ \_\_\_\_\_

§ 14-1-206 - Assessments 100%.....\$ \_\_\_\_\_

§ 14-1-211 - Surcharge.....\$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$ \_\_\_\_\_

County (3%).....\$ \_\_\_\_\_

TOTAL.....\$ 100.00

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/30/00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

00008

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Alonzo R. Brinkley

AKA:

Race: B

Sex: M

DOB: 10-21-74

Age: 26

SSN: 041-84-6048

DL#:

SID#: SC01295540

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

2000-GS-46-2061

A/W#: G083972

Date of Offense: 12-17-99

S.C. Code §: 16-03-0620

CDR Code #: 0101114

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: (ABHIAN) Assault & Battery of a High & Aggravated Nature

in-violation of § C/L of the S.C. Code of Laws, bearing CDR Code # 0101113

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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

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

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 12 (12) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: .....\$  
§ 14-1-206 - Assessments 100%.....\$  
§ 14-1-211 - Surcharge.....\$ 100  
(Exceptions: See § 14-1-211)  
§ 56-5-2995 (DUI).....\$  
County (3%).....\$  
TOTAL.....\$ 100

Clerk of Court/Deputy Clerk David Hamelton

Court Reporter: Janet Lisa

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc Rehab. or Job Corps \_\_\_\_\_  
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: \_\_\_\_\_

[Signature]  
PRESIDING JUDGE

Judge Code: 0101419

Sentence Date: 11/30/00

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

COUNTY OF York  
STATE York VS.

Nonzo R. Brinkley

AKA: \_\_\_\_\_  
Race: B Sex: M  
DOB: 10/21/74 Age: 26  
SSN: 041-84-6048  
DL#: \_\_\_\_\_  
SID#: SC 01295540

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

10-GS-46 - 2064

A/W#: 2083974  
Date of Offense: Dec 17, 1999  
S.C. Code §: 16-23-490

CDR Code #: 0151419

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Possession of Firearm During the Commission of Violent Crime in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0151419

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45.

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Five (5) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: .....\$ \_\_\_\_\_

§ 14-1-206 - Assessments 100%.....\$ \_\_\_\_\_

§ 14-1-211 - Surcharge.....\$ 100<sup>00</sup>

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$ \_\_\_\_\_

County (3%).....\$ \_\_\_\_\_

TOTAL.....\$ 100<sup>00</sup>

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

Clerk of Court/Deputy Clerk David Hermette

Court Reporter: Janet Rich

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/30/00

00010

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Alonzo R Brinkley

AKA:

Race: B

Sex: M

DOB: 10-21-74

Age: 26

SSN: 041-84-6048

DL#:

SID#: SC01295540

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

2000-GS-46-2057

A/W#: G083970

Date of Offense: 12-17-99

S.C. Code §: § 16-23-20

CDR Code #: 0101414

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Unlaw. Carry Pisto!

in violation of § 16-23-20 of the S.C. Code of Laws, bearing CDR Code # 0101414

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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

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

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of one (1) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: ..... \$ \_\_\_\_\_

§ 14-1-206 - Assessments 100%..... \$ \_\_\_\_\_

§ 14-1-211 - Surcharge..... \$ 100

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$ \_\_\_\_\_

County (3%)..... \$ \_\_\_\_\_

TOTAL..... \$ 100

PTUP \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PRESIDING JUDGE John C. Hays 16

Judge Code: 0101419

Sentence Date: 1/30/00

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF York  
STATE VS.

Alonzo R. Brinkley

AKA: \_\_\_\_\_  
Race: B Sex: M  
DOB: 10/21/74 Age: 26  
SSN: 041-846048  
DL#: \_\_\_\_\_  
SID#: SC01295540

00 -GS- 46 - 2059  
A/W#: 37759 BE  
Date of Offense: Dec. 7, 1999  
S.C. Code §: 56-5-750  
CDR Code #: 0101615

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Failure to Stop For Blue Light

in violation of § 56-5-750 of the S.C. Code of Laws, bearing CDR Code # 0101615

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Three (3) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc Rehab. or Job Corps \_\_\_\_\_  
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: \_\_\_\_\_

\*Fine: .....\$ \_\_\_\_\_  
§ 14-1-206 - Assessments 100%.....\$ \_\_\_\_\_  
§ 14-1-211 - Surcharge.....\$ 100  
(Exceptions: See § 14-1-211)  
§ 56-5-2995 (DUI).....\$ \_\_\_\_\_  
County (3%).....\$ \_\_\_\_\_  
TOTAL.....\$ 100

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/30/00

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF York  
STATE VS.

00-GS-46 - 2066

ALONZO B. BRINKLEY

A/W#: 0083973

Date of Offense: Dec 17, 1999

S.C. Code §: 16-9-320(A)

AKA: \_\_\_\_\_

CDR Code #: 0131216

Race: B Sex: M

DOB: 10/21/74 Age: 26

SSN: 041-84-6048

DL#: \_\_\_\_\_

SID#: SC 01295540

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Resisting Arrest A

in violation of § 16-9-320 A of the S.C. Code of Laws, bearing CDR Code # 0131216

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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

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

ATTEST:

ACB  
Solicitor

Alonzo Brinkley  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of one (1) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: ..... \$ \_\_\_\_\_

§ 14-1-206 - Assessments 100%..... \$ \_\_\_\_\_

§ 14-1-211 - Surcharge..... \$ 100

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$ \_\_\_\_\_

County (3%)..... \$ \_\_\_\_\_

TOTAL..... \$ 100

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Opal Rich

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

[Signature]  
PRESIDING JUDGE

Judge Code: 0101419

Sentence Date: 11/30/00

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Alonzo R. Brinkley

AKA:

Race: B

Sex: M

DOB: 10-21-74

Age: 26

SSN: 041-84-648

DL#:

SID#: SC01295540

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2600-GS-46-2063

A/W#: G083975

Date of Offense: 12-17-99

S.C. Code §: 16-21-80

CDR Code #: 0141310

SENTENCE

PLEA

TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Possession of a Stolen Vehicle

in violation of § 16-21-80 of the S.C. Code of Laws, bearing CDR Code # 0141310

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

17-25-45

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

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

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 76 (10) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

\*Fine: ..... \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$ 100

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$ 100

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: [Signature]

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/30/02

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF York  
STATE SC VS.

00-GS-46 - 2056

ALONZO B. BRINKLEY

A/W#: Direct Ind.

AKA: \_\_\_\_\_

Date of Offense: Dec. 17, 1999

Race: A Sex: M

S.C. Code §: 16-11-0330

DOB: 10/21/74 Age: 26

CDR Code #: 0111319

SSN: 041-84-6048

DL#: \_\_\_\_\_

SID#: SC01295540

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Armed Robbery

in violation of § 16-11-0330 of the S.C. Code of Laws, bearing CDR Code # 0111319

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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

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

ATTEST:

[Signature]  
Solicitor

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Twenty (20) days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ 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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$ 17,727.00 plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: Chris GENES 400.00

City of Rock Hill 15,000.00 + 2,327

\*Fine: ..... \$ 17

§ 14-1-206 - Assessments 100%..... \$ 100.00

§ 14-1-211 - Surcharge..... \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$ \_\_\_\_\_

County (3%)..... \$ 211.11

TOTAL..... \$ 100.00

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

Clerk of Court/Deputy Clerk David Hamelton

Court Reporter: Opriet Rich

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/30/00

YORK COUNTY DETENTION CENTER  
JAIL TIME SERVED

INMATE: Brinkley, Alonzo MID#: 22905

was admitted to the York County Detention Center on 12-21-99  
19 \_\_\_\_ and served a period of pre-trial confinement for:

OFFENSES:

- Armed Robbery
- Poss. stolen Vehicle
- (2) A.B.H.A.N.
- Resisting Arrest \*
- Failure stop for a blue light
- Unlaw Carry Pistol
- Poss. Firearm during a violent crime.

The defendant appeared before Judge Hayes  
on \_\_\_\_\_ 19 \_\_\_\_.

The inmate was released on bond on \_\_\_\_\_ 19 \_\_\_\_\_, prior to his/her court appearance and is not entitled to/entitled to only \_\_\_\_\_ days served.

The inmate should be credited for pre-trial jail time from 12-21-99 19 \_\_\_\_ until 12-1-00 19 \_\_\_\_ for the offenses listed above.

Not entitled to Pre-Trial Credit.

SI James P. [Signature]  
Reinistry [Signature]  
TITLE

YORK COUNTY

Distribution: White - Attach to Sentence Sheet  
Yellow - Inmate's File

00016

## MAXOUT DATE CALCULATION WORKSHEET

NAME: Brinkley, Alonzo R.

SCDC #: 271143

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

Sentence Length: 20 Years (1) Sentence Length in Days: 7300 (2)**Total credits earned as of next cycle date:**Sentence Start Date: 12/21/1999 (3) Next Cycle Date: 04/21/16 (4)Calendar Service Credit: (+) 5966 (5)Good Time Credit (Gross): 588 (6)Good Time Forfeited: (-) 26 (7)Good Time Days Lost: (-) 462 (8)**TOTAL GOOD TIME CREDIT EARNED:** (+) 30 (9)Earned Work Credit: (+) 564.099 (10)Earned Education Credit: (+) 17.185 (11)Earned Extra Credit: (+) NA (12)TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12) = (-) 6577.284 (13)Remaining to satisfy as of next cycle date (enter line 4): 04/21/16 (14) (=) 722.716 (15)**Average Monthly Accrual Rate:**

Service Days + Good Time + EWC + EEC

30.42(16) + 3 (17) + 4.345(18) + 0(19) = 37.765 (20)Divide Line 15 by Line 20 = 19 (21) .137 (22)

(whole number) (remainder)

Enter next cycle date from line 14: 04/21/16 (23)Complete cycles from line 21: (+) 7 (24)Estimated final cycle: (=) 11/21/17 (25)**Projection of Remaining Time to Serve:**Next cycle date from line (23): 04/21/16 (26) Est. final cycle (from line 25): 11/21/17 (27)Calendar Service Credit: (+) 579 (28)Good Time Credit: (+) 57 (29)Earned Worked Credit: (+) 82.214 (30)Earned Education Credit: (+) 0 (31)**TOTAL PROJECTED CREDITS:** (lines 28 + 29 + 30 + 31) (-) 718.214 (32)Remaining to satisfy as of estimated final cycle: (=) 4.502 (33)**Daily accrual rate:**Service 1 (34)+EWC Daily Rate 142 (35)+EEC Daily Rate 0(36) = 1.142 (37)Divide days remaining to earn (line 33) by daily accrual (line 37) = 3.942 (38)Enter estimated final cycle (line 27): 11/21/17 (39)Add days from line 38: (+) 3 (40)Calculate to month, day and year: 11/24/17 (41)

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

**PROJECTED RELEASE DATE:** 11/19/17 (42)

MICHAEL L STOBBE

Employee Name

Employee Signature

04/12/16

Date

17:52:02 Tuesday, April 12, 2016

DTEI300D  
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/12/16  
C001714

"FROM" DATE> 12/21/1999 "TO" DATE> 04/21/2016

GOOD TIME RATE> 03 (DAYS PER MONTH)

EWC LEVEL> FULL/PART> DAYS/WK>

EEC LEVEL> 00

	365 DAYS/YEAR	360 DAYS/YEAR
DIFFERENCE BETWEEN DATES:	+00005966	+00005880
GOOD TIME DAYS EARNED...:	00000588	00000588
EWC DAYS EARNED.....:	00000.000	00000.000
EEC DAYS EARNED.....:	00000.000	00000.000

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

00018

17:57:30 Tuesday, April 12, 2016

DTEI300D  
OMROUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/12/16  
C001714

"FROM" DATE> 04/21/2016      "TO" DATE> 11/21/2017

GOOD TIME RATE> 03 (DAYS PER MONTH)

EWC LEVEL> 5      FULL/PART> F      DAYS/WK> 5

EEC LEVEL> 00

	365 DAYS/YEAR	360 DAYS/YEAR
DIFFERENCE BETWEEN DATES:	+00000579	+00000570
GOOD TIME DAYS EARNED....:	00000057	00000057
EWC DAYS EARNED.....:	00082.714	00081.428
EEC DAYS EARNED.....:	00000.000	00000.000

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

8:44:04 Friday, April 08, 2016

CMTI100D SCDC OFFENDER MANAGEMENT SYSTEM 04/08/16  
OMCOMITA COMMITMENT APPLICATION C001714  
CONVICTION SUMMARY

SCDC# > 271143 CURR LOC: TYGER RI  
BRINKLEY, ALONZO R SCDC CLASSIFICATION...: VIOLENT  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	DATE	START	PROJ	COMP	STAT	IND	CONV	VIO
S00003	ASSL&BATTERY-HIGH&AG	010	00	000	11/30/00	12/21/99	09/01/2006	ACT	N	N			
S00007	FIREARMS PROVISION	005	00	000	11/30/00	12/21/99	12/19/2004	ACT	N	N			
S00006	CARRY PROHIBITED WEA	001	00	000	11/30/00	12/21/99	08/02/2000	ACT	N	N			
S00005	FAIL TO STOP FOR OFF	003	00	000	11/30/00	12/21/99	10/01/2001	ACT	N	N			
S00004	RESISTING OFFICER	001	00	000	11/30/00	12/21/99	08/02/2000	ACT	N	N			
S00002	POSSESS STOLEN VEHIC	010	00	000	11/30/00	12/21/99	09/01/2006	ACT	N	N			
* S00001	ARMED ROBBERY	020	00	000	11/30/00	12/21/99	11/19/2017	ACT	V	V			

MAKE A SELECTION AND PRESS <ENTER>...

PAGE: 0001

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

00020

8:53:31 Friday, April 08, 2016

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 04/08/16  
 DISCIPLINARY SYSTEM C001714  
 SCDC ID: 271143 DISPLAY INMATE OFFENSE HISTORY  
 BRINKLEY, ALONZO R CURR LOC: TYGER RIVE  
 OFFENDER TYPE: ADULT-STRAIGHT PURCHASED TV Y

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00063	POSSESSION OF A WEAP	MAJOR DI	03/30/16	/ /	00000		1
00062	REFUSING OR FAILING O	MAJOR DI	10/13/15	11/04/15	00003	CONVICTED	3
00061	REFUSING OR FAILING O	MAJOR DI	09/27/15	10/14/15	00030	CONVICTED	3
00060	REFUSING OR FAILING O	MAJOR DI	09/27/15	10/14/15	00030	CONVICTED	3
00058	EXHIBITIONISM AND PUB	MAJOR DI	03/02/15	03/11/15	00003	CONVICTED	2
00057	UNAUTH I/M ORGAN/PART	MAJOR DI	02/10/15	02/25/15	00000	CONVICTED	2
00055	USE, POSS NARC, MARIJ, U	MAJOR DI	05/17/14	06/02/14	00060	CONVICTED	1
00054	SOLICIT EMPLOYEE, I/M,	MAJOR DI	07/24/11	08/01/11	00012	CONVICTED	3
00053	REFUSING OR FAILING O	MAJOR DI	03/16/11	03/30/11	00024	CONVICTED	3
00052	INCITING/CREATING A D	MAJOR DI	03/16/11	03/30/11	00000	CONVICTED	2
00051	STRIKING AN EMPLOYEE	MAJOR DI	03/16/11	03/30/11	00000	CONVICTED	2
00050	POSSESSION OF CONTRAB	MAJOR DI	07/01/10	07/21/10	00009	CONVICTED	3
00049	UNAUTHORIZED USE OF A	MAJOR DI	05/14/10	05/24/10	00006	CONVICTED	3

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY  
 PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

*cycle date*  
21st

78

7  
8  
11  
16  
21  
32

PAGE 0001

8:53:39 Friday, April 08, 2016

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM  
DISCIPLINARY SYSTEM

04/08/16  
C001714

SCDC ID: 271143

DISPLAY INMATE OFFENSE HISTORY

BRINKLEY, ALONZO R

CURR LOC: TYGER RIVE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

CASE#	DESCRIPTION	TYPE	OFFENSE	HEARING	NET GT	DHO	OFF
		ACTION	DATE	DATE	LOST	DECISION	LVL
00032	DISRESPECT	(17) ADMINIST	01/22/06	/ /	00000	CONVICTED	3
<del>00031</del>	<del>POSSESSION OF CONTRAB</del>	<del>OTHER AC</del>	<del>12/18/05</del>	<del>/ /</del>	<del>00000</del>	<del>CLOSED</del>	<del>3</del>
<del>00029</del>	<del>OUT OF PLACE</del>	<del>OTHER AC</del>	<del>01/30/05</del>	<del>/ /</del>	<del>00000</del>	<del>CLOSED</del>	<del>3</del>
00028	USE, POSS NARC, MARIJ, U	(16) MAJOR DI	11/13/04	11/30/04	00012	CONVICTED	1
00027	USE, POSS NARC, MARIJ, U	(15) MAJOR DI	09/27/04	10/05/04	00000	CONVICTED	1
00026	STRIKE I/M W/VO WEAP	(14) MAJOR DI	06/03/04	06/15/04	00012	CONVICTED	2
00024	USE, POSS NARC, MARIJ, U	(12) MAJOR DI	02/02/04	02/09/04	00180	CONVICTED	1
00023	REFUSING OR FAILING O	(13) MINOR DI	12/05/03	12/15/03	00000	CONVICTED	3
00022	USE, POSS NARC, MARIJ, U	(11) MAJOR DI	11/17/03	11/24/03	00090	CONVICTED	1
00021	INCITING/CREATING A D	(10) MAJOR DI	10/02/03	10/09/03	00000	CONVICTED	2
00020	USE OBSCENE, VULGAR, PR	(9) MINOR DI	08/31/03	09/08/03	00000	CONVICTED	3
00018	OUT OF PLACE	(8) MINOR DI	08/13/03	08/22/03	00000	CONVICTED	3
00016	REFUSING OR FAILING O	(7) MINOR DI	06/17/03	06/30/03	00000	CONVICTED	3

PAGE 0003

PF4-MODIFY

PF6-DISMISSED/NOT GUILTY

PF11-QUIT

PF10-MAIN MENU

*cycle date - 2/15/14*

*(11)*

SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS  
Staff Memoranda

Inmate Name: Brinkley ALANZO SCDC#: 271143

Date	Staff (Please Print):	Comments
11/8/11e 8:50	Stable	99/12   21 17
		<del>2016</del> / 12 / 21
12/21/99 - 11/21/03		= GT = 141 - GT Forfeit - 33 108 - Gt. Lost - 90 18
11/21/03 - 12/21/03		+ 3 - Gt. Forfeit - 3 18
12/21/03 - 02/21/04		GT + 6 <del>GT Forfeit</del> + 24 Gt. Forfeit - 3 21
		Gt. Lost - 180 (21) not taken 159 ZERO Balance
02/21/04 - 06/21/04		+ GT + 12 12 Gt Forfeit - 3 9 Gt Lost - 12 (9) not taken 3 ZERO Balance

Page 2 of 3

SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS  
Staff Memoranda

Inmate Name: Brinkley, ALONZO SCDC#: 271143

Date:	Staff: (Please Print):	Comments:
4/1/06	Stobbe	
06/21/04 - 10/21/04		Zero Balance GT + 12 <u>12</u> GT Forfeit - 3 <u>+ 9</u>
10/21/04	11/21/04	GT + 3 12 GT Forfeit - 3 <del>12</del> <u>+ 9</u> St. Lost 12 9 Not taken 3 Zero Balance
11/21/04 - 02/21/06		GT + 45 GT Forfeit - 3 <u>+ 42</u>
02/21/04 - 03/21/06		GT + 3 45 GT Forfeit - 3 <u>42</u> GT. Lost - 42 Zero Balance
03/21/06 - 03/21/08		GT (+) + 72 GT. Forfeit - 3 <u>+ 69</u>

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS Staff Memoranda

Inmate Name: BRINKLEY, ALONZO SCDC#: 27143

Table with columns: Date, Staff (Please Print), and Comments. It contains handwritten entries for various periods (e.g., 4/11/06, 03/21/08-11/21/08) with calculations for 'Gt', 'Gt Forfeit', and 'Gt Lost', leading to 'Zero Balance'.

Gt. lost - 30 (21) did not take (9) Zero Balance

SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS  
Staff Memoranda:

page 4 of 5

Inmate Name: B Binkley ALONZO

SCDC# 271143

Date	Staff (Please Print):	Comments
4/11/16	Stetko	Zero Balance
10/21/09 - 02/21/10		Gt + 12 Gt Forfeit -3 +9
		Gt Lost -15 (9) did not take (6)
		Zero Balance
02/21/10 - 05/21/10		Gt + +9 +9
		Gt Forfeit -3 +6
		Gt Lost -6
		Zero Balance
05/21/10 - 07/21/10		Gt + +9 Gt Forfeit -3 6
		Gt Lost 9 (6) did not take (3)
		Zero Balance
07/21/10 - 03/21/11		Gt + 24 Gt Forfeit -3 21
		Gt Lost 24 (21) did not take (3)
		Zero Balance
03/21/11 - 08/21/11		Gt + 15 Gt Forfeit -3 12
		Gt Lost -12
		Zero Balance

SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS  
Staff Memoranda

Inmate Name: BBrinkley ALONZO SCDC#: 271143

Date	Staff (Please Print)	Comments
4/11/16	Stobbs	ZERO BALANCE
08/21/11 - 05/21/14		Gt + 99
		Gt Forfeit - 3
		+ 96
		Gt Lost 60
		+ 36
05/21/14 - 02/21/15		Gt + 27
		63
		Gt Forfeit - 3
		+ 60
02/21/15 - 03/21/15		Gt + 3
		+ 63
		Gt Forfeit - 3
		60
		Gt Lost - 3
		+ 57
03/21/15 - 10/21/15		Gt + 27
		78
		Gt Forfeit 3
		+ 75
		Gt Lost - 63
		+ 12
<del>10/21/15 - 04/21/16</del>		
10/21/15 - 04/21/16		+ 18
		30 Gt days

16:26:03 Monday, April 11, 2016

EWCI100D SCDC OFFENDER MANAGEMENT SYSTEM 04/11/16  
 EWCI100M EARNED WORK CREDIT ASSIGNMENT C001714  
 OMEWCA HISTORY OF EWC ASSIGNMENTS  
 SCDC #> 00271143 CURR LOC.....: TYGER RIVER  
 BRINKLEY, ALONZO R CURR CUST/SEC: ME2  
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y  
 ASSIGNMENT....: 4010 CAFETERIA

JOB	DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
126	SANITATION WORKER	.142 12/17/15	04/21/16		5	5	F	0.000 17.892
1	WARDKEEPER	.142 12/16/15	12/16/15	LATERAL TRANSFE	5	5	F	0.142 .142
168	GENERAL WORKER	.197 04/30/15	10/14/15	PLACED IN ST/SP	3	5	F	40.800 32.596
233	WARDKEEPER		07/22/14	03/11/15	3	5	F	55.476 45.901
60	MACHINE OPERATOR		05/23/14	07/21/14	3	5	F	14.285 11.82
63	MACHINE OPERATOR		03/21/14	05/22/14	2	5	F	22.500 12.411
29	MACHINE OPERATOR		02/20/14	03/20/14	3	5	F	6.904 5.713
168	TEACHER AIDE		09/06/13	02/19/14	3	5	F	39.761 32.899
3	TEACHER AIDE		09/03/13	09/05/13	2	5	F	1.071 .591
75	TEACHER AIDE		06/20/13	09/02/13	3	5	F	17.857 14.775
2	WARDKEEPER		06/18/13	06/19/13	3	5	F	0.476 .391
272	MACHINE OPERATOR	.197 09/19/12	06/17/13	LATERAL TRANSFE	3	5	F	64.761 33.58

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

$$579 \text{ days} \times .142 = 82.218$$

229.218

257.263

~~17.185~~

77.618

564.099

00028

8:46:49 Friday, April 08, 2016

EWC1100D SCDC OFFENDER MANAGEMENT SYSTEM 04/08/16  
 EWC1100M EARNED WORK CREDIT ASSIGNMENT C001714  
 OMEWCA HISTORY OF EWC ASSIGNMENTS  
 SCDC #> 271143 CURR LOC.....: TYGER RIVER  
 BRINKLEY, ALONZO R CURR CUST/SEC: ME2  
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y  
 ASSIGNMENT...: 4010 CAFETERIA

JOB	DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
1	GENERAL WORKER	19709/18/12	09/18/12	INMATE REQUEST	2	5	F	0-357 1197
103	GENERAL WORKER	14206/07/12	09/17/12	CUSTODY REVIEW	5	5	F	14-714 14.24
211	PAINTER	14208/17/10	03/16/11	PLACED IN ST/SP	5	5	F	30-285 29.96
30	PAINTER	14206/22/10	07/21/10	PLACED IN ST/SP	5	5	F	4-285 4.26
62	WARDKEEPER	14203/23/10	05/24/10	PLACED IN ST/SP	5	5	F	9-000 8.84
65	TEACHER ASSISTANT	15712/03/09	02/05/10	PLACED IN ST/SP	3	5	F	15-476 12.80
75	GENERAL WORKER	19709/11/09	11/24/09	INSTIT TRANSFER	3	5	F	17-857 14.77
57	FOOD SERVICE AIDE	19707/16/09	09/10/09	POOR ATTENDANCE	3	5	F	13-571 11.27
149	WARDKEEPER	19702/03/09	07/01/09	PLACED IN ST/SP	3	5	F	35-476 29.35
7	CUSTODIAL WORKER	14201/25/05	02/10/05	INSTIT TRANSFER	5	5	F	2-428 2.44
605	CUSTODIAL WORKER	19710/08/02	06/03/04	PLACED IN ST/SP	3	5	F	144-047 119.185
149	CUSTODIAL WORKER	19704/17/02	06/04/02	UNSAT JOB PERFO	3	5	F	11-666 9.653

PAGE.> 0002

PF3:ASSIGN EWC      PF4:MODIFY EWC      PF5:TERMINATE EWC      PF6:HDQS ADD EWC

SSD = 12/21/99  
 SD = 1/30/00

257,263

8:46:53 Friday, April 08, 2016

EWCI100D SCDC OFFENDER MANAGEMENT SYSTEM 04/08/16  
EWCI100M EARNED WORK CREDIT ASSIGNMENT C001714  
OMEWCA HISTORY OF EWC ASSIGNMENTS

SCDC #> 271143 CURR LOC.....: TYGER RIVER

BRINKLEY, ALONZO R CURR CUST/SEC: ME2

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 4010 CAFETERIA

JOB	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
257 TEACHER AIDE	19705/22/01	02/02/02	PLACED IN ST/SP	3	5	F	61.190 <i>50.62</i>
j37 FOOD SERVICE AIDE	19701/05/01	05/21/01	MEDICAL	3	5	F	32.619 <i>26.98</i>

*SSD = 12/21/99*  
*SD = 1/30/00*

*77.618*

PAGE.> 0003

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

00030

8:48:39 Friday, April 08, 2016

EECI230D SCDC OFFENDER MANAGEMENT SYSTEM 04/08/16  
EARNED WORK/EDUC CREDIT ASSIGNMENT C001714  
HISTORY OF EEC ASSIGNMENTS

SCDC # > 271143 CURR LOC.....: TYGER RIVER  
BRINKLEY, ALONZO R CURR CUST/SEC: ME2  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y  
ASSIGNMENT....: 4010 CAFETERIA

EEC	DESCRIPTION	START DATE	END DATE	TERMINATION REASON	CREDIT
-	BONUS 4-7 HRS/WK	<i>No-Ed 3FS</i> 08/01/14	11/14/14	INMATE REQUEST	0006
-	BONUS 4-7 HRS/WK	<i>NO-Ed 3FS</i> 05/13/13	01/01/14	INMATE REQUEST	0013
<u>72</u>	BONUS 4-7 HRS/WK	<i>Ed 5FS</i> 01/03/11	03/16/11	PLACED IN ST/SP CUSTODY	0004, 111
-	BONUS 4-7 HRS/WK	<i>Ed 5FS</i> 08/17/10	01/02/11	INMATE REQUEST	<del>0008</del> 7,879
-	BONUS 4-7 HRS/WK	<i>Ed 5FS</i> 06/22/10	07/21/10	PLACED IN ST/SP CUSTODY	<del>0002</del> 1,655
-	BONUS 4-7 HRS/WK	<i>Ed 5FS</i> 03/23/10	05/24/10	PLACED IN ST/SP CUSTODY	<del>0004</del> 3,540
-	BONUS 4-7 HRS/WK	<i>NO-Ed 3FS</i> 12/03/09	02/05/10	PLACED IN ST/SP CUSTODY	0004
-	BONUS 4-7 HRS/WK	<i>NO-Ed 3FS</i> 08/14/09	11/24/09	INSTIT TRANSFER	0006
-	BONUS 15 OR MORE	<i>NO-Ed 3FS</i> 07/09/03	06/03/04	PLACED IN ST/SP CUSTODY	0047

PAGE.> 0001

MAKE A SELECTION AND PRESS <ENTER>...  
PF3: ASSIGN EEC PF4: MODIFY EEC PF5: TERMINATE EEC PF6: HDQS ADD EEC

17,185

15:36:48 Monday, April 11, 2016

DTEI300D  
OMROUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/11/16  
C001714

"FROM" DATE> 01/03/2011    "TO" DATE> 03/16/2011

GOOD TIME RATE> 20 (DAYS PER MONTH)

EWC LEVEL>                    FULL/PART>                    DAYS/WK>

EEC LEVEL> B4

	365 DAYS/YEAR	360 DAYS/YEAR
DIFFERENCE BETWEEN DATES:	+00000072	+00000073
GOOD TIME DAYS EARNED....:	00000040	00000040
EWC DAYS EARNED.....:	00000.000	00000.000
EEC DAYS EARNED.....:	00004.111	00004.168

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

15:37:55 Monday, April 11, 2016

DTEI300D  
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/11/16  
C001714

"FROM" DATE> 08/17/2010      "TO" DATE> 01/02/2011

GOOD TIME RATE> 03 (DAYS PER MONTH)

EWC LEVEL>                      FULL/PART>                      DAYS/WK>

EEC LEVEL> B4

	365 DAYS/YEAR	360 DAYS/YEAR
DIFFERENCE BETWEEN DATES:	+00000138	+00000135
GOOD TIME DAYS EARNED....:	00000012	00000012
EWC DAYS EARNED.....:	00000.000	00000.000
EEC DAYS EARNED.....:	00007.879	00007.708

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

15:38:48 Monday, April 11, 2016

DTEI300D  
OMROUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/11/16  
C001714

"FROM" DATE> 06/22/2010 "TO" DATE> 07/21/2010

GOOD TIME RATE> 03 (DAYS PER MONTH)

EWC LEVEL> FULL/PART> DAYS/WK>

EEC LEVEL> B4

	365 DAYS/YEAR	360 DAYS/YEAR
DIFFERENCE BETWEEN DATES:	+00000029	+00000029
GOOD TIME DAYS EARNED....:	00000000	00000000
EWC DAYS EARNED.....:	00000.000	00000.000
EEC DAYS EARNED.....:	00001.655	00001.655

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

00034

15:41:23 Monday, April 11, 2016

DTEI300D  
OMROUDA

SCDC OFFENDER MANAGEMENT SYSTEM  
DATE VERIFICATION SYSTEM  
CALCULATE DIFFERENCE BETWEEN TWO DATES

04/11/16  
C001714

"FROM" DATE> 03/23/2010      "TO" DATE> 05/24/2010

GOOD TIME RATE> 03 (DAYS PER MONTH)

EWC LEVEL>                      FULL/PART>                      DAYS/WK>

EEC LEVEL> B4

	365 DAYS/YEAR	360 DAYS/YEAR
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GOOD TIME DAYS EARNED....:	00000006	00000006
EWC DAYS EARNED.....:	00000.000	00000.000
EEC DAYS EARNED.....:	00003.540	00003.483

DIFFERENCE BETWEEN TWO DATES DISPLAYED ABOVE...

THE STATE OF SOUTH CAROLINA  
Administrative Law Court  
16-ALJ-04-0055-AP

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APPEAL OF FINAL DECISION  
South Carolina Department of Corrections

---

Alonzo Brinkley #271143,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

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**SUPPLEMENT TO RECORD ON APPEAL**

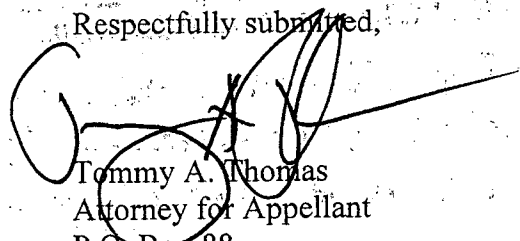
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That the Appellant, through Counsel, would respectfully request that he be allowed to supplement the Record on Appeal as follows.

- SCDC Policy: OP 22.14 Section 16.2 Sentencing Guidelines
- 17.2 Loss of Accrued Good Time,

Request to Staff dated November 13, 2015.

Respectfully submitted,



Tommy A. Thomas  
Attorney for Appellant  
P.O. Box 88  
Irmo, SC 29063  
(803) 732-5507

May 10, 2016

00036

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

TO: NAME:	TITLE:	DATE:
Richard Turner	DHO	11-13-2015
INMATE'S NAME:		SCDC #:
Alonzo Brinkley		271143
INSTITUTION:		LIVING QUARTERS:
TRCT		RHU 2

Mr. Turner, at the conclusion of my disciplinary hearing on 11-4-2015, I informed you that I'm serving an 85 percent sentence and questioned you about the guidelines pertaining to the revocation of good time. You told me your records did not indicate that I'm serving an 85% sentence but, since I am, I'd only lose 3 days for the month. You also told me you could only revoke additional good time from 85 percenters if they are convicted for a level one offense under the new disciplinary policy. I then reminded you that you just revoked 60 days of good time from me on 10-14-2015 for two level 3 offenses. You then stated again that your records have it indicated that I'm serving an 85% sentence but you would check into this and get back with me. So, I'm writing to ask about this and also what these guidelines were under the previous disciplinary policy. Thank you for your time and help.

DISPOSITION BY STAFF MEMBER:

Mr. Turner did take too much good time for your level 3 conviction. You will have to grieve that fact and take care of it through the grievance process. Once the warden approves sanctions, we cannot go in and modify sanctions without the Div. of Operations approval.

DATE:	SIGNATURE:
11/16/15	<i>St. Poole</i>

- Penalties given to other inmates for the same or similar disciplinary offenses;
- Specific program and security needs of the inmate.

The sanctions will be proportionate to the offense committed, and the Hearing Officer will be responsible for justifying any disciplinary actions imposed.

16.3 If an inmate is charged with multiple disciplinary offenses, the inmate cannot be sanctioned separately for each disciplinary offense unless they are totally separate and distinct disciplinary offenses. If the disciplinary offenses are separate and distinct, then the inmate may be sanctioned for each offense.

16.4 Inmates released from the Department of Corrections to a community supervised program, i.e., parole, probation, etc., and returned to the Agency within three (3) years of their release can have their disciplinary history used in determining appropriate sanctions if they commit an Agency rules disciplinary offense. If an inmate completed his/her sentence (maxed out); his/her disciplinary sanctions under the maxed out sentence can not be used in determining sanctions under a new commitment.

16.5 Inmates who had disciplinary sanctions imposed prior to release from SCDC on probation, parole, supervised furlough, or any other supervision under control of the SCDPPPS, and who return to SCDC before the "day for day" completion date of the sanctions, will have the sanctions remain in place until the original completion dates expire. Once the inmate is assigned to an institution from R&E, the resumption of Disciplinary Detention time will be at the discretion of the receiving Warden.

17. PENALTIES IMPOSED BY HEARING OFFICER: Penalties for disciplinary offenses are concurrent. More than one type of sanction may be imposed for a disciplinary offense. (NOTE: All privilege restrictions imposed by the Disciplinary process will not exceed a cumulative cap of 360 days. For clarify, a series of disciplinary hearings over an extended period of time cannot result in an inmate having more than 360 days of privilege restrictions.

17.1 Disciplinary Detention is served in an institutional Restrictive Housing Unit (RHU) and may be imposed in the following amounts:

Disciplinary Offense Level	
1	0 - 60Days
2	0 - 45 Days
3	0 - 30 Days
4	0 - 15 Days
5	0 - 15 Days

Note: Inmates who are placed in Disciplinary Detention will be managed pursuant to SCDC Policy OP-22.38, "Restrictive Housing Unit (RHU)." Inmates who are subsequently re-classified and placed in Security Detention will complete their Disciplinary Detention time prior to re-classification into Security Detention.

17.2 Loss of Accrued Good Time may be imposed in the following amounts:

Disciplinary Offense Level	
1	No limit on loss of good time - All good time may be taken.
2	0 - 60 Days
3	0 - 30 Days
4	0 - 20 Days
5	0 Days

Note: A finding of guilt as a result of a disciplinary hearing will result in the inmate's failure to earn good time for the month in which the disciplinary offense occurred and may also result in the loss of good time as shown in the above chart.

17.3 Counsel and Reprimand.

17.4 Extra duty not to exceed 40 hours.

17.5 Loss of privileges (Canteen, Television, Radio, Visitation, Telephone, Personal Property, Employment in Prison Industries, or Other Privileges/Leisure Activities):

Disciplinary Offense Level	Number of Days of Privileges Loss
1	No privileges during Term of Disciplinary Detention and additional restrictions from 90 - 180 days after Disciplinary Detention.
2	No privileges during Term of Disciplinary Detention and additional restrictions from 45 to 180 days after Disciplinary Detention.
3	0 - 30 Days No privileges during term of Disciplinary Detention
4	0 - 30 Days No privileges during term of Disciplinary Detention
5	0 - 30 Days No privileges during term of Disciplinary Detention

(NOTE: Privileges can be reinstated by the Warden/Designee prior to the expiration of the sanctions if an inmate's behavior/adjustment warrants this concession. Only two (2) privilege restrictions can be imposed for any Level 3, 4 or 5 disciplinary offense conviction).

THE STATE OF SOUTH CAROLINA  
Administrative Law Court  
16-ALJ-04-0055-AP

---

APPEAL OF FINAL DECISION  
South Carolina Department of Corrections

---

Alonzo Brinkley #271143,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

---

**BRIEF OF APPELLANT**

---

TOMMY A. THOMAS  
P.O. Box 88  
Irmo, SC 29063  
(803) 732-5507  
ATTORNEY FOR APPELLANT

General Counsel  
South Carolina Department of Corrections  
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Columbia, SC 29210  
(803) 896-8555  
ATTORNEY FOR RESPONDENT

**FILED**

MAY 10 2016

SC ADMIN LAW COURT

INDEX

Table of Authorities ..... 1

Statement of the Issues on Appeal ..... 1

Statement of the Case ..... 1

Standard for Review ..... 4

Argument 1 ..... 4

Argument 2 ..... 5

Conclusion ..... 7

**TABLE OF AUTHORITIES**

**SCDC Policy:** OP 22.14 Section 16.2

OP 22.14 Section 17.2

**STATEMENT OF THE ISSUES ON APPEAL**

1. **Did the Department of Corrections err in the amount of good time taken for disciplinarys received by the Appellant who is serving an 85% sentence?**
2. **Did the Department of Corrections err by the non-uniform application of the loss of good time?**

**STATEMENT OF THE CASE**

Since October, 2009, the Appellant has lost a significant amount of good time for various disciplinary convictions. This loss of good time has affected his release date from the Department of Corrections.

Prior to October, 2009, all disciplinarys received by the Appellant did not affect his maxout date.

The offenses in question for which Appellant lost an excessive amount of good time are:

(834) False Statement to harm Another Person – 30 days loss of good time on October 7, 2009.

(807) Striking An Employee Without a Weapon – 15 days loss of good time on February 4, 2010.

(853) The Unauthorized Use of an Inmate's PIN – 6 days loss of good time on May 14, 2010.

(817) Possession of Contraband – 9 days loss of good time on July 1, 2010.

(825) Refusing or Failing to Obey Orders – 24 days loss of good time on March 16, 2011.

(903) The Use or Possession of Narcotics Including Marijuana or Any Unauthorized Drug or Inhalant – 60 days loss of good time on May 17, 2014.

(853) The Unauthorized Use of An Inmate's PIN – 30 days loss of good time on October 14, 2015.

(825) Refusing or Failing to Obey Orders – 30 days loss of good time on October 14, 2015.

Appellant submitted a Step 1 grievance on August 7, 2015 regarding the amount of good time lost. On September 22, 2015 Appellant received a response indicating that "the disciplinary hearing office takes good time for any disciplinaries and classification has no control of how much and when he does it."

While waiting for the response to the Step 2 grievance, Appellant questioned the amount of good time lost in a Request to Staff Member dated November 13, 2015. A

written response from Sgt. Poole was received on November 16, 2015, which supported Appellant's claim.

Appellant submitted his Step 2 grievance on September 23, 2015. This grievance was also denied on January 14, 2016 stating "due to your excessive amount of disciplinary infractions and subsequent loss of good time, your projected max-out date has changed."

This appeal follows:

STANDARD OF REVIEW

In *Al-Shabazz v. State*, 338 S.C. 354, 525 S.E.2d 742 (S.C. 2000), the South Carolina Supreme Court held that an inmate may seek review of a final decision of the South Carolina Department of Corrections in administrative matters under the South Carolina Administrative Procedures Act. The Court noted that "administrative matters typically arise in two ways: 1) when an inmate is disciplined and punishment is imposed and 2) when an inmate believes prison officials have erroneously calculated his sentence, sentence related credits, or custody status." *Id.* At 369, 525 S.E.2d at 750.

The Court may reverse or modify the decision if substantial rights of the Appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- a) Made upon unlawful procedure,
- b) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- c) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted abuse of discretion.

Appellant would respectfully argue that proper procedure was not followed in two instances:

ARGUMENT

1. Did the Department of Corrections err in the amount of good time taken for disciplinaries received by the Appellant who is serving an 85% sentence?

On November 4, 2015, Appellant questioned the Disciplinary Hearing officer regarding his loss of good time. The DHO stated to Appellant that his records did not indicate that he was serving a straight-adult 85% sentence. That this was the reason so much good time was taken. The DHO further stated that he can only revoke good time in addition to the three days for the month of the conviction in cases of level one offense convictions if the accused is serving a straight-adult 85% sentence. This admission contradicts the response to the Step 1 grievance. Besides the (903) Offense, none of the offenses for which Appellant has lost good time for are classified as level one offense in the Respondent's disciplinary policy OP22.14, Section 17.2.

Appellant also questioned the amount of good time lost in a Request to Staff Member dated November 13, 2015. A written response by Sgt. Poole, dated November 16, 2015, was received indicating that Mr. Turner did take too much good time for Appellant's Level 3 conviction.

The Appellant would assert that the actions of the Respondent were clearly made upon unlawful procedure and were clearly arbitrary and capricious.

**2. Did the Department of Corrections err by the non-uniform application of the loss of good time?**

In both the Step 1 and Step 2 grievances, Appellant cited Section 16.2 "the DHO must consider the penalties given to other inmates for the same or similar disciplinary offense." This consideration was not taken in the disciplinary hearings where Appellant lost this excessive amount of good time.

For instance, Robert Lee Smith, II (#347105) has not lost any good time for his multiple (903) Use or Possession of Narcotics convictions. William Gorum (#295536)

has not lost any good time for his multiple (903) Use of Possession of Narcotics convictions. David Parker (#250125) has not lost any good time for his (817) Possession of Contraband conviction. Tekoa Glover (#271546) has not lost any good time for his (817) Possession of Contraband conviction. Koran Sapp (#335506) has not lost any good time for his (807) Striking An Employee Without A Weapon conviction.

These men have or are currently serving a straight-adult 85% sentences just like Appellant. This produces an unfair result, is non-uniform and in violation of Section 16.2 of the Respondent's disciplinary policy OP 22.14.

16.2 Sentencing Guideline states: If the inmate is found guilty, the Hearing Officer will determine the sanctions to be imposed for the disciplinary offense. When sanctioning an inmate, the Hearing Officer will take into consideration:

- The inmate's prior conduct and the period of time since the inmate's last disciplinary offense;
- Nature and seriousness of the offense;
- Extent of injury to persons or damage/destruction of property (if applicable);
- Penalties given to other inmates for the same or similar disciplinary offenses;
- Specific program and security needs of the inmate.

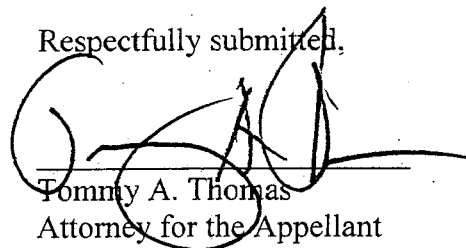
The sanctions will be proportionate to the offense committed, and the Hearing Officer will be responsible for justifying any disciplinary actions imposed.

The Appellant would assert that the actions of the Respondent were made upon an unlawful procedure in failure to follow Section 16.2 of Disciplinary Policy OP 22.14.

CONCLUSION

For the foregoing reasons, Appellant respectfully submits that the Court should reverse the final decision of the South Carolina Department of Corrections and for his good time to be restored so that his original release date, which is 85% of his 20 year sentence revert back to December 1, 2016.

Respectfully submitted,



Tommy A. Thomas  
Attorney for the Appellant

May 10, 2016



00050  
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).

Further, the state law from which the ALC's jurisdiction to review agency decisions is derived generally requires that those agency decisions be final. S.C. Code Ann. §1-23-380. According to the Honorable John D. Geathers, current Judge of the South Carolina Court of Appeals and former Administrative Law Judge, "The doctrine of exhaustion of administrative remedies generally requires a person seeking relief from the action of an administrative agency to pursue all available administrative remedies before seeking such relief from the courts." Lewis Williams, Petitioner, 04-ALJ-17-0276-CC, 2005 WL 828024, at \*1 (Mar. 9, 2005). In that case, Judge Geathers dismissed the petitioner's case because he had failed to exhaust the administrative remedies available to him and thus the agency decision in question was not final. The South Carolina supreme court has also weighed in on this issue saying, "[e]xhaustion is

generally required as a matter of preventing premature interference with agency processes... and to compile a record which is adequate for judicial review.” *Video Gaming Consultants, Inc. v. S.C. Dep’t of Revenue*, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000).

Stop

Furthermore, 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 his 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

In his brief Appellant disputes his loss of good time for eight separate disciplinary convictions. Seven of those listed by Appellant line up with Respondent’s records. There is one disciplinary conviction Appellant mentions that Respondent cannot find a record of. Appellant refers to it as “(853) The Unauthorized Use of An Inmate’s PIN – 30 days loss of good time on October 14, 2015.” Appellant’s Brief, Page 2. Because we cannot find a record of this offense or conviction, we cannot respond to Appellant’s allegations with regard to it<sup>1</sup>. As to the other seven disciplinary convictions Appellant attacks, Respondent first argues that they should be dismissed because Appellant failed to exhaust his administrative remedies. Alternately, Respondent argues that the amount of good time taken for each offense was proper and that due consideration was given to the relative loss of good time by other inmate’s for similar offenses.

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<sup>1</sup> Appellant did have a conviction for this offense on May 24, 2010 for conduct that occurred on May 14, 2010. That offense is also listed by Appellant and addressed by Respondent. Appellant also had two convictions which were heard on October 14, 2015, the date Appellant gives, for another offense, Offense 825 “Refusing or Failing to Obey.” Appellant listed one of these convictions and Respondent addressed both. Respondent is at a loss as to what conviction Appellant could be referring to here.

## I. APPELLANT FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES

In this case, Appellant has not yet exhausted his administrative remedies. As a result, this case is not yet ripe for review. The South Carolina Department of Correction has in place a two-step grievance system that is available to inmates. The procedures and deadlines for this process are laid out in SCDC Policy GA-01.12 Inmate Grievance System which is available to all inmates in their institutional law library. This grievance system provides them with a way to bring issues to the agency's attention and to obtain a final agency decision on an issue. With respect to each disciplinary conviction challenged here, Appellant failed to exhaust his administrative remedies.

On October 26, 2009 Appellant was found guilty of Offense 834 "False Statement to Harm Another Person" for conduct that occurred on October 7, 2009. He lost thirty (30) days of good time. Appellant appealed this conviction via grievance number TYRCI 805-09 and ALC case number 10-ALJ-04-00279-AP. This case was dismissed on April 12, 2010 by Administrative Law Judge Deborah Brooks Durden. Appellant appealed to the South Carolina Court of Appeals but failed to pay the filing fee resulting in the Court dismissing the case on June 16, 2010. The case was remitted on July 8, 2010. Appellant failed to pay the filing fee to the Court of Appeals and thus failed to exhaust his administrative remedies.

On February 23, 2010 Appellant was found guilty of Offense 807 "Striking an Employee" for conduct that occurred on February 4, 2010. He lost fifteen (15) days of good time. Appellant appealed this conviction via grievance number KRCI 335-10 and ALC case number 10-ALJ-04-00438-AP. Administrative Law Judge John D. McLeod affirmed the Department's decision by order dated October 18, 2010. Appellant appealed to the South Carolina Court of Appeals but failed to timely file the Record on Appeal causing the court to dismiss his appeal on May 24,

2011. The case was remitted on June 21, 2011. Appellant failed to file the Record on Appeal with the Court of Appeals and thus failed to exhaust his administrative remedies.

On May 24, 2010 Appellant was found guilty of Offense 853 "Unauthorized Use of an Inmate PIN" for conduct that occurred on May 14, 2010. He lost six (6) days of good time. Appellant appealed this conviction via grievance number TRCI 430-10 and ALC case number 11-ALJ-04-00035-AP. This case was dismissed by Administrative Law Judge Carolyn C. Matthews on September 26, 2011. Appellant did not appeal Judge Matthews's ruling to the South Carolina Court of Appeal and thus failed to exhaust his administrative remedies.

On July 21, 2010 Appellant was found guilty of Offense 817 "Possession of Contraband" for conduct that occurred on July 1, 2010. He lost nine (9) days of good time. He had thirty days from the time he was given the final Disciplinary Report and Hearing Record to appeal. He received this document on July 21, 2010 so his Step One was due August 20, 2010. As of today's date, May 31, 2016, Appellant has not appealed this conviction and thus has failed to exhaust his administrative remedies.

On March 30, 2011 Appellant was found guilty of Offense 825 "Refusing or Failing to Obey" for conduct that occurred on March 16, 2011. He lost twenty four (24) days of good time. Appellant appealed this conviction via grievance number TYRCI 464-11 and ALC case 11-ALJ-04-0989-AP. This case was dismissed by Administrative Law Judge Carolyn C. Matthews on June 12, 2012. Appellant did not appeal Judge Matthews's ruling to the South Carolina Court of Appeal and thus failed to exhaust his administrative remedies.

On June 2, 2014 Appellant was found guilty of Offense 903 "The Use or Possession of Narcotics Including Marijuana of Any Unauthorized Drug or Inhalant" for conduct that occurred on May 17, 2014. He lost sixty (60) days of good time. He had thirty days from the time he was given the final Disciplinary Report and Hearing Record to appeal. He received this document on

July 2, 2014 so his Step One was due August 1, 2014. As of today's date, May 17, 2016, Appellant has not appealed this conviction and thus has failed to exhaust his administrative remedies.

On October 14, 2015 Appellant was found guilty of two separate counts of Offense 825 "Refusing or Failing to Obey" for conduct that occurred on September 27, 2015. He lost thirty (30) days good time for each count for a total of sixty (60) days of good time lost. He had thirty days from the time he was given the final Disciplinary Report and Hearing Record to appeal. He received this document on October 20, 2015 so his Step One was due November 19, 2015. As of today's date, May 31, 2016, Appellant has not appealed one of these convictions and the appeal for the other conviction is still pending in the grievance system. Thus Appellant has failed to exhaust his administrative remedies as to either.

Therefore, because Appellant did not exhaust his administrative remedies, the Court should dismiss this appeal.

## **II. THE AMOUNT OF GOOD TIME TAKEN AS A RESULT OF APPELLANT'S DISCIPLINARY CONVICTIONS WAS PROPER.**

Of the seven offenses in question, six were level three offenses, one was a level two offense and one was a level one offense. The level three offenses were Offense 834 "False Statement to Harm Another Person," Offense 853 "Unauthorized Use of an Inmate PIN," Offense 817 "Possession of Contraband," and three counts of Offense 825 "Refusing or Failing to Obey" on two separate occasions. The level two offense was Offense 807 "Striking an Employee." The level one offense was Offense 903 "The Use or Possession of Narcotics Including Marijuana of Any Unauthorized Drug or Inhalant." South Carolina Department of Corrections Policy OP-22.14 Inmate Disciplinary System, subsection 17.2 gives the limits for loss of good time for each offense level as follows:

**17.2 Loss of Accrued Good Time may be imposed in the following amounts:**

<b>Disciplinary Offense Level</b>	
1	<b>No limit on loss of good time - All good time may be taken.</b>
2	<b>0 - 60 Days</b>
3	<b>0 - 30 Days</b>
4	<b>0 - 20 Days</b>
5	<b>0 Days</b>

The six level three offenses were punished by losses of various amounts of good time from as low as six (6) days to as high as the cap of thirty (30) days. All of these are within the thirty (30) day limit set by policy. The level two offense was punished by only fifteen (15) days loss of good time. This is well under the cap of sixty (60) days provided by policy. The Level one offense was punished by sixty (60) days loss of good time. This does not violate policy as there is no limit in policy on the amount of good time Appellant could lose for a level one offense.

The DHOs who imposed these sanctions were working within well-established policy guidelines. Their decisions were not arbitrary or capricious. Appellant also seems to be arguing that his status as a no parole inmate somehow affects or should affect the loss of good time that can be imposed on him. SCDC policy and South Carolina law make no such distinction. Inmates are all subject to the same potential loss of good time for disciplinary offenses regardless of the underlying offense for which they are incarcerated.

The good time losses imposed on Appellant as a result of the disciplinary convictions in question are all well within policy limits. There is no policy or law that requires different limits be applied to Appellant because of the nature of his underlying sentence. Thus the amount of good time taken from Appellant for the disciplinary offenses in question was proper and SCDC's final agency decision should be affirmed.

**III. THE AMOUNT OF GOOD TIME TAKEN AS A RESULTS OF APPELLANT'S DISCIPLINARY CONVICTIONS WAS PROPER IN RELATION TO THE GOOD TIME LOST FOR SIMILAR DISCIPLINARY CONVICTIONS BY OTHER INMATES.**

Appellant argues that the loss of good time imposed as a result of the disciplinary convictions in question is improper because there are other inmates who were found guilty of the same disciplinary offenses who did not lose any good time. Appellant gives several examples of inmates who did not lose good time when found guilty of offense for which Appellant did lose good time. He also points to SCDC Policy OP-22.14 Inmate Disciplinary System subsection 16.2 which states,

**16.2 Sentencing Guidelines:** If the inmate is found guilty, the Hearing Officer will determine the sanctions to be imposed for the disciplinary offense. When sanctioning an inmate, the Hearing Officer will take into consideration:

- The inmate's prior conduct and the period of time since the inmate's last disciplinary offense;
- Nature and seriousness of the offense;
- Extent of injury to persons or damage/destruction to property (if applicable);
- Penalties given to other inmates for the same or similar disciplinary offenses;
- Specific program and security needs of the inmate.

The sanctions will be proportionate to the offense committed, and the Hearing Officer will be responsible for justifying any disciplinary actions imposed.

Appellant points to the fourth bulleted line and argues that this policy provision has been violated because he did not receive the exact same sentence as other inmates for the same offenses. However, this is just one factor among five that the Disciplinary Hearing Officer (DHO) should take into consideration when imposing sanctions. It is not dispositive and does not require that all inmates receive the exact same sanctions for the same offense. The other factors considered by the DHO account for differences in sanctions among inmates found guilty of the same offense. Appellant has provided no evidence that the DHOs in the hearings in question applied this, or any of the other factors above, improperly. The DHOs in these hearings

applied the factors laid out in policy and were not acting in an arbitrary or capricious manner.

Thus SCDC's final agency decision should be affirmed.

To the extent the Court declines to dismiss this case for the reasons contained in Part I, *supra*, SCDC respectfully requests that the Court affirm its final agency action denying Appellant's Step 2 grievance.

### CONCLUSION

The Court should dismiss this appeal because Appellant has not exhausted his administrative remedies. However, to the extent the Court declines to dismiss this appeal, the Court should, alternatively, affirm the decision because the amount of good time taken for each offense was proper and due consideration was given to the relative loss of good time by other inmate's for similar offenses.

Respectfully Submitted,

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

BY: 

Annie Laurie Rumler  
Staff Attorney  
S.C. Department of Corrections  
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(803) 896-1355

Columbia, South Carolina  
May 31, 2016

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

*E. Harvin Belser Fair*

E. Harvin Belser Fair  
Judicial Law Clerk

June 30, 2016  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
Administrative Law Court  
16-ALJ-04-0055-AP

APPEAL OF FINAL DECISION  
South Carolina Department of Corrections

Alonzo Brinkley #271143,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

APPELLANT'S RETURN TO RESPONDENT'S  
MOTION TO DISMISS

Appellant, in response to the Respondent's Motion to Dismiss would state as follows:

1. The Respondent argues that the Appellant's action should be dismissed because the Appellant failed to exhaust his Administrative remedies. The Appellant would argue that, in fact all of his administrative remedies were exhausted prior to filing with the Administrative Law Court. That his only avenue of redress would be through the administrative Law Court pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).
2. The Respondent specifically sets forth the facts of each disciplinary conviction subject to this action before the Court. That in each and every instance the Respondent details how a Step 1, Step 2 and Appeal was taken from these decisions. Demonstrating an exhaustion of administrative remedies.

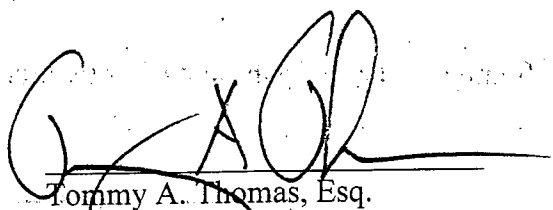
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JUN 10 2016

SC/ALJ COURT

3. The Appellant argues that the Department of Corrections erred in the amount of good time taken for the disciplinary convictions he received, and alleges that the Department of Corrections err in their non-uniform application of the loss of good time.

Therefore, the Appellant is informed and believes that the Respondent's Motion to dismiss should be denied.



Tommy A. Thomas, Esq.  
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(803) 732-5507

June 9, 2016

00062  
THE STATE OF SOUTH CAROLINA  
Administrative Law Court  
16-ALJ-04-0055-AP

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APPEAL OF FINAL DECISION  
South Carolina Department of Corrections

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Alonzo Brinkley #271143,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

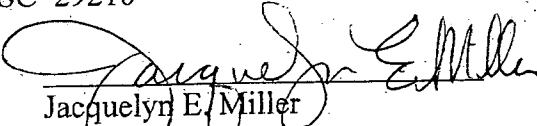
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CERTIFICATE OF SERVICE

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I, Jacquelyn E. Miller, Secretary to Tommy A. Thomas, Attorney for Appellant certify that I have served Appellant's Return to Respondent's Motion to Dismiss on Annie Laurie Rumler, Office of General Counsel for the South Carolina Department of Corrections, by depositing a copy of it in the United States Mail, postage prepaid and the return address clearly shown on said envelope to:

Office of General Counsel  
South Carolina Department Corrections  
4444 Broad River Road  
Columbia, SC 29210

  
Jacquelyn E. Miller  
Tommy A. Thomas, Esq.  
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7588 Woodrow Street  
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June 9, 2016

**FILED**

JUN 10 2016

SC ADMINISTRATIVE COURT

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Alonzo Brinkley, #271143, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 16-ALJ-04-0055-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) on a motion filed by Respondent South Carolina Department of Corrections (Department or SCDC) to dismiss an appeal filed by Alonzo Brinkley (Appellant), an inmate incarcerated in SCDC.

On August 7, 2015, Appellant filed a Step 1 Grievance disputing the amount of good-time credit lost as a result of disciplinary convictions for a number of offenses:

- October 26, 2009: (834) False Statement to Harm Another Person – 30-day loss of good time;
- February 23, 2010: (807) Striking An Employee Without a Weapon – 15-day loss of good time;
- May 24, 2010: (853) The Unauthorized Use of an Inmate's PIN – 6 day-loss of good time;
- July 21, 2010: (817) Possession of Contraband – 9-day loss of good time;
- March 30, 2011: (825) Refusing or Failing to Obey Orders; and
- June 2, 2014: (903) The Use or Possession of Narcotics Including Marijuana or Any Unauthorized Drug or Inhalant – 60-day loss of good time.

On September 23, 2015, after the Warden denied the grievance, Appellant filed a Step 2 Grievance, which was also denied. Appellant filed this appeal on January 20, 2016. The Notice of Assignment was filed February 11, 2016. The Record on Appeal was filed April 20, 2016. Appellant filed his brief on May 10, 2016.

On May 31, the Department filed "Respondent's Motion to Dismiss and Alternat[ely] Respondent's Brief," arguing that Appellant failed to exhaust his administrative remedies with

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June 30, 2016

SC ADMIN. LAW COURT

respect to convictions for which he lost good-time credit.<sup>1</sup> Appellant filed a "Return to Respondent's Motion to Dismiss" on June 10, 2016.

### DISCUSSION

The Department argues that Appellant's appeal should be dismissed based upon his failure to exhaust administrative remedies. Specifically, the Department argues that the appeal should be dismissed, because the disciplinary convictions over which Appellant challenges the amount of good-time credit lost (except for the October 14, 2015 conviction on one of the counts of Offense (825) discussed in FN 1, *supra*) have already been finally decided, disposed of, or Appellant never appealed them,<sup>2</sup> and because the final violation is still under review in the Department's grievance process. In response, Appellant argues that he exhausted his administrative remedies by filing Step 1 and 2 Grievances and Appeals in each of the prior decisions regarding his past disciplinary convictions, and that his only "avenue of redress" is through the ALC. Appellant also maintains that the Department erred in the amount of good time taken away for these past disciplinary convictions, and in its non-uniform application of taking good time for disciplinary convictions.

#### **Law-of-the-Case Doctrine**

As an initial matter, the Court notes that the Department errs in couching its argument in terms of "exhaustion of administrative remedies" with respect to those convictions that Appellant appealed beyond the Department. Rather, concerning those convictions, Appellant is attempting to relitigate matters that have been finally decided or disposed, which implicates the law-of-the-case doctrine.<sup>3</sup> "[A]n unappealed ruling, right or wrong, is the law of the case." *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012); *Nucor Corp. v. S. Carolina Dep't of Employment & Workforce*, 410 S.C. 507, 514, 765 S.E.2d 558, 561 (2014). Also, according to the law-of-the-case doctrine, "a party is precluded from relitigating, after an

<sup>1</sup> The Department, in the alternative, also argued in defense of the amount of good-time credit that it deducted following Appellant's convictions. However, based on the Court's decision to dismiss this appeal, the Court need not address those arguments. See *Allegro, Inc. v. Scully*, 408 S.C. 200, 201, 758 S.E.2d 716, 716 (2014) ("An appellate court need not address remaining issues when disposition of a prior issue is dispositive.") (citations omitted).

<sup>2</sup> In saying that Appellant "never appealed" certain convictions, the Court is referring to the fact that Appellant did not file Step 1 and Step 2 Grievances for those individual convictions within the requisite timeframes following those convictions. As discussed, *infra*, Appellant never filed Step 1 and Step 2 Grievances and appealed regarding Offenses (817), (903), and one of the two counts of Offense (825) of which he was convicted on October 14, 2015.

<sup>3</sup> Though the Department did not refer to the law-of-the-case doctrine by name, it certainly argued accordingly, pointing out the various dispositions of Appellant's previously litigated convictions and arguing that they should, therefore, be dismissed.

appeal, matters that were either not raised on appeal, but should have been, or raised on appeal, but expressly rejected by the appellate court.” *Sloan Const. Co., Inc. v. Southco Grassing, Inc.*, 395 S.C. 164, 169, 717 S.E.2d 603, 606 (2011) (internal citations and quotation marks omitted). This doctrine “applies both to those issues explicitly decided and to those issues which were necessarily decided in the former case.” *Id.* at 170, 717 S.E.2d at 606, 667 (Ct. App. 2009).

Here, the Department sets forth in its motion the various dispositions of the prior disciplinary convictions that Appellant set forth in his brief, and Appellant does not refute with sufficient specificity these dispositions in his Return to Respondent’s Motion:<sup>4</sup>

- Appellant’s Offense (834) conviction on October 26, 2009 was appealed to the ALC, dismissed, appealed further, was subsequently dismissed by the South Carolina Court of Appeals on June 16, 2010 for failure to pay the filing fee, and remitted on July 8, 2010;
- Appellant’s Offense (807) conviction on February 23, 2010 was appealed to the ALC, which affirmed the Department’s decision on October 18, 2010. Appellant then appealed this decision to the court of appeals, but his appeal was dismissed on May 24, 2011 for failure to timely file the Record on Appeal and remitted on June 21, 2011;
- Appellant’s Offense (853) conviction on May 24, 2010 was appealed to the ALC, which affirmed the Department’s decision. Appellant did not appeal this decision any further;
- Appellant’s Offense (817) conviction on July 21, 2010 was never appealed. Appellant declined to file a Step 1 Grievance;
- Appellant’s Offense (825) conviction on March 30, 2011 was appealed to the ALC, dismissed, and was not appealed any further;
- Appellant’s Offense (903) conviction on June 2, 2014 was never appealed. Appellant declined to file a Step 1 Grievance; and
- Appellant’s Offense (825) conviction on one count on October 14, 2015 was never appealed. Appellant declined to file a Step 1 Grievance for that

<sup>4</sup> Appellant states in the first point of his Return that “all of his administrative remedies were exhausted prior to filing with the Administrative Law Court.” However, Appellant provides no facts to refute the Department’s contention that Appellant never filed Step 1 and Step 2 Grievances and appealed regarding Offenses (817), (903), and one of the two counts of Offense (825) of which he was convicted on October 14, 2015. On the contrary, in point two of his Return, Appellant claims that “in each and every instance the Respondent details how a Step 1, Step 2 and Appeal was taken from these decisions. . . .” Based on the Department’s position with respect to Offenses (817), (903), and one of the two counts of Offense (825) of which he was convicted on October 14, 2015, however, this is clearly not the case. Regardless, as will be discussed, *infra*, the decisions from all of Appellant’s prior offenses cannot be considered by the Court, either because of failure to exhaust administrative remedies (in the cases of Offenses (817), (903), and one of the two counts of Offense (825) of which he was convicted on October 14, 2015); the law-of-the-case doctrine (in the cases of Offenses (834), (807), (853), and (825)); or lack of ripeness for review (in the case of the other count of Offense (825)).

conviction. Appellant's conviction on the second count, also on October 14, 2015, is currently being reviewed in the Department's grievance process.

Because the convictions for Offenses (834), (807), (853), and (825) were fully adjudicated and disposed of on appeal, either at the AEC or the court of appeals, the amount of good-time credit lost and the application of good-time credit deductions resulting from these convictions became the law of those cases and cannot be relitigated before this Court, regardless of whether the prior decisions were right or wrong. See *Ail. Coast Builders and Contractors, LLC, supra*. The remaining convictions will be discussed further below.

**Exhaustion of Administrative Remedies**

Similarly, the convictions for Offenses (817), (903), and one of the two counts of Offense (825) from October 14, 2015 cannot be considered because Appellant never filed Step 1 and Step 2 Grievances in those cases, though he did for the other count of Offense (825). The Department is correct in classifying these inactions as failures by Appellant to exhaust his administrative remedies. Appellant is required to exhaust his administrative remedies before appealing to this Court, unless an exception exists to excuse the failure to do so. See *Hyde v. S.C. Dep't of Mental Health*, 314 S.C. 207, 208, 442 S.E.2d 582, 583 (1994) ("The general rule is that administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule."); *Brown v. James*, 389 S.C. 41, 48, 697 S.E.2d 604, 608 (Ct. App. 2010) ("The doctrine of exhaustion of administrative remedies requires that where a remedy before an administrative agency is provided, relief must be sought by exhausting this remedy before the courts will act."). The administrative remedies provided for inmates pursuant to the Department's Inmate Grievance Policy are Step 1 and Step 2 Grievances. An inmate cannot bypass the grievance procedure and raise an argument for the first time on appeal; such an argument will not be preserved for appellate review. See *Prince v. Beaufort Mem'l Hosp.*, 392 S.C. 599, 611, 709 S.E.2d 122, 128 (Ct. App. 2011) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [factfinder] to be preserved for appellate review.") (quoting *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998)). Therefore, the Court will not consider one of the two counts of Offense (825).

### Ripeness

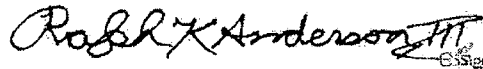
Finally, as to Appellant's second count of Offense (825), it is currently being reviewed by the Department in its grievance process. Therefore, the matter is not ripe for the Court's review and must be dismissed, though without prejudice. See *Bone v. U.S. Food Serv.*, 399 S.C. 566, 576, 733 S.E.2d 200 (2012) (noting that the APA requires review of a final decision and statutorily mandates the exhaustion of administrative remedies); *S.C. Baptist Hosp. v. S.C. Dep't of Health and Envtl. Control*, 291 S.C. 267, 270, 353 S.E.2d 277, 279 (1987) ("It would be premature for a court to decide the merits of a dispute when the agency responsible for making the decision has not yet had an opportunity to decide the merits of the case.").

### ORDER

**IT IS HEREBY ORDERED** that the Department's Motion is **GRANTED**, and that this appeal with respect to all of Appellant's past disciplinary convictions other than the October 14, 2015 conviction involving Offense (825) that is currently under review in the Department's grievance process is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Appellant's appeal with respect to the Appellant's October 14, 2015 disciplinary conviction for Offense (825) that is currently under review in the Department's grievance process is **DISMISSED WITHOUT PREJUDICE**.

**AND IT IS SO ORDERED.**



Ralph King Anderson, III  
Chief Administrative Law Judge

June 30, 2016  
Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

*E. Harvin Belser Fair*

E. Harvin Belser Fair  
Judicial Law Clerk

June 30, 2016  
Columbia, South Carolina

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SC Court of Appeals