

The State of, South Carolina
In The Court of Appeals
Appeal From The Administrative Law Court
Rolph King Anderson, III Administrative Law Judge

RECEIVED

JUL 05 2011

GENERAL COUNSEL

Case No: 10-ALJ-04-00508-IJ

Billy Lee Lisenby JR, Appellant

vs.

South Carolina Department of Corrections Respondent

Record on Appeal

Billy Lee Lisenby JR,
P.O. Box 2039 ASU 124
Ridgeland Corr. Inst.
Ridgeland S.C. 29926
PRO-SE

General Counsel
4444 Broad River Rd
Columbia S.C. 29976

Index

Order of Dismissal	1
Transcript of The Hearing	2
Step 1 Grievance	3
Step 1 Grievance	4
Step 2 Grievance	5
Step 2 Grievance	6
SCDC Request to staff	7
Order	8
SCDC Incident Report	9
SCDC Record Summary Report	10
Letter From Director	11
Motion To Remand by SCDC	12
SCDC Disciplinary Mental Health Report	13
SCDC Disciplinary Report and Record	14
SCDC Incident Report	15
SCDC PHD Form	16
SCDC Letter To Grievance Coordinator	17
SCDC	18
Step 2	19

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Dated: June 24th, 2011

1st Billy Lee Lisensby Jr.

Billy Lee Lisensby Jr., #200277

P.O. Box 2039 ASH 124

Ridgeland Care, Inst.

Ridgeland S.C. 29936

Certificate of Service

I swear under penalty of perjury that I have served one copy of The Record of Appeal on the following:

South Carolina Administrative Law Court
1205 Pendleton St., Suite 224
Columbia, S.C. 29201

General Counsel
4444 Broad River Rd.
Columbia S.C. 29936

Dated: June 24th 2011

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Billy Lisenby, #200273,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No. 10-ALJ-04-00508-IJ

ORDER

STATEMENT OF CASE

This matter is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Billy Lisenby, an inmate incarcerated with the Department of Corrections (Department or DOC). Lisenby was convicted of violating SCDC Disciplinary Code § 801 (Assault and/or Battery of an SCDC Employee). As a result of his conviction, Lisenby lost one hundred fifty (150) days of "good-time" credit. He filed a grievance with the Department and the Department issued a final decision on April 30, 2010. Following the Department's denial of that grievance, Lisenby filed this appeal with the ALC.

BACKGROUND

On March 30, 2009, Corporal Miller gave Appellant a directive to return to his Unit when he became verbally abusive. Corporal Miller gave Appellant a directive to stop being disrespectful. Appellant then turned and struck Corporal Miller on the left side of her face, causing swelling of her cheek and eye area. As a result, Appellant was charged with violating SCDC Disciplinary Code § 801 (Assault and/or Battery of an SCDC Employee).

On October 26, 2009, a Major Disciplinary Hearing was held before a DOC Disciplinary Hearing Officer (DHO). Appellant was represented by Counsel Substitute. Appellant asked that his accuser be present, therefore Corporal Miller was present via speakerphone. During the hearing, the DHO read a narrative of the Incident Report into the Record and received testimony from the Appellant. At the conclusion of the hearing, the DHO found the Appellant guilty of the charge and sanctioned him to the loss of one hundred fifty (150) days good time. After the

Page 1

FILED

JAN 23 2011

hearing, the DHO completed a Major Disciplinary Report and Hearing Record which documented the DHO's findings.

Appellant Lisenby filed a grievance with the Department appealing his conviction of the charge. After reviewing his contentions, the Warden denied Appellant's grievance. The Appellant then appealed the Warden's decision and the Department subsequently denied that grievance stating that the evidence supported the conviction and that the sanction imposed was appropriate for the violation that the Appellant committed. This appeal followed. In his appeal brief, Appellant alleges various Due Process violations.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). The Court's appellate jurisdiction in inmate appeals is limited to state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.¹

As set forth above, when reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented. 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(A)(5) (Supp. 2009). Furthermore, 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. See Section 1-23-380(A)(5); see also Marietta Garage, Inc. v. S.C. Dept. of Public Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct. App. 1999); S.C. Dept. of Labor, Licensing and Reg. v. Girgis, 332 S.C. 162,

¹ In Sullivan, the Supreme Court also found that other conditions of confinement could potentially implicate a state created liberty interest. However, those interests are "generally limited to freedom from restraint which. . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." Sullivan v. S.C. Dept. of Corrections 355 S.C. 437, 586 S.E.2d 124 (2003) (quoting Sandin v. Conner, 515 U.S. 472, 484 (1995)). See also Slezak v. S.C. Dept. of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004).

503 S.E.2d 490 (Ct. App. 1998). " 'Substantial evidence' is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." Lark v. Bi-Lo, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). Accordingly, 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).

Additionally, in Superintendent, Mass. Corr. Inst., Walpole v. Hill, 472 U.S. 445, 455-456, 105 S.Ct. 2768 (1985), the U.S. Supreme Court held that "the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." Moreover, in Al-Shabazz, the 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. Al-Shabazz at 757; see also Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) (stating the traditional "hands off" approach of South Carolina courts regarding internal prison discipline and policy).

In this case, Appellant Lisenby alleges that the Department should not have revoked his one hundred fifty (150) days of accrued good time. Inmates have a protected liberty interest in their earned statutory good-time credits under the Fourteenth Amendment. Therefore, when, as here, the Department revokes an inmate's good-time credits as punishment in a "major disciplinary hearing" involving "more serious rule violations," prison officials must provide that inmate with "minimal due process." Al-Shabazz at 750. Consequently, specific administrative procedures must be followed before depriving an inmate of statutorily granted earned credit, including adequate advance notice of the charges, adequate opportunity for a hearing in which the inmate can present witnesses and documentary evidence, and an impartial hearing officer who prepares a written statement of all the evidence presented and the reasons for his decision. Id. at 751 (citing Wolff v. McDonnell, 418 U.S. 539, 563-72, 94 S.Ct. 2963, 2978-82 (1974)).

DISCUSSION

Due Process

Appellant argues that his Due Process rights were violated because the DHO considered additional evidence at his re-hearing. To prove the denial of due process, a party must show that it has been substantially prejudiced by the administrative process. Palmetto Alliance, Inc. v. S. C. Public Service Comm'n., 282 S.C. 430, 319 S.E.2d 695 (1984). Appellant relies on 24.4 of the SCDC Disciplinary Policy which provides, in part, "Any evidence presented at the initial hearing **may** be presented at the re-hearing; however, if the disciplinary conviction was overturned due to insufficient evidence, additional evidence **must** be presented and considered at the rehearing in order to find the inmate guilty." (emphasis added). Appellant seems to infer that the only way additional evidence can be presented is if the re-hearing is due to insufficient evidence being presented at the original hearing. However, the policy does not **restrict** additional evidence at a re-hearing, but rather **requires** additional evidence when a re-hearing is conducted due to insufficient evidence. Therefore, his argument that the DHO was precluded from considering additional evidence pursuant to OP-24.4 is without merit.

Appellant furthermore argues that the DHO did not re-hear his case or respond to his grievance within the time prescribed by policy. To prove the denial of due process, a party must show that it has been substantially prejudiced by the administrative process. Palmetto Alliance, Inc. v. S. C. Public Service Comm'n., 282 S.C. 430, 319 S.E.2d 695 (1984). The Appellant does not set forth that he was substantially harmed in any way by the Department's failure to act within the provided time. Moreover, "a prison official's failure to follow the prison's own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met." Myers v. Klevenhagen, 97 F.3d 91, 94 (5th Cir. 1996). The "constitutional minima" in this case is circumscribed by Al-Shabazz, 338 S.C. 354 and Wolff v. McDonnell, 418 U.S. 539 (1974). The Appellant failed to establish that these due process rights were violated.

Lastly Appellant argues that he was denied witnesses at his hearing. The Record reflects that Counsel Substitute attempted to obtain statements from Appellant's witnesses; however she was unable to do so due to the unwillingness of the witnesses to provide them. Furthermore, Appellant did not raise an objection to Counsel Substitute's failure to procure witness statements at the hearing. An inmate cannot sit silently during a hearing, raising no objections, and then

raise issues such as these for the first time on appeal. See Kiawah Resort Associates v. South Carolina Tax Com'n, 318 S.C. 502, 458 S.E.2d 542 (1995) (In reviewing a final decision of an administrative agency, the Administrative Law Judge “has a limited scope of review, and cannot ordinarily consider issues that were not raised to and ruled on by the administrative agency.”). The issue preservation requirement applies to assertions of constitutional violations as well. State v. Passmore, 2005 WL 415993 (Ct. App. 2005). In I’On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716 (2000), the South Carolina Supreme Court explained the underlying principle behind this rule:

Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments. The requirement also serves as a keen incentive for a party to prepare a case thoroughly. It prevents a party from keeping an ace card up his sleeve—intentionally or by chance—in the hope that an appellate court will accept that ace card and, via a reversal, give him another opportunity to prove his case.

(internal citations omitted). Consequently, the Appellant’s allegation was not preserved for appellate review.

The Appellant’s due process rights in this proceeding are summarized in Al-Shabazz, Id. I find that the Appellant was afforded all process due him pursuant to Al-Shabazz. The Record indicates that the Appellant received written notice of the charges against him in excess of twenty-four (24) hours prior to a hearing that was held before an impartial Disciplinary Hearing Officer. In addition, although not constitutionally required, the Appellant was afforded a counsel substitute who assisted him in his defense. After the DHO determined that the Appellant was guilty of the charged offense, he prepared a written report detailing the evidence he relied upon and the penalty assessed in finding the Appellant guilty of the disciplinary infraction. The Appellant was also permitted to appeal the DHO’s decision through the inmate grievance process.

Substantial Evidence

The Record clearly supports the facts recited in the “Background” portion of this Order. In evaluating the evidence presented at the hearing, “[t]he fact finder is imbued with broad discretion in determining credibility or believability of witnesses.” Small v. Pioneer Machinery, Inc., 329 S.C. 448, 465, 494 S.E.2d 835, 843 (Ct. App. 1997). Moreover, in Superintendent v. Hill, 472 U.S. 445, 455-56, 457 (1985), the U.S. Supreme Court held that the revocation of good time must be supported by “some evidence in the record.” However, “[a]scertaining whether this

standard is satisfied does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." Id. at 455. Thus, if reasonable minds could arrive at the DHO's conclusion based upon the evidence presented, the Department's decision must be upheld regardless of the derivation of the evidence. See also Smith v. Samu, 54 F.3d 788 (10th Cir. 1995).

I find that there is substantial evidence to support the Appellant's conviction of violating SCDC Disciplinary Code § 801, Assault and/or Battery of an SCDC Employee. A Code 801 violation is:

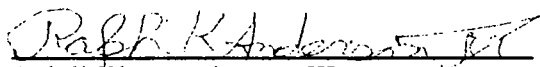
The willful hitting, striking, or unauthorized touching of an SCDC employee or other government agency employee, volunteer, or contract employee, or volunteer with or without a weapon or the throwing of any substance at or on an SCDC employee or other government agency employee or contract employee who is exercising legitimate authority over an inmate, when such hitting, striking, throwing, or unauthorized touching causes bodily injury.

When viewed in light of the DHO's discretion, the Record sufficiently establishes substantial evidence that the Appellant assaulted Corporal Miller. Accordingly, I find that there is substantial evidence to support the Appellant's conviction of violating SCDC Disciplinary Code § 801 (Assault and/or Battery of an SCDC Employee).

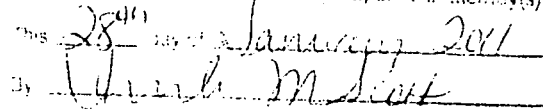
ORDER

IT IS THEREFORE ORDERED that the appeal of the Appellant is **DISMISSED** and the Final Decision of the Department is **AFFIRMED**;

AND IT IS SO ORDERED.


Ralph King Anderson, III
Chief Administrative Law Judge

January 28, 2011
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entered action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 28th day of January, 2011
By 
Judicial Law Clerk

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING PROCEDURE**

DOCKET No.: 1011-508 GRIEVANCE No.: TCI 442-09 & RCI 917-09

INMATE NAME: Billy Lisenby, SCDC #200273

INSTITUTION: Turbeville Correctional Institution

DATE: October 26, 2009

CHARGE: 801 Assault &/or Battery of an SCDC Employee or Other Government Employee, Volunteer or Contract Employee with Means &/or Intent to Kill or Injure

DHO: State your full name & #.

I/M: Billy Lisenby, #200273.

DHO: This is case 106 being recorded 10/26/09 approximately 1:27 p.m. The purpose of this hearing is to treat the matter before me with fundamental fairness & arrive at a just decision.

I/M, you must conduct yourself properly. Failure to do so will result in you being removed from the hearing & your case being hearing in your absence. All testimony's to be truthful & honest, do you understand?

I/M: Yes.

DHO: Cpl. Miller, all testimony's to be truthful & honest, do you understand?

OFC: Yes.

DHO: You're being charged with 801 Assault &/or Battery of an SCDC Employee or Other Government Employee, Volunteer or Contract Employee with Means &/or Intent to Kill or Injure. As in the willful hitting, striking or unauthorized touching of an SCDC employee or other governmental agency employee, volunteer or contract employee with or without a weapon or the throwing of any substance at or on an SCDC employee or other government agency

DHO-Disciplinary Hearing Officer

OFC-Accuser

C/S-Counsel Substitute

I/M-Inmate

Page 2

employee who's exercising legitimate authority over an I/M when such hitting, striking, throwing or unauthorized touching causes bodily injury. The alleged offense occurred 3/30/09 approximately 7:00 a.m., offense location Seloc A unit at Turbeville CI. This is a re-hearing as the original hearing took place earlier. On 10/19/09 approximately 8:05 p.m., Sgt. M. Scott served you your charge papers. Did you receive a copy?

I/M: Yes.

DHO: At that time you indicated you wanted your accuser present, Cpl. Miller's present by way of speakerphone. You also indicated you wanted assistance from C/S. Did you've an opportunity to speak with Ms. Crittington?

I/M: Yes.

DHO: If you plead guilty you'll not earn good time for the month. In addition other sanctions may be imposed. They are verbal reprimand, loss of good time, phone, canteen, visit suspension, disciplinary detention. Do you understand the sanctions which may be imposed?

I/M: Yes.

DHO: This is a re-hearing based on an I/M grievance. You signed for notification 10/16/09, Dennis Patterson, Div. of Operations signed on 10/6/09 enabling us to conduct this re-hearing today. If you're found guilty all sanctions even though they've been re-instated, your good time, everything's re-instated, all your credits because you were on lock-up goes back to 3/30. Those are the dates. I want you to understand the process. Any questions?

I/M: Yes, *It goes back to 3/30* (inaudible).

DHO: If I find you guilty or you plead guilty.

I/M: It starts all over?

DHO: You get credit for your lock-up time.

I/M: OK.

DHO: The narrative reads on the above date & approximate time I, Cpl. Natasha Miller gave I/M Billy Lisenby, #200273 on Seloc A, a directive to return to the unit. He became disrespectful. I then gave him a directive to stop being disrespectful when he turned around & struck me on the left side of my face & eye. He's being written up for assault & battery of an employee causing harm. The judge re-instated based upon the fact there was no documentation to indicate the officer was ill or injured. At this time we have evidence & it's leave & year to date activity indicating Cpl. Miller was out on I/M assault leave from 3/30-5/16/09. We also have a copy of the required accident & incident report & employee's statement of that & a copy of the MIN's as evidence. To the offense of 801, how do you plead?

I/M: Not guilty.

DHO: Ms. Crittington?

C/S: I spoke with the I/M & I'll let him describe better in his own words what he wants you to know. I'll ask questions as I see need to.

DHO: I/M, what do you want me to know about the incident?

I/M: That's not why they overturned it because of that.

DHO: You were ordered a re-hearing. This was evidence found to be included in the re-hearing. So whether they (inaudible) or not, we're at a re-hearing. Let's talk about the incident. The re-hearing has been ordered & we're doing that now.

I/M: I don't deny the striking part, but the evidence now you can't bring it up because I filed the appeal. Y'all didn't file the appeal. Then you can bring this up against me.

DHO: Don't tell me what I can & can't do. We also have a copy of your mental health evaluation, your status there indicating you were fully aware of what you were doing at the time.

Why did you strike her?

I/M: She choked me & when she did I hit back. She didn't advise me to go to the dorm. I had my order to report. I had went to the mailroom.

DHO: So you were being released to go to the mailroom?

I/M: Yes, I was out of the Seloc unit. She came all the way on the yard. She's over Seloc unit & grabbed me by the back of my hoodie. When I turned around she grabbed my ID. She said, where's your ID? Which was right, I had it under my coat. She said, outer garment, sir. So I pulled my ID out. I was placing my ID on my strap near my hoodie. She said, no. So she grabbed it & put it here toward the collar area. So I was moving it back closer up, that's when she grabbed me by my neck & then that's why I struck her.

DHO: Why'd she grab you around your neck if you're putting your ID card on your lapel?

I/M: I've no idea why.

DHO: I'll ask her. Go ahead.

I/M: Like I say I'm not really sure. I had bruises on my neck the same day.

DHO: Well I don't have that. Cpl. Miller, you heard I/M Lisenby's comments?

OFC: Yes.

DHO: Any comments?

OFC: *For the record,* (inaudible) I did not put my hand on that I/M. I didn't put my hand on him at all.

DHO: Did the incident happen on the yard as stated by the I/M or did it happen in the unit?

OFC: It happened at the door.

DHO: We do have a copy of the assault leave where you were out from 3/30 till around the middle of May. You've been cleared to come back to work as you are at work, correct?

OFC: Yes.

DHO: Anything else, I/M?

I/M: I asked her to get my witnesses.

DHO: I/M asked you to get statements from witnesses. Did you contact Turbeville CI?

C/S: Yes, but I didn't receive anything from any individual from his witnesses or the names he gave me for them to go around ^{and} (inaudible) to get statements from.

DHO: Cpl. Miller, anything?

OFC: That's it.

DHO: I've heard the charge & provided the accused an opportunity to make statements, present evidence & witnesses on his behalf. I'll recess.

DHO: State your full name & #.

I/M: Billy Lisenby, #200273.

DHO: To the offense of 801 you pled not guilty, however, you do admit to striking Cpl. Miller. You stated you were out on the yard when she came & pulled the hoodie on your jacket & you responded as a result of that. I'm finding you guilty based on Cpl. Miller's testimony & narrative that you turned around & struck her on the left side of her face & eye area causing injury. Sanctions imposed, verbal reprimand, 150 days loss of good time, phone, canteen & visits suspended 180 days each, 720 days disciplinary detention. Disciplinary detention & sanctions are based on your prior history of assaulting employees, the nature & seriousness of the offense & the extent of injury to Cpl. Miller requiring her to miss about 6-7 weeks from work. You have 15 days from today's date in which to grieve. I've given you credit for your PHD time

since 3/30/09 because that's when you were incarcerated. What I did was subtracted the 211 from the 720 days, you've a total of 509 days to serve in disciplinary detention. Do you understand the sanctions?

I/M: Yes. That's why ^{what I got @ Tuberville,} (inaudible) 720 days.

DHO: For whatever reason these are the sanctions I'm giving you based upon what I heard from you, from Cpl. Miller, from the report & information I received. You can grieve it, you know your grievance rights, you know it well with that. If you feel you should have less disciplinary detention go ahead & grieve it & ask that it be done. But right now this is my determination on that & I'm basing it on your prior assaultive behavior, striking an employee & your history. So I just want you to understand the sanctions as I see them. Someone else may see them different, but this is how I see them. OK?

I/M: OK.


STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Billy Lisenby, #200273)
)
 Appellant,)
)
 -vs-)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

**CERTIFIED
TRANSCRIPT**

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.



Denise Cannarella
Transcriptionist
Office of General Counsel
South Carolina Department
of Corrections

SWORN TO before me this
_____ day of _____, _____.

(L. S.)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Billy Lisenby, #200273

Appellant,

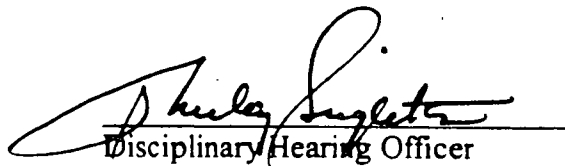
-vs-

South Carolina Department of Corrections,


Respondent.

CERTIFICATION

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.


Disciplinary Hearing Officer
South Carolina Department of Corrections

SWORN TO before me this
12 day of Jan. 2010


Cynthia A. Sanders (L. S.)
Notary Public for South Carolina
My Commission Expires: 5/14/11

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1**

TCI-1221-09

Office Use Only

INMATE NAME: Billy Lee Lisenby JA
 SCDC NUMBER: #200273
 INSTITUTION: B.C.I
 HOUSING UNIT: SMU-128
 WORK ASSIGNMENT: N/A

NOV 19 2009
 OCT 29 2009
 J.O.

Grievance No. RCI-0917-09
 Code: General _____
 Policy _____
 Disc. Hear. ✓ (801)
 Class. _____
 Date Received 10/30/09
 IGC Initials mm

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

On Oct. 5, 2009 a re-hearing was given by The Honorable Carolyn Matthews for The Charge of 801 Assault and Battery on an employee. The Honorable Matthews granted my request to have my case overturned for several errors. On 10-26-09 a re-hearing was conducted by DHO Shirley Singleton, and she stated (unquote) that my case was being re-heard because there was no evidence of bodily injury. Nothing like that was in my appeal. (See Step 1 and Step 2 enclosed) I argued that I shouldn't have received 720 days when this was my 1st offense of 801 Assault and Battery, the more I could've received was 360 days. But DHO Angelia Brown of Turbeville charged me with a 2nd offense using a 1999 Striking an Officer to upgrade my penalty. But I was released from S.C. Department of Corrections in Nov. of 2002, and returned in May of 2003. I was given approx. 6 years. The inmate disciplinary policy plainly states "16.4 Inmates released from the Dept. of Corrections 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 violation. Hearing officers and Major/Responsible Authority(s) will have the discretion to use an inmate's prior disciplinary history. This procedure will apply to all inmates regardless of the method of release prior to their return, i.e. parole, probation, etc." As I was at the (AIC) and by policy the 1999 conviction cannot be used against me. DHO Shirley Singleton gave me 720 days again, then took 150 days quarantine, when in the first case I only lost 120 day quarantine, took my visits, canteen, and telephone 130 days after I come off lock-up when on the first hearing it was completed already. As running with my disciplinary detention time. In the re-hearing she put plus signs beside everything. I cannot receive a harsh sentence for utilizing my appeals rights, and the court system. Also I have a mental class of M-I-3 out Patient Mental Health and Med Class: 3 med Prob/Work Restriction. section 3.3 of the Disciplinary policy states "If the inmate has a mental health issue noted in his/her medical record or is acting in such a manner that indicates a mental health concern then a copy of the Incident Report must be forwarded to the mental health staff. This referral must be documented on the 19-29 A. (This change amended by Change Memo #1, dated Jun 1, 2008). In these instances, a memorandum from mental health case →

ACTION REQUESTED:

Appeal

See Attachment
2 and 3

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Appeal

Billy Lisenby Oct. 27, 09
 Grievant Signature Date

ACTION TAKEN BY IGC: unprocessed. Forwarded to Turbeville for processing. Incident occurred here. MCA 10/30/09

This grievance is being returned unprocessed as the re-hearing of this disciplinary was heard by DHO Singleton at Ridgeland. Paris 1-14-10

Grievance re-opened and processed because Disciplinary Hearing was heard at RCI.

Page 3

M. E. Montague 1/19/10
 IGC Signature Date

N/A

I accept the action taken by the IGC and consider the matter closed.
 I do not accept the action taken and wish to appeal.

professional must be included as an attachment to SCDC form 19-29A. "Incident Report," attesting to the inmate's mental status and accountability for his/her actions."

They did document anything on my 19-29A form and it plainly states you must do this. I suffer from intermediate explosive disorder and was not being treated or seen by mental health at the time of the assault. I went from Jan. 09, until May of 09 without seeing a mental health professional. When I did see one they immediately put me on Neurontin a [redacted] medicine used to balance the brain and moods.

None of my appeal issues were addressed in the re-hearing, the re-hearing was solely to harass me, for using my appeal rights.

Nothing in policy states that the Department can have a re-hearing on Step 2 or ALC. Policy only states on section 24.2 Step 1 Grievance: A Warden can request through the Division of Operations that a hearing be reheard at their level if the reasons noted in 24.1 are applicable."

It doesn't speak no where about re-hearing at Step 2, or ALC level.

Evenmore the only person who can dismiss a charge is the DHU. The Warden can approve the hearing results, overturn a guilty finding, or reduce the sanction of the hearing. But a rehearing can only be held if the case is dismissed. See section 24.1. Also it plainly states "A request for a disciplinary re-hearing will include written justification by the Warden to the Director of Operations.) This was not done in my case.

In my re-hearing I request (U) ten witnesses by way of inmate request to Staff in section 8.2.3, and 8.2.4. I personally gave the names to my counsel substitute and she didn't obtain a statement from not one. By me being transferred from Turberville C.I I needed her to get statements or have the DHU put them on speaker phone. When I advised the DHU of this she brushed it off. I stated this on the record. DHU Singleton fail to document why I couldn't call my witnesses. This is a violation of Due Process. Because section 15.3 states "The inmate may call witnesses unless the hearing officer decides that the testimony of such witnesses is repetitive (that is, will simply repeat the testimony of other witnesses), is not relevant to the case, or is likely to jeopardize the life or safety of persons or the security and order of the institution. If witnesses are denied by the hearing officer, the hearing officer must write his/her reasons for this denial on the SCDC form 19-69, "Disciplinary Report and Hearing Record," in this denial on the SCDC form 19-69, "Disciplinary Report and Hearing Record," in the space provided." This was not done.

18.1 states "SCDC form 19-69, "Disciplinary Report and Hearing Record," will be used to provide a written record of the hearing. The record will include the following information:
18.1.2 whether any requested witnesses were excluded and, if so, the reasons for the exclusion."

This was not done.

"24.3 Time limits: A re-hearing [redacted] must occur within 21 calendar days from the date that the rehearing is ordered and signed by the Division of Operations."

The re-hearing was ordered on Oct. 5, 09 and my hearing was on Oct. 26, 09 that's 21 days. It says within not in 21 days. My change should be overturned due to this error alone. They used additional evidence at my hearing. They cannot do this because my case was not overturned due to insufficient evidence. See 24.4 Evidence: Any evidence presented at the initial hearing may be presented at the re-hearings; however, if the disciplinary conviction was overturned due to insufficient evidence, additional evidence, [redacted] must be presented and considered at the rehearing in order to find the inmate guilty.

NOV 19 2009

I had already served my 180 days for my visits, canteen, and phone, because DHO Brown didn't give me 180 plus, but DHO Singleton did. My privileges should be re-instated, but she gave me a more harsh sentence.

24.5.2 Supports this it states "Sanctions imposed as a result of the initial hearing may again be assessed; however, the inmate will be given credit for penalties already served."

My case should be overturned and all sanctions lifted.

Another re-hearing would only prejudice and harass me.

Because the Dept. has had four chances to correct this.

Date: Oct. 27, 09

Billy Lijh

Attachment (3) of 3

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

Dec Date: 5/17/09

NOV 10 2009

Office Use Only

INMATE NAME: Billy Lee Lisenby JR, AKA "Malik Al-Shabazz"
 SCDC NUMBER: #200273
 INSTITUTION: Turbeville
 HOUSING UNIT: ASU 152
 WORK ASSIGNMENT: N/A

Grievance No: TCL-0442-E
 Code: General _____
 Policy _____
 Disc. Hear. 801-C106-4/16/09
 Class. _____
 Date Received: 4/18/09
 IGC Initial: [Signature]

APR 17 2009
MSR

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy indicate which policy)

On 3-30-09 I was charged with 801 Assault and/or Battery of an SCDC employee, by CPL. M. Miller. I received notice of the charges by OFC. Brown on 4-8-09. A DHO hearing was held in front of Angela K. Brown on 4-16-09 in which I pled not guilty and was found guilty. DHO Brown gave me 120 days Disciplinary Detention Days and stated "This is the 1st 2nd charge of this nature." This is not true. I have never been charged with 801 Assault and Battery. In 1999 I was convicted of striking an SCDC Employee 807 which is a total different charge. But I was released from prison on 11-17-02, and I came back in May of 2008. 08-22-14 the SCDC Disciplinary policy plainly states at 19.3 "Inmates released from the Department of Corrections and returned to the Agency within three (3) years of their release can have their disciplinary history used in deterring appropriate sanctions if they commit an Agency Rules violation. Hearing officers and Major/Responsible Authority(s) will have the discretion to use an inmate's prior disciplinary history. This procedure will apply to all inmates regardless of the method of release prior to their return, i.e. Max out, parole, probation, etc." I was gone almost six (6) years a charge from 1999 cannot be used. Even more I have a mental class of MI-3 on Patient Mental Health and Med Class: 3 Med Prob/Work Restriction. Policy states on 19.3 of the Disciplinary Policy "If the inmate has a mental health issue noted in his/her medical summary or is acting in such a manner that indicates a mental health concern then a copy of the Incident Report must be forwarded to mental health staff. This referral must be documented on the 19-29A. (This change amended by Change Memo #2, dated June 1, 2008). In those instances a memo of accountability for his/her actions. Refer to SCDC Policy/Procedure HS-19.01, "Placement of Inmates in Mental Health Observation and Evaluation. I have a mental health issue and it deals with an assaultive nature. The mental health care professionals should have been notified. Also DHO Brown took neither the hearing officer nor the counsel substitute may be an employee who participated in the investigation of the charges. MRS. Brown denies the right to put this on record. The hearing officer violated 19.3 of the Disciplinary policy because she did not follow policy/procedures, and the sentence imposed was not proportionate to the violation. This is my first offense of 801.

ACTION REQUESTED: part in the investigation of this case. Policy states 19.3. Restrictions on personnel participating in the hearing: Neither the hearing officer nor the counsel substitute may be an employee who participated in the investigation of the charges. MRS. Brown denies the right to put this on record. The hearing officer violated 19.3 of the Disciplinary policy because she did not follow policy/procedures, and the sentence imposed was not proportionate to the violation. This is my first offense of 801.

Due to the above reasons my case should be over-turned

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Appeal Case #106

Billy Lisenby 4-16-09
 Grievant Signature Date

ACTION TAKEN BY IGC:

IGC reviewed grievance, pertinent documentation and conferred with appropriate staff.
 See Warden's response.

Page 4

[Signature]
 IGC Signature Date
n/a
 Grievant Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 2

NOV 19 2009

Office Use Only

Grievance No. TCI-0442-0

Code: General _____

Policy _____

Disc. Hear. 801-0106-4/16

Class. _____

Date Received 5/15/09

IGC Initials (M)

DD 7-10-09

INMATE NAME: Billy Lee Lisenby JR; #Malik Al-Shabazz

SCDC NUMBER: #200273 MAY 14 2009

INSTITUTION: Turbeville

HOUSING UNIT: ASU 152 SMY-128

WORK ASSIGNMENT: N/A

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

HO BROWN found me guilty of my 2nd offense of 801 Assault and/or Battery of an SCDC employee. This was my first of offense. I have never been charged or found guilty of 801. She used a 1999 Statute on SCDC Employee which is an 807 to find me guilty of my 2nd offense. She cannot do that there are (2) two different charges. If an inmate is released from prison and gone over (3) three years, their record cannot be used against him. See OP-22-14 the SCDC Disciplinary policy plainly states at 16.4 "Inmates released from the Department 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 violation." I was gone almost six years she cannot use my past history. Even more I am in a mental class of MI-3 out Patient Mental Health. She violated Publy 3.3 of the Disciplinary Policy that a copy of the Incident Report must be forwarded to the mental health staff. I have a mental health issue that deals with an assaultive nature. The mental health professional should have been notified. The DHO Brown took part in the investigation of this case. She violated 13 of the disciplinary policy "Restrictions on personnel participating in the hearing. She stop me from putting this on record. The hearing officer violated 19.3 of the Disciplinary policy because the DHO did not follow policy/procedures, and the sentence imposed was not proportionate to the violation. This is my first offense of 801, Assault and Battery on a SCDC employee. She gave me 720 days and the max I could get is @ 360.

Billy Lisenby 5-13-09
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Assault and/or battery of an SCDC employee or other Government Employee, Volunteer, or Contract Employee with Means/and/or Intent to Kill or Injure (801) on April 16, 2009, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated October 1, 2007, and the sanction(s) imposed, which included the loss of 20-days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received twenty-four (24) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 07/16/09
Signature Date

Page 5

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.

[Signature] 7-21-09
Grievant Signature Date

[Signature] 7/21/09
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: Billy Lisenby
SCDC NUMBER: 200273
INSTITUTION: RCI
HOUSING UNIT: SMU-128
WORK ASSIGNMENT: _____

Office Use Only
Grievance No. TCI 442-09
Code: General _____
Policy _____
Disc. Hear. 801
Class. _____
Date Received 10-6-09
IGC Initials [Signature]
10-6-09

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

Following is in response to the inmate's appeal to the Administrative Law Court (ALC).

[Signature] 10-6-09
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:
by 200273 TCI 442-09 JS (DP)

For further review, and pursuant with a meeting with the Office of General Counsel, it was determined that your conviction of Assault or Battery of an SCDC Employee or other Government Employee, Volunteer, or Contract Employee with Means/and/or/ Intent to Injure (801), Level 1 offense case # 106 for offense date April 16, 2009, will be overturned and all sanctions imposed will be . However, and approval for a rehearing will be granted.

Therefore, I consider this matter upheld.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must file the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature] 10/06/2009
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Billy Lisenby 10-16-09 [Signature] 10-16-09
Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

South Carolina Department of Corrections
Request To Staff

RECEIVED

MRS. Pugh Classification	MAY 20 2009	Date:
Billy Kisenby	INMATE RECORDS TURBEVILLE CI	5-18-09
Turbeville		SCDC# 200273
		Living Quarters: ASU-152

I have (2) holds on me in the computer for NC. But NC has sent Fax after to Columbia advising sentences for Fleck/Elude Arrest 08CRS050328 and Attempted Assault on a Government official 08CRS1685. Run concurrent with my S.C. time. My charge for Attempted Murder 08CRS050328 was dismissed when I pled guilty to the less. NC is constantly faxing S.C. and they refuse to up-date it.

How many 801 Assault and/or Battery of S.C. Department of Corrections Employees do I have on my record?

 Page 1

holds are there stating you were sentenced on these yes and should not be release until completed.
date you have (1) one Assault on Employee

6/14/09

Signature: 

FILED

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMINISTRATIVE LAW COURT

Billy Lisenby, #200273,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 09-ALJ-04-00682-AP

ORDER GRANTING DISMISSAL
FOR
MOOTNESS

GRIEVANCE NO.: TCI 442-09

South Carolina Department of Corrections (DOC) moves to remand this matter to the Department for a new hearing. Because a new hearing will be held on the merits, the issues in this appeal are moot.

The issue in this motion is whether the Appellant's appeal is moot. "A case becomes moot when judgment, if rendered, will have no practical effect upon [the] existing controversy." Mathis v. South Carolina State Highway Dep't., 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). A court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. Byrd v. Irmo High School, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996).

The Motion to Dismiss is **GRANTED** and this case is ended.

AND IT IS SO ORDERED.

Carolyn C. Matthews
CAROLYN C. MATTHEWS
Administrative Law Judge

October 9, 2009
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that on this date
served this order in the manner set forth upon all
parties to this cause by depositing a copy thereof,
in the United States mail, postage paid, or in the Interagency
Mail Service addressed to the party(ies) or their attorney(s).

This 9th day of October 2009
By: *[Signature]*

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page 1 of 1

#106

SMU 152

Location/Center: Tribbleville Correctional Inst.
 Date of Report: 30 March 2009 Time of Report: Approx 8:00 am
 Reporting Official: Natasha Miller Date of Incident: 30 March 2009
 Location of Incident: Selva A Unit Time of Incident: Approx. 7:00 am
 Inmate(s)/Resident: SCDC# Age Race Sex Employee(s) Involved:
Lisenby, Billy 200273 B/m 1.
 2.
 3.
 4.
 5.

On the above date and approximate time: I, Cpl. Miller, Natasha gave inmate Lisenby, Billy 200273 B/m on Selva A directive to return to the unit. Inmate Lisenby became disrespectful. I then gave Inmate Lisenby directive to stop being disrespectful when I turned around and struck me on the side of my face / eye. Inmate Lisenby is on written up for Assault ^{on me} and Battery Employee Causing Harm # 801

Natasha Miller

Page 9

Officer's Comments: Inmate Lisenby was placed in cell

STG Related - Refer to STG Committee
 Yes No Unknown
 This Incident is DRUG related
 Yes No Unknown

Responsible Authority: Chavez with 801 to DHO - Inmate Placed in cell

Action Taken
 Informal Resolution
 Administrative Resolution
 Refer to Disciplinary Hearing

[Signature] Title: Manager

RECORD SUMMARY REPORT DATED 02/01/10

00239

PISENBY, RILLY - FBI # 87465TA2 SID# SC00893467 SDC # 00200273
 OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE
 INSTITUTION : RIDGE AND CORR INST DORN.....: ASU0128A
 SECURITY/CUST.: 2 ADULT-STRAIGHT SENTENCE RACE.....: B SEX.....: M
 CURR INCARC SENT...: 13 YRS 0 MOS 0 DYS PROJ MAXOUT DATE: 07/13/2016
 CENTRAL MONITORING.: YES SEPREQ PROJ PAROLE DATE: 05/24/2011
 SOCIAL SECURITY #...: 247716842 EWC JOB...: NO CURRENT JOB
 EDUC PGM.: NO CURR EDUC PROGRAM
 CURRENT PROGRAM...: NO CURRENT PROGRAM EWC LEVEL: 0 EEC LEVEL:
 AGE...: 33 DATE OF BIRTH...: 2/19/76 ASSIGNMENT...: LOCKED - UP

PREVIOUS NUMBERS:
Y00200273

CURRENT OFFENSES	SENTENCE	YRS	MOS	DYS	COUNTY	SENTENCE	START	V/NU	CATEGORY
FAIL TO STOP FOR OFFICER		3	0	0	CHESTERFIE	3/19/20	8 N		2
ASSAULT W/INT TO KILL		10	0	0	CHESTERFIE	3/19/20	8 N		4

PREVIOUS SDC OFFENSES (COMPLETE)	SENTENCE	YRS	MOS	DYS	COUNTY	SENTENCE	START	V/NU	CATEGORY
POSSESS PISTOL AFTER CONV		0	6	0	CHESTERFIE	9/ 1/1995	N		3
COCAINE POSSESS		2	0	0	CHESTERFIE	9/ 1/1995	N		2
STRONG ARM ROBBERY		9	0	0	CHESTERFIE	9/ 1/1995	N		3

PRIOR COMMITMENTS OVER 90 DAYS:

3/ 3/95	*INVOLUNTARY MANSLAUGHTER	0 YRS	30 MOS	0 DYS
2/25/93	*POINTING A FIREARM	6 YRS	0 MOS	0 DYS
2/25/93	COMMON LAW ROBBERY	6 YRS	0 MOS	0 DYS

DETAINEES (HOLD, WANTED, NOTIFY):

ASSAULT W/INT TO KILL	HOLD	M. D. PARKER	CATEG: 4
RESISTING OFFICER	HOLD	M. D. PARKER	CATEG: 3
ATTEMPT TO COMMIT MURDER	NOTIFY	OPEN ARREST NOTIFICATION	CATEG: 5

NO DETAINEES

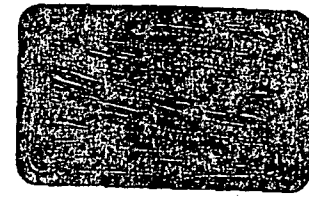
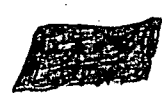
ESCAPES:
NO ESCAPE HISTORY

ORIGINAL CHARGES:
4/14/ 9 ASSAULT-HIGH/AGGRV NATUR COURT

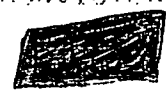
ASSAULTIVE DISCIPLINARIES:

3/30/ 9	A & B OF AN EMP, ETC W/T	CONVICTED	MAJOR STAFF
3/22/ 9	STRIKING AN INMATE WITH/	DROPPED	MAJOR INMATE
7/25/ 8	STRIKING AN INMATE WITH/	NOT GUILTY	MAJOR INMATE
4/30/ 8	FIGHTING WITHOUT A WEAPD	CONVICTED	ADMIN
7/26/ 2	STRIKING AN INMATE WITH/		OTHER INMATE
5/14/ 2	POSSESSION OF A WEAPON	CONVICTED	MAJOR
2/ 6/ 1	ROBBERY WITH FORCE	DROPPED	MAJOR INMATE
5/11/ 0	STRIKING AN INMATE WITH/	DROPPED	CHARG INMATE WEAPON
4/27/99	STRIKING AN EMPLOYEE WIT	NOT GUILTY	MAJOR STAFF
5/20/99	FIGHTING WITHOUT A WEAPD	CONVICTED	MAJOR
2/10/99	STRIKING AN EMPLOYEE WIT	CONVICTED	MAJOR STAFF
11/16/98	POSSESSION OF A WEAPON	NOT GUILTY	MAJOR
11/14/98	POSSESSION OF A WEAPON	CONVICTED	MAJOR
6/29/98	POSSESSION OF A WEAPON	CONVICTED	MINOR
2/14/98	FIGHTING WITHOUT A WEAPD	CONVICTED	MAJOR
4/26/97	POSSESSION OF A WEAPON	CONVICTED	MAJOR
3/10/97	FIGHTING WITHOUT A WEAPD	CONVICTED	MAJOR INMATE
3/13/96	FIGHTING WITHOUT A WEAPD	CONVICTED	MINOR
1/18/96	FIGHTING WITHOUT A WEAPD	CONVICTED	MINOR
9/17/93	FIGHTING WITHOUT A WEAPD	CONVICTED	MINOR
9/17/93	FIGHTING WITHOUT A WEAPD	CONVICTED	MINOR

NON-ASSAULTIVE DISCIPLINARIES:



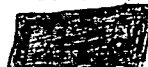
12/ 2/ 9	ABUSE OF PRIVILEGES	CONVICTED	ADMIN
10/ 4/ 9	ABUSE OF PRIVILEGES	CONVICTED	ADMIN
5/20/ 9	ABUSE OF PRIVILEGES	NOT GUILTY	MAJOR
3/ 3/ 9	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
10/ 3/ 8	REFUSING OR FAILING OBEY	CONVICTED	ADMIN
9/ 4/ 8	THREATENING TO INFLICT H	CONVICTED	MAJOR
7/ 5/ 8	DISRESPECT	CONVICTED	MAJOR
10/16/ 2	USE OBSCENE, VULGAR, PROFA	CONVICTED	MAJOR
10/13/ 2	FALSE STATEMENT TO HARM	CONVICTED	MINOR
7/19/ 2	DISRESPECT		OTHER
7/14/ 2	REFUSING OR FAILING OBEY	CONVICTED	MINOR
6/24/ 2	USE OBSCENE, VULGAR, PROFA		OTHER
5/ 2/ 2	POSSESSION OF CONTRABAND	NOT GUILTY	MINOR
5/ 1/ 2	ABUSE OF PRIVILEGES		OTHER
4/22/ 2	DISRESPECT	CONVICTED	MAJOR
12/31/ 1	USE OBSCENE, VULGAR, PROFA		OTHER
11/27/ 1	DISRESPECT		OTHER
10/17/ 1	ABUSE OF PRIVILEGES	DROPPED	MINOR
9/ 2/ 1	USE, POSS NARC, MARIJ, UNAU	NOT GUILTY	MAJOR
8/ 3/ 1	INCITING/CREATING A DIST	DROPPED	MAJOR
7/23/ 1	POSSESSION OF CONTRABAND	DROPPED	MAJOR
7/14/ 1	STEALING	DROPPED	MINOR
6/13/ 1	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR
5/ 5/ 1	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
4/23/ 1	STEALING		OTHER
11/ 3/ 0	USE OBSCENE, VULGAR, PROFA	NOT GUILTY	MINOR
9/29/ 0	EVADING A SECURITY DEVIC	DROPPED	MAJOR
8/19/ 0	USE OBSCENE, VULGAR, PROFA	DROPPED	MINOR
7/ 7/ 0	USE OBSCENE, VULGAR, PROFA		OTHER
6/17/ 0	REFUSING OR FAILING OBEY		OTHER
2/16/ 0	USE OBSCENE, VULGAR, PROFA	DROPPED	CHARG
2/16/ 0	USE OBSCENE, VULGAR, PROFA	DROPPED	CHARG
1/26/ 0	USE OBSCENE, VULGAR, PROFA		OTHER
1/26/ 0	USE OBSCENE, VULGAR, PROFA		OTHER
1/26/ 0	INCITING/CREATING A DIST	DROPPED	CHARG
12/18/99	THREATENING TO INFLICT H		OTHER
12/ 7/99	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
9/22/99	THREATENING TO INFLICT H	CONVICTED	MAJOR
9/19/99	THREATENING TO INFLICT H	DROPPED	MAJOR
9/19/99	THREATENING TO INFLICT H	DROPPED	MAJOR
9/19/99	CREATING UNNECESSARY NOI	DROPPED	MAJOR
9/ 9/99	CREATING UNNECESSARY NOT	CONVICTED	MAJOR
9/ 8/99	REFUSING OR FAILING OBEY	DROPPED	MAJOR
7/ 5/99	INCITING/CREATING A DIST	NOT GUILTY	MAJOR
7/ 5/99	DAMAGE, DESTROY, PROP. VALU	DROPPED	MAJOR
6/20/99	USE OBSCENE, VULGAR, PROFA	DROPPED	MAJOR
6/20/99	THREATENING TO INFLICT H	DROPPED	MAJOR
6/ 2/99	THREATENING TO INFLICT H	CONVICTED	MAJOR
5/23/99	CREATING UNNECESSARY NOT	CONVICTED	MINOR
4/21/99	TRAFFICKING AND TRADING	DROPPED	MINOR
3/16/99	USE OBSCENE, VULGAR, PROFA	DROPPED	MINOR
2/ 8/99	USE OBSCENE, VULGAR, PROFA		OTHER
2/ 8/99	USE OBSCENE, VULGAR, PROFA		OTHER
1/22/99	DAMAGE, DESTROY, PROP. VALU	DROPPED	MAJOR
11/23/98	DAMAGE, DESTROY, PROP. VALU	CONVICTED	MINOR
11/15/98	FALSE STATEMENT TO HARM	CONVICTED	MAJOR
11/15/98	THREATENING TO INFLICT H	CONVICTED	MAJOR
8/25/98	OUT OF PLACE	DROPPED	MINOR
8/25/98	TRAFFICKING AND TRADING	CONVICTED	MINOR
6/29/98	OUT OF PLACE	CONVICTED	MINOR

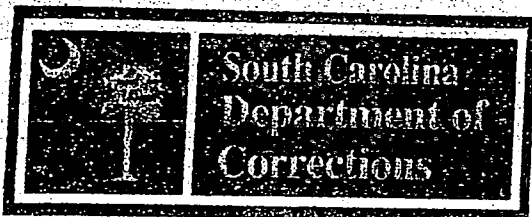


3/ 4/98	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
2/ 1/98	OUT OF PLACE	CONVICTED	MINOR
1/ 2/98	FAILURE TO WORK	CONVICTED	MINOR
12/18/97	FALSE STATEMENT TO HARM	DROPPED	MAJOR
12/18/97	FALSE STATEMENT TO HARM	CONVICTED	MAJOR
12/18/97	REFUSING OR FAILING OBEY	DROPPED	MINOR
11/25/97	OUT OF PLACE	DROPPED	CHARG
8/27/97	GAMBLING AND LOAN SHARK	CONVICTED	MAJOR
8/27/97	FAILING/REFUSING RESPOND	CONVICTED	MAJOR
8/27/97	REFUSING OR FAILING OBEY	CONVICTED	MINOR
6/21/97	REFUSING OR FAILING OBEY	CONVICTED	MINOR
6/21/97	OUT OF PLACE	CONVICTED	MINOR
6/16/97	STEALING	CONVICTED	MAJOR
6/ 6/97	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
5/10/97	THREATENING TO INFLECT H	CONVICTED	MAJOR
5/10/97	USE OBSCENE,VULGAR,PROFA	CONVICTED	MINOR
3/20/97	INCITING/CREATING A DIST	CONVICTED	MINOR
3/19/97	USE OBSCENE,VULGAR,PROFA	CONVICTED	MINOR
3/19/97	INCITING/CREATING A DIST	CONVICTED	MINOR
1/ 9/97	FALSE STATEMENT TO HARM	CONVICTED	MAJOR
1/ 9/97	INCITING/CREATING A DIST	CONVICTED	MAJOR
12/13/96	REFUSING OR FAILING OBEY	CONVICTED	MINOR
1/18/96	INCITING/CREATING A DIST	CONVICTED	MINOR
11/20/93	REFUSING OR FAILING OBEY	CONVICTED	MINOR
9/17/93	REFUSING OR FAILING OBEY	CONVICTED	MINOR
8/26/93	REFUSING OR FAILING OBEY	CONVICTED	MINOR
8/26/93	INCITING/CREATING A DIST	CONVICTED	MINOR
8/26/93	USE OBSCENE,VULGAR,PROFA	CONVICTED	MINOR

HISTORY OF MOVEMENTS:

9/ 3/ 9	RIDGE AND	INCARCERATED	RETURN FROM COURT
9/ 3/ 9	JASPER CO	AUTH ABSENCE (AWL)	TO COURT
6/22/ 9	RIDGELAND	INCARCERATED	ADMINISTRATIVE
6/ 4/ 9	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
6/ 4/ 9	LEE	INCARCERATED	MEDICAL
5/18/ 9	TURBEVILLE	INCARCERATED	RETURN FROM COURT
5/18/ 9	CHESTFIELD CO	AUTH ABSENCE (AWL)	TO COURT
3/16/ 9	TURBEVILLE	INCARCERATED	RETURN FROM COURT
3/16/ 9	CHESTFIELD CO	AUTH ABSENCE (AWL)	TO COURT
3/ 3/ 9	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
2/10/ 9	EVANS	INCARCERATED	ADMINISTRATIVE
1/14/ 9	ALLENDALE	INCARCERATED	RETURN FROM COURT
1/14/ 9	DARLINGTON CO	AUTH ABSENCE (AWL)	TO COURT
10/ 2/ 8	ALLENDALE	INCARCERATED	RETURN FROM COURT
9/20/ 8	NORTH CAROLINA	AUTH ABSENCE (AWL)	TO COURT
9/13/ 8	ALLENDALE	INCARCERATED	LOCKUP-ADJUSTMENT COMM.
6/ 3/ 8	MADDUGALL CORR	INCARCERATED	ADMINISTRATIVE
5/ 3/ 8	KIRKLAND	INCARCERATED	NEW ADMISSION
11/17/ 2	HNK	RELEASE	EXPIRATION OF SENTENCE
11/15/ 2	NORTH CAROLINA	AUTH ABSENCE (AWL)	TO COURT
10/ 7/ 2	PERRY	INCARCERATED	RETURN FROM COURT
10/ 7/ 2	CHESTFIELD CO	AUTH ABSENCE (AWL)	TO COURT
9/10/ 2	PERRY	INCARCERATED	ADMINISTRATIVE
9/ 9/ 2	KIRKLAND	INCARCERATED	RETURN FROM COURT
9/ 6/ 2	CHESTFIELD CO	AUTH ABSENCE (AWL)	TO COURT
6/ 5/ 2	PERRY	INCARCERATED	RETURN FROM COURT
6/ 5/ 2	MARI BORO CO	AUTH ABSENCE (AWL)	TO COURT
4/17/ 2	PERRY	INCARCERATED	RETURN FROM COURT
4/17/ 2	MARI BORO CO	AUTH ABSENCE (AWL)	TO COURT
3/39/ 2	PERRY	INCARCERATED	ADMINISTRATIVE
10/29/ 1	MCCORMICK	INCARCERATED	RETURN FROM COURT





MARK SANFORD, Governor
JON OZMINT, Director

May 14, 2009

Ms. Patricia Lisenby
355 Hickory Street
Ruby, South Carolina 29741

RE: Inmate Billy Lisenby, SCDC #200273

Dear Ms. Lisenby:

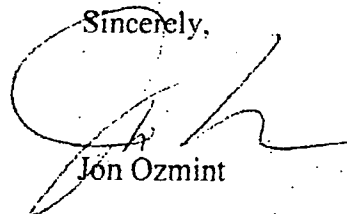
Your undated correspondence regarding the above referenced inmate has been received in my office. You express concern about a disciplinary infraction (Assault and Battery of an Employee) your son was convicted of on April 16, 2009. I have conferred with Warden Gregory Knowlin at Turbeville Correctional Institution and find the following.

Your son was given 720 days of disciplinary detention for the infraction. This was not his first offense of this nature. Records indicate on February 10, 1999 he was charged with Striking an Employee and was subsequently convicted of the charge on February 12, 1999. Even though Inmate Lisenby had been released between the two infractions, I feel that the sanctions imposed were appropriate.

SCDC Policy, OP-22.14, "Inmate Disciplinary System", states in part that inmates released from the SCDC and return to the Agency can have their disciplinary history used in determining appropriate sanctions if they commit an Agency rules violation. Disciplinary Hearing Officers and the Major/Responsible Authority will have the discretion to use an inmate's prior disciplinary history. This procedure will apply to all inmates regardless of the method of release prior to their return. (i.e., max-out, parole, probation, etc.)

I trust this is responsive to your inquiry.

Sincerely,



Jon Ozmint

JO:gk:shp

cc: Warden Gregory Knowlin, Turbeville CI
Offender Record
File

Revised
copy

South Carolina Department of Corrections
Disciplinary Mental Health Statement
Institution: Ridgeland

Inmate Dwight L. Spivey CDC Number 200273, was charged with the following offense: ATB of Am Impr on 3/30/09 date
at approx. 7:00 AM time

Mental Health was asked to provide a statement regarding the inmate's mental status at the time the offense occurred. After researching the incident and the inmate's mental health functioning, it has been determined that the inmate:

A. Lacked the capacity to appreciate the wrongfulness of their actions at that time, for the following reason(s) _____

B. Although classified as mentally ill, was able to understand the nature and quality of the act committed. Per. Medical Record i/m was NOU compliant w/meds however stable.

If you require additional information, please contact me using the information below:

Counselor: Cecilia Brown extension: _____ date: 10/22/09
(813) 875-3332 EX 5270

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD - Rehearing SAS**

Case# 09-00106 Inmate Name: BILLY LISENBY SCDC#: 200273
 Living Area: SMU - 128 Job: N/A Custody: DD2

Offense Date: 03 / 30 / 09 Offense Time: 7:00 AM Institution: SELOC A UNIT/TURBEVILLE C.I.

Offense Description: 801 ASSAULT AND/OR BATTERY OF AN SCDC EMPLOYEE OR OTHER GOVERNMENT EMPLOYEE, VOLUNTEER, OR CONTRACT EMPLOYEE WITH MEANS AND/OR INTENT TO KILL OR INJURE: THE WILLFUL HITTING, STRIKING, OR UNAUTHORIZED TOUCHING OF AN SCDC EMPLOYEE OR OTHER GOVERNMENT AGENCY EMPLOYEE, VOLUNTEER, OR CONTRACT EMPLOYEE, OR VOLUNTEER WITH OR WITHOUT A WEAPON OR THE THROWING OF ANY SUBSTANCE AT OR ON AN SCDC EMPLOYEE OR OTHER GOVERNMENT AGENCY EMPLOYEE OR CONTRACT EMPLOYEE WHO IS EXERCISING LEGITIMATE AUTHORITY OVER AN INMATE. WHEN SUCH HITTING, STRIKING, THROWING, OR UNAUTHORIZED TOUCHING CAUSES BODILY INJURY.

Charging Officer/Employee: NATASHA MILLER Title: CPL.
 INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
 I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
 I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING

I WAIVE MY RIGHT TO A HEARING
 I WANT A COUNSEL SUBSTITUTE - SMU/SEGREGATION ONLY
 I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 10/19/09 805 AM (P) By (Print): Sgt M Scott
 Inmate Signature: Billy Lisensby SCDC#: 200273 Date: 10/19/09

HEARING INFORMATION:

Hearing Date: <u>10/26/09</u>	Hearing Time: <u>1:27</u> am/pm	Tape: <u>102609</u>	Side: <u>A</u>	Start: <u>602</u>	End: <u>723</u>
-------------------------------	---------------------------------	---------------------	----------------	-------------------	-----------------

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

Inmate admitted to striking Cpl. Miller stated she came on and pulled his hoodie, directed him to display ID card on outer garment; He responded by striking her
Evidence: Leave & Attendance Report; Accident/Accident Report; Employee Statement of Injury or Illness; MIN

OFFENSE CODES	<u>801</u>			
INMATE PLEA (G, NG, None)	<u>NG</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Based on Cpl. N. Miller testimony and narrative that inmate turned around and struck her on the left side of her face/eye area.

HEARING LENGTH: 19 (MINUTES)

SANCTIONS:

Loss of Privileges (Days): Telephone 180+509-689 Reprimand: ✓ Loss of Good Time (days): 150
 * Property (Days) _____ Extra Duty: _____ Restitution: \$ 0 **
 * Canteen (Days): 180+509-689 Visit Suspension Thru 1 / 1 180+509-689
 * Other (Days) _____ Cell Restriction (Days): _____
 * Disciplinary Detention (Days): 220-211-509 Appeal Right Given

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Prior history of assaulting employees, nature and seriousness of offense and extent of injury to Cpl. Miller

CREDIT FOR PHD TIME SERVED: YES/NO IF YES, DAYS 211

DATE INMATE PLACED IN PHD 3/30/09

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Billy Lisensby DATE: 10/26/09

HEARING OFFICER (PRINT NAME) Shirley A. Singleton

APPROVED/REVERSE/MODIFY _____ WARDEN REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
 Golden Red - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

09-00106

#106

Page 1 of 1

SMU 152

Institution/Center: <u>Turbeville Correctional Inst.</u>	
Date of Report: <u>30 March 2009</u>	Time of Report: <u>Approx 8:00 am</u>
Reporting Official: <u>Natasha Miller</u>	Date of Incident: <u>30 March 2009</u>
Location of Incident: <u>Self A unit</u>	Time of Incident: <u>Approx. 7:00 am</u>
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. <u>Lisenby, Billy 200273 Blm</u>	1.
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I, Cpl. Miller, Natasha gave inmate Lisenby, Billy 200273 Blm on Self A a directive to return to the unit. I/m Lisenby became disrespectful. I then gave I/m a directive to stop being disrespectful when he turned around and struck me on the left side of my face / eye. I/m Lisenby is being written up for Assault ~~on~~ and Battery on Employee Causing Harm #801

RECEIVED

OCT 16 2009

Signature: Natasha Miller
DHO OFFICE
RIDGELAND C.I.

RECEIVED

MAR 31 2009

Evidence:	MAJOR'S OFFICE E-04-03-09 TURBEVILLE CI
Witness(es):	
Supervisor's Comments: <u>I/m Lisenby was placed in SMU</u>	STG Related - Refer to STG Committee () Yes (<input checked="" type="checkbox"/>) No (<input type="checkbox"/>) Unknown
Signature: <u>[Signature]</u> Title: <u>Capt.</u> Date/Time: <u>3-30-09</u>	This Incident is DRUG related () Yes (<input checked="" type="checkbox"/>) No (<input type="checkbox"/>) Unknown
Major Responsible Authority: <u>Charge with 801 refer to DHO - Inmate Placed in SMU</u>	Action Taken () Informal Resolution () Administrative Resolution (<input checked="" type="checkbox"/>) Refer to Disciplinary Hearing
Signature: <u>[Signature]</u> Title: <u>Major</u> Date: <u>3-31-09</u>	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND INMATE RECORD

PRE-HEARING DETENTION PLACEMENT/EXTENSION

PHD EXTENSION

Inmate Name _____ SCDC # _____

Date: ___/___/___

Reason for Extension:

Length of Extension: (up to 10 days only) _____

Requesting Official: _____ Title: _____

Approved/Disapproved: _____ Date: ___/___/___

Warden/Duty Warden

NOTICE OF PLACEMENT IN PHD

Inmate Name: Lisenby, B. H. SCDC#: 200273 Custody: _____

- Reason for Placement in PHD:
- Current Escape Risk
 - Maintain the Integrity of an Investigation
 - Protective Concerns
 - Inmate is a threat to the physical safety of other inmates or staff
 - Inmate's presence in the population would create a threat to the safety, security, and/or order of the institution

S/ [Signature]
Warden, Associate Warden, Major Captain

Date 3/30/09 Time: 8:50 AM/PM

I certify that I was given a copy of this notice within 72 hours of my placement in PHD. I also certify that this notice is clear and readable and that I will appear before the Institutional Classification Committee within seven (7) calendar days of my placement in PHD.

Inmate/Witness Signature: Billy Linn

Date 3/30/09 Time: 4:40 AM/PM

Serving Officer/
Witness Signature: Sgt Phares

Date 3/30/09 Time: 4:40 AM/PM

PATRICIA LISEBY
355 HICKORY ST.
RUBY, SC 2974

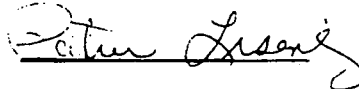
TURBEVILLE GRIEVANCE CORDINATOR
P.O. BOX 252
TURBEVILLE CORR. INST.
TURBEVILLE, SC 29162

I 'M WRITING YOU CONCERNING A DISCIPLINARY INFRACTION IN WHICH BILLY LEE LISEBY JR. #200273 WAS CONVICTED OF ON 4-16-09. HE WAS GIVEN 720 DAYS IN DISCIPLINARY DETENTION. BUT AFTER VIEWING THE SCDC WEBSITE IT APPEARS THAT THE MAXIMUM PUNISHMENT SHOULD'VE BEEN 360 DAYS, FOR FIRST OFFENSE OF 801 ASSAULT AND /OR BATTERY ON A SCDC EMPLOYEE.

MR. BILLY LISEBY JR. HAS ADVISED ME THAT HE HAS FILED AND APPEAL IN THIS MATTER. I ASK THAT YOU PLEASE REVIEW THIS WITH CARE, AND DON'T FORCE HIM TO HAVE TO APPEAL IT ALL THE WAY TO THE ADMINISTRATIVE LAW JUDGE AND THERE IS A VISIBLE ERROR.

IF YOU WILL INVESTIGATE THIS THOROUGHLY, YOUR TIME AND HELP WILL BE MORE THAN HIGHLY APPRECIATED.

THANKING YOU IN ADVANCE

A handwritten signature in cursive script that reads "Patricia Lisenby". The signature is written in dark ink and is positioned above a horizontal line.

PATRICIA LISEBY

Page 17

TURBEVILLE CORRECTIONAL INSTITUTION
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00106 Inmate Name: LISENBY, BILLY SCDC#: 200273

Living Area: SMU 152 Job: LOCKED-UP Custody: ST2

Offense Date: 03/30/09 Offense Time: 7:00 AM/PM approx. Institution: SELCO A

Offense Description:
801 ASSAULT AND/OR BATTERY OF AN SCDC EMPLOYEE OR OTHER GOVERNMENT EMPLOYEE, VOLUNTEER OR CONTRACT EMPLOYEE WITH MEANS/AND/OR INTENT TO KILL OR INJURE: The willful hitting striking or unauthorized touching of and SCDC Employee with or without a weapon or ther throwing of any substance at or an SCDC employee who is exercising legitimate authority over an inmate when such hitting, when Charging Officer throwing, or unauthorized touching cause bodily injury.
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

N. MILLER CPL

INMATE WAIVERS:

- I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- I DO NOT WANT TO BE PRESENT AT MY HEARING
- I DO WANT MY ACCUSER PRESENT AT THE HEARING
- I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- I WAIVE MY RIGHT TO A HEARING
- SMU/SEGREGATION ONLY
- I WANT A COUNSEL SUBSTITUTE
- I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 04/08/09 2:23 AM/PM By (Print): DFC. BROWN
Inmate Signature: [Signature] SCDC#: 200273 Date: 4/18/09

HEARING INFORMATION:

Hearing Date: <u>4/10/09</u>	Hearing Time: <u>10:43 am/pm</u>	Tape: <u>#159</u>	Side: <u>A</u>	Start: <u>462</u>	End: <u>534</u>
------------------------------	----------------------------------	-------------------	----------------	-------------------	-----------------

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING, OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	<u>801</u>			
INMATE PLEA (G, NG, None)	<u>N.C.</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Am was found guilty of the crime, charges based on the offense report as written.

HEARING LENGTH: 11 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): 120
 • Property (Days) 150 + 720 = 900 Extra Duty: _____ Restitution: \$ TBD
 • Canteen (Days) 150 + 720 = 900 Visit Suspension Thru 180 + 720 = 900
 • Other (Days) 150 + 720 = 900 Cell Restriction (Days): _____
 • Disciplinary Detention (Days): 500 + 720 + 180 = 900

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is how Am and Williams is...

RECEIVED

JUL 27 2011

GENERAL COUNSEL

The State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Judge
Ralph King Anderson, III Administrative Law Judge

Cox No. 10-ALJ-04-00508

Billy Lee Lisenby JR, ----- Appellant

vs.

South Carolina Department of Corrections ----- Respondent

Amended Record on Appeal

Billy Lee Lisenby JR, #200273
990 Wisacky Hwy
Lee C. T
Bishopville S.C. 29010

Christopher D. Florian
Staff Attorney
S.C. Dept. of Corrections
P.O. Box 21787
Columbia S.C. 29221

Dated: July 19th 2011

The State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Judge
Ralph King Anderson, III Administrative Law Judge

Case No. 10-ALJ-04-00508

Billy Lee Lisenby JR; Appellant

VS.

South Carolina Department of Corrections; Respondent

Proof of Service

I swear under penalty of perjury that I have served one copy of The Record
of Appeal on The Following:

Christophe D. Florian
Staff Attorney
S.C. Dept. of Corrections
P.O. Box 21787
Columbia S.C. 29221

South Carolina Administrative Law Court
1205 Pendleton St. Suite 224
Columbia S.C. 29201

Dated: July 19th 2011

Billy Lee Lisenby
Billy Lee Lisenby JR; #200277
990 Wisacky Hwy
Lee C. F
Bishopville S.C. 29010

The State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Judge
Ralph King Anderson, III Administrative Law Judge

Case No: 10-ALJ-04-00508

Billy Lee Lisenby JR Appellant

vs.

South Carolina Department of Corrections Respondent

PROOF OF SERVICE

I swear under penalty of perjury that I have served (1) copy of
the enclosed Motion To Serve Record on Appeal Out of Time on the following:

Christopher D. Florian
Staff Attorney
S.C. Dept. of Corrections
PO. Box 21787
Columbia S.C. 29221

South Carolina Administrative Law Court
1205 Pendleton St. Suite 224
Columbia S.C. 29201

Dated: July 19th 2011

Billy Lee Lisenby Jr.

Billy Lee Lisenby JR, #200277
990 Wisnuck Hwy
Lee C. I
Bishopville S.C. 29010

The State of South Carolina
In The Court of Appeals
Appeal From The Administrative Law Judge
Ralph King Anderson, III Administrative Law Judge

Case No: 10-ALJ-04-00503

Billy Lee Lisenby JR, Appellant

vs.

South Carolina Department of Corrections Respondent

Motion To Serve Record on Appeal Out of Time

The above Appellant ask this Honorable Court to extend his time to serve the Record on Appeal. Because he contends he never received a letter from this court on June 13, 2011,

He feels a mix up has occurred, due to the fact he was transferred to (3) three prisons in less than a month.

Dated: July 19th 2011

Respectfully Submitted,

Billy Lee Lisenby JR. #200293
Billy Lee Lisenby JR, #200293
990 Wisacky Hwy
Lee C, I
Bishopville S.C. 29010

Christopher D. Flouren
Staff Attorney
S.C. Dept. of Corrections
P.O. Box 21789
Columbia S.C. 29221

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

Opinion No. 2012-UP-411 (S.C. Ct. App. filed July 11, 2012)

Billy Lee Lisenby, Jr.,.....Petitioner,


v.

South Carolina Department of Corrections.....Respondent..

CERTIFICATE OF SERVICE

I hereby certify that I have served Appellant a copy of the Record on Appeal by depositing a copy of same in the United States Mail, postage prepaid, on November 14, 2012, addressed to the Appellant as follows:

Mr. Billy Lee Lisenby, Jr., # 200273
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29355


Christopher D. Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Attorney for Respondent



NIKKI R. HALEY, Governor
WILLIAM R. BYARS, JR., Director

November 14, 2012

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

**Re: Billy Lisenby, # 200273 v. SCDC
Appellate Case No.: 2012-213124**

Mr. Shearouse,

Please find enclosed an original and the requisite number of copies of the following:

- Motion to Amend Appendix
- Record on Appeal

Please stamp the extra copy "filed" and return it in the enclosed self-addressed stamped envelope. Please do not hesitate to contact me with any questions. We greatly appreciate your assistance in this matter.

RECEIVED

NOV 16 2012

S.C. SUPREME COURT

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher D. Florian", is written over a horizontal line.

Christopher D. Florian
Attorney for Respondent

cc: Mr. Billy Lee Lisenby, Jr., # 200273
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29355