

The South Carolina Court of Appeals

EUGENE DAVIS, 252831

APPELLANT

South Carolina Department of Corrections / Respondent

Appellate Case No: 2016-001023

Remittitur

Appellant has continuously attempted to acquire the step 2 grievance from the Respondent to no avail. However, the fact of the matter is Respondent never retried nor conducted a rehearing in case # 92. The ALT McLeod relied upon the verbal aspect of the case, and not off of facts. There is no documentation that exist to prove that a rehearing was held, because it wasn't. Respondent has stalled, and blatantly refused to answer any of Appellants letters or request for documents to forward to the court. As such, I assume Appellant was way over the timeline.

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JAN 17 2017

SC Court of Appeals

Eugene Davis

# 252831

Jan 11, 2017

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 DEC 30 2015

INMATE NAME: Eugene Davis ml  
 SCDC NUMBER: 252131  
 INSTITUTION: SMO E-24 / Kershaw  
 HOUSING UNIT: SMO E-24  
 WORK ASSIGNMENT: N/A

OFFICE USE ONLY  
 Grievance No. Kercel-1554-15  
 Code: General  
 Policy \_\_\_\_\_  
 Disc. Hear. 809 #192  
 Class. #0 12/14/15  
 PREA \_\_\_\_\_  
 Date Received 12/30/15  
 IGC Initials JRE

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.)  
 Pursuant to Policy 07-22.14 Sec (19) Grievant hereby appeal the disciplinary hearing officer findings of guilt decided on 12-14-15. Specified is the following procedural error. Grievant did on 12-4-15 submit a 19-111 RTS to counsel substitute ARMSTRONG to either have as witness Christopher Watt present, or submit a written statement on Grievant's behalf. At the hearing, counsel substitute stated he went to inmate Christopher Watt room and spoke with him. And inmate Watt stated, I don't have no phone, and I don't know what you're talking about. Not only did counsel substitute exaggerate, fabricate, and falsify the truth. Moreover, inmate Watt has been transferred way over a month to another institution. This focus focus is blatant MISREPRESENTATION does NOT satisfy the requirements of Policy 07-22.14 Sec 8.2.3 & 8.2.4. Grievant does feel his due process rights were violated due to counsel substitute NOT interviewing, contacting, nor obtaining a statement from witness Christopher Watt.

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Eugene Davis 12-29-15  
 Grievant Signature Date

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ACTION REQUESTED: Due to procedure violation, Grievant's fee charged of 809 should be vacated.

ACTION TAKEN BY IGC:  PROCESSED  UNPROCESSED  OTHER

~~You have exceeded all time frames for filing a grievance on this issue. Per the change in policy GA-01.12 Inmate Grievance System, you had 5 working days from date of hearing to file a grievance. Your hearing occurred on 12/14/15. Your grievance was not received until 12/30/15.~~

~~P. North 12/30/15  
 IGC Signature Date~~

(CONTINUE ON REVERSE SIDE)

**WARDEN'S DECISION AND REASON:**

Inmate Davis;

This is in response to KRCI-1554-15. You have appealed the results of your 12/14/15 Disciplinary Hearing where you were found guilty on the charge of 809 Threatening to Inflict Harm on an Employee, case # 92. The issues you stated do not warrant a reversal of the charge. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence was noted and the decision of the Disciplinary Hearing Officer was based on the written and verbal report of Officer Ellis. Based on this information, your appeal is without merit and therefore denied.

If not satisfied with my response, see Step 5 below.

*[Signature]* 2/2/16  
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

EUGENE DAVIS 2-4-16  
Grievant Signature Date

*[Signature]* 2/1/16  
IGC Signature Date

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy 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  
REQUEST TO STAFF MEMBER**

NOV 29 2016

TO: NAME: GRIEVANCE COORDINATOR	TITLE:	DATE: 11-28-16
INMATE'S NAME: LUGENE DAVIS	SCDC #: 252831	
INSTITUTION: TURBEVILLE 16381402	LIVING QUARTERS: R140 156	
<p>I need a copy of step 1 Grievance 1554-15. A threatening to inflict I caught at Kushaw. This is requested to include with documents going to the Circuit Court.</p>		
<p><b>RECEIVED</b> JAN 7 2017 SC Court of Appeals</p>		<p><b>RECEIVED</b> NOV 29 2016 GRIEVANCE OFFICE TURBEVILLE CI</p>
<p><b>DISPOSITION BY STAFF MEMBER:</b></p> <p>Per the Inmate Grievance Branch / Headquarters I cannot give copies of grievances unless it is a copy of the step 1 grievance when it is served to you. The Inmate Grievance Branch is notified by legal representation who can request copies. The Inmate Grievance Branch will then contact me to send copies to the Inmate Grievance Branch.</p>		
DATE: 11-29-16	SIGNATURE: L. Coker, JGC	

# The South Carolina Court of Appeals

Eugene Davis #252831, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001023

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## ORDER

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Appellant has filed a notice of appeal from the Administrative Law Court's order dismissing Appellant's appeal because Appellant was granted a rehearing of his disciplinary conviction. Because Appellant was granted a rehearing, Appellant is not an aggrieved party and there is no final order for this court to review at this time. Accordingly, this appeal is dismissed. *See* S.C. Code Ann. § 1-23-610(A)(1) (Supp. 2012) (providing that judicial review may only be sought by an aggrieved party from a final decision of the ALC). The remittitur will be sent as provided in Rule 221, SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:

Eugene Davis #252831

Christina Catoe Bigelow, Esquire

Jana E. Shealy

**FILED**

*July 22, 2016*

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JAN 17 2017

SC Court of Appeals



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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August 09, 2016

The Honorable Jana E. Shealy  
1205 Pendleton Street  
Columbia SC 29201

## REMITTITUR

Re: Eugene Davis #252831 v. SCDC  
Lower Court Case No. 2016ALJ040267AP  
Appellate Case No. 2016-001023

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SC Court of Appeals

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

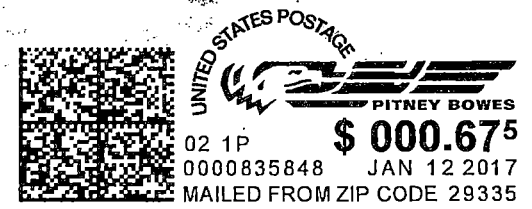
Enclosure

cc: Eugene Davis #252831  
Christina Catoe Bigelow, Esquire



URGENT  
170 UNIT 13  
200 Prison Rd  
Edgeville, S.C. 29335

GREENVILLE  
SC 296  
12 JAN '17  
PM 2 L



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JAN 12 2017  
TYRCI MAILROOM

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JAN 17 2017  
SC Court of Appeals

S.C. Court of Appeals  
Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211

29211-162929

