

The State of South Carolina  
IN THE Court of Appeals  
Case No: 2016-001563

RECEIVED

APR 06 2017

SC Court of Appeals

Justin Griffin # 315057

Appellant,

vs

South Carolina Dept  
of Corrections

Respondent,

---

RECORD ON APPEAL

---

s/ Justin Griffin

Justin Griffin # 315057

KRC1 - Palmetto-A-#28

4648 Goldmine Hwy

Keeshaw SC 29067

PRO SE Appellant

Exhibit 1

72  
11

MAXOUT DATE CALCULATION WORKSHEET

NAME: Griffin, Justin SCDC #: 315057

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

Sentence Length: 13 Years (1) Sentence Length in Days: 4745 (2)

Total credits earned as of next cycle date:

Sentence Start Date: 10/06/06 (3) Next Cycle Date: 05/06/16 (4)

Calendar Service Credit:

Good Time Credit (Gross): 345 (6) (+) 3500 (5)  
 Good Time Forfeited: (-) 54 (7)  
 Good Time Days Lost: (-) 231 (8) ~~285~~ = 60

TOTAL GOOD TIME CREDIT EARNED:

Earned Work Credit: (+) 60 (9)  
 Earned Education Credit: (+) 226.343 (10)  
 Earned Extra Credit: (+) 0 (11)  
 TOTAL CREDIT: (Lines 5 + 9 + 10 + 11 + 12) = (+) NA (12)

Remaining to satisfy as of next cycle date (enter line 4): (-) 3786.343 (13)  
 (=) 958.657 (15)

Average Monthly Accrual Rate:

Service Days + Good Time + EWC + EEC  
30.42(16) + 3 (17) + 6 (18) + 0(19) = 39.42 (20)  
 Divide Line 15 by Line 20 = 24 (21) (whole number) 319 (22) (remainder)

Enter next cycle date from line 14: 05/06/16 (23)  
 Complete cycles from line 21: (+) 2 (24)  
 Estimated final cycle: (=) 05/06/18 (25)

Projection of Remaining Time to Serve:

Next cycle date from line (23): 05/06/16 (26) Est. final cycle (from line 25): 05/06/18 (27)

Calendar Service Credit: (+) 730 (28)  
 Good Time Credit: (+) 72 (29)  
 Earned Worked Credit: (+) 143.81 (30)  
 Earned Education Credit: (+) 0 (31)

TOTAL PROJECTED CREDITS: (lines 28 + 29 + 30 + 31) (-) 945.81 (32)

Remaining to satisfy as of estimated final cycle: (=) 12.847 (33)

Daily accrual rate:

Service 1 (34)+EWC Daily Rate 197(35)+EEC Daily Rate 0(36) = 1.197 (37)  
 Divide days remaining to earn (line 33) by daily accrual (line 37)= 10.732 (38)  
 Enter estimated final cycle (line 27): 05/06/16 (39)  
 Add days from line 38: (+) 10 (40)

Calculate to month, day and year: 05/16/18 (41)  
 (Line 42 is lesser of Line 41 or next cycle date from line 39)

PROJECTED RELEASE DATE: 05/13/18 (42)

MICHAEL J. STOBBE Employee Name *Michael J. Stobbe* Employee Signature 04/14/16 Date

Handwritten calculations on the right margin:  
 $\frac{5}{8} \times \frac{19}{10} = \frac{95}{80} = 1 \frac{15}{80} = 1 \frac{3}{16}$   
 $1 \frac{3}{16} - 78 = 532$   
 $532 - 226 = 306$   
 $306 - 156 = 150$   
 $150 - 113 = 37$   
 Total 37  
 $1 \frac{1}{2} \text{ years worth}$   
 $3786 - 384 = 4170$

COUNTY OF Anderson  
 STATE VS. Justin Griffin  
 AKA: \_\_\_\_\_  
 Race: W Sex: M Age: 29  
 DOB: 10-29-1987 SS#: 242-69-8578  
 Address: 420 SIMPSON ROAD APT A  
ANDERSON, SC 29621  
 DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

INDICTMENT/CASE#: 2007-65-04-502  
 A/W#: J422285  
 Date of Offense: 1/25/2006  
 S.C. Code § : 16-11-0330(A)  
 CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Robbery / Armed Robbery, robbery while armed or allegedly ar Max: 30 years

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. 13 years

ATTEST:  
Scott McElhamon Solicitor: Justin Griffin Defendant: MJ [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 13 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.

CONCURRENT or  CONSECUTIVE to sentence on: 503  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def Waives Hearing  Ordered PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
 Recipient: \_\_\_\_\_  
 \*Fine: \$ \_\_\_\_\_  
 § 14-1-206 (Assessments 107.5 %) \$ \_\_\_\_\_  
 § 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00  
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
 § 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
 § 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
 § 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00  
 § 33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
 § 50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
 3% to County (if paid in installments) \$ \_\_\_\_\_  
 TOTAL \$ 125.00

\_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED \_\_\_\_\_  
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling NOV 30 2007  
 Random Drug/Alcohol testing \_\_\_\_\_  
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Cathy M. Phillips  
 Clerk of Court/ Deputy Clerk

Court Reporter: D. Brady  
 SCCA /217 (10/2007)

PRESIDING JUDGE: [Signature]  
 Judge Code: 2117  
 Sentence Date: 11/29/07

## Exhibit No. 3

### Equations for Sentencing

1. 13 years in days = 4,745 days
2. 85% of 13 = 11.18
3. 85% of 13 years in days = 4,015.
4. Sentence start date = October 5, 2006.
5. October 6, 2006 + 4,015 days = October 2017.
6. Respondent's projected max out for Appellant = May, 2018.
7. Respondent's duration of time served in days = 4,225.
8. Difference between court imposed Release date and Respondent's projected Release in days = 210 days.



Exhibit no. 4

NIKKI R. HALEY, Governor  
BRYAN P. STIRLING, Director

June 2, 2016

The Honorable John D. McLeod  
South Carolina Administrative Law Court  
Edgar A. Brown Building, Suite 224  
1205 Pendleton Street  
Columbia, South Carolina 29201

Reference: Inmate Justin H. Griffin, #315057, vs. SCDC  
Docket No. 16-ALJ-04-0100-AP

Dear Judge McLeod:

Find enclosed an original and one copy of the *Respondent's Brief* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheron Hess". The signature is written over a large, stylized "X" or "8" shape.

Cheron Hess  
Administrative Assistant  
Office of General Counsel

Enclosures

cc: Inmate Justin H. Griffin, #315057  
File

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Justin H. Griffin, #315057, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )

Docket No. 16-ALJ-04-0100-AP

ORDER AFFIRMING DECISION

**FILED**

JUN 20 2016

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed February 3, 2016, by Justin H. Griffin ("Inmate"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Inmate filed his Step One and Step Two Grievances arguing that his good time credits and work credits were not correctly applied to his sentence.

Inmate filed his Notice of Appeal on February 3, 2016, claiming that SCDC is violating S.C. Code Ann. §§ 24-13-210(B) (Supp. 2015) and 24-13-230(B) (Supp. 2015) and thereby incorrectly calculating his sentence.

**STANDARD OF REVIEW**

The ALC's jurisdiction to hear this matter is derived 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 ALC'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/her 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.

When reviewing the SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. Id. at 380, 527 S.E.2d at 756. Consequently, the review in these 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(5) (Supp. 2015). The ALC will not disturb the findings of an administrative agency if its findings

are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Indus. Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. Trimmier v. S.C. Dep't of Labor, Licensing & Regulation, 405 S.C. 239, 246, 746 S.E.2d 491, 494 (Ct. App. 2013) (quoting Porter v. S.C. Pub. Serv. Comm'n, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998)). 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, 353, 461 S.E.2d 388, 391 (1995) (quoting Palmetto Alliance, Inc. v. S.C. Pub. Serv. Comm'n, 282 S.C. 430, 432, 319 S.E.2d 695, 696 (1984)).

### LAW/ANALYSIS

Inmate was sentenced on November 29, 2007, to a thirteen (13) year sentence for Armed Robbery. Armed Robbery has a "mandatory minimum term of not less than ten years or more than thirty years..." S.C. Code Ann. § 16-11-330(A) (2015). S.C. Code Ann. § 24-13-100 (2007) defines a "no parole offense" as a "class A, B, or C felony or an offense exempt from classification as enumerated in Section 16-1-10(d), which is punishable by a maximum term of imprisonment for twenty years or more." Pursuant to S.C. Code Ann. § 16-1-20 (2015), A Class A felony is defined as an offense that if convicted, an individual could serve "not more than thirty years." Armed Robbery is a Class A offense and is therefore a no parole offense. S.C. Code Ann. § 24-13-150(A) (Supp. 2015) provides that a person convicted of a no parole offense is not eligible for early release until that person has served at least eighty-five percent of the actual term of imprisonment imposed.

Because Armed Robbery is a no parole offense, the amount of good time credits given to Inmate is governed by S.C. Code Ann. § 24-13-210(B), not subsection A. S.C. Code Ann. § 24-13-210(B) reads:

An inmate convicted of a "no parole offense" against this State as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no inmate serving a sentence for life imprisonment

or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. **No inmate convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150.** When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed. (emphasis added).

Also, again because Inmate was convicted of a no parole offense, the amount of work credits granted to Inmate is provided by S.C. Code Ann. § 24-13-230(B), and not subsection A. S.C. Code Ann. § 24-13-230(B) states:

The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. **No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150.** A maximum annual credit for both work credit and education credit is limited to seventy-two days. (emphasis added).

Therefore, Inmate has the ability to earn three days of good time credit a month and six days of work credit a month.

After a review of the record in this case, from the period of his sentence start date of October 6, 2006, to the "next cycle date" of May 6, 2016, as outlined in the maxout date calculation worksheet, Inmate, had he earned the maximum amount of credit, would have a gross good time credit of 345 days. However, as a result of disciplinary convictions, Inmate lost 54 days because he lost the opportunity to earn good time credit for the months in which he had a disciplinary conviction.<sup>1</sup> Further, Inmate lost 231 good time credit days because of sanctions as a result of disciplinary convictions. As a result, Inmate has only earned 60 days of good time credit. Additionally, Inmate has only earned 226.343 of work credit days.

Inmate, in his brief, argues that he should only serve eighty five percent of his sentence.

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<sup>1</sup> SCDC records reveal that if Inmate was convicted of at least two disciplinary convictions during the same month, he only lost the opportunity to earn good time credit for the one month.

Inmate's argument is incorrect. Inmate must serve eighty-five percent of his sentence, however, Inmate's ability to serve the mandatory minimum is contingent on earning good time credit and work credit, which is itself contingent, in part, on good behavior. Inmate has lost several days of good time credit as a result of his disciplinary convictions. Inmate has also lost the opportunity to earn good time on account of his disciplinary convictions. Also, Inmate was unable to be constantly earn work credits because, in part, of his disciplinary convictions. Therefore, Inmate's sentence has been correctly calculated.

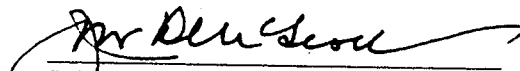
Inmate has failed to establish that SCDC is incorrectly applying his statutory right to good time credit and work credit. Because SCDC's decisions is supported by substantial evidence, I affirm.

Based upon the foregoing,

**IT IS HEREBY ORDERED** that the final decision of the SCDC is **AFFIRMED**.

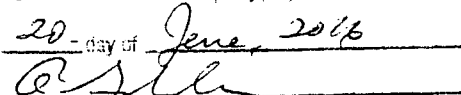
**AND IT IS SO ORDERED.**

Columbia, S.C.  
June 20, 2016

  
\_\_\_\_\_  
John D. McLeod, Judge  
S.C. Administrative Law Court

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 20 - day of June, 2016  
By:   
\_\_\_\_\_  
Judicial Law Clerk



The State of South Carolina  
In the Court of Appeals  
Case No: 2016-001563

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APR 06 2017  
SC Court of Appeals

Justice Griffin #315057 . . . . . Appellant

vs

SCDC . . . . . Respondent

Proof of Service

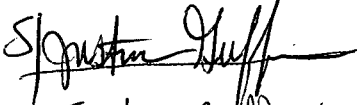
I certify under penalty of perjury pursuant to 28 USC § 1746 that I have served an original copy of the Appellant's Record on Appeal upon the Respondent by placing the same in the KRCI Correctional mailbox with postage affixed and addressed to:

Office of General Counsel  
PO Box 21787  
4444 Broad River Rd  
Columbia SC 29261

3

SC Admin. Law Court  
1205 Pendleton St.  
Columbia SC 29201

on this 26th day of March, 2017

  
Justice Griffin #315057

March 26, 2017

TO: Jenny Abbott Kitchings, Clerk of  
Court of Appeals,  
P.O. Box 11629  
Columbia SC 29211

**RECEIVED**

APR 06 2017

SC Court of Appeals

RE: Justin Griffin #315057, Appellant;  
VS- SCDC; Respondent; App. No: 2016-001563

Dear Clerk,

Enclosed for filing is the Appellant's Record  
on Appeal and proof of service.

The Appellant asks for leniency in complying with  
the SCRAC of Multiple copies being filed as the  
Defendant doesn't allow "binding" of any kind, and  
charges 25¢ per page for copies... The Appellant is  
Indigent and would ask for mercy in this matter.

Thankyou sincerely,  
s/Justin Griffin  
Justin Griffin #315057  
Kershaw Correctional Inst.  
4048 Goldmine Hwy.  
Kershaw SC 29007

TO: Jenny Abbott Kitchings, Clerk  
SC. Court of Appeals  
PO Box 11629  
Columbia SC 29211

April, 3, 2017

RECEIVED

APR 06 2017

SC Court of Appeals

RE: Justin Griffin #315057, Appellant VS.  
South Carolina Dept. of Corrections; Respondent,  
Case no: 2016-001563

Dear Mrs. Kitchings,

Please file this record on Appeal for me!!

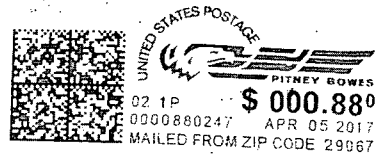
SCDC has kept the envelope and "Form for Postage" since last Sunday! I just got it back Friday morning and was told to replace the envelope! I had spoken to a friend and asked them to message you and the File Manager - DONE - and hope that you will speak on my behalf and know that you're doing so in just cause I cannot oppose my captors if they dont allow it and/or my rights to due process

Thankyou for whatever  
assistance you can  
provide!!!

s/ Justin Griffin  
Justin Griffin #315057  
WRCI, Palmetto 28A  
4848 Goldmine Hwy  
Aerobaw SC 29067

Justin Griffin #515057  
KACI - Palmetto #25  
4848 Colchicine Hwy  
Marblehead SC 29067

COLUMBIA  
SC 290  
05 APR 17  
PM 3:11



Honorable Jenny Kitchings, Clerk,

SC. Court of Appeals  
PO Box 11629  
Columbia SC 29211

**RECEIVED**

APR 06 2017  
SC Court of Appeals

**SCDC**

APR 30 2017

MAIL ROOM

29211-162929

