

State of South Carolina
Court of Appeals

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APR 28 2017
SC Court of Appeals

Appeal of Decision (Order)
of South Carolina Admin. Law Court

Docket # / Case Number: 17-ALJ-04-0179-AD
The Honorable: John D. McLeod
Date of Order of Dismissal: 4-12-17.

Date: April 26, 2017

Jimmy Bracey
Jimmy Bracey
367199
Evans c. F.
610 Hwy. 9 West
Bennettsville, SC 29512
Appellant - pro se

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Issues on Appeal

(1) Whether The Appellant, Jimmy Bracey, Should Get His MOIB Custody Level Back Taken For Fighting Without A Weapon When Officers Saw Him Being Attacked By Another Inmate and Defending Himself.

I Am Appealing the Decision of the Administrative Law Court which was rendered or [Ordered] on April 12, 2017, which is the Courts Order of Dismissal to my Attached Grievance filed with the South Carolina Dept. of Correction (SCDC).

I was Attacked by an Inmate whom the officers saw getting extremely Loud and Approaching me in a very Threatening and Aggressive Manner. He Came at me so quickly all I could do was protect myself from Serious

Harm.

The officer who said he had to charge both of us, said also that because of what happened that I would be allright at my DHO hearing since I didn't initiate the altercation or create the situation or actually do anything except defend myself, since this is prison and people get stabbed and hit with weapons like locks in socks, ect.

My custody level was a very Good one which was a Minimum Out (MOIB), Trustee status and I wouldn't do anything to jeopardize my custody level like fighting.

All I am asking for is the Court to Order the South Carolina Department of Corrections to Restore my MOIB Custody instead of Giving me a worst Custody Level, when I was only exercising

my Right to protect myself.
I would also like for the
Charging officer to be my
witness.

Attached is the:

Order of Dismissal
Step one and/or 2 Grievance
ECI-0139-17
and the January 20, 2017
Charge paper or (Incident Report)
I am asking this Appellate court
to Review, which has the officers
Name on it. As you will see I
Wasn't at Fault and should never
Lost my Custody Level.

Attach is also Letter to Grievance in Columbia

Wherefore, I'm Respectfully
Asking the Court to Order the
SCDC to Reinstate my MOIB Custody
Level.

Respectfully submitted, Jimmy Bracey

Date. 4-26-17,

to Jimmy Bracey, 367199
Evans C.I., 1610 Hwy 9W
Bennettsville, SC 29512
Appellant - prose

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Attachments
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INMATE GRIEVANCE FORM

APR 28 2017

STEP 1

INMATE NAME: JIMMY BRACEY
 SCDC NUMBER: 367199
 INSTITUTION: EVANS CORRECTIONAL
 HOUSING UNIT: F3-A-196
 WORK ASSIGNMENT: DORM WORKER

SC Court of Appeals
 OFFICE USE ONLY
 Grievance No. ECI-039-17
 Code: General _____
 Policy _____
 Disc. Hear. 2/2/17
 Class. HD 2/7/17
 PREA _____
 Date Received 2/4/17
 IGC Initials PL

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.)

ON 01/20/17 I WAS INVOLVED IN AN ALTERCATION WITH ANOTHER INMATE ON MANNING YARD. I HAVE SINCE BEEN SHIPPED OFF THAT YARD TO THIS ONE AND GONE TO MY DHU WHERE I RECEIVED AS PUNISHMENT 30 DAYS CANTEEN AND ~~RESTRICTION~~ VISITATION RESTRICTION. I BELIEVE THAT THIS PUNISHMENT IS UNFAIR BECAUSE I WAS ONLY DEFENDING MYSELF IN THIS ALTERCATION. IF YOU READ THE INCIDENT REPORT, YOU CAN SEE THAT THIS IS CLEARLY THE CASE. PLEASE REVIEW THE DISCIPLINARY ACTION TAKEN AGAINST ME AND HAVE IT REMOVED IN LIGHT OF THESE THINGS. THANKS,

Jimmy Bracey 2-10-17
 Grievant Signature Date

ACTION REQUESTED: PLEASE REMOVE RESTRICTIONS IMPOSED AT DHU, THANKS,

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Your grievance along with pertinent documentation has been reviewed see warden's response.

A. G. W. 2/24/17
 IGC Signature Date

WARDEN'S DECISION AND REASON:

Inmate Bracey:

This is in response to grievance ECI 0139-17

I have reviewed your grievance and the facts. The points you raised do not substantiate any errors in the disciplinary hearing procedures and do not warrant a reversal. I find no technicalities, misinterpretations of evidence, or disproportionate sentencing in which you may appeal. You were convicted of Fighting with/without A Weapon (823) case # 01 Hearing Date 02/07/17 based upon credible evidence. The sanctions imposed were well within the guidelines for the offense and your grievance is denied.

If you wish to pursue this matter, please contact your grievance coordinator for the appropriate forms. You have five (5) days from receipt of my response to submit a Step 2-grievance form.

Warden Signature 2-27-17
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.

Grievant Signature Date

IGC Signature Date

Grievant Signature
Jimmy Bracey

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.

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS APR 28 2017
INCIDENT REPORT

SC Court of Appeals
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Institution/Center: Manning			Date of Report: 1/20/17		
Reporting Official (Full Name): Ofc Swilley			Time of Report: 540 PM		
Employee ID #: 05420			Date of Incident: 1/20/17		
Location of Incident: Ward 7			Time of Incident: 409 PM		
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Jimmy Bracey	367199	52	M	B	1.
2. David Jackson	369097	37	M	W	2.
3.					3.
4. SA PLE	N/A				4.
5.					5.

On the above date and approximate time: At approx 4:09pm I Ofc Swilley was exiting the office Office in W7 when I witness 1/M David Jackson SCDC 369097 walking toward W7 A/B side Bathroom yelling "Come on Mother-fucker I'll fuck you up." As I'm walking toward W7 - A/B side classroom I realized offender David Jackson was talking to offender Jimmy Bracey 367199. About halfway to A side classroom I witnessed offender David Jackson rushing toward Jimmy Bracey in an aggressive nature. Offender David Jackson attempted to punch offender Bracey. Both men winded up and while tangled up both were throwing punches. I rushed over to break up the fight, while doing so I activated 1st responders.

End Of Report

JAN 23 2017

Signature: *[Signature]* Title: *[Signature]*

Evidence:

Disposition of Evidence:

Supervisor's Comments: Both inmates were seen by medical and admitted to fighting toward to main for review	STG Related - Refer to STG Committee () Yes (<input checked="" type="checkbox"/>) No () Unknown
Printed Name: Carter A. Chaplin	This incident is DRUG related () Yes (<input checked="" type="checkbox"/>) No () Unknown
Signature: <i>[Signature]</i> Title: Lt Date/Time: 1/20/17 12:57pm	Responsible Authority Action Taken
Major/Responsible Authority: INMATES BRACEY AND JACKSON CHARGED WITH STG - REFER TO DHO	() Informal Resolution () Administrative Resolution (<input checked="" type="checkbox"/>) Refer to Disciplinary Hearing
Printed Name: W. MARTELL	
Signature: W. McFool Title: MGT Date/Time: 1/23/17 12:57pm	

Ms. Ann Hallman
SCDC Grievance (Headquarters)
4444 Broadriver Rd.
Columbia, S.C. 29210

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03-18-17

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MAR 27 2017

INMATE GRIEVANCE

Jimmy Bracey (367199)
Evans Correctional Inst. (F3A-196)
610 Hwy 9 west
Bennettsville, S.C. 29512

RE: To grieve the massive change with my custody level.

Salutations; Ms. Hallman,

I was involved in an altercation on 01-20-17 at 4:09 pm (striking inmate without a weapon), in which, inmate David Jackson and I got into a fight. First there were an exchange of words, and I told inmate Jackson that I wasn't going to feed in on the verbal altercation because I knew that trouble is easy to get into and hard to get out of, so I remained quiet after that statement. Inmate Jackson insisted on carrying the argument on, but I remained silent, and inmate Jackson came charging towards me in a manner to harm me, (as stated in the incident report), that I've enclosed in this letter for your viewing. So I acted in self defense to protect myself and we got caught up in a tussle in which no one was seriously injured. The officer ceased the altercation and we both were written up. Also as stated in the incident report, the officer witnessed inmate Jackson attempted to punch me so I attempted to block the punch to prevent myself from being harmed. Based on the report stated by the officer, inmate Jackson initiated the whole ordeal and I've been crucially punished by

it because of how ~~low~~ my custody level had ~~been~~ changed. My custody level was MO1B and after the altercation, it was enhanced to ME2, which is cruel and unusual punishment. The massive change has prevented me from being able to be on any level one institution to be able to work on the outside of the fences and has restricted me to my spending limits with canteen, as well as other privileges that has been prohibited. I'm asking that you please consider my current custody level and bless me with a much more reasonable custody level. I'm aware of my wrong in this whole ordeal and won't try and justify my wrong doing with the altercation. Please be aware that I was only acting in self defense and attempted in every-way possible to prevent the problem. Thank you very much for taking the time to focus on my concerns. I will patiently await your response. God Bless you. Have a blessed day-mam.

Sincerely,

Jimmy Bracey

SCDC# 367199

Enc.

Notary Public of South Carolina
 Subscribed and sworn to before me on
 the 20 day of March 2017
 S Oener
 My Commission Expires 2/17/24