

PROOF OF SERVICE

I, Clifton Lyles, #294075, certify that I have served the Notice Of Appeal on the Respondent(SCDC), by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2017 addressed to his attorney of record, Cheron Hess, Administrative Assistant, Office of General Counsel, POST OFFICE BOX 21787/4444 BROADRIVER ROAD, COLUMBIA, SOUTH CAROLINA 29221-1787; and on the Administrative Law Court, addressed as follows: THE HONORABLE S. PHILLIP LENSKI, SOUTH CAROLINA ADMINISTRATIVE LAW COURT, EDGAR A. BROWN BUILDING, SUITE 224, 1205 PENDLETON STREET, COLUMBIA, SOUTH CAROLINA 29201.

JUNE 29, 2017

CHERON HESS
ADMINISTRATIVE ASSISTANT
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
4444 BROAD RIVER ROAD
P.O. BOX 21787
COLUMBIA, S.C. 29221-1787
(803)896-3922
ATTORNEY FOR RESPONDENT

RECEIVED

JUL 06 2017

SC Court of Appeals

CLIFTON D. LYLES, #294075
PRO SE
4344 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210
ATTORNEY FOR APPELLANT

TO: V. CLAIRE ALLEN
HONORABLE CLERK OF COURT

FROM: CLIFTON LYLES, #294075

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JUL 06 2017

SC Court of Appeals

Dear Clerk,

Please find enclosed one "PROOF OF SERVICE", certifying that I did serve the "NOTICE OF APPEAL" on the Respondent, as instructed by your letter dated June 23, 2017, in-which I received June 29, 2017. I apologize for the deficiencies and hope that this meets the satisfaction of the rules. I thank you again for your kind assistance in this matter.

June 29, 2017

Sincerely

Clifton Lyles #294075

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. PHILIP LENSKI, ADMINISTRATIVE LAW JUDGE

CASE NO. 2017-001255

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JUL 06 2017

SC Court of Appeals

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS,

RESPONDENT,

v.

CLIFTON LYLES, #294075,

APPELLANT.

NOTICE OF APPEAL

Clifton Lyles appeals the decision of the Honorable S. Philip
Lanski, Administrative Law Judge, issued on May 12, 2017.

JUNE 8th, 2017

BY: Clifton Lyles #294075
PRO SE
4848 GOLDMINE HIGHWAY
KERSHAW, S.C. 29067

JUL 06 2017

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC Court of Appeals

Clifton Lyles, #294075,

Docket No. 16-ALJ-15-0667-AP

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

FILED

Respondent.

MAY 12 2017

SC ADMIN. LAW COURT

This case is before the Administrative Law Court (ALC or court) pursuant to the appeal of Clifton Lyles (Appellant), an individual incarcerated with the South Carolina Department of Corrections (Department). The Appellant seeks review of the Department's Step 2 decision regarding the Appellant's sentence. The Appellant argues that his sentenced should be modified based on recent statutory changes. Upon review of the Appellant's arguments, the court dismisses this matter for lack of subject-matter jurisdiction. "Subject matter jurisdiction is 'the power to hear and determine cases of the general class to which the proceedings in question belong.'" *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994) (citations omitted).

In this case, the Appellant is challenging the offense level of his conviction. He argues that recent statutory law changes indicate that he should not have been convicted of a 3rd offense trafficking charge. While this court has jurisdiction to review the calculation of a sentence, it does not have authority to modify the sentence itself. This court reviews only the actions of state agencies, like the Department, and not Circuit Court judges. *See Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Envtl. Control*, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative action under the South Carolina Constitution); *Jernigan v. State*, 340 S.C. 256, 259-60, 531 S.E.2d 507, 508-09 (2000) (citations omitted) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in *Al Shabazz*). Issues pertaining to the validity of the conviction, and not to sentence calculation, must be addressed through the post-conviction relief process via the Circuit Court. *See S.C. Code Ann. § 17-27-10, et seq.* This court can only review the Appellant's case to determine if the Department

