

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Dawan Chatman, #172972

) Docket No. 17-ALJ-04-0200-AP  
) Grievance No.: RCI 10-17

) Appellant,  
)

) vs.  
)

) South Carolina Department of Corrections,  
)

) Respondent.  
)

RECEIVED ORDER  
NOV 14 2017  
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed March 21, 2017, by Dawan Chatman (“Appellant”), an inmate in the custody of the South Carolina Department of Corrections (“SCDC” or “Department”).

Appellant challenges the decision of the SCDC in his Step Two Grievance, denying Appellant’s contention that he was improperly sentenced to serve forty (40) years for murder to be served concurrently with a sentence of twenty-seven (27) years for armed robbery.

The Department also denied his Step One Grievance because the sentence for forty (40) years for murder was on the sentencing sheet.

**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 because of a serious rule violation. *Id.*

**FILED**

OCT 11 2017

SC ADMIN. LAW COURT

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 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* S.C. Code Ann. § 1-23-380(5) (Supp. 2016).

### DISCUSSION

Appellant was convicted of murder, under S.C. Code Ann. § 16-3-20(A) (Supp. 1998) and was sentenced to a term of imprisonment of forty (40) years. Appellant contends that the statute that went into effect on January 1, 1996 (*See* versions of S.C. Code Ann. § 16-3-20(A) (Supp. 1995)) "allowed a sentence of thirty (30) years or life imprisonment." That reading is incorrect.

S.C. Code Ann. § 16-3-20(A) that went into effect on and after January 1, 1996, reads as follows:

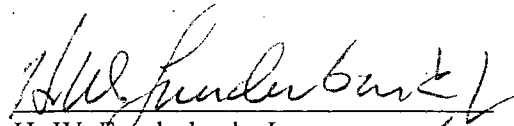
A person who is convicted of or pleads guilty to murder must be punished by death, by imprisonment for life, or by a **mandatory minimum** term of imprisonment for thirty years. [Emphasis added.]

The trial judge could not impose a sentence **less** than thirty (30) years, and the Department must impose the sentence on the sentencing sheet unless it is ambiguous. Here, it is not, and the ALC has no authority to correct an unambiguous sentence that has been properly calculated and applied. An erroneous or "illegal" sentence would be for another forum. It is therefore,

**ORDERED** that the decision of SCDC is **AFFIRMED**.

**AND IT IS SO ORDERED.**

Columbia, South Carolina  
October 11, 2017

  
H. W. Funderburk, Jr.  
Administrative Law Judge

CERTIFICATE OF SERVICE  
This is to certify that the undersigned has this date served the order in the above entitled action upon all parties to the action by recording a copy thereof in the office of the clerk of court, and by the agency (or agencies) to which the order is directed.

By: H. W. Funderburk, Jr.      October 11, 2017  
\_\_\_\_\_  
Administrative Law Judge