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ORIGINAL

The State of South Carolina
In The Court of Appeals

Appeal From Adm. LAW Court
Adm. LAW Judge = Hon. S. Phillip Lenske
CASE# = 2017-001061

Dion Taylor #335089,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Record on Appeal

RECEIVED

JUN 28 2017

SC Court of Appeals

Kensy Collins
4444 Broad River Road
Columbia, SC 29221
Attorney for Respondent

Dion Taylor
2208 Easton Street
North Charleston, SC 29405

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Dion Taylor, #335089,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 16-ALJ-04-0513-AP

Grievance No. KRCI 185-16

ORDER

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed June 27, 2016, by Dion Taylor (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). In this appeal, the Appellant argues the Department has miscalculated his prison sentence.

BACKGROUND

The Appellant was committed to the custody of the Department for the service of three sentences:

- Ten (10) years, concurrent, for Armed Robbery, pursuant to code section 16-11-0330;
- Three (3) years, concurrent, for Criminal Domestic Violence—3rd, pursuant to code section 16-25-0040; and
- Two (2) years of a suspended sentence on a probation revocation (original offense: Failure to Stop for a Blue Light).

The sentencing for all of these offenses occurred on June 3, 2009. However, the Appellant was arrested for each one on a different date. The Appellant's jail time report shows that he was arrested for the Armed Robbery on September 24, 2008, the CDV charge on September 25, 2008, and the probation violation on September 29, 2008. Internal Department records show projected completion dates for the probation violation and CDV charge in 2009 and 2010 respectively. Thus, the Appellant's remaining sentence, for armed robbery, is the one he is currently serving. The Appellant argues that the Department has miscalculated credit for time served on his sentences.

ISSUE ON APPEAL

1. Whether the Appellant has been correctly credited for time served prior to his sentencing.

FILED

MAR 24 2017

SC ADMIN. LAW COURT

STANDARD OF REVIEW

The Court'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 *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dep't of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Such as a liberty interest is at stake in the calculation of an inmate's sentence. *Tant v. S.C. Dep't of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); *see also Sullivan v. S.C. Dep't of Corrs.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the Court's review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2016). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2016). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

DISCUSSION

Inmates who spend time in jail prior to sentencing are entitled by South Carolina law to credit for the time served. Section 24-13-40 of the South Carolina Code mandates that a prisoner receive credit for all time served prior to trial and sentencing unless one of two exceptions exists: either the prisoner was an escapee or the prisoner was already serving a sentence on one offense while awaiting trial or sentencing for a second. *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000); *State v. Boggs*, 388 S.C. 314, 316, 696 S.E.2d 597, 598 (Ct. App. 2010) (citing *State*

v. *McCord*, 349 S.C. 477, 487, 562 S.E.2d 689, 694 (Ct. App. 2002).¹ Specifically, section 24-13-40 provides that “in every case . . . full credit against the sentence must be given for time served prior to trial and sentencing” S.C. Code Ann. § 24-3-40 (Supp. 2016). The application of time served in accordance with section 24-13-40 is mandatory and not within the discretion of the sentencing judge. *Hayes v. State*, 413 S.C. 553, 559, 777 S.E.2d 6, 10 (Ct. App. 2015), *reh’g denied* (Oct. 8, 2015), *cert. dismissed as improvidently granted*, 418 S.C. 362, 792 S.E.2d 907 (2016); *Boggs*, 388 S.C. at 316, 696 S.E.2d at 598 (citation omitted); *McCord*, at 349 S.C. at 487, 562 S.E.2d at 696 (citing *Allen*, 339 S.C. at 395, 529 S.E.2d at 542). The denial of credit for time served where no exception applies is an error of law. See *Boggs*, 388 S.C. at 316, 696 S.E.2d at 598.

In this case, the Appellant argues that the Department has not adequately credited him for time served. The Appellant focuses particularly on the unsuspended, or “split,” sentence he received for the probation violation. Because the Appellant has already completed two of his sentences, the matter of credit for time served for those sentences is moot. *Wachesaw Plantation E. Cmty. Servs. Ass’n, Inc. v. Alexander*, 414 S.C. 355, 359, 778 S.E.2d 898, 900 (2015) (citation omitted) (“A case is moot where a judgment rendered by the Court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the Court.”). As to the sentence for armed robbery: the Appellant was arrested on September 24, 2008, sentenced on June 3, 2009, and transferred to Department custody on June 4, 2009. Based on these dates, the Appellant spent 252 days in jail before sentencing. The Department accurately accounted for this time by back-dating the Appellant’s sentence to start on September 24, 2008. Because the Appellant receives only the time he served on the individual charge when calculating the sentence for that charge, the record shows that the Department has correctly calculated the Appellant’s remaining sentence.

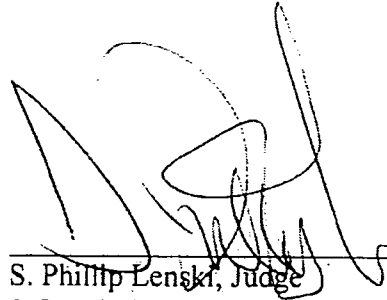
ORDER

THEREFORE, IT IS HEREBY ORDERED that the Department’s decision is **AFFIRMED**.

¹ The Court notes that Section 24-13-40 was amended in 2010 and 2013. The amendments had no substantive effect on the language at issue in these cases.

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AND IT IS SO ORDERED.



S. Phillip Lenski, Judge
S.C. Administrative Law Court

March 24, 2017
Columbia, South Carolina

FILED


MAR 24 2017

SC ADMIN. 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 hereto, in the United States mail, postage paid, or in the Emergency Mail Service addressed to the party(ies) or their attorney(s).

This 24th day of March 2017

By: 
Judicial Law Clerk

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W/CT 12/10

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 FEB 03 2016

INMATE NAME: Dion Taylor

SCDC NUMBER: 335E89

INSTITUTION: KCI

HOUSING UNIT: SA 7

WORK ASSIGNMENT: _____

OFFICE

Grievance No. Kee 0185-16

Code: General _____

Disc. _____

Class. ✓

PREA _____

Date Received 2/4/16

IGC Initials DL

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.) *Refile of grievance*

KCI-0133-16, concerning jail credit time sought. Attached is the portion of my plea hearing transcripts, where therein the public defender references the 146 jail credits in question. I am serving a concurrent sentence on (3) three charges. The SCDC screen shows the one charge as Failure to Stop for Blue Light, the derivative of the probation violation. Because the probation was initiated in 2004-5, & at the time & extended until the time I was incarcerated, I should receive credit for that time as well. What the SCDC screen shows is misleading when it pertains to this situation, & as elucidation, the transcripts dialogue makes an explicit distinction between the 252 days I received at sentencing & the 146 days credit in question. What I believe the screen is showing is when the warrant was served while I was awaiting sentencing, however this is independent of the issue, because according to the statutes referenced to in the original grievance, I should be allotted Dion O. Taylor 2/3/16 the 146 days credit towards this sentence. Grievant Signature Date

being served in addition to the 252 days I received credit for. (See pg. 14 Lines 24-25, pg. 15 Lines 1-4), (pg. 16 Lines 23-25, pg. 17 Lines 1-7)

ACTION REQUESTED: To forward to HQ for a response, so that appeal to the courts can be expedited.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC conferred with Case Manager, Mrs. York. See Warden's Response.

P. Nough 3/10/16

IGC Signature Date

(CONTINUE ON REVERSE SIDE)

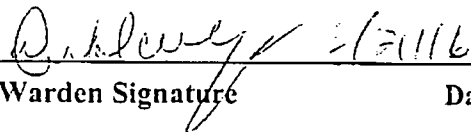
7

WARDEN'S DECISION AND REASON:

Inmate Taylor;

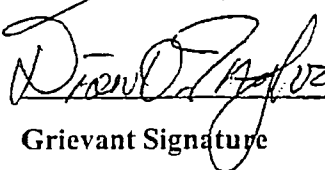
This is in response to KRCI-0185-16. All pertinent information and documentation has been reviewed. After review of your allegations, I see no additional jail time due on your sentences. Case Manager, Mrs. York was contacted and verified that you received 252 days of jail time credit on your armed robbery conviction, 251 days of jail time credit on your CDV conviction and 247 days of jail time credit on your failure to stop for officer conviction. No error has been found in the amount of jail time credits in which you have been given.

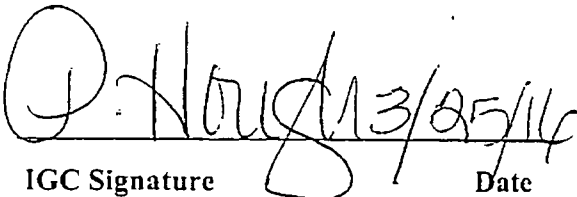
Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.


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

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
INMATE GRIEVANCE FORM

WUE
3/30/16

STEP 2
MAR 28 2016

INMATE NAME: Dion Taylor
SCDC NUMBER: 335089
INSTITUTION: Kershaw Correctional
HOUSING UNIT: SA 7
WORK ASSIGNMENT: _____
INMATE GRIEVANCE

Office Use Only
Grievance No. PRC-0185-16
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 3/25/16
IGC Initials PR

RECEIVED

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Simple math will show the error of the response & veracity at least in part to my claim. My original max-out date was 3/5/17, it is impossible that I got credit for 251 & 247 days respectively, in addition to the 252 days I did receive, in fact this shows I got exactly the same dollar amount in credit days (jar). State statutes show I should receive the additional 146 days as I delineated in grievance & espoused in transcript I submitted, also attached. In addition, classification got did what I assume they said was an inquiry on this matter, but I also believe that if a thorough inquiry was realized it would reveal that during 85% violent status, too much good time has been deducted by the SCDC in relation to loss good time for disc. infractions. This I am also challenging in addition to the 146 days jail credit I should be afforded.

Dion Taylor 3/25/16
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out calculation date is incorrect. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form dated March 21, 2016. Your sentence calculation data has been reviewed by Classification Case Manager Ms. York. It has been determined that what appears in SCDC database regarding your max-out date is correct. You are advised to adhere to SCDC policies and avoid any infractions that may add to your confinement. You have not shown that SCDC Staff have performed their job duties inappropriately.

Therefore, your grievance is resolved

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Quith Singh 5/26/16
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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Inmate Request

Today's Date: 2/9/16 15:46

Name: TAYLOR, DION
Booking #: 335089
Permanent #: 335089

Reference #: 15-947890
Date Requested: 12/27/15 10:59
Request Type: Classification
Requested By: Kiosk

Request Details: in accordance w/S.C ANN.23-13-40 AND 24-13-40 I SHOULD RECEIVE JAIL CREDITS FOR TIME I SERVED IN COUNTY.I ADDRESSED THIS ISSUE AT AN EARLIER DATE W/CLERK OF COURTS TO NO AVAIL.I HAVE THE DOCUMENTATION THAT SUPPORTS MY ASSERTION IN FORM OF PLEA HEARING TRANS.,SENTENCING SHEET,AND THE AFOSAID APPLICABLE STATE STATUTES AND CASE LAW.

Disposition: Complete
Officer:
Disposition Date: 01/15/16 10:41

Request Responses

Date	Author	Note
01/15/16 10:42	c016647	Sign up for open door on Wednesday and bring the paperwork with you so that I may copy and send to Columbia.

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SLOCT# 35089

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
DION ORLANDO TAYLOR

INDICTMENT/CASE#: 2009GS1000030

A/W#: K551324

Date of Offense: 9/24/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

AKA:
Race: B Sex: M Age: 35
DOB: 02-20-1974 SS#: 250402425
Address: 4336 RUGHEIMER AVE #6
NORTH CHARLES SC 294060000
DL#: 090031355 SID#:

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Armed Robbery (10-30 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 Lawd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waiver Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: A. Riesen, Trip (71084 SC Bar#) Defendant; Cody J. Groder (76629 SC Bar#) Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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: CDV charge and probation revocation
 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. 232 DAYS
 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: days/hours Public Service Employment
 set by SCDPPPS Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: SCD to CONTINUE medication for Mental Health problems

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 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
§ 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 (DUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/en \$
3% to County (if paid in installments) \$ 3.90
§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00
TOTAL \$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter: A. Halperin

PRESIDING JUDGE

Judge Code: 211314

Sentence Date: 6/13/09 SCCA 217 (03/2009)

1/26/15 print & provide records

TP3311
Created by the South Carolina Department of Probation, Parole and Pardon Services
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

#3

County of Charleston
STATE VS.

INDICTMENT#:
04 -GS- 10 - 08376

Dion Taylor
AKA:
Race: B Sex: M
DOB: 2-20-74
SSN: 150-49-2425
SID#: 008883430MINI9116

Probation C/W#: W-10-08-2237 (Sept. 29, 08)
W-10-08-1877 (4-28-08)
Name of Original Offense: Failure to stop for a blue light
Original A/W#: E 097878
Date of Original Offense: 9-7-04
Conviction S.C. Code §: 50-5-750
Conviction CDR Code #: 01 01 615
Original Sentence: 2 yr upon 146 days + 1 yr prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 1/31/05 in the Court of General Sessions of Charleston County and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on April 24, 08 as set forth in the attached warrant(s) of citation(s) dated 4-28-08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 4, 5, 10, 11, 12

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 2 months/years the remainder of the original sentence, and/or pay \$ _____
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____, thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of a first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Additional Conditions ordered by the Court:

TEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK C.P. & S.
DEPUTY CLERK

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 146 days months/years on this sentence 6/3/09 (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 3 day of June 2009
Charleston SC

Presiding Judge [Signature] Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature] Witnessed by [Signature]

Signed this 3 day of June 2009 at Charleston SC

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston

STATE VS. DION ORLANDO TAYLOR

AKA: Race: B Sex: M Age: 35 DOB: 02-20-1974 SS#: 250-49-2425 Address: 4336 RUGHEIMER AVE #6 NORTH CHARLES, SC 294060000 DL#: 090031355 SID#:

INDICTMENT/CASE#: 2009GS1000031

A/W#: I102589 Date of Offense: 6/24/2008 S.C. Code § : 16-25-0040 CDR Code #: 0685

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Criminal Domestic Violence - 3rd (90 days - 3 years) 1 - 5 years

in violation of § 16-25-0040 of the S.C. Code of Laws, bearing CDR Code # 0685. 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. The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Riesen, Trip SC Bar# Defendant 3 Years Concurrent w/TH Armed Robbery sentence Cody J. Graeber 76627 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 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: Armed robbery and probation revocation. 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 days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Payment Terms: set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, § 35.13 (Public Def/Prob) \$500, § 73.3, 1B TP (Law Enforce. Funding) \$25, § 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) \$ 3.90, § 90.11 TP (SCCJA Surcharge) \$5, TOTAL \$ 133.90

Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling 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.

PRESIDING JUDGE Judge Code: 211 314 Sentence Date: 6/3/09 SCCA/217 (03/2009)

Clerk of Court/ Deputy Clerk Court Reporter: A. Haffner

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JAIL TIME REPORT FOR SCDC TRANSFER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787

OFFICE #: (803) 896-8531 FAX #: (803) 896-1217

COUNTY SUBMITTING FORM: CCDC

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing ...

Name: <u>Dion Orlando Taylor</u>		Date of Birth: <u>2-20-74</u>		
Social Security #: <u>250-49-2425</u>		Race/Sex: <u>B/m</u>		
SID #: <u>SC00828343</u>		FBI #: <u>957784RA10</u>		
Arrest Date	Charge	Warrant # (or)	Release Date	Reason for Release *
		Indictment #		
<u>9-25-08</u>	<u>CDV 3rd</u>	<u>W # E102589</u>	<u>6-4-09</u>	<u>XFER SCDC</u>
<u>9-24-08</u>	<u>Armed Robbery</u>	<u>W # K351324</u>	<u>6-4-09</u>	<u>XFER SCDC</u>
<u>9-29-08</u>	<u>Prob. Violation</u>	<u>W #</u>	<u>6-4-09</u>	<u>XFER SCDC</u>
		<u>I # 04651008376</u>		
		<u>W #</u>		
		<u>I #</u>		
		<u>W #</u>		
		<u>I #</u>		
		<u>W #</u>		
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		<u>W #</u>		
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Approved By: <u>P. Whalen</u>		Date: <u>6-4-09</u>		

* Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

24

TAYLOR, DION ORLANDO
SC0100000 CHARLESTON CNTY SO
CASE-04001630B
ATN-10X004248006
WARR-DR10011662*
CIT-N/A-UNCLASSIFIED

09/03/2004

ARREST CHARGE 01-~~CONTEMPT OF~~
FAMILY COURT
OFFENSE DATE-09/03/2004
PHOTOGRAPH AVAILABLE

TAYLOR, DION ORLANDO
SC0100800 NORTH CHARLESTON PD
CASE-04028865N
ATN-10X004252022
WARR-I097878
CIT-56-5-750(B)(1)-MISDEMEANOR

09/07/2004

ARREST CHARGE 01-FAIL TO
STOP FOR BLUE LIGHT
OFFENSE DATE-09/07/2004
PHOTOGRAPH AVAILABLE

WARR-I097878
CIT-56-1-440-MISDEMEANOR

ARREST CHARGE 02-DRIVING
WITHOUT A LICENSE
OFFENSE DATE-09/07/2004

CIT-56-5-750(B)(1)-MISDEMEANOR
DOC-04GS1008376 WARR-I097878

COURT CHARGE 01-FAIL TO STOP
FOR BLUE LIGHT
COURT DISP-CONVICTED; 2 YEARS
& \$500 SUS UPON SERVICE
146 DAYS & PROB 1
COURT DATE-01/31/2005
ATN-10X004252022

FTSBL

TAYLOR, DION ORLANDO
SC0100000 CHARLESTON CNTY SO
CASE-04-022854B
ATN-10X004286019
WARR-H641677
CIT-16-3-1040-FELONY

10/08/2004

ARREST CHARGE 01-THREATENING
LIFE, PERSON OR FAMILY OF
OFFICIAL
OFFENSE DATE-10/08/2004
PHOTOGRAPH AVAILABLE

CIT-16-3-1040-FELONY
DOC-00GS10 WARR-H641677

COURT CHARGE 01-THREATENING
LIFE, PERSON OR FAMILY OF
OFFICIAL
COURT DISP-NON-CONVICTION;
NOLLE PROSSE
COURT DATE-12/13/2004
ATN-10X004286019

TAYLOR, DION ORLANDO
SC010015G CHARLESTON PPP
CASE-20051103

11/03/2005

1 '99, and '01.

2 As to the armed robbery, on September 24th of
3 2008, this took place at the Maxway on Rivers Avenue, and
4 the victim was a Ms. Enoma Rollerson who was a manager
5 there. She was working the cash register. The defendant
6 came up from behind her and demanded that she open the
7 register while holding a utility knife.

8 The defendant then pushed the victim toward
9 the register and stated, quote, Open the register. I
10 don't want to kill you. The defendant reached into the
11 register and took approximately \$444 in cash, fled the
12 store on foot.

13 He was apprehended a short distance away with
14 the money from the robbery as well as the utility knife
15 in his right pocket. He was later positively identified
16 by the victim, and he subsequently gave a signed, written
17 confession, admitting to the armed robbery.

18 As to his prior convictions, he has a '94
19 trespassing; '95 filing false police reports, and
20 malicious injury to personal property, threats and
21 intimidation, simple assault, trespassing; in '98, public
22 disorderly conduct and CDV; '99, simple assault and CDV;
23 2001, disorderly conduct, giving false information, and a
24 CDV third, and an '04 failure to stop for a blue light,
25 and he may be on probation for that violation.

1 THE COURT: All right. Were you on probation
 2 at the time you committed these offenses? You got two
 3 years. That will obviously be revoked today as well. Do
 4 you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Mr. Groeber, what
 7 would you like to tell me?

8 MR. GROEBER: Thank you, Your Honor, first
 9 I'll provide you with those reports that you looked at
 10 earlier.

11 THE COURT: Okay.

12 MR. GROEBER: Thank you.

13 THE COURT: Thank you.

14 MR. GROEBER: Since the Court has reviewed
 15 those, I think you saw the different mental health
 16 diagnoses. At different times he's been diagnosed with
 17 bipolar, as having major depressive disorder,
 18 intermittent explosive disorder. I think that the
 19 explosive disorder explains a lot of what I'll
 20 characterize as the petty violent crimes in his past. He
 21 didn't really -- you know, he had a few CDVs and simple
 22 assaults, and I think that that diagnosis explains some
 23 of that behavior.

24 In this case, in the case of the armed
 25 robbery, Mr. Taylor -- and I know you've read this in the

1 report, but he was very depressed at the time. He had
 2 lost his job three weeks before. His girlfriend, who is
 3 the victim in the CDV, he felt had been pulling him
 4 along. He was evicted the day before, and I think that
 5 this put him into this kind of major depressive state
 6 that lead to the terrible robbery, and he'll tell you, he
 7 is absolutely sorry for what happened, and he does want
 8 to take responsibility for it, and that, I think, is why
 9 he's pleading guilty today.

10 He also at the time was not taking his
 11 medicine, which he needs to do, and I'm glad and I think
 12 he understands that when he is -- when he does serve this
 13 time, he will be getting the treatment that he needs, at
 14 least the meds that he needs, while he's incarcerated at
 15 SCDC.

16 Judge, he is an intelligent, articulate man,
 17 and this armed robbery was the fruit of absolute
 18 desperation. And I don't think that he's the kind of
 19 person who would just, you know, kind of go do this just
 20 to get money or anything like that. I do believe that
 21 his mental illness contributed to this terrible action
 22 that he's here taking responsibility for.

23 He has been in for 252 days on this charge.
 24 He was in 146 days on the probation violation, on the
 25 charge with probation violation. He was served with that

1 warrant in October, so in addition to those 146 days,
 2 he's got 225 days towards probation violation as well.
 3 just bring that so you have that for your attention, and
 4 we would ask that you would accept the plea, the
 5 negotiated plea, and, again, thank you for reviewing.

6 THE COURT: So he's getting credit for 252
 7 days?

8 MR. GROEBER: Yes, Your Honor.

9 THE COURT: All right. Mr. Taylor, would you
 10 like to say anything?

11 THE DEFENDANT: Thank you. Yes. Okay.

12 THE COURT: Okay. Go ahead.

13 THE DEFENDANT: I would like to impress upon
 14 the Court that I am hopeful, responsibility, guilty and
 15 ashamed for my actions. I don't like to make excuses.
 16 There were mitigating factors, as my public defender
 17 alluded to, as far as the things that I was going through
 18 through.

19 No excuse, being because I wasn't taking my
 20 medications which was irresponsible. I have victimized
 21 innocent people, including my children, that will now be
 22 left alone without a father. I wish there was some kind
 23 of leniency that the Court could afford me, but I
 24 understand that because of the sentencing guidelines that
 25 there isn't.

19
Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material prepared to be included by any of the parties & not any other material.

Dated:
6-23-17

S/ Dion Taylor
#335089 - #1152
Evans Correctional Institution
610 Evans Hwy & West
Bennettsville, SC 29512

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JUN 28 2017

SC Court of Appeals

The State of South Carolina
In The Court of Appeals

Appeal From Adm. Law Court
Adm. Law Judge: S. Phillip Lenster
Appellant case #: 2017-001061

Dion Taylor, #335089,
Appellant

v.
S.C. Dept of Corrections,
Respondent

RECEIVED
JUN 28 2017
SC Court of Appeals

Proof of Service

I, undersigned certify that I served Record on Appeal on Respondent, Adm. Law Court, & S.C. Court of Appeals by depositing a copy of it in the U.S. Mail, postage prepaid on date 6-23-17, & addressed to:
Clerk's Office, S.C. Adm. Law Court, 1205 Pendleton St., Suite 224, Columbia SC 29201, Christina Catoe Bigelow, Esquire, S.C. Dept of Corrections, Office of Gen. Counsel, 4444 Broad River Rd, Columbia SC 29221-1787, S.C. Court of Appeals, Jenny Abbott Kitchings, Clerk, P.O. Box 11629, Columbia S.C. 29211.

Dated: 6-23-17

S/ Dion O. Taylor