

Jerome A. Owens Sr.

Allendale C.I.
Barnwell B-55
P.O. Box 1151
Fairfax, S.C. 29827

October 16, 2018

RECEIVED

OCT 18 2018
SC Court of Appeals

Att: S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

In Re: Jerome A. Owens Sr. V. The S.C. Dept of Corrections
Unpublished Opinion No. 2018-UP-305

Dear Chief Justice Lockemy,

Pursuant to the Order of this Court filed July 5, 2018 and in foot note #2, this Court's holding that I can file another grievance challenging the calculation of my sentence.

Please find enclosed my documents that I filed with this department, that is, SEDC and this department's disregard for this Court's order.

I attempted to re-file my Grievance for calculation of my sentence by this department. And this department has REFUSED to re-file my Grievance. Even after the Order from this Court was rendered.

Please inform this department the holding of this Court. Thank You Sir.

Very Truly Yours
J. A. Owens Sr.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

RECEIVED

3-6-28

STEP 1

JUL 17 2018

INMATE NAME: Jerome A. Owens Sr.
SCDC NUMBER: 299108
INSTITUTION: Allendale
HOUSING UNIT: Barnwell B-55
WORK ASSIGNMENT: Library

OFFICE USE ONLY

Grievance No. ACI - ACI 0290-18
 Code: General
 Policy _____
 Disc. Hear. _____
 Class. C/T
 PREA _____
 Date Received 7-11-18
 IGC Initials JAO

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 6/24/2014 Inmate Records Stephanie Willis changed the structure of my sentenced that was pronounced at my trial by Judge Reginald I. Lloyd. I was sentenced to twenty eight years at 85%. Prior to coming to a level two yard my sentence end date had always been 12/23/2026. It's now 3/18/2028. The calculation of my sentence was over 14 years ago until now, Inmate Records does not have the Authority to change a sentence unless Judicial Authority is exercised and there was no Judge legally in such position to change my sentence to 25 years mandatory day for day. My U.S. Const Right of the XIV Amendment has been violated, according to Tant v. S.C.D.C 408 S.C. 334, 759 S.E.2d 398 (2014) Due Process required this entity to give me NOTICE of wanting to change my sentence. I was not notified of this and my sentence was changed without my knowledge and without an Court Order by Judicial Authority.

February 19, 2004 the Judge did not sentence me to a Mandatory 25 years day for day. There is no judgement or commitment order, ordering such a sentence. CDR codes does not interpret the length or structure of a sentence as held in State V. Bennett 375 S.C. 165, 650 S.E.2d 490 (2007)

I have been deprived life, liberty, and property without Due Process of the Law, S.C.D.C. is in violation of my Due Process rights. This entity is not a Court of law and it's sentencing Authority is VOID.

Jerome A. Owens Sr.
 Grievant Signature 7/11/2018 Date

ACTION REQUESTED: That my release date be calculated at 85% and my sentence be adhered to as the Judge pronounced 2/19/2004

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance has been processed and returned to you as a duplicate to issues raised in ACI-0290-16. Per GA-01.12 Inmate Grievance System "...Inmates will only be allowed to submit one grievance per incident or circumstance."

[Signature] 7-27-18
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Jerome Owens, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-000694

Appeal From The Administrative Law Court
Harold W. Funderburk, Jr., Administrative Law Judge

Unpublished Opinion No. 2018-UP-305
Submitted May 1, 2018 – Filed July 5, 2018

AFFIRMED

Jerome Owens, pro se.

Annie Laurie Rumler, of the South Carolina Department
of Corrections, of Columbia, for Respondent.

PER CURIAM: Jerome Owens appeals the Administrative Law Court's (ALC's) dismissal of his appeal from the final ruling of the South Carolina Department of Corrections (the Department). We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities: *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742,

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

750 (2000) ("[A]n inmate may seek review of [the] Department's final decision in an administrative matter under the [Administrative Procedures Act]."); S.C. Code Ann. § 1-23-610(B) (Supp. 2017) ("The review of the [ALC's] order must be confined to the record."); *id.* (stating this court may reverse the ALC if its decision is "affected by [an] error of law" or "characterized by abuse of discretion" and appellant's substantive rights have been prejudiced as a result); SCALC Rule 51 (stating the section of the Rules of Procedure for the Administrative Law Court on special appeals "shall apply exclusively in matters heard on appeal from final decisions pursuant to *Al-Shabazz v. State*"); SCALC Rule 59 (stating the notice of appeal must be filed with the ALC and served on each party, including the Department, within thirty days of receipt of the decision from which the appeal is taken); SCALC Rule 62 (providing that upon "its own motion, [the ALC] may dismiss an appeal . . . for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the [applicable] time limits").

AFFIRMED.²

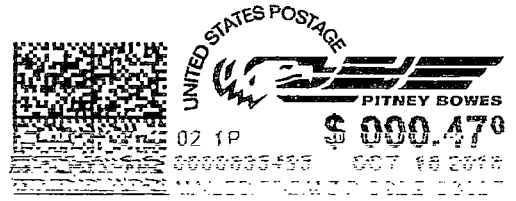
LOCKEMY, C.J., and WILLIAMS and KONDUROS, JJ., concur.

² Although we do not reach the merits of Owens's underlying claim, we note nothing prevents him from filing another grievance challenging the Department's calculation of his sentence.

Jessome A. Jwend Sr. 299108
Allendale C. I.
Barnwell B-55
P. O. Box 1151
Fairfax, S.C. 29821

RECEIVED

OCT 18 2018



SC Court of Appeals
South Carolina Court of Appeals
Jenny Abbott Kitching, Clerk
P. O. Box 11629
Columbia, S.C. 29211

SCDC

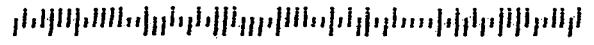
RECEIVED

OCT 16 2018

MAILROOM

ACI

2921181629 8012



OCT 16 2018

MAIL ROOM