

SOUTH CAROLINA COURT OF APPEALS

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

LOWER CASE NO. 16-AJT-04-0767-AP
APPELLATE CASE NO. 2017-000914

Andra B. Jamison #337461

Appellant, Pro Se

v.

South Carolina Department
of Corrections &
Christina Catoe Bigelow
Staff Attorney (S.C.D.C)

Respondent.

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NOV 19 2018

SC Court of Appeals

MOTION TO REQUIRE RESPONDENT TO CLASSIFY APPELLANT'S CONVICTION
§56-5-2945(A)(2) PROPERLY AS NON-VIOLENT AND AMEND THE RECORD
ON APPEAL WITH NEW EVIDENCE

Now comes the Appellant Andra B. Jamison #337461 Pro se,
and request that this Court require the Respondent to classify
Appellant's conviction §56-5-2945(A)(2) properly as non-violent;
Appellant also motions this Court to amend the record on appeal
with evidence which demonstrates that the Appellant remains
classified as a violent offender contrary to statutory law. The
relevant facts supporting this request are as follows.

Appellant filed a notice to appeal in this case on
April 14, 2017. Appellant filed his Initial Brief and Desination
of Matter on May 16, 2017. Thereafter, S.C.D.C., by way of Staff
Attorney submitted an Initial Brief of Respondent and Designation
of Matter. On June 21, 2017, Appellant filed a reply brief.

Appellant then filed the Record on Appeal on July 17, 2017. Appellant filed a corrected copy of Record on Appeal on August 7, 2017. On December 21, 2017 the Appellant filed a Appellant's Final Reply Brief and amended Appellant's Final Brief.

The Respondent (S.C.D.C.), by way of Staff Attorney, submitted an Initial Brief to this Court (Court of Appeals) on June 12, 2017, and within the Brief, page (4) foot note number (1) provides in relevant part: (1) the 2010 Omnibus Crime Reduction and Sentencing Act updated S.C. Code ANN. §16-1-60 to include §56-5-2945(A)(2) Felony Driving Under the Influence Resulting in Death as a "violent" crime. As Appellant was convicted in October 2009, SCDC has classified Appellant's conviction as "non-violent" (emphasis added).

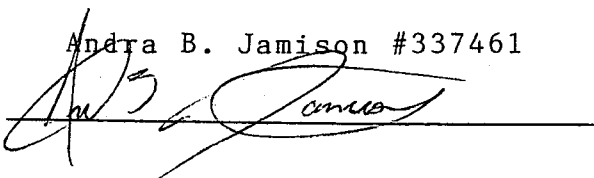
The Appellant is respectfully requesting that this Court require SCDC to properly classify the Appellant as a non-violent offender, through classification so that the Agency recognize the Appellant as such. Clearly SCDC has conceded to the Appellant being a non-violent offender and yet fails to correct the error of misclassification, see attached Warden's Decision and Reason from Inmate Grievance Form (Step 1) high lighted for your convenience. SCDC classification sits in the office of properly enforcing the Appellant's sentence pursuant to the order of the Circuit Court Judge and under relevant and good laws. Here the Respondent has neglected to do so.

Appellant ask the Court to amend the record with the attached Warden's Decision and Reason.

Appellant also request that the Respondent submit written proof that the Appellant has been classified non-violent to all parties.

Thank You
Respectfully,

Andra B. Jamison #337461



WARDEN'S DECISION AND REASON:

Inmate Andra Jamison, 337461

GCI-0082-18

I have reviewed your concern. In your grievance you state that you were informed you have accumulated 1157 Earned Work Credits (EWC). Your sentence is 18 years non-violent sentence wherein you are required to serve 15 years 3 months 18 days without any EWC applied to your sentence. You are requesting the EWC be subtracted from the time you are required to serve and for your max-out date to reflect the same. ~~Agency records indicate you are serving an 18-year sentence for Felony DUI - Death Results without parole as a violent offender.~~ You are required to serve 15 years 3 months 18 days (without EWC/EEC/GT accrual). Upon completion of your mandatory sentence 15 years 3 months 18 days your projected max-out date is January 22, 2025. You have been credited with all EWCs that you are entitled. Also, you should be aware that EWCs will vary based upon your job assignment.

Therefore, your grievance is resolved.

If you disagree with this Warden's Decision (Decision), you may file a Step 2 Grievance Appeal by completing SCDC Inmate Grievance Form 10-5A, with is provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

J. Gaster 10-31-18
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.

[Signature] 2 NOV 2018
Grievant Signature Date

[Signature] 11/2/18
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.

"Certificate of Service"

I, Andra Jamison #337461, hereby certify that I placed in the U.S. mail a copy of the motion to require respondent to classify appellant's conviction properly as non-violent and amend record on appeal with new evidence, with postage prepaid and the return address clearly shown on said envelope to the following:

S.C. Court of Appeals

Jenny Abbot Kitching

P.O. Box 11629

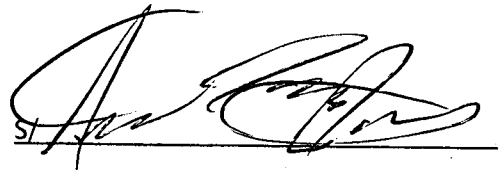
Columbia S.C. 29211

Christina Catoe Bigelow Staff Attorney

S.C. Dept. of Correction

4444 Broad River Rd.

Columbia S.C. 29221-1787



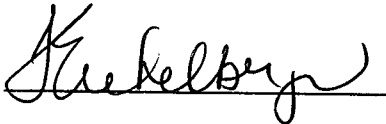
Andra B. Jamison, #337461

Goodman C/I B1-33B
4556 BROAD RIVER RD
Columbia S.C. 29210

14 Nov. 2018 Date

Sworn to Before Me This

15 Day of NOV 2018



Notary Public for South Carolina

8/30/2020

My Commission Expires:

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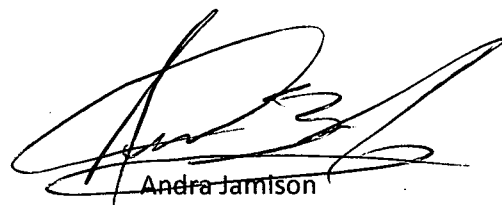
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SC Court of Appeals

14 Nov. 2018

Dear Clerk,

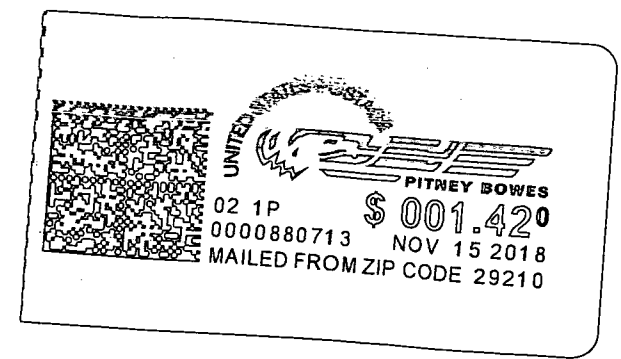
Please send me a clocked stamped copy of the enclosed motion, and evidence. I have included a copy for your convenience.



Andra Jamison

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ANDRA B. JAMISON # 337461
GOODMAN C/I 131-3313
4556 BROAD RIVER RD
COLUMBIA SC 29210



SCDC

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MAIL ROOM

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JENNY ABBOT KITCHING
S.C. COURT OF APPEALS
P.O. BOX 11629
COLUMBIA S.C. 29211

