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The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Honorable John D. McLeod
Case No. 11-ALJ-04-1004-AP

Sammie Stroman, # 242033 Appellant,

V.

South Carolina Department of Corrections Respondent.

RECORD ON APPEAL

December 18, 2012.

~~Sammie Stroman~~ # 242033
Sammie Stroman # 242033
K.C.I. / MSU-13
4344 Broad River Rd.
Columbia, S.C. 29210
Appellant

RECEIVED
DEC 20 2012
SC Court of Appeals

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Sammie Stroman, #242033

Docket No. 11-ALJ-04-1004-AP

Appellant,

vs.

ORDER AFFIRMING DECISION

South Carolina Department of Corrections,

Respondent.

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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated in the South Carolina Department of Corrections. His conviction for Possession of Contraband (817) SCDC Policy OP-22.14, Inmate Disciplinary System, was affirmed. He was sanctioned with the loss of good time credits so a state created liberty interest is involved.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived entirely 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 Court'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 sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented.

An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5) (Supp. 2011). Furthermore, 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

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SC ADMIN. LAW COURT

by an error of law. See Section 1-23-380(5); See also Marietta Garage, Inc. v. South Carolina Dep't of Public Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct. App. 1999); South Carolina Dep't of Labor, Licensing and Regulation v. Girgis, 332 S.C. 162, 503 S.E.2d 490 (Ct. App. 1998). "Substantial evidence' is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." Lark v. Bi-Lo, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). Accordingly, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. Grant v. South Carolina Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995).

Additionally, in Superintendent, Massachusetts Corr. Inst., Walpole v. Hill, 472 U.S. 445, 105 S. Ct. 2768 (1985), the U.S. Supreme Court held that "the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board."

LAW/ANALYSIS

Since a state created liberty interest is involved, it is necessary to determine if Inmate received the process he was due.

It is well settled that SCDC must meet certain minimum constitutional requirements for procedural due process in matters where an inmate is disciplined for serious misconduct. Al-Shabazz, 527 S.E.2d at 750 (internal citations omitted). However, these requirements must be balanced against the need to maintain an orderly and safe prison environment. Id. To that end, the Supreme Court has prescribed the following five requirements which, if established, will ensure procedural due process in inmate disciplinary matters:

- (1) that advance written notice of the charge be given to the inmate at least twenty-four hours before the hearing;
- (2) that factfinders must prepare a written statement of the evidence relied on and reasons for the disciplinary action;
- (3) that inmate should be allowed to call witnesses and present documentary evidence;
- (4) that counsel substitute should be allowed to help illiterate inmates or in complex cases an inmate cannot handle alone; and
- (5) that the persons hearing the matter, who may be prison officials or employees, must be impartial.

Al-Shabazz, 527 S.E.2d at 751 citing Wolff v. McDonnell, 418 U.S. 539, 563-72, 94 S.Ct. 2963, 2978-82 (1974).

To facilitate checking against the record, the requirements of Wolff are summarized as follows:

- 1.) 24 hours advance written notice of charges;
- 2.) Written statement by factfinder as to evidence relied upon;
- 3.) Written statement by factfinders as to reason for disciplinary action taken;
- 4.) Opportunity to call witnesses and present documentary evidence;¹
- 5.) Counsel substitute allowed if inmate illiterate or if case is complex; and
- 6.) Impartial hearing tribunal.

Applying those requirements to the record in this case we find the following:

1.) 24 hours advance written notice of charges;

Inmate was served with notice of the charge on 4-1-11 and the hearing was held on 4-7-11 and continued and concluded on 4-21-11. See Disciplinary Report and Hearing Record (DRHR).

2.) Written statement by factfinder as to evidence relied upon;

DRHR shows reliance on testimony and narrative of Major Jackson, the physical evidence. In the photocopy of the \$5.00 bill and admission by Appellant that he had the money in his possession.

3.) Written statement by factfinders as to reason for disciplinary action taken;

DRHR shows that the reason for the action taken was 1st offense of 817 and being disciplinary clear (level 3) for 2 ½ years.

4.) Opportunity to call witnesses and present documentary evidence;

There is no evidence in the record that Inmate made any request to call witnesses.

5.) Counsel substitute allowed if inmate illiterate or if case is complex;

Inmate was represented by a counsel substitute (Hudson).

6.) Impartial hearing tribunal.

There is nothing in the record to suggest that the Hearing Officer was otherwise than neutral or detached.

¹ Right to call witnesses and present documentary evidence is limited if it will be unduly hazardous to institutional safety or correctional goals.

It is thus clear that Inmate has been afforded the minimal process due in prison disciplinary proceedings as required by Wolff. Additionally, it is clear that the conviction is supported by substantial evidence.

Appellant failed to follow the ALC Rules of Procedure in that he failed divide his argument into separate parts for each issue as required by Rule 60(B)(3). That alone is ground for dismissal. However, since the brief appears to involve only two issues that are clearly stated together in a legible hand, they will be considered.

Violations of Regulations by SCDC

Our case law is clear, however, that a prison official's failure to follow the prison's own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met. Myers v. Klevenhagen, 97 F.3d 91 (5th Cir. 1996). As indicated above, the Constitutional minima have been met.

Substantial Evidence

As stated above, this Court cannot substitute its judgment for that of the agency on questions of fact. A review of the transcript of the testimony taken at the hearing clearly reveals substantial evidence to support the agency determination. The decision is not arbitrary or affected by error of law.

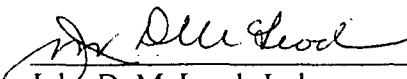
CONCLUSION

In the case at hand, I will not substitute my judgment for that of the agency because there is substantial evidence to support the conviction which is clearly not arbitrary, capricious or affected by any personal bias or prejudice. Further, I conclude that the procedure used met the requirements of Wolfe, *id.* and that Appellant's objections are without merit.

Therefore, the order appealed from is **AFFIRMED** and this appeal **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

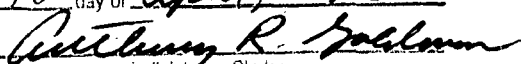
Columbia, S.C.
April 16, 2012


John D. McLeod, Judge
S.C. Administrative 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 hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 16 day of April, 2012

By: 
Judicial Law Clerk

(6)

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING PROCEDURE
DOCKET No.: 1004 GRIEVANCE No.: MSU 145-11
INMATE NAME: Sammie Stroman, SCDC #242033
DATE: 04/7/11
CHARGE: 817 – Possession of Contraband**

DHO: State your name and uh, SCDC number for the record inmate.

I/M: Sammie Stroman, 242033.

DHO: You are appearing before the Kirkland Correctional Institution Disciplinary Hearing being recorded at 11:00 a.m. on April the 7th, 2011. I'm Mrs. Moore, the Disciplinary Hearing Officer. Inmate Stroman is being represented by Counsel Substitute Ms. Hudson. Ms. Hudson, are you and the accused ready to proceed?

C/S: Yes.

DHO: This is case number 157 on Inmate Sammie Stroman, 242033. On 3/17/2011, approximately 10:30 a.m. at Kirkland. Inmate Stroman allegedly committed the offense of 817 – Possession of Contraband. And that definition reads: the possession of any unauthorized, altered, or excessive property including money, tobacco products, gambling paraphernalia, unauthorized publications, and unauthorized clothing. According to the 19-29, it says I, Major Jackson, received a report from Investigator John Smith on Inmate Stroman. Inmate Stroman made the allegation that Captain Davis gave him a five dollar (\$5) bill. Inmate Stroman mailed the money to the Grievance Coordinator. Inmate

Stroman had a polygraph evaluation on February the 9th, 2011, per the exam,

DHO: Disciplinary Hearing Officer

I/M: Inmate

OFC: Accuser

C/S: Substitute Counsel

Inmate Stroman response indicated attempted deception on the question that Captain Davis gave him a \$5 bill. Inmate Stroman is being charged with Possession of Contraband and Lying to Employee or Knowingly Make False Statement. Uh, as evidence in the investigating report. This report was reviewed by a Captain on 3 uh. at 3:20 p.m. on 3/17/2011. And was graded by Captain Ocean on 3/23/2011. Um, Captain Ocean attempted to resolve this matter using administrative resolution, sanctioning you with, uh, canteen, visitation for suspension of 90 days, and you failing to earn good time for the month of March; however, um, he had the hearing on 3/23 and you declined that. You said that you did not want to accept the sanctions listed above and requested that this case be heard through the disciplinary hearing. So, you were notified of today's hearing on 4/1/2011 at 9:35 a.m. At the time of notification you indicated you wanted your lawyer present. I have Major Jackson on the telephone. Would you acknowledge being on the phone Major.

OFC: Yes ma'am. This is Major Jackson.

DHO: Okay. You also indicated you wanted counsel substitute. Have you spoken to Ms. Hudson?

I/M: Yes ma'am.

DHO: Okay. If you're found guilty, or you plead guilty, you automatically not earn the twenty days good time for the month of March. In addition, this is a major hearing, this is a level three offense. Looking at your disciplinary history screen, uh, I don't think you've been out. You came into the system uh, let's see...you came into the system in, in 97, is

I/M: Yes ma'am.

DHO: Looking at your inmate disciplinary history, you do have a previous possession of contraband charge. Uh, it occurred in uh, it occurred in 1999. Um, so I could consider this a second offense. Being that its been so long, I could consider it a first offense. I'll give the...the...the sanctions if I go with the second offense, between you facing from forty-five to ninety days in lockup, up to sixty days loss of good time, and up to one hundred eighty days loss of all or some of your privileges. Do you understand the consequences you're facing?

I/M: Yes ma'am.

DHO: Okay. I will be asking you to enter a plea, regardless of your plea, you have the right to appeal my decision. On the charge of 817, possession of money, which it was a \$5 bill, how do you wish to plea?

I/M: Not guilty.

DHO: Okay. And also, uh, for the record did you...what...what evidence did you receive in your packet when you were served with the 19-69?

I/M: Just...just the incident report.

DHO: Just...just the incident report?

I/M: That's it.

DHO: Just the incident report. Just the incident report. You didn't receive the investigative report?

I/M: No, just the incident report, no changes. (inaudible) I didn't get no (inaudible). That's what I got. (inaudible)

DHO: Okay, because it has down here as evidence. Um, Major Jackson, was that

Not confidential?

OFC: Yes ma'am.

DHO: Okay. (inaudible) Okay, You didn't receive the investigative because it was...it is confidential. Um, so that's why. Now I do have um, uh, I do have a copy of the money that was confiscated from you. I have a picture of it. (clears throat) Okay. Okay, so we will read the confidential investigative report, will be read into the record in your absence because it is confidential and we're not at liberty to share it with you other than the fact that uh, he did he did a polygraph test. And the polygraph test did indicate that you were deceptive in terms of answering questions as it relates to where you got the money from.

I/M: Okay, but did the polygraph also....you got the results of the polygraph?

DHO: I g...yeah, I got the results just simply saying that it indicated that you were deceptive as it relates to where you got the money from. That's all it says, and...

I/M: So, it don't go in detail in saying uh, I didn't fail the polygraph, and the results came back as inclusive?

DHO: No. The...the evidence that came back from the polygraph says that were physiological responses indicative of attempted deception noted on the subject's polygraph to the relevant question listed above and specifically you were asked did Captain Davis hand you the \$5 bill that you turned in. And you said yes. And then, did Captain Davis hand you the \$5 bill you turned into the Grievance Coordinator, and you answered yes twice. Okay, but you understand that you're not being charged with um, uh, lying to an employee? Your charge is the possession of contraband. Do you understand that?

I/M: Yeah. I...I...I under...I understand that.

DHO: Okay. Okay. Well we'll get into the uh...okay, we will now receive information on behalf of the accused. Counsel Substitute Hudson, will you present, document evidence or witnesses.

C/S: No ma'am.

DHO: Okay, Inmate Stroman, tell me what happened.

I/M: Uh, I was...I was standing uh, to the hearing office, and she got me this.

DHO: Okay. Well, you...you can read that or...

I/M: Can...can you read that? I got...I got (inaudible) I got it addressed to you...to you. Please?

DHO: And you want me to read all that?

I/M: I mean (inaudible)...

DHO: Why can't you just read it?

I/M: (inaudible) a statement because I can't...I can't read...I can't read too good.

DHO: You...you wrote it. Did you write it?

I/M: I can't read too good (inaudible).

DHO: I bet you, you...

I/M: No I can't. I can't. I swear I cannot read too good.

DHO: Let me...let me tell how...how you read. According to this, you have a 8.6 reading level.

I/M: Damn, I can't read too good.

DHO: You can't read? What's his...

I/M: I ain't lying. I'm...I'm being honest it'll make me paranoid. The whole school, I mean it's a rare few (inaudible)

DHO: Why don't you try? Let me hear...let me make...be the judge whether not you can read.

I/M: (inaudible) Why can't...why can read the officer's report but you can't read my statement?

DHO: You got two pages...

I/M: I mean but you...

DHO: Two pages here. Just try and then I'll pick up if I find out that you're struggling with (inaudible). Okay. Alright?

I/M: You want me...I don't...I don't...I don't understand that.

DHO: You don't understand?

I/M: No, I don't...I don't understand why can read...

DHO: In...in (inaudible)

I/M: (inaudible) sergeant so I...

DHO: What are you....No, I don't want you to come that close.

I/M: I wanna...I mean (inaudible)

DHO: Inmate Stroman. Stroman. Put that chair back. Okay. Just take your time. We got time. I got plenty of tape.

I/M: Uh, first and foremost, I wanted to clarify that pursuant to SCDC policy and procedures, GA 01.12 Inmate Grievance System, I exercise my right to the following grievance against Captain Davis on 1/20/11, alleging that he his a foul dude. Prior to filing my grievance with the grievance man, I attached the specific \$5 bill in question, enclosed to statement as evidence substantiating my claim. On 1/31/11, the inmate grievance man forwarded my claim and evidence to the Division of Investigations for

review pursuant to section fifteen on the above mention policies. The sole purpose for this review of the Division of Investigations was to obviously investigate criminal activities alleged, alleged in my thing and report the findings back to the inmate grievance branch. On 2/7/11, I was interviewed by Investigator Jensen but (inaudible). At the conclusion of the interview, Smith asked me did officers participate in resolving the allegations made by complaints by the (inaudible) to upon my evaluation of Officer Gist. On 2/9/11, I was given the polygraph and afterwards I was informed by the examiner that the results were inclusive. At this time I would like to request that this disciplinary case be dismissed on various reasons. The first reason for dismissal is that this case is in violation to the above policy, specifically section 3 of the policy states that no inmate will be subjected to reprisal, retaliation, harassment, or disciplinary action for filing a grievance or participating in the resolution of a grievance:

Also, section 4.1 of this policy states that all documents pertaining to inmate grievances will be treated as confidential and statement made by, and information received from a grievant will not be used to initiate internal disciplinary action against the inmate.

DHO: And you are reading so well Mr. Stroman. I just have to compliment you.

I/M: I...I would...I would like to point out that it was clear from the narrative of my accused the report used as evidence support in the hearing that (inaudible) following against me to initially the entitled disciplinary actions: (1) With allegations that I made in my claim; (2) support the of evidence that I attached to my claim; and (3) the results of my participation in the (inaudible). Another reason for why this matter should be dismissed is because my accused has already...has already informed me the job violation

on the same date of 2/9/11, when I was provided a polygraph

evaluation in MSU Case Management (inaudible) afterwards, had reduced my custody level from three to one based on the results of my polygraph. Uh...

DHO: Ms. Jackson. Okay, go on, continue.

I/M: While...while...while cust...while custody level three refers to a larger or someone broader range of privileges that include 24 hours T.V. privileges. Custody level one refers to the stripping of (inaudible) of custody and control, no T.V. privileges except for one hour on weekends for education status or business purposes only. According to section 4...according to section of 7.4 of SCDC policy OP 22.11, this states, If an inmate is reduced to level one, he must serve ninety days at that level before he could return to an advance level. I would like to submit that I have been on one level one continuously for approximately fifty-six days now. Finally, I would like to point out that (inaudible) the members of (inaudible) include my accused, Captain Davis, Ms. Lofton of Classification.

DHO: Okay. Thank you. That wasn't too bad, was it?

DHO: Anything else you would like to say?

I/M: Well, I got uh, oh yeah I got uh, paper right here right (inaudible).

DHO: Uh huh. (inaudible)

I/M: (inaudible)

DHO: Okay. That statement is that you wrote to him. Thank you.

I/M: Uh, that right there uh, is basically uh, grievance policy.

DHO: Uh huh.

I/M: The first one is a grievance policy.

DHO: Okay.

I/M: Of section three and four.

DHO: Uh huh.

I/M: When I said the case was filed under violation. Uh, this second page is uh, is (inaudible) fifteen, how it reads, but...but it reads as forward to the uh, to the (inaudible) just for the review of criminal activity alleged by the plaintiff. And then, the third...the third page...the third page shows um, about how the inmate is uh, used...reduced to level one. You know, some type of incident report got to be done. So, obviously they did some type of incident report because I was reduced to level on the same day that...that I took my um, that I took my polygraph. Uh, and basically the last page shows, you know, that the level one, we don't get no T.V. because (inaudible)

DHO: Uh huh.

I/M: And I got to stay on level from that day, and I done made that level for uh, fifty-six days. So, basically the Major has already informed me the results of this case.

DHO: Okay. Okay. Okay. We will now receive evidence to support the charged against be accused. The case number 157 that I read earlier will stand as evidence against you. Major Jackson.

OFC: Yes ma'am.

DHO: Is the report that you submitted true and accurate?

OFC: True and accurate.

DHO: Okay. Did you hear the testimony of uh, Inmate Stroman?

OFC: Yes ma'am. I heard...I heard it.

DHO: Okay. He's saying that um, this uh, they had a uh, case management committee on 2/9/11, and that he was...reduced in custody to a level one. And he's been serving uh, a level one placement for approximately fifty-six days now. And he said that was as a result of this incident where he had the uh, the money. Could you comment on that?

OFC: Okay. Per Warden McKie, anytime an inmate uh, have a negative incident, that we do at...at that same time we put them on level. We reduce the level. And he was reduced to level one on 2/9.

DHO: Okay. And was the incident report about? What's...

OFC: It wasn't really an incident report, it was that he uh, he...he did not pass his polygraph.

DHO: Okay. He didn't pass...base and the polygraph was in relationship to what?

OFC: Due to the \$5 bills.

DHO: To the \$5.

OFC: To the \$5 bill.

DHO: So, that was related to...so, tell me the difference between that incident report and this one.

OFC: No, no. It wasn't an incident report. It was just a...a statement made by the, the investigator. That he did not pass the polygraph.

DHO: Okay, but was incident written up?

OFC: No ma'am.

DHO: Huh?

OFC: No, an incident report was not written.

DHO: Okay, but both of the incidents was related?

OFC: Right, exactly.

DHO: And uh, so the classification reduced him to a level one.

OFC: Yes ma'am.

DHO: Okay. Explain to me the date, and you put in your report, that the date of the incident was 3/17/2011.

OFC: That's what I got the report from the investigator, the...the full report.

DHO: So, there's two different reports?

OFC: No ma'am. He...he gave the verbal report at first. Then he did his written report.

DHO: Okay. So y'all had the classification committee based on his verbal report?

OFC: Yes ma'am.

DHO: But the verbal report and the written report were very similar? Or were they the same?

OFC: Uh, it was similar. You know, but his...his written report is all the information.

DHO: Okay. Okay. You have any questions for Major Jackson? And if you do, direct them to your Counsel Substitute.

I/M: No, he already answered the question I had.

DHO: Okay, yes. Okay. Okay. Thank you Major Jay...Major Jack...uh, Jackson.

OFC: Okay.

DHO: Okay. Bye - bye. Okay would you step out just let me read the um, in the uh, record. Okay, the inmate is stepping out. I'm going to read the confidential um, report into the record.

Unknown: (inaudible)

DHO: No, I got it.

Unknown: Oh okay.

DHO: (Confidential Statement was read into the record)

Unknown: (inaudible)

DHO: This should have been stamped confidential. Okay, state your name and SCDC number for the record.

I/M: Sammie Stroman, 242033.

DHO: Okay, Inmate Stroman I have read the investigative report into the record and the Counsel Substitute Ms. Husdon was present uh, during the reading of that. Okay, side issue?

C/S: No ma'am.

DHO: Okay, I've heard the charges. I've provided the opportunity for the accused to make a statement, present evidence, and witnesses. I've considered the evidence and witnesses. I will recess this hearing to arrive at a decision. Step out please. State your name and SCDC number for the record.

I/M: Sammie Stroman, 242033.

DHO: Uh, Inmate Stroman, I'm going to....ask for a continuation of this case. Uh, for additional information. Uh, I'm not able to get some people on the phone to ask them.

Uh, I have until the 14th so I'm going to ask for a hearing extension. Because your twenty-one days to hear the case will be up on the 14th and I wouldn't be back here until the...when is it?

I/M: (inaudible)

DHO: No. The...your twenty-one days expires on the 12th and I won't be back here until the 14th so I'm going to ask for a um, a hearing extension on this.

I/M: Well can...can I say one thing?

DHO: Um hmm.

I/M: Uh, I was telling my counsel substitute uh, wouldn't it be...wouldn't it be uh...wouldn't it be...wouldn't it be out of...out of date (inaudible) my accuser to be (inaudible) that he was verbally, you know, informed of the (inaudible) of the charges that I had on 2/9/11? The (inaudible) informant that...that he was informed about this stuff on 2/9/11. You know, you only got a certain amount of time to uh, write up an incident report. And then, once you (inaudible) incident report this got to signed off on by a supervisor.

DHO: Okay, as I said, I'm going to...I need some additional information so I'm going to continue the case.

I/M: Okay.

DHO: Okay. I'll see you next time.

I/M: A....well uh, next time you see me, can I give you that stuff that I wrote to you?

DHO: Stuff that you wrote to me?

I/M: Yeah.

DHO: (inaudible). You talking to uh...you talking about this policy and stuff.

I/M: Everything I wrote, everything I just read, policy, statements, everything.

DHO: And you want my statement you wrote to me back? Is that...

I/M: No, this what I'm saying. Just in case I get found guilty or something, you know, I'm going to use that as a you know, go about an appeal.

DHO: Okay. Okay.

I/M: That's why I'm saying can it get it back. I can't have it back?

DHO: You can get a copy of all of that.

I/M: Okay.

DHO: But you can...because I have to have a copy of it for the file to keep with my um, decision.

I/M: Okay.

DHO: Okay. But you can get all that back. It's in safe hands.

I/M: Alright.

DHO: Okay. Have a good day.

(This starts part two of the continuation).

DHO: Okay, state your name and SCDC number for the record.

I/M: Sammie Stroman, 242033.

DHO: Okay. Inmate Stroman, this is uh, you're appearing before the Kirkland Correctional Institution Disciplinary Hearing, being recorded at 12:45 p.m. on April 21st, 2011. I'm Mrs. Moore, the Disciplinary Hearing Officer. Inmate Stroman is being represented by Counsel Substitute, Ms. Hudson. Ms. Hudson, are you and the accused ready to proceed?

C/S: Yes.

DHO: Uh, Mr. Stroman, this is case number 157 on Inmate Stroman, 242033. On 4/7/2011, at the Kirkland, Inmate Stroman allegedly committed the offense of 817 – Possession of Contraband. Uh, this is a continuation of this hearing, case number 157. We started the hearing on 4/7/2011. Um, and at that time, after hearing all the evidence that was presented, the hearing officer uh, wanted additional information, was needed, so we wrote to Mr. Patterson, asking for a hearing extension. Uh, and the hearing

extension was approved. So, we're here at the part two of this hearing. Um, the hearing officer, uh, read over your statement, your three page statement Mr. Stroman. Uh, and also uh, looked at all the facts that was presented, in terms of um, uh, with the...your reduction in level one. Which I did find out uh, uh, didn't have a bearing on this charge directly. Uh, that was an institutional call. Um, but there's not even an incident report to my knowledge that was written up, but that was an institutional call, which is separate from the hearing process. Okay? Um, so I'd like to ask you a question. Um, did...were you in possession of \$5.00?

I/M: Um, yeah the money that was given to me. Yes ma'am.

DHO: Okay. Um, and at the time that you had the money in your possession, were you aware that it was against the rules and regulations of SCDC to have money in your possession?

I/M: Yes ma'am. That's why I took the money and I...I turned it into a grievance. And I filed a grievance.

DHO: Okay. But you took the money?

I/M: Yeah, but I....

DHO: Okay. Why did you take the money?

I/M: It was given to me.

DHO: But why would you take it realizing that it was against SCDC rules to have

it? I want to read in terms of the definition of possession of contraband, that says this

possession of unauthorized, altered, or excessive property including money?

I/M: Ma'am, now all I can say is I...I took it. I took it and I...I turned it in to the Grievance Coordinator.

DHO: Okay. Okay. Summation?

C/S: I don't have anything.

DHO: Okay. I've heard the charges. I've provided the opportunity for the accused to make a statement, present evidence, and witnesses. I've considered the evidence and witnesses. I will now recess this hearing to arrive a decision. Step out please. Ugh. State your name and SCDC number for the record.

I/M: Sammie Stroman, 242033.

DHO: Inmate Stroman, I find you guilty of 817 – Possession of Contraband. The evidence I relied upon was based on the narrative and testimony of Maj...Major Jackson. The physical evidence of the \$5 bill. The picture of it. And your statement that you had the money in your possession, the inmate is guilty of the offense of 817. This is your first offense, it's a level three. You've been disciplinary free for over two and a half years, so I'm going to take 30 days good time, suspend your T.V. for 30 days, and uh, sorry uh, and suspend your uh, telephone privileges for 30 days. You have the right to appeal my decision as it relates to guilt and punishment imposed. You have fifteen days starting with today. If you have problems reading or writing, you can get the assistance of the Grievance Coordinator. You're dismissed and this hearing is concluded. Do you want a grievance form?

I/M: Yes ma'am.

DHO: Okay.

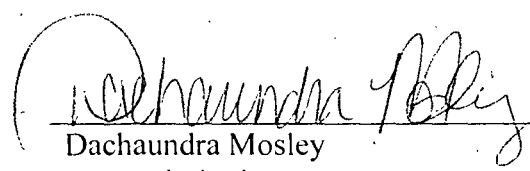
STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

Sammie Stroman, # 242033,
Appellant,
-VS-
South Carolina Department of Corrections,
Respondent.

CERTIFIED
TRANSCRIPT

This is to certify that the following transcript of this tape-recorded administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.


Dachaundra Mosley
Transcriptionist
Office of General Counsel
South Carolina Department of
Corrections

SWORN TO before me this
13th day of Feb., 2012

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 9-18-2018

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

Sammie Stroman, # 242033,

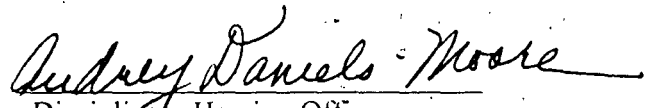
Appellant,

-vs-

South Carolina Department of Corrections,
Respondent.

CERTIFICATION

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of this tape-recorded hearing and hereby certify the transcript is true, accurate, complete, and constitutes the entire record of the proceedings.


Disciplinary Hearing Officer
South Carolina Department of
Corrections

SWORN TO before me this
13th day of February, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 11/23/14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

(24)

Case#: 157 Inmate Name: Sammie Stranin SCDC#: 242033
Living Area: M5U-42A Job: Chief Office Custody: MX3
Offense Date: 3/17/11 Offense Time: 10:50 AM/PM Institution: KC1

Offense Description:
817/Possession of Contraband

Charging Officer/Employee: V. Jackson Title: Major
INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- | | |
|--|---|
| ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING. | ☐ I WAIVE MY RIGHT TO A HEARING |
| ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING | ☐ SMU/SEGREGATION ONLY |
| ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING | ☒ I WANT A COUNSEL SUBSTITUTE |
| ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING | ☐ I DO NOT WANT A COUNSEL SUBSTITUTE |

Date & Time Notified: 4/1/11 9:35 AM/PM By (Print): Det. B D Floyd
Inmate Signature: [Signature] SCDC#: 242033 Date: 4/1/11

HEARING INFORMATION:

Hearing Date: <u>4/17/11</u>	Hearing Time: <u>11:00</u> am/pm	Tape: <u>#</u>	Side: <u>A</u>	Start: <u>22</u>	End: <u>348</u>
------------------------------	----------------------------------	----------------	----------------	------------------	-----------------

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING, (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

Inmate refused, Adm. Resolution dated 3/23/11.
See attachment
Hearing Extension approved by Mr. Patterson dated 4-14-11
See attachment

OFFENSE CODES	<u>817</u>			
INMATE PLEA (G, NG, None)	<u>NG</u>			
FINDINGS (G, NG, DS)	<u>G</u>			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Based on the narrative & testimony of Major Jackson, the physical evidence (5 bill picture) and inmate's statement that
HEARING LENGTH: 30 (MINUTES) Inmate is guilty of the offense 817.

SANCTIONS: 32 days
Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): 30
* Property (Days) _____ Extra Duty: _____ Restitution: \$ _____
* Canteen (Days) 30 after Visit Suspension Thru 1/1
* Other TV (Days) 30 Cell Restriction (Days): _____
* Disciplinary Detention (Days): _____
SUSPENSION: Telephone Susp. 30
SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 1st offense; level 3; disciplinary clear; see approx 2 1/2 years.

CREDIT FOR PHD TIME SERVED? YES/NO _____ IF YES, DAYS _____
DATE INMATE PLACED IN PHD Presently assigned to M5U 4-21-11
INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature] DATE: 4-7-11
HEARING OFFICER (PRINT NAME) Audrey Daniels-Moore
APPROVED/REVERSE/MODIFY [Signature] Warden REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

(25)

Page 1 of 1

Case # 157

Institution/Center: Kirkland Reception and Evaluation Center				Date of Report: March 17, 2011	
Reporting Official (Full Name): Vaughn Jackson, Major				Time of Report: 12:00 PM	
Employee ID #: 000913				Date of Incident: March 17, 2011	
Location of Incident: MSU				Time of Incident: 10:30 AM	
Inmate(s)/Resident: SCDC#		Age	Sex	Race	Employee(s)/Witnesses Involved:
1.	Sammie Stroman 242033				1. Major Vaughn Jackson
2.					2. Investigator Jim Smith
3.					3.
4.					4.
5.					5.

On the above date and approximate time: I Major Vaughn Jackson, received a report from Investigator Jim Smith on Inmate Sammie Stroman #242033. Inmate Stroman made the allegation that Captain Willie Davis gave him a \$5 dollar bill. Inmate Stroman mailed the money to the grievance branch. Inmate Stroman was given a polygraph evaluation on February 9, 2011. Per the examiner, Inmate Stroman's responses indicated attempted deception on the question that Captain Davis gave him a \$5 dollar bill. Inmate Stroman is being charged with Possession of Contraband and lying to an employee or knowingly making a false statement.

Signature: *Vaughn Jackson* Title: Major II

Evidence: *Investigator Smith Report*

Disposition of Evidence:

Supervisor's Comments: *Ilm Stroman will be charged w/ (817) Possession of contraband and (831) Lying to an employee.*

Printed Name: *Capt. L. Peoples* 3.17.11

Signature: *[Signature]* Title: *Capt. II* Date/Time: *3:20 pm*

Major/Responsible Authority: *Any Will find to Erskine 3:20 PM Goodtime and Division Privileges suspended for 90 days.*

Printed Name: *Chad Okean*

Signature: *[Signature]* Title: *Capt* Date: *3-23-11 11:45 am*

STG Related – Refer to STG Committee

☐ Yes ☒ No ☐ Unknown

This incident is DRUG related

☐ Yes ☒ No ☐ Unknown

Responsible Authority Action Taken

☐ Informal Resolution
☐ Administrative Resolution
☒ Refer to Disciplinary Hearing

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

STEP 1

(26)

INMATE NAME: Sammie Stroman
SCDC NUMBER: 242033
INSTITUTION: Kirkland C.I.
HOUSING UNIT: MSU-10
WORK ASSIGNMENT: N/A

Office Use Only
Grievance No. 47151 0145-11
Code: General _____
Policy _____
Disc. Hear. ☒ #157
Class. 4/21/11 81 F
Date Received 5/21/11
IGC Initials KL

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

On 4-7-11, I went to the Adjustment Committee for Case #157. A continuance was requested and granted in this matter so the case proceeded on 4-21-11. At the conclusion of the hearing, I was found guilty and I would like to appeal based on the following reasons: (1) My accuser charged me in violation to sections 3 and 4.1 of Policy GA-01.12. To support this allegation, I submit that on 1-20-11, I exercised my grievance right by filing a grievance against Capt. W. Davis with allegations that he gave me a five-dollar bill. Prior to

ACTION REQUESTED:

That this case be overturn and dismissed. Also, I request that the sanctions imposed be uplifted.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

N/A

Sammie Stroman 5-3-11
Grievant Signature Date

ACTION TAKEN BY IGC:

Reviewed case and considered reasons for appeal. There was substantial compliance with institutional standards and procedures. The decision of the Disciplinary Hearing Officer (DHO) was based on substantial evidence and under the circumstances; the sanctions imposed were proportionate to the rule violation. Therefore, I am recommending that the conviction be upheld. See Warden's decision.

Heel 5/31/11
IGC Signature Date

N/A
Grievant Signature Date

- ☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

filing my grievance (#MSU-0037-11) with the IGC; I attached the specific five dollar bill in question to my complaint as evidence to substantiate my claim. On 1-31-11, the inmate grievance branch forwarded my complaint to the Division of Investigation for review pursuant to section 15 of the above-mentioned policy. On 2-7-11, I was interviewed by investigator J. Smith regarding my complaint. At the conclusion of the interview, Smith ask me if I would participate in resolving my complaint by agreeing to a polygraph evaluation and I said yes. On 2-9-11, I took the evaluation and the results were inconclusive. On 3-17-11, my accuser obtained a copy of Mr. Smith's investigative report ~~regarding the results of my evaluation and thereafter, he used this information to initiate internal disciplinary action against me.~~ regarding the results of my evaluation and thereafter, he used this information to initiate internal disciplinary action against me. Section 3 of the above-mentioned policy states that no inmate will be subjected to reprisal, retaliation, harassment, or disciplinary action for filing a grievance or "participating in the resolution of a grievance." Section 4.1 of this same policy state that statements made by, or information received from a grievant will not be used to initiate internal disciplinary action against an inmate and all accompanying documents to a grievance will be treated as confidential. Therefore, my accuser's report and his supporting evidence is insufficient.

(2) Prior to filing his Incident Report in this case, my accuser took it upon himself to informally resolve the allege violation of this case by reducing my custody level which simultaneously placed me on 90 days television restriction. Immediately after I was provided my evaluation on 2-9-11, my accuser appeared on the MSU Case Management Committee and had the committee reduce my custody level from 3 to 1 based on the results of my evaluation. During my disciplinary hearing, my accuser admitted to the DHD that the reason why he had the committee reduce my custody level is because investigator Smith contacted him immediately after I was given the evaluation and verbally informed him the results. According to section 7.4 of Policy DP-22.11, if an inmate is reduced to level 1, he must serve 90 days in that level before he can return to an advanced level. The MSU Captain has also issued a MEMO to all MSU staff advising that level 1 inmates will not receive TV privileges. (See attached MEMO). Also, I would like to point out that section 5.1 of Policy DP-22.14 states that a Major/Responsible Authority may informally resolve a incident by placing a inmate on TV restriction for 90 days. Therefore, since my accuser's rank is major II, his action of reducing my custody level on 2-9-11, has informally resolved my alleged violation.

(3) My accuser's Report was not filed in a timely manner. As I've stated in above paragraph (2), my accuser admitted to the DHD that he was contacted by ~~Mr. Smith~~ Mr. Smith on 2-9-11 and was verbally informed of the same information that he used to ~~initiate~~ initiate his report in this case. According to Policy DP-22.14, my accuser had 24 hours from the date of discovery of any allege violation to complete his report, but he fail to do so.

Finally, I would like to request that the Hearing Tape Recording be made available and reviewed by each appropriate reviewing authority.

WARDEN'S DECISION AND REASON:

(28)

Inmate Stroman:

This is in reference to grievance #0145-11.

You have appealed the results of your April 21, 2011, Disciplinary Hearing where you were found guilty of the charge of **817 – Possession of Contraband**. The issues you stated do not warrant a reversal of charge. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence were noted and the decision of the Disciplinary Hearing Officer was based on the narrative and testimony of Major Jackson, the physical evidence (\$5.00 bill) and your admission of having the money in your possession.

Therefore, your grievance is denied. If you are not satisfied with my decision, you may appeal to the appropriate responsible official, within five (5) days of receipt, via the Institutional Grievance Coordinator.


Warden Signature 6/1/11
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 6-2-11
Date


IGC Signature 6/2/11
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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, via the Institutional Grievance Coordinator.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

KIRKLAND RECEPTION AND EVALUATION CENTER

MEMORANDUM

TO: All MSU Staff
FROM: Capt. Willie Davis
DATE: November 19, 2010
RE: Inmate TV Privileges

It has been brought to my attention that Inmate TV privileges are being abused, and MSU rules and regulations are not being followed. These rules are as outlined below:

- • Level 1 Inmates – No TV privileges, except for one (1) hour on the weekend for educational/religious purposes only.
- Level 2 Inmates – TV will be turned on at 12:00 p.m. and turned off at 8:00 p.m.
- • Level 3 Inmates – 24 hour TV privileges.

These rules and regulations have been part of MSU Policy OP-22.11 and will be enforced. Supervisors who fail to abide by these rules and regulations will face corrective action per Administrative Policy ADM-11.04.

Your cooperation is appreciated as well as expected.

S/ Capt. Willie Davis
Capt. Willie Davis

WD/trw

cc: Office File

Memo to MSU Staff re TV privileges.doc

STEP 2

Office Use Only

(30)

INMATE NAME: Sammie StromanSCDC NUMBER: 242033INSTITUTION: K.C.I.HOUSING UNIT: MSU-10WORK ASSIGNMENT: N/AGrievance No. MSU 0145-11

Code: General

Policy

Disc. Hear. # 157 817Class. 4/21/11Date Received 6/3/11GEC Initials FN

INMATE GRIEVANCE

ALL 11-6-2011

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I would like to appeal the warden's decision based on reasons stated in my step (1) grievance and because the officials at this institution is trying to circumvent the procedures and ~~rights~~ rights outlined in SCDC policies GA-01.12 and OP-22.14. I also would like to direct the Reviewing Official's attention to paragraph (2) of my step (1) grievance where I alleged that this case was informally resolved

Sammie Stroman 6-3-11
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Possession of Contraband (817) Level 3 offense, case #157, on April 21, 2011, as outlined in OP-22.14, "Inmate Disciplinary System", dated September 1, 2009, and the sanction(s) imposed, which included the loss of -3- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's (DHO) decision. A review of your appeal revealed that you received twenty-four (24) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner. You were convicted based upon the preponderance of the evidence/testimony presented at your hearing.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. 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.

[Signature] 11/21/2011
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.

[Signature] 11-29-11
Grievant Signature Date

[Signature] 11/29/11
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

by my accuser on 2-9-11, when my custody level was reduced from three to one. During my disciplinary hearing, I pointed out to the DHO that a similar Incident Report had already been filed against me to have my custody level reduced for the same issues surrounding the present case. When asked if my allegation was true, my accuser stated on record that ~~a~~ a report wasn't filed when my level was reduced. However, I have proof that my accuser lied to the DHO. I submit that immediately after my level was reduced, I filed a grievance (#MSU-0058-11) in pertaining to the matter. On 6-2-11, I received a Step One response stating that my level was reduced because I received an Incident Report.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Sammie Stroman # 242033)

Appellant,)

vs.)

South Carolina Department of Corrections,)

Respondent.)

NOTICE OF APPEAL

DOCKET NO. ALJ-04-
GRIEVANCE NO.: MSU 0145-11

Notice is hereby given that Sammie Stroman # 242033 does hereby appeal the final decision of the South Carolina Department of Corrections dated 11-21-11 and received on 11-29-11, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The reason why I would like to appeal this matter is because during my disciplinary hearing, the DHO acted in an arbitrary and unfair manner by depriving me of a liberty interest without providing me adequate due process. Specifically, the DHO fail to comply with mandatory regulations and also fail to base her final decision on substantial evidence.

Sammie Stroman # 242033
Appellant's Name

K.C.I. / MSU-13
Mailing Address
4344 Broad River Rd.
Columbia, S.C. 29210
City, State, Zip Code

Sammie Stroman # 242033
Signed

12-20-11
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Sammie Stroman (your name), on the 20th day of December, 20 11, in Columbia (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Office Of General Counsel
Address: P.O. Box 21787
4444 Broad River Rd.
City, State, Zip Code: Columbia, S.C. 29221-1787

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

State of South Carolina
Administrative Law Court

(33)

Sammie Stroman, # 242033,
Appellant,

v.

South Carolina Dept. of Corrections,
Respondent.

) Docket No. 11-ALJ-04-1004-AP

) Amended Motion Requesting

) Additional Documents Be

) Placed In Respondent's Record

) HONORABLE John McLeod

In addition to the documents requested be placed in the Respondent's Record in the Appellant's first motion, the Appellant would also like to request that the following documents be placed in the Record:

- 1) SCDC Policy GA-01.12, Inmate Grievance System

FILED

MAR 07 2012

SC ADMIN. LAW COURT

March 5, 2012

DENIED

John D. McLeod
Administrative Law Judge

4-16-12

Date

Sammie Stroman # 242033

Sammie Stroman # 242033

K.C.I. / MS4-13

4771 Broad River Rd.
Columbia, S.C. 29210

FILED

APR 16 2012

SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

(34)

INMATE NAME: Sammy Stroman
SCDC NUMBER: 242033
INSTITUTION: K.C.I.
HOUSING UNIT: MSU-10
WORK ASSIGNMENT: N/A

Office Use Only
Grievance No. MSU-0037-11
Code: General UC 15
Policy _____
Disc. Hear. _____
Class. _____
Date Received 1-29-11
IGC Initials all
IGA _____

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

This is a complaint of unprofessionalism being filed against Capt. Davis for retaliating against me for submitting request forms to warden Mckie in reference to inmate Fredrick Myers. To support my allegation, I submit that after I submitted warden Mckie a request form in reference to having ~~Tim~~ Myers placed on "walk-alone" status, Capt. Davis came to me on 1-18-11,

ACTION REQUESTED:

That Capt. Davis be subjected to disciplinary actions.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

On 1-20-11, I submitted a request form to Major Jackson.

Sammy Stroman 1-20-11
Grievant Signature Date

ACTION TAKEN BY IGC: Forwarded for DOI Review 1-31-2011

IGC reviewed. See Warden's response.

K. Hill 10/12/11
IGC Signature Date

N/A _____
Grievant Signature Date

- ☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

and warned me to come to him first with any issues that I have in regard to I/m Myers before submitting a request to the warden. I did not take heed to his warning and sent warden McKie another request form stating that I/m Myers should be in a "black box" when exiting his cell. On 1-20-11, Capt. Davis retaliated against me ~~for~~ for failing to take heed to his warning by moving me from a cell with adequate plumbing and heating, to a cell with no heat or functioning sink. I submit that this cell only has a "pipe" sticking out of a hole where the sink should be which is unsanitary. Upon noticing that this cell did not have any heat or functioning sink immediately after entering it, I informed Capt. Davis that I was filing a grievance on the matter. At this time Capt. Davis instructed the officers to exit the cell ~~and~~ and close the outside door while he and I remain in the cell. Once we were alone, he (Davis) gave me a five-dollar bill and told me to keep quiet about the condition of the cell. (See five-dollar bill attached to this grievance). Furthermore, I would like to submit that there are holes in the cell walls which are allowing insects to enter the cell and bite me. Please investigate!

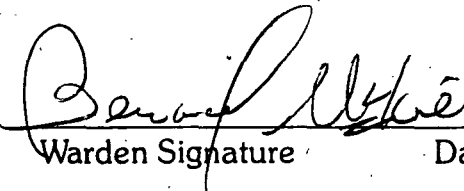
WARDEN'S DECISION AND REASON:

Inmate Ströman:

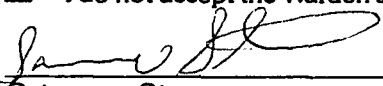
This is in reference to grievance #0037-11.

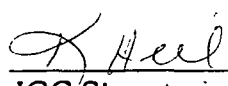
I have reviewed your grievance and the facts. An investigation into this matter concluded there was no validity to your allegations.

Therefore, your grievance is denied. If you are not satisfied with my decision, you may appeal to the appropriate responsible official, within five (5) days of receipt, via the Institutional Grievance Coordinator.

 10/17/11
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.

 10-17-11
Grievant Signature Date

 10/17/11
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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, via the Institutional Grievance Coordinator.

(37)

EVIDENCE

Case No. 03-0672

Evidence Description Five dollar Bill

SN# FL14569778B

Place Evidence Found From I/m Sumner

Strom #242023 MSU

Date & Time of Recovery 1/31/11 - HQ CRIMINAL

Suspect I/m Sumner Offense _____

Victim SCDC

Evidence Recovered By HQ CRIMINAL

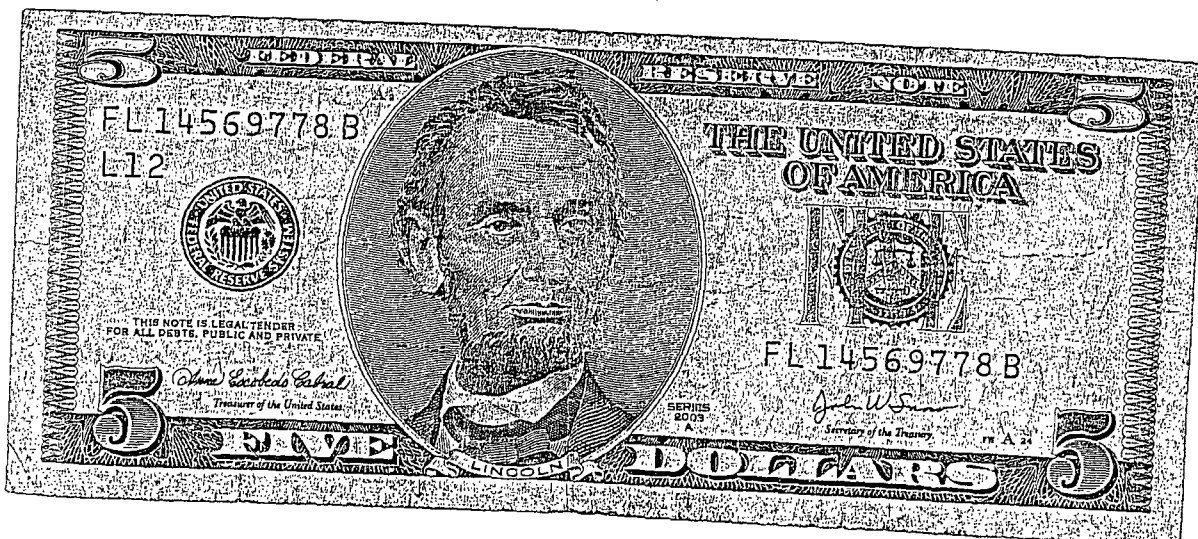
Signature, Rank

CHAIN OF POSSESSION OF EVIDENCE

Signatures Required

From	To	Date	Time
<u>HQ CRIMINAL</u>	<u>D. Bruehl</u>	<u>1/31/11</u>	<u>11AM</u>
<u>D Bruehl</u>	<u>JA Smith</u>	<u>1/31/11</u>	<u>2pm</u>
<u>JA Smith</u>	<u>Coastal</u>	<u>2/1/11</u>	<u>9AM</u>

SCDC S-23 (Rev. October, 1996)



The State of South Carolina
In The Court of Appeals

Appeal From Administrative Law Court
Honorable John D. McLeod
Case No. 11-ALJ-04-1004-AP

Sammie Stroman, # 242033 Appellant,

V.

South Carolina Department of Corrections Respondent.

Certificate of Service

I hereby certify that I have served Respondent a copy of the Record on Appeal by depositing a copy of same in the United States Mail, addressed as follows:

Christopher D. Florian
S.C. Department of Corrections
P.O. Box 21787
Columbia, S.C. 29221

I hereby certify that the Record on Appeal contain all material proposed to be included by any of the parties and not any other material.

This 18th day of
December, 2012.

Sammie Stroman # 242033
Sammie Stroman # 242033
K.C.I./MSU-13
4344 Broad River Rd.
Columbia, S.C. 29210