

South Carolina  
Department of  
Corrections

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

December 12, 2018

**RECEIVED**

DEC 17 2018

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Reference: App. Case No.: 2018-001456 (*Terry Smith, #160785*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

Please accept this letter as an informal reply to the Court's December 4, 2018 request for an update on the status of Appellant's case on remand from the Administrative Law Court.

Appellant filed an appeal of his sentence calculation with the Administrative Law Court on February 8, 2018. On July 3, 2018, Administrative Law Court Judge H.W. Funderburk, Jr. reversed the Department's final agency decision and remanded the matter to the Department "for recalculation of Appellant's 1994 distribution sentence . . . and for recalculation of his October 16, 2006 sentences . . . in accordance with this order."

Respondent then began a recalculation of Appellant's sentence in accordance with Judge Funderburk's order. Prior to receiving the results of this recalculation, Appellant filed this appeal with this Court. On August 24, 2018, the recalculation was completed and Appellant was informed of the results via a letter from the Office of General Counsel. On September 17, 2018, Respondent filed with this Court a Motion to Dismiss Appeal as Premature. Appellant responded to that motion on September 25, 2018.

As Appellant noted in his Reply to Respondent's Motion to Dismiss as Premature, the August 24, 2018 letter regarding the ordered recalculation of his sentence does state that it is SCDC's final agency decision on the matter. This was done to make it clear to Appellant that he did not need to go through the Department's Inmate Grievance System, as is normally required to obtain a final agency decision. Because the letter itself stated it was a final agency decision, Appellant could instead appeal the decision contained in that letter directly to the Administrative Law Court. Appellant has in fact done so. Appellant filed an appeal with the Administrative Law Court of Respondent's August 24, 2018 decision on September 6, 2018. The Administrative Law Court has assigned that matter case number 18-ALJ-04-0438-AP. As of today's date, that case is still pending.

Sincerely,

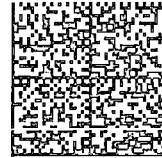
Annie Laurie Rumler, Esquire

cc: Terry Smith, #160785

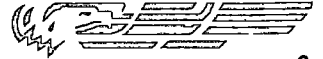


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