

In The State of South Carolina

In The Court of Appeals

Appeal From Administrative Law Court
Administrative Law Judge Carolyn C. Matthews

case No: 11-ALJ-04-0871-AP

Joshua Gallishaw, #251362 Appellant,

S.C. Dept. of Corrections Respondent

Final Brief of Appellant (Amended)

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pro, se
s/ *Joshua Gallishaw*

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SC Court of Appeals

Table of Contents

Table of Contents	i
Table of Authorities	ii
Final Brief of Appellant	1a, 2a
Certificate of Counsel	3a
Certificate of Service	4a

Table of Authorities

	Pgs
Allen v State 529 S.E.2d 541	1
Goings v Missouri Dept of Corrections 6 S.W.3d 906	1
24 B C.J.S. Criminal Law §1995 (5) pg 645	1
§ 24-13-40	1
State v Dozier 210 S.E. 2d 225	1

Final Brief of Appellant

Appellant was at all times incarcerated since arrest for murder on 2-23-98, when subsequent charges were served upon him, violating his probation (see Record on Appeal herein R.O.A., Probation Warrant pgs 7, 8 also 4, 6 of R.O.A.)

Before any convictions Appellant was sent to S.C.O.C. on 7-27-98 for Probation Violation (R.O.A. pg 1) and completed sentence and was sent back to Sumter Jail on 6-30-99 on detainer's.

On 3-8-00 on detainer charge Appellant was again sentenced and sent back to S.C.O.C. on 3-13-00 (R.O.A. pg 1, 3, 4)

Appellant was in County Jail 409 days (R.O.A. pgs 1, 2) § 24-13-40; State v Dozier 210 S.E.2d 225.

Appellant contends he is entitled to credit for time served prior to sentence if the time in custody is related to that offense (Allen v State 529 S.E.2d 241 quoting Goings v Miss. Dept. 6 S.W. 3d 906)

"... the right to credit under the statute is not limited to the time spent in prison or jail... but also includes the time spent in jail in another jurisdiction -- (28 B.C.J. Criminal Law § 1995 (5) at pg 645

The Computation of time served by prisoners shall be reckoned from date of imposition (date of warrant) of sentence.

Appellant contends he should be given all credit from July 28, 1998 to June 29, 1999; March 14, 2000 to Nov 14, 2000 for time spent in S.C.D.C. awaiting detainer charges and from June 1, 1998 to July 27, 1998; and March 4, 2000 to March 13, 2000.

Respondent's interpretation of § 24-13-40 is erroneous. Judge Pieper gave appellant 557 days just prior to last sentence. (See Going v. Miss Dept., R.O.A. pgs 15-17).

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Joshua Gallishaw Appellant

S.C. Dept. of Corrections [✓] Respondant

Certificate of Counsel

The undersigned certified that this Final Brief
of Appellant ^(Amended) Complies with rule 211 (b) S.C.A.C.R.

date: 3-6-13

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In The State of South Carolina
In The Court of Appeals

Appeal From Admin. Law Court
Admin. Law Judge C. Matthews

Case No. 11-ALJ-04-0871 AP

Joshua Gallishaw - - - - - Appellant

✓
S.C. Dept. of Corrections - - - Respondent

Certificate of Service

I hereby certify that I have served Respondent
a copy of the foregoing Final Brief of Appellant
mailed for sign by depositing a copy of same in
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