

In The State of South Carolina  
In The Court of Appeals

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

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

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Joshua Gallishaw, 251362 - - - - - Appellant,

✓

South Carolina Dept. of Corrections - - - - - Respondents

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Final Reply Brief of Appellant (2nd Amendment)

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Joshua Gallishaw, pro se  
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dated: 4-25-13

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## Table of Authorities

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| 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        | 157 pg 645     | 1 |
| § 24-13-40                             |                | 1 |
| State v Dozier                         | 260 S.E.2d 225 | 1 |
| People v Shipp                         | 367 N.W.2d 430 | 1 |

## Final Reply Brief of Appellant

Appellant was incarcerated/arrested for Murder on 2-23-98 when subsequent charge's were served upon him violating his probation (see Record on Appeal, herein R.O.A., Probation warrant pg 7,8 also 4,6).

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

March 8, 2000 on detainer charge Appellant was again sentenced and sent back to S.C.D.C. on March 13, 2000 (R.O.A. 1,3,4).

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

Appellant contends he is entitled too credit for time served prior to sentence if the time in custody is related to that offense (Allen v State 529 S.E.2d 541 quoting Goings v Missouri Dept. of Corrections 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..." (24 C.J.S. Criminal Law § 1995 (5) at pg 645).

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

Appellant contends he should be given full credit from Feb. 23, 1998 to present for time spent in S.C.D.C. on detainer charge's (People v Shipp 367 N.W. 2d 430)

Respondant's interpretation of § 24-13-40 is erroneous Judge Pieper gave appellant 557 days just prior to this sentence. Judge Cooper gave all sentences to run concurrent to all other charge's.

Appellant is suppose to max-out May 31, 2013 not March, 2015 as respondants have calculated.

dated: 4-25-13

25th day of April, 2013

Yolanda Long

Notary Public for South Carolina

My Commission Expires: 1/20/2022

51 Josh Gill

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Joshua Gallishaw - - - - - Appellant

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

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Certificate of Counsel

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The undersigned certified that this Final Reply Brief of  
Appellant complies with Rule 211 (b) S.C.A.C.R.

dated: 4-25-13

sl. Josh Gallishaw

25th day of April, 2013

Yolanda Long  
Notary Public for South Carolina

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Joshua Gallishaw, - - - - - Appellant

S.C. Dept. of Corrections - - - - - Respondants

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Certificate of Service

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I hereby certify that I have served Respondant  
a copy of the foregoing Final Reply Brief of Appellant  
by depositing a copy of same in U.S. Mail Box at Walden  
Carr. Inst. addressed as follows:

Chris Florian, Attorney for Respondants  
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P.O. Box 21787  
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Dated: 4-25-13

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25th day of April, 2013

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My Commission Expires: 1/20/2022

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