

State of South Carolina
In the Court of Appeals

Appeal from the Administrative Law Court
S. Phillip Lenski, Administrative Law Judge
Appellate Case No. 2018-002243

RECEIVED

FEB 25 2019

SC Court of Appeals

John K. Massey, Jr. #305341

Appellant

v.

South Carolina Department of Corrections.

Respondent

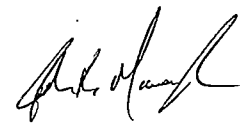
Designation of Matter to be
included in Record on Appeal

Appellant proposes the following be included in the Record on Appeal:

- (1) Sentence Sheets (Exhibit A)
- (2) Inmate Records Plan pg 10A2 (Exhibit B)
- (3) Respondent's Brief dated December 7th, 2017 pg 1-4 (Exhibit C)
- (4) Appellant's Notice of updated jail time credit dated
December 29th, 2017 (Exhibit D)
- (5) Order of Dismissal (Exhibit E)

I certify that this designation contains no matter which is
irrelevant to this appeal.

February 14th, 2019



John K. Massey, Jr. #305341
Nadobugall Correctional Inst.
1516 Old Gillard Rd.
Ridgewille, S.C. 29472
Pro-Se Appellant

COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.

AKA: John K. Massey, John Kenneth Jr Massey
Race: [redacted] Sex: [redacted] Age: [redacted]
DOB: [redacted] SS#: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL# [redacted] SID# [redacted]

INDICTMENT/CASE#: 2013GS4603509
A/W: 2013A4610100815
Date of Offense: 07/17/2013
S.C. Code §: 16-11-0510(A) and 16-1-57
CDR Code #: 3594

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Malicious Injury to Property, Third or Subsequent Property Crime
In violation of § of the S.C. Code of Laws, bearing CDR Code # 3594

CONVICTED OF or PLEADS

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Recommendation by the State.

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ATTEST: Matthew Hodge 100126
T. Matthew Hodge, Assistant Solicitor SC Bar # _____ Defendant FEB 25 2019 Attorney for Defendant 66593 SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 2 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2013-GS-4603508
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 140 days
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund
Other: _____

Recipient: _____	
*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
Proviso 47.9 (Public Def/Prob)	\$500 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
Proviso 90.5 (SCCJA Surcharge)	\$5 \$ <u>5</u>
3% to County (if paid in installments)	\$ _____
TOTAL	\$ <u>130</u>

Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: _____

Presiding Judge: _____
Judge Bar ID: 1014 Judge Code: 2048
Sentence Date: 12.2.15

COUNTY OF YORK STATE VS.

JOHN KENNETH MASSEY, JR

INDICTMENT/CASE#: 2013GS4603508 A/W: 2013A4610100814 Date of Offense: 07/17/2013 16-13-0030(B) 3587

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SENTENCE SHEET

AKA: [redacted] Race: [redacted] Sex: [redacted] Age: [redacted] DOB: [redacted] SS#: [redacted] Address: [redacted] City, State, Zip: [redacted] DL# [redacted] SID# [redacted]

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No [] SC Court of Appeals TO: Grand Larceny, Third or Subsequent Property Crime [X] CONVICTED OF or [] PLEADS

In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3587

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] §17-25-45 (CSC w/minor 1st or Lewd Act) The charge is: [X] As indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. [] Negotiated Sentence, [] Recommendation by the State. The plea is: [] Without Negotiations or Recommendation, (def.'s initials)

ATTEST: T. Matthew Hogge, Assistant Solicitor General, 100126 SC Bar # Defendant Attorney for Defendant 66593 SC Bar #

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center, for a determinate term of 10 days/months/years or [] under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

[] CONCURRENT or [] CONSECUTIVE to sentence on: [X] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 140 days [] The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: [] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP _____ days/hours Public Service Employment [] Obtain GED []

[] Set by SCDPPPS _____

Recipient: *Fine: §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$100 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso 47.9 (Public Def/Prob) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$25 §14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$5 3% to County (if paid in installments) \$ \$ TOTAL \$120

Attend Voc. Rehab. Or Job Corp. _____ May serve W/E beginning _____ Substance Abuse Counseling [] Random Drug/Alcohol Testing [] Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____ Paid to Public Defender Fund Other: _____

[] Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: David Hamilton Court Reporter: [redacted]

Presiding Judge: [Signature] Judge Bar ID: 1014 Judge Code: 21218 Sentence Date: 12.2.15

FEB 25 2019

12. JAIL TIME CREDIT/SENTENCE START DATE : SC Court of Appeals

Jail Time Credit: Time served, usually at a county facility, prior to trial and sentencing. The sentence start date may be the same as the jail time credit date.

Sentence Start Date: Date of sentencing less jail time credit. Effective date on commitment papers (or sentencing date if not specified) for each successive concurrent sentence. In cases of two (2) or more sentences and the sentences are consecutive, the sentence start date for the total sentence is the start date of the first sentence in the consecutive string.

12.1 Inmates Eligible for Jail Time Credit:

12.1.1 An inmate will be eligible to receive credit for time served prior to trial and sentencing if the offense for which s/he is convicted is the same as the offense for which s/he was jailed.

12.1.2 An inmate who is not an escapee will be eligible to receive credit for out-of-state jail time if s/he is apprehended and held solely for a crime committed in South Carolina.

12.1.3 Inmates sentenced under the Youthful Offender Act (YOA) will be eligible to receive jail time credit. The Inmate Records Office will enter jail time for an initial incarceration; however, credit awarded on the YOA parole revocations will be calculated by the Young Offender Services Division.

12.2 Inmates Not Eligible for Jail Time Credit:

12.2.1 An inmate will not be eligible to receive jail time credit if s/he is on escape from the South Carolina Department of Corrections and is apprehended and confined out-of-state.

12.2.2 An inmate will not be eligible to receive in-state or out-of-state jail time credit if the offense for which s/he is convicted is different from the offense for which s/he was jailed.

12.2.3 An inmate (not an escapee) will not be eligible to receive out-of-state jail time credit if s/he is apprehended and held in another state for a crime committed in South Carolina and for a crime committed in the other state. Once the charges for the crime that occurred in the other state have been satisfied, s/he may be eligible to begin receiving out-of-state jail time credit toward his/her South Carolina charges.

12.3 Request for Jail Time Credit:

12.3.1 If authorized jail time credit has not been awarded to an inmate, the Institutional Classification Caseworker will complete the top portion of SCDC Form 18-11, "Request for Jail Time," make a copy of the form for the institutional record, and forward the white, pink, and goldenrod copy to the Inmate Records Office, Document Processing Section, ATTN.: Jail Credits. If the inmate claims s/he was incarcerated in more than one (1) facility prior to sentencing, a separate "Request for Jail Time Form" must be submitted for each facility.

12.3.2 Upon receipt of the SCDC Form 18-11, "Request for Jail Time," the Records Analyst responsible for jail time credits will review the form to determine if the request should be forwarded to the appropriate county/city facility.

12.3.3 If it is determined that the inmate will not be given jail time credit, the white copy of the original request will be returned to the designated Caseworker, indicating that the inmate is not eligible for jail time credit requested, and an explanation will be provided to explain why jail time credit is not applicable.

12.3.4 If it is determined that the inmate could be eligible for jail time credit, the request will be forwarded to the appropriate county/city facility.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 17-ALJ-04-0163-AP

) Grievance No.: MACCI 158-16

) RESPONDENT'S BRIEF

) *Honorable S. Phillip Lenski*

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SC Court of Appeals

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of John Kenneth Massey, Jr. ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on August 2, 2016, claiming his jail time credit was not being properly applied. This grievance was investigated and denied when it was determined that SCDC has properly applied Appellant's jail time credit for each charge. Appellant filed a Step Two Grievance on January 5, 2017. This grievance was also investigated and denied. Appellant subsequently filed his Notice of Appeal. Because Appellant's jail time credit has been properly applied, the final determination of the Department should be affirmed.

JURISDICTION

The ALC'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). In *McNeil v. South Carolina Department of Corrections*, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to *Al-Shabazz*. That decision holds that the ALC's appellate jurisdiction in inmate appeals is

limited to two types of cases: (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 the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in *Sullivan v. SCDC*, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. *Pearson v. JPS Converter & Industry Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). 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. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. *Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

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ARGUMENT

I. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE APPELLANT'S JAIL TIME CREDIT HAS BEEN PROPERLY APPLIED BY RESPONDENT.

On July 13, 2013, Appellant was arrested for Grand Larceny and Malicious Injury to Property – Third or Subsequent. R. p. 17. These are the only two convictions for which Appellant is still incarcerated. R. p. 1. Appellant was released on bond for both charges on August 27, 2013. R. p. 17. Appellant was arrested again on both charges on August 26, 2015. *Id.* He was then sentenced on December 2, 2015. R. p. 6, 11. Pursuant to S.C. Code Ann. § 24-13-40, Appellant is entitled to any pre-detention jail time he served. (“In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing[.]”)

On both of the previously referenced sentencing sheets, the sentencing judge indicated Appellant served 140 days of jail time. R. p. 6, 11. However, the judge ran one of the sentences consecutively. R. p. 6. SCDC must adhere to an unambiguous sentencing sheet. *Tant v. S. Carolina Dep't of Corr.*, 408 S.C. 334, 759 S.E.2d 398 (2014), *reh'g denied* (July 10, 2014). Accordingly, the jail time credit applied at the beginning of the string of sentences. *State v. Richardson*, 295 N.C. 309, 245 S.E.2d 754, (1978).

Again, as Appellant's sentencing sheet for Malicious Injury to Property – Third or Subsequent indicates, this is a consecutive sentence. R. p. 6. By its very nature, a consecutive sentence cannot begin until all prior sentences are completed. *State v. Richardson*, 295 N.C. 309, 319, 245 S.E.2d 754, 761 (1978). When a defendant receives a consecutive sentence, the prior sentence(s) and the consecutive sentence(s) are considered one sentence for the purpose of providing jail time credit. *Id.* Jail time credit

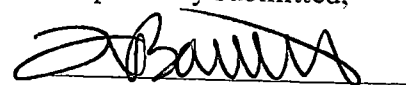
is counted once toward the string of sentences. *Id.* As shown on Appellant's Commitment Application Inquiry Screen, his jail time has been applied to his Grand Larceny conviction. R. p. 7. The same jail time cannot be applied a second time to his second conviction.¹

Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence. Therefore, SCDC respectfully requests its decision denying appellant's Step Two grievance be upheld.

II. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE.

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n*, 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

Respectfully submitted,



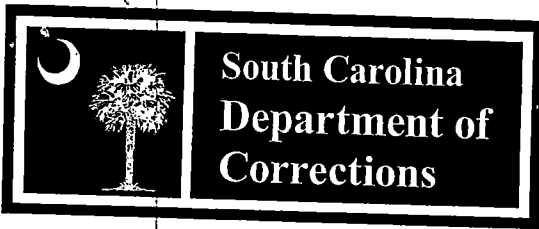
Kensey Barrett
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1943

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SC Court of Appeals

December 7, 2017
Columbia, South Carolina

¹ If Appellant's jail time credit were also applied to his Malicious Injury to Property – Third or Subsequent sentence, it would result in a windfall as Appellant only served the jail time once, but would receive credit for it twice.

Exhibit D



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

December 29, 2017

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SC Court of Appeals

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate John K. Massey, Jr., #305341, vs. SCDC
Docket No. 17-ALJ-04-0163-AP

Dear Judge Lenski:

Please allow this letter to serve as an update to the Court on the above referenced case. After meeting with the Division of Inmate Records, Appellant's jail time has been updated for his Grand Larceny conviction. This jail time stems from the time Appellant spent in jail prior to his March 31, 2015 Shoplifting conviction. R. p. 18. Page 7 of the Record, filed on November 17, 2017, shows 140 days of jail time for the Grand Larceny conviction; the Commitment Application enclosed herein has the updated jail time credit of 582 days. Also enclosed is an updated Conviction Summary, the prior version of which was page 1 of the above mentioned Record. Appellant's projected completion dates are now August 22, 2019 and August 17, 2020 for his Grand Larceny and Malicious Injury to Property convictions, respectively.

The additional jail time was not added to the Malicious Injury to Property conviction as it runs consecutive to Appellant's Grand Larceny conviction. The argument on this issue included in Respondent's December 7, 2017 Brief remains in place.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-1943.

Sincerely,

Kensey Barrett
Staff Attorney
Office of General Counsel

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JAN 29 2018

APPELLATE DEFENSE

Enclosures

cc: Inmate John K. Massey, Jr., #305341
File

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555

<http://www.doc.sc.gov> E-mail: corrections.info@doc.sc.gov

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC Court of Appeals

John K. Massey, Jr., #305341,)
)
Appellant,)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No.: 17-ALJ-04-0163-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed March 31, 2017 by John Kenneth Massey, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). The Appellant appealed the decision of the Department to deny his grievances, which claimed his jail time credits had not been properly calculated and applied.

The precise issue relating to the Appellant's jail time credits in the instant case was pending before the Court of Appeals in *State v. John Kenneth Massey, Jr.*, Case No. 2015-002563 and therefore the court issued an Order on October 24, 2017 holding this case in abeyance. On December 29, 2017, the Department filed an update with the court, informing the court that the Appellant's jail time had been updated with a jail time credit of 582 days. On April 12, 2018, the Court of Appeals heard oral arguments on the Appellant's case. The Department argued that the issue was moot because the Department had given the Appellant 582 days of credit for time served. On April 20, 2018 the Appellant filed a Response to Court Order arguing that his consecutive sentences should be construed in his favor and run concurrent, or both sentence sheets be given equal jail time credit. The Department filed a Reply on December 3, 2018, stating that it has correctly applied the Appellant's jail time credit and properly calculated the Appellant's sentence.

DISCUSSION

Because this court exists to review the actions of administrative agencies and not the actions of circuit court judges, this court cannot rule on the validity of the Appellant's sentence. See *Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Envtl. Control*, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative action under the South Carolina Constitution); *Jernigan v. State*, 340 S.C. 256, 259-60, 531 S.E.2d 507, 508-09 (2000) (citations

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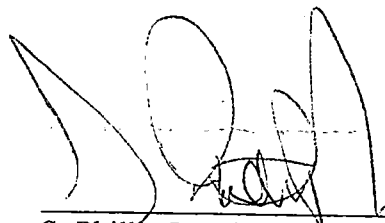
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omitted) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in *Al-Shabazz*). Instead, this court reviews the Appellant's case to determine if the Department is properly enforcing the Appellant's sentence, pursuant to the order of the circuit court judge and under the relevant laws. See *State v. Bennett*, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Ct. App. 2007).

The Appellant was given 140 days jail time credit for both his Grand Larceny and Malicious Injury to Property convictions, however, the Appellant's jail time has been updated for his Grand Larceny conviction with a jail time credit of 582 days. The additional time was not added to the Malicious Injury to Property conviction as it runs consecutive to the Appellant's Grand Larceny conviction. Since the Appellant's projected sentence completion dates have been recalculated, and his jail time credit appears to be properly amended, his appeal regarding his jail time credits is now moot. "An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy." *Curtis v. State*, 3435 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). A "case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief." *Id.* at 567-68, 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep't.* 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)).

THEREFORE, IT IS HEREBY ORDERED that the Appellant's appeal is **DISMISSED.**

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

December 6, 2018
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the order in the above entitled action upon all parties to this cause by depositing a copy hereof in the United States Mail, postage paid, at the postoffice at Columbia, South Carolina, directed to the party(ies) or their attorney(s).

This is done this 6th day of December 2018

State of South Carolina

In the Court of Appeals

Appeal From the Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2018-002243

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John K. Massey, Jr. #305341,

Appellant, **SC Court of Appeals**

v.

South Carolina Department of Corrections, Respondent.

Proof of Service

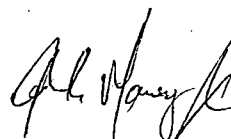
I, John K. Massey, Jr. #305341, certify that I have served the within an Initial Brief and Designation of Matter upon the following individual(s) by placing copies of the same v.i.v. United States mail to his/her last known address as follows:

(1) S.C. Court of Appeals
Jenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, S.C. 29211

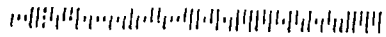
(2) Ms. Christina C. Bigelow, Esquire
4444 Broad River Rd.
Columbia, S.C. 29210

(3) Hon. S. Phillip Lenski
S.C. Administrative Law Court
Edgar A. Brown Bldg, Ste 224
1205 Pendleton St.
Columbia, S.C. 29201

I certify that all parties required by Rule to be served have been served.
This day of February 14th, 2019.



John K. Massey, Jr. #305341
MacDougall Correctional Inst.
1516 Old Galloway Rd
Ridgeville, S.C. 29472
Pro-Se Appellant



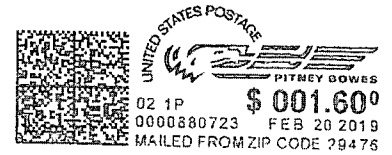
John C. Massey, Jr # 305341

MacDougall Correctional Inst.

CIB/18A

1516 Old Billard Road

Ridgeville, South Carolina 29472



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SC Court of Appeals

South Carolina Court of Appeals

Jenny A. Kitchings, Clerk

P.O. Box 11629

Columbia, South Carolina 29211

2-12-19