

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Terrence Bradshaw, #320361,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 18-ALJ-04-0068-AP  
Grievance No. KRCI 1348-17

ORDER

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SC Court of Appeals

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed on February 20, 2018, by Terrence Bradshaw (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). In this appeal, Appellant argues that the Department miscalculated his prison sentence by not allowing him earned work credits to which Appellant believes he is entitled. After Appellant's Step 1 and 2 grievances were denied, this appeal followed.

ISSUE ON APPEAL

Whether the Department has properly calculated Appellant's sentence.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived 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 Al-Shabazz decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." Wicker v. S.C. Dept. of Corr., 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Such as a liberty interest is at stake in the calculation of an inmate's sentence. Tant v. S.C. Dept. of Corr., 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); see also Sullivan v. S.C. Dept. of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting Al-Shabazz, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that Al-Shabazz created review in the ALC for sentence calculation cases).

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SC ADMIN. LAW COURT

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). Al-Shabazz, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the Court's review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2017). Section 1-23-380(5) provides:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2018).

### DISCUSSION

On December 25, 2004, Appellant committed armed robbery pursuant to Section 16-11-330(A). S.C. Code Ann. § 16-11-330 (2015). He was arrested on December 29, 2004 and held in the Williamsburg County Detention Center. On February 5, 2007, Appellant received a twenty-two-year sentence. The judge ordered that Appellant be given credit for time served. Appellant was arrested on December 29, 2004 and remained in custody of Williamsburg County Detention Center until he was released to the Department on March 5, 2007, to complete his sentence. Appellant was given credit for time served at the Williamsburg County Detention Center as his sentence start date was backdated to the date of his arrest. Appellant argues that the Department has improperly calculated his release date by failing to give him all earned work credits to which he is entitled. The Court disagrees.

Section 24-13-100 defines a "no parole offense" in part as "a class A, B, or C felony ... which is punishable by a maximum term of imprisonment for twenty years or more." S.C. Code Ann. § 24-13-100 (2007). Section 16-1-20 provides that armed robbery is a Class A felony. S.C.

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Code Ann. § 16-1-20 (2015). Because Appellant is serving time for a no-parole offense, he must serve at least eighty-five percent of his sentence. S.C. Code Ann. § 24-13-150 (2007).

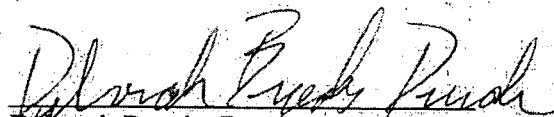
Irrespective of the number of credits that Appellant has earned, the Department may not credit him in an amount that would operate to reduce his sentence below the mandatory minimum sentence as provided for by statute. Appellant is serving a no-parole sentence and thus, is not eligible for "early release, discharge, or community supervision" until he has served eighty-five percent of his sentence as provided in Section 24-13-150. Thus, the mandatory service requirement of eighty-five percent of Appellant's twenty-two-year sentence is approximately eighteen years, eight months, and twelve days. No credits may be used to reduce this mandatory service requirement. S.C. Code Ann. § 24-13-150 (2007). After a thorough review of the briefs, the record, and the law, I find that the Department has properly calculated Appellant's current projected "maxout." Other factors may later come into play that could affect Appellant's release date such as the loss of good time for any additional disciplinary offenses.

Finally, Appellant asks this Court to "tweak" various statutes and promulgate rules and regulations to allow him additional credits that are not permitted under the existing scheme. This Court is without jurisdiction to do either as those responsibilities are within the exclusive purview of the legislature and the Department.

### ORDER

**IT IS THEREFORE ORDERED** that the Final Decision of the South Carolina Department of Corrections is **AFFIRMED**.

**AND IT IS SO ORDERED.**

  
Deborah Brooks Durden, Judge  
S.C. Administrative Law Court

January 10, 2019  
Columbia, South Carolina

**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 herof, in the United States mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 10<sup>th</sup> day of January 2019  
By: R. E. [Signature]  
Judicial Law Clerk

FINANCIAL CERTIFICATE  
FOR THE  
DISTRICT OF SOUTH CAROLINA  
(for use in § 1983, *Bivens*, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I am granted *in forma pauperis* status, I authorize and consent to collection of the \$ 350 filing fee in accordance with 28 U.S.C. § 1915(b) until the filing fee is paid in full as well as any amount of costs, sanctions, and/or fees that might be imposed by the court during this litigation. I understand that if I do not qualify for *in forma pauperis* status, I will have to pay \$400 to proceed with my case, which includes the full \$350 filing fee as well as an additional \$50 administrative fee established by the Judicial Conference of the United States. The \$50 administrative fee is not applicable to *in forma pauperis* cases.

Terrence Bradshaw  
INMATE NAME (PRINTED)

320341

INMATE (PRISONER) NUMBER

Terrence Bradshaw  
INMATE SIGNATURE

Goodman Institution  
PLACE OF CONFINEMENT

- ▶ (1) Average monthly deposits to the inmate's account.....\$ 0
- ▶ (2) Average monthly balance in the inmate's account calculated for the prior six months period.....\$ -.12
- ▶ (3) Current Balance.....\$ -.12
- ▶ (4) Initial Installment Payment - due upon granting of *in forma pauperis* status (Take 20 percent of the greater of lines 1 or 2).....\$ 0

9000-FINANCIAL ACCT#  
2010 OCT -9 AM 11:31

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

Peggy Caution  
Authorized Officer's Signature

10/9/13  
Date

Peggy Caution, Fiscal Analyst I  
Authorized Officer's Name and Title