

State of South Carolina  
County of Lexington:

Terrence Bradshaw #320361  
Petitioner

- VS -

The State of South Carolina  
Department of Corrections:  
Respondent

Proff of Service Notice of  
Appeal Appealing The  
Administrative Law Court  
Judge's order:

Appellate Case No: 2019-000206:

Requesting To proceed In-  
forma pauperis:

**RECEIVED**

APR 10 2019

SC Court of Appeals

To: The South Carolina Court of Appeal Addressing to ms  
Jenny Abbott Kitchings along with General Counsel at South  
Carolina Department of Corrections:

I (pro-se) Terrence Bradshaw #320361 Located At Goodman  
Institution Building B5/27B 4556 Broad River Rd Columbia SC,  
29210:

In Response To The Correction of Deficiency form Sent March  
29th 2019 Received April 1st 2019 At GCI mail Room; I am  
Sending proff of Service of The Request to proceed In-forma  
pauperis By depositing such in The Hands of Goodman's mail Room  
Clerk Done in Accordance with And pursuant to The "mail Box" Rule  
and Houston -v- Lack. The Envelope is properly Addressed pre-paid  
and Stamped 1st class mail All on This Day 4th of April 2019 And  
mailed To Addressess Below:

Addressees :

1) MS Jenny A Kitching Clerk  
SC Court of Appeals  
Po Box 11629  
Columbia SC, 29211 :

2) SCDC General Counsel  
4444 Broad River Rd  
Columbia SC, 29210 :

Respectfully Submitted Tence Braxton Dated 04/04/19 :

Here By Sworn To And Subscribe Before me this 4<sup>th</sup> Day  
Month of April year of 2019 :

[Signature]  
Notary Public L.S

My Commission Expires 8/30/2026 :

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APR 10 2019

SC Court of Appeals

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 GRANTING RESPONDENT'S  
MOTION TO  
SUPPLEMENT RECORD**

**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed February 20, 2018 by Terrence Bradshaw (Appellant), who is incarcerated with the South Carolina Department of Corrections (SCDC or Department). Appellant appeals the decision of SCDC in his Step 2 Grievance concerning his sentence calculation.

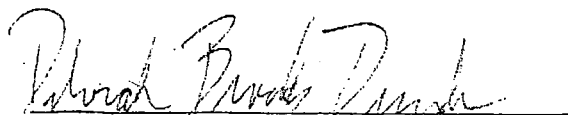
On July 30, 2018, this Court issued an order for the Department to supplement the Record on Appeal with an earned work credit and sentence calculation sheet. On August 15 and 18 of 2018, the Department filed motions to supplement the record. On September 17, 2018, this Court issued an Order granting Respondent's motion to supplement the record with Appellant's Earned Work Credit Assignment History of EWC Assignments sheet. In the Order, this Court stated that the Appellant did not file a response to the motion.<sup>1</sup> On September 20, 2018, Appellant wrote a letter to this Court stating that he filed objections to Respondent's motion. He included with the letter his previously-filed objections. This Court has in its file Appellant's objections to the motions, which were filed on September 4 and 10 of 2018.

In response to this Court's July 30, 2018 order, the Department filed a motion to supplement the Record with Appellant's Maxout Date Calculation Worksheet on August 15, 2018. Therefore,

**IT IS ORDERED** that Appellant's Maxout Date Calculation Worksheet shall be included as part of the Record on Appeal.

**AND IT IS SO ORDERED.**

September 27, 2018  
Columbia, South Carolina

  
Deborah Brooks Durdert  
Administrative Law Judge

**FILED**

<sup>1</sup> This was a scrivener's error, which should have stated that Appellant filed oppositions to the motions.

SEP 27 2018

SC ADMIN. LAW COURT

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

**RECEIVED**  
APR 10 2019  
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).

**FILED**

JAN 10 2019

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.

*3014  
more  
this  
UNTRUE*

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**.

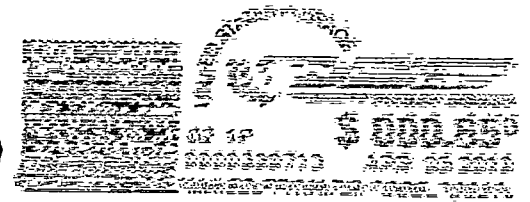
**AND IT IS SO ORDERED.**

  
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. Lee  
Judicial Law Clerk

Terrence Bradshaw #320361  
Goodman Institution Building B5/27B  
4556 Broad River Rd Columbia  
SC, 29210



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**SCCO**  
APR 09 2019  
MAIL ROOM

To: MS Jenny A Kitching  
Clerk SC Court of Appeals  
Po Box 11629 Columbia  
SC, 29210

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