

**RECEIVED**

JAN 07 2019

S.C. SUPREME COURT

In the State of South Carolina

In the Supreme Court

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Dennis Davis, #288558,

Petitioner,

v.

South Carolina Dept. of Corrections,

Respondent.

---

Declaratory Judgment

---

Dennis Davis, #288558

K.C.I. Mag-18A

4848 Goldmine Hwy.

Kershaw, SC. 29067

Petitioner

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Bolin v. South Carolina Dept. of Corrections, 475 S.E. 2d 716, 781 S.E. 2d 914 (2015).

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Green v. United States, 358 U.S. 326, 329, 79 S.Ct. 340, 3 L.Ed. 2d 340

2

Hill v. United States ex. Rel. Wampler, 298 U.S. 410, 56 S.Ct. 760, 80 L.Ed. 1283

1

Johnson v. Mabry, 602 F.2d 167, 170 (8th Cir. 1979)

2

### Statutes:

§ 15-53-10

ii

§ 24-13-210

2

U.S. Constitution Article I § 3

ii, 1

S.C. Constitution Article I § 8

1, 2

S.C. Constitution Article III § 17

ii

This Court possesses Jurisdiction under SCACR 245; The South Carolina Constitution Article III §17, S.C. Code Ann. §15-53-10 et. Seq., known as the Uniform Declaratory Judgment Act.

### Question Presented

1.) Whether this Court should declare that SCDC violated Petitioner's fundamental Constitutional Rights to due process of law under Article I, § 3 of South Carolina Constitution and the 14th Amendment to the United States Constitution when SCDC "changed", "Altered" Petitioner's sentence from "non-violent to violent" during a non-recorded Court hearing proceeding and without the appointment of Counsel to assist?

### Statement of the Case

In this case petitioner was arrested for 2 counts of Distribution of marijuana 3rd offense in April 2013. However the York County Grand Jury on August 22, 2013 indicted petitioner as charged. See Appendix one page 5, 8, 9. Never the less petitioner pled guilty to two counts of Distribution of marijuana, 3rd offense and was sentenced to a non-violent 125 month sentence. See Appendix volume one page 7, 10. (Sentencing sheets)

Thus approximately after serving 3 years of the 125 month sentence "non-violent" sentence this Court issued a ruling in Bolin v. South Carolina Dept. of Correction, S. 425 S.C. 276, 281 S.E. 2d 914 (2015), Based upon the Bolin decision and thier interpre-

-tation the South Carolina Dept. of Corrections (SCDC) held what was supposed to be a Due process hearing for 3rd offense drug offenders on February 8, 2017. At this hearing Petitioner was notified that his "Non-Violent" sentence status was being changed to a "Violent" sentence status at which time Petitioner was not represented by Counsel and refused to sign any documentation for the alleged change in his sentence. See appendix Volume one page 12.

### Argument

Petitioner hereby asserts this Court should exercise its original jurisdiction to cure a fundamental Constitutional violation and a long time illegal act of the South Carolina Dept. of Corrections (SCDC) altering and/or changing prisoners sentences from "Non-violent" to "violent" after the sentencing court has issued its judgment and the sentence has begun. It is Petitioner's position these acts of SCDC violate his fundamental Constitutional rights to due process of law under S.C. Constitution Article I, § 3 and the 14th Amendment to the United States Constitution because SCDC changed, altered, or amended his sentence acting in a judicial capacity, which also violates our state Constitution under Article I, § 8 (separation of powers doctrine).

However over eighty years ago, the United States Supreme Court established that the sentence imposed by the sentencing judge is controlling, it is this sentence that constitutes the court's judgment and authorizes the custody of a defendant. See Hill v. United States ex. rel. Wampler, 298 U.S. 460, 56 S.Ct. 760, 80 L.Ed.

1283 (1936). Wampler articulates a broad holding, "the Judgment of the Court establishes a defendant's sentence and that sentence may not be increased by an administrator's amendment. Wampler thus provides clearly established Supreme Court precedent supporting Petitioner's claim. See also Green v. United States, 358 U.S. 326, 329, 79 S.Ct. 340, 3 L.Ed. 2d 340 (1959) (quoting Wampler's assertion that the "only sentence known to the law is the sentence or judgment entered upon the records of the Court")! Johnson v. Mabry, 602 F.2d 167, 170 (8th Cir. 1979) (The only cognizable sentence is the one imposed by the Judge. Any alteration to that sentence, unless made by a Judge is a subsequent proceeding, and is of no effect).

Here in this case SCDC altered/amended Petitioner's sentence from "non-violent" to "violent" requiring him to serve 85% instead of 65% totalling to an additional 3 years and 10 months of incarceration without a Judge's authority, and no attorney appointed etc.. Therefore, it is asked that this Court declare that:

- (1) SCDC violated Petitioner's fundamental Constitutional rights;
- (2) That Petitioner is to serve a "non-violent" 65% sentence as ordered by the Judge;
- (3) The Acts of SCDC changing, amending, and/or altering Petitioner's sentence violated/violates the separation of Powers Doctrine under Article I § 8 of the South Carolina Constitution.
- (4) That Petitioner receive his 20 days good conduct credits for each month served since the change and before the change in his sentence from "non-violent" to "violent" as required by S.C. Code Ann. 24-13-210

(A); (B) (Supp. 2017) restoring his release date or projected max-cut date to March 1st, 2019.

(5) That Bolin did not give SCDC the authority to alter, amend, nor change prisoners sentence from non-violent to a violent percentage.

(6) That the Acts of SCDC violated/violates ex. Post facto Laws.

### Conclusion

It is respectfully asked that this Court grant this Declaratory Judgment in its original Jurisdiction to Cure a gross miscarriage of Justice.

Respectfully Submitted,

S/P Dennis Davis

Dennis Davis #288558

K.C.I. Mag-18A

4848 Goldmine Hwy.

Hershaw, S.C. 29067

## Certificate of Service

I hereby certify that I have served a copy of the foregoing Declaratory Judgment on Respondent by depositing a copy in the United States Mail postage prepaid on the 27th day of December, 2018.  
addressed as follows:

South Carolina Dept. of Corrections  
Office of General Counsel  
P.O. Box 21787/4444  
Broad River Rd.  
Columbia, S.C. 29221

S/Dennis Davis  
Dennis Davis #288558  
KCI. Mag-18A  
4848 Goldmine Hwy.  
Hershaw, S.C. 29067

DOCKET NO. 2013-GS-46-02970

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

YCMDEU/Avidon

The State of South Carolina  
County of York

Defendant

COURT OF GENERAL SESSIONS

August 22, Term 2013

I, Dennis R. Davis, Jr.  
hereby appear in my own proper person and plead guilty to the within indictment or to

dc

ARREST WARRANT NUMBER

2013A4610200176

Warrub Howard

Defendant

THE STATE

vs.

Witness:  
[Signature]  
C.C.C. PLS. AND G.S. [Signature]

4

ACTION OF GRAND JURY

DENNIS RODGER DAVIS JR. AKA  
DENNIS ROGER DAVIS JR.

TRUE BILL

Jimmy Earls  
Foreperson of Grand Jury  
Date: 8/22/13

VERDICT

Indictment for

DISTRIBUTION OF MARIJUANA

SC Code: 44-53-370(b)(2)  
CDR Code: 0188

Foreperson of Petit Jury  
Date:

5



288558

COUNTY OF York VS. Dennis Rodger Davis Jr  
 STATE  
 AKA:  
 Race: BLACK Sex: M Age: 31  
 DOB: SS#:  
 Address:  
 City, State, Zip: Rock Hill, SC 29730-5560  
 DL#: SID#:

INDICTMENT/CASE#: 2013GS4602970  
 A/W#: 2013A4610200176  
 Date of Offense: 3/8/2013  
 S.C. Code § : 44-53-0370(b)(2)  
 CDR Code #: 0188

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: DISTRIBUTION OF MARIJUANA, 3RD OFFENSE (5-20 YRS)

CONVICTED OF or  PLEADS

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

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

ATTEST: Marina Bender 72806 Dennis Rodger Davis Jr 100284  
 Hamilton, SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 125 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 Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 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.  
 The Defendant is to be placed on the 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: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_

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	\$ 150 -
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5 -
3% to County (if paid in installments)		\$
TOTAL		\$ 280 -

\_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED   
 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 Hamel  
 Court Reporter: Aiken Butler  
 SCCA/217 (03/2011)

Presiding Judge W. Wehaker  
 Judge Code: 2137 Wehaker  
 Sentence Date: 5-21-14

WITNESSES  
YCMDEU/Avidon

dc  
ARREST WARRANT NUMBER  
2013A4610200214

ACTION OF GRAND JURY  
TRUE BILL

*Jimmy Eakin*  
Foreperson of Grand Jury  
Date: *8/20/13*

VERDICT  
  
  
Foreperson of Petit Jury  
Date:

DOCKET NO. 2013-GS-46-02971

The State of South Carolina  
County of York

COURT OF GENERAL SESSIONS

August 22, Term 2013

THE STATE

vs.

DENNIS RODGER DAVIS JR. AKA  
DENNIS ROGER DAVIS JR.

Indictment for  
DISTRIBUTION OF MARIJUANA

SC Code: 44-53-370(b)(2)  
CDR Code: 0188

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:  
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA CERTIFIED TRUE COPY INDICTMENT

COUNTY OF YORK

2015 MAR 16 AM 2:37

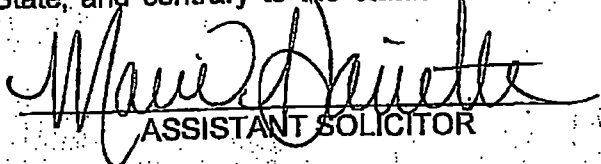
DAVID HAMILTON  
CLERK OF COURT

At a Court of General Sessions, convened on August 22, 2013, the Grand Jurors of York County present upon their oath:

**DISTRIBUTION OF MARIJUANA**

On or about April 5, 2013, the Defendant, Dennis Rodger Davis Jr. aka Dennis Roger Davis Jr., did manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana, a Schedule I controlled substance. Said incident occurred in York County, South Carolina all in violation of Section 44-53-370 of the Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

ARREST WARRANT

2013A4610200214

ORIGINAL

Form Approved by E.G. Attorney General April 21, 2003 GSCA 518

AFFIDAVIT

STATE OF SOUTH CAROLINA

County/  Municipality of

York

Personally appeared before me the affiant B Avidon who

being duly sworn deposes and says that defendant Dennis Roger Davis, Jr.

did within this county and state on or about 4/5/2013

violate the criminal laws of the

State of South Carolina (or ordinance of

County/  Municipality of

York

in the following particulars:

THE STATE

against

Dennis Roger Davis, Jr.

Address:

Phone: [REDACTED] SSN: [REDACTED]

Sex M Race: B Height: 6 Weight: 245

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: B Avidon - AVIDON

Offense: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub.

Offense Code: 0188

Code/Ordinance Sec: 44-53-0370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Dennis Roger Davis Jr

on 4-16-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions  
1675 York Hwy  
York, SC 29745

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

York

Affiant's Address 1675 York Hwy

York, SC 29745-

Affiant's Telephone

Signature of Affiant

*[Handwritten Signature]*

*MEMO*

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THE COUNTY of York appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/5/2013 defendant Dennis Roger Davis, Jr.

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub. offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 4/9/2013

Signature of Issuing Judge (L.S.)

*[Handwritten Signature]*  
Mandrite Hose Young

Judge Code: 5078

Judge's Address Moss Justice Center

York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court:  Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED  
2013 APR 18 AM 12:05  
OFFICE OF THE SHERIFF  
DEFINITION DIVISION  
YORK, SOUTH CAROLINA

RECEIVED  
2013 APR 18 AM 12:37  
DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

FILED-RECEIVED

2013 APR 18 PM 2:52

DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

KB2015AG036

STATE OF SOUTH CAROLINA )  
 COUNTY OF York )  
 STATE VS. )  
 Dennis Rodger Davis Jr )  
 AKA: )  
 Race: BLACK Sex: M Age: 31 )  
 JOB: SS# )  
 Address: )  
 City, State, Zip: Rock Hill, SC 29730-5560 )  
 DL#: SID# )

IN THE COURT OF GENERAL SESSIONS

1/2  
288558

INDICTMENT/CASE#: 2013GS4602971  
 A/W#: 2013A4610200214  
 Date of Offense: 4/5/2013  
 S.C. Code § : 44-53-0370(b)(2)  
 CDR Code #: 0188

**ORIGINAL**

in disposition of the said indictment comes now the Defendant who was  
 TO:  CONVICTED OF or  PLEADS  
 TO: DISTRIBUTION OF MARIJUANA, 3RD OFFENSE (5-20 YRS)

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
 ATTEST: 72806 Dennis Davis Cynthia H... 100284  
 Hamilton, Marina Bender J. Desch SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 or a determinate term of 125 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 Services standard conditions of  
 probation, which are incorporated by reference.  
 CONCURRENT or  CONSECUTIVE to sentence on: 2013 6546 2970  
 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.  
 The Defendant is to be placed on the 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: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_  
 Recipient: \_\_\_\_\_  
 Obtain GED   
 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: \_\_\_\_\_

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	\$ 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		\$ 280-

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: Aileen Butler

Presiding Judge [Signature]  
 Judge Code: 2137  
 Sentence Date: 5-21-14

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DIVISION OF CLASSIFICATION & INMATE RECORDS  
CUSTODY AND PRIVILEGES**

Inmate Name Davis, Dennis Inmate Number 288558

Assigned/Recommended Custody LR1B

	MINIMUM OUT (MO)	MINIMUM OUT RESTRICTED (MOR)	MINIMUM IN (MI)	MEDIUM (ME)	SMU (SD, DD, PC, PHD)
ACCESS TO PROGRAMS & ACTIVITIES	Outside the perimeter off institutional property	Inside the perimeter or Outside the perimeter on institutional property	Inside the perimeter	Inside the perimeter	Selected cell activity only
ACCESS TO JOBS	Outside the perimeter off SCDC property	Inside the perimeter or Outside the perimeter on institutional property	All inside the perimeter Under armed supervision outside the perimeter	All inside the perimeter Under armed supervision outside the perimeter	None except job assignments within unit for Statewide PC which is closely supervised (none the 1st 90 days)
WORK/EDUCATION CREDITS	2	2	3 until meets behavior & time requirements to MOR, then automatically to 2	5	None, except 7 for Statewide PC (none the 1st 90 days)
ACCESS TO CANTEEN	\$100 week limit	\$100 week limit	\$100 week limit	\$30 week limit	Refer to OP-22.16 for Death Row, OP-22.12 for SMU, OP-22.32 for Statewide PC. Pre-Trial SK inmates are eligible for canteen privileges.
ACCESS TO VISITS	See SCDC Policy/Procedure OP-22.09, Inmate Visitation, OP-22.12, Special Management Unit, OP-22.11, Maximum Security Unit, or OP-22.32, Statewide Protective Custody for information on visitation privileges.				
ACCESS TO TELEPHONE	Normal	Normal	Normal	4 calls per month	Up to 1 call per month (depending upon Security Detention level designation) Statewide PC - 1 per day

is does not affect access to legal telephone calls.

Projected Release Date as of: October 17, 2016  
 Max-out 9/13/19 Parole Eligibility 5/21/16 SFII-A 3/17/19  
 Labor Crew Eligibility NONE  
 Sentence Start Date 5/21/14 Sentence Length 10yr.  
 Detainers NONE  
 Annual Hardship Review Month May

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
RECORD OF DUE PROCESS HEARING  
3<sup>rd</sup> Offense Drug Offenders

TO INMATE: Davis, Dennis SCDC #: 288558

INSTITUTION: Turbenille CI

SCDC General Counsel's recent interpretation of S.C. Code § 44-53-0370 and § 44-53-375, in conjunction with Bolin v. South Carolina Department of Corrections, is that inmates convicted of 3<sup>rd</sup> offense drug offenses are to be treated as 85% offenders unless all of the offender's prior drug offense are for simple possession under the same subsection (either § 44-53-0370 and § 44-53-375). If an offender has prior drug convictions for Manufacturing, Distribution, Possession with Intent to Distribute, or Conspiracy, he or she must be treated as an 85% offender on the 3<sup>rd</sup> or subsequent offense.

The Inmate Records Office has been informed that because of your prior conviction (s) for Manufacturing, Distribution, Possession with Intent to distribute, or Conspiracy, your current sentence of a 3<sup>rd</sup> or Subsequent Drug Offense should be calculate at 85%.

Your new projected dates are:

Projected Maxout Date: 3/24/2023 Projected Parole Date: \_\_\_\_\_

If you provide additional information to counter this interpretation, that information will be forwarded to the SCDC General Counsel's office for review and necessary action (if warranted).

You have the right to appeal this decision by filing an inmate grievance pursuant to SCDC Policy GA-01.12, "Inmate Grievance System".

Classification Case Manager/Designee (Print Name): M. Jackson

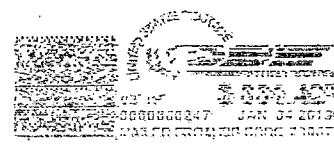
Signature: [Handwritten Signature]

Inmate Signature: Refuse to Sign Date: 2/8/17 Time: 10:13AM  
[Handwritten Signature]  
WHPugh

Original: Central Record  
cc: Institutional Record  
Inmate

Revised 1/30/17

Dennis Davis # 2885558  
K.C.I. Mag. 18A  
4848 Chaldernine Hwy.  
Kershaw, SC. 29067



~~South Carolina Supreme Court~~  
The Supreme Court of South Carolina  
Daniel E. Shearouse, Clerk of Court  
P.O. Box 11330  
Columbia, SC. 29211

