

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Danny Campen (Julio Bondi), #181184,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)

Docket No. 18-ALJ-04-0500-AP

ORDER
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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by Julio Bondi (Appellant), an inmate who is incarcerated with the South Carolina Department of Corrections (Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, he filed a Notice of Appeal with this court on October 16, 2018. The Appellant is appealing the denial of his grievance in which he contends that his classification and placement in Security Detention (SD) is in violation of his Eighth and Fourteenth Amendment rights. The Appellant is not appealing a disciplinary hearing conviction, nor did he lose any good time credit as part of any punishment. On March 15, 2019 the Department filed a Motion to Supplement the Record with the Appellant's SCDC Inmate Custody History Sheet, showing that the Appellant's custody status has changed from SD to Awaiting Step-Down Program Placement (AD) and a Motion to Dismiss or, Alternatively, Brief in Support of Affirmation. On March 25, 2019, the Appellant filed his Objections to Respondent's Motion to Dismiss & Brief in Support of Affirmation.

DISCUSSION

The court'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). The court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests¹ typically involving: (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

¹ The Court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

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which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.*

The South Carolina Supreme Court further explained the court's jurisdiction in *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004). Pursuant to *Slezak*, the court is to have jurisdiction over all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest." *Id. citing Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293 (1995). The Appellant has failed to allege a deprivation of a state-created liberty or property interest.

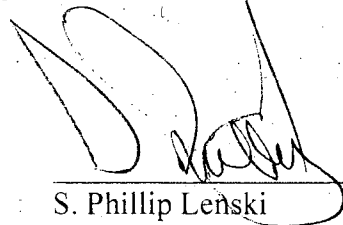
The South Carolina Supreme Court rejected the same argument in *Brown v. Evatt*, noting that "[t]he federal constitution vests no liberty interest in inmates in retaining or receiving any particular security or custody status as long as the challenged conditions or degree of confinement are within the sentence imposed and are not otherwise violative of the Constitution." 322 S.C. 189, 194, 470 S.E.2d 848, 851 (1996) (citing *Sandin v. Conner*, 515 U.S. 472 (1995)). The court further concluded that:

Neither the state statutes which create and define the powers of the SCDC nor SCDC's operational classification regulations create the required liberty interest. Though they provide procedural safeguards and substantive criteria for making base-line classification decisions, these are made only as recommendations that are subject to discretionary review and rejection by higher-level prison officials.

Id. at 195, 470 S.E.2d at 851.

Because Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter, the Court finds *Slezak v. S.C. Dep't of Corr.*, *supra* and *Skipper*, *supra* to be controlling.

THEREFORE, for the foregoing reasons, the Department's Motions to Supplement the Record and Dismiss are **GRANTED** and this appeal is **DISMISSED WITH PREJUDICE**.

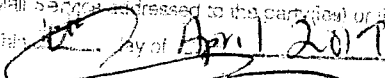


S. Phillip Lenski
Administrative Law Judge

April 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 hereof in the United States mail, postage paid, or in the Emergency Mail Service (addressed to the parties) or their attorneys.

by  on the day of April 2019