

STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

On Writ of Certiorari from the Court of Appeals
Appeal from the Administrative Law Court
John D. McLeod, Administrative Law Judge

Opinion No. 2019-UP-104(S.C.Ct.App. filed 3/13/19)
Appellate Case No. 2016-001564

UUNO MATTIAS BAUM,

RESPONDENT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

PETITIONER.

RETURN TO PETITION FOR WRIT OF CERTIORARI

RESPONDENT, PRO SE

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ISSUE IN QUESTION

The Court of Appeals properly found that the Respondent, an inmate serving a life sentence, was entitled, under S.C. Code §24-3-40, to have his escrowed wages distributed to a person or persons of his choosing at any time, thereby reversing the erroneous decision of the Administrative Law Court.

STATEMENT OF THE CASE

This matter initially came before the court pursuant to the appeal of Uuno Mattias Baum, an inmate in the custody of the South Carolina Department of Corrections.

On May 22, 2015, Respondent submitted a Step One Grievance arguing that pursuant to the plain language of S.C. Code §24-3-40(B)(2), he is permitted to distribute his escrowed wages to his mother, or any person or entities, anytime during his lifetime.

In error, SCDC denied his request, stating that based on their interpretation of S.C. Code §24-3-40, since Respondent is serving a life sentence, his escrowed wages must be held until his release, parole, or death. Respondent thereafter submitted a Step Two Grievance on June 21, 2015, making his same argument which was again denied on January 14, 2016, by SCDC for the same reason as his Step One Grievance. Respondent filed Notice of Appeal to the Administrative Law Court on February 16, 2016. On July 14, 2016, Administrative Law Judge, John D. McLeod, issued an order affirming SCDC's decision. Respondent thereafter appealed to the South Carolina Court of Appeals, and on March 13, 2019, the Court of Appeals issued an opinion reversing the Administrative Law Court's order. See Uuno Mattias Baum v. South Carolina Department of Corrections, Op. No. 2019-UP-104 (S.C. Ct.App. filed 3/13/19). The Department of Corrections filed a Petition for Rehearing which was denied on April 18, 2019. The Department of Corrections now seeks this Honorable Court's review of the unanimous decision handed down by the Court of Appeals.

A R G U M E N T

The Court of Appeals properly found that the Respondent, an inmate serving a life sentence, was entitled, under S.C. Code §24-3-40, to have his escrowed wages distributed to a person or persons of his choosing at any time, thereby reversing the erroneous decision of the Administrative Law Court.

In error, the Administrative Law Court concluded that S.C. Code §24-3-40's "general purpose" is to restrict incarcerated inmates' access to their escrowed wages. The Administrative Law Court, further erred by finding that subsection (B)(2) does not allow Respondent to distribute his earned wages to a person of his choosing except upon his release or death. This determination by the Administrative Law Court is "absurd" and completely contrary to the plain language and legislative intent of the statute. The "Legislature intends to accomplish something by its choice of words and would not do a futile thing." Gordon v. Phillips Utilities Inc., 362 S.C. 403, 608 S.E.2d 425 (2004). "Interpretation of a term set forth in a statute should support the statute and should not lead to an absurd result." Miller v. Lawrence Robinson Trucking, 333 S.C. 576, 510 S.E.2d 431 (1998). (emphasis added). The determination by the Administrative Law Court is a misinterpretation of legislative intent, thereby, rendering the purpose of subsection (A)(5) "futile" if applied in this manner.

"The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." Charleston County School District v. State Budget & Control Bd., 313 S.C. 1,5, 437 S.E.2d 6,8 (1993). (emphasis added). Throughout many years, our South Carolina courts have correctly determined that "the text of a statute is considered the best evidence of legislative intent or will, and that the courts are bound to give effect to the expressed intent of the legislature." Grier v. AMISUB of S.C., Inc., 397 S.C. 532,535, 725 S.E.2d 693,695 (2012). (emphasis added). The courts in our state have further determined; "The words of a statute must be given their plain and ordinary meaning without resorting to subtle or forced construction." Durham v. United Cos. Fin. Corp., 331 S.C. 600,604, 503 S.E.2d 465,468 (1998). (emphasis added).

In the instant case, the Department of Corrections and the Administrative Law Court have both resorted to a forced interpretation of the language contained in subsection (B)(2), all in an attempt to expand the statutes scope which is prohibited by law. See, Allen v. State, 339 S.C. 393, 529 S.E.2d 541 (2000). Their "forced" interpretation of subsection (B)(2) derives from the language used in subsections (B)(1) and (B)(3), which specifically uses the words "released" and "upon release", but which specifically pertains to prisoners whom actually have release dates, either by way of sentence expiration "without community supervision", or those released to community supervision.

However, in subsection (B)(2), our legislature, realizing that "an inmate serving a life sentence will never receive the benefit of his wages outside of prison, unlike those who will be released during their lifetime", provides an inmate serving life an "option" of immediate distribution to persons or entities of his choice or allowing him to include these funds in his estate. Thereby allowing subsection (B)(2) to harmonize with the legislative intent contained in the plain language of subsection (A)(5).

Furthermore, the Court of Appeals recognized that both the Department of Corrections and Administrative Law Court's interpretation of the statute was "arbitrary and capricious." The language contain in subsection (A)(5) states clearly the legislative intent and purpose for the escrowed wages. Also for further clarity, legislative intent concerning the return of an inmate's escrowed wages, can be determined based on the plain language contained in subsection (B), which states: "The Department of Corrections, or the local detention or correctional facility, if applicable, shall return a prisoner's wages held in escrow... This unambiguous plain and ordinary language leaves no doubt as to legislative intent."

However, our court's have found that if there is an "ambiguity" in a statute, it should be resolved in favor of a just, beneficial, and equitable operation of the law. State v. Hudson, 336 S.C. 237,247, 519 S.E.2d 577,582 (Ct.App.1999).(emphasis added).

This Honorable Court has a long standing history, holding that it will not construe a statute in such a way that it will lead to an

absurd result or render it meaningless. "In construing a statute this court will reject an interpretation which leads to an absurd result that could not have been intended by the legislature." Lancaster County Bar Ass'n v. S.C. Comm'n on Indigent Defense, 380 S.C. 219, 670 S.E.2d 371,373 (2008). Also, if the language of an act gives rise to doubt or uncertainty as to legislative intent, the construing court may search for that intent beyond the borders of the act itself. State v. Morgan, 352 S.C. 359,367, 574 S.E.2d 203,207 (Ct.App.2002) This court can find further clarification concerning the overall purpose and legislative intent in the creation of the Prison Industries Program allowing inmates to earn wages, by reviewing S.C. Code §24-3-310, Declaration of Intent, taking specific notice of subsection (4). See also; §24-3-315, §24-3-410(B)(7), §24-3-430(D).

Therefore, based on the statute in question itself, and all the additional statutes governing the employment of inmates in the program and the creation of Prison Industry, the Court of Appeals decision was correct and proper.

The Administrative Law Court's determination regarding the statutes "general purpose" is in error and completely unreasonable based on the basic principles of common logic, fundamental law, and the plain language of the statute.

Had the legislature intended for prisoners sentenced to life only to distribute their escrowed wage upon their death, it would have specifically used those plain and ordinary words to express their intent. However, the legislature did not use the explicit language at or upon death, because to do so would be "absurd" and completely contrary to the "benefit of the prisoner" provision contained in subsection (A)(5).

C O N C L U S I O N

For the reason discussed within, the pro se Respondent submits that the Petition for Writ of Certiorari should be hereby denied.

Respectfully Submitted,

s/ U. Matt Ba

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CERTIFICATE OF SERVICE

The Respondent, pro se, hereby certifies that on today's date, he has mailed a copy of the RETURN TO PETITION FOR WRIT OF CERTIORARI to petitioner addressed as follows; Christina Catoe Bigelow, Deputy General Counsel, South Carolina Department of Corrections, Post Office Box 21787 Columbia, South Carolina 29221.

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June 3, 2019.