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State of South Carolina  
In the Court of Appeals

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**RECEIVED**  
MAY 09 2019  
SC Court of Appeals

Darrell Sturkey #182368,

Appellant,

v.

S.C.D.C.,

Respondent

Case No. 2018-000722

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Record on Appeal

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Respectfully submitted,

Darrell Sturkey  
Darrell Sturkey #182368  
TRCI-UY-U7-Rm 127  
200 Prison Rd.  
Enoree, SC 29335

Ms. Christina Cafoe Bigelow  
4444 Broad River Rd.  
Columbia, SC 29210

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JUN 21 2019  
SC Court of Appeals

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ARGUMENT

Appellant argues that due to the DHO's, warden, and other responsible officials errant decisions, he has been deprived of his state created liberties and also property interest in that he was denied good time, suffered a reduced custody level, causing a transfer to a highly dangerous institution, loss of visitation, canteen, job assignment, and personal property that resulted in increased mental stress, loss of income, and loss of contact with family members.

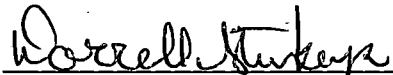
It is clear to all parties that this is due to a biased hearing convicting the Appellant of possession, trafficking, use of narcotics, marijuana or unauthorized drugs, when he had no such possession, either actual or constructive.

CONCLUSION

It is requested that Appellant conviction be overturned and personal property returned and any other concessions this honorable Court deems reasonable.

Date: May 4, 2019

Respectfully submitted,

  
Darrell Sturkey #182368  
Appellant

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from S.C.D.C.  
Honorable Shirley C. Robinson, Admin Law Judge  
Appellate Case No. 2018-000722

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Darrell Sturkey,

Appellant,

v.

S.C.D.C.,

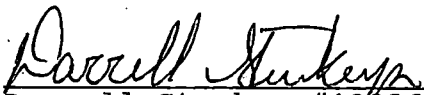
Respondent.

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Proof of Service

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I, Darrell Sturkey #182368, Appellant, declare under penalty of perjury that the above referenced case has been served upon the respondent by way of U.S. Mail at Tyger River Correctional Institution postage paid on this 17 day of June, 2019.


  
Darrell Sturkey #182368  
Appellant

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JUN 21 2019

SC Court of Appeals

Subscribed and sworn to before me  
this 17<sup>th</sup> day of June, 2019

  
Notary Public for South Carolina  
My commission expires: Dec. 10, 2024

The South Carolina Court of Appeals

Darrell Sturkey # 182368 \_\_\_\_\_ Appellant

VS

S.C.D.C. \_\_\_\_\_ Respondent

# 2018 - 000722  
\_\_\_\_\_

Record on Appeal  
\_\_\_\_\_

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SC Court of Appeals

Respectfully Submitte

Darrell Sturkey

Darrell Sturkey #182368

Tyger River Corr. Inst.

200 Prison Road

ENOREE, SC 29335

Ms. Christina Cafae Bigelow, Esquire

4444 Broad River Road

Columbia, SC 29210

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from S.C.D.C.  
Honorable Shirley C. Robinson, Admin Law Judge  
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Record on Appeal

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Darrell Sturkey #182368  
TRCI-UY-U7-Rm 127  
200 Prison Rd.  
Enoree, SC 29335

Pro Se  
Appellant

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SC Court of Appeals

Due 12-18-17

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2 of 7

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INMATE NAME: Darrell Sturkey  
SCDC NUMBER: 182368  
ASSOCIATE WARDEN  
INSTITUTION: 1492 River  
HOUSING UNIT: 7-128-B  
WORK ASSIGNMENT: Maintenance

Grievance No. TYRPI 0413-17  
Code: General  
Policy  
Disc. Hear. 903 case 9  
Class  
PREA  
Date Received: 12-20-17  
IGC Initials: JS  
Date Received:  
IGA Initials:

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I had no possession, actual and or constructive poss. of the envelope or the alleged contraband/LSD. Thus, the DHO and the Warden's decision has been arbitrary, capricious and bias where there was NO evidence presented as required by law SEE: State v Williams 552 SE2d 54 or policy to find me guilty.

Grievant Signature Darrell Sturkey Date 12-15-17

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of the Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants (903), case #9, Level 1 Offense, held on August 23, 2017. The conviction was consistent with SCDC Policy OP-22.14, Inmate Disciplinary System, dated February 2, 2015. The sanctions imposed, which included the loss of -0- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing, you were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Responsible Official Signature John Riley Date 1/31/18

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_ IGC Signature \_\_\_\_\_ Date \_\_\_\_\_

(SEE REVERSE SIDE FOR INSTRUCTIONS)

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Darrell Sturkey, 182368, )  
 )  
 Appellant, )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No.: 18-ALJ-04-0063-AP  
Grievance No.: TYRCI 413-17

ORDER OF DISMISSAL

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SC Court of Appeals

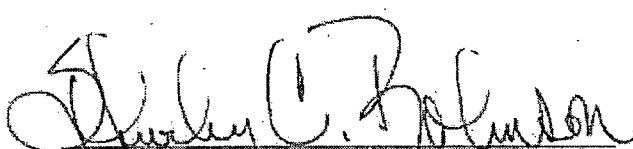
This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed February 15, 2018, by Darrell Sturkey (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant appeals the Department's decision convicting him of Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants. As a result of the conviction, Appellant lost zero (0) days of accrued good time credits.

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). *Slezak v. South Carolina Department of Corrections*, provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. 361 S.C. 327, 605 S.E.2d 506 (2004). However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. *Howard v. South Carolina Department of Corrections*, 399 S.C. 618, 733 S.E.2d 211 (2012).

In this case, Appellant did not allege in the appeal that he was deprived of a state-created liberty or property interest as a result of his disciplinary conviction. Therefore, the Court finds Howard to be controlling, and Appellant's appeal is dismissed.

**IT IS HEREBY ORDERED** that this appeal is **DISMISSED, with prejudice.**  
**AND IT IS SO ORDERED.**

March 21<sup>st</sup> 2018  
Columbia, South Carolina

  
SHIRLEY C. ROBINSON  
Administrative Law Judge

**FILED**

MAR 21 2018

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Darrell Sturkey, 182368, )  
 )  
 Appellant, )  
 vs. )  
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 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No.: 18-ALJ-04-0063-AP  
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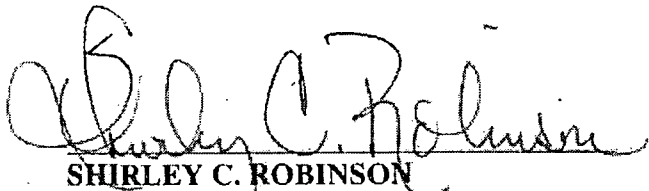
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The rules of this Court dictate that "[t]he decision of the Administrative Law Judge is a final decision and motions for reconsideration will not be considered." SCALC Rule 65.

**THEREFORE, IT IS HEREBY ORDERED** that Appellant's Motion for Reconsideration is **DISMISSED**.

**AND IT IS SO ORDERED.**

  
SHIRLEY C. ROBINSON  
Administrative Law Judge

April 6<sup>th</sup> 2018  
Columbia, South Carolina

FILED  
APR 06 2018

SC ADMIN. LAW COURT

<sup>1</sup> Appellant filed a Motion to Alter and Amend arguing that not earning good time credits is the same as losing good time credits, therefore, this Court should withdraw its Order of Dismissal and continue with briefing this appeal. The Court construes Appellant's motion as a Motion for Reconsideration.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this brief of Appellant complies with all South Carolina Appellate Court Rules (SCACR) and any other Appellate Court filings.

May 28, 2019

Darrell Sturkey  
Darrell Sturkey #182368  
Appellant

TRCI-UY-U7-Rm 127  
200 Prison Rd.  
Enoree, SC 29335

Pro Se

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SC Court of Appeals