

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 25 2019
SC Court of Appeals

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

Darrell Sturkey #182368,

Appellant,

V.

S.C.D.C.,

Respondent.

Record on Appeal

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

Pro Se
Appellant

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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.

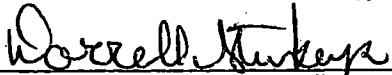
It is clear to all parties that this is due to a biased hearing convicting the Appellant of possession, trafficking, use of narcotics, marijuana or unauthorized drugs, when he had no such possession, either actual or constructive.

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

Due 12-18-17

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

FORM 2017

Office Use Only

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INMATE NAME: Darrell Sturkey

DEC 10 2017

SCDC NUMBER: 182368

12-20-17

INSTITUTION: 19901 River

ASSOCIATE WARDEN

HOUSING UNIT: 17-128-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 Jim 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 _____

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

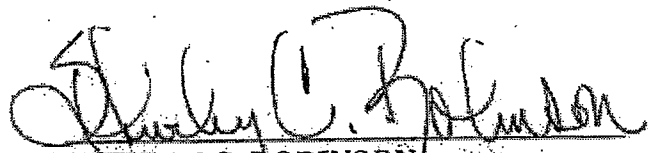
This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed February 15, 2018, by Darrell Sturkey (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant appeals the Department's decision 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 21st 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.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

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


ORDER **RECEIVED**
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This matter came 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 appealed 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. This Court issued an Order of Dismissal on March 21, 2018. Appellant filed a Motion for Reconsideration on March 30, 2018.¹

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 6th 2018
Columbia, South Carolina

FILED

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SC ADMIN. LAW COURT

¹ 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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