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SEP 20 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

In The Supreme Court

CERTIORARI TO UNION COUNTY
Honorable Roger E. Henderson, Circuit Court Judge

DAVID T. GALLMAN,

PETITIONER,

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No.: 2018-002197

Pro-Se Response To The Petition Filed

David Terrell Gallman
Petitioner Proceeding
Pro-Se

McCormick Correctional Institution
386 Redemption Way
McCormick, S.C. 29899-9000

ISSUES PRESENTED

ISSUE #1

TRIAL COUNSEL COMMITTED INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO OBJECT TO THE JURY INSTRUCTIONS ON CONSTRUCTION POSSESSION AT TRIAL.

ISSUE #2

TRIAL COUNSEL COMMITTED INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO OBJECT TO THE GOLDEN RULE VIOLATION.

ISSUE #3

EXPOST FACTO VIOLATION

STATEMENT

Petitioner, David T. Gallman, was convicted convicted of possession with intent to distribute crack cocaine per jury trial held during the July, 2014 term of Union County General Sessions Court before Judge John C. Hayes, III, who sentenced him to imprisonment for a period of thirty (30) years. App. 1-93. Esquire represented Petitioner at trial, and Assistant Solicitor, John C. Anthony, appeared on behalf of the State.

Petitioner appealed and was represented on appeal by Benjamin Tripp, Esquire, formerly of the South Carolina Office of Appellate Defense. Petitioner's appeal was dismissed on January 20, 2016, per appellate review by the South Carolina Court of Appeals. See State v. David T. Gallman, Unpublished Opinion No., 2016-UP-041 filed (January, 2016).

On December, 2016, Petitioner filed a PCR application with the Union County Clerk of Court Office. App. 198-215. The Respondent filed a Return, dated May 18, 2017, requesting that a hearing be held in response to Petitioner's PCR action. App. 216-220.

A PCR hearing was convened on April 17, 2018. at the York County Courthouse before Judge Roger E. Henderson. App. 222-264. On November 8, 2018, Judge Henderson filed an Order of Dismissal denying Petitioner's allegations of ineffective assistance of counsel in this case. App. 270-281.

Petitioner appealed Judge Henderson's Order of Dismissal, this petition follows:

ARGUMENT

Now comes David Terrell Gallman, Petitioner, proceeding pro-se in filing his response to the petition filed by Wanda H. Carter, Deputy Chief Appellate Defender.

In Ms. Carter's petition for writ of certiorari, Ms. Carter raised one ground: Trial counsel erred in failing to object when the trial judge commented on the facts and invaded the province of the jury via undue influence by suggesting that they choose the space on the verdict form indicating that Petitioner was guilty of the greater offense of PWID, despite the fact jury had already marked a space indicating a guilty on the lesser offense of simple possession of crack cocaine.

In addition to the one ground Ms. Carter raised on behalf of Petitioner, Petitioner additionally raises the following grounds:

Issue 1: TRIAL COUNSEL ERRED IN FAILING TO OBJECT TO THE JURY INSTRUCTIONS ON CONSTRUCTION POSSESSION AT TRIAL.

This was a drop drug case. Apparently law enforcement officers had a warrant for Petitioner and were looking for him. The police found Petitioner on December 19, 2013 and before his arrest, a police officer allegedly observed Petitioner drop something (crack cocaine) at the scene. App.

During the PCR hearing Petitioner alleged that trial counsel committed ineffective assistance of counsel in violation of his Sixth and Fourteenth Amendments rights.

Pursuant to the Sixth Amendment of the United States Constitution and Article 1, section 14 of the South Carolina Constitution, following the standard announced in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984), counsel was ineffective for failing to object to an improper comment included in the judge's instruction to the jury in violation of S.C. Code of Laws §44-53-110 and 44-53-375 at Petitioner's trial. At trial the judge gave the following instructions:

There are two kinds of possession with intent to distribute, or the lower is simple possession. There are two types of possession - actual possession and constructive.

Constructive possession is when a person has dominion or control or the right to oversee to dominion or control off a substance or the premises where the substance is located.

Possession maybe inferred from the circumstances and may be imputed to anyone who has the power and intent to control the disposition of the subject - of the object issue. In other words, possession of an object or the premises where the object is found give rise to an inference that the person charged had both the power and the intent to control and disposition of the substance.

Actual knowledge of the presence of the substance is strong evidence of intent to control its disposition or use. However, the mere presence of a person in the area where an illegal substance is found is not alone and is not enough by itself to give rise to the necessary inference. The State must prove that Mr. Gallman had both the power, that is the actual or constructive control, and the intent to control, and the intent the disposition of the substance.

Actual control occurs when a controlled substance, and crack cocaine is by the law of our State a controlled substance, is found to be in the actual physical custody of the person charged.

Constructive possession occurs when the person charged with possession has dominion and control over either the controlled substance itself or the premises upon which the controlled substance is found.

Constructive control, constructive possession means that, the defendant's knowledge and possession may be inferred that the controlled substance was found on the premises under his control. This is a permissive inference. You are free to accept or reject this inference depending upon your view of the evidence. Constructive control may be established by circumstantial as well as by direct evidence and constructive control may be shared by two or more individuals. Tr. pg. 175, line 9 - pg. 177.

The PCR judge found that trial court jury instructions in reference to this issue were proper and correct under South Carolina law. although at page 8 of the Order of Dismissal the Court clearly conceded that the instructions included "improper comments" on the facts under State v. Cheeks, 408 S.C. 198, 758 S.E.2d 715 (2014). (Holding that the instruction "actual knowledge of the presence of crack cocaine is strong evidence of intent to control its disposition or use" was an improper comment on the facts and unduly emphasized the evidence. Finding the instruction did not prejudice Petitioner relying on as in Cheeks there was no evidence that Petitioner was "merely presence" and there was no evidence presented of actual possession by Petitioner as trial counsel testified, the officer testified at trial that he actually saw Petitioner drop drugs before arrested. Accordingly, finding Petitioner has failed to prove both prongs of the Strickland test.

Clearly the PCR judge's findings were erroneous and Petitioner clearly established both prongs of the Strickland test:

First, Petitioner ask this Honorable Court to take into consideration the totality of the testimony offered by officers Jason Nix, Union Public Patrol Officer, Shane Petrie and Joe Smith, Union Public Safety offered at both direct examination and cross-examination, including the testimony of Kimberly Young also.

1. Testimony by Jason Nix, Union Public Safety Patrol Officer, at both direct examination by Solicitor Anthony and cross-examination by Eric Delaney. See transcript, pages 69-83.
2. Testimony by Corporal Shane Petrie Union Public Safety Patrol Officer at both direct examination by Solicitor John Anthony and cross-examination by Eric Delaney. See transcript, pg. 83-95.
3. Testimony by Kimberly Young at both direct examination by Solicitor John Anthony and cross-examination by Eric Delaney. See transcript, pg. 138-152.
4. Testimony by Joe Smith, City of Union Public Safety Department at both direct examination by Solicitor John Anthony and cross-examination by Eric Delaney. See transcript, pg. 64-68.

Contrary to the PCR judge's findings, Petitioner has clearly met the Strickland analysis evaluating claims of ineffective assistance of counsel:

By attorney/counsel Eric Delaney failing to object to the erroneous jury instructions on "constructive possession" at trial clearly constituted that Mr. Delaney's representation fell below objective standard of reasonableness. 466 U.S. at 687-688, 104 S.Ct. at 2065. We also held, however, that "[~~1~~]

the defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, that result of the proceeding would have been different". Id. at 694, 104 S.Ct. at 2088.

Cleary, in the present case had attorney/counsel, Mr. Eric Delaney, objected to the instructions that the PCR judge found to be improper, there is a reasonable probability that, but for counsel's unprofessional errors, that the results of the proceeding would have been different. Id., at 694, 104 S.Ct., at 2088. The jury had already returned a verdict of the lesser included offense of possession of crack cocaine.

Issue 2: TRIAL COUNSEL ERRED IN FAILING TO OBJECT TO THE GOLDEN RULE VIOLATION AT TRIAL.

Trial counsel was ineffective for failing to object to the Golden Rule Violation committed by Deputy Solicitor John Anthony during closing argument, he used an example of meeting someone who has 24 pairs of shoes, all of the same kind, and using common sense to assume that they don't have all for personal use, but are selling them. Tr. 164, line 25 - pg. 165, lines 1-25.

During the PCR hearing Petitioner alleged that trial counsel committed ineffective assistance of counsel in violation of the Sixth and Fourteenth Amendments rights pursuant to the U.S. Constitution, Article 1, section 14 of the South Carolina

Constitution, further Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984) by failing to object to the Golden Rule

Solicitor John Anthony violated the Golden Rule when he appealed to the personal biases of the jury and arouse the jury's passions of prejudice by asking them to imagine themselves as the victims in this case, "A Golden Rule argument asking the jurors to place themselves in the victims' shoes tends to completely destroy all sense of impartiality of the jurors, and its affect is to arouse passion and prejudice". Brown v. State, 383 S.C. 506, 515-16, 680 S.E.2d 909, 914 (2009)(citing State v. Reese, 370 S.C. 31, 38, 633 S.E.2d 898, 901 (2006)) (emphasis added).

In the presence case, in Deputy Solicitor John Anthony's argument, he used an example of meeting someone who has a twenty-four pairs of shoes, all of the same kind and unsing common sense to assume that they don't have them all for personal use, but are selling them. Tr. 164, line 25 - pg. 165, lines 1-22. His example was literally about shoes. This was improper because it asked the jury to put themselves in the victims shoes. Clearly, this was a violation of the Strickland analysis. Clearly attorney/counsel, Mr. Delaney's representation fell below the objective standard of reasonableness and but for counsel's error in failing to object to the Solicitor's prejudicial statements during closing arguments there is a reasonable probability that the outcome of Petitioner's trial would have been different. Williams v. State, 363 S.C. 341,

343. 611 S.E.2d 232, 233 (2005)(citing Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 2064 (1984)).

Therefore, the decision not to object to the improper statements by the Solicitor during closing arguments by trial counsel clearly constitutes that trial counsel was not performing at an objective standard of reasonableness and was deficient and secondly prejudiced Petitioner because at trial counsel failed to object, had counsel objected there is a reasonable probability that the outcome of Petitioner's trial would have been different.

Issue 3: EXPOST FACTO VIOLATION

PCR judge erred by finding that Petitioner's ex post facto violation claim was improper for post-conviction relief (PCR) due to the Ex post Facto Violation claim being an attack collateral consequences of the sentence which should be raised in Administrative Law Courts. Al-Shabazz v. State, 338 S.C. 354, 367, 527 S.E.2d 742 (2000)(holding an ex post facto claim is not appropriate for PCR, as "PCR is proper avenue of relief only when the applicant mounts a collateral attack challenging the validity of his convictions or sentence".) Jernigan v. State, 340 S.C. 256, 531 S.E.2d 507 (2000)(holding an ex post facto claim arising out of change from annual to biannual review for parole was not cognizable under the PCR statute, as the ex post facto claim was not collateral attack on the validity of Petitioner's convictions or sentence).

South Carolina like most jurisdictions, recognize exceptions to the exhaustion of administrative remedies requirement. The general rule is that administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule. Andrews Bearing Corp. v. Brady, 261 S.C. 533, 536, 201 S.E.2d 241, 243 (1973); Ex parte All State Co., 248 S.C. 550, 567, 151 S.E.2d 849, 855 (1966). A commonly recognized exception to the requirement of exhaustion of Administrative remedies exists when a party demonstrate that pursuit of administrative remedies would be a vain or futile act. Moore v. Sumter County, 300 S.C. 270, 273, 387 S.E.2d 455, 458 (1990); Video Game Consultant Inc. v. S.C. Dept. of Revenue, 342 S.C. 34,39, 535 S.E.2d 642, 645 (2000). "Futility, however, must be demonstrated by or showing comparable to the administrative agency taking a hard and fast position that makes an adverse ruling a certainty". Law v. S.C. Dept. of Corr., 368 S.C. 424, 438, 629 S.E.2d 642, 650 (2006)(citing the Ford Props. IV Ltd. *55 P'ship v. U.S. Dept. of Hous. & Urban Dev., 907 F.2d 445, 450 (4th Cir. 1990)). Another exception to the exhaustion requirement is recognized when **612 an agency has acted outside its authority. Responsible Econ. Dev. v. S.C. Dept. of Health & Env'tl. Control, 371 S.C. 547, 553, 641 S.E.2d 425, 428 (2007).

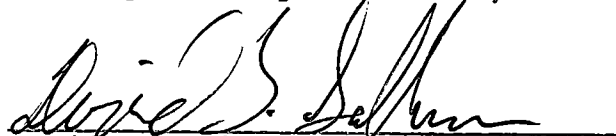
CONCLUSION

Petitioner further request in the support of his arguments that this Court take into consideration, "verdict form" listed at page 267 in the Appendix. "South Carolina Dept. of Corrections, Record of due process hearing" at page 268 in the Appendix, "South Carolina Dept. of Corrections Classification Summary Reports" page 269 in the Appendix, Exhibit 1: "South Carolina Dept. of Corrections, Division of Classification for Inmates Records, Custody and Privileges" is added to Pro-se.

Based on the argument raised above, Petitioner respectfully request that this Court grant certiorari and subsequently reverse Petitioner's convictions and sentences,

Respectfully submitted,

This 16, day of Sept., 2019


David Terrell Gallman
MCCI F-3 211-B
386 Redemption Way
McCormick, SC 29899

Petitioner, pro-se

STATE OF SOUTH CAROLINA

In The Supreme Court

CERTIORARI TO UNION COUNTY
Honorable Roger E. Henderson, Circuit Court Judge

DAVID T. GALLMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No.: 2018-002197

PROOF OF SERVICE

I, David T. Gallman, Petitioner certify that, in reference to the above captioned matter, service was made upon the Attorney General, The State of South Carolina, P.O. Box 11549 by placing same in properly addressed envelope with full prepaid first class postage on the depositing envelope with the U.S. Postal Service, by way of McCormick Correctional Institution mailroom personnel, this 16th day of September, 2019 and addressed as follows:

Office of the Attorney General
The State Of South Carolina
P.O. Box 11549
Columbia, SC 29211

Office of the Attorney General
The State of South Carolina
P.O. Box 11549
Columbia, SC 29211

SWORN to and subscribed before me this

16th day of September, 2019

A. O. Jones
Notary Public of South Carolina

My Commission Expires 8/5/2024

This 16th day of Sept., 2019

David Terrell Gallman
David Terrell Gallman

Proceeding pro-se

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STATE OF SOUTH CAROLINA

In The Supreme Court

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CERTIORARI TO UNION COUNTY
Honorable Roger E. Henderson, Circuit Court Judge

DAVID T. GALLMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

I, David T. Gallman, Petitioner certify that service of my pro-se Response to the petition filed by Wanda H. Carter, Deputy Chief Appellate Defender in reference to the above captioned matter was made upon the Supreme Court of South Carolina, P.O. Box 11330 and Office of the Attorney General, the State of South Carolina, P.O. Box 11549, by placing same in properly addressed envelope with fully prepaid first class postage thereon and depositing envelope with the U.S. Postal Service by way of McCormick Correctional Institution mailroom personnel, this 19th day of September, 2019 and addressed as follows:

The Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD OF DUE PROCESS HEARING
3rd Offense Drug Offenders

RECEIVED

TO INMATE: David Gallman SCDC #: 313796

SEP 20 2019

INSTITUTION: Perry

S.C. SUPREME COURT

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 3rd 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 3rd 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 3rd or Subsequent Drug Offense should be calculate at 85%.

Your new projected dates are:

Projected Maxout Date: 12/31/2039 Projected Parole Date: 00/00/0000

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): Felicia Ogunside

Signature: 

Inmate Signature:  Date: 2/2/16 Time: 11:44 AM

Original: Central Record
cc: Institutional Record
Inmate

9:31:38 Monday, January 09, 2017

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 01/09/17
OMCOMITA RELEASE DATE SCREEN C056427

SCDC# > 313796 LOC: PERRY
GALLIMAN, DAVID TERRELL SCDC CLASSIFICATION...: NON-VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
SEXUAL PREDATOR...: NOT APP
DNA STATUS.....: COMPLETED
GPS REQUIREMENT...: N
PREA DECISION....:

PREA VICTIM.....: PREA PERP...:
CURRENT SENTENCE: 030-00-000 CONSECUTIVE SENTENCE ...: N
030-00-000 CURRENT SENT START DATE: 07/08/2014

PROJECTED COMPLETION DATES
MAXOUT DATE: 05/16/2030 CURRENT EWC ..: 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 07/11/2020 NEXT PAROLE HEARING DATE: 07/11/2020

TOTAL GT DAYS EARNED: 000560 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ..: 000237 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS: 000000 SEXUAL MISCONDUCT W/IN 24 MONTHS
TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 11/17/29
TOTAL SERVICE TIME EARNED ...: 000915 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

COMPLETED OFFENSES	YRS	MOS	SENTENCE		START	SENTENCE		
			DYS	COUNTY		V/NV	CAT	INDICT
DRIVING INFLUENCE LIQUOR	0	0	30	SPARTANBURG	06/27/2009	N	2	
POSSESS OF OPEN CONTAININE	0	0	30	SPARTANBURG	06/27/2009	N	1	
NONMOVING TRAFFIC VIOL	0	0	30	SPARTANBURG	06/27/2009	N	1	
DRIVING UNDER SUSPENSION	0	0	30	SPARTANBURG	04/13/2009	N	1	-----
CRACK DISTRIBUTION	5	0	0	UNION	02/21/2009	N	2	09GS440057
CRACK DISTRIB PROX SCHOOL	4	0	0	UNION	02/07/2006	N	2	06GS44298
CRACK DISTRIBUTION	4	0	0	UNION	02/07/2006	N	2	06GS44297
CRACK COCAINE POS INT/DIS	4	0	0	UNION	02/07/2006	N	2	06GS44301

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

12/05/2016	FAILURE TO WORK	CONVICTED	ADMINISTRATIVE RESOLUTION
06/20/2016	INTERFERING WITH COUNT	DISMISSED	ADMINISTRATIVE RESOLUTION
01/23/2016	EXHIBITIONISM AND PUBLIC MASTURBATION	CONVICTED	MAJOR DISC. HEARING
01/24/2010	DISRESPECT	CONVICTED	MAJOR DISC. HEARING
01/24/2010	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	MAJOR DISC. HEARING
01/24/2010	REFUSING OR FAILING OBEY ORDERS	CONVICTED	MAJOR DISC. HEARING
01/24/2010	REFUSING OR FAILING OBEY ORDERS	CONVICTED	MAJOR DISC. HEARING
01/02/2010	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
11/30/2009	VIOLATIONS WRITE/POST INST RULES	CONVICTED	ADMINISTRATIVE RESOLUTION
11/20/2009	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
10/13/2009	VIOLATIONS WRITE/POST INST RULES	CLOSED	OTHER ACTION TAKEN/INFORM
10/03/2009	OUT OF PLACE	CLOSED	OTHER ACTION TAKEN/INFORM
02/08/2008	INTERFERING WITH COUNT	CONVICTED	ADMINISTRATIVE RESOLUTION
04/16/2007	INCITING/CREATING A DISTURBANCE	DISMISSED	MAJOR DISC. HEARING
04/16/2007	REFUSING OR FAILING OBEY ORDERS	CONVICTED	MAJOR DISC. HEARING
04/16/2007	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	MAJOR DISC. HEARING
03/28/2007	VIOLATIONS WRITE/POST INST RULES	CONVICTED	ADMINISTRATIVE RESOLUTION
03/20/2007	OUT OF PLACE	CLOSED	OTHER ACTION TAKEN/INFORM
02/06/2007	INTERFERING WITH COUNT	CONVICTED	ADMINISTRATIVE RESOLUTION
01/08/2007	INTERFERING WITH COUNT	CONVICTED	ADMINISTRATIVE RESOLUTION
04/13/2006	INTERFERING WITH COUNT	CLOSED	OTHER ACTION TAKEN/INFORM

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

09/24/2014	PERRY	INCARCERATED	ADMINISTRATIVE
07/15/2014	KIRKLAND	INCARCERATED	NEW ADMISSION
07/16/2012	UNK	RELEASE	PAROLE SATISFIED
10/27/2011	UNION CO	PAROLE	PAROLE BOARD ACTION
04/27/2011	LEE	INCARCERATED	DRUG ADDICTION UNIT
04/20/2011	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
04/20/2011	PERRY	INCARCERATED	COURT/PAROLE HEARING VIA
03/10/2010	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
03/10/2010	PERRY	INCARCERATED	COURT/PAROLE HEARING VIA
01/25/2010	TYGER RIVER	INCARCERATED	LOCKUP-ADJUSTMENT COMM.
11/24/2009	LIVESAY	INCARCERATED	LABOR CREW
11/19/2009	LIVESAY	WORK-RELEASE	WORK PROGRAM
08/24/2009	LIVESAY	INCARCERATED	LABOR CREW
06/28/2009	PERRY	INCARCERATED	RETURN FROM COURT
06/27/2009	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
05/07/2009	PERRY	INCARCERATED	ADMINISTRATIVE
04/14/2009	KIRKLAND	INCARCERATED	NEW ADMISSION
02/29/2008	UNK	RELEASE	EXPIRATION OF SENTENCE
01/23/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
01/23/2008	PERRY	INCARCERATED	COURT/PAROLE HEARING VIA
04/16/2007	TYGER RIVER	INCARCERATED	LOCKUP-ADJUSTMENT COMM.
03/08/2007	LIVESAY	INCARCERATED	ADMINISTRATIVE
03/08/2007	PERRY	INCARCERATED	GED
03/05/2007	LIVESAY	INCARCERATED	LABOR CREW
03/02/2006	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
02/14/2006	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
BRICKMASON HELPER	02/18/2016	-		3F5
BRICKMASON HELPER	12/09/2014	01/23/2016	PLACED IN ST/SP CUSTODY	2F5
WARDKEEPER ASSISTANT	09/25/2014	12/08/2014	LATERAL TRANSFER	2P5
GENERAL WORKER	04/29/2011	10/27/2011	RELEASED/PAROLED	2F5
MACHINE OPERATOR	02/01/2011	04/27/2011	INSTIT TRANSFER	2F5
GENERAL WORKER	07/30/2010	01/31/2011	INMATE REQUEST	2F5
GENERAL WORKER	03/04/2010	07/29/2010	MI ELIGIBLE FOR LEVEL 2	3F5
FOOD SERVICE AIDE	02/05/2010	02/08/2010	PLACED IN ST/SP CUSTODY	3F5
FOOD SERVICE AIDE	01/26/2010	02/04/2010	ASLT/DRUG/MAJOR DISC	2F5
LABOR CREW/WORK PROGRAM	11/25/2009	01/25/2010	DISCIPLINARY/LOCK-UP	2F5
LABOR CREW/WORK PROGRAM	08/25/2009	11/24/2009	INSTIT TRANSFER	2F5
SANITATION WORKER PLCL	05/12/2009	08/24/2009	INSTIT TRANSFER	2F5
WARDKEEPER	10/19/2007	02/29/2008	RELEASED/PAROLED	2F5
WARDKEEPER	04/20/2007	10/18/2007	MI ELIGIBLE FOR LEVEL 2	3F5
WARDKEEPER	04/17/2007	04/19/2007	ASLT/DRUG/MAJOR DISC	2F5
LABOR CREW/WORK PROGRAM	03/06/2007	04/16/2007	DISCIPLINARY/LOCK-UP	2F5
GENERAL WORKER	03/10/2006	03/05/2007	INSTIT TRANSFER	2F5
GENERAL WORKER	03/07/2006	03/09/2006	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	10/04/2007	02/29/2008	RELEASED/PAROLED
BONUS 4-7 HRS/WK	03/29/2007	04/03/2007	INMATE REQUEST
BONUS 4-7 HRS/WK	12/04/2006	03/05/2007	INSTTT TRANSFER
BONUS 15 OR MORE	03/08/2006	10/13/2006	INMATE REQUEST

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

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[Version: 1.4.12 Bullt: 02/03/2015 11:57:23 AM Time: 09:34:05 AM]

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)

IN THE COURT OF GENERAL SESSIONS
OF THE SIXTEENTH JUDICIAL CIRCUIT

Indictment No. 2014-GS-44-0077

STATE OF SOUTH CAROLINA,)
)

VERDICT FORM

vs.)
)

DAVID TERRELL GALLMAN,)
)

Defendant.)
)

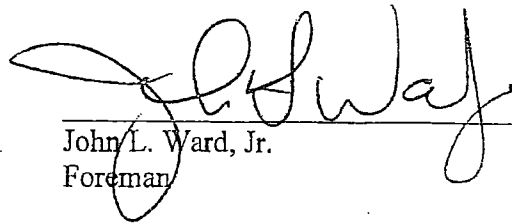
PLEASE MARK BY CHECKING THE APPROPRIATE VERDICT BELOW.

We find the Defendant Guilty of Possession of Crack Cocaine with Intent to Distribute.

We find the Defendant Guilty of the lesser included offense of Possession of Crack Cocaine.

We find the Defendant Not Guilty.

July 09, 2014
Union, SC



John L. Ward, Jr.
Foreman

Attorney
Paul
To Respond

"Phone tech"

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

Exhibit 1

Inmate Name

Gaulman, David

Inmate Number

313796

Assigned/Recommended Custody

MI

	MINIMUM OUT (MO)	MINIMUM OUT RESTRICTED (MOR)	MINIMUM IN (MI)	MEDIUM (ME)	SMU (SD, DD, PC, P, P, P)
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 who is closely supervised (none the 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 P, OP-22 12 for SMU, OP-22 32 for Statewide PC. Pre-Trial SMU 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 (dependent upon Security Detention Unit designation) Statewide PC 1 call per day

This does not affect access to legal telephone calls.

Projected Release Date as of:

09/23/2014

Max-out

12/31/2039

Parole Eligibility

01/04/2022

SFII-A

N/A

Labor Crew Eligibility

01/01/2035

Sentence Start Date

07/08/2004

Sentence Length

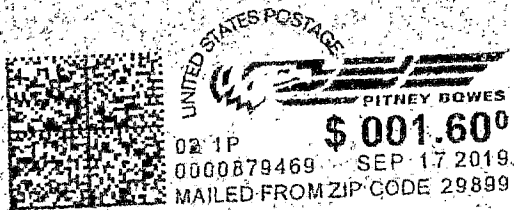
30 years

Detainers

None

Annual Hardship Review Month

July



Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211