

Jack Kuykendall  
Appellant  
VS.  
S.C. Dept  
of Corrections  
Respondant

Brief of APPEAL  
Docket No: - ALJ - 04  
Grievance No: TRCI-0067-19

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Statement of Issues

SCDC form 19-29A says the location of incident was: 056196 but that is officer Robinette's employee number. The location of incident was Columbia Farms. On the SCDC form 19-29A says the date of the incident was 12/12/2018, but the SCDC form charge paper says my offense date was 12/12/2018. At my hearing they found me guilty for escape on 12/12/2018 that is incorrect because that's before my incident ever took place. There are some technicalities that was over looked. And I never attempted to escape or never escaped because I never left the premises.

State of Case

The date of the incident was 12/18/2018. The incident took place at Columbia Farms. Sgt Robinette #056196 received a phone call from Columbia Farms Supervisor Randy Davenport. Mr Davenport stated that inmates were coming back from break and he couldn't account for inmate Jack Kuykendall SCDC #355388. Mr Davenport said inmate Kuykendall couldn't be found for app. 15 minutes, when inmate Kuykendall was found, he was found in the parking lot inside of a car with a female employee. This case number is: 190306, Filing Date was 6/11/2019 and date received was 12/11/2018

## Argument

In Regards to preparation of the 19-29A form Sgt. Robinette #05696 failed to give accurate information for the location of incident. Sgt. Robinette failed to follow the OP-22.14

"Inmate Disciplinary System" Policy 3. that states the officer is to fill out a 19-29A form with minimum accurate information. Institutional reporting officers full name, location of incident, Date/Time of report, Date/Time of incident, Employee witnesses. With Sgt. Robinette not giving accurate information of the location of incident he didn't follow the preparation of the misconduct Reports: Reference to Wolf, Warden, ET. AL. V. McDONNELL 418 US. 539; 945

"Misconduct Reports:"

9. Preparation: In reporting misconduct report form, the report should be prepared carefully and accurately so as to describe events exactly as they happened. The accurate preparation of misconduct report is a major ~~factor~~ contributing factor in accurate evaluation of the misconduct by the adjustment committee. The initial statement on the report should be a brief of the charge or charges, followed by a detail report of the incident. Articles of evidence should always accompany the report.

According to OP-22.14 "Inmate Disciplinary system" Policy 9.7 the hearing officer's duties is to complete form, 19-69, which will become a permanent part of the inmates institutional and central records. The hearing officer failed to fill out the 19-69 form with the correct offense date.

Appellant was charged with 902 class two escape, which is defined as: Any escape, attempted escape, or aiding, abetting escape from a level one Institution or minimum custody at a local detention center that does not involve any threat of violence, physical harm, or aggravating circumstances. (OP. 22.14 Policy)

However, by support of the incident Report SCDC Form 19-29A the narrative describing the incident fails to coincide with the elements of the above stated definition. To be more precise, the narrative actually describes offense #828 out of place which is defined as: The act of an inmate who without authority either fails to report to his/her appointed place of duty or assignment or any place to which he/she was ordered; leaves his/her appointed place of duty or assignment; is found to be in an unauthorized area. (CP.22.14 policy) Based on these facts appellant believes this case should be overturned on the bases of that they failed to charge with the appropriate charge.

### Conclusion

Officer Robinette #056196 failed to get the correct location of incident on the SCDC Form 19-29A. The hearing officer failed to get the correct offense date on the SCDC form 19-69. The hearing officer found me guilty of escape on Dec. 12, 2018, but my incident never took place until Dec. 18, 2018. I never left or attempted to leave the premises of Columbia Farms. So I am appealing to get this 902 CLASS two Escape over turned on account of inappropriate charge and the technicalities in my case.

Jack Kuykendall  
Appellant  
vs.  
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of Corrections  
Respondent

Certificate of Service

Docket No: # 19-ALS-04-0306-AP

I hereby certify a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address.

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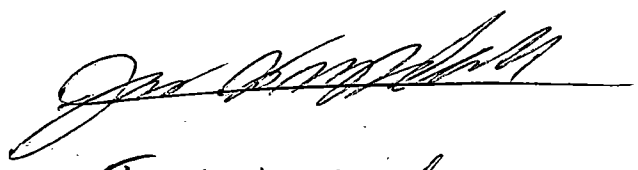
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