

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 17-ALJ-04-0163-AP
Appellate Case No. 2018-001293

RECEIVED

NOV 19 2019

SC Court of Appeals

JOHN K. MASSEY, JR., # 305341,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RESPONDENT'S SUPPLEMENTAL RECORD ON APPEAL

INMATE JOHN MASSEY
SCDC NUMBER 305341
MacDougall Correctional Institution
1516 Old Gillard Road
Ridgeville, SC 29472

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

Kensley Evans
Deputy General Counsel
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

APPELLANT

ATTORNEY FOR RESPONDENT

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ATTORNEY FOR RESPONDENT

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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APR 33 2017

John K. Massey, Jr.

Appellant,

vs

South Carolina Department of Corrections,

Respondent.

GENERAL COUNSEL
NOTICE OF APPEAL

DOCKET NO. ALL-04-
GRIEVANCE NO. MACD-0158-16

Notice is hereby given that John K. Massey, Jr. does hereby appeal the final decision of the South Carolina Department of Corrections dated March 3, 2017 and received on March 28, 2017, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Pursuant S.C.D.C. policy 23-13-40, every prisoner gets Full credit for pre-detention time. I was given (46) days credit. I am missing about (2) years jail credit. According to Allen v. State, 339 S.C. 393 (2000), I should be given all my jail credit. As in Allen, I was awaiting trial on multiple charges; by the Supreme Court ruling all my jail credit should be granted. Furthermore, a full review should be granted concerning this issue.

John K. Massey, Jr.
Appellant's Name

1516 Old G.I. Road

Mailing Address

Ridgeville, South Carolina 29472

City, State, Zip Code

Sign:

[Signature]

March 30, 2017

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, John Massey (your name), on the 30 day of March, 2017, in Ridgeville (city) South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: S.C.D.C. Office of General Counsel

Address: 4444 Broad River Road

City, State, Zip Code: Columbia, South Carolina 29210

Print your name: John K. Massey, Jr.
(See reverse side for instructions)

Sign your name:

[Signature]

163

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2
DIVISION OF CLASSIFICATION
& INMATE RECORDS

RECEIVED

Office Use Only

Grievance No. NACA-0158-16
Code: General
Policy: _____
Disc. Hear. ☒
Class: ☒
REA: _____
Date Received: 1/16/17
IGC Initials: JS
Date Received: _____
IGA Initials: _____

INMATE NAME: John K. Massey, Jr.
SCDC NUMBER: 305341
INSTITUTION: Maddoxall Correctional Institution
HOUSING UNIT: Magnolia Dorm C2 Bed 86
WORK ASSIGNMENT: Dorm Worker

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I disagree with the warden's decision. According to my Sentence Sheets, I am to be granted time serve equally for both Sentence Indictments. Moreover, accordingly pursuant to Allen v State, 339 S.C. 393 (2000), as in Allen, my case is shockingly similar and my jail credit should be applied and granted for both Indictments.

Grievant Signature [Signature] Date 1-5-17

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you were only given 140 days for jail time which is not full credit. You further stated that you have gone to "Open Door" to discuss the matter. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form, Step 1 dated December 19, 2016. Your classification concern was discussed with you in person as you stated in "Open Door" at your local institution. You were informed that you have been given full jail time credit on the first indictment as you are entitled and as is stated on your Sentence Sheet dated December 2, 2015. Your classification concern has also been reviewed again at Headquarters. No error has been found.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature [Signature] Date 3/3/17

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)

9-11-16
(16)

NRKIDUPLCI
D158-16

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: John K. Nasser, Jr.
SCDC NUMBER: 305341
INSTITUTION: Macdonald Correctional Institution
HOUSING UNIT: Mag 2 Dorm C8b
WORK ASSIGNMENT: Dorm Worker

Office Use Only
Grievance No. March 0158-16
Code: General _____
Policy _____
Disc. Hear. ☒ _____
Class. _____
Date Received 8-4-16
IGC Initials JY

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Pursuant S.C.D.C.

Policy 23-13-40, every prisoner gets full credit for pre-detention time. I was only given (140) days credit. I am missing about (2) years jail credit. According to Allen v State, 339 S.C. 393 (2000), dealing with jail credit from multiple charges, I should be given all my jail credit. As in the Allen case, I was awaiting trial on multiple offenses, by the Supreme Court Ruling all my jail credit should be granted. I have been trying to resolve this issue since my arrival in March 2016. I also filed a Kiosk request in March (16-057246).

ACTION REQUESTED:

My sentence amended to the correct Pre-Trial Detention time I served while at the York County Detention Center.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I sent a Kiosk request to the Prisoner Classification, Kiosk number 16-057246, she responded. I do not agree with her response. I also went to Open Door for inmates to discuss this matter.

[Signature] Aug 2nd, 2016
Grievant Signature Date

ACTION TAKEN BY IGC:

- I accept the action taken by the IGC and consider the matter closed
I do not accept the action taken and wish to appeal

IGC Signature Date

Grievant Signature Date

M-2

WARDEN'S DECISION AND REASON:

Inmate John Massey Jr. 305341:

This is in response to MacD-0158-16. Your concern has been reviewed. You state that you are missing about 2 year's jail credit. I have contacted Mrs. Boyd Classification Case Manager. She stated that you have a consecutive sentence and can only receive jail credit on the lead indictment. Based on this information your grievance **denied**.

Based on this information, I consider this matter denied. If not satisfied with my response, see Step 5 below.

Ed T. Taylor 12-19-16
Warden Signature Date

- ☐ I accept the Warden's decision and consider the matter closed.
☒ I do not accept the Warden's decision and wish to appeal.

John Massey Jr. 1/5/17
Grievant Signature Date

Franklin 1/5/17
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

RTSM	
Form 10 Request Information	
Request Type	Reference Number
Date Requested	Reference Number
Requested By	
Request Details	
DATE PRESIDENT I would like to have a meeting scheduled with you in connection about me completing the proper paper work to get my Credit for Time Served while I was detained in the County Jail. I have been incarcerated since DECEMBER 2011 according to SCDC RECORDS, but by the detention Center records, I have over two years time served at DPH Jail.	
Review Level	
Disposition	
Other	
Disposition Date	
Request Responses	
Date	Response

You were given 140 days of jail time credit which the judge have on your commitment order. You can see me on the next walkin day.

Administrative Law Court
For the State of South Carolina

RECEIVED

MAY 24 2017

Judge Lenski

GENERAL COUNSEL

John K. Hessay, Jr.,
Appellant

v.

South Carolina Department
of Corrections,
Respondent

C/A No.: 17C0163

Grievance Number: MACD 158-16

Motion to Subpoena

Documents

Pursuant to South Carolina Special Appeals rule Sixty-three (63), Appellant may submit motions to this Court. Therefore, Appellant is requesting the following:

- (1) That the York County Detention Center release and provide Appellant with the Booking Dates, and/or, Docket sheets during the period of December 2013 until January 2015. During this time Appellant was housed and detained in custody at the York County Detention Center.

York County Detention Center
Moss Justice Center
1675-2A York Hwy
York, South Carolina 29745

(2) Appellant requests the York County Solicitors office produce a copy of the E-Mail that was sent in January of 2014 to the Magistrate Judges office by Matthew Hogge requesting Appellant John K. Massey, Jr. Bond be revoked and denied.

This letter was also Carbon Copied and a copy was given to Appellant's Public Defender, Philip Smith.

York County Solicitors office
P.O. Box 691
York, South Carolina 29745

Thus, Appellant's request is in the interests of justice and weighs heavily upon Appellant's argument that he has not been given his full jail credit according to Allen v. State, 339 S.C. 393 (2000).

May 23rd, 2017
Ridgeville, South Carolina

Respectfully Submitted
J.K. Massey, Jr.

By: John K. Massey, Jr. #305341
Macedougall Correctional Institute
1516 Old Gilliard Road
Ridgeville, South Carolina 29441

State of South Carolina
In the Administrative Law Court

Appeal From S.C.D.C.
Honorable Judge S. Phillip Lenski

RECEIVED

JUN 27 2017

GENERAL COUNSEL

The State,
South Carolina Department
of Corrections

Respondent,

vs.

John K. Massey, Jr.

Appellant,

Appellate Case No. 17C0163
Grievance No. Medd 15B-16

Initial Brief of Appellant

John K. Massey, Jr.
Pro-Se Appellant

McDougall Correctional Inst.
1516 Old Gillard Road
Ridgewille, South Carolina 29472

Statement of Issues on Appeal

- I. Did the trial judge err in failing to credit Appellant with time served in pre-trial detention awaiting disposition of the charges in direct contravention of the Mandatory Statutory provision and Controlling case law.

Statement of Facts

On July 13th, 2013 Appellant was arrested for grand larceny (2013-GS-46-3508) and malicious injury to property (2013-GS-46-3509). Appellant banded out on these charges on Aug 26th, 2013. Appellant was arrested again for 1st Degree Burglary (2014 A4610100077), Criminal Conspiracy (2014 A4610100076), Grand Larceny (2014 A4610100078), Poss. of Cocaine 1st (2014 A4610100078), and Probation Violation (N-46-14-0103), because this arrest, Appellant's bond was revoked for his prior offenses. During this incarceration, approximately six (6) months later, Appellant was served a shoplifting warrant from an incident that occurred December 19th, 2013.

Appellant was subsequently held at the Mass Justice Detention Center as a pre-trial detainee until he was convicted for the shoplifting charge — March 31st, 2015. He was sent to S.C.D.C., per S.C.D.C. records, his sentenced date began December 30th, 2013; he finished his sentence Aug 26th, 2015. He was remanded to York County due to the pending charges stated above. Where he remained until convicted by Jury trial on Dec 2nd, 2015 — from the stated charges in this appeal. The Judge ordered the sentences to be served consecutively — Ten years for the grand larceny conviction, Two years for the malicious injury to property.

~~He awarded Credit for time served on both sentences — 140 days each — indictment.~~

Appellant filed a Direct Appeal in the South Carolina Court of Appeals December 10th, 2015 Opposing his conviction. Moreover, this issue was also raised by Appellant's Counsel, Susan B. Hockett, in his appeal. The appropriate documents are attached with this brief. (see following exhibits).

Moreover, Appellant, upon entering S.C.D.C. filed his own complaint. On March 15th, 2016, I filed a complaint on the Kiosk to Classification. They responded on April 8th, 2016 and denied my request. Then, I began the Step one and two grievance procedures, because I was not granted my pre-trial jail time. The final disposition was on March 3rd, 2017, and the official decision and reason goes as follows:

" I have reviewed your concern. In your grievance you stated that you were only given 140 days for jail time which is not full credit. You further stated that you have gone to 'open Door' to discuss this matter. The warden responded to your concern on SCDC 10-5, Inmate Grievance form, Step 1 dated 12/14/2016. Your Classification concern was discussed in person... You were informed that you have been given full jail time credit on the first indictment as you are entitled and as you stated on your Sentence Sheet dated 12/2/2015. Your Classification concern has also been reviewed again at Headquarters. No error has been found." (see Respondent's Record).

Hence, Appellant filed with the Administrative Law Court on March 31st, 2017. My case was assigned to Judge S. Phillip Lenski on April 11th, 2017 and given case number 17C0163 and Grievance number MACD 15B-16. Appellant filed a timely appeal. This brief follows.

State of South Carolina
In the Administrative Law Court
Honorable Judge S. Philip Lenski

South Carolina Department,
of Corrections,
Respondent,

vs.

John K. Massey, Jr.,
Appellant.

Case No. : 17C0163
Correspondence No: 158-16

Appellant's Brief

Rule 60

This matter is before the Administrative Law Court (ALC) pursuant to the appeal by John K. Massey, Jr. vs. South Carolina Department of Corrections (S.C.D.C.). Appellant appeals his jail time credit calculations.

The ALC's jurisdiction to hear this matter is derived from the South Carolina Supreme Court case Al. Shabazz v. State, 338 S.C. 354 (2000). "In affirming, as modified, the ALC en banc decision of MS No. 1 v. SCDC 02-ALJ-04-00336-AP (Sept 5, 2001), the Supreme Court held the ALC's jurisdiction was limited to:

- (1) Cases in which inmates contend prison officials have erroneously calculated their sentence; sentence related credits, or custody status; and
- (2) Cases in which inmates state created liberty interest occur in major disciplinary hearings; and
- (3) Cases in which inmate's confinement implicates a state created liberty interest.

This matter is now before this Court for review, and is ripe for disposition.

I. Section 23-13-40 of the South Carolina Code of Laws

"It has been long settled that the section of the statute discussing credit for time served prior to trial is mandatory. State v. McCord, 349 S.C. 477, 487, 562 S.E.2d 689, 694 (Ct. App. 2002)." BOA at 34. Moreover, as cited in State v. Borg 696 S.E.2d 597, 598 (2010), it is mandatory a judge cannot deny a defendant credit for time served. Therefore, this court cannot deny the plain unambiguous language of the statute or its legislative intent:

23-13-40. . . In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Unless one of two exceptions apply: (1) prisoner was an escapee or, (2) the prisoner was already serving a sentence on a different offense.

In Appellant's case neither exception apply, he was not an escapee and he was not yet serving a sentence during that time period. Appellant admits he is not entitled to the credit for the time spent at S.C.D.C.; he was serving an active sentence for the shoplifting charge - March 31st, 2015 until Aug 26th, 2015 - a total of 148 days. However, all other times related to this appeal, Appellant was a pre-trial detainee serving his time at Moss Justice Detention Center in York County. Dates - July 13th, 2013 through August 26th, 2013; December 30th, 2013 through

March 31st, 2015 ; August 26th, 2015 through December 2nd, 2015, approximately twenty (20) months pre-trial detention time.

This issue has been thoroughly argued by the State and Appellant's Counsel in his Direct Appeal. (Intel Brief of Appellant, Intel Brief of Respondent, and Intel Reply Brief of Appellant.) See attached documents. Therefore, further discussion into the same matters would be redundant, and the established record by both parties must be reviewed and considered in this appeal. Moreover, in Appellant's Direct appeal, he argues the merits why he should receive his jail time pursuant to Allen v. State, 339 S.C. 393 (2000). The state concedes his case is very similar. They also concede Appellant's case does not apply to one of the two exceptions to Section 23-13-40. The State's argument relies that no evidence was in the record to establish Appellant's bond was revoked to comply with Allen. This argument does not square with the mandatory language of the statute, and Appellant must be given all his pre-trial jail time. Nowhere in the language of the statute does it state a persons bond must be revoked to get their jail time credits. Moreover, when the language is plain and unambiguous, the statute must be interpreted as it is stated.

However, Appellant's bond was revoked on his first set of charges after his re-arrest. For the Direct Appeal purposes, maybe there was at a minimum evidence to corroborate this claim, but for this action, in the Administrative Law Court, ample evidence is available or at least open for review. Clearly the judge erred in not given Appellant full credit, as noted by Appellant's sentence sheets. On both sentence sheets, Appellant was given 140 days credit. It appears on face value that the judge intended to grant Appellant equal credit on both consecutive sentences. (Respondent's Record). And this is correct and square with the statute

23-13-40 by granting credit to both sentence sheets, but he erred by not granting full jail time credit. All parties agreed during sentencing Appellant had been detained approx. 2yr (Court Transcripts 12/12/2015)

Therefore, as previously held in South Carolina Courts, when sentence sheets are ambiguous, the court transcript may be considered. Bordeaux v. State, 410 S.C. 415. And in Tant v. S.C.D.C., 408 S.C. 334, the courts held the Department of Corrections is held to sentence sheet, but if sheet is unclear they may consider the sentencing transcripts and/or other evidence that would further clarify the matter. Appellant has submitted such transcripts. (See Court Transcripts), Appellant's bond was revoked. (Court Transcript 10/30/2015 at 5-6, 10-11)

Moreover, Appellant also contends, it is not the Legislative intent that a persons bond need be revoked. Also cited in Allen, the courts held in People v. Robinson, 172 Ill. 2d 452, 217 Ill. Dec. 729, 667 N.E. 2d 1305, Robinson was rearrested, but his bond was never revoked but increased. The court still held he was entitled to his full time jail credits. Furthermore, in Robinson, the courts held he was in custody on all charges.

Clearly in this instant action, Appellant was simultaneously in custody on all charges. I was awaiting trial and sentencing on all offenses during the times and dates stated herein as a pre-trial detainee. And as held by the South Carolina Supreme Court, if evidence of Appellant's bond need be revoked, see Court Transcripts 10/30/2015 at 5-6, 10-11, Moreover, Appellant does not meet neither exception as outline by statute 23-13-40. He was not an escapee nor was he serving on active sentence.

Next, as stated in S.C.D.C.'s response to Appellant's Step (2) grievance, that Appellant was given full jail time credit on [his] First indictment as [he] was entitled and as is stated on [his] sentence sheets dated December 2nd, 2015. This also is clearly erroneous.

This argument cannot stand, because it clearly goes against the judges sentencing intent. Uncontestedly the judge gave Appellant equal credit on both indictments. One hundred Forty (140) days on each indictment; Appellant was convicted of Grand Larceny (2013-GS-46-3508) and Malicious Injury to property (2013-GS-46-3509). Therefore, Respondents cannot believe Appellant was only entitled credit solely on his lead indictment. If the 140 days was applied to the lead indictment, it must be applied to the second indictment. This is not optional, but mandatory. A trial judges ruling is not discretionary.

In William v. Hayes, 846 F.2d 6 (1988), Williams was arrested 3/6/85; he bonded out. The next day he was rearrested for a crime committed on 3/1/85 - a charge pre-dating his 3/6/85 arrest. Both crimes occurred prior to Williams pre-trial jail time. The Court ordered that when defendant charged while in custody, credit should be given to both sentences. The judge ran Williams sentences concurrent.

Here, Appellant was also charged while in custody for charges prior to his pre-trial jail time: shoplifting 12/19/2013. Even though Appellant's charges were run consecutively, equal credit was applied to both charges. And since, Appellant was charged while in custody for prior charges pre-dating his pre-trial detention time; he was clearly in custody on all charges and should be given full time jail credit, and granted the same amount of time

for both sentence sheets - per sentence sheets and court transcripts. Additionally it was the judges sentencing intent to grant Appellant equal amount of jail time for both indictments, even though, they were run consecutively. Appellant should be granted full time jail credit for both indictments consistent with the jail time credits disputed in this brief, approximately twenty (20) months. More importantly, the judges sentencing intent should be granted. And both indictments given equal full time jail credits.

Conclusion

As a matter of law, the judge erred by not granting Appellant his Full time pre-trial detention credits. Whether it was intentional or accidental, it is mandatory a judge cannot deny a defendant credit for time served. And as the legislative intent of statute 23-13-40, it is also mandatory to give defendant's all their Full pre-trial detention time as long as neither of the two exceptions apply. Therefore, this Court should grant Appellant all his Full time pre-trial detention time - Approx. twenty (21) months; or at the minimum remand the case for a Re-Sentencing hearing.

Ridgeville, South Carolina
June 17th, 2017

Respectfully Submitted
John K. Massey, Jr.
Pro Se Appellant

By:

John K. Massey, Jr. #305541
MacDougall Correctional Inst.
1516 Old G. Howard Road
Ridgeville, South Carolina 29472

State of South Carolina
In the Administrative Law Court

Appeal From S.C.D.C.
Honorable Judge Lenski, A.L.C. Judge
Appellate Case NO. 17C0163
Grievance NO. MACD 158-16

The State,
S.C.D.C.

Respondent,

vs.

John K. Massey, Jr.,

Appellant

Designation of Matter
To be included in the Record on Appeal

Appellant proposes the following to be included in the Record on Appeal:

- (1) Transcript dated 10/30/2015, pages: 5-6, 10-11
- (2) Transcript dated 12/2/2015, pages: 377-380, 387
- (3) Initial Brief of Appellant, pages: 32-36
- (4) Initial Brief of Respondent, pages: 33-38
- (5) Initial Reply Brief of Appellant, pages: 7-12

I certify that this designation contains no matter which is
irrelevant to this appeal.

Ridgeville, South Carolina
June 17th, 2017

By:

John K. Massey, Jr. #305341
Ridgeville Cor. Inst.
1516 Old Gilliard Road

Ridgeville, South Carolina 29472

Certificate of Service

I hereby certify that a copy of the foregoing documents were served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

(1) Administrative Law Court
Judge LEMSKI
Edgar A Brown Bldg, Suite 224
1205 Pendleton Street
Columbia, S.C. 29201

(2) S.C.D.C.
Office of General Counsel
P.O. Box 21787 / 4444 Broad River Rd
Columbia, S.C. 29221-1787

Ridgeville, South Carolina

June 17th, 2017

By:

John K. Massey, Jr. # 305341
Maddugall Correctional Inst.
1516 old Gilliard Road
Ridgeville, South Carolina 29472

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AUG - 2 2017

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

GENERAL COUNSEL

John Kenneth Massey, Jr., #305341,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 17-ALJ-04-0163-AP

) Grievance No.: MACCI 158-16

) RESPONDENT'S BRIEF

) Honorable S. Phillip Lenski

FILED

JUL 27 2017

STATEMENT OF THE CASE SC ADMIN. LAW COURT

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of John Kenneth Massey, Jr. ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on August 2, 2016, claiming his jail time credit was not being properly applied. This grievance was investigated and denied when it was determined that SCDC has properly applied Appellant's jail time credit for each charge. Appellant filed a Step Two Grievance on January 5, 2017. This grievance was also investigated and denied. Appellant subsequently filed his Notice of Appeal. Because Appellant's jail time credit has been properly applied, the final determination of the Department should be affirmed.

JURISDICTION

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *McNeil v. South Carolina Department of Corrections*, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to *Al-Shabazz*. That decision holds that the ALC's appellate jurisdiction in inmate appeals is

limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in *Sullivan v. SCDC*, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. *Pearson v. JPS Converter & Industry Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. *Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

ARGUMENT

I. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE APPELLANT'S JAIL TIME CREDIT HAS BEEN PROPERLY APPLIED BY RESPONDENT.

On July 13, 2013, Appellant was arrested for Grand Larceny and Malicious Injury to Property – Third or Subsequent. *See* York County Jail Time Report. Appellant was released on bond for both charges on August 27, 2013. *Id.* Appellant was arrested again on both charges on August 26, 2015. *Id.* He was then sentenced on December 2, 2015. *See* Sentencing Sheets. Pursuant to S.C. Code Ann. § 24-13-40, Appellant is entitled to any pre-detention jail time he served. (“In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing[.]”) All jail time accrued during the above listed dates has been applied to Appellant’s sentence. *See* Commitment Application Inquiry Screen.¹

As Appellant’s sentencing sheet for Malicious Injury to Property – Third or Subsequent indicates, this is a consecutive sentence. By its very nature, a consecutive sentence cannot begin until all prior sentences are completed. When a defendant receives a consecutive sentence, the prior sentence(s) and the consecutive sentence(s) are considered one sentence for the purpose of providing jail time credit. Jail time credit is counted once toward the string of sentences. As shown on Appellant’s Commitment Application Inquiry Screen, his jail time has been applied to his Grand Larceny conviction. The same jail time cannot be applied a second time to his second conviction.

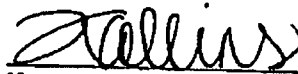
¹ Respondent also filed a Motion to Supplement the Record with Appellant’s Commitment Application Inquiry Screen on July 27, 2017.

Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence. Therefore, SCDC respectfully requests its decision denying appellant's Step Two grievance be upheld.

II. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE.

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n*, 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

Respectfully submitted,



Kensey Collins
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1943

July 27, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA

Appellant,

Respondent.

1) RESPONDENT'S MOTION TO
2) SUPPLEMENT THE RECORD

FILED

SC ADMIN. LAW COURT

4207

Lehigh Valley

Administrative

Date

非非非

AUG 09 2017

SC ADMIN. LAW COURT

Kensley Collins
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1943

Columbia, South Carolina
July 27, 2017

9m *[Signature]*
[Signature]

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 17-ALJ-04-0163-AP
) [Grievance No.: MACCI 158-16]

) *Hon. S. Phillip Lenski*

) **RESPONDENT'S MOTION TO**
) **SUPPLEMENT THE RECORD**

Respondent, by and through the undersigned attorney, respectfully requests to supplement the record. Respondent filed the record on June 9, 2017. Respondent respectfully requests this Court allow the record to be supplemented with Appellant's Commitment Application Inquiry Screen, included herein, in order to show the jail time which has been applied to Appellant's sentence.

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



Kensey Collins
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1943

Columbia, South Carolina
July 27, 2017

10:39:47 Thursday, July 27, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 07/27/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00010 INDICT NUM: 13-GS-4603508 WARRANT NUM: 2013A4610100814
DATE SENTENCED...: 12/02/2015 JUDGE LAST...: BURCH FI: P
STATUTE: 16-13-0030(B) CDR CODE.: GPS IND: N
OFFENSE: 3420 GRAND LARC>\$2,000<10,000 OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/02/2015
TOTAL SENTENCE...: 010 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00140 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/2015 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: DATE: 00/00/00
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 12/22/15
PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

State of South Carolina
Administrative Law Court

John K. Massey Jr., #305341	)	Docket No.: 17-ALJ-04-0163-AP
Appellant,	)	Grievance No.: HACCII 15B-16
v.	)	Reply Brief of Appellant
South Carolina Department of	)	Hon. S. Phillip Lenski
Corrections,	)	
Respondent.	)	

Argument in Reply

As an initial matter, several points discussed in Respondent's Brief require response with specific reference to the record.

In Respondent's Brief, they state Appellant was arrested July 13, 2013; bonded out on both charges August 27, 2013 & then arrested again on both charges August 26, 2015 - per the York County Jail Time Report. This is a false and inaccurate statement.

The York County Jail Time Report does not depict Appellant's entire time spent as a pre-trial detainee. Appellant has included documents objecting to Respondent's application of Appellant's jail time accrued during the above listed dates. See Appellant's Motion to Supplement Appellant's Record.⁽¹⁾

(1) Appellant has filed a Motion to Supplement Appellant's Record with three (3) separate exhibits that prove Respondent's Records are not correct.

Statement of Facts

Pursuant to S.C. Code Ann. § 24-13-40, Appellant is entitled to any and all pre-detention jail time served. This is also conceded by Respondent's in their brief. Furthermore, Respondent's cite Pearson v. TFS Converter & Industry Corp, 327 S.C. 393, 489 S.E. 2d 219 (Cl App. 1997). In Pearson, it states "a reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole."

Therefore as supported by Pearson, a reviewing Court must look to the record as a whole and not in part. Appellant contends Respondent's records are not whole; they are inaccurate and miscalculating at best. The reviewing agency nor this Court can rely upon the Respondent's record to be considered substantial evidence when in fact it is clearly erroneous. See York County Jail Time Report.

In Appellant's Motion to Supplement Appellant's Record, Appellant submits his Booking Report [9420-B-140] and his Form FD-249 [9420-B-133]. Both of these documents show Appellant was re-arrested on January 13th, 2013. Appellant was not on Bond From Aug 27, 2013 until Aug 26, 2015, as stated by Respondents. Furthermore, Appellant was sentenced March 31, 2015 and transported to S.C.D.C. April 6, 2015. See Detainer [9420-B-154]. Appellant spent from April 6, 2015 to August 26, 2015 in S.C.D.C. custody - approximately Four and a half months (4½).

Appellant concedes during the four and a half (4½) months, in S.C.D.C., he does not get pre-detention jail credit. However, during all other times, he was a pre-trial detainee - that was being held on a revoked bond for all his charges and must be granted all his pre-detention jail credit pursuant S.C. Code Ann. § 24-13-40.

Moreover, Appellant is serving a consecutive sentence. Appellant was given credit for time served for both his consecutive sentences. Thus by its very nature, a consecutive sentence is two separate sentences; one sentence does not begin until the other is served. And for purposes for providing jail time credit, it is clearly erroneous to apply jail credit once toward a string of sentences, especially in Appellant's case. Because in Appellant's case, clearly the judge awarded credit to both Appellant's sentence sheets. See Appellant's sentence sheets.

Once Appellant finishes his first sentence his second sentence begins. Not to grant Appellant to his second sentence sheet goes against the judge's sentencing intent. The judge clearly meant to grant Appellant jail credit for both sentences. Furthermore, as in other cases where sentences ran concurrent, the courts granted jail credit to each sentence. Williams v. Hayes, 846 F.2d 1988, King v. Wyck, 516 F.2d 321 8th Cir. 1975.

Therefore, Appellant respectfully requests his jail time be properly counted and granted, because Respondent's decisions were based on clearly erroneous evidence. This evidence was proven to be erroneous by Appellant's various exhibits. See Appellant's Brief and Reply Brief.

Appellant's exhibits conclusively establish Respondent's record as a whole is incomplete and inaccurate. If their reliance is based upon the York County Jail Time Report; it is clearly erroneous. It does not depict Appellant's re-arrest, his S.C.D.C. incarceration time, nor his return to York County due to a detainer. Moreover Appellant has met the burden of proving with substantial evidence that this is not an accurate representation of all his pre-detention jail time credit.

Appellant's sentence has been incorrectly calculated and must be corrected, or at the minimum remanded for a sentencing hearing.

Respectfully Submitted

John K. Massey, Jr. #305341
Pro. Se. Appellant

By:

John K. Massey Jr. #305341
Maddoxgall Corr. Inst.
CI-183

1516 Old Gillard Road
Ridgely, South Carolina 29472

Aug 4th, 2017

Ridgely, South Carolina

State of South Carolina
Administrative Law Court

RECEIVED
AUG 08 2017

John K. Massey, Jr #305341
Appellant,

v.

South Carolina Department of
Corrections
Respondent,

Docket No.: 17-ALJ-AUG-04-0163

Grievance No.: 17-ALJ-AUG-04-0163

Hon. S. Phillip Lewski

Appellant's Motion to Supplement
Appellant's Record

GENERAL COUNSEL

John K. Massey, Jr., Pro-Se Appellant, respectfully requests to Supplement the record. Appellant has Piled in the Administrative Law Court, and respectfully requests this Court allow Appellant's record to be Supplemented with Appellant's Booking Report [9420-B-140, 141], Appellant's Detainer [9420-B-154], and Appellant's Federal Bureau of Investigations Form FD-249 [9420-B-133], included herein, in order to show Respondent's record as a whole is incomplete. Moreover, that Respondent's records are also inaccurate in calculating Appellant's pre-detention jail credits.

Aug 4th, 2017
Ridgeville, South Carolina

Respectfully Submitted

John K Massey, Jr
Pro-Se Appellant

By:

John K Massey, Jr. #305341
Macedougall Corr Inst.
C1-18B
1516 Old Gillard Rd.
Ridgeville, S.C 29472

COPY PRINTED FROM YORK EDMS DOC ID 1118858 ON: 08/18/2015

AGENCY ID SC0460000		DATE OF ARREST 01-13-2014		CASE NUMBER 1639 201400001294	
PERSONAL DATA					
DEPENDANT NAME (LAST, FIRST, MIDDLE) Massey John Kenneth Jr.				RACE Blk	SEX M
AGE 38	ETH N	HGT. 6'11"	WGT. 248	HAIR Brn	EYES Brn
SOCIAL SECURITY # 2-48-49-8100				VISIBLE SCARS, MARKS, TATTOOS	
ADDRESS (NUMBER AND STREET) 2910 Bass Wyllie Dr.				CITY Rock Hill	STATE SC
ALIAS				ZIP CODE 29730	RESIDENT SO
PLACE OF BIRTH Rock Hill, SC				DRIVERS LICENSE NUMBER 004272602	STATE SC
EMPLOYER/OCCUPATION		NEXT OF KIN Joy Valverde	RELATION Wife	ADDRESS (CITY AND STATE) Rock Hill, SC	
BOOKING OFFICER'S NAME Totherow		NUMBER 1010	ARRESTING OFFICER T. Knox	AGENCY YCSO	OFFENSE DATE 059
ARRESTEE ARMED: ☐ YES ☒ NO				☐ FULL-AUTO ☐ SEMI-AUTO	
WEAPON TYPE:				☒ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY	
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED 2. ☐ REFERRED TO OTHER AUTHORITY				* J - THIS JURISDICTION O - OUT OF STATE	
ADDITIONAL CASE NUMBERS:				B - STATE U - UNKNOWN	
MORE REMARKS ☐					

CHARGE(S)		
IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE A, B, C, D, E, F		
CHARGE ID A	CHARGE ID B	CHARGE ID C
2014A4610100070	2014A4610100078	2014A4610100077
CHARGE CRIMINAL CASE	CHARGE CRIMINAL CASE	CHARGE Burglary 1st
STATUTE 16-17-0410	STATUTE 16-13-0030(B)	STATUTE 16-11-0311
BOND AMOUNT	BOND AMOUNT	BOND AMOUNT
BOND TYPE	BOND TYPE	BOND TYPE
CHARGE ID D	CHARGE ID E	CHARGE ID F
2014A4610100086		
CHARGE Pass. of Cash		
STATUTE 44-53-375(A)		
BOND AMOUNT	BOND AMOUNT	BOND AMOUNT
BOND TYPE	BOND TYPE	BOND TYPE

LOCATION OF ARREST: **Stroupe St. / Blanche Cir**
 EXAMPLE: (NUMBER/STREET, HIGHWAY NAME OR NUMBER, PLACE OF BUSINESS, ETC.)

WAS THE DEFENDANT'S VEHICLE IMPOUNDED? ☐ YES ☒ NO IF YES, BY WHOM _____ NAME OF WRECKER SERVICE _____

SIGNATURE OF RECEIVING OFFICIAL(S): _____ DATE: _____ TIME: _____

LIST ANY REMARKS BELOW

REMARKS _____

FINGERPRINT/ELECTRONIC SUBMISSION INFORMATION					
PACKET RECEIVED (J)	DATE/TIME	OFFICER CODE	IDENTIFIED (J)	DATE/TIME	OFFICER CODE
					46D2

RC004 F2

DETENTION CENTER

9420-B-140



Bruce M. Bryant
Sheriff

OFFICE OF THE SHERIFF

*Detention Division
Mass Justice Center
1675-3A York Highway
York, South Carolina 29745-7431
Tel: (803)628-3083 Fax: (803)628-3275
Chief Jail Administrator: James F. Arwood
Assistant Jail Administrator: Richard L. Martin, Jr.*

DETAINDER

April 6, 2015

Offender Records
4444 Broad River Road
Columbia, S.C. 29210

Re: Massey, John (248-49-8604)

To Whom It May Concern:

The above listed inmate is being transferred to the South Carolina Department of Corrections.

The inmate has pending charges York County General Session Court. Please detain and advise the York County Sheriff's Office, Detention Division, Transport, Sergeant Anderson, 803-818-6444 prior to releasing inmate so that transportation arrangements can be scheduled.

Burglary 1 st Degree	2014A4610100077
Criminal Conspiracy	2014A4610100076
Grand Larceny	2014A4610100078
Poss. Of Cocaine 1 st	2014A4610100086
Probation Violation	W-46-140103

Sincerely,
Gary L. Davies
Security Commander

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306				11-10-2013 3/1/2010
The FBI's collection, preservation, and exchange of identification information is generally authorized under 28 USC 534. This FD-743 is to be used for criminal justice purposes, such as subject to arrests and incarcerations. The present form (FD-258) contains applicable Paperwork Reduction Act and Privacy Act notices and should be used for non-criminal justice purposes. "A Social Security Account Number (SSAN) is helpful to keep records accurate because only people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), any Federal, State, or local government agency which requests an individual to disclose his/her SSAN is responsible for informing the person whether disclosure is mandatory or voluntary, by what statutory or other authority the SSAN is solicited, and what uses will be made of it." FD-219 (Rev. 3-1-10)				
JUVENILE FINGERPRINT SUBMISSION YES ☐ TREAT AS ADULT YES ☐		DATE OF ARREST MM DD YY 01-13-2014		ORI SC0460000 CONTRIBUTOR YORK CO SHERIFFS OFFICE ADDRESS REPLY YES ☐ DESIRED?
SEND COPY TO (ENTER ORI) SC0460000		DATE OF OFFENSE MM DD YY 01-12-2014		PLACE OF BIRTH (STATE OR COUNTRY) SC COUNTRY OF CITIZENSHIP US
MISCELLANEOUS NUMBERS 201400000320		SCARS, MARKS, TATTOOS, AND AMPUTATIONS RESIDENCE/COMPLETE ADDRESS 2910 BOSS WYLIE RD CITY ROCK HILL STATE SC		
OFFICIAL TEN FINGERPRINTS (NAME OR NUMBER) T2791		LOCAL IDENTIFICATION/REFERENCE		PHOTO AVAILABLE? YES ☒ PALM PRINTS TAKEN? YES ☒
EMPLOYER IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO. UNEMP		OCCUPATION Unemployed		
CHARGE/CITATION 0049 CRIMINAL CONSPIRACY Warrant 2014A4610100076 16-17-410		DISPOSITION 1.		
3587 GRAND LARCENY >\$2000<\$10 000 ENHANCEMENT Warrant 2014A4610100078 16-13-0030(B)		2.		
0079 BURGLARY - FIRST DEGREE Warrant 2014A4610100077 16-11-311		3.		
ADDITIONAL 3009 POSS < 1GRAM OF METH OR COCAINE BASE 1ST Warrant 2014A4610100086 44-53-375(A)		ADDITIONAL		
ADDITIONAL INFORMATION/BASIS FOR CAUTION Warrant		STATE BUREAU STAMP		

6-2 U.S. GOVERNMENT PRINTING OFFICE: 03/15/2012 69-11-22

RECEIVED

SEP 8 5 2017

GENERAL COUNSEL

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 17-ALJ-04-0163-AP

) Grievance No.: MACCI 158-16

) RESPONSE TO APPELLANT'S

) REPLY BRIEF

) Honorable S. Phillip Lepski

FILED

AUG 25 2017

Appellant has now filed a Reply Brief, including documentation, claiming his jail

time credit is incorrect. This assertion is without merit. Appellant's York County Jail Time Report, which is already a part of the Record, clearly shows the jail time credit to which Appellant is entitled. Appellant has already received this credit. Appellant's Reply Brief also claims that he spent time in SCDC for Detainer 9420-B-154. However, the dates he references correspond with his Shoplifting conviction, which he completed on September 30, 2015 after receiving 456 days of jail time credit.¹ Accordingly, Appellant's Reply Brief fails to support that Appellant is entitled to any additional jail time credit.

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has not met this burden and his claim should be dismissed with prejudice.

¹ Respondent filed a Motion to Supplement the Record on August 25, 2017 with documentation pertaining to Appellant's completed Shoplifting conviction.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "K Collins", written over a horizontal line.

Kensey Collins
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1943

August 25, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

JOHN K. Massey Sr. #305341

Appellant,

v.

South Carolina Department
of Corrections,

Respondent.

RECEIVED

SEP 5 2017

GENERAL COUNSEL

Docket No.: 17-ALJ-04-0163-AP

Grievance No.: MACCI 158-16

Honorable S. Philip Lenski

Objections to Respondents

Response to Appellant's Reply

Brief

Appellant is formally objecting to Respondents Response To Appellant's Reply Brief, and will require a brief explanation.

Foremost, Appellant is correct in his argument that he has not received his full jail credit pursuant S.C. Code Ann. § 24-13-40. ("In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing.") However, Respondents have changed their argument. Initially, Respondents state Appellant was out on bond from 8/27/2013 until 8/26/2015, per the York County Jail Time Report. see Respondent's Brief. But in their Response to Appellant's Reply Brief, they admit Appellant was not on bond during the two years they originally claim, but he received 456 days jail credit for a separate shoplifting conviction. How could Appellant have received jail credit if he was supposed to be on bond as stated by Respondents original brief per the York County Jail Time Report?

As proven by Appellant's various exhibits, he was unequivocally housed at the York County Detention Center (Y.C.D.C.) as a pre-trial detainee from January 13th, 2014 to April 6th, 2015 then Aug 26th, 2015 to December 21st, 2015.

All Appellant is requesting is that he be given all his pre-detention jail credit pursuant S.C. Code Ann. 24-13-40. Furthermore, he is also entitled to this time under the South Carolina Supreme Court Case Allen v. State, 339 S.C. 393 (2000). As in Allen, I was awaiting trial on multiple charges, the court ruled that Allen was being detained on all charges because of a revoked bond and was entitled to all pre-trial detention time. Moreover, all charges occurred prior to Appellant's Pre-trial jail time.

Appellant was re-arrested January 13th, 2014. (9420-B-140); his bond was revoked because of this arrest. (see Court Transcripts 10/30/2015 pg 10, line 21 pg 11 lines 8,9).

During that incarceration, six months later he was served a shoplifting warrant — May 1st, 2014. (9420-B-141). This arrest or conviction does not show on the York County Jail Time Report. Ultimately showing the Jail Time Report incorrect. Furthermore, the Jail Time Report does not show Appellant's return to Y.C.D.C. But Respondents were priviledged with this information.

Appellant has proven Respondents have not presented substantial evidence on the whole record; have relied on clearly erroneous evidence, and have not given Appellant full jail time credit. (see All Appellant's Exhibits). Moreover, Respondents have not investigated its own Agency's records, and change its argument against Appellant's claim.

Appellant has met the burden of providing substantial evidence,
and accordingly under statute 24-13-40 "Must be given full jail time credit."

August 29th, 2017

Ridgeville, South Carolina

Respectfully Submitted

John E. Massry, Jr.

By: John E. Massry, Jr. #305341
MacDougall Corr. Inst

CI / 18A

1516 Old Billard Rd.

Ridgeville, South Carolina
29472

State of South Carolina
In the Administrative Law Court

John K. Massey, Jr. # 305341
Appellant,

v.

South Carolina Department of
Corrections,
Respondent

) Docket No.: 17-ALJ-04-0163-AP
)
)

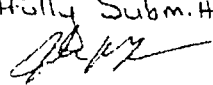
) Grievance No.: MACC1 158-16
)

) Ibm. S. Philip Lenski
)

) Appellant's Motion to Supplement
) the Record
)
)

Pro-Se Appellant, respectfully requests to Supplement the record. Appellant has previously Supplemented the record, and Filed a Reply brief in which I discussed the Respondents use of clearly erroneous records. (York County Jail Time Report). Furthermore, Respondent's have not presented this Court with an entire record as a whole to adjudicate this matter. Therefore, Appellant respectfully requests this Court allow Appellant to Supplement the record a second time with Appellant's arrest warrant pertaining to his prior conviction discussed in his Reply Brief. (Arrest Warrant 9420-B-141). This warrant was previously sent with Appellant's Booking Report. 9420-B-140, but not asked to be added to the record; Appellant request this addition.

Ridgeville, South Carolina
August 30th, 2017

Respectfully Submitted


By: John K Massey, Jr. #305341
Macedougail Correctional Inst
1516 Old G.illard Road
Ridgeville, South Carolina

29472

ARREST WARRANT

2014A4620400008

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Tega Cay
THE STATE
against

2013-2432

John Kenneth Massey, Jr.

Address: 2910 Boss Wylie Dr

Rock Hill, SC 29732-8902

Phone: (803)327-5615 SSN: 248-49-8604

Sex: M Race: B Height: 6 Weight: 185

DL State: SC DL #: 004272602

DOB: 8/11/1975 Agency OR#: SC0460500

Prosecuting Agency: Tega Cay Police Department

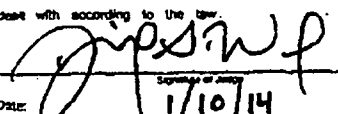
Prosecuting Officer: Tina Truesdale - 509

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Offense Code: 2877

Date of Birth Rec: 16-12-0110(A)

This warrant is CERTIFIED FOR SERVICE in the

☒ York ☐ Municipality ofis to be arrested and brought before me to be
dealt with according to the law.
 (L.S.)
Date: 1/10/14

RETURN

A copy of this arrest warrant was delivered to

defendant John Kenneth Massey, Jr.
on 5-12-2014

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Tega Cay

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 11, 2005
SCCA 115

Personally appeared before me the affiant Tina Truesdale

being duly sworn deposes and says that defendant John Kenneth Massey, Jr.

did within this county and state on or about 12/19/2013

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

Tega Cay

in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on December 19, 2013 in the city of Tega Cay, one John Kenneth Massey, Jr. did take possession of and carry away six cases
of beer, valued at less than \$2000, with the intention of depriving the merchant of the possession of such merchandise without
paying the full retail value. The merchandise belongs to Walmart. This occurred at Walmart, 1151 Stonecrest Blvd, Tega Cay, York
County, South Carolina. Criminal records reflect that the defendant has been previously been convicted of multiple offenses for
which the term of imprisonment is contingent upon the value of the property involved. Probable cause based on police
investigation, including video evidence and witness statements.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Tega Cay

Affiant's Address 7705 Tega Cay Dr

Tega Cay, SC 29708-

Affiant's Telephone (803)548-0344

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/19/2013 defendant John Kenneth Massey, Jr.

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Tega Cay

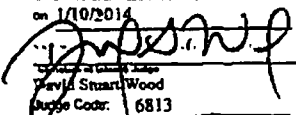
) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.

Sworn to and subscribed before me

on 1/10/2014

 (L.S.)

Judge's Address

Judge's Telephone

Judge's Code: 6813

Post Office Box 3399

Tega Cay, SC 29708-3399

(803)548-3512

Issuing Court: ☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

9420-B-141

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341.

Appellant.

South Carolina Department of Corrections,

Respondent.

b) Docket No.: 17-ALJ-04-0163-AP

) [Grievance No.: MACCI 158-16]

1) *Hon. S. Phillip Lenski*

**) RESPONDENT'S MOTION TO
) SUPPLEMENT THE RECORD**

Respondent, by and through the undersigned attorney, respectfully requests to supplement the record. Respondent filed the record on June 9, 2017 and supplemented the record previously on July 27, 2017. Appellant then filed a Reply, in which he discusses a prior conviction. Therefore, Respondent respectfully requests this Court allow the record to be supplemented a second time with Appellant's Commitment Application Completed SCDC Prior Screen and Appellant's Commitment Application Inquiry Screen for Appellant's Shoplifting conviction. Both screens are included herein.

reems are included her

FILED

SEP 13 2017

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

GRANTED

5 Phillip Lenski
SC Administrative Law Judge

Date

017 Kensley Collins
Kensley Collins
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 2922
(803) 896-1943

Columbia, South Carolina
August 25, 2017

[illegible]

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341,	)	Docket No.: 17-ALJ-01-0163-AP
Appellant,	)	<u>[Grievance No.: MACCI 158-16]</u>
v.	)	<i>Hon. S. Phillip Lenski</i>
South Carolina Department of Corrections,	)	RESPONDENT'S MOTION TO
Respondent.	)	SUPPLEMENT THE RECORD
	)	

Respondent, by and through the undersigned attorney, respectfully requests to supplement the record. Respondent filed the record on June 9, 2017 and supplemented the record previously on July 27, 2017. Appellant then filed a Reply, in which he discusses a prior conviction. Therefore, Respondent respectfully requests this Court allow the record to be supplemented a second time with Appellant's Commitment Application Completed SCDC Prior Screen and Appellant's Commitment Application Inquiry Screen for Appellant's Shoplifting conviction. Both screens are included herein.

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**


Kensey Collins
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1943

Columbia, South Carolina
August 25, 2017

11:22:21 Wednesday, August 23, 2017

CMTI700M SCDC OFFENDER MANAGEMENT SYSTEM 08/23/17
CMTI700D COMMITMENT APPLICATION C057846
SCDC# > 305341 COMPLETED SCDC PRIORS

MASSEY JR, JOHN KENNETH CURR LOC: MACDOUGA
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE SCDC CLASSIFICATION...: NON-VIOL

NUM	C S	A E	T X	CONV	OFFENSE	YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND
S00009	2	N			SHOPLIFTING	003	00	000	03/31/15	12/30/13	09/30/2015	COM	N	N
S00006	2	N			FINANCL TRANS	000	00	000	05/14/09	03/14/09	/ /	COM	N	N
S00005	2	N			FINANCL TRANS	001	00	000	05/14/09	03/14/09	10/10/2009	COM	N	N
S00004	1	N			PETIT LARCENY	000	00	000	11/30/05	11/30/05	11/30/2005	COM	N	N
S00003	2	N			FORGERY	004	00	000	11/30/05	09/01/05	09/19/2007	COM	N	N
S00002	2	N			FORGERY	004	00	000	11/30/05	08/31/05	09/18/2007	COM	N	N
S00001	3	N			ASSAULT-HIGH	003	00	000	09/24/04	09/09/04	10/06/2006	COM	N	N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...
PF4-MODCONV PF6-NON-SCDC PRIORS

14:43:48 Tuesday, August 22, 2017

CMT1200D SCDC OFFENDER MANAGEMENT SYSTEM 08/22/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00009 INDICT NUM: 15-GS-4600415 WARRANT NUM: 2014A4620400008
DATE SENTENCED...: 03/31/2015 JUDGE LAST...: HAYES FI: J
STATUTE: 16-13-0110(A) CDR CODE...: 2877 GPS IND: N
OFFENSE: 2303 SHOPLIFTING OFFENSE DATE: 12/19/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 03/31/2015
TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT...: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00456 EXTRA CRED: 00000
CONVICTION STATUS: CO COMPLETE SENT START DATE: 12/30/2013 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y REC ELIG: Y SCDC CLASSIFICATION...: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: DATE: 00/00/00
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 04/07/15

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

Wednesday, August 23, 2017

220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT

08/23/17
C057846

DC # 305341

TRANSFER HISTORY

CURR LOC: MACDOUGALL

ASSEY JR, JOHN KENNETH

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: N

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE: 12/22/15

CURR DORM:

CURR CUST/SEC: MI2

ASSNMT: 5076 WARD KEEPER WARD #1

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	MACDOUGALL	04/28/17	ADMINISTRATIVE
AUTH ABSENCE (AWL)	TRIDENT REGIONA	04/28/17	MEDICAL
INCARCERATED	MACDOUGALL	03/10/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/28/16	RETURN FROM COURT
AUTH ABSENCE (AWL)	YORK CO	01/25/16	TO COURT
INCARCERATED	KIRKLAND	12/22/15	NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	09/01/15	RELEASED TO PROBATION
AUTH ABSENCE (AWL)	YORK CO	08/26/15	EARLY DETAINER PICKUP
INCARCERATED	RIDGELAND	06/04/15	ADMINISTRATIVE
INCARCERATED	KIRKLAND	04/07/15	NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	10/01/09	RELEASED TO PROBATION
INCARCERATED	BROAD RIVER	06/17/09	ADMINISTRATIVE

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

14:43:14 Tuesday, August 22, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 08/22/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00010 INDICT NUM: 13-GS-4603508 WARRANT NUM: 2013A4610100814
DATE SENTENCED...: 12/02/2015 JUDGE LAST...: BURCH FI: P
STATUTE: 16-13-0030(B) CDR CODE.. GPS IND: N
OFFENSE: 3420 GRAND LARC>\$2,000<10,000 OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/02/2015
TOTAL SENTENCE...: 010 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00140 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/2015 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: DATE: 00/00/00
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 12/22/15

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

14:43:23 Tuesday, August 22, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 08/22/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00011 INDICT NUM: 13-GS-4603509 WARRANT NUM: 2013A4610100815
DATE SENTENCED.: 12/02/2015 JUDGE LAST.: BURCH FI: P
STATUTE: 16-11-0510 CDR CODE.: GPS IND: N
OFFENSE: 2911 MALIC INJURY/PERS PROPERT OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 07/15/2015
TOTAL SENTENCE...: 002 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 002 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/2015 DOM.IND:
CONSECUTIVE IND.: Y SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND.: N EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: M MOSES DATE: 01/29/16
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 12/22/15

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

14:42:51 Tuesday, August 22, 2017

CNTI200D SCDC OFFENDER MANAGEMENT SYSTEM 08/22/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00007 INDICT NUM: 08-GS-4604119+ WARRANT NUM: J165836+
DATE SENTENCED..: 05/14/2009 JUDGE LAST..: HYMAN FI: L
STATUTE: 16-13-0160(1)(2 CDR CODE.: 0258 GPS IND: N
OFFENSE: 2412 BREAKING INTO MOTOR VEH OFFENSE DATE: 06/04/2008
CHARACT: F FACILITATION OF COUNTS: 02 OFFENSE CNTY: 46 YORK
PLEA....: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 05/14/2009
TOTAL SENTENCE...: 003 08 027 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 001 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 003 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00061 EXTRA CRED: 00000
CONVICTION STATUS: PR PROBATION SENT START DATE: 03/14/2009 DOM.IND: N
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: KMINIT DATE: 02/22/12
NO PAROLE: NOT APPLIC CREATED BY.: F CHAMBERS DATE: 05/19/09

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

14:43:05 Tuesday, August 22, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 08/22/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00008 INDICT NUM: 08-GS-464122 WARRANT NUM: J165839
DATE SENTENCED..: 05/14/2009 JUDGE LAST..: HYMAN FI: L
STATUTE: 16-17-0410 CDR CODE..: 0049 GPS IND: N
OFFENSE: 7511 CRIMINAL CONSPIRACY OFFENSE DATE: 05/19/2008
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE..: 05/14/2009
TOTAL SENTENCE...: 003 08 027 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 001 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 003 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00061 EXTRA CRED: 00000
CONVICTION STATUS: PR PROBATION SENT START DATE: 03/14/2009 DOM.IND: N
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: KMINIT DATE: 02/22/12
NO PAROLE: NOT APPLIC CREATED BY.: F CHAMBERS DATE: 05/19/09

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

John Kenneth Massey, Jr., #305341,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 17-ALJ-04-0163-AP

**ORDER TO COMPLETE THE RECORD,
SUBMIT NEW BRIEFS, AND TO HOLD
IN ABEYANCE**

FILED

OCT 24 2017

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed March 31, 2017 by John Kenneth Massey, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). The Appellant appealed the decision of the Department to deny his grievances, which claimed his jail time credits had not been properly calculated and applied. The Record on Appeal was filed by the Department on June 9, 2017 and the case has been briefed by the parties. The court issues this *sua sponte* order upon finding several issues with the case as it presently stands before the court.

Upon further review of the file, the court finds that the Record on Appeal is incomplete. The court is unable to ascertain how the Department arrived at its decision in this case, and is therefore unable to provide a meaningful review of the issue presented absent the following documents: the indictments and sentencing sheets for all convictions for which the Appellant is currently incarcerated; the indictments and sentencing sheets for all convictions for which the Appellant was incarcerated at any time in the past seven (7) years; all Jail Time Reports or records relating to all convictions for which the Appellant is currently incarcerated; all Jail Time Reports or records relating to all arrests and convictions for which the Appellant was incarcerated at any time in the past seven (7) years; records or reports from every SCDC transfer or move of the Appellant in the past seven (7) years; the Sentence Calculation Sheets or other documents showing the dates utilized by the Department in calculating the Appellant's sentence; any documents or evidence showing how the Department arrived at its conclusion to apply the sentence credits listed on both sentencing sheets for the Appellant's consecutive sentences (Indictment 2013GS4603508

and Indictment 2013GS4603509) in the manner that it did; any records or documents showing the actual completion date of the Appellant's shoplifting sentence (Indictment 2015GS4600415); and any records, documents, or evidence that might reveal whether the Appellant's bond was actually revoked for Indictment 2013GS4603508 and Indictment 2013GS4603509. If any of the documentation requested above does not currently exist, the court further orders the Department to create them, if feasible.

Once the record has been supplemented to include the documents listed above, the court orders the Department to submit a new brief that substantively responds to the Appellant's claims within thirty (30) days after the complete record has been filed. Neither the Department's original brief filed June 27, 2017 nor the Department's Response to the Appellant's Reply Brief filed August 25, 2017, substantively address the issues raised by the Appellant. The court declines to speculate about the Department's arguments from briefs that are generic and conclusory in nature. Furthermore, once the record has been completed and the Department's new brief has been submitted, the Appellant will have the opportunity, if he so chooses, to submit a new reply brief addressing the Department's arguments within ten (10) days after the Department's Brief is filed.

Lastly, the Appellant has brought to the court's attention that the precise issue relating to his jail time credits in the instant case is currently before the Court of Appeals in *State v. John Kenneth Massey, Jr.*, Case No. 2015-002563. The court is of the opinion that it would be appropriate to hold the instant case in abeyance until the Court of Appeals has ruled on that case.

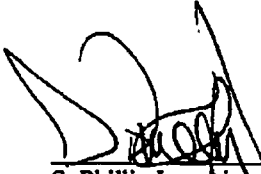
Based on the foregoing, **IT IS HEREBY ORDERED** that the Department shall supplement the Record on Appeal with the above-listed documentation within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that the Department must submit a new brief within twenty (20) days after the completed record is filed. The Appellant may submit a new reply brief within ten (10) days after the Department's new brief is filed.

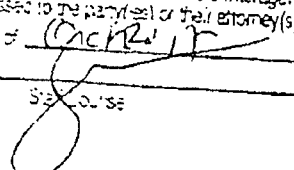
IT IS FURTHER ORDERED that, after the Department supplements the Record on Appeal and briefs are submitted by the parties, this case shall be held in **ABEYANCE** until the Court of Appeals' ruling is issued in *State v. John Kenneth Massey, Jr.*, Case No. 2015-002563.

AND IT IS SO ORDERED.

October 24, 2017
Columbia, South Carolina



S. Phillip Lenski
Administrative Law Judge

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order in the above entitled action upon all
parties to the cause by distributing a copy hereof,
in the United States mail, postage paid, or in the Interagency
Mail Service addressed to the party(ies) or their attorney(s).
This 24 day of October, 2017
By 
Clerk



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

November 17, 2017

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate John Kenneth Massey, Jr. #305341, vs. SCDC
Docket No. 17-ALJ-04-0163-AP

Dear Judge Lenski:

Find enclosed documents responsive to this Court's October 24, 2017 Order to Complete the Record. The documents are paginated and correspond to the enclosed Index.

Please file the originals and return a clocked-in copy of the cover letter to me in the enclosed self-addressed envelope.

Sincerely,

Kensey Barrett
Staff Attorney
Office of General Counsel

Enclosures

cc: Inmate John Kenneth Massey, Jr., #305341
File

Index

1) the indictments and sentencing sheets for all convictions for which the Appellant is currently incarcerated	1
2) the indictments and sentencing sheets for all convictions for which the Appellant was incarcerated at any time in the past seven (7) years	12
3) all Jail Time Reports or records relating to all convictions for which the Appellant is currently incarcerated	17
4) all Jail Time Reports or records relating to all arrests and convictions for which the Appellant was incarcerated at any time in the past seven (7) years	18
5) records or reports from every SCDC transfer or move of the Appellant in the past seven (7) years	19
6) the Sentence Calculation Sheets or other documents showing the dates utilized by the Department in calculating the Appellant's sentence	20
7) any documents or evidence showing how the Department arrived at its conclusion to apply the sentence credits listed on both sentencing sheets for the Appellant's consecutive sentences (Indictment 2013GS4603508 and Indictment 2013GS4603509) in the manner that it did ¹	31
8) any records or documents showing the actual completion date of the Appellant's shoplifting sentence (Indictment 2015GS4600415) ²	34
9) any records, documents, or evidence that might reveal whether the Appellant's bond was actually revoked for Indictment 2013GS4603508 and Indictment 2013GS4603509 ³	36

¹ Respondent submits Policy OP-21.09 Inmate Records Plan as responsive to item number 7, however, only section 12 is being filed as it is the section on Jail Time Credits/ Sentence Start Date.

² The documents submitted as responsive to item number 8 are duplicates of some of the documents submitted for item numbers 2 and 5. Appellant's shoplifting conviction was completed on September 30, 2015. Appellant was released to probation on September 1, 2015 because SCDC's release day is the first of each month.

³ The documents submitted as responsive to item number 9 were retrieved from the Court of Appeals website and the York County Solicitor's Office. Respondent confirmed with the York County Solicitor's Office that the bond for indictments 2013GS4603508 and 2013GS4603509 was not revoked.

9:27:12 Friday, December 29, 2017

CMT11000
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

12/29/17
C055992

SCDC# > 305341

CURR LOC: MACDOUGA

MASSEY JR, JOHN KENNETH

SCDC CLASSIFICATION...: NON-VIOL

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	CONV	VIO
		YRS	MO	DYS	DATE	START	PROJ COMP STAT IND
* S00011	MALIC INJURY/PERS PR	002	00	000	12/02/15	04/29/14	08/17/2020 ACT N N
S00010	GRAND LARC>\$2,000<10	010	00	000	12/02/15	04/29/14	08/22/2019 ACT N N
S00008	CRIMINAL CONSPIRACY	001	00	000	05/14/09	03/14/09	/ / PRO N N
S00007	BREAKING INTO MOTOR	001	00	000	05/14/09	03/14/09	/ / PRO N N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

1:27:59 Friday, December 29, 2017

CMT1200D SCDC OFFENDER MANAGEMENT SYSTEM 12/29/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00010 INDICT NUM: 13-GS-4603508 WARRANT NUM: 2013A4610100814
DATE SENTENCED..: 12/02/2015 JUDGE LAST..: BURCH FI: P
STATUTE: 16-13-0030(B) CDR CODE.: GPS IND: N
OFFENSE: 3420 GRAND LARC>\$2,000<10,000 OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA....: G GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE..: 12/02/2015
TOTAL SENTENCE...: 010 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00582 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 04/29/2014 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: A CRUM DATE: 12/29/17
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 12/22/15

PF6-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

9:20:34 Thursday, October 26, 2017

CMTI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/26/17
OMCOMITA COMMITMENT APPLICATION C056427
CONVICTION SUMMARY

SCDC# > 00305341 CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH SCDC CLASSIFICATION...: NON-VIOL
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

	NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND	CONV	VIO
- *	S00011	MALIC INJURY/PERS PR	002	00	000	12/02/15	07/15/15	08/15/2021	ACT	N	N	
-	S00010	GRAND LARC>\$2,000<10	010	00	000	12/02/15	07/15/15	08/15/2020	ACT	N	N	
-	S00008	CRIMINAL CONSPIRACY	001	00	000	05/14/09	03/14/09	/ /	PRO	N	N	
-	S00007	BREAKING INTO MOTOR	001	00	000	05/14/09	03/14/09	/ /	PRO	N	N	

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

14:47:32 Tuesday, November 07, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/07/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00011 INDICT NUM: 13-GS-4603509 WARRANT NUM: 2013A4610100815
DATE SENTENCED...: 12/02/2015 JUDGE LAST...: BURCH FI: P
STATUTE: 16-11-0510 CDR CODE.: GPS IND: N
OFFENSE: 2911 MALIC INJURY/PERS PROPERT OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 07/15/2015
TOTAL SENTENCE...: 002 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 002 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT...: 000 00 000
RESTITUTION REQMT: N, AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/2015 DOM.IND:
CONSECUTIVE IND...: Y SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: N EEC ELIG: Y SCDC CLASSIFICATION...: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: M MOSES DATE: 01/29/16
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 12/22/15

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

455

20 JA4810100815

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
 York

THE STATE
 Capital

John Kenneth Massey, Jr.
 Address: [REDACTED]

Rock Hill, SC 29732-8902

Phone: (803) 327-5614

Sex: M Race: B Height: 6 Weight: 185

DL State: SC DL# [REDACTED]

DOB: [REDACTED] Agency ID# SC0460000

Notifying Agency: York County Sheriff

Notifying Officer: N. E. Schifferle - 55043

Offense: Malignant / Malignant Injury to animals, personal

property, injury value \$2,000 or less (Enhancement

Offense Code: 1594

Code/Offense Desc: 16-11-0510(A)

This warrant is RETURNED FOR [REDACTED] IN THE

☐ County/ ☐ Municipality of

The warrant

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to

defendant 7/17/13

on John Massey, Jr.

[Signature]

Notary Public for York County

Notary Commission No. [REDACTED]

York County General Sessions

1675 York Hwy

York, SC 29745

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

York

Personally appeared before me the undersigned

being duly sworn deposes and says that defendant

did violate the county and state on or about 7/17/2013

Date of South Carolina for entrance of ☒ County/ ☐ Municipality of

in the following possession: York

DESCRIPTION OF OFFENSE: Malignant / Malignant Injury to animals, personal property, injury value \$2,000 or less (Enhancement

per 16-1-57)

I further state that there is probable cause to believe that the defendant herein above did commit

the crime set forth and that probable cause is based on the following facts:

The defendant did willfully and unlawfully violate South Carolina code of Laws by cutting, destroying and damaging a water house

that belonged to the victim Benjamin Felix, while at 5181 Mobley Drive Rd, McCormick, South Carolina, County of York. The

property is value of \$50. This is the defendant's 3rd or more property offense in violation of 16-1-57.

Police Investigation

Recovery of Evidence (water house)

Signature of Affiant: [Signature]

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address: Moss Justice Center

York, SC 29745-7423

Affiant's Telephone: (803) 628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/17/2013 defendant John Kenneth Massey, Jr.

did violate the criminal laws of the State of South Carolina for entrance of

☒ County/ ☐ Municipality of York) do not turn back;

DESCRIPTION OF OFFENSE: Malignant / Malignant Injury to animals, personal property, injury value \$2,000 or less (Enhancement

per 16-1-57)

Having read probable cause and the above affidavit having sworn before me, you are empowered and directed to arrest and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of apprehension, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 7/17/2013

[Signature] (L.S.)

Judge's Address: Moss Justice Center

York, SC 29745-7423

Judge's Telephone: (803) 628-3059

Hearing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

1463
WITNESSES
YCS Dischiffers

ARREST WARRANT NUMBER
2013A4610100815

ACTION OF GRAND JURY
JURY RE:

Forperson of Grand Jury
Date: 10-17-13

VERDICT
Guilty

Forperson of Petit Jury
Date: 12-2-15

DOCKET NO. 2013-GS-46-03509

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

October 17, Term 2013

THE STATE

vs.

JOHN KENNETH MASSEY JR.

Indictment for

MALICIOUS INJURY TO PROPERTY
PROPERTY ENHANCEMENT

SC Code: 16-11-510
SC Code: 16-1-57
CDR Code: 3584

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 17, 2013, the Grand Jurors of York County present upon their oath:

MALICIOUS INJURY TO PROPERTY/ PROPERTY ENHANCEMENT

The Defendant, John Kenneth Massey Jr., did in York County, South Carolina, on or about July 17, 2013, willfully, unlawfully, and maliciously damage property belonging to Benjamin Fairfax, located [REDACTED], McConells, South Carolina, the damage being less than two thousand dollars, and said Defendant has two or more prior convictions in which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-11-510 and Section 16-1-57, Code of Laws of South Carolina (1976, as amended).

2015 DEC 21 PM 4:58
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

465

COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.

AKA: John K. Massey, John Kenneth Jr. Massey
 Race: Black Sex: M Age: 40
 DOB: [REDACTED] SSN: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: York, SC 29745
 DL# [REDACTED] SID# SC01101652

INDICTMENT/CASE#: 2013GS4603109
 A/W: 2013A4610100813
 Date of Offense: 07/17/2013
 S.C. Code §: 16-11-0510(A) and 16-1-57
 CDR Code #: 3524

SENTENCE SECRET
ORIGINAL

☐ CPL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Maltreatment of Property, Third or Subsequent Property Crime
 In violation of § of the S.C. Code of Laws, bearing CDR Code # 3524

☒ CONVICTED OF or ☐ PLEADS

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory OPS ☐ §17-25-45
 (CSC w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

T. Matthew Hogg, Assistant Solicitor General, 100126 Defendant, 66591 Attorney for Defendant, SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 2 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and or payment
 of \$_____, plus costs and assessments as applicable; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
 are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2013-GS-4603508
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections. 146 days
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
 Total: \$_____ plus 20% fee _____ \$_____ days/hours Public Service Employment
 Payment Terms: _____ Obtain GED ☐

☐ Set by SCDFPPS _____

Recipient: _____

*Fine:	\$_____	\$_____
§14-1-206 (Assessments 107.5%)	\$_____	\$_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$_____
§56-3-299.5 (DUI Assessment)	\$12	\$_____
§56-1-286 (DUI Breath Test)	\$25	\$_____
Proviso 47.9 (Public Def Prob)	\$500	\$_____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$_____
§56-21-114 (BUI Breath Test Fee)	\$50	\$_____
§56-3-294.2(i) (Vehicle Assessment)	\$40/ea	\$_____
Proviso 90.5 (SCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)	\$	\$_____
TOTAL		\$ <u>170</u>

Clerk of Court/Deputy Clerk: David Hamilton
 Court Reporter: LAMARLY KENNEDY
 SCCA217 (03/2011)

Presiding Judge: _____
 Judge Bar ID: 1014 Judge Code: 2018
 Sentence Date: 12-2-15

14:47:40 Tuesday, November 07, 2017

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/07/17
OMCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00010 INDICT NUM: 13-GS-4603508 WARRANT NUM: 2013A4610100814
DATE SENTENCED...: 12/02/2015 JUDGE LAST...: BURCH FI: P
STATUTE: 16-13-0030(B) CDR CODE...: GPS IND: N
OFFENSE: 3420 GRAND LARC>\$2,000<10,000 OFFENSE DATE: 07/17/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/02/2015
TOTAL SENTENCE...: 010 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 010 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT...: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00140 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/2015 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION...: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: DATE: 00/00/00
NO PAROLE: NOT APPLIC CREATED BY: D BOWMAN DATE: 12/22/15

PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(EA ONLY)

26.3A4610100814
STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
York

THE STATE
against

John Kenneth Massey, Jr.
Address: Rock Hill, SC 29732-8902
Phone: (803) 727-5615 Date: 7/17/2013
Sex: M Race: B Height: 6 Weight: 185
DOB: SC Date of Birth: SC0460000
Prosecuting Agency: York County Sheriff
Prosecuting Officer: N.E. Schiffrle - 35043
Offense: Larceny / Grand Larceny 3rd Offense, value more than \$2,000 but less than \$10,000 (Enhancement)
Offense Code: 3587
Code/Ordinance Ref: 16-13-0030(B)
This warrant is RETURNED FOR SERVICE in the
☐ County ☐ Municipality of
The accused
is to be arrested and brought before the court to be
dealt with according to the law.

RETURN
A copy of this arrest warrant was delivered to
defendant John Massey, Jr.
on 7/17/13
RETURN WARRANT TO:
York County General Services
1675 York Hwy
York, SC 29745

ORIGINAL ORIGINAL

☒ County ☐ Municipality of
York

AFFIDAVIT
Personally appeared before me the undersigned N.E. Schiffrle who
being duly sworn deposes and says that defendant John Kenneth Massey, Jr.
did within this county and state on or about 7/17/2013 within the original term of the
State of South Carolina (for offense of ☒ County ☐ Municipality of York)
in the following particular:
DESCRIPTION OF OFFENSE: Larceny / Grand Larceny 3rd Offense, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
The defendant did willfully and unlawfully violate South Carolina code of laws by taking and carrying away a 2005 Honda
Foreman ES-4 Wheeler that belonged to the victim Benjamin Pafford, address 5181 Mobley School Rd, McClellan, South Carolina,
County of York. The property is value of \$5000. This is the defendant's 3rd or more property offense in violation of 16-1-57.
Police Investigation
Recovery of Evidence (2005 Honda Foreman ES 4 wheeler)

Signature of Affiant Michael Schiffrle
STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
York
Affiant Address Mass Justice Center
York, SC 29743-7428
Affiant Telephone (803) 628-3059

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY.
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 7/17/2013 defendant John Kenneth Massey, Jr.
did violate the original term of the State of South Carolina (for offense of ☒ County ☐ Municipality of York) as set forth below:
DESCRIPTION OF OFFENSE: Larceny / Grand Larceny 3rd Offense, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)
Having found probable cause and the above affidavit having been sworn before me, your oath administered and directed to arrest the defendant and bring him or
her before me to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of the execution, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 7/17/2013
Judge's Address Mass Justice Center
York, SC 29743-7428
Judge's Telephone (803) 628-3029
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Judge Code: 5806

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

 YCSD/Schiffers

 rgt

ARREST WARRANT NUMBER

 2013A4810100814

ACTION OF GRAND JURY

TRUE BILL

Johnny Eakins
 Foreperson of Grand Jury 10-17-13
 Date:

VERDICT

Guilty of Grand Larceny
 12-2-15

Naomi M. Collins
 Foreperson of Petit Jury
 Date: 4

DOCKET NO. 2013-GS-48-03508

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

 October 17, Term 2013

THE STATE

vs.

JOHN KENNETH MASBEY JR.

Indictment for

**GRAND LARCENY, ENHANCED
 AS THIRD OR SUBSEQUENT
 PROPERTY ENHANCEMENT**

 SC Code: 16-13-30
 SC Code: 16-1-57
 CDR Code: 3587

 After being fully advised as to my
 legal rights, I hereby waive presentment
 to the Grand Jury.

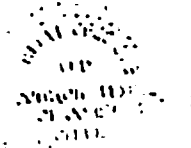
 Defendant

 I hereby appear in my own proper person and plead
 guilty to the within indictment or to

 Defendant

 Witness:

 C.C.C. PLS. AND G.S.



461

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

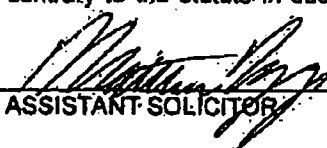
At a Court of General Sessions, convened on October 17, 2013, the Grand Jurors of York County present upon their oath:

GRAND LARCENY

The Defendant, John Kenneth Massey Jr., did in York County, South Carolina, on or about July 17, 2013, feloniously take and carry away items belonging to Benjamin Fairfax, valued at or more than two thousand dollars, with intent to deprive the owner permanently of such property, and said Defendant has two or more prior convictions in which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-13-30 and Section 16-1-57, Code of Laws of South Carolina (1976, as amended).

CERTIFIED TRUE COPY
 2015 DEC 14 PM 12:58
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

462
COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.

AKA: John K Massey, John Kenneth Jr Massey
Race: Black Sex: M Age: 40
DOB: [REDACTED] SSN: [REDACTED]
Address: [REDACTED]
City, State, Zip: York SC 29743
DL# [REDACTED] SID# SC01101652*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hznat Yes ☐ No ☐
In disposition of the said Indictment comes now the Defendant who was
TO: Grand Larceny, Third or Subsequent Property Crime
In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3587

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013QS4603508
A/V: 2013A4610100814
Date of Offense: 07/17/2013
S.C. Code §: 16-13-0030(B)
CDR Code #: 3587

ORIGINAL

☒ CONVICTED OF or, ☐ PLEADS☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lower Act) ☐ §17-25-43
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (Def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

T. Matthew Hogg, Assistant Solicitor General, SC Bar # 100126 Defendant Attorney for Defendant SC Bar # 66393

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$, plus costs and assessments as applicable, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 140 days
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP days/hours Public Service/Unemployment
Total: \$ plus 20% fee: \$
Payment Term: Obtain GED ☐☐ Set by SCDPPPSRecipient: _____
*Fine: _____ \$
§14-1-206 (Assessments 107.5%) \$
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$
§56-5-2995 (DUI Assessment) \$12 \$
§56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public De/Prob) \$300 \$
§14-1-212 (Law Enforce. Fending) \$25 \$ 15
§14-1-213 (Drug Court Surcharge) \$150 \$
§50-21-114 (BUI Breath Test Fee) \$50 \$
§56-5-2942(i) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCC/A Surcharge) \$5 \$ 5
3% to County (if paid in installments) \$ \$
TOTAL \$ 120Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$
Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.Presiding Judge: _____
Judge Bar ID: 1014 Judge Code: 2148
Sentence Date: 12-2-15Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Anthony Proctor
SCCA/217 (03/2011)

11

MASSEY JR, JOHN KENNETH
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CURR LOC: MACDOUGA
SCDC CLASSIFICATION..: NON-VIOL

C S		CODE CLASSIFICATION: NON-VIO									
NUM	A E	INCARC	SENT	SENT	SENT	CONV VIO					
	T X	YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND	
S00009	2 N SHOPLIFTING	003	00	000	03/31/15	12/30/13	09/30/2015	COM	N	N	
S00006	2 N FINANCL TRANS	000	00	000	05/14/09	03/14/09	/ /	COM	N	N	
S00005	2 N FINANCL TRANS	001	00	000	05/14/09	03/14/09	10/10/2009	COM	N	N	
S00004	1 N PETIT LARCENY	000	00	000	11/30/05	11/30/05	11/30/2005	COM	N	N	
S00003	2 N FORGERY	004	00	000	11/30/05	09/01/05	09/19/2007	COM	N	N	
S00002	2 N FORGERY	004	00	000	11/30/05	08/31/05	09/18/2007	COM	N	N	
S00001	3 N ASSAULT-HIGH	003	00	000	09/24/04	09/09/04	10/06/2006	COM	N	N	

PAGE: 0001

14:47:46 Tuesday, November 07, 2017

1:

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 11/07/17
ONCOMITA COMMITMENT APPLICATION C055992
SCDC #: 305341 INQUIRY CURR LOC: MACDOUGA
MASSEY JR, JOHN KENNETH NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00009 INDICT NUM: 15-GS-4600415 WARRANT NUM: 2014A4620400008
DATE SENTENCED...: 03/31/2015 JUDGE LAST...: HAYES FI: J
STATUTE: 16-13-0110(A) CDR CODE.: 2877 GPS IND: N
OFFENSE: 2303 SHOPLIFTING OFFENSE DATE: 12/19/2013
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 03/31/2015
TOTAL SENTENCE...: 003 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 003 00 000 PAROLE FACTOR...: 1 1/4 SENT. REQ.
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT...: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00456 EXTRA CRED: 00000
CONVICTION STATUS: CO COMPLETE SENT START DATE: 12/30/2013 DOM.IND:
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION...: NON-VIOLENT
SEX REG: N PRED OFF: N LAST UPDATE: DATE: 00/00/00
NO PAROLE: NOT APPLIC CREATED BY.: D BOWMAN DATE: 04/07/15

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

WITNESSES

TCPD / Truesdale

ARREST WARRANT NUMBER

2014A4820400008

ACTION OF GRAND JURY

TRUE BILL

Shirley B. ...
Foreperson of Grand Jury
Date: 8/26/15

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2016-GS-46-00416

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

February 26, TERM 2016

THE STATE

VS.

JOHN KENNETH MASSEY JR.

INDICTMENT FOR

SHOPLIFTING - ENHANCEMENT

SC Code: § 16-13-0110(A)
CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on February 26, 2015, the Grand Jurors of York County present upon their oath:

SHOPLIFTING - ENHANCEMENT

The defendant, John Kenneth Massey Jr., did on or about December 19, 2013, in York County, take possession of, carry away, transfer from one person to another or from one area of a store to another area, or cause to be carried away or transferred any merchandise valued at less than two thousand dollars (\$2,000) displayed, held, stored, or offered for sale by Wal-Mart with intent to deprive Wal-Mart of the possession, use, or benefit of the merchandise without paying full retail value, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved, all in violation of Sections 16-13-0110(A), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


T. MATTHEW HOGGE
ASSISTANT SOLICITOR

p. STATE OF SOUTH CAROLINA

COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.

AKA: _____
 Race: Black Sex: M Age: 39
 DOB: _____ SSN: _____
 Address: _____
 City, State Zip: _____
 DL# _____ BDM SC01101652

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazard Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4600415
 A/W: 2014A4620400008
 Date of Offense: 12/19/2013
 S.C. Code #: 16-13-0110(A)
 CDR Code #: 2877

ORIGINAL

☒ CONVICTED OF or ☐ PLEADS

TO: Shuffling - Enhancement

In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory OPS. ☐ §17-25-45

(CSC w/minor 1st or Lowd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,☐ Defendant Waives Prosecution to Grand Jury, _____ (def's initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Matthew Hogge 100126
 T. Matthew Hogge, Assistant Solicitor SC Bar #

Defendant

Attorney for Defendant

66193
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
 are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 15 months☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waiver Hearing☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§14-1-212 (Law Enforce. Fording)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(7) (Vehicle Assessment)

Proviso 90.3 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk: David Hamilton
 Court Reporter: Tabiana Albornoz

Presiding Judge: John H. HargisJudge Bar ID: 2867Sentence Date: 03-21-2015Judge Court: 2014

JAIL TIME REPORT FOR SCDC TRANSFER
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: York County Detention Center, York, SC

PURSUANT TO SC STATUTE 24-13-40 ...In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: MASSEY, JOHN		Date of Birth: [REDACTED]	
Social Security #: [REDACTED]		Race/Sex: B/M	
SID#:		FBI#:	
Date	Charge	Warrant # (if any)	Reason for Release
7/13/13 8/26/15	GRAND LARCENY	WH 2013A4610100814 IN	8/27/13 12/22/15 ON BOND R&E
"	MALICIOUS INJURY TO PROPERTY 3 RD OR SUB.	WH 2013A4610100815 IN	8/27/15 12/22/15 ON BOND R&E
"	HOLD/OPEN CHARGES BURGLARY 1 ST	WH 2014A4610100076, IN	12/22/15 R&E
	Detainer Probation Violation	WH W46140103 IN	cl
		WH IN	
		WH IN	
		WH IN	
Approved By: <i>Sam Shaw</i>		Date: 12/21/15	

* Reason for Release (i.e., Explain if transferred to another county/city jail or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

JAIL TIME REPORT FOR SCDC TRANSFER
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: York County Detention Center, York, SC

PURSUANT TO SC STATUTE 24-13-40 ...In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: MASSEY, JOHN		Date of Birth: [REDACTED]		
Social Security #: [REDACTED]		Race/Sex: B/M		
SID#:		FBI#:		
Arrest Date	Charge	Warrant # (or) Indictment #	Release Date	Reason for Release *
1/13/14	SHOPLIFTING / ENAHNCEMENT	WH 2014A4620400008 IH	4/7/15	R&E
"	HOLD/OPEN CHARGES BURGLARY 1 ST DEGREE	WH 2014A4610100077, 76, 78, 86 IH W-46-14-0103	4/7/15	R&E
		WH IH		
		WH IH		
		WH IH		
		WH IH		
		WH IH		
		WH IH		
Approved By: <i>[Signature]</i>		Date: 4/3/15		

* Reason for Release (i.e., Explain if transferred to another county/city jail or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

(Jail Time Report Form.doc)

04/07/00

16:15:27 Wednesday, October 25, 2017

19

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT

10/25/17
C056427

SCDC # 305341

TRANSFER HISTORY

MASSEY JR, JOHN KENNETH

CURR LOC: MACDOUGALL

OFFENDER TYPE: ADULT-STRAIGHT TOBACCO: N SPEC ED: N VIC/WIT: Y

OFF TYPE ENTRY DATE: 12/22/15 CURR DORM: C1B0018A CURR CUST/SEC: M12

ASSNMT: 5076 WARD KEEPER WARD #1

STATUS	LOCATION	CHG DATE	SERIOUS MENTAL ILLNESS: N	CHANGE REASON
INCARCERATED	MACDOUGALL	04/28/17		ADMINISTRATIVE
AUTH ABSENCE (AWL)	TRIDENT REGIONA	04/28/17		MEDICAL
INCARCERATED	MACDOUGALL	03/10/16		ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/28/16		RETURN FROM COURT
AUTH ABSENCE (AWL)	YORK CO	01/25/16		TO COURT
INCARCERATED	KIRKLAND	12/22/15		NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	09/01/15		RELEASED TO PROBATION
AUTH ABSENCE (AWL)	YORK CO	08/26/15		EARLY DETAINER PICKUP
INCARCERATED	RIDGELAND	06/04/15		ADMINISTRATIVE
INCARCERATED	KIRKLAND	04/07/15		NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	10/01/09		RELEASED TO PROBATION
INCARCERATED	BROAD RIVER	06/17/09		ADMINISTRATIVE

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

The SAS System

CUR-GROUP20171025
TOMORROW DATE - 20171026
00000 SCDC# 00305341

CONV# 00010 SENT START: 20150715 SENTDAYS: 0003650 REMAIN DAYS: 003650000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20150715	20160315	99999999	99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS	
TYPE	START	END	SERV DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	RATE TO SERVE	SERV DAYS	GT-DAYS	LAST FORF
EWC	20150715	20160315	000244000	000000000	000160000	000000000	NJ	003246000	000244000	000160000	000000000
LAST	20160315	20160315	000000000	000000000	000000000	000000000	2F5	003246000	000244000	000160000	000000000

PMAX: 00305341 S00010 20200815 20230722 000244000 000160000 000000000 000000000 003246000 Y 2F5 000 004 20160315 001858000

CONV# 00009 SENT START: 20131230 SENTDAYS: 0001095 REMAIN DAYS: 001095000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20131230	20150609	20150611	99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS	
TYPE	START	END	SERV DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	RATE TO SERVE	SERV DAYS	GT-DAYS	LAST FORF
EWC	20131230	20150609	000526000	000000000	000340000	000000000	NJ	000229000	000526000	000340000	000000000
EWC	20150609	20150611	000002000	000000714	000000000	000000000	3F5	000226286	000528000	000340000	000000000
EWC	20150611	20150612	000001000	000000000	000000000	000000000	NJ	000225286	000529000	000340000	000000000
EWC	20150612	20150901	000081000	000029285	000060000	000000000	2F5	000055001	000610000	000400000	000000000
MOVE	20150901	20150901	000000000	000000000	000000000	000000000	NJ	000055001	000610000	000400000	000000000
MOVE	20150901	20151222	000000000	000000000	000000000	000000000	NJ	000055001	000610000	000400000	000000000
EWC	20151222	20160315	000084000	000000000	000040000	000000000	NJ	000068998	000694000	000440000	000000000
LAST	20151222	20160121	000030000	000000000	000020000	000000000	NJ	000005001	000640000	000420000	000000000

CONV# 00008 SENT START: 20090314 SENTDAYS: 0000365 REMAIN DAYS: 000365000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE

The SAS System

01 20090314 20090707 20091001 99999999 99999999 99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS				
TYPE	START	END	SERV	DAYS	EWC	DAYS	GT	DAYS	EEC	DAYS	RATE	RATE	TO	SERVE
EWC	20090314	20090707	000115000	000000000	000060000	000000000	NJ		000190000	000115000	000060000	000000000	000000000	000000000
EWC	20090707	20091001	000086000	000031071	000060000	000000000	2F5		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20091001	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20150407	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
EWC	20150407	20150609	000063000	000000000	000040000	000000000	NJ		00009007J	000264000	000160000	000000000	000000000	000000000
LAST	20150407	20150420	000013000	000000000	000020000	000000000	NJ		00002007J	000214000	000140000	000000000	000000000	000000000

CONV# 00007 SENT START: 20090314 SENTDAYS: 0000365 REMAIN DAYS: 000365000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20090314	20090707	20091001	99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS				
TYPE	START	END	SERV	DAYS	EWC	DAYS	GT	DAYS	EEC	DAYS	RATE	RATE	TO	SERVE
EWC	20090314	20090707	000115000	000000000	000060000	000000000	NJ		000190000	000115000	000060000	000000000	000000000	000000000
EWC	20090707	20091001	000086000	000031071	000060000	000000000	2F5		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20091001	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20150407	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
EWC	20150407	20150609	000063000	000000000	000040000	000000000	NJ		00009007J	000264000	000160000	000000000	000000000	000000000
LAST	20150407	20150420	000013000	000000000	000020000	000000000	NJ		00002007J	000214000	000140000	000000000	000000000	000000000

CONV# 00005 SENT START: 20090314 SENTDAYS: 0000365 REMAIN DAYS: 000365000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20090314	20090707	20091001	99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS				
TYPE	START	END	SERV	DAYS	EWC	DAYS	GT	DAYS	EEC	DAYS	RATE	RATE	TO	SERVE
EWC	20090314	20090707	000115000	000000000	000060000	000000000	NJ		000190000	000115000	000060000	000000000	000000000	000000000
EWC	20090707	20091001	000086000	000031071	000060000	000000000	2F5		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20091001	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
MOVE	20091001	20150407	000000000	000000000	000000000	000000000	NJ		000012929	000201000	000120000	000000000	000000000	000000000
EWC	20150407	20150609	000063000	000000000	000040000	000000000	NJ		00009007J	000264000	000160000	000000000	000000000	000000000

The SAS System

LAST 20150407 20150420 000013000 000000000 000020000 000000000 NJ 00002007J 000214000 000140000 000000000

CONV# 00003 SENT START: 20050901 SENTDAYS: 0001460 REMAIN DAYS: 001460000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20050901	20060112	20060202	99999999	20060711 20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS				
TYPE	START	END	SERV DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	RATE	TO SERVE	SERVDAYS	GT-DAYS	LAST FOR	
EWC	20050901	20060112	000133000	000000000	000080000	000000000	NJ		001247000	000133000	000080000	000000000	
EWC	20060112	20060202	000021000	000007857	000020000	000000000	2F5		001198143	000154000	000100000	000000000	
EWC	20060202	20060203	000001000	000000000	000000000	000000000	NJ		001197143	000155000	000100000	000000000	
EWC	20060203	20060323	000048000	000017499	000020000	000000000	2F5		001111644	000203000	000120000	000000000	
EWC	20060323	20060324	000001000	000000000	000000000	000000000	NJ		001110644	000204000	000120000	000000000	
EWC	20060324	20060406	000013000	000004999	000020000	000000000	2F5		001072645	000217000	000140000	000000000	
EWC	20060406	20060407	000001000	000000000	000000000	000000000	NJ		001071645	000218000	000140000	000000000	
EEC	20060407	20060711	000095000	000033928	000060000	000000000	2F5		000882717	000313000	000200000	000000000	
EWC	20060711	20060713	000002000	000001071	000000000	000000114	2F5	B4	000878532	000315000	000200000	000000000	
EWC	20060713	20060714	000001000	000000000	000000000	000000057	NJ	B4	000878475	000316000	000200000	000000000	
EEC	20060714	20060714	000000000	000000000	000000000	000000057	2F5	B4	000878418	000316000	000200000	000000000	
EWC	20060714	20070104	000174000	000062499	000120000	000000000	2F5		000521919	000490000	000320000	000000000	
EWC	20070104	20070105	000001000	000000000	000000000	000000000	NJ		000520919	000491000	000320000	000000000	
EEC	20070105	20070306	000060000	000021428	000040000	000000000	2F5		000389491	000551000	000360000	000000000	
EWC	20070306	20070319	000013000	000004999	000000000	000000742	2F5	B4	000380750	000564000	000360000	000000000	
EWC	20070319	20070320	000001000	000000000	000000000	000000057	NJ	B4	000379693	000565000	000360000	000000000	
EWC	20070320	20070321	000001000	000000714	000000000	000000057	2F5	B4	000377922	000566000	000360000	000000000	
EEC	20070321	20070321	000000000	000000000	000000000	000000057	NJ	B4	000377865	000566000	000360000	000000000	
EWC	20070321	20070322	000001000	000000000	000000000	000000000	NJ		000378885	000567000	000360000	000000000	
EWC	20070322	20070831	000162000	000058213	000120000	000009258	2F5	B4	000027396	000729000	000480000	000000000	
EEC	20070831	20070831	000000000	000000000	000000000	000000057	NJ	B4	000027339	000729000	000480000	000000000	
MOVE	20070831	20070831	000000000	000000000	000000000	000000000	NJ		000027339	000729000	000480000	000000000	
MOVE	20070831	20090519	000000000	000000000	000000000	000000000	NJ		000027339	000729000	000480000	000000000	
EWC	20090519	20090707	000049000	000000000	000020000	000000000	NJ		00004166J	000778000	000500000	000000000	
LAST	20090519	20090519	000000000	000000000	000000000	000000000	NJ		000027339	000729000	000480000	000000000	

CONV# 00002 SENT START: 20050831 SENTDAYS: 0001460 REMAIN DAYS: 001460000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
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The SAS System

STAT	DATE	START	END DATE	DATE	START	END DATE
01	20050831	20060112	20060202	98989899	20060711	20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EW	EE	RE	DAYS			
TYPE	START	END	SERV	DAYS	EW	GT	EE	DAYS	RATE	TO SERVE	SERVDAYS	GT-DAYS	LAST FOR
EWC	20050831	20060112	000134000	000000000	000000000	000000000	NJ		001246000	000134000	000080000	000000000	
EWC	20060112	20060202	000021000	000007857	000020000	000000000	2F5		001197143	000155000	000100000	000000000	
EWC	20060202	20060203	000001000	000000000	000000000	000000000	NJ		001196143	000156000	000100000	000000000	
EWC	20060203	20060323	000048000	000017499	000020000	000000000	2F5		001110644	000204000	000120000	000000000	
EWC	20060323	20060324	000001000	000000000	000000000	000000000	NJ		001109844	000205000	000120000	000000000	
EWC	20060324	20060406	000013000	000004999	000020000	000000000	2F5		001071645	000218000	000140000	000000000	
EWC	20060406	20060407	000001000	000000000	000000000	000000000	NJ		001070645	000219000	000140000	000000000	
EEC	20060407	20060711	000095000	000033928	000060000	000000000	2F5		000881717	000314000	000200000	000000000	
EWC	20060711	20060713	000002000	000001071	000000000	000000114	2F5	B4	000878532	000316000	000200000	000000000	
EWC	20060713	20060714	000001000	000000000	000000000	000000057	NJ	B4	000877475	000317000	000200000	000000000	
EEC	20060714	20060714	000000000	000000000	000000000	000000057	2F5	B4	000877418	000317000	000200000	000000000	
EWC	20060714	20070104	000174000	000062489	000120000	000000000	2F5		000520919	000491000	000320000	000000000	
EWC	20070104	20070105	000001000	000000000	000000000	000000000	NJ		000519919	000492000	000320000	000000000	
EEC	20070105	20070306	000060000	000021428	000040000	000000000	2F5		000398491	000552000	000380000	000000000	
EWC	20070306	20070319	000013000	000004999	000000000	000000742	2F5	B4	000379750	000565000	000360000	000000000	
EWC	20070319	20070320	000001000	000000000	000000000	000000057	NJ	B4	000378693	000566000	000360000	000000000	
EWC	20070320	20070321	000001000	000000714	000000000	000000057	2F5	B4	000376922	000567000	000360000	000000000	
EEC	20070321	20070321	000000000	000000000	000000000	000000057	NJ	B4	000378885	000567000	000360000	000000000	
EWC	20070321	20070322	000001000	000000000	000000000	000000000	NJ		000375865	000568000	000360000	000000000	
EWC	20070322	20070831	000162000	000058213	000120000	000009256	2F5	B4	000028396	000730000	000480000	000000000	
EEC	20070831	20070831	000000000	000000000	000000000	000000057	NJ	B4	000026339	000730000	000480000	000000000	
MOVE	20070831	20070831	000000000	000000000	000000000	000000000	NJ		000026339	000730000	000480000	000000000	
MOVE	20070831	20090519	000000000	000000000	000000000	000000000	NJ		000028339	000730000	000480000	000000000	
EWC	20090519	20090707	000049000	000000000	000020000	000000000	NJ		00004266J	000779000	000500000	000000000	
LAST	20090519	20090519	000000000	000000000	000000000	000000000	NJ		000026339	000730000	000480000	000000000	

CONV# 00001 SENT START: 20040909 SENTDAYS: 0001095 REMAIN DAYS: 001095000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC	
STAT	DATE	START	END DATE	DATE	START	END DATE
01	20040909	20041103	20050123	98989899	20060711	20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EW	EE	RE	DAYS			
TYPE	START	END	SERV	DAYS	EW	GT	EE	DAYS	RATE	TO SERVE	SERVDAYS	GT-DAYS	LAST FOR
EWC	20040909	20041103	000055000	000000000	000020000	000000000	NJ		001020000	000055000	000020000	000000000	

The SAS System

EWC	20041103	20050123	000081000	000029285	000080000	000000000	2F5	000848715	000136000	000080000	000000000
EWC	20050123	20050124	000001000	000000000	000000000	000000000	NJ	000848715	000137000	000080000	000000000
EWC	20050124	20050207	000014000	000005357	000000000	000000000	2F5	000829358	000151000	000080000	000000000
EWC	20050207	20050208	000001000	000000000	000000000	000000000	NJ	000828358	000152000	000080000	000000000
EWC	20050208	20050420	000071000	000025714	000060000	000000000	2F5	000671644	000223000	000140000	000000000
MOVE	20050420	20050420	000000000	000000000	000000000	000000000	NJ	000671644	000223000	000140000	000000000
MOVE	20050420	20050729	000100000	000000000	000000000	000000000	NJ	000571644	000323000	000140000	000000000
MOVE	20050729	20051215	000000000	000000000	000000000	000000000	NJ	000571644	000323000	000140000	000000000
EWC	20051215	20060112	000028000	000000000	000000000	000000000	NJ	000543644	000351000	000140000	000000000
EWC	20060112	20060202	000021000	000007857	000020000	000000000	2F5	000494787	000372000	000160000	000000000
EWC	20060202	20060203	000001000	000000000	000000000	000000000	NJ	000493787	000373000	000160000	000000000
EWC	20060203	20060323	000048000	000017499	000040000	000000000	2F5	000388288	000421000	000200000	000000000
EWC	20060323	20060324	000001000	000000000	000000000	000000000	NJ	000387288	000422000	000200000	000000000
EWC	20060324	20060408	000013000	000004999	000000000	000000000	2F5	000368288	000435000	000200000	000000000
EWC	20060408	20060407	000001000	000000000	000000000	000000000	NJ	000368289	000436000	000200000	000000000
EEC	20060407	20060711	000095000	000033928	000060000	000000000	2F5	000178361	000531000	000260000	000000000
EWC	20060711	20060713	000002000	000001071	000000000	000000114	2F5 B4	000176176	000533000	000260000	000000000
EWC	20060713	20060714	000001000	000000000	000000000	000000057	NJ B4	000175119	000534000	000260000	000000000
EEC	20060714	20060714	000000000	000000000	000000000	000000057	2F5 B4	000175062	000534000	000260000	000000000
EWC	20060714	20070104	000174000	000062499	000120000	000000000	2F5	00018143P	000708000	000380000	000000000
LAST	20060714	20060715	000001000	000000357	000020000	000000000	2F5	000153705	000535000	000280000	000000000

CONV# 00011 SENT START: 20200815 SENTDAYS: 0000730 REMAIN DAYS: 000726000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20200815	20200815	99999999	99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	RATE	TO SERVE
LAST	20200815	20200815	000000000	000000000	000000000	000000000	2F5	000726000	000000000

PMAX: 00305341 500011 20210815 20140415 000000000 000000000 000000000 000000000 000726000 Y 2F5 000 009 20200815 000365000

CONVICTION COMPLETION TABLE FOR SCDC # 00305341-----

CONVICT	START	MAXOUT	MX-SURP	CY-SURP
00001	09/09/2004	10/06/2006	000	021
00002	08/31/2005	08/14/2009	000	026
00003	09/01/2005	06/15/2009	000	027
00004	11/30/2005	11/30/2005	000	000
00005	03/14/2009	04/14/2015	014	000

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00006	03/14/2009	03/14/2009	000	000
00007	03/14/2009	04/14/2015	014	000
00008	03/14/2009	04/14/2015	014	000
00009	12/30/2013	01/28/2016	000	005
00010	07/15/2015	08/15/2020	004	000
00011	08/15/2020	08/15/2021	009	000

BEGIN EWC PAR

EWC 20150715 20150901 000048000 000017499 000000000 2F5 -- 000117001 000048000
 MOVE 20150901 20150901 000000000 000000000 000000000 NJ -- 000117001 000048000
 MOVE 20150901 20151222 000000000 000000000 000000000 NJ -- 000117001 000048000
 EWC 20151222 20160315 000084000 000000000 000000000 NJ -- 000033001 000132000
 LAST 20160315 99999999 000000000 000000000 000000000 2F5 -- 000033001 000132000

CONV# 00011 SENT START: 20150715 SENTDAYS: 0000730 REMAIN DAYS: 000033001

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
99 99999999	20160315	99999999		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC EEC	REM DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE TO EARN
EWC	20151202	20160315	000104000	000000000	000000000	NJ --	000668500 000244000
LAST	20160315	99999999	000000000	000000000	000000000	2F5 --	000668500 000244000

CONV# 00010 SENT START: 20151202 SENTDAYS: 0003650 REMAIN DAYS: 000668500

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
99 99999999	20160315	99999999		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC EEC	REM DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE TO EARN
EWC	20150331	20150809	000070000	000000000	000000000	NJ --	000070000 000070000
LAST	20150331	20150331	000070000	000000000	000000000	NJ --	000000000 000000000

CONV# 00009 SENT START: 20150331 SENTDAYS: 0001095 REMAIN DAYS: 000000000

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1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
06 20150826	20150609	20150611		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20090514	20090707	000054000	000000000	000000000	NJ	--	000226250	000115000
EWC	20090707	20091001	000086000	000031071	000000000	2F5	--	000109179	000201000
MOVE	20091001	20091001	000000000	000000000	000000000	NJ	--	000109179	000201000
MOVE	20091001	20150407	000000000	000000000	000000000	NJ	--	000109179	000201000
EWC	20150407	20150609	000063000	000000000	000000000	NJ	--	000046179	000264000
EWC	20150809	20150611	000002000	000000714	000000000	3F5	--	000043465	000266000
EWC	20150811	20150612	000001000	000000000	000000000	NJ	--	000042465	000267000
EWC	20150612	20150901	000081000	000029285	000000000	2F5	--	00006782}	000348000
LAST	20150612	20150612	000081000	000029285	000000000	2F5	--	000042465	000267000

CONV# 00008 SENT START: 20090514 SENTDAYS: 0001365 REMAIN DAYS: 000042465

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
03 20150901	20150612	20150901		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20090514	20090707	000054000	000000000	000000000	NJ	--	000226250	000115000
EWC	20090707	20091001	000086000	000031071	000000000	2F5	--	000109179	000201000
MOVE	20091001	20091001	000000000	000000000	000000000	NJ	--	000109179	000201000
MOVE	20091001	20150407	000000000	000000000	000000000	NJ	--	000109179	000201000
EWC	20150407	20150809	000063000	000000000	000000000	NJ	--	000046179	000264000
EWC	20150609	20150811	000002000	000000714	000000000	3F5	--	000043465	000266000
EWC	20150611	20150612	000001000	000000000	000000000	NJ	--	000042465	000267000
EWC	20150612	20150901	000081000	000029285	000000000	2F5	--	00006782}	000348000
LAST	20150612	20150612	000081000	000029285	000000000	2F5	--	000042465	000267000

CONV# 00007 SENT START: 20090514 SENTDAYS: 0001365 REMAIN DAYS: 000042465

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE

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03 20150901 20150612 20150901 99999999 99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20090314	20090707	000115000	000000000	000000000	NJ	--	00002375}	000115000
LAST	20090314	20090314	000115000	000000000	000000000	NJ	--	000091250	000000000

CONV# 00006 SENT START: 20090314 SENTDAYS: 0000365 REMAIN DAYS: 000091250

1ST	MOVEMENT	1ST	EWC	1ST	EWC	1ST	INCI	1ST	EEC	1ST	EEC
STAT	DATE	START	END	DATE	DATE	START	END	DATE	DATE	START	END
03	20091001	20090707	20091001			99999999	99999999				

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20090514	20090707	000054000	000000000	000000000	NJ	--	00002375}	000115000
LAST	20090514	20090514	000054000	000000000	000000000	NJ	--	000030250	000061000

CONV# 00005 SENT START: 20090514 SENTDAYS: 0000365 REMAIN DAYS: 000030250

1ST	MOVEMENT	1ST	EWC	1ST	EWC	1ST	INCI	1ST	EEC	1ST	EEC
STAT	DATE	START	END	DATE	DATE	START	END	DATE	DATE	START	END
03	20091001	20090707	20091001			99999999	99999999				

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20051130	20080112	000043000	000000000	000000000	NJ	--	00003550}	000043000
LAST	20051130	20051130	000043000	000000000	000000000	NJ	--	000007500	000000000

CONV# 00004 SENT START: 20051130 SENTDAYS: 0000030 REMAIN DAYS: 000007500

1ST	MOVEMENT	1ST	EWC	1ST	EWC	1ST	INCI	1ST	EEC	1ST	EEC
STAT	DATE	START	END	DATE	DATE	START	END	DATE	DATE	START	END
01	20060222	20060112	20060202			20060711	20060714				

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20051130	20060112	000043000	000000000	000000000	NJ	--	000232000	000133000

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EWC 20060112 20080202 000021000 000007857 000000000 2F5 -- 000203143 000154000
 EWC 20080202 20080203 000001000 000000000 000000000 NJ -- 000202143 000155000
 EWC 20080203 20080323 000048000 000017499 000000000 2F5 -- 000136644 000203000
 EWC 20080323 20080324 000001000 000000000 000000000 NJ -- 000135644 000204000
 EWC 20080324 20080406 000013000 000004999 000000000 2F5 -- 000117645 000217000
 EWC 20080406 20080407 000001000 000000000 000000000 NJ -- 000116645 000218000
 EEC 20080407 20080711 000095000 000033928 000000000 2F5 -- 00001228L 000313000
 LAST 20080407 20080407 000095000 000033928 000000000 2F5 -- 000116645 000218000

CONV# 00003 SENT START: 20051130 SENTDAYS: 0001460 REMAIN DAYS: 000116645

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
10 20060714	20060407	20060713		20060711	20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE TO EARN	SERVDAYS
EWC	20051130	20060112	000043000	000000000	000000000	NJ	--	000231000 000134000
EWC	20060112	20060202	000021000	000007857	000000000	2F5	--	000202143 000155000
EWC	20060202	20080203	000001000	000000000	000000000	NJ	--	000201143 000156000
EWC	20060203	20080323	000048000	000017499	000000000	2F5	--	000135644 000204000
EWC	20080323	20080324	000001000	000000000	000000000	NJ	--	000134644 000205000
EWC	20080324	20080406	000013000	000004999	000000000	2F5	--	000116645 000218000
EWC	20080406	20080407	000001000	000000000	000000000	NJ	--	000116645 000219000
EEC	20080407	20080711	000095000	000033928	000000000	2F5	--	00001328L 000314000
LAST	20080407	20080407	000095000	000033928	000000000	2F5	--	000116645 000219000

CONV# 00002 SENT START: 20051130 SENTDAYS: 0001460 REMAIN DAYS: 000116645

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
10 20060714	20060407	20060713		20060711	20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE TO EARN	SERVDAYS
EWC	20040924	20041103	000040000	000000000	000000000	NJ	--	000218750 000055000
EWC	20041103	20050123	000081000	000029285	000000000	2F5	--	000108465 000136000
EWC	20050123	20050124	000001000	000000000	000000000	NJ	--	000107465 000137000
EWC	20050124	20050207	000014000	000005357	000000000	2F5	--	000088108 000151000

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EWC 20050207 20050208 000001000 000000000 000000000 NJ -- 000087108 000152000
 EWC 20050208 20050420 000071000 000025714 000000000 2F5 -- 000009600 000223000
 LAST 20050208 20050208 000071000 000025714 000000000 2F5 -- 000087108 000152000

CONV# 00001 SENT START: 20040924 SENTDAYS: 0001095 REMAIN DAYS: 000087108

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
02 20050420	20050208	20050420		20060711	20060714

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE	TO EARN	SERVDAYS
MOVE	20150715	20150715	000000000	000000000	000000000	2F5	--	000182500	000000000
EWC	20150715	20150901	000048000	000017499	000000000	2F5	--	000117001	000048000
MOVE	20150901	20150901	000000000	000000000	000000000	NJ	--	000117001	000048000
MOVE	20150901	20151222	000000000	000000000	000000000	NJ	--	000117001	000048000
EWC	20151222	20160315	000084000	000000000	000000000	NJ	--	000033001	000132000
LAST	20160315	99999999	000000000	000000000	000000000	2F5	--	000033001	000132000

CONV# 00011 SENT START: 20150715 SENTDAYS: 0000730 REMAIN DAYS: 000033001

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
99 99999999	20160315	99999999		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE	TO EARN	SERVDAYS
MOVE	20170720	20170720	000000000	000000000	000000000	2F5	--	000182500	000000000
LAST	20170720	99999999	000000000	000000000	000000000	2F5	--	000182500	000000000

CONV# 00011 SENT START: 20170720 SENTDAYS: 0000730 REMAIN DAYS: 000182500

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
99 99999999	20170720	99999999		99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE	TO EARN	SERVDAYS

The SAS System

EWCPAR PAR GROUP 20171204

CONVICTION COMPLETION TABLE FOR SCDC # 00305341-----

CONVICT	START	MAXOUT	CYCLE	COMP	FULLDATE	MX-SURP	CY-SURP
00001	20040924	20050413	Y				
00002	20051130	20080701	Y				
00003	20051130	20080701	Y				
00004	20051130	20051207	Y				
00005	20090514	20090613	Y				
00006	20090314	20090613	Y				
00007	20090514	20150713	Y				
00008	20090514	20150713	Y				
00009	20150331	20150331	Y				
00010	20151202	20170720	Y				
00011	20170720	20171204	Y				

START EWCTOTAL

TOTAL SENTENCE.:01200000 CURRENT SENTENCE.:01200000 CURRENT SENT START.:07/15/2015

BEGIN EWCWREL

000000000000000000

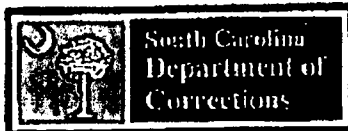
100-SET- 00305341

463420NYS 16010629

000000000000000000

* * * EXECUTION FINISHED ON 10/25/17

00001 INMATES PROCESSED



SCDC POLICY/PROCEDURE

Change 1 to "OP-21.09": 21.10, 22.1.3, 22.14, 22.23.4, 22.3.5

NUMBER: OP-21.09

TITLE: INMATE RECORDS PLAN

ISSUE DATE: November 1, 2007

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-21.09 (January 1, 2004); Change 1 (March 29, 2004); Change 2 (September 13, 2004)

RELEVANT SCDC FORMS/SUPPLIES: 9-3, 9-4A, 9-4B, 9-5, 13-2, 18-11, 18-3, 18-13, 18-16, 18-17, 18-43, 18-68, 19-11, 19-17, 19-48, 19-59, 27-42

ACA/CAC STANDARDS: 4-ACRS-7D-08, 4-ACRS-7D-09, 4-ACRS-7D-10, 3-ACRS-7D-04, 4-ACRS-6A-10, 4-ACRS-6A-13, 4-4095, 4-4096, 4-4098, 4-4099, 4-4096, 4-4285, 4-4304, 4-4446

STATE/FEDERAL STATUTES:

PURPOSE: To provide a general outline of the Agency's inmate records plan and to establish the general criteria for the information that will be maintained and filed in each inmate's record.

POLICY STATEMENT: The South Carolina Department of Corrections will activate, maintain, and review necessary records on all inmates incarcerated in the South Carolina Department of Corrections.

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12. JAIL TIME CREDIT/SENTENCE START DATE :

Jail Time Credit: Time served, usually at a county facility, prior to trial and sentencing. The sentence start date may be the same as the jail time credit date.

Sentence Start Date: Date of sentencing less jail time credit. Effective date on commitment papers (or sentencing date if not specified) for each successive concurrent sentence. In cases of two (2) or more sentences and the sentences are consecutive, the sentence start date for the total sentence is the start date of the first sentence in the consecutive string.

12.1 Inmates Eligible for Jail Time Credit:

12.1.1 An inmate will be eligible to receive credit for time served prior to trial and sentencing if the offense for which s/he is convicted is the same as the offense for which s/he was jailed.

12.1.2 An inmate who is not an escapee will be eligible to receive credit for out-of-state jail time if s/he is apprehended and held solely for a crime committed in South Carolina.

12.1.3 Inmates sentenced under the Youthful Offender Act (YOA) will be eligible to receive jail time credit. The Inmate Records Office will enter jail time for an initial incarceration; however, credit awarded on the YOA parole revocations will be calculated by the Young Offender Services Division.

12.2 Inmates Not Eligible for Jail Time Credit:

12.2.1 An inmate will not be eligible to receive jail time credit if s/he is on escape from the South Carolina Department of Corrections and is apprehended and confined out-of-state.

12.2.2 An inmate will not be eligible to receive in-state or out-of-state jail time credit if the offense for which s/he is convicted is different from the offense for which s/he was jailed.

12.2.3 An inmate (not an escapee) will not be eligible to receive out-of-state jail time credit if s/he is apprehended and held in another state for a crime committed in South Carolina and for a crime committed in the other state. Once the charges for the crime that occurred in the other state have been satisfied, s/he may be eligible to begin receiving out-of-state jail time credit toward his/her South Carolina charges.

12.3 Request for Jail Time Credit:

12.3.1 If authorized jail time credit has not been awarded to an inmate, the Institutional Classification Caseworker will complete the top portion of SCDC Form 18-11, "Request for Jail Time," make a copy of the form for the institutional record, and forward the white, pink, and goldenrod copy to the Inmate Records Office, Document Processing Section, ATTN.: Jail Credits. If the inmate claims s/he was incarcerated in more than one (1) facility prior to sentencing, a separate "Request for Jail Time Form" must be submitted for each facility.

12.3.2 Upon receipt of the SCDC Form 18-11, "Request for Jail Time," the Records Analyst responsible for jail time credits will review the form to determine if the request should be forwarded to the appropriate county/city facility.

12.3.3 If it is determined that the inmate will not be given jail time credit, the white copy of the original request will be returned to the designated Caseworker, indicating that the inmate is not eligible for jail time credit requested, and an explanation will be provided to explain why jail time credit is not applicable.

12.3.4 If it is determined that the inmate could be eligible for jail time credit, the request will be forwarded to the appropriate county/city facility.

12.3.5 After the form has been completed by the appropriate county/city facility indicating the dates of the jail credit that should be awarded, the form will be returned to the Document Processing Section. Upon receipt of the form from the county/city, the Records Analyst will make appropriate modifications to the inmate record and forward the white copy of the form to the designated Caseworker indicating the revised sentence start date.

12.4 Computation of Time: The parole eligibility date and release (maxout) will be computed from the sentence start date.

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NUM	A E	INCARC	SENT	SENT	SENT	CONV	VIO
NUM	T X CONV OFFENSE	YRS	MO	DYS	DATE	START	PROJ COMP STAT IND
S00009	2 N SHOPLIFTING	003	00	000	03/31/15	12/30/13	09/30/2015 COM N N
S00006	2 N FINANCL TRANS	000	00	000	05/14/09	03/14/09	/ / COM N N
S00005	2 N FINANCL TRANS	001	00	000	05/14/09	03/14/09	10/10/2009 COM N N
S00004	1 N PETIT LARCENY	000	00	000	11/30/05	11/30/05	11/30/2005 COM N N
S00003	2 N FORGERY	004	00	000	11/30/05	09/01/05	09/19/2007 COM N N
S00002	2 N FORGERY	004	00	000	11/30/05	08/31/05	09/18/2007 COM N N
S00001	3 N ASSAULT-HIGH	003	00	000	09/24/04	09/09/04	10/06/2006 COM N N

MAKE A SELECTION AND PRESS <ENTER>...
PF4-MODCONV PF6-NON-SCDC PRIORS

16:12:21 Wednesday, October 25, 2017

35

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

10/25/17

INMATE TRANSFER AND COUNT

C056427

SCDC # 305341

TRANSFER HISTORY

MASSEY JR, JOHN KENNETH

CURR LOC: MACDOUGALL

OFFENDER TYPE: ADULT-STRAIGHT TOBACCO: N SPEC ED: N VIC/WIT: Y

OFF TYPE ENTRY DATE: 12/22/15 CURR DORM: C1B0018A CURR CUST/SEC: MI2

ASSNMT: 5076 WARD KEEPER WARD #1

STATUS	LOCATION	CHG DATE	SERIOUS MENTAL ILLNESS: N	CHANGE REASON
INCARCERATED	MACDOUGALL	04/28/17		ADMINISTRATIVE
AUTH ABSENCE (AWL)	TRIDENT REGIONA	04/28/17		MEDICAL
INCARCERATED	MACDOUGALL	03/10/16		ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/28/16		RETURN FROM COURT
AUTH ABSENCE (AWL)	YORK CO	01/25/16		TO COURT
INCARCERATED	KIRKLAND	12/22/15		NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	09/01/15		RELEASED TO PROBATION
AUTH ABSENCE (AWL)	YORK CO	08/26/15		EARLY DETAINER PICKUP
INCARCERATED	RIDGELAND	06/04/15		ADMINISTRATIVE
INCARCERATED	KIRKLAND	04/07/15		NEW SENT W/O PR/CS/SF REV
PROBATION	YORK CO	10/01/09		RELEASED TO PROBATION
INCARCERATED	BROAD RIVER	06/17/09		ADMINISTRATIVE

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

456

STATE OF SOUTH CAROLINA
COUNTY OF YORK

John Kenneth Massey Jr
Name of Defendant

CHECKLIST

TRIAL COURT:
☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:

2013A4610100814 Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)
2013A4610100815 MIPP <\$2000 Enhancement

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☒ BAIL PROCEEDING / ☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - ☒ a. Bond Form I (personal recognizance)
 - ☒ b. Bond Form II (surety, cash, percentage)
 - ☐ c. None (Non-Bailable Offense)
2. For cases in which bond has set, defendant was informed
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days
 - ☒ a. Orally.
 - ☒ b. In writing (NOTE: Defendant must be informed of right both orally and in writing)
4. Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges.
 - ☒ b. Right to counsel and right to court appointed counsel if financially unable to employ counsel.
 - ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before Judge/Clerk of Court for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

7/18/2013

First Appearance or Bond Hearing Date

JUDGE'S SIGNATURE

7704

Suba Selvar
Original Charging Document No

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF York

ON THE York County General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Massey, John Kenneth Jr
NAME OF DEFENDANT

Offense Charged: Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)
(2013A4810100814) Malicious / Malicious Injury to animals, Personal property, injury value \$2,000 or less (Enhancement
per 16-1-57)(2013A4810100815)

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):
☒ The release of the defendant on recognizance will not reasonably assure his appearance as required by the court.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address

(Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

THHEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 12,500.00.

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on October 08, 2013 at 8:30 o'clock, A.M.
at York County General Sessions - 1675 York Hwy/York, SC 29745 / (803) 628-3036
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____ at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$12,500.00 (CS) or \$12,500.00 (SB) INITIALS OF DEFENDANT: *JS*
Court date: 10/8/2013 @ 8:30 am Initial Appearance: 8/26/2013 @ 9:00 am

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

[Signature]
SIGNATURE OF JUDGE

8/27/13
DATE

458

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS: York, SC 29745 (803) 327-5615
CITY/STATE/ZIP: York, SC TELEPHONE: 68-27-13
SOCIAL SECURITY NUMBER: [REDACTED] DRIVER'S LICENSE OR ID NUMBER: [REDACTED] ATTORNEY REPRESENTING ACCUSED (IF KNOWN): [REDACTED]

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: [REDACTED] NAME OF PERSON OR ORGANIZATION

ADDRESS: [REDACTED] CITY/STATE: [REDACTED] ZIP: [REDACTED] TELEPHONE: [REDACTED]
I agree to (1) to supervise the defendant as set forth by the court, (2) to use every effort to insure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE

b. ☒ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:
No contact with Benjamin Fairfax prior to Court appearance

c. ☐ Part-time Release. The defendant will be released from custody from [REDACTED] o'clock, AM/PM to [REDACTED] o'clock, AM/PM

on [REDACTED] DATE(s) on condition that he return to the custody of [REDACTED] NAME OF PERSON OR ORGANIZATION

at [REDACTED] LOCATION as designated

d. ☒ Other conditions. The defendant will comply with the following other conditions of release:
Initial Appearance: 8/26/2013 @ 9:00 am, MJC, York, SC

APPEARANCE RECOGNIZANCE WITH SURETY

On the 27th day of August, 2013, personally appeared before the undersigned judge the surety named below, who acknowledged himself indebted to the State of South Carolina; in the sum of \$ 12,500.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Metro Bail Bonds/Robert J. Mobley/American Cont (803) 327-6444

NAME OF SURETY BONDSMAN COMPANY: 115 Elk Ave TELEPHONE: [REDACTED]

ADDRESS OF SURETY BONDSMAN: Rock Hill, SC 29730

CITY/STATE/ZIP: American Contractors Indemnity Co

NAME OF INSURANCE COMPANY: 601 S. Figueroa Street Suite 1800

ADDRESS OF INSURANCE COMPANY: Los Angeles, CA 90017

CITY/STATE/ZIP

Form Approved by S.C. Attorney General
Section 17-13-49
March 21, 2012

SCCA/11A (Revised 3/2012)

DAVID HAMILTON
C.C.C.P. & O.S.
YORK COUNTY, SC

COURT COPY ACIC-FSCD-1

	HCC American Contractors Indemnity Company A subsidiary of HCC Insurance Holdings, Inc. 601 S. Figueroa Street, Suite 1600, Los Angeles, California 90017	Dec 19 2013	POWER OF ATTORNEY AL15-0000351 POWER NO.
THIS POWER WOULD IF NOT USED BY:			
KNOW ALL MEN BY THESE PRESENTS that the American Contractors Indemnity Company, a corporation duly organized and existing under the laws of the State of California, and by the authority of the Resolution adopted by the Board of Directors by unanimous written consent on December 6, 1990 which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the signed agent			
<u>Robert J. Masley</u>			
its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.			
This Power-of-Attorney is for use with Bail Bonds only. Not valid if used in connection with Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated amount of this Power, and can only be used once. The obligation of the company shall not exceed the sure of			
SHALL NOT EXCEED THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)			
and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.			
IN WITNESS WHEREOF, AMERICAN CONTRACTORS INDEMNITY COMPANY has caused these presents to be signed by its duly authorized officers, proper for the purpose and its corporate seal to be hereunto affixed this <u>21</u> of <u>August</u> .			
Bond Amount \$ <u>12,500</u>			
Defendant <u>John Massey</u>			
Charges <u>Grand larceny / Malicious Injury firearm</u>			
Court / Date <u>10/8/13</u>			
Case No. <u>2013AC61000814, 515</u>			
City <u>Port</u> State <u>SC</u>			
If rewrites, original No. _____			
Attorney-in-Fact _____ (Print)			



By: Adam S. Pessin
 Adam S. Pessin, President

By: Scott D. Anschutz
 Scott D. Anschutz, Vice-President

95

STATE OF SOUTH CAROLINA

County of York

State of South Carolina

IN THE SUMMARY COURT

DISCHARGE

vs.

John Kenneth Massey Jr
DEFENDANT(S)

DISCHARGE

By Lewis Daniel Malphrus, Judge in and for the County and state aforesaid,

To the Sheriff and Keeper of the Common Jail in the said County:

The Defendant, John Kenneth Massey Jr, having been committed to your custody for the charge of:

Case number	Charge	Trial Court	Bond Type	Amount
2013A4610100814	Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)	York County General Sessions	Cash Bond	\$10,000.00
			Surety Bond	\$10,000.00
2013A4610100815	Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement per 16-1-57)	York County General Sessions	Cash Bond	\$2,500.00
			Surety Bond	\$2,500.00

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2013 AUG 28 PM 4:46
DAVID HAMILTON
C.C.P. & CLERK
YORK COUNTY, SC

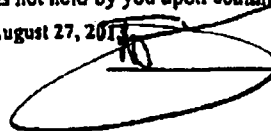
Court date: 10/8/2013 @ 8:30 am Initial Appearance: 8/26/2013 @ 9:00 am

has posted bond of type

Surety Bond in the amount of \$12,500.00 by Metro Bail Bonds/Robert J. Mobley/American Cont at 115 Elk Ave., Rock Hill, SC, 29730

and having given bond as required by the Court, you are hereby authorized and required to discharge the said Defendant from your custody. Provided that said Defendant is not held by you upon commitment for some other offense.

GIVEN UNDER MY HAND AND SEAL THIS DAY August 27, 2013

 (Seal)
(Judge)
York County, SC

COMMITMENT☒ Original Commitment☐ Additional Charge(s)RECEIVED
SN
1614 JAN 23 PM 3:30 Date: 1/15/2014

TO: Director York County Detention Center

You are hereby commanded by this Court to hold in your custody.

DAVID HAMILTON

DOB: 08/11/1974 Race: W Sex: M

John Kenneth Massey Jr

(Defendant's name)

2938 Boss Wylie Road
York, SC 29745

(Address)

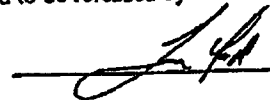
Bonding Company:

Case number	Charge	Trial Court	Bond Type	Amount
2014A4610100076	Conspiracy / Criminal Conspiracy, Common Law conspiracy defined	York County General Sessions	No Bond	
2014A4610100077	Burglary / Burglary (After June 20, 1985) - First degree	York County General Sessions	No Bond	
2014A4610100078	Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)	York County General Sessions	No Bond	
2014A4610100086	Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense	York County General Sessions	No Bond	

(General Session : 4/22/2014 @ 8:30AM) (Initial Appearance: 3/3/2014 @ 9:00AM) at Moss Justice Center, York,
SC//No contact with Kristopher Dale Callahan

That you are commanded by this Court to continue custody of the named person until the person in custody is
ordered to be released by a Judicial Officer.

Judge



York County, SC

☒ YORK COUNTY ☐ MUNICIPALITY☒ GENERAL SESSIONS☐ MAGISTRATE

NAME:

JOHN KENNETH MASSEY, JR.

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6N
2014 JAN 23 PM 3:20

CASE: 2014A4610100076-78, 86

CHARGES: CONSPIRACY, BURGLARY 1ST DEGREE, NO. 1, LARCENY, DRUGS/ POSS. OF CRACK 1ST

*****CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES*****

Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☒ BAIL PROCEEDING ☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)☒ BOND DENIED

- 1 Form used at bail proceeding ☐ Bond Form I (personal recognizance) ☐ Bond Form II (surety, cash, or %) ☒ BOND DENIED
- 2 For cases in which bond was set, defendant was informed
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
- 3 For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days.
 - ☒ Orally ☒ In writing (NOTE: Defendant must be informed of right both orally and in writing)
- ☒ 4 Defendant was informed of the right to trial by jury
- 5 In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges
 - ☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
 - ☒ c. Defendant was informed orally and provided a copy of this form advising the right to obtain court appointed counsel - If indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, Defendant is required to appear before a York County Bond Court Judge @ Moss Justice Center, York, York County, South Carolina, for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
- ☐ 6 In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge
- ☒ 7 If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged

Appearance
or Hearing
Date:

1/15/2014

JUDGE YARD

State of South Carolina
Administrative Law Court

John K. Nessay, Jr. # 305341	)	Docket No.: 17-ALT-04-0163-AP
Appellant,	)	Grievance No.: MACCI 158-16
v.		
South Carolina Department	)	Motion to Subpoena
of Corrections	)	Documents
Respondent,	)	Honorable S. Phillip Lenski

Appellant is humbly requesting this Court to Subpoena the following documents responsive to this Court's Order October 24th, 2017: The York County Detention Center (Y.C.D.C) Booking Reports, and and e-mail from the York County Solicitor's Office.

A. York County Booking Report

Responsive to item number 4, this Court ordered, "all Sol Time Reports or records relating to all convictions for which Appellant is currently incarcerated." Respondent's failed to include the Y.C.D.C. Booking Reports, which show all times Appellant was housed as a pretrial detainee between July 2013 thru December 2015. These documents would help this Court determine exactly how many days Appellant was held as a pretrial detainee, during all times in question

RECEIVED
DEC 06 2017
GENERAL COUNSEL

B. E-Mail between the York County Solicitor's office
and the York County Bonding Magistrate's office

Between January 14th 15th, 2014, York County Solicitor Matthew Hogge e-mailed the Bonding Magistrate on duty. Mr. Hogge of the York County Solicitor's office 1875-1A York Highway Moss Justice Center York, South Carolina 29745, e-mailed and requested Appellant, John Massey's, bond be denied. This e-mail was also sent to Appellant's Public Defender Philip Smith of the York County Public Defender's office P.O. Box 691 York, South Carolina 29745.

Appellant requests Respondent's produce this e-mail that is responsive to this Court's Order item number 9: "any records or documents, or evidence that might reveal whether the Appellant's bond was actually revoked..."

Appellant respectfully asks this Court to grant this Motion. In the interest of justice, these documents are within the scope of this Court's Order stated above, and is not meant to delay, divert, or mislead this Court in any manner.

Moreover, these documents can prove Appellant's claim of how many jail time credits he has not had properly calculated and applied; and the e-mail communication can help prove Appellant's revoked bond issue. For these reasons this Court should grant Appellant's Motion.

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JAN 06 2014
GENERAL
CLERK

Respectfully Submitted
John K. Messey Jr.

By:

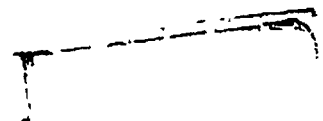
John K. Messey, Jr. #305341
Medougal Corr Inst.
1516 Old Gillard Rd
Ridgeville, S.C. 29472

RECEIVED

DEC 06 2017

GENERAL COUNSEL

Ridgeville, South Carolina
December 2, 2017



GENERAL COUNSEL

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341.	)	Docket No.: 17-ALJ-04-0163-AP
	)	[Grievance No.: MACCI 15S-16]
Appellant,	)	
	)	Hon. S. Phillip Lenski
v.	)	
	)	
South Carolina Department of Corrections,	)	RESPONDENT'S RESPONSE
	)	TO APPELLANT'S MOTION TO
Respondent.	)	SUBPOENA DOCUMENTS
	)	

In response to Appellant's December 2, 2017 Motion to Subpoena Documents, Respondent respectfully submits that it provided all documents in its possession that are responsive to this Court's October 24, 2017 Order to Complete the Record in its November 17, 2017 filing. If Appellant wishes to obtain documents from other entities, that is in the Court's discretion.

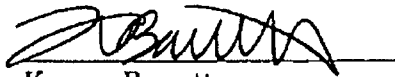
Respectfully Submitted.

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

RECEIVED

DEC 6 2 2017

GENERAL COUNSEL


Kensey Barrett
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-1943

Columbia, South Carolina
December 7, 2017

FILED

DEC 07 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

John Kenneth Massey, Jr., #305341,	)	Docket No.: 17-ALJ-04-0163-AP
	)	Grievance No.: MACCI 158-16
Appellant,	)	
	)	RESPONDENT'S BRIEF
v.	)	
	)	<i>Honorable S. Phillip Lenski</i>
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	
_____	)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of John Kenneth Massey, Jr. ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on August 2, 2016, claiming his jail time credit was not being properly applied. This grievance was investigated and denied when it was determined that SCDC has properly applied Appellant's jail time credit for each charge. Appellant filed a Step Two Grievance on January 5, 2017. This grievance was also investigated and denied. Appellant subsequently filed his Notice of Appeal. Because Appellant's jail time credit has been properly applied, the final determination of the Department should be affirmed.

JURISDICTION

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *McNeil v. South Carolina Department of Corrections*, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to *Al-Shabazz*. That decision holds that the ALC's appellate jurisdiction in inmate appeals is

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DEC 07 2017

DEC 11 2017

SC ADMIN. LAW COURT SC ADMIN. LAW COURT

limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in *Sullivan v. SCDC*, 355 S.C. 437, 586 S.E.2d 124 (2003).

In this case, appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. *Pearson v. JPS Converter & Industry Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. *Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

ARGUMENT

I. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE APPELLANT'S JAIL TIME CREDIT HAS BEEN PROPERLY APPLIED BY RESPONDENT.

On July 13, 2013, Appellant was arrested for Grand Larceny and Malicious Injury to Property – Third or Subsequent. R. p. 17. These are the only two convictions for which Appellant is still incarcerated. R. p. 1. Appellant was released on bond for both charges on August 27, 2013. R. p. 17. Appellant was arrested again on both charges on August 26, 2015. *Id.* He was then sentenced on December 2, 2015. R. p. 6, 11. Pursuant to S.C. Code Ann. § 24-13-40, Appellant is entitled to any pre-detention jail time he served. (“In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing[.]”)

On both of the previously referenced sentencing sheets, the sentencing judge indicated Appellant served 140 days of jail time. R. p. 6, 11. However, the judge ran one of the sentences consecutively. R. p. 6. SCDC must adhere to an unambiguous sentencing sheet. *Tant v. S. Carolina Dep't of Corr.*, 408 S.C. 334, 759 S.E.2d 398 (2014), *reh'g denied* (July 10, 2014). Accordingly, the jail time credit applied at the beginning of the string of sentences. *State v. Richardson*, 295 N.C. 309, 245 S.E.2d 754, (1978).

Again, as Appellant's sentencing sheet for Malicious Injury to Property – Third or Subsequent indicates, this is a consecutive sentence. R. p. 6. By its very nature, a consecutive sentence cannot begin until all prior sentences are completed. *State v. Richardson*, 295 N.C. 309, 319, 245 S.E.2d 754, 761 (1978). When a defendant receives a consecutive sentence, the prior sentence(s) and the consecutive sentence(s) are considered one sentence for the purpose of providing jail time credit. *Id.* Jail time credit

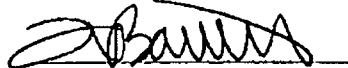
is counted once toward the string of sentences. *Id.* As shown on Appellant's Commitment Application Inquiry Screen, his jail time has been applied to his Grand Larceny conviction. R. p. 7. The same jail time cannot be applied a second time to his second conviction.¹

Appellant has not carried his burden to demonstrate SCDC is incorrectly calculating his sentence. Therefore, SCDC respectfully requests its decision denying appellant's Step Two grievance be upheld.

II. RESPONDENT'S FINAL DECISION SHOULD BE AFFIRMED BECAUSE IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE.

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n.* 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

Respectfully submitted.



Kensey Barrett
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1943

December 7, 2017
Columbia, South Carolina

¹ If Appellant's jail time credit were also applied to his Malicious Injury to Property - Third or Subsequent sentence, it would result in a windfall as Appellant only served the jail time once, but would receive credit for it twice.

State of South Carolina
In the Administrative Law Court

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DEC 20 2017 *kb*

John K. Messey, Jr. #305341
Appellant,
v.
South Carolina Department
of Corrections,
Respondent.

) Docket No.: 15-04-0163-AP
) Grievance No.: MACCI 158-16
) Hon. S. Philip Lenski
) Appellant's Response to
) Respondent's 2nd Brief-
) Appellant's 2nd Brief

Statement of the Case

On 10/24/2017, the Court Ordered the Respondents to complete the record. Respondents responded to this order on 11/17/2017. They subsequently filed a separate 2nd brief responsive to the Court's Order on 12/7/2017. Upon review, the Appellant wishes to submit a response to Respondent's 2nd brief.

Argument

I. Appellant's Jail Time Credit has not been properly applied and should be awarded accordingly.

Appellant asserts Respondent's 2nd Brief is non-responsive to the Court's Order dated 10/24/2017. The Court Ordered Respondents to "substantively respond to Appellant's claims." (Court Order 10/24/2017 pg.2). In which neither the Department's original brief filed 6/24/2017 or the Respondent's Response to Appellant's Initial Brief filed 8/25/17, substantively addresses the issues raised by Appellant.

Basically, the Respondent's 2nd Brief filed responsive to this court's order is the same as the original brief stated above. It does not substantively

Respond to Appellant's original brief nor addressed any of Appellant's issues.

Appellant notes that this Court has already stated the arguments presented by the Respondents are "generic and conclusory in nature", and "the Court was unable to ascertain how the Department arrived at its decision". Moreover, Respondents have failed to reply in accordance with this Court's Order dated 10/24/2017. They have failed to complete the record which was addressed in Appellant's Motion to Subpoena Documents. Respondents only provided documents in its possession, or readily available to the Department of Corrections. (S.C.D.C.). But clearly from the language, the Court ordered the Respondents to provide documents outside the scope of its agency. Especially related to items number (4) and (9) of its order, where S.C.D.C. would not have any records relating to all arrests and convictions of Appellant in the past (7) years, nor any records revealing if Appellant's bond was revoked for indictments 2013 GS 4603588; 09.

Ultimately, none of these documents would be in the Department's possession. The Court ordered "the Department to create them, if feasible." Appellant requests this Court grant his Subpoena.

Moreover, Appellant has already vigorously addressed the reasons he should be awarded his jail time credits, see (Appellant's Initial Brief). However, Appellant will briefly elaborate, in this brief, why his argument is based on facts and supported by law, and should be supplemented with his Initial Brief.

Pursuant to S.C. Code Ann § 24-13-40, "In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing."

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DEC 20 2017

GENERAL COUNSEL

This law was written to protect defendants from prosecutors who would drop former charges to prevent a defendant from credit he was due while serving as a pretrial detainee; and to protect poor defendants who cannot make bond as readily as unpoor defendants, who can make bond; ensuring all equal protection under the law.

Furthermore, offenders arrested on one charge and prosecuted on another charge for conduct which occurred prior to his arrest, shall be given credit on the determinate sentence - for time spent in custody under the former charge.

Therefore, Appellant was arrested 7/13/2013; bonded out 8/26/2013; rearrested again 1/13/2014; sent to S.C.D.C. from 3/31/2015 through 8/26/2015, where he remained in custody until 12/21/2015. Hence, the only question to determine is how much of this time served by Appellant is applicable credit for his sentence calculations.

According to legislative law, Appellant is entitled to all pretrial detention time - approximately (20) months. See (App Intal Brief).

Appellant is entitled to the time before he bonded out, the time from his rearrest until he was sent to S.C.D.C., then the time he spent from his release from S.C.D.C. until his final conviction. See (Appellant's Intal Brief and Court Transcript 10/30/2015).

For the charges which Appellant is currently incarcerated, Appellant was never released on bond from 8/27/2013 to 8/26/2015 as Respondents claim. Appellant remained in custody on all charges during the times stated above. Because when a defendant is rearrested on separate charges that occurred prior to his arrest, he could not

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bond, has had his bond denied, or revoked, subsequently the defendant is being detained on all charges as a pretrial detainee. And as a matter of law, pursuant to S.C. Code Ann § 24-13-40, he is entitled to all pre-detention jail time.

Moreover, Respondents failed to address any of the issues raised by Appellant, or never provided any evidence for the record that Appellant's bond was revoked or was not revoked. Either way revocation of bond is not necessary, due to the mandatory language of the statute of 24-13-40; where only two exceptions apply that deny a pretrial detainee jail time credit: (1) The detainee was an escapee, or (2) the detainee was already serving time for another sentence. Here neither exception applies. Therefore, Respondents cannot argue that Appellant is not entitled to his full jail credit, and this court should rule in Appellant's favor.

II. Respondents failed to properly apply Appellant's Jail Time Credit for his consecutive sentences.

Here, Respondents concede that on both Appellant's sentences, the sentencing judge granted Appellant time served on both his separate sentence sheets. (R. p. 6, 11), also see (App Court Transcript 12/2/2015 p. 387). The judge granted equal jail time credit to each consecutive sentence.

Pursuant to Tant v. S.C.D.C., 408 S.C. 334, 759 S.E.2d 398 (2014),

The D.O.C. is held to the sentence sheet, but if the sentence sheet is ambiguous they may consider the sentencing transcript. (See all Exhibits in App. Initial Brief.) However, in this instance, which

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Sentence sheet does the jail time credit apply. If in a consecutive sentence, jail credit is applied once toward a string of sentences, which sentence does the jail time apply. Either sentence sheet could be used as the primary sentence.

Who decides which sentence is the correct sentence to begin the string of sentences. In this instant case, this is ambiguous because both sentences were granted jail time credit. Attempting to apply or deny credit to either sentence creates a liberty interest on behalf of the Appellant, without careful analysis of the law.

In Tant, the court ruled, "when written sentence sheets are ambiguous and/or the sentence transcript, accordingly sentences must be construed in defendants favor to run concurrently. And the court ruled, "although intent of the judge is the controlling factor in determining whether sentences run concurrently or consecutively, ambiguity or doubts relative to a sentence should be resolved in favor of the accused."

Which in this case, what is not ambiguous is that all parties concede both sentence sheets note Appellant was given equal credit on both sheets. This is another issue Respondents failed to substantively address from Appellant's Initial Brief. However, they cite, Tant v. S.C.D.C., in their 2nd Respondent's Brief. But to apply Tant correctly, in this case, since the sentence transcripts and sheets are ambiguous, Appellant's consecutive sentences should be run concurrently. Moreover, Respondents state the second sentence should not begin until the prior sentence is complete, thus, the Department must apply the jail time credit granted by the judge on the 2nd sentence when the first sentence is complete.

They cannot deny the Appellant this jail time credit.

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part of the sentencing judges intent; It was not error that the judge granted Appellant credit on both sentences. The Court transcripts corroborate the sentence sheets. However, error occurred in how the Department applied the credits to Appellant's sentence calculations.

Yes, Respondents argument would be correct if Appellant was only given credit on one sentence sheet. But it was the judges sentencing intent to give Appellant credit equally on both sentences. Since this is the case, Respondents argument must fail and Appellant should be given his credit accordingly pursuant Tant v. S.C.D.C., and both sentences ran concurrently, or his 2nd jail time credit should be applied once his first sentence is completed. Then the second subsequent sentence should be calculated accordingly with its proper jail time credit.

Just as it's mandatory a judge cannot deny a defendant credit for time served; S.C.D.C. cannot deny a person credit awarded by a sentencing judge, per the sentencing sheet.

III. Respondents Final Decision should be Overturned and Appellant given all his full-time jail credits per both sentence sheets.

Foremost, the record has not been conclusively established, as agreed by this court's order, and as argued in this brief and Appellant's Motion to Subpoena Documents. The Department has failed to address substantively each of Appellant's claims or issues. Their new brief is basically a duplicate of their original brief that was deemed vague, generic, and conclusory in nature; they had

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(6)

to show how they arrived in their decision. Furthermore, their decision is not supported by law or substantial evidence.

The Respondant's decision is clearly erroneous. However, Appellant has provided substantial evidence of his claim. Evidence that is supported by facts, records, and exhibits. (See all Appellants briefs and Exhibits.) Therefore, Appellant should be given all his jail time credits of approximately (20) months, and his consecutive sentences properly calculated.

This is a matter of law and is without question.

Respectfully Submitted
J. K. Massey

By:

John K. Massey, Jr. #305341
Maddourell Corr. Inst.
C18/10A
1516 Old Billard Road
Ridgeville, South Carolina 29472

December 17th, 2017

Ridgeville, South Carolina

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GENERAL COUNCIL

(7)

Exhibit D



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

December 29, 2017

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate John K. Massey, Jr., #305341, vs. SCDC
Docket No. 17-ALJ-04-0163-AP

Dear Judge Lenski:

Please allow this letter to serve as an update to the Court on the above referenced case. After meeting with the Division of Inmate Records, Appellant's jail time has been updated for his Grand Larceny conviction. This jail time stems from the time Appellant spent in jail prior to his March 31, 2015 Shoplifting conviction. R. p. 18. Page 7 of the Record, filed on November 17, 2017, shows 140 days of jail time for the Grand Larceny conviction; the Commitment Application enclosed herein has the updated jail time credit of 582 days. Also enclosed is an updated Conviction Summary, the prior version of which was page 1 of the above mentioned Record. Appellant's projected completion dates are now August 22, 2019 and August 17, 2020 for his Grand Larceny and Malicious Injury to Property convictions, respectively.

The additional jail time was not added to the Malicious Injury to Property conviction as it runs consecutive to Appellant's Grand Larceny conviction. The argument on this issue included in Respondent's December 7, 2017 Brief remains in place.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-1943.

Sincerely,

Kensey Barrett
Staff Attorney
Office of General Counsel

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JAN 29 2018

APPELLATE DEFENSE

Enclosures

cc: Inmate John K. Massey, Jr., #305341
File

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555

<http://www.doc.sc.gov> E-mail: corrections.info@doc.sc.gov

State of South Carolina
Administrative Law Court

John K. Massey, Jr. #305341
Appellant,

v.

South Carolina Department
of Corrections,
Respondent.

) Docket No. : 17-ALJ-04-0163-AP
) Grievance No. : NAECI 158-16
) Response to Court Order
October 24, 2017.
) Honorable S. Phillip Lenski
)

Statement of Facts

This case is before the Administrative Law Court (ALC) pursuant to the appeal of John K. Massey, Jr. Appellant filed an appeal with this Court March 31, 2017 that his jail time credits were not properly calculated and applied. Subsequently, the Department of Corrections (S.C.D.C.) conceded to one part of Appellant's argument, and one part remains in place: S.C.D.C. did not correctly apply Appellant's jail time credit correctly to his consecutive sentence per his sentence sheets. The Respondents December 7, 2017 Brief argues their facts; Appellant's December 16, 2017 Brief contest Respondents argument.

This court was notified Appellant had this issue before the Court of Appeals in State v. John K. Massey, Jr, case number 2015-002563. It was this Courts (ALC) opinion to hold this case in abeyance until the Court of Appeals ruled; this was ordered on October 24, 2017.

On Apr. 12, 2018, the Court of Appeals had oral argument pertaining to this issue. During the hearing the State argued this issue was Moot, because S.C.D.C. had already granted Appellant (582) days jail credit. Appellant did not object and accepted the State's position. This issue is no longer before the Court of Appeals. (see attached exhibits).

The remaining issue is ripe for adjudication; Respondent's failed to properly apply Appellant's jail time credit for his consecutive sentence. (see Appellant's Response to Respondent's 2nd Brief, December 16, 2017).

I. Appellant has already been granted his jail time credit (582) days; he should be given his jail time credit on his consecutive sentence, pursuant his Sentence sheet.

As adamantly challenged in Appellant's Response to Respondent's 2nd Brief, this Court should rule in Appellant's favor. Moreover, adding to Appellant's claim, both parties agree that the judge awarded jail time credit to both Appellant's Sentence Sheets. The Certainty of the sentence sheets are not disputed and which is a contract agreement between the Judge, Solicitor, and Appellant during the sentencing phase of Appellant's Trial, and was not objected to by either party. A sentence sheet is a binding contract.

Furthermore, in Tant v. S.C.D.C., 759 S.E. 2d 398 (2014), the Court ruled the Department of Corrections is held to the sentence sheet absent ambiguity.

Moreover, similar to Tant, just as the judge was silent as to whether Tant's sentences were to be served consecutive to one another, the judge in my case was silent in his pronouncement as to which consecutive sentence was to get the jail time credit. Instead, he granted Appellant equal credit to both sentence sheets.

For the following reasons stated in Appellate's Response to Respondents 2nd Brief, and according to controlling law held in Tant v. S.C.D.C., Appellant's consecutive sentences should be construed in defendant's favor - the Appellant - and run concurrent, or both sentence sheets given equal jail time credit and calculated accordingly.

Respectfully Submitted,
John K. Massey, Jr.

April, 2018
Ridgeville, South Carolina

By:
John K. Massey, Jr. # 305341
MacDougall Correctional Inst.
1516 Old Gilliard Road
Ridgeville, S.C. 29472

Certificate of Service

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

A. The Honorable S. Phillip Lewis
South Carolina Administrative Law Court
Edgar A. Brown Bldg, Ste 224
1205 Pendleton St.
Columbia, S.C. 29201

B. Office of General Counsel
South Carolina Dept. of Corrections
4444 Broad River Rd.
P.O. Box 21787
Columbia, S.C. 29221-1787

Ridgewille, South Carolina

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GENERAL COUNSEL

John K. Massey, Jr. #305341
Maedougall Correctional Inst
1516 Old Gillard Rd.
Ridgewille, S.C. 29472



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 13, 2018

Mr. John Kenneth Massey, Jr. #305341
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, SC 29472

Re: The State v. John Kenneth Massey, Jr.

Dear Mr. Massey:

Please call me after April 17, 2018, so that we can discuss what transpired during the oral argument in your case. According to the state, the Department of Corrections has given you 582 days of credit for time served. The state will likely move to have the final issue in our brief dismissed as moot due to the actions of the Department of Corrections. I would like to discuss this with you in greater detail. Therefore, I am asking that you please call me after April 17, 2018.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/

COPY

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

John Kenneth Massey, Jr., #305341,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 17-ALJ-04-0163-AP

) [Grievance No.: MACCI 158-16]

) Hon. S. Phillip Lenski

) **RESPONDENT'S REPLY TO**
) **APPELLANT'S RESPONSE**

Appellant filed a response in this case on April 20, 2018, in which he reiterates his position that SCDC has not properly calculated his sentence. Respondent disagrees and incorporates by reference here its July 27, 2017 Brief, which details Appellant's jail time credits and their application. Respondent filed a complete record on November 17, 2017 pursuant to this Court's October 24, 2017 Order. The record included documents that were already in Respondent's possession, through the SCDC Division of Inmate Records, as well as documents provided by the York County Solicitor's Office and obtained from the website for Court of Appeals. Respondent also filed an update with the Court, copying Appellant, on December 29, 2017 regarding the issue of Appellant's jail time credits. Respondent has, in good faith, filed everything that is relevant to this case and has no knowledge of additional documentation.

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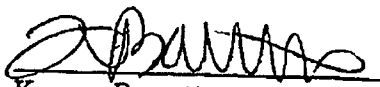
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GENERAL COUNSEL

November 28, 2018
Columbia, South Carolina

Respectfully Submitted,

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS



Kensey Barrett

Staff Attorney

S.C. Department of Corrections

4444 Broad River Road

Columbia, South Carolina 29221

(803) 896-8508

FILED

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SC ADMIN. LAW COURT

State of South Carolina
in the Administrative Law Court

John K. Massey, Sr., #305341
Appellant,

v.

South Carolina Department of
Corrections,
Respondent.

Docket No.: 17-ALJ-04-0163-A7

Grievance No.: MACCI 158-16

Hon. S. Philip Lenski

Appellant's Response to

Respondent's Reply

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Appellant contested his jail time credits through the Administrative Law Court (ALC). As a result, on December 29th, 2017, S.C.D.C. granted Appellant his contested time and updated his sentence. However, Appellant challenged and argued two (2) separate issues: (1). Appellant was not given his proper jail time credit; and (2). Appellant's jail time credits were not applied to his consecutive sentence per his sentence sheets.

Therefore on April 20th, 2018 Appellant filed a response pertaining to his case, and on November 28th, 2018 Respondents replied to the response filed by Appellant.

Appellant agrees to the amount of jail time granted, however, he insists Respondents should have granted this jail time credit to both his sentences: the Grand Larceny and the Malicious Injury to Property. Respondents consented in part to Appellant's Brief.

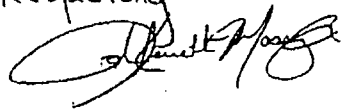
The sentencing Judge awarded Appellant equal jail time credit on both his sentencing sheets. (see Appellant's sentence sheets). This argument

Further discussed with a memorandum of law in Appellant's Response dated April 20th, 2018.

One issue concerning the initial jail time credits was also addressed by the Court of Appeals on April 12th, 2017, by Appellant's Counsel Susan B. Hackett. The State discussed with Appellant's Counsel to dismiss the issue as moot because S.C.D.C. had already awarded Appellant jail time credits and updated his sentence.

As of present, Appellant agrees to the (582) days jail time being granted; however, he argues his other jail time credit issue has not been addressed: The jail time credits were not applied to his consecutive sentence as prescribed by his sentencing sheets contractual agreement, and the sentencing Judge's intent. (see Appellant's Response April 20th, 2018).

This argument remains in place and Appellant is awaiting this court's ruling. According to controlling law this discrepancy should be construed in Appellant's favor.

Respectfully Submitted


John K. Messer, Jr., # 355341
Madduxall Correctional Inst.
1516 Old Gillard Rd.
Ridgeville, South Carolina
29472

December 5th, 2018

Ridgeville, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable Paul M. Burch, Circuit Court Judge
Appellate Case No. 2015-002563

THE STATE,

Respondent,

vs.

JOHN KENNETH MASSEY, JR.,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

Post Office Box 11549
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KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit

1675-1A York Highway
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York, SC 29745
(803) 628-3020

ATTORNEYS FOR RESPONDENT

III.

The trial judge properly awarded Appellant credit for all the time he served in pre-trial detention in connection to the offenses for which he was charged in the case sub judice in compliance with the mandates of S.C. Code Ann. § 24-13-40.

Appellant contends the trial judge erred by failing to award him with all the credit for time served he believes he should have received. In support of that contention, Appellant acknowledges he received credit for the time he served in pre-trial detention following his arrest for the charged offenses prior to being released on bond. Appellant further acknowledges he received credit for the time he served as a pre-trial detainee in connection to the charged offenses after he was returned to York County following the completion of a prison sentence he received on an unrelated offense. However, Appellant contends the trial judge erred by not also awarding him with credit for the period in time he was held as a pre-trial detainee in connection to other charges after he was re-arrested for new offenses committed while he was out of custody on bond in connection to the charges involved in the case sub judice.²⁹ Importantly, because Appellant was held in custody on unrelated charges committed while he was out on bond, which nothing in the record suggests was ever revoked, and not on the charges involved in the matter currently before the appellate court, Appellant was not serving any time on the charges involved in his appeal while he was incarcerated on the other charges and, thus, was not entitled to any credit towards his sentence for that time. Accordingly, the trial judge committed no error in only awarding Appellant with the credit for time served he was entitled to under the mandates of S.C. Code Ann. § 24-13-40. Appellant's convictions and sentence should be affirmed.

²⁹ In making that argument on appeal, Appellant contends the solicitor indicated during the sentencing proceedings he had previously offered Appellant a "time-served sentence" if he was willing to plead guilty to the charged offenses. (App. Br. p. 33). Contrary to that contention, nothing in the record from the sentencing proceedings establishes the solicitor ever made such an offer. (Tr. pp. 375-387). Instead, the record establishes a circuit court judge who later recused himself from Appellant's case indicated he was inclined to sentence Appellant to time-served on the charged offenses if he was willing to plead guilty. (Tr. p. 384).

Based on South Carolina law, “[t]he requirement that a prisoner receive credit for time served is mandatory.” Hayes v. State, 413 S.C. 553, 559, 777 S.E.2d 6, 10 (Ct. App. 2015), cert. dismissed as improvidently granted, 418 S.C. 362, 792 S.E.2d 907 (2016); see also State v. McCord, 349 S.C. 477, 487, 562 S.E.2d 689, 694 (Ct. App. 2002) (“[T]his matter is not discretionary with the trial court.”). Specifically, pursuant to Section 24-13-40 of the South Carolina Code of Laws, “full credit against the sentence must be given for time served prior to trial and sentencing” when computing the time served by a criminal defendant. See S.C. Code Ann. § 24-13-40 (“In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spend under monitored house arrest.”). However, under the mandates of that statutory provision, “credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.” Id. “Thus, a prisoner will receive credit for time served unless either (1) they were an escapee or (2) the prisoner was already serving a sentence on a different offense.” Hayes, 413 S.C. at 560, 777 S.E.2d at 10.

Notably, in Allen v. State, 339 S.C. 393, 394, 529 S.E.2d 541, 541 (2000), the South Carolina Supreme Court addressed an appellate challenge to the denial of credit for time served. In that case, Allen was arrested for three offenses and imprisoned for eighteen days before he was released on bond. Id. Thereafter, while out on bond, Allen committed two additional offenses, was re-arrested and imprisoned on those charges, had his bond revoked on the original three charges, and remained imprisoned on all five charges for a number of months until he pled

guilty to all the charges. Id. Following his guilty plea, Allen unsuccessfully sought post-conviction relief on the basis he was not given credit for time served on his original three charges for the time period beginning with his re-arrest on the other two charges and ending with his guilty plea. Id. On appeal, the Supreme Court reversed. Id. In reversing, the Supreme Court analyzed Section 24-13-40 and noted it “mandates a prisoner be given credit for all time served prior to trial unless one of two exceptions exist: 1) either the prisoner was an escapee or 2) the prisoner was already serving a sentence on one offense.” Id. at 395, 529 S.E.2d at 542. After considering the language of that statutory provision, the Supreme Court found neither exception was applicable to Allen’s case in light of the fact he was not an escapee or serving any sentence at the time of his re-arrest. Id. Furthermore and importantly, the Supreme Court continued its analysis and specifically noted “Allen’s bond was revoked on the first set charges[.]” and, therefore, Allen was “clearly in custody on all charges” from the date of his re-arrest until the date of his guilty plea.”³⁰ Id. at 396, 529 S.E.2d at 542 (emphasis in original). For those reasons, the Supreme Court found Allen was entitled to credit for the time he served following his re-arrest on the additional charges. Id.

In the case sub judice, Appellant was held in pre-trial custody for the indicted offenses from the date of his arrest for those crimes – July 17, 2013 – until he was released on bond on those charges on August 27, 2013. Similarly, Appellant was again held in pre-trial custody for the indicted offenses for a period of ninety-nine days after he was returned to York County upon

³⁰ Significantly, if the revocation of Allen’s bond on the first set of charges was irrelevant to the analysis in regard to his entitlement to credit for time served, there would have been no reason for it to be discussed in the Supreme Court’s opinion in Allen’s case. See Atl. Coast Builders & Contractors, LLC v. Lewis, 398 S.C. 323, 331, n. 4, 730 S.E.2d 282, 286 (2012) (“For as former Chief Judge Alex Sanders famously wrote, ‘[A]ppellate courts in this state, like well-behaved children, do not speak unless spoken to and do not answer questions they are not asked.’” (citation omitted and brackets in original)); see generally Davenport v. City of Rock Hill, 315 S.C. 114, 117, 432 S.E.2d 451, 453 (1993) (“This Court is bound to presume that the framers of the constitution had some purpose in inserting every clause and every word contained in the document. It is never to be supposed that a single word was inserted in the law of this state without the intention of thereby conveying some meaning.”).

completion of a prison sentence imposed on March 31, 2015, for a shoplifting conviction. Unquestionably, because he was held as a pre-trial detainee on the charges involved in this appeal during that time period, he was entitled to credit for that time served pursuant to the mandates of Section 24-13-40, and the trial judge correctly awarded Appellant with credit for the time he served during that time period.

Regarding the period of time Appellant was held in custody beginning with his re-arrest on new charges and ending with the imposition of his term of incarceration for the shoplifting conviction, Appellant – like the defendant in Allen – was not an escapee and was not yet serving any sentence during that time period. Thus, none of the exceptions delineated in Section 24-13-40 were applicable in Appellant's case regarding that particular period of time. See S.C. Code Ann. § 24-13-40 (mandating "credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense"); cf. Allen, 339 S.C. at 395, 529 S.E.2d at 542 ("Here, neither exception applies as Allen was neither an escapee nor was he serving any sentence at the time of his June 26th arrest. On the contrary, Allen was awaiting trial and sentencing on all offenses from June 26th through Sept. 12th.").

Nonetheless, regardless of the inapplicability of the statutory exceptions delineated in Section 24-13-140, Appellant was not entitled to credit for time served for the time period beginning with his re-arrest and ending with his shoplifting conviction because, unlike in Allen, there is no evidence in the record establishing Appellant's bond on the indicted charges was ever revoked at any point following his re-arrest on the subsequent charges. In light of that critical

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fact, Appellant – unlike the defendant in Allen – was not “clearly in custody” on all the offenses for which he had been arrested from the time period of his re-arrest going forward. Cf. Allen, 339 S.C. at 396, 529 S.E.2d at 542 (“Moreover, Allen’s bond was revoked on the first set of charges. He was, therefore, clearly in custody on all charges from June 26th through September 12th.” (emphasis in original)). Instead, Appellant was solely in custody as a pre-trial detainee for the new charges on which he had not been released on bond without revocation. See People v. Arnhold, 115 Ill. 2d 379, 383, 504 N.E.2d 100, 101 (Ill. 1987) (“[A] defendant who is out on bond on one charge, and who is subsequently rearrested and returned to custody on another charge, is not returned to custody on the first charge until his bond is withdrawn or revoked.”). Under those circumstances, Appellant logically was not entitled to credit for time served for the indicted charges during that time period because he was not actually serving any time in connection to those charges at that time. See People v. Nesbit, 407 Ill. Dec. 883, 892, 64 N.E.3d 682, 691 (Ill. App. Ct. 2016) (“A criminal defendant is entitled to credit against his sentence for each day he spends in pretrial custody. Our supreme court has clarified that ‘a defendant who is out on bond on one charge, and who is subsequently rearrested and returned to custody on another charge, is not returned to custody on the first charge [for the purposes of custody credit] until his bond is withdrawn or revoked.’ Once a defendant in that scenario withdraws or surrenders his bond, he is considered in custody on both offenses and earns credit against each for each day in custody.” (citations and footnote omitted and brackets in original)); State v. Pavey, 356 Mont. 248, 257, 231 P.3d 1104, 1110 (Mont. 2010) (“[I]f his bond was never revoked, then he was not incarcerated on the drug possession charge after his release on July 25, 2002, and he thus was not entitled to receive credit against the drug possession sentence for time served after his re-arrest on September 19, 2002.”); cf. Clifton v. State, 905 So. 2d 1042,

1043 (Fla. Dist. Ct. App. 2005) ("These logs suggest that Mr. Clifton was released on bond in May 2002 and that the bond was never revoked when he was returned to jail in July 2002. If that is the case, then he is only entitled to jail credit on these two cases from the date when the bond was revoked.").

Because the trial judge awarded Appellant with credit for all the time he served as a pre-trial detainee in connection to the charged offenses, Appellant received the sentencing credit he was entitled to under the law, and the trial judge committed no error of any kind in regard to Appellant's sentence. See S.C. Code Ann. § 24-13-40 ("In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spend under monitored house arrest."); see also Allen, 339 S.C. at 396, 529 S.E.2d at 542 (considering the fact Allen's bond on his first set of charges was revoked in finding he was entitled to credit for time served as a pre-trial detainee after that bond had been revoked). As a result, there is no basis to disturb Appellant's sentence on appeal. See State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("[T]his Court has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive."). Appellant's convictions and sentence should be affirmed.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN KENNETH MASSEY, JR.,

APPELLANT

APPELLATE CASE NO 2015-002563

INITIAL BRIEF OF APPELLANT

SUSAN B. HACKETT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

III. The trial judge erred in failing to credit Appellant with time served in pre-trial detention awaiting disposition of the charges in direct contravention of the mandatory statutory provision and controlling case law.

Relevant facts

During the sentencing proceeding, the solicitor informed the judge that on March 31, 2015, he tried Appellant for shoplifting. Tr. 377, ll. 5-6. Appellant was found guilty and sentenced to three years' imprisonment. Tr. 377, l. 7; R. *(Court's Exhibit #5). Concerning the sentences imposed for grand larceny and malicious injury to property, the solicitor argued that Appellant was entitled to credit for time served of only 99 days. Tr. 377, ll. 11-13. He admitted Appellant had "been detained for two some-odd years," but argued Appellant was not entitled to that time because "[h]e got credit for that two some-odd years for his shoplifting sentence." Tr. 377, ll. 14-15. The solicitor then cited the statute governing computation for time served and argued Appellant "wouldn't be able to draw upon the credit that he has that he was able to use for his three-year on the shoplifting." Tr. 377, ll. 15-25. According to the solicitor, Appellant "finished his three-year sentence in about seven months" and thereafter, he had been in the jail for 99 days awaiting trial on the two charges for which he was convicted during this trial. Tr. 378, ll. 19-23. Begrudgingly, the solicitor admitted that Appellant was arrested on these charges on July 17, 2013, and bonded out on August 27, 2013, entitling him to another 41 days. Tr. 379, ll. 3-15. In total, the solicitor argued Appellant was entitled to only 140 days' of credit for the time he served in pre-trial detention.

In contradiction to the argument he was presenting during the sentencing proceeding, the solicitor stated that at some point prior to trial, Appellant offered to plead guilty to everything in exchange for a seven-year sentence, and the solicitor accepted the offer. Tr. 384, ll. 5-8.

However, Appellant subsequently changed his mind. Tr. 384, l. 8. The solicitor also indicated he had offered Appellant "a time-served sentence," which would "allow him the credit for the three years, the three years to run concurrent and that - - and - - to run concurrent to the three year sentence he got on the shoplifting." Tr. 386, ll. 13-21. Pursuant to this line of reasoning, it appeared the solicitor was arguing that Appellant was entitled to receive credit for time served on his grand larceny and malicious injury to property sentences, including the time after his arrest for shoplifting, but only if Appellant entered guilty pleas to all of the charges.

Appellant informed the judge that he had been incarcerated since December 30, 2013, and was entitled to credit for all the time he served awaiting disposition of the grand larceny and malicious injury to property charges. Tr. 379, l. 25 - Tr. 380, l. 6. Appellant further explained that he had "been detained over two years" awaiting trial on the charges. Tr. 383, ll. 20-21. According to the sentence sheet for the shoplifting conviction, Appellant was sentenced on March 31, 2015, following a trial, and received credit for fifteen months of time served. R. *(Court's Exhibit #5). The indictment and sentence sheet indicated the shoplifting occurred on December 19, 2013. R. *(Court's Exhibit #5).

Judge Burch agreed with the solicitor's construction of the statute and ordered that Appellant receive only 140 days of credit for time served during pre-trial detention despite Appellant's objection and clear evidence in the record that he was detained for two years. Tr. 387, ll. 18-20; R. *(sentence sheets).

Discussion

Statutory interpretation is a question of law. See Bryant v. State, 384 S.C. 525, 529, 683 S.E.2d 280, 282 (2009) (citing Catawba Indian Tribe of S.C. v. State, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007)). This Court is "free to decide a question of law with no particular

deference to the circuit court." Id. at 524, 642 S.E.2d at 753. "A statute's language must be construed in light of the intended purpose of the statute. Whenever possible, legislative intent should be found in the plain language of the statute itself." State v. Gaines, 380 S.C. 23, 33, 667 S.E.2d 728, 733 (2008). The cardinal rule of statutory construction is to ascertain and give effect to the intent of the legislature. Charleston County Sch. Dist. v. State Budget and Control Bd., 313 S.C. 1, 5, 437 S.E.2d 6, 8 (1993). Under the plain meaning rule, the court should not alter the meaning of a clear and unambiguous statute. In re Vincent J., 333 S.C. 233, 235, 509 S.E.2d 261, 262 (1998) (citations omitted). Where the statute's language is plain and unambiguous, conveying a clear and definite meaning, the rules of statutory interpretation are not needed and the court should not impose another meaning. Id. (citing Paschal v. State Election Comm'n, 317 S.C. 434, 454 S.E.2d 890 (1995)). "What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature." Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). In other words, "[t]he legislature's intent should be ascertained primarily from the plain language of the statute." State v. Sweat, 379 S.C. 367, 375, 665 S.E.2d 645, 649 (Ct. App. 2008). The language of the statute "must be read in a sense which harmonizes with the subject matter and accordance with its general purpose." Id.

It has long been settled that the section of the statute discussing credit for time served prior to trial is mandatory. State v. McCord, 349 S.C. 477, 487, 562 S.E.2d 689, 694 (Ct. App. 2002).

Section 24-13-40 of the South Carolina Code provides:

The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time

served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

(emphasis added). As recognized by this Court, the statute "mandates prisoners receive credit for the time they served prior to trial unless one of two exceptions exist, either: (1) the prisoner was an escapee or (2) the prisoner was already serving a sentence on a different offense. Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies." State v. Boggs, 388 S.C. 314, 316, 696 S.E.2d 597, 598 (Ct. App. 2002). The exception requiring interpretation in this case, and the one invoked by the solicitor, is the second one – a prisoner already serving a sentence on a different offense.

The seminal case interpreting this exception is Allen v. State, 339 S.C. 393, 529 S.E.2d 541 (2000). Ricky Lee Allen was arrested on June 4, 2006 for two counts of grand larceny and one count of malicious injury to property. Id. at 394, 529 S.E.2d at 541. He bonded out on June 22, 1996, after remaining in jail for 18 days. Id. On June 26, 1996, just four days later, he was arrested on separate charges. Id. His bond on his original charges was revoked as a result of his subsequent arrest. Id. Still in pre-trial detention, on September 12, 1996, Allen pled guilty to all offenses. Id. However, Allen did not receive credit for the time he served in jail from June 26, 1996, until September 12, 1996 on his original charges. Id. Allen filed a post-conviction relief application challenging the computation of credit for time served.

Interpreting S.C. Code Ann. § 24-13-40, the Supreme Court held Allen was entitled to credit for the time he spent incarcerated between June 26, 1996, and September 12, 1996. Id. at 395, 529 S.E.2d at 542. The Court explained that Allen was not serving any sentence at the time of his June 26 arrest. Id. Furthermore, his "bond was revoked on the first set of charges" and "[h]e was, therefore, clearly in custody on all charges from June 26th through September 12th." Id. at 396, 529 S.E.2d at 542 (emphasis in original). "Under the plain, unambiguous terms of the statute," the Court found "Allen [was] entitled to credit for the time served on the first set of charges between June 26th and September 12th." Id.

In accordance with Allen, supra, which presents remarkable similarities to the instant case, Appellant was entitled to 566 days in credit for time served. No one disputed Appellant was entitled to receive credit for the 41 days he spent in jail following his arrest on these charges on July 17, 2013, and prior to bonding out on August 27, 2013. See R. *(Arrest Warrants); R. *(Discharge). Appellant was arrested on shoplifting charges on December 19, 2013. Thereafter, Appellant was awaiting trial on the charges – not only for shoplifting, but for grand larceny and malicious injury to property as well. Pursuant to Allen, supra, and the unambiguous language of the mandatory statute, he was entitled to credit for the time he spent in the jail from December 19, 2013, until his trial on the shoplifting charge on March 31, 2015, a total of 467 days. Appellant admitted he was not entitled to credit for the time he spent at the Department of Corrections, serving his active sentence on the shoplifting charge. Additionally, Appellant was entitled to credit for the 99 days he spent at the local jail after completing his sentence for shoplifting, awaiting trial on these charges, which was undisputed by the solicitor. In total, Appellant was entitled to 566 days in credit for time served. The judge erred as a matter of law in denying Appellant credit. Appellant requests a remand for re-sentencing.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT
CASE NO.: 2013-GS-46-3508
03509
STATE OF SOUTH CAROLINA)
VS) TRANSCRIPT OF RECORD
(DAY 3 - VOLUME III)
JOHN KENNETH MASSEY) (PAGES 252 - 388)

DECEMBER 2, 2015
YORK, SOUTH CAROLINA

BEFORE THE HONORABLE PAUL BURCH

APPEARANCES:

MATTHEW HOGGE, ASSISTANT SOLICITOR
YORK, SOUTH CAROLINA

AUSTIN NEWMAN, ASSISTANT SOLICITOR
YORK, SOUTH CAROLINA

ATTORNEYS FOR THE STATE

JOHN KENNETH MASSEY, PRO SE

PHIL SMITH, ASSISTANT PUBLIC DEFENDER
YORK, SOUTH CAROLINA

STANDBY-COUNSEL FOR THE DEFENDANT

SHIRLEY BROOM
16TH Circuit Court Reporter

1 enforcement. There are some North Carolina charges; there
2 are no dispositions on his rap sheet for that. In June of
3 2012 he was convicted of forgery less than ten thousand
4 dollars, credit for time-served. I believe it was a 90 day
5 sentence. And March 31st -- March 31st of 2015 I tried Mr.
6 Massey for a shoplifting; the jury convicted Mr. Massey for
7 that shoplifting; he did three years on that sentence. He
8 currently has a pending case of a burglary charge involving
9 a theft of a four-wheeler from Chris Callahan's shop, Mr.
10 Callahan who he used to work for. That case is still
11 pending. He should have, by my calculations, 99 -- he has
12 been in our Department of Corrections for 99 days as of
13 today. Before that he has -- he's been detained for two
14 some-odd years, I believe. He got credit for that two
15 some-odd years for his shoplifting sentence, and I believe
16 that under the statute, the calculation of time-served, 24-
17 13-40, credit for time-served prior to trial and sentencing
18 shall not be given when the prisoner is serving a sentence
19 for one offense and is awaiting trial and sentenced for a
20 second offense, in which case he shall not receive credit
21 for time-served prior to trial and reduction of his
22 sentence for the second offense. So I believe under that
23 statute he wouldn't be able to draw upon the credit that he
24 has that he was able to use for his three-year on the
25 shoplifting. That being said, Mr. Massey has played the

sheriff's department with four-wheeler thefts throughout the years. This is his first actual conviction I believe for stealing a four-wheeler. Until Mr. Massey was arrested for this four-wheeler theft, the numbers for stolen four-wheelers in the county were a lot higher than they are now. They have dropped dramatically in number since he has been incarcerated. He has gotten probation again and again. As Your Honor heard, he was suspected of stealing this exact four-wheeler in May, a few months before this incident. That -- he's never been convicted of that. I do think it's relevant for sentencing purposes. He gets continued on probation again and again. I believe he's still currently on probation right now. The State feels that today should be judgment day for Mr. Massey. He continually goes out and steals from people again and again and again.

THE COURT - So with that said, according to your analysis, is there any -- are there any days of credit that he should receive?

MR. HOGGE - I think that the days credit that he should receive -- so he finished his three-year sentence in about seven months. He has been in our detention center after he completed that with SCDC -- he has been in our jail now for 99 days since that date, and then that would be in addition to how many days he spent in the jail before he bonded out on this charge. It would be at least one

1 day, and according to his booking information, (pause) I
2 believe it could -- it was several days before he bonded
3 out on this charge. It looks like he -- so he was arrested
4 July 17th of 2013 and then bonded out August 27th of 2013, so
5 it would be 99 plus however many days there are between
6 July 17th and August 27th.

7 THE COURT - Thirty-one days in July. And what -
8 - what day in August?

9 MR. HOGGE - The 27th. I can -- I've got a
10 calculator where I can ---

11 THE COURT - 27th day of August?

12 MR. HOGGE - Yes, Your Honor.

13 THE COURT - Be 27 plus 14.

14 MR. HOGGE - My mathematician says she thinks it's
15 41.

16 THE COURT - Okay. Well, Mr. Massey, when I asked
17 you the other day if you had courtroom experience, from
18 this record that was just quoted to me, you definitely had
19 ample courtroom experience apparently. But anyway, what
20 would you like to say in regards to this?

21 MR. MASSEY - May it please the Court, Your Honor?

22 THE COURT - Yes, sir.

23 MR. MASSEY - My record has not been branded
24 violent (phonetic); it doesn't reflect a bad person. It
25 reflects a person with addictions. I didn't quite

understand what Mr. Hogge was stating about the sentencing as far as the time-served. I have been incarcerated since December 30th, 2013. I don't know if that time can be applied as far as -- I don't know -- I don't understand what he's saying about that statute. I would like some more information on that. My mom also wanted to speak. I'm 40 years old, father of two. My son just graduated, went to college, first year. Daughter graduates from high school in two more years. I'm at the tail-end of my career. It's -- it's not much you can do to me, but I ask for leniency. I gave the Court respect. I learned my lessons over the years. I'm no stranger to incarceration. I've hurt my family a lot; I've hurt my kids a lot. I ask you to choose your sentence not off the rap sheet but the way I presented myself in the courtroom today.

THE COURT - And your mother's here?

MR. MASSEY - Yes, sir.

THE COURT - Be glad to hear from her.

(WHEREUPON, MR. MASSEY'S MOTHER APPROACHES)

THE COURT - Good afternoon.

MS. MACON - Hi.

THE COURT - I need your name.

MS. MACON - Huh?

THE COURT - I need your full name for the court reporter.

1 but I listened carefully, you've already had a four-year
2 sentence, you had a three-year sentence. I don't know what
3 else can be done. So it would be a tragedy to the citizens
4 of York County for me to show much leniency on you. And
5 that's just the bare-bone fact.

6 All right, I'm going to pass sentence on you, and
7 I at this time advise you, which you probably already
8 aware, that you have ten days to file a notice of appeal.
9 When I say ten days, that's ten days from the time of
10 sentencing, the date of sentencing, to file a notice of
11 appeal in order to preserve any appellate rights. On the
12 grand larceny, which if it was not enhanced, would carry
13 the maximum of five, with the enhancement you carry up to
14 ten, which you are fully aware of, the sentence of the
15 Court is that you be confined to the State Department of
16 Corrections for a period of ten years; 3509, malicious
17 injury to property, which is also an enhanced offense of up
18 to ten years, the sentence is two years consecutive. You
19 get credit for 140 days on these two sentences which are
20 consecutive.

21 Sheriff, I'm going to remand him to your custody
22 to be transferred to the Department of Corrections.

23 (WHEREUPON, COURT IN RECESS AT 4:50 P.M.)

24 (END OF TRANSCRIPT)

25 * * * * *

State of South Carolina.,)
)
)
)
County of York.)

In the General Sessions
Court of York
Case No. 2013-GS-46-03508
2013-GS-46-03509

State of South Carolina.,)
)
Plaintiff.,)
)
)
John Kenneth Massey.,)
Junior.,)
)
Defendant.)

Transcript of Record

October 30, 2015
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III, judge.

Mr. Matthew Hogge
Assistant Solicitor
Sixteenth Judicial Circuit
Union and York Counties
Moss Justice Center
1675 1-A York Hwy.
York, South Carolina 29475
For the Plaintiff

Mr. Phil Smith
Sixteenth Circuit Public Defender's Office
Union and York Counties
PO Box 691
York, South Carolina 29745-0691
For the Defendant

Wanda S. Nelson, CVR-M
Official Court Reporter
Sixteenth Judicial Circuit
To the Honorable John C. Hayes, III

1 that weeks there's a letter either to one of the judges
2 here, the Supreme Court, the Disciplinary Council, the
3 Clerk of Court and I just think he's got some frustration
4 with my assessment of some of his motions and cases and
5 wishes to address the Court concerning those matters.

6 THE COURT: All right. Mr. Massey, you're welcome to
7 speak but keeping in mind that what you say is recorded and
8 it could be used against you if this case goes -- if any of
9 these cases go to trial. Do you understand that?

10 MR. MASSEY: Yes, sir.

11 THE COURT: All right.

12 MR. MASSEY: At this time, your Honor, I'd like to
13 state that I have a complaint against Phil Smith. SCDC
14 records I been incarcerated since December 30th, 2013. One
15 of the pending cases that he spoke of is over two and a
16 half years old. I was indicted October 17th, 2013. The
17 other case is like two years old. I been incarcerated here
18 or incarcerated the whole time. My main assessment is I
19 haven't been issued a bond or a bond hearing. I think it's
20 within my rights - constitutional rights to have been
21 provided a bond hearing or a means to get out.

22 I'm not charged with a capital offense. I been
23 intimated to my attorney Phil Smith that I would like for
24 him to put in for a motion for a fast and speedy trial
25 because these cases are way over due. When we went before

1 you in trial March 31st that was the later cases that I
2 previous. Mr. Hogge decided to try the shoplifting case
3 instead of the other two cases since I been back here
4 incarcerated at York County Detention Center since August
5 26th. The fiscal year is coming up for court terms and
6 there's not many left. I haven't been able to contact my
7 family or I have issues with the phone cause anything I
8 like as you say anything I say inside this facility is
9 monitored. Even if I call my mom and speak to about my
10 kids he wants to use it in some child - in trial as
11 evidence in chief.

12 I've also had issues with Mr. Hogge about Rule Five
13 and Six violations of giving Phil Smith evidence in this
14 case and this motion of Discovery and evidence in this
15 motion of this case. I'm not gonna allow him to take
16 evidence and work that out. If you got evidence in this
17 case it's not gonna -- You know he can't use it in this
18 case. He's trying to use it; that's issues of court.

19 Buy my main issue is having a bond hearing and have
20 attorney file a motion for fast and speedy trial so that
21 this can be resolved and speak about it.

22 THE COURT: What are you asking? What is your request
23 at this point?

24 MR. MASSEY: At this point if I may have a bond set
25 As he said I was charged first degree burglary. That

1 at this point is accommodate Mr. Massey to see that he does
2 have a bond hearing. And I understand why it hadn't been.
3 The issues may be Mr. Massey, that if you get a bond even
4 if it's a dollar if you got other charges that don't have a
5 bond on them you have to move -- You haven't made any
6 movement forward. But I think you are -- I know you are
7 correct in that you have a right to have even though you're
8 in on a revoked bond on another charge you have a right to
9 have a bond set on this. And also you're certainly to have
10 -- make a motion for a speedy trial. I just think that at
11 this point I feel until you get some clarification as to
12 what you're charge is then the matter is in the judge's
13 hand that the State -- Let me back up a little bit.

14 What at issue now is your motion to quash.

15 MR. MASSEY: Uh-huh.

16 THE COURT: So if there's any holdup I not gonna say
17 its based on your conduct but what -- put it on a motion
18 for something you did and so based on my understanding of
19 what the Supreme Court has said a fast and speedy trial.
20 I'm not saying you did this intentionally but if the holdup
21 is based on conduct of the defendant then the State doesn't
22 have to comply with a fast and speedy trial. So I'm trying
23 to help everybody work through all this so I know I'm
24 repeating myself. But bond hearing in thirty days after
25 Judge Griffith rules.

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

John K. Massey, Jr., #305341,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0163-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed March 31, 2017 by John Kenneth Massey, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). The Appellant appealed the decision of the Department to deny his grievances, which claimed his jail time credits had not been properly calculated and applied.

The precise issue relating to the Appellant's jail time credits in the instant case was pending before the Court of Appeals in *State v. John Kenneth Massey, Jr.*, Case No. 2015-002563 and therefore the court issued an Order on October 24, 2017 holding this case in abeyance. On December 29, 2017, the Department filed an update with the court, informing the court that the Appellant's jail time had been updated with a jail time credit of 582 days. On April 12, 2018, the Court of Appeals heard oral arguments on the Appellant's case. The Department argued that the issue was moot because the Department had given the Appellant 582 days of credit for time served. On April 20, 2018 the Appellant filed a Response to Court Order arguing that his consecutive sentences should be construed in his favor and run concurrent, or both sentence sheets be given equal jail time credit. The Department filed a Reply on December 3, 2018, stating that it has correctly applied the Appellant's jail time credit and properly calculated the Appellant's sentence.

DISCUSSION

Because this court exists to review the actions of administrative agencies and not the actions of circuit court judges, this court cannot rule on the validity of the Appellant's sentence. See *Engaging & Guarding Laurens County's Environment ("EAGLE") v. S.C. Dep't of Health & Envtl. Control*, 407 S.C. 334, 344, 755 S.E.2d 444, 449 (2014) (quoting S.C. Const. art. I, § 22) (recognizing ALC's function of reviewing administrative action under the South Carolina Constitution); *Jernigan v. State*, 340 S.C. 256, 259-60, 531 S.E.2d 507, 508-09 (2000) (citations

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omined) (distinguishing between collaterally challenging the validity of a sentence under post-conviction relief laws and non-collaterally seeking review of the Department's actions under the procedure established in *Al-Shabazz*). Instead, this court reviews the Appellant's case to determine if the Department is properly enforcing the Appellant's sentence, pursuant to the order of the circuit court judge and under the relevant laws. See *State v. Bennett*, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Cl. App. 2007).

The Appellant was given 140 days jail time credit for both his Grand Larceny and Malicious Injury to Property convictions, however, the Appellant's jail time has been updated for his Grand Larceny conviction with a jail time credit of 582 days. The additional time was not added to the Malicious Injury to Property conviction as it runs consecutive to the Appellant's Grand Larceny conviction. Since the Appellant's projected sentence completion dates have been recalculated, and his jail time credit appears to be properly amended, his appeal regarding his jail time credits is now moot. "An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy." *Curtis v. State*, 3435 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). A "case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief." *Id.* at 567-68, 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep't.* 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)).

THEREFORE, IT IS HEREBY ORDERED that the Appellant's appeal is **DISMISSED.**

AND IT IS SO ORDERED.

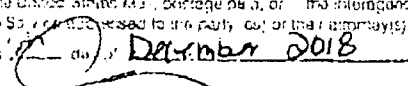


S. Philip Lenski
Administrative Law Judge

December 6, 2018
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action, upon all parties to this cause by depositing a copy thereof in the United States Mail, postage paid, or the intermediary Mail Service used, to the party, or to their attorney(s).

This 6 day of December 2018
by: 
Judge William C. C.