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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

Appeal from Administrative Law Court
Honorable HW Funderburk, Jr., Administrative Law Judge

Appellate Case No.: 2019-001291

Terry Smith 160785 Appellant

v.

South Carolina Department of Corrections Respondent

RECORD ON APPEAL

Terry Smith 160785 F4B
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010
Pro Se Appellant

Annie Rumler
P.O. Box 21787
Columbia, SC 29210
Attorney for Respondent

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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Terry Bo Smith, #160785

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 18-ALJ-04-0438-AP

Grievance No.: LCI 590-18

ORDER

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Terry Bo Smith (Appellant), an inmate incarcerated by the South Carolina Department of Corrections (Department or Respondent).

Appellant challenges the decision of the Department in denying Appellant's contention that his sentences should be recalculated because the start date of the sentences he is presently serving should have been earlier because of additional "time served" credit that he should have received on a previously completed sentence. Appellant argues that the start date of his 2006 sentences would have begun earlier had all "time served" credits been applied to his 1994 sentences which he completed on June 1, 2006.

This is the second appeal he has filed concerning this sentence calculation. On July 3, 2018, this Court remanded Appellant's previous case, 18-ALJ-04-0050-AP, and ordered Respondent to recalculate Appellant's sentence consistent with the Court's opinion. The Department apparently did so and notified Appellant of its final agency decision in the matter on August 24, 2018. Appellant subsequently filed this Notice of Appeal on September 5, 2018.

FACTS AND PROCEDURAL HISTORY

On April 27, 1994, Appellant was sentenced to ten (10) years on indictment number 1994-GS-11-132, for Assault and Battery of a High and Aggravated Nature (ABHAN). He received credit for 103 days that he served on the charge prior to sentencing. On August 9, 1994, Appellant was sentenced to ten (10) years on indictment number 1994-GS-11-949 for Distribution of Crack (Distribution). This sentence was ordered to run consecutively to the ABHAN sentence. Appellant

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SC ADMIN. LAW COURT

completed his sentence for ABHAN on August 14, 1999, and began serving his Distribution sentence.

On August 2, 2000, Appellant was released on parole. Appellant was on parole from August 2, 2000, until May 1, 2002, when he absconded from supervision. On May 2, 2002, Spartanburg County issued a warrant alleging that Appellant had violated his parole. Appellant was served with the Spartanburg County warrant on January 17, 2004; however, during the period between issuance of the warrant and his subsequent arrest on that warrant, Appellant spent time incarcerated in Canada and New York beginning in July 2002 and ending upon his extradition to South Carolina where he was served with the warrant. Appellant's parole was revoked on March 1, 2004, and he returned to SCDC two days later to complete the remainder of the Distribution sentence.

Appellant completed his sentence and was released on June 1, 2006. Including the time of incarceration on the original sentence (2,282 days from May 5, 1994 to August 2, 2000), the time he spent on parole prior to the issuance of his warrant for absconding (638 days from August 3, 2000 to May 2, 2002), and the time of incarceration after his parole revocation (867 days from January 17, 2004 to June 1, 2006), Appellant served approximately 10 years and 4 months, or 3,787 days on the 20 years of consecutive sentences he received for his 1994 ABHAN and Distribution convictions.

Also, during the period between the issuance of the parole violation warrant and his subsequent arrest on that warrant, Appellant committed the offenses of Common Law Robbery and ABHAN on May 21, 2002, and the offenses of Armed Robbery, Kidnapping, and Carjacking with Great Bodily Injury on June 28, 2002. On October 16, 2006, Appellant pled guilty to the charges and was concurrently sentenced as follows: Common Law Robbery (Indictment 2006-GS-42-3933) – 15 years; ABHAN (Indictment 2006-GS-42-3932) – 10 years; Armed Robbery (Indictment 2004-GS-42-2037) – 23 years; Kidnapping (Indictment 2004-GS-42-2036) – 23 years; and Carjacking with Great Bodily Injury (Indictment 2004-GS-42-2035) – 20 years. Appellant was given 189 days of credit for time served on these charges. This credit was applied by backdating his sentence starting date to April 10, 2006, thereby applying the 189 days credit to his actual sentencing date on October 16, 2006.

Appellant argues that he should have been given credit for the time he served in New York (507 days). He claims that time should have been applied to his 1994 Distribution sentence. Had this

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time been applied by the Department, Appellant asserts that he would have finished serving the Distribution sentence earlier than June 1, 2006, and would have begun serving the sentences for which he is now incarcerated earlier. He, therefore, believes he is entitled to have this additional credit applied to his current sentence.

STANDARD OF REVIEW

The ALC's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The ALC's appellate jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his/her sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing because of a serious rule violation. *Id.*

When reviewing the SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 380, 527 S.E.2d at 756. Consequently, the review in these cases is limited to the record presented. An Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole record, arbitrary, or affected by an error of law. *See* S.C. Code Ann. § 1-23-380(5) (Supp. 2018).

DISCUSSION

As outlined above, Appellant completed his 1994 sentences for ABHAN and Distribution on June 1, 2006. Subsequently, he pled guilty and was sentenced for the charges for which he is presently incarcerated on October 16, 2006. The "time served" credit for Appellant's previous offenses would have no impact on his present 2006 sentences as they are unrelated and were completed prior to the imposition of the present sentences.

The Court also finds this issue to be moot. Appellant completed the sentence on the 1994 charges in 2006. Applying additional credit to them can have no effect on them or on the current sentences.

Appellant was credited with 189 days of "time served" for the 2006 sentences. To apply this credit his sentence start date was backdated to April 10, 2006.¹ Since Appellant's sentence start date was

¹ To give inmates "time served" credit, the Department utilizes this administrative fiction to calculate the sentence ending date.

recorded as April 10, 2006, it may appear that Appellant's current sentences were imposed prior to his completion of the 1994 sentences. Appellant argues that this is the case and further states that, had proper credit been applied to his 1994 sentences, he would have finished them earlier and therefore could have started his present sentence earlier as well.

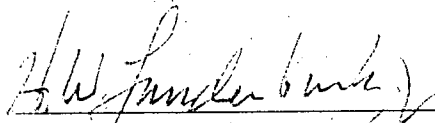
This argument is without merit as the completion date of Appellant's 1994 sentences has no bearing on the calculation of the sentences he is presently serving. Regardless, Appellant's current sentences were not imposed until several months after Appellant had completed the prior sentences. The April 10, 2006, start date is simply the date used by the Department to credit "time served" so as to compute the sentence-ending date.

In conclusion, I find substantial evidence supports the Department's calculations and conclude that they result from a proper application of the law. Appellant's sentences have been accurately adjusted for "time served" credit. It is therefore.

ORDERED that the Department's decision is **AFFIRMED**.

AND IT IS SO ORDERED.

July 22, 2019
Columbia, South Carolina


H.W. Funderburk, Jr.
Administrative Law Judge

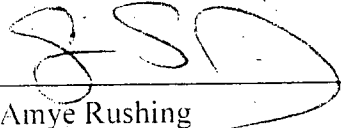
CERTIFICATE OF SERVICE

I, Amye Rushing, hereby certify that I have this date served this Order upon all parties to this case by depositing a copy hereof, in the United States mail, postage paid, inter-agency, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Kensey Barrett
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia, SC 29211

Terry Bo Smith
#160785
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

July 22, 2019
Columbia, South Carolina



Amye Rushing
SCALC

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SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

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File 10/9/17

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INMATE NAME: Jerry Smith
SCDC NUMBER: 160785
INSTITUTION: Lee Ct
HOUSING UNIT: F-4-122.8
WORK ASSIGNMENT: _____

OCT 27

INMATE GRIEVANCE

OCT 23 2017

Office Use Only
Grievance No. 0390-17
Code 1 General RECORDS
Policy _____
Disc. Hear. _____
Class. 10/25/17
Date Received 10/25/17
IGC Initials KH

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

I grieve the continued failure of SCDC to properly calculate time served on my 10 year nonviolent sentence that began on 8/9/1994. I was entitled to both good-time and EWC credits on this sentence; good-time credits accrued at 20 days per 30 days served, and accordingly, I could serve no more than 60 percent of any sentence unless I was penalized good-time and recieved no EWCs whatsoever. But I served from 8/9/1994 until 6/5/2006 on this same 10 year sentence. A straight max-out calculation without EWCs comes to 6 years absolute, but I served 12 years at the direction of SCDC. Plainly, SCDC made an error. Even if I count out the time spent on parole, and two months spent off supervision (parole period began 8/2/2000, ended 5/2/2002, and I returned to custody on 7/13/2002), no form of sentence calculation can explain that amount of time served on a 10 year nonviolent sentence.

Further, since the start-time of my current sentence was calculated from the end-time of my previous sentence, my current sentence has also been miscalculated. I have complained continually about this miscalculation since my return to custody in 2002, and SCDC ignored my complaints (the recent RISM's represent only my efforts while at Lee CI). The continuous failure to correct this error amounts to abuse, indifference, and negligence on the part of all participants. I have been unjustly deprived of liberty by this failure.

Jerry Smith 10-17-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

See reverse side for final
Agency response.

[Signature] 1/20/18
Signature Date

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)

INMATE GRIEVANCE

I have reviewed your concern. In your grievance, you stated that your sentence has not been properly calculated. You further stated that your good time and EWCs have not been included in the calculation. You would like for your credits to be added to your incarcerated sentence and the same be corrected. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated August 17, 2017. You violated SC Code of Laws 16-3-910, offense Kidnapping; Common Law Assault and Battery of High and Aggravated Nature; 16-11-325, offense Common Law Robbery; and 16-11-330A, offense Armed Robbery; 16-3-1075, offense Carjacking. You were sentenced to 23 years, 10 years, 15 years, and 23 years and 20 years for those offenses. You also have a charge for Crack Distribution. All credits have been reflected in your incarcerated sentence and your sentence is correct. Your projected released date is 10/22/2025. If you still do not understand your sentence, you are advised to speak with your local classification caseworker.

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.

Date 10/19/17

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Terry Bo Smith SCDC NUMBER: 160785 INSTITUTION: Lee Correctional Institution HOUSING UNIT: F4B 1228 MAY 26 2017 WORK ASSIGNMENT: Education DP	OFFICE USE ONLY Grievance No. LECT 0390-17 Code: General Policy Disc. Hear. Class. PREA Date Received 5/30/17 IGC Initials Kell
---	--

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I am grieving the failure of SCDC to properly calculate time served and apply Earned Work Credits (EWC) for my previous Crack Distribution conviction and the beginning of my current sentence. I have written numerous request to Staff Members (RTSM's) on the State kiosk system as well as one paper RTSM to State Classification to no avail. (See RTSM 16-273930; 16-354494; 16-387210; 17-434444; 17-458863; 17-459041; 17-487700; and attached paper RTSM).

I was informed (RTSM 16-387210) that the Crack Distribution conviction began 8-9-1994 and ended 6-5-2006. Since this was only a 10 year sentence, how could I serve almost 12 years on a ten year sentence? I obviously was not given credit for EWC's earned, time served on parole, time served while incarcerated in Canada awaiting extradition to the United States and time served awaiting extradition from New York to South Carolina.

Additionally, though the system shows me arrested on 8-28-2002, I was actually arrested 7-13-2002. Apparently South Carolina was not notified until 8-28-2002. (See Niagara Regional Police Service-Vehicle Report).

I grieve the failure of SCDC to apply EWC's, failure to give credit for the time served on parole, failure to give credit for time served awaiting extradition from Canada to the US, and failure to give credit for the time served awaiting extradition from New York to South Carolina, and actual time served on the 10 year sentence that began 8-9-1994 and ended 6-5-2006. Had I been given proper credit, my current sentence would have begun sooner than 2006.

My last discussion with Mr. McKenzie on this matter occurred on 5-24-17 with no change to this issue. Therefore I am left with no option but to grieve the issue.

5-26-17

Date

Terry Smith

ACTION REQUESTED:

To BE GIVEN CREDIT FOR EARNED WORK CREDITS, To BE GIVEN CREDIT FOR TIME SERVED ON PAROLE, To BE GIVEN CREDIT FOR TIME SERVED AWAITING EXTRADITION FROM CANADA AND NEW YORK TO SOUTH CAROLINA, AND ACTUAL TIME SERVED ON THE 10-YEAR CRACK DISTRIBUTION SENTENCE THAT BEGAN 8-9-1994, AND TO RE-CALCULATE THE END DATE, AND MODIFY THE BEGIN DATE ON THE CURRENT SENTENCE.

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

5/11/17 *[Signature]*

IGC Signature

Date

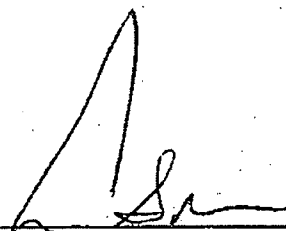
WARDEN'S DECISION AND REASON:

Inmate Smith:

This is in response to LEECI-0390-17. I have reviewed your grievance and the facts. A thorough review of your sentencing sheet has been conducted. It is noted that Inmate Records Office has verified that you have been given credit for time served from New York and Canada. There were two discrepancies found with your EWCs in 2008 and 2010. An EWC Backdate Request has been sent to Ms. Joette Scarborough, Division Director of Classification and Inmate Records. It is being requested that your EWCs be corrected to reflect an effective open date of February 6, 2008 after your transfer to McCormick CI and your EWCs be corrected to reflect an effective open date of May 26, 2010 upon your returning from Spartanburg County back to Lee CI.

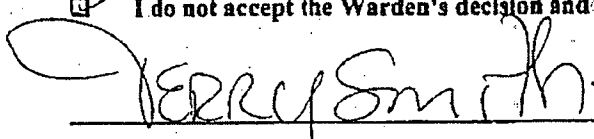
If you should have any further classification concerns, I suggest that you address them with your assigned Classification Caseworker, Ms. McKenzie. In accordance with Agency Policy, OP 21.04, "Inmates Classification Plan, and OP 21.09, "Inmate Records Plan", appropriate procedures are being followed. Based on this information, I see no further action warranted on this issue.

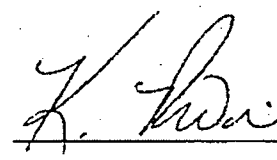
If not satisfied with my decision, you may appeal to the appropriate official within 5 days of receipt, via the Institutional Grievance Coordinator.

 8/17/17
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.

 10/12/17
Grievant Signature Date

 10/12/17
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,	)	Docket No: 18C0050
	)	[Grievance No: LEECI 590-17]
Appellant,	)	
	)	Honorable Funderburk
v	)	
	)	
South Carolina Department of Corrections,	)	Appellant's Brief
	)	
Respondent.	)	
_____	)	

Statement of the Issues on Appeal

- I. Did the South Carolina Department of Corrections ("SCDC") properly construct and compute Terry Smith's ("Appellant") 1994 sentences, from which SCDC constructed the start-date of the Appellant's 2006 sentences by the act of releasing him for trial?
- II. Is SCDC entitled to hold Appellant in custody by calculating his sentence pursuant to SC Code Ann Section 24-13-40 when the usage of the statutory provision directly provokes violations of the Appellant's 6th, 8th, and 14th Amendment rights under the Constitution of the United States?

Statement of the Case

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed February 5, 2018, by Terry Smith ("Appellant"), an inmate incarcerated in the South Carolina Department of Corrections ("SCDC"). Appellant appeals SCDC's Final Agency Response to Appellant's original grievance of May 26, 2017. The case was assigned to Judge Funderburk on February 23, 2018. The grievance proceeds from Respondent's

miscomputation of Appellant's prior sentence that began in 1994, which miscomputation proceeded forward into the computation of the start of Appellant's current sentence.

SCDC contends, in its Final Agency Response of January 20, 2018, that no miscomputation has occurred. In the Step One response to Appellant's grievance, SCDC admitted a minor miscalculation that failed to address the enormity of the actual miscalculation.

Argument

I. Generally, SCDC uses an ancient and indecipherable record-keeping system, and that record is unclear about the date of certain charges (a Pointing charge from Cherokee County listed for 1989 and 1993, with a fictitious release to Cherokee County in 2006, evidently shifting as needed to support SCDC's actions) and unclear about the impact of the Murder conviction overturned by the Supreme Court of South Carolina in 1996. The printed record overall does not establish the accumulation of Good Time or EWC, the tolling of time served, or even clearly indicate when sentences end. (At one point in the record provided, some unknown sentence terminates and the Appellant was listed as released—in 1993—but in fact was continuously in custody.) SCDC's records require several years of foreign language study for comprehension (a Master's Degree in Uncovering Obfuscation), and the Appellant has seen that SCDC's classification employees often require assistance to clarify matters in their own written records. The total time served cannot be properly calculated from the record provided.

In fact, since Classification Caseworkers often appeal to Central Classification for clarification on matters that are unclear in the record, and the Appellant is reminded, year after year, that he has a Murder charge (followed by an "oops" by the Classification worker), it is plain both that the record submitted by SCDC for the Appellant's inspection is both incomplete and incorrect, and that SCDC itself cannot understand the record or the policy constructing the

computation of sentences. This behavior becomes deliberate organizational indifference when it extends over a several year period that encompasses numerous staff members at various correctional institutions. Consequently, SCDC's computation of the Appellant's sentence should be presumed erroneous and receive a searching examination by this Court.

Appellant served two years parole after release in 2000, then spent 17 months in external custody, and more months awaiting extradition without revocation. This caused his 1994 sentence to expire prior to his trial in 2006, *but the Appellant was held in custody by SCDC until 2006*. Immediately prior to trial, the Appellant was hurriedly ejected from SCDC custody as a consequence of grievance complaints made while in that confinement.

Since this time was not properly spent in custody of SCDC, this time must be counted as part of the jail-time credit assigned by the sentencing court in 2006, but this time served has not been so counted. In fact, SCDC counts Appellant's sentence start-date as April 10, 2006, a full 45 months after his 2002 arrest for the 2002 charges belatedly tried in 2006. The time Appellant spent on parole without revocation is due to him as a sentence credit. See SC Code Ann Section 24-21-680 ("...as to whether the prisoner's parole should be revoked and whether he should be required to serve any part of the remaining *unserved* sentence"). In this case, Appellant served two years on parole, and the remaining sentence must consequently be two years less than a full computation.

Further, Appellant was physically confined beginning on July 13, 2002, and the writ of the 1994 court was running during the Appellant's entire confinement, both external and internal. Time spent in confinement after sentencing cannot be discounted merely by SCDC stating "I do not wish to count as credit *this particular count of days* served in confinement or on parole". All time served is served, and in this particular case the court made no holding as to concurrent or consecutive service of the charge confined (in Canada), and therefore, the Appellant is entitled to the most liberal construction of the time served. The Appellant is entitled to time-served sentence

credit and reduction credits for this entire period of confinement and parole. See *Robinson v State*, 329 SC 65, 495 SE 2d 433 (1998); *Delahoussaye v SC*, 369 SC 522, 633 SE 2d 158 (2006); and *Hayes v SC*, SC Ct App Op No 5335 (2015). Appellant was not an escapee during his external confinement, and so the provision of SC Code Ann Section 24-13-40(b)(1), related to escapees, does not apply to Appellant.

Since the Appellant's 1989/1993/1994 sentence should have expired *two years or more* prior to April 10, 2006, SCDC is not entitled to construct the start of the Appellant's current sentence from that late date.

II. The motive force and construction of the Appellant's 2006 sentence springs from a matter *not* written in the available record: the Appellant was convicted of Murder in 1994, and then that charge was dismissed by the Supreme Court of South Carolina in 1996. But the government of South Carolina (using SCDC as their ultimate agent; "SCDC" and "government" may be considered interchangeable terms in the following argument because SCDC is the confining actor at the direction of the government) was unsatisfied with that outcome. After the dismissal, the government resorted to a methodology built beforehand for more general purposes, *and built with the intention of legitimizing indefinite custody*, to retain custody of the Appellant for life. This became their specific intention in regard to this Appellant as a response to the Supreme Court's restraining action, but it was also their intention, all along, to use this methodology as a general tool against both the Appellant and other defendants.

The government has utilized SC Code Ann Section 24-13-40 as an instrument in unconstitutional operations. Specifically:

By relying on prosecutorial discretion to pick and choose which charges or other matters to address at any given time;

By relying on an indefinite statute of limitations to allow charges and other matters to languish until needed as a tool to produce confinement; and

By relying on the language of 24-13-40 which allows the government to serialize the confinement for a conviction in indifference to the date of commission of the offense charged;

Using these, the government performs an operation under the color of state law that violates the constitutional rights of the citizens. In Appellant's case this is meant to serialize a sequence of minor charges into a life sentence—to replace and revenge the life sentence that was overturned by the court in 1996.

That fact is particular to this Appellant, but the methodology was honed and perfected through partial deferments of prosecutions for numerous defendants until it became accepted into general use, and so the government must be constrained both from the general usage and this specific use. This particular motive is made clear by the usage of the Pointing charge from Cherokee County, a minor felony that should have been adjudicated, penalized, and served out a full 10 years prior to its resuscitation in 2006. This charge was so minor at its inception that the court passed a sentence of 8 *months*, but the charge remained unresolved for 17 *years*.

This failure to properly and timely prosecute a charge, under the guise of prosecutorial discretion, is a direct challenge to the purpose of the Sixth Amendment when the deferred charge is subsequently used to prolong confinement. Prosecutorial discretion does not override the purpose of the Sixth Amendment, which is plainly meant to prevent excessive confinement while awaiting the disposition of charges. The Pointing charge was allowed to remain idle, despite every chance to complete prosecution, with the deliberate intent in due time to revive it and prolong the Appellant's confinement.

Likewise, the government had warrants in hand for the Appellant in 2002—a parole warrant for May 2, 2002, and warrants for more serious felonies from crimes alleged to occur on May 21, 2002, and June 28, 2002. Then the government refused to accept custody of the Appellant from Canada and proceed with trial in the manner described in the Sixth Amendment—speedily.

This lapse was intentional, and relied on the statutory enactment of SC Code Ann Section 24-13-40 which computes the time served on a sentence from the date of the imposition of the sentence—but nowhere in that statute does it grant the State power to ignore the Sixth Amendment. The government may not under any circumstances delay trial merely to extend the length of confinement. This usage violated the Sixth Amendment.

Did the government mean to allow memory of the incident to fade from the memory of witnesses by waiting? Or did they mean to enhance the length of the eventually imposed sentence by waiting until the ultimate moment of the Appellant's release—as if that impact were the intention of 24-13-40? In fact, that law provides the government motive to break the Sixth Amendment; SC Code Ann Section 24-13-40 invites the government to act in an arbitrary manner in violation of the constitution.

If, as it seems likely, that the government would argue that they did not have Appellant present for trial, then this Court should ask the government how they have been willing to try defendants *in absentia* in hundreds, if not thousands, of felony cases in the last decade alone. Since trial *in absentia* is acceptable in circumstances where a defendant has no prior convictions whatsoever, then it must have been acceptable in Appellant's circumstances—except that the truth of the government's motive is clearly that the delay was intended to take advantage of the language of 24-13-40 and permit a lengthy addition to the Appellant's sentence before it legally began, by falsely constructing the sentence start-date from a date far removed from the time of arrest.

At the same time, by illegally enhancing the length of the sentence, the government imposes cruel and unusual punishment by artificially constructing a sentence in excess of the length mandated by law and imposed by the court. Whether 23 years sentence was valid for the crimes charged (in Appellant's case the purported Armed Robbery was committed with gestures from a beer bottle) becomes irrelevant when the government may, by merely postponing trial, impose an additional four years sentence for the crimes charged. This violated the Eighth Amendment. This usage of SC Code Ann Section 24-13-40 likewise invites the government to act in an arbitrary manner in violation of the constitution.

In Appellant's case, the government brought to bear an agenda derived from a prior overturned conviction (the 1994 Murder), and deliberately serialized the prosecution of the Appellant to impose additional confinement beyond the sentence imposed by the court. The government, in this instance, was both aware of the prior overturn and determined to avenge it by exceeding the confinement imposed by the sentencing court. This violated the Eighth Amendment.

Whatever the legislative intent of SC Code Ann Section 24-13-40, that law grants the executive branch writ to infringe the constitutional rights of the citizens under color of state law; 24-13-40 is unconstitutional as applied. The 2006 court noted in a letter to the Appellant that the court was unable to impose a specific calculation upon his time-served and that that power lay in the hands of the government—whereas in our imagined usage of the court's sentencing power, the court may construct the sentence as it wishes as long as it is not to the detriment of the citizen. In the particular case of the 2006 sentencing for the Appellant, the court deliberately chose the middle point of the range of sentencing agreed in the plea bargain—this is clear evidence that the court felt that the plea was sufficiently harsh, and needed no additional prolongation.

The Solicitor in the 2006 case informed the state-appointed counsel for the Appellant, in the course of the plea negotiation for those charges, that no downward departure was available in the plea range, *and that this was because the Solicitor had knowledge and involvement in the 1994 Murder charge that was subsequently overturned.* The government intended in the Appellant's case, through its agents, to deliberately prolong his confinement in defiance of the Constitution and the prior actions of the court.

The matter of the general usage of SC Code Ann Section 24-13-40 goes further into the realm of illegal and unconstitutional behavior. When the legislature enacted 24-13-40, they acted in consultation with the executive, and colluded to this very outcome—in a general sense. In the intervening years, this methodology has been used to oppress the boisterous young men of the State of South Carolina, and that was a foreseeable outcome more in accord with South Carolina's apartheid past than its supposed colorblind present or future. Danger exists in leaving the tools of oppression lying about for whoever might find them—that is no different than leaving a pistol out where a child might reach it. These tools, and especially this law, must be disarmed—broken—to prevent future oppressions.

And so in the Appellant's case the problem doesn't lie, so much, in the imposition or computation of any single sentence, but in the administration of the aggregate of sentences with the intention of retaining indefinite custody, clearly typified by the revocation and reimposition of probation on Cherokee County charges to retain custody throughout a 20-year span (from an original 8-month charge that was handily available as a revocation at any time Appellant was released, despite that service should have long ended with proper prosecution on that minor sentence) and the deliberate delay in prosecution of the 2002 warrants despite the Appellant's concurrent confinement (where at the same time the government is quite willing to try, *in absentia*, defendants that are not even in custody). In sum:

SC Code Ann Section 24-13-40 *Computation of time served by prisoners* violates the Sixth, Eighth, and Fourteenth Amendments to the US Constitution by handing the government control of the sentence start-date through the usage of delayed prosecution, specifically in this instance, for four years past the time where they had custody of the Appellant and should have brought him speedily to trial. [See *State v Boggs*, 388 SC 314, 696 SE 2d 597 (Ct App 2010). If the trial court has no discretion in whether a defendant will receive credit for time served, how can the government have discretion?]

As a footnote to the preceding argument, I foresee that the government might argue that whether the Appellant ever asserted his right to speedy trial must determine whether he is entitled to the protection of the constitution. I say that no victim should be required to assert injury to gain redress—or else Murder should not be prosecuted. Nor may the government claim that they did not foresee that 24-13-40 was unconstitutional as applied; ignorance of the law provides no defense; and surely any usage of law should be first compared to the fundamental outline of our law—the Constitution—before, during, and after usage by any practitioner. A good carpenter measures the results of his work against his intentions at all times, and learns thereby. So must the government also do. [And in any event, the Appellant is still searching for the relevant documents to prove these issues; they should be forthcoming.]

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court make a searching inquiry into the computation of his past and current sentences to ensure compliance with both policy and law, and command SCDC to compute the sentence start-date for his 2002 warrants to begin at his 2002 arrest, despite that the government failed, in violation of the Sixth Amendment, to prosecute those charges until 2006. With proper computation of the time spent on parole and in external confinement, and the jail-credit due the Appellant from his arrest in 2002, an aggregate of more than 71 months should be credited to his time served.

Respectfully submitted,

Terry Smith 160785 F4B 1228
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

March xx, 2018
Bishopville SC

State of South Carolina In the Administrative Law Court

Terry Smith 160785,

Appellant,

v

South Carolina Department of Corrections,

Respondent.

Docket No: 18C0050
[Grievance No: LEECI 590-17]

Honorable Funderburk

Motion for Expansion of the Record

Statement of the Case

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the Notice of Appeal filed February 5, 2018, by Terry Smith (“Appellant”), an inmate incarcerated in the South Carolina Department of Corrections (“SCDC”). Appellant appeals SCDC’s Final Agency Response to Appellant’s original grievance of May 26, 2017. The case was assigned to Judge Funderburk on February 23, 2018. The grievance proceeds from Respondent’s miscomputation of Appellant’s prior sentence that began in 1994, which miscomputation proceeded forward into the computation of the start of Appellant’s current sentence.

SCDC contends, in its Final Agency Response of January 20, 2018, that no miscomputation has occurred. In the Step One response to Appellant’s grievance, SCDC admitted a minor miscalculation that failed to address the enormity of the actual miscalculation.

Argument

The Appellant submitted his brief on April 3, 2018; in that brief, Appellant explained to the Court that further documentation could be forthcoming. [See page 9 of Appellant’s Brief.] While the Appellant, strictly speaking, intended to produce documents related to his confinement in

Canada and the government's refusal to try him speedily [and still so intends], another matter is also properly before this Court.

This other matter is the Respondent's handling of the Appellant's records and computation of his sentence. On April 4, 2018, SCDC handed Appellant a document related to a grievance about Appellant's custody classification—an Agency Final Decision proceeding from a Step 2 appeal in that matter—and the Respondent plainly makes reference to and relies upon Appellant's overturned Homicide conviction in that document. This document proves that SCDC continues to rely upon an overturned conviction in its administration of the Appellant, and the Appellant wishes it to be entered into the record as Exhibit C [see attached].

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court allow expansion of the record as needed to supply documents pertinent to this case as they become available to the Appellant.

Respectfully submitted,

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Bishopville SC 29010

April , 2018
Bishopville SC

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,	)	Docket No: 18C0050
	)	[Grievance No: LEECI 590-17]
Appellant,	)	
	)	Honorable Funderburk
v	)	
	)	
South Carolina Department of Corrections,	)	Motion for Summary Judgment
	)	
Respondent.	)	
_____	)	

Statement of the Case

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed February 5, 2018, by Terry Smith ("Appellant"), an inmate incarcerated in the South Carolina Department of Corrections ("SCDC"). Appellant appeals SCDC's Final Agency Response to Appellant's original grievance of May 26, 2017. The case was assigned to Judge Funderburk on February 23, 2018. The grievance proceeds from Respondent's miscomputation of Appellant's prior sentence that began in 1994, which miscomputation proceeded forward into the computation of the start of Appellant's current sentence.

SCDC contends, in its Final Agency Response of January 20, 2018, that no miscomputation has occurred. In the Step One response to Appellant's grievance, SCDC admitted a minor miscalculation that failed to address the enormity of the actual miscalculation.

The case was assigned on February 23, 2018. Respondent subsequently filed the record on [date-----]. Respondent's brief was due by June 13, 2018. As of today's date, June 17, 2018, Respondent has not filed a brief.

Argument

The Respondent is bound by the rules of the Court. SCRALC, Section V, Special Appeals, Rule 60 states:

Unless otherwise ordered, the party first noticing the appeal shall file an original brief within ninety (90) days after the date of assignment. Within one-hundred-ten (110) days after the date of assignment, the respondent shall file an original brief in response. A reply brief may be filed within one-hundred-twenty (120) days after the date of assignment. The principle briefs shall not exceed ten (10) pages and the reply brief shall not exceed five (5) pages. *Motions to extend the time for filing briefs will only be granted in exceptional circumstances.* [. . .] At the time of filing the brief with the Court, one copy of the brief and any appendix shall be served on each party to the appeal.

If the Respondent intended to contest the Appellant's claim, the Respondent was obligated to file a brief within the time allotted by the SCRALC. The Respondent has roomful of educated lawyers working full time to protect its interests, was given ample time to file, has not notified the Appellant or the Court of any extenuating circumstances regarding their failure to file a brief, and has not filed a motion for extension. As of today's date, June 17, 2018, Respondent has failed to file a brief to rebut the Appellant's claim. Consequently, the Respondent has abandoned its resistance to the Appellant's claim and admitted all of the facts alleged.

If the Court will not grant summary judgment, sanctions against the Respondent seem appropriate. The Respondent has an office full of educated lawyers, the Office of General Counsel, and the delay in filing is clearly meant—if the Respondent intended to ever meant defend its untenable position—to delay the Appellant past the time limit allowed for filing a Reply brief, which by Rule 60 is required to be submitted “within one-hundred-twenty (120) days after the date of assignment.” In the citation above, the emphasis is supplied to indicate the advantage the Respondent meant to gain by untimely filing—to prevent the filing of a Reply brief, which would be expected to conform to the requirements of Rule 60. Rule 62 states:

If the presiding judge determines that . . . solely for the purposes of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

This Court should impose appropriate sanctions upon the Respondent to redress the deliberate delay.

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court grant summary judgment for the Appellant.

In this case, this Court may supply the relief requested in the Initial Brief of the Appellant, to wit, this Court should order that 71 months time served be credited to Appellant's sentence calculation, ensuring his imminent release. And the Court should supervise that determination of time and be prepared to compel the release.

As sanction in the event that this Court allows the Respondent to exceed the time requirement of Rule 60, this Court should allow the Appellant a full thirty (30) days after service of the Respondent's Brief for filing the Reply Brief.

Respectfully submitted,

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Bishopville SC 29010

June , 2018
Bishopville SC

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Terry Smith, #160785;	)	Docket No.: 18-ALJ-04-0050-AP
	)	[Grievance No.: LEECI 390-17]
Appellant,	)	
	)	Hon. H.W. Funderburk
v.	)	
	)	RESPONDENT'S BRIEF
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	
_____	)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Terry Smith ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on May 26, 2017, claiming his sentence was being improperly calculated. Specifically, Appellant argued that his jail time and earned work credits (EWC) were incorrect. This grievance was investigated and it was determined that Appellant's jail time was correct and two discrepancies were corrected regarding the Appellant's earned work credits. Appellant filed a Step Two Grievance on October 17, 2017. This grievance was investigated and denied. Appellant subsequently filed his Notice of Appeal. Because Appellant's sentence has been properly calculated, 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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the South Carolina

Supreme Court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the South Carolina Supreme Court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. See *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

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 October 16, 2006, Appellant was sentenced to 23 years for Armed Robbery, 23 years for Kidnapping, 20 years for Carjacking with Bodily Injury, 15 years for Common Law Robbery, and 10 years for Assault and Battery of a High and Aggravated Nature. *See* Sentencing Sheets. The sentence for Assault and Battery of a High and Aggravated Nature has since expired. *See* Conviction Summary. The sentencing judge ordered that Appellant receive 189 days of jail time credit on all of his October 16, 2006 sentences. *See* Sentencing Sheets. Additionally, the Jail Time Report provided to SCDC by Spartanburg County also indicates that Appellant is entitled to 189 days of jail time credit (46 days from January 17, 2004 to March 3, 2004 and 143 days from May 25, 2006 to October 16, 2006). *See* Jail Time Report for SCDC Transfer. SCDC credited Appellant with 189 days of jail time credit on all of his October 16, 2006 sentences by making his sentence start date April 10, 2006; which is 189 days prior to his sentencing date of October 16, 2006.

Appellant argues that he is entitled to forty five (45) months of jail time credit for time spent after his 2002 arrest until his 2006 sentence start date. However, S.C. Code Ann. § 24-13-40 states:

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. [. . .] 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.

Appellant was transferred to SCDC on March 3, 2004 for other charges. Therefore he was no longer entitled to earn credit for time served while serving a sentencing for one offense and awaiting trial for a second. S.C. Code Ann. § 24-13-40. Appellant also argues he is entitled to sentencing credit for time spent while on parole. The statute only allows for sentencing credit for time served prior to trial and sentencing, and may be given for time spent under house arrest. *Id.* Thus, time spent while released on parole is not eligible for sentencing credit.

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.

III. RESPONDENTS FINAL DECISION SHOULD BE AFFIRMED BECAUSE SCDC IS CONFINED TO THE FACE OF THE SENTENCING SHEET.

Appellant presents additional arguments in concluding that he is entitled to over a 71 month reduction in his sentence. Respondent will address these arguments, however, they are manifestly without merit. SCDC is "confined to the face of the sentencing sheets

in determining the length of a sentence [unless . . .] there is an ambiguity in the sentencing sheets.” *Tant v. S. Carolina Dep't of Corr.*, 408 S.C. 334, 337, 759 S.E.2d 398, 399 (2014), *reh'g denied* (July 10, 2014). Appellant’s sentencing sheet, which was filed with the Record, is in no way ambiguous. *See* Sentencing Sheets. SCDC cannot change an inmate’s sentence clearly written on the sentencing sheet by the sentencing judge. *Tant v. S. Carolina Dep't of Corr.*, 408 S.C. 334, 759 S.E.2d 398 (2014), *reh'g denied* (July 10, 2014). As there is no ambiguity in the sentencing sheet, SCDC has applied the sentence as written on the sentencing sheet including the application of 189 days of jail time credit. *See* Conviction Summary.

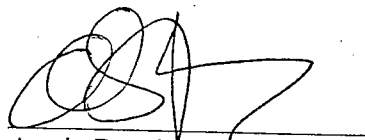
**IV. SCDC DID NOT ENHANCE THE LENGTH OF APPELLANT’S
SENTENCE NOR DID SCDC ENGAGE IN UNCONSTITUTIONAL
BEHAVIOR**

Appellant, claims that “the government . . . intended to deliberately prolong his confinement in defiance of the constitution and prior actions of the court.” SCDC has made no attempts to prolong Appellant’s confinement. SCDC simply followed the unambiguous language on Appellant’s sentencing sheet. Additionally, Appellant claims S.C. Code Ann. § 24-13-40 violates the constitution through the government’s usage of “delayed prosecution”. Appellant furthers claims “the government failed, in violation of the Sixth Amendment, to prosecute those charges until 2006.” SCDC did not bring any charges against Appellant, nor was SCDC responsible for the length of time it took to bring Appellant to trial. Therefore, these arguments are without merit and SCDC respectfully requests its Step Two Grievance decision to be upheld.

CONCLUSION

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

Respectfully submitted,



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June 12, 2018
Columbia, South Carolina

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,	)	Docket No: 18C0050
	)	[Grievance No: LEECI 590-17]
Appellant,	)	
	)	Honorable H. W. Funderburk, Jr.
v	)	
	)	
South Carolina Department of Corrections,	)	Reply Brief
	)	
Respondent.	)	
_____	)	

Statement of the Case

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the Notice of Appeal filed February 5, 2018, by Terry Smith (“Appellant”), an inmate incarcerated in the South Carolina Department of Corrections (“SCDC”). Appellant appeals SCDC’s Final Agency Response to Appellant’s original grievance of May 26, 2017. The case was assigned to Judge Funderburk on February 23, 2018. The grievance proceeds from Respondent’s miscomputation of Appellant’s prior sentence that began in 1994, which miscomputation proceeded forward into the computation of the start of Appellant’s current sentence.

SCDC contends, in its Final Agency Response of January 20, 2018, that no miscomputation has occurred. In the Step One response to Appellant’s grievance, SCDC admitted a minor miscalculation that failed to address the enormity of the actual miscalculation.

Appellant filed a Motion for Summary Judgment on June 18, 2018. Respondent untimely served Respondent’s Brief on Appellant on June 19, 2018, dating the document as June 12, 2018.

Argument

The Respondent’s Brief is an attempt to obscure the matter before this Court, first by multiplying the two simple points contained in the Appellant’s Brief into four matters of argument

(none of which address Question One of the Appellant's claim) and wasting the Court's attention with a lengthy explanation of the Court's lack of jurisdiction over the Constitutional violations committed under color of state law that form Question Two. The Respondent must surely know that the matters in Question Two of the Appellant's complaint are presented to secure exhaustion prior to presentation in a higher court where the jurisdiction and scope of review will be substantially different. Therefore this Court can only offer formal notice of the matters in Question Two to provide exhaustion. But the matters in Question One are properly before this Court—and these matters are completely avoided in the Respondent's brief.

Specifically, the Appellant asked: "Did the South Carolina Department of Corrections ("SCDC") properly construct and compute Terry Smith's ("Appellant") 1994 sentences, from which SCDC constructed the start-date of the Appellant's 2006 sentences by the act of releasing him for trial?"

Emphasis should be placed upon "1994 sentences". Nowhere does the Appellant contest the validity of the Respondent's facial construction of his *2006 sentences*. Appellant's complaint is clearly about the construction and computation of his 1994 sentences; this question is not moot, because it plainly affects Appellant's current confinement. And even if it were moot, it meets the standard required for review. See *Curtis v State*, 345 SC 557, 549 SE 2d 591 (2001).

Moreover, the Respondent failed to include documentation related to Appellant's 1994 charges, including parole documentation necessary to establish their right to custody. If they existed, these documents were easily available from the Appellant's Classification and Warden's "jackets"; every document, instruction, judgment and allegation ever made against the Appellant is held within these containers (clearly demonstrated by the Respondent's reference to the overturned homicide conviction in Exhibit C). These failures by the Respondent to address the thrust of Appellant's complaint force this Court, in the absence of a full documentary examination,

to rely upon the Appellant's uncontested statements. Since uncontested, these statements are admitted by the Respondent to be true.

Specifically on page 10 of the Record offered by the Respondent, titled Commitment Application—Completed SCDC Priors, the two primary 1994 charges in question (ABHAN and Distribution) are listed. Both are 10-year nonviolent sentences. The first was completed in 5 years service, but *the second required 7 years service*. On page 11 of the Record, titled Inmate Offense History, the Appellant is shown as *having* institutional charges in the service of the first 10-year sentence, but *not having* any such charges in the service of the second 10-year sentence.

[Common sense suggests that Appellant would serve more time on the former, not the latter, sentence.] On page 30 of the Record, in the SAS report, the Respondent's records reflect that the Appellant was credited with no time served on parole—a loss of two years. But the Respondent provides no revocation documentation to support this action, and consequently, this failure to credit time served is illegal. See SC Code Section 24-21-690.

Respondent held Appellant in custody illegally prior to releasing him for trial in 2006. This time spent in illegal custody is the essence of the Appellant's Question One, since the Respondent subsequently used SC Code Ann Section 24-13-40 to construct Appellant's sentence start-date from the time of this "release". The Appellant was on unrevoked parole from his parole release in 2000 until his return to South Carolina custody in 2004 (the State issued a parole warrant in May 2002 but never followed through, even though Appellant was in custody). Appellant was returned to State custody in March 2004, after 3 years and 7 months spent on parole; that time spent on parole is counted as time served. See SC Code Section 24-21-690, "be treated as if he had served the entire term for which he was sentenced." Appellant's 1994 sentences legally expired before the Respondent released him in 2006, and so this triggering act bears responsibility for the current outcome.

The Respondent claims on page 4 of Respondent's Brief that "SCDC did not bring any charges against the Appellant, nor was SCDC responsible for the length of time it took to bring Appellant to trial" in its counterclaim that it did not enhance the length of Appellant's sentence or engage in unconstitutional behavior. This denial of responsibility is absurd; the Respondent is a member of the government, and whether as principal or agent it bears equal responsibility in the outcome of the government's actions. [This is a clearly established principle of law; conspiracy is the gathering of persons planning to break the law, the Constitution is a law, and the government of South Carolina specifically arranged state laws and procedures to violate a law (the Constitution)—this is conspiracy, of which all the participants are guilty.] The Respondent could have, and should have, known that its illegal computation of Appellant's 1994 sentences would affect the outcome of the 2002 charges—and did in fact know so, and did so in part of the pattern to continue to hold Appellant responsible for the homicide overturned by the Supreme Court in 1996. While faceless individual members of the government exerted influence to bring these conditions about, the Respondent remains responsible for an outcome that was subject to its oversight.

Most importantly, the Appellant must point out to this Court that the Respondent's arguments are meant merely to obscure and delay process. The Respondent hastened to address irrelevant issues and deliberately ignored the question that fell within the scope of this Court.

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court make a searching inquiry into the computation of his past and current sentences to ensure compliance with both policy and law, and command SCDC to compute the sentence start-date for his 2002 warrants to begin at his 2002 arrest, despite that the government failed, in violation of the Sixth Amendment,

to prosecute those charges until 2006. With proper computation of the time spent on parole and in external confinement, and the jail-credit due the Appellant from his arrest in 2002, an aggregate of more than 71 months should be credited to his time served.

Respectfully submitted,

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June 20, 2018
Bishopville SC

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Terry Smith, #160785,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 18-ALJ-04-0050-AP
[Grievance No.: LEECI 590-17]

FINAL ORDER

This matter is before the South Carolina Administrative Law Court (Court or ALC) on an appeal filed by Terry Smith (Appellant), an inmate incarcerated by the South Carolina Department of Corrections (Department or SCDC).

FACTS/PROCEDURAL HISTORY

On August 9, 1994, Appellant was sentenced to ten (10) years for the offense of distribution of crack cocaine;¹ his sentence started on that date.² Appellant alleges that he was released on parole in 2000 and was arrested in 2002.³ Appellant's parole was eventually revoked on March 3, 2004. Appellant was then apparently moved to jail on May 26, 2006, where he remained until he was sentenced on October 16, 2006 on the charges for which he was arrested in 2002. Specifically, Appellant was sentenced to twenty-three (23) years for the offense of armed robbery in violation of S.C. Code Ann. § 16-11-330(A); twenty-three (23) years for kidnapping in violation of S.C.

¹ Appellant also refers in his reply brief to another 1994 charge – for assault and battery of a high and aggravated nature (ABHAN). He had been sentenced to ten (10) years on that charge, too; however, he served that sentence in five (5) years, completing it in 1999, before he was released on parole in 2000. Therefore, the Court will only refer to his distribution of crack cocaine charge when mentioning the 1994 charge.

² Though the Record reflects that Appellant's projected completion date for this offense was June 5, 2006, this is based on a document dated March 15, 2018; there is no evidence that this was the projected completion date at the time Appellant started serving his sentence. Regardless, as will be discussed *infra*, Appellant's projected completion date could not have been beyond ten years from his start date (August 9, 1994), as he was serving a ten-year sentence for the crack cocaine distribution offense.

³ Appellant's parole date is not in the record and neither is his arrest date in 2002. However, the Department notes in its brief Appellant's assertion that he was arrested in 2002 and does not dispute it. There is also an indication in the Record that Appellant was on parole because it was revoked on March 3, 2004, according to a Jail Time Report for SCDC Transfer dated October 17, 2006. The Court also assumes that Appellant was in some form of custody between his arrest in 2002 and his parole revocation in 2004.

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SC ADMIN. LAW COURT

Code Ann. § 16-3-90; twenty (20) years for carjacking in violation of S.C. Code Ann. §16-3-1075; fifteen (15) years for common law robbery in violation of S.C. Code Ann. § 16-11-325; and ten (10) years for assault and battery of a high and aggravated nature in violation of the common law. All of these sentences were to run concurrently. The start date for these sentences was backdated to April 10, 2006, after the Department applied 189 days of jail time credit.⁴

Appellant filed a Step 1 Grievance on May 26, 2017, challenging the Department's sentencing calculation because Appellant alleged that SCDC failed to properly apply to his 1994 crack cocaine distribution conviction his earned work credits (EWC), time served on while on parole, time served while in Canada awaiting extradition to the United States, and time served while awaiting extradition from New York to South Carolina. He argued that had these credits been applied to his sentence, his sentence would have ended before June 4, 2006, and thus his start date for his subsequent sentences would have begun earlier, too.

The Warden denied Appellant's Step 1 Grievance, finding that the Inmate Records Office verified that Appellant had been credited for his time served in New York and Canada. The Warden also acknowledged two discrepancies in Appellant's EWCs from 2008 and 2010 and put in a corresponding EWC Backdate Request. Appellant then filed a Step 2 Grievance, in which he reasserted that his 10-year sentence, begun on August 9, 1994, for a nonviolent offense was miscalculated because his sentence did not end until June 5, 2006. He argued that a "straight max-out calculation without EWCs comes to 6 years absolute," but he instead served twelve years. He argued that even excluding the time that he was on parole – between August 2, 2000, and May 2, 2002 – and the period thereafter when he was held until he returned to custody on July 13, 2002, he could not have been required to serve the sentence that he served. He further contends that because of the miscalculation regarding the end date of his sentence for the 1994 conviction, the start date and, hence, the end date for his current sentences have also been miscalculated. On January 20, 2018, Appellant's Step 2 Grievance was also denied, and Appellant was informed in the response that the Warden had responded to his concern about the credits and that "[a]ll credits have been reflected in [Appellant's] incarcerated sentence and [his] sentence is correct." Appellant was also informed in the response that his projected release date was October 22, 2025. On

⁴ According to the Jail Time Report for SCDC Transfer, Appellant was given forty-six (46) days of credit for jail time served between January 17, 2004 and March 3, 2004, and 143 days for jail time served between May 25, 2006 and October 16, 2006.

February 8, 2018, Appellant filed a Notice of Appeal to the ALC, in which he alleged that the Department violated S.C. Code Ann. § 1-23-380(5)(a), (c), (e), and (f).

On April 3, 2018, Appellant filed a brief.⁵ The Department filed the Record on Appeal on May 1, 2018. The Department filed Respondent's Brief on June 12, 2018. Appellant filed a Reply Brief on June 22, 2018.

ISSUE ON APPEAL

Did the Department err in its sentencing calculation?⁶

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the decisions of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. S.C. Dep't of Prob., Parole and Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003). When reviewing the Department's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Al-Shabazz*, 338 S.C. at 377; 527 S.E.2d at 754; *see also* S.C. Code Ann. § 1-23-600(E) (Supp. 2017) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380). Section 1-23-380(5) states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of

⁵ On May 8, 2018, Appellant filed a "Motion for Expansion of the Record," seeking to include a Step 2 Grievance in an unrelated matter to demonstrate that the Department is relying on an overturned conviction for homicide by child abuse in its alleged miscalculation of his sentence. However, because this proposed document does not address the grievance at issue in this case, and the homicide was not listed as a reason for denying the Step 2 Grievance that was appealed in his case, the Court will not consider the Step 2 Grievance from another matter. Appellant's motion is therefore denied.

On June 20, 2018, Appellant filed a "Motion for Summary Judgment," arguing that the Department failed to timely file its brief, which was due by June 13, 2018. However, the Department had already filed its brief on June 12, 2018. Therefore, Appellant's improper motion is denied.

⁶ Appellant lists two issues in his brief, one of which is generally reflected above. The other issue is whether the Department's application of S.C. Code Ann. § 24-13-40 violates the 6th, 8th, and 14th Amendments to the United States Constitution. In discussing this issue, he argues that the government unduly delayed its prosecution, thereby unconstitutionally violating his right to a speedy trial and extending his confinement. However, Appellant did not raise this constitutional issue prior to his initial brief. As such, this issue was not preserved for appeal and will not be considered. *See Young v. S.C. Dep't of Health and Envtl. Control*, 383 S.C. 452, 458, 680 S.E.2d 784, 787 (Ct. App. 2009) ("A court has a limited scope of review of the final decisions of administrative agencies and cannot ordinarily consider issues that were not raised to and ruled on by the agency from which an appeal is taken."). The Department's enumerated arguments (it does not list any issues on appeal) in its brief can all, with the exception of the constitutional argument that the Court cannot consider, be reduced to the general issue stated above. The Court will not, however, address substantial evidence because a lack of substantial evidence in the record to support the Department's decision was not an issue raised by Appellant. The Court will address the Department's other arguments in its discussion of the issue above.

the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2017); *see also Marietta Garage, Inc. v. S.C. Dep't of Pub. Safety*, 337 S.C. 133, 137, 522 S.E.2d 605, 607 (Ct. App. 1999); *S.C. Dep't of Labor, Licensing and Regulation v. Girgis*, 332 S.C. 162, 166, 503 S.E.2d 490, 492 (Ct. App. 1998).

DISCUSSION

Appellant argues that while serving the sentence imposed on him in 1994, he was released on parole in 2000 and was on parole until his arrest in 2002. He argues that he should be given credit for all time that he served while on parole and during his confinement following his arrest in 2002 until his sentence start date of April 10, 2006. He also argues that his 1994 sentence should have expired at least two years prior to his April 10, 2006 sentence start date on the 2002 charges, and therefore the start date on the 2002 charges should have been that much earlier, meaning that he should be given credit for time served on the 2002 charges from the time that his 1994 sentence expired through April 10, 2006.

The Department, on the other hand, addresses Appellant's sentencing calculation on the sentences imposed on October 16, 2006, arguing that Appellant was credited with 189 days prior to his sentencing date of October 16, 2006, making his start date April 10, 2006. The Department also argues that pursuant to S.C. Code Ann. § 24-13-40, Appellant is not entitled to forty-five (45) months of jail time credit for his time spent in jail after his 2002 arrest until his 2006 sentence start date because he was transferred to SCDC on March 3, 2004, on charges other than the one for which he was already serving a sentence. Finally, the Department argues that Appellant is not entitled to sentencing credit for time spent on parole because Section 24-13-40 "only allows for

sentencing credit for time served prior to trial and sentencing, and may be given for time spent under house arrest.”⁷

In his reply brief, Appellant argues that he never challenged the “facial construction of his 2006 sentences”) (emphasis in original), but rather “construction and computation of his 1994 sentences[,]” for which the Department provided no documentation in the Record and which the Department did not address in its brief. He also argues that he should have been given credit for the three (3) years and seven (7) months he served on parole, between when he was released on parole in 2000 and March 2004, when his parole was revoked and he “returned to State custody.” Finally, Appellant argues that his 1994 sentence legally expired before he was released for trial in 2006, and that he was “held . . . in custody illegally” during this time he was awaiting trial.

From the outset, it appears that the Department has proceeded under the premise that “time spent while released on parole is not eligible for sentencing credit.” The Department’s position is that because S.C. Code Ann. § 24-13-40 (2007) only addresses sentencing credit for time served prior to trial and sentencing, and for time spent under house arrest, that time spent on parole is excluded from being considered time served for sentencing calculation purposes. I disagree.

Section 24-13-40 states in pertinent part:

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. . . . 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.

Though Section 24-13-40 only addresses sentencing credit for time served prior to trial and sentencing, there is nothing in the statute that states that time served while on parole is not considered time served for purposes of sentencing calculation. Rather, our courts have long held

⁷ The Department also made an argument that its final decision should be affirmed because it is confined the face of the sentencing sheets since there are no ambiguities in the sentencing sheet, citing *Tant v. S.C. Dept’ of Corr.*, 408 S.C. 334, 337, 759 S.E.2d 398, 399 (2014), *reh’g denied* (July 10, 2014).

that “[a] prisoner upon release on parole continues to serve his sentence outside the prison walls. The word parole is used in contra-distinction to suspended [sic] sentence and means a leave of absence from prison during which the prisoner remains in legal custody until the expiration of his sentence.” *Sanders v. MacDougall*, 244 S.C. 160, 163, 135 S.E.2d 836, 837 (1964) (citing *Crooks v. Sanders*, 123 S.C. 28, 115 S.E. 760 (1922)). Every such prisoner must remain in the jurisdiction of the [Parole Board] and may at any time on the order of the board, be imprisoned as and where therein designated.” S.C. Code Ann. § 24-21-660 (2007). Following a parole violation and the issuance of a warrant or citation for the parole violation, “a final determination must be made by the board as to whether the prisoner’s parole should be revoked and whether he should be required to serve any part of the **remaining unserved sentence**.” *Id.* § 24-21-680 (emphasis added). “An order revoking parole simply restores a defendant to the status he would have occupied had this form of leniency never been extended to him. The effect of [parole] revocation does not exceed or transcend the effect of the original sentence.” *Sanders*, 244 S.C. at 164, 135 S.E.2d at 837 (citation and quotation marks omitted). Thus, although time spent serving parole does not give rise to credit for time served in jail or under house arrest pending a trial or sentencing, it is nonetheless time served on the parolee’s sentence, regardless of whether it is revoked. In the case of parole revocation, the inmate simply serves the remaining (unserved) part of his sentence inside the prison walls instead of outside.

It appears that the Department proceeded under its misunderstanding regarding parole when it listed Appellant’s projected release date on his 1994 distribution charge as June 5, 2006, when the sentence imposed was ten (10) years and the start date of the sentence was August 9, 1994.⁸ However, based on the Record, and notwithstanding the Department’s view about the applicability of time served on parole to an inmate’s sentence, it was impossible for Appellant’s projected release date to be any later than August 9, 2004 (and was possibly earlier based on the application of possible sentence credits).

⁸ Because the Department failed to document, or even explain, how it calculated Appellant’s projected sentence completion date for the 1994 distribution sentence, the Court is left to surmise as to how it performed this calculation. Therefore, it is possible that the Department did not add the time Appellant served on parole to Appellant’s original projected completion date and instead used some other calculation method.

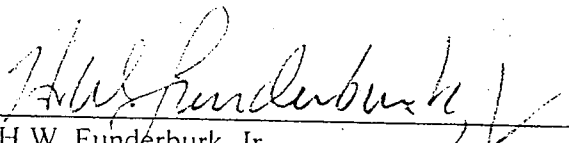
Appellant continued to serve his 1994 10-year sentence while he was in custody awaiting parole revocation and then trial on the 2002 charges, and so he should receive credit on his 1994 sentence for the time served between his arrest in 2002 and when his 1994 sentence expired, which could be no later than August 9, 2004. However, under Section 24-13-40, Appellant cannot receive credit for time served during this time towards the sentences imposed on October 16, 2006, because he was already serving a prior sentence (his 1994 sentence) from the time of his arrest in 2002 until his 1994 sentence expired. Nevertheless, following the expiration of his 1994 sentence, Appellant was entitled to time served for all time served in jail or prison until he was sentenced on October 16, 2006. Appellant has already received 189 days of credit towards the October 16, 2006 sentences, which is reflected in backdating his start to April 10, 2006. However, the Court must remand the case to the Department to calculate the remaining credit owed to him for time served prior to April 10, 2006, or between April 10, 2006, and the end of the 1994 sentence. This calculation will also require a determination of when Appellant's 1994 sentence expired and will also require a calculation of any applicable credits.

ORDER

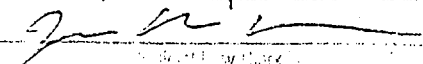
IT IS THEREFORE ORDERED that the Department's decision is **REVERSED AND REMANDED** for recalculation of Appellant's 1994 distribution sentence, including time served while on parole and other applicable credits and the correct expiration date of that sentence, and for recalculation of his October 16, 2006 sentences, including time served and any other applicable credits and the proper start dates and projected completion dates, in accordance with this Order.

AND IT IS SO ORDERED.

July 3, 2018
Columbia, South Carolina


H.W. Funderburk, Jr.
Administrative Law Judge

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this day served this order on the above entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, at the United States Post Office at Columbia, South Carolina, directed to the court clerk's office.

3rd day of July 2018

Court Clerk

FILED

JUL 03 2018

SC ADMIN. LAW COURT

State of South Carolina In the Administrative Law Court

Terry Smith 160785,	)	Docket No: 18C0050
	)	[Grievance No: LEECI 590-17]
Appellant,	)	
	)	Honorable HW Funderburk
v	)	
	)	
South Carolina Department of Corrections,	)	Motion to Compel
	)	
Respondent,	)	
	)	

Statement of the Case

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to an appeal filed by Terry Smith (“Appellant”), an inmate incarcerated in the South Carolina Department of Corrections (“SCDC”).

On July 3, 2018, the Honorable HW Funderburk issued a Final Order reversing the Respondent’s Final Agency Decision and remanding for recalculation of Appellant’s sentence. As of today’s date, August 1, 2018, Respondent has not yet complied with that Order.

Argument

Appellant has communicated by Kiosk RTSM with the Respondent to no avail. The Respondent has not demonstrated any good faith effort to recalculate Appellant’s sentence in compliance with the ALC’s Final Order and continues to deny Appellant any custody advancement that was due from the *miscalculated* sentence, let alone custody advancement that would be due a properly calculated sentence. The Appellant is prejudiced by this denial of liberty interest, as indicated in *Al-Shabazz v State*, 338 SC 354, 527 SE 2d 742 (2000), and the Appellant is suffering extreme mental anguish as a result of this unnecessary wait for promised relief.

Since in this event Respondent seems determined to evade the ALC's Order, this Court should require sanctions as indicated in Rule 62 of the SCRALC:

If the presiding judge determines that . . . solely for the purposes of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

This Court should impose appropriate sanctions on the Respondent and compel immediate obedience to its Order.

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court grant this Motion to Compel, and add the following additional relief:

1. One dollar in nominal damages, five dollars punitive damages, and ten dollars for pain and suffering.
2. Fine the Respondent in the amount one-hundred dollars per day for each day beyond thirty (30) days which they fail to comply with the Court's original Order.

And any further relief that this Court deems just and proper in the circumstances.

Respectfully submitted,

Terry Smith 160785 F4B 1207
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

August 1, 2018
Bishopville SC

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
INMATE CORRESPONDENCE

INMATE: Terry Smith, # 160785
INSTITUTION: Lee Correctional Institution
FROM: Office of General Counsel
SUBJECT: **Order of Remand from Judge Funderburk
Docket No. 18-ALJ-04-0050-AP**
DATE: August 24, 2018

Dear Mr. Smith:

This letter is written in response to the July 3, 2018 order of Judge H.W. Funderburk, which remanded this matter to the Department of Corrections to revisit the calculation of your 1994 and 2006 sentences. The Office of General Counsel has collaborated with the Inmate Records Office and we have fully investigated the matter. We have reached the conclusion that all completion and start dates for all of your sentences are correctly entered in our system. Additionally, your current projected maxout date of 10/22/2025 is correct. These conclusions are supported by the attached documentation and the clarifications set forth below.

- (1) In 1994, you were given two consecutive 10-year sentences. Your 10-year sentence for distribution of crack cocaine was consecutive to your 10-year sentence for ABHAN. Therefore, your completion date of 6/05/2006 was correct based upon a total sentence of 20 years. Please note that your overall maxout date on these sentences was extended by approximately four months due to so-called "dead time," i.e., the time during which you absconded from parole supervision.
- (2) Your 1994 sentences are in no way connected to your 2006 sentences. The end date of the 1994 sentences does not affect the start date of your entirely separate 2006 sentences. The correct start date of your 2006 sentences is 4/10/2006. (Please note that this start date is before the completion date of the 1994 consecutive sentences.) The attached Memorandum from our Inmate Records Office explains why your current projected maxout date is correct.
- (3) Although you did not receive "jail time credit" (per S.C. Code § 24-13-40) for the time you spent on parole, you did receive day-for day credit for this time pursuant to S.C. Code § 24-21-670 upon your return to SCDC. Such credit is automatically calculated into your sentence by our computer program. You also received all jail time credit to which you were entitled under S.C. Code § 24-13-40. This statute states that jail time in South Carolina stops when you begin serving another sentence, so the time you spent serving a sentence in Canada

cannot be counted as "jail time" for purposes of your South Carolina sentences. However, you did receive jail time credit for time you were being detained in New York.

Again, it is the Department's conclusion that all of your sentences have been calculated correctly and that your current projected maxout date is correct. Please be advised that for purposes of appeal, this letter constitutes the agency's final decision on remand.

Sincerely,



Annie Rumler
Staff Attorney
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-8505

cc: Terry Smith, # 160785
Administrative Law Court, Judge Funderburk

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,

Appellant,

v

South Carolina Department of Corrections,

Respondent.

Docket No: 18C0050
[Grievance No: LEECI 590-17]

Honorable HW Funderburk

Motion to Join, and
Motion to Compel, and
Motion for Summary Judgment

Statement of the Case

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to an appeal filed by Terry Smith (“Appellant”), an inmate incarcerated in the South Carolina Department of Corrections (“SCDC”).

On July 3, 2018, the Honorable HW Funderburk issued a Final Order reversing the Respondent's Final Agency Decision and remanding for recalculation of Appellant's sentence. The Appellant filed a Motion to Compel on August 1, 2018 which the Court dismissed as premature.

On August 24, 2018, the Respondent issued a document styled “Inmate Correspondence” and billed as the Agency’s Final Decision on Remand that purported to demonstrate the Respondent’s recalculation of Appellant’s sentence, again failing to properly calculate Appellant’s sentence, in a deliberate refusal to comply with the Court’s Order.

Argument

The Respondent plainly hopes, by describing its action as a “Final Decision”, to evade the jurisdiction of the current Court, presided by the Honorable HW Funderburk, Jr., and force appeal to a different court. This is a commonplace administrative tactic long recognized by the courts¹, and is intended merely for delay and obstruction. In the instant case, even separate items should be conjoined in the same matter if they are related. “The interest of judicial economy is strongly served by litigating all of the claims within a single action, rather than piecemeal”. See *Kennedy v Mendez*, 2004 WL 2280225 at *1-2 (MD Pa, Oct 7, 2004).

¹ See *Dixon v Page*, 291 F3d 485 (7th Cir 2002).

The Respondent raises three untimely arguments about the facts of the Appellant's sentences and the relevant law. At the outset of this continuation, the Respondent proposes to argue elements of law that they could have raised, and should have raised if they had been germane, during pleading, but failed to do so. Those arguments are abandoned. But even if those arguments were allowed, they can plainly be demonstrated to be untrue or erroneous [See discussion, below.]

In essence, SCDC has again recalculated Appellant's sentences, again using the same flawed math and erroneous application of law which produced each previous miscalculation. Again SCDC claims that Appellant cannot receive credit for time served on parole, in this instance merely proposing a slightly different variation of "why". These fresh reasons offered by SCDC are spurious and meant merely to obscure and delay.

First, in instance (1) of SCDC's document, SCDC notes that Appellant had consecutive 10 year sentences, arrives at a total figure of 20 years, and then magically decides that 5 years served and 7 years served are equal segments of time served on paired, identical 10 year sentences. This is the very illogic that the Court was forced to correct in its Order.

The Court ordered SCDC to recalculate the time served on the 10 year sentence for Distribution that Appellant began serving in 1999, and plainly the Court hoped that reducing the calculation to this simpler term would assist SCDC's college-educated lawyers in the necessary math. Unfortunately, SCDC immediately re-added the terms that previously confused their calculations to achieve the same erroneous result. But this repetition clearly demonstrates that SCDC *deliberately intends* miscalculation².

The additional information provided by SCDC in instance (1) adds no factual predicate that increases 5 years into 7 years (what could?); and more particularly, SCDC relied upon this information in its *original* miscalculation: no new information is provided to season the stew of obfuscation. These are the same facts³.

Second, in instance (2) of SCDC's document, SCDC pretends that no connection exists between the terminus of Appellant's 1994 sentences and the beginning of Appellant's 2006 sentences. Two outcomes spring forward for attention:

² The Appellant finds an assumption of deliberate misconduct safer than an assumption of foolish incompetence; if the Respondent is incompetent, how does their incompetence affect the other prisoners under their "care"? Are clowns in charge of SCDC's 380 million USD per annum circus?

³ The Court may note that SCDC produces a different bundle of records, in this instance, to support the same contention wrapped in different words. These same records were available before, but not offered—were they germane then? Respondent's counsel seems to find them germane now. Is this failure, pretence, or deliberate? Appellant does specifically wish to call the Court's attention to the "Transfer History" entry for 6/1/2006, where SCDC "released" Appellant to Cherokee County probation. Elsewhere, all Cherokee County charges are listed as completed priors. Which charge was this, and XXXXXX [need this from Record, Spartanburg County transfer date]

One, if the Appellant had been properly released in 2004 but then not tried until 2006, he would have enjoyed 2 years liberty; in such case, the sentence miscalculation would have prejudiced the Appellant immeasurably. The consequences of the supposed disconnection would be a flagrant violation of Appellant's civil rights.

Two, SCDC plainly held the Appellant until their calculated terminus of the 1994 sentences and then "released" the Appellant for "trial" in 2006, and plainly the government relied on SC Code § 24-13-40 to construct the sentence start-date in 2006. [Does Respondent's counsel mean to suggest that Appellant was held without trial from 2002 until 2006 as a plea-negotiation tactic?] SCDC's instant pretence to the contrary of this purpose and outcome is ridiculous, even sublime. Again, the consequences of the supposed disconnection would be a flagrant violation of Appellant's civil rights.

Consequently for the second part, the sentences are connected, and Respondent cannot wave a magic wand to pretend that they are not. The Court's Order clearly recognized this connection by demanding an alteration of the sentence start-date on the Appellant's 2006 sentences.

Third, in instance (3) of SCDC's document, SCDC claims that Appellant was given proper credit for parole time, according to SC Code § 24-21-670 (day-for-day credit). Since the Court previously noted from its examination of SCDC's records that Appellant was not given credit for the time spent on parole, SCDC's claim is factually erroneous.

In a second element of instance (3), SCDC frankly avows that the Appellant cannot receive sentence credit for time served in an external jurisdiction, suggesting that this is stated in SC Code § 24-13-40: "jail time in South Carolina stops when you begin serving another sentence"; this reading is a plainly erroneous *misreading* of the statute, compounded by the stark discrepancy available in the applied law; see *State v Robinson*, 305 SC 469, 409 SE 2d 404, 112 S Ct 1477 (1992): "while a convict is subject to a South Carolina detainer, he is constructively in South Carolina custody. As a result, a convict will receive credit for time spent in another jurisdiction while subject to a South Carolina detainer."

And, of course, SCDC purposefully overlooks that jail credit is not at issue in the Court's Order—the relief required is the proper calculation of the parole credits on the Appellant's 1994 sentence for Distribution that he began serving in 1999. Shifting the topic to jail credits is merely a means of obstruction and obfuscation.

Plainly, the Court cannot rely on "the expertise and discretion of prison officials"⁴ in this instance. SCDC cannot be granted deference in a situation where they plainly have no intention of obeying the Court's Order. The Respondent's counsel has failed in its duty to argue fairly and honestly before the Court, either through negligence or deliberate misstatement. Respondent's counsel was aware, from the pleadings in the instant case, what the relevant standards of law were in South Carolina. To

⁴ From *Sellers v State*, 259 SC 564, 193 SE 2d 513 (1972),

deliberately misstate and misapply clear law fails the duty required of an officer of the court. This recalculation was not mere argument; this was an ordered action that required responsible duty from counsel.

The Respondent has refused to supply the relief ordered by this Court. In fact, SCDC's counsel seems to mock this Court by substituting its erroneous interpretation of controlling law for this Court's Order. SCDC has neither recalculated Appellant's sentence in compliance with the ALC's Final Order nor provided any good-faith relief; SCDC continues to deny Appellant any custody advancement that was due from the *miscalculated* sentence, let alone custody advancement that would be due a properly calculated sentence. The Appellant is prejudiced by this denial of liberty interest, as indicated in *Al-Shabazz v State*, 338 SC 354, 527 SE 2d 742 (2000), and the Appellant is suffering extreme mental anguish as a result of this unnecessary wait for promised relief.

Since in this event Respondent seems determined to evade the ALC's Order, this Court should require sanctions as indicated in Rule 62 of the SCRALC:

If the presiding judge determines that . . . solely for the purposes of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

This Court should impose appropriate sanctions on the Respondent and compel immediate obedience to its Order.

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court grant summary judgment for the Appellant, or in the alternative, grant the Motion to Join and Motion to Compel, with the following specific relief:

1. Order that 71 months time served be credited to Appellant's sentence calculation, ensuring his imminent release. And the Court should supervise that determination of time and be prepared to compel the release.
2. Join the matter entitled "Case No.: 18-ALJ-04-0050-AP" with any other matter arising as an appeal from Respondent's action of August 24, 2018.
3. One dollar in nominal damages, five dollars punitive damages, and ten dollars for pain and suffering.
4. Fine the Respondent in the amount one-hundred dollars per day for each day beyond thirty (30) days which they fail to comply with the Court's original Order. [Past the date of the ruling on this motion, or an appropriate date specified by this Court.]

And any further relief that this Court deems just and proper in the circumstances.

Respectfully submitted,

Terry Smith 160785 F4B 1207
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

September 6, 2018
Bishopville SC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Appellant's Motion to Join, and Motion to Compel, and Motion for Summary Judgment 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:

Also find attached a Notice of Appeal, if necessary, arising from the action on remand.

Dept of General Counsel
SC Dept of Corrections
PO Box 21787
Columbia SC 29221

Honorable HW Funderburk
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia SC 29201

Bishopville, SC
September 6, 2018

s/_____
Terry Smith 160785 F4B 1207
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,)
)
Appellant,)
)
v)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No: 18C0438
[Grievance No: LEECI 590-17]

Honorable HW Funderburk

Appellant's Brief

Statement of the Issues on Appeal

I. Did the South Carolina Department of Corrections ("SCDC") properly construct and compute Terry Smith's ("Appellant") 1994 sentences, from which SCDC constructed the start-date of the Appellant's 2006 sentences by the act of releasing him for trial?

II. Is SCDC entitled to hold Appellant in custody by calculating his sentence pursuant to SC Code Ann Section 24-13-40 when the usage of the statutory provision directly provokes violations of the Appellant's 6th, 8th, and 14th Amendment rights under the Constitution of the United States?

Statement of the Case

This matter comes a second time before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed September 5, 2018 by Terry Smith ("Appellant"), an inmate incarcerated in the South Carolina Department of Corrections ("SCDC"). Appellant appeals SCDC's Final Agency Response to the July 3, 2018, Order of the ALC reversing and remanding SCDC's prior Final Agency Response to Appellant's original grievance of May 26, 2017.¹ That original appeal was noticed on February 5, 2018. The case was assigned again to Honorable HW Funderburk on September 19, 2018. The grievance

¹ This linguistic construction is an absurdity. The language reflects the absurdity of the situation. A subsequent appeal should not be required in these circumstances.

proceeds from Respondent's miscomputation of Appellant's prior sentence that began in 1994, which miscomputation proceeded forward into the computation of the start of Appellant's current sentence.

SCDC again contends, in its second Final Agency Response of August 24, 2018, that no miscomputation has occurred. During the period between that Final Agency Response and this date, the Governor of South Carolina declared a state of emergency to prepare for a natural disaster, and this declaration halted all movement in the prisons. Consequently, Appellant was denied access to legal materials during that period and comes to the court constrained by the action of the Respondent.

Additionally, the Appellant has filed a motion, in the previous appeal, to join these matters, compel the Respondent, and for summary judgment, but so far has no ruling on those motions. An appeal of the second question in this second appeal proceeds in the South Carolina Court of Appeals, currently also awaiting ruling on a motion before that court.

Argument

I. Appellant served two years parole after release in 2000, then spent 17 months in external custody, and more months awaiting extradition without revocation. This caused his 1994 sentence to expire prior to his trial in 2006, *but the Appellant was held in custody by SCDC until 2006*. Immediately prior to trial, the Appellant was hurriedly ejected from SCDC custody as a consequence of grievance complaints made while in that confinement.

Since this time was not properly spent in custody of SCDC, this time must be counted as part of the jail-time credit assigned by the sentencing court in 2006, but this time served has not been so counted. In fact, SCDC counts Appellant's sentence start-date as April 10, 2006, a full 45 months after his 2002 arrest for the 2002 charges belatedly tried in 2006. The time Appellant spent on parole (with or without revocation) is due to him as a sentence credit. See SC Code Ann Section 24-21-680 ("...as to whether the prisoner's parole should be revoked and whether he should be required to serve any part of the remaining *unserved* sentence"). In this case, Appellant served two years on parole, and the remaining sentence must consequently be two years less than a full computation.

Further, Appellant was physically confined beginning on July 13, 2002, and the writ of the 1994 court was running during the Appellant's entire confinement, both external and internal.

Time spent in confinement after sentencing cannot be discounted merely by SCDC stating “I do not wish to count as credit *this particular count of days* served in confinement or on parole”. All time served is served, and in this particular case the court made no holding as to concurrent or consecutive service of the charge confined (in Canada), and therefore, the Appellant is entitled to the most liberal construction of the time served. The Appellant is entitled to time-served sentence credit and reduction credits for this entire period of confinement and parole. See Robinson v State, 329 SC 65, 495 SE 2d 433 (1998); Delahoussaye v SC, 369 SC 522, 633 SE 2d 158 (2006); and Hayes v SC, SC Ct App Op No 5335 (2015). Appellant was not an escapee during his external confinement, and so the provision of SC Code Ann Section 24-13-40(b)(1), related to escapees, does not apply to Appellant.

As this Court previously noted in its Order of July 3, 2018, time spent on parole is eligible for sentence credit (Order, p5), relying on SC Code Ann Sec 24-13-40 and Sanders v MacDougall, 244 SC 160, 135 SE 2d 836 (1964). The Court ordered recalculation of Appellant’s 1994 sentences, specifically mentioning his Distribution charge (10 years), but SCDC plainly misconstrued the Court’s meaning in its Final Agency Response by attempting recalculation of the totality of sentences. By referring to the SAS Report provided in SCDC’s record, it is plain that Appellant served the first of his paired, consecutive 10-year sentences beginning in 1994 and completed in 1999 (5 years). The second 10-year sentence (Distribution) began in 1999, but by SCDC’s records was not served out until 2006 (7 years). This longer time of service occurred on the sentence that Appellant did not receive any institutional charges whatsoever (despite SCDC’s contention in the Response of August 24, 2018, that Appellant lost time for Absconding, no record reflects that Appellant was ever charged with or penalized for Absconding). It is absurd that Appellant should serve 5 years on 10 (*with* institutional charges to penalize the service), but then be required to serve 7 years on 10 (with no institutional charges whatsoever to penalize the service). Both sentences were nonviolent sentences, and subject to identical terms of service and construction. Plainly, SCDC has omitted granting sentence credit required by law, or else Appellant was not required to serve sufficient time on the first sentence—another absurdity.

SCDC’s second Final Agency Response also erroneously concludes again that Appellant is not entitled to “jail time”. Whether that assertion is true seems irrelevant when the error is about computation of parole time, not jail time. But in any event, Appellant is entitled to the jail

time, as indicated in *Robinson, Delahoussaye, and Hayes*, supra. It seems plain that SCDC is utterly reliant upon their computer program's ability to calculate sentences and sentence credit, and they fail to understand that a computer can fail to understand all of the variables required in its calculation. [Inmate Correspondence, dated August 24, 2018, p 1: "Such credit is automatically calculated into your sentence by our computer program."] The computer seems to be unaware of the law explained by the Court in its Order, and may require re-programming to achieve the correct result.

Since the Appellant's 1989/1993/1994 sentence should have expired *two years or more* prior to April 10, 2006, SCDC is not entitled to construct the start of the Appellant's current sentence from that late date.

II. The motive force and construction of the Appellant's 2006 sentence springs from a matter *not* written in the available record: the Appellant was convicted of Murder in 1994, and then that charge was dismissed by the Supreme Court of South Carolina in 1996. But the government of South Carolina (using SCDC as their ultimate agent; "SCDC" and "government" may be considered interchangeable terms in the following argument because SCDC is the confining actor at the direction of the government) was unsatisfied with that outcome. After the dismissal, the government resorted to a methodology built beforehand for more general purposes, *and built with the intention of legitimizing indefinite custody*, to retain custody of the Appellant for life. This became their specific intention in regard to this Appellant as a response to the Supreme Court's restraining action, but it was also their intention, all along, to use this methodology as a general tool against both the Appellant and other defendants.

The government has utilized SC Code Ann Section 24-13-40 as an instrument in unconstitutional operations. Specifically:

- By relying on prosecutorial discretion to pick and choose which charges or other matters to address at any given time;
- By relying on an indefinite statute of limitations to allow charges and other matters to languish until needed as a tool to produce confinement; and
- By relying on the language of 24-13-40 which allows the government to serialize the confinement for a conviction in indifference to the date of commission of the offense charged;

Using these, the government performs an operation under the color of state law that violates the constitutional rights of the citizens. In Appellant's case this is meant to serialize a sequence of minor charges into a life sentence—to replace and revenge the life sentence that was overturned by the court in 1996.

That fact is particular to this Appellant, but the methodology was honed and perfected through partial deferments of prosecutions for numerous defendants until it became accepted into general use, and so the government must be constrained both from the general usage and this specific use. This particular motive is made clear by the usage of the Pointing charge from Cherokee County, a minor felony that should have been adjudicated, penalized, and served out a full 10 years prior to its resuscitation in 2006. This charge was so minor at its inception that the court passed a sentence of 8 *months*, but the charge remained unresolved for 17 *years*.

This failure to properly and timely prosecute a charge, under the guise of prosecutorial discretion, is a direct challenge to the purpose of the Sixth Amendment when the deferred charge is subsequently used to prolong confinement. Prosecutorial discretion does not override the purpose of the Sixth Amendment, which is plainly meant to prevent excessive confinement while awaiting the disposition of charges. The Pointing charge was allowed to remain idle, despite every chance to complete prosecution, with the deliberate intent in due time to revive it and prolong the Appellant's confinement.

Likewise, the government had warrants in hand for the Appellant in 2002—a parole warrant for May 2, 2002, and warrants for more serious felonies from crimes alleged to occur on May 21, 2002, and June 28, 2002. Then the government refused to accept custody of the Appellant from Canada and proceed with trial in the manner described in the Sixth Amendment—speedily.

This lapse was intentional, and relied on the statutory enactment of SC Code Ann Section 24-13-40 which computes the time served on a sentence from the date of the imposition of the sentence—but nowhere in that statute does it grant the State power to ignore the Sixth Amendment. The government may not under any circumstances delay trial merely to extend the length of confinement. This usage violated the Sixth Amendment.

Did the government mean to allow memory of the incident to fade from the memory of witnesses by waiting? Or did they mean to enhance the length of the eventually imposed sentence by waiting until the ultimate moment of the Appellant's release—as if that impact were

the intention of 24-13-40? In fact, that law provides the government motive to break the Sixth Amendment; SC Code Ann Section 24-13-40 invites the government to act in an arbitrary manner in violation of the constitution.

If, as it seems likely, that the government would argue that they did not have Appellant present for trial, then this Court should ask the government how they have been willing to try defendants *in absentia* in hundreds, if not thousands, of felony cases in the last decade alone. Since trial *in absentia* is acceptable in circumstances where a defendant has no prior convictions whatsoever, then it must have been acceptable in Appellant's circumstances—except that the truth of the government's motive is clearly that the delay was intended to take advantage of the language of 24-13-40 and permit a lengthy addition to the Appellant's sentence before it legally began, by falsely constructing the sentence start-date from a date far removed from the time of arrest.

At the same time, by illegally enhancing the length of the sentence, the government imposes cruel and unusual punishment by artificially constructing a sentence in excess of the length mandated by law and imposed by the court. Whether 23 years sentence was valid for the crimes charged (in Appellant's case the purported Armed Robbery was committed with gestures from a beer bottle) becomes irrelevant when the government may, by merely postponing trial, impose an additional four years sentence for the crimes charged. This violated the Eighth Amendment. This usage of SC Code Ann Section 24-13-40 likewise invites the government to act in an arbitrary manner in violation of the constitution.

In Appellant's case, the government brought to bear an agenda derived from a prior overturned conviction (the 1994 Murder), and deliberately serialized the prosecution of the Appellant to impose additional confinement beyond the sentence imposed by the court. The government, in this instance, was both aware of the prior overturn and determined to avenge it by exceeding the confinement imposed by the sentencing court. This violated the Eighth Amendment.

Whatever the legislative intent of SC Code Ann Section 24-13-40, that law grants the executive branch writ to infringe the constitutional rights of the citizens under color of state law; 24-13-40 is unconstitutional as applied. The 2006 court noted in a letter to the Appellant that the court was unable to impose a specific calculation upon his time-served and that that power lay in the hands of the government—whereas in our imagined usage of the court's sentencing power,

the court may construct the sentence as it wishes as long as it is not to the detriment of the citizen. In the particular case of the 2006 sentencing for the Appellant, the court deliberately chose the middle point of the range of sentencing agreed in the plea bargain—this is clear evidence that the court felt that the plea was sufficiently harsh, and needed no additional prolongation.

The Solicitor in the 2006 case informed the state-appointed counsel for the Appellant, in the course of the plea negotiation for those charges, that no downward departure was available in the plea range, *and that this was because the Solicitor had knowledge and involvement in the 1994 Murder charge that was subsequently overturned*. The government intended in the Appellant's case, through its agents, to deliberately prolong his confinement in defiance of the Constitution and the prior actions of the court.

The matter of the general usage of SC Code Ann Section 24-13-40 goes further into the realm of illegal and unconstitutional behavior. When the legislature enacted 24-13-40, they acted in consultation with the executive, and colluded to this very outcome—in a general sense. In the intervening years, this methodology has been used to oppress the boisterous young men of the State of South Carolina, and that was a foreseeable outcome more in accord with South Carolina's apartheid past than its supposed colorblind present or future. Danger exists in leaving the tools of oppression lying about for whoever might find them—that is no different than leaving a pistol out where a child might reach it. These tools, and especially this law, must be disarmed—broken—to prevent future oppressions.

And so in the Appellant's case the problem doesn't lie, so much, in the imposition or computation of any single sentence, but in the administration of the aggregate of sentences with the intention of retaining indefinite custody, clearly typified by the revocation and reimposition of probation on Cherokee County charges to retain custody throughout a 20-year span (from an original 8-month charge that was handily available as a revocation at any time Appellant was released, despite that service should have long ended with proper prosecution on that minor sentence) and the deliberate delay in prosecution of the 2002 warrants despite the Appellant's concurrent confinement (where at the same time the government is quite willing to try, *in absentia*, defendants that are not even in custody). In sum:

SC Code Ann Section 24-13-40 *Computation of time served by prisoners* violates the Sixth, Eighth, and Fourteenth Amendments to the US Constitution by handing the government

control of the sentence start-date through the usage of delayed prosecution, specifically in this instance, for four years past the time where they had custody of the Appellant and should have brought him speedily to trial. [See *State v Boggs*, 388 SC 314, 696 SE 2d 597 (Ct App 2010). If the trial court has no discretion in whether a defendant will receive credit for time served, how can the government have discretion?]

As a footnote to the preceding argument, I foresee that the government might argue that whether the Appellant ever asserted his right to speedy trial must determine whether he is entitled to the protection of the constitution. I say that no victim should be required to assert injury to gain redress—or else Murder should not be prosecuted. Nor may the government claim that they did not foresee that 24-13-40 was unconstitutional as applied; ignorance of the law provides no defense; and surely any usage of law should be first compared to the fundamental outline of our law—the Constitution—before, during, and after usage by any practitioner. A good carpenter measures the results of his work against his intentions at all times, and learns thereby. So must the government also do. [And in any event, the Appellant is still searching for the relevant documents to prove these issues; they should be forthcoming.]

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court make a searching inquiry into the computation of his past and current sentences to ensure compliance with both policy and law, and command SCDC to compute the sentence start-date for his 2002 warrants to begin at his 2002 arrest, despite that the government failed, in violation of the Sixth Amendment, to prosecute those charges until 2006. With proper computation of the time spent on parole and in external confinement, and the jail-credit due the Appellant from his arrest in 2002, an aggregate of more than 71 months should be credited to his time served.

Respectfully submitted,

Terry Smith 160785 F4B 1245
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

October 8, 2018
Bishopville SC

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:

Dept of General Counsel
SC Dept of Corrections
PO Box 21787
Columbia SC 29221

Honorable HW Funderburk
SC Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia SC 29201

Bishopville, SC
October 8, 2018

s/_____
Terry Smith 160785 F4B 1245
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Terry Bo Smith, #160785,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 18-ALJ-04-0438-AP

[Grievance No.: LEECI 390-17]

Hon. H. W. Funderburk

RESPONDENT'S MOTION TO DISMISS

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the appeal of Terry Smith (“Appellant”). Respondent moves this Court to dismiss the Appellant’s appeal pursuant to ALC rules 59 and 62 for failure to serve the Notice of Appeal on the agency.

ARGUMENT

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 *Al-Shabazz*, the Supreme Court created a new avenue by which inmates could seek review of final decisions of SCDC in "non-collateral" matters, *i.e.*, matters in which an inmate does not challenge the validity of a conviction or sentence, by appealing those decisions to the ALC. *Id.* at 373, 376, 527 S.E.2d at 752, 754. The language contained in the ALC rules is as follows:

Rule 59 Notice of Appeal:

The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken...

Rule 62 states:

Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section

Here, although Appellant filed a Notice of Appeal with this Court, Appellant was also required to serve the agency with a Notice of Appeal within thirty (30) days of receipt of the final agency decision. Appellant received the final agency decision in the form of a letter from the Office of General Counsel on August 30, 2018. *See* Legal/Privileged/Certified Mail Delivery Log for August 29, 2018. The last sentence of this letter clearly stated that it was SCDC's final agency decision. *See* Inmate Correspondence to Appellant dated August 24, 2018¹. Thus, his Notice of Appeal was due October 1, 2018. As of today's date, November 27, 2018, Appellant has not served the agency with a Notice of Appeal in this matter. *See* Affidavit of Cheron Hess. South Carolina Administrative Law Court Rule 62 provides that "upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure, including the failure to comply with any time limits provided by this section."

On September 6, 2018, Appellant filed a Motion to Join, Compel, and for Summary Judgment stating that SCDC had not complied with this Court's Order in a previous case which concerned the same issue as the current appeal. He further alleged that SCDC was trying to deny his opportunity to appeal the agency's decision. Appellant attached a Notice of Appeal to his September 6, 2018 filings, but indicated that it was for case number 18-ALJ-04-0050-AP, not this case. In response to the allegations in Appellant's September 6, 2018 filings, SCDC's Office of General Counsel sent Appellant a letter that included a blank Notice of Appeal form. In this letter, SCDC explained that the final agency decision he received on August 30, 2018 was designated as such in order to make it easier for Appellant to file an appeal by not requiring him to go through SCDC's grievance process again. *See* Inmate Correspondence to Appellant dated October 5, 2018². Appellant received the second letter on October 15, 2018. *See* Legal/Privileged/Certified

¹ Administrative Law Court Rule 59 requires that the notice of appeal be accompanied by a copy of the final agency decision which is the subject of the appeal. Because Respondent was not served with the Notice of Appeal, it is unclear if Appellant attached it to the Court's copy. For the convenience of the Court and both parties, Respondent has attached a copy of the August 24, 2018 letter which was SCDC's final agency decision in this matter.

² For the convenience of the Court and both parties, Respondent has attached a copy of the October 5, 2018 letter should the Court consider this SCDC's final agency decision in this matter.

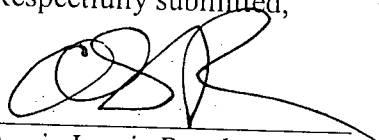
Mail Delivery Log for October 15, 2018. If this court chooses to treat this second letter as SCDC's final agency decision, Appellant's Notice of Appeal was due November 14, 2018. As stated above, as of today's date, November 27, 2018, Appellant has not served the agency with a Notice of Appeal in this matter. *See Affidavit of Cheron Hess.*

Should this Court deny this Motion to Dismiss, Respondent respectfully requests an additional seventy (70) days to file the Record.

CONCLUSION

WHEREFORE, SCDC respectfully requests the Court dismiss this appeal.

Respectfully submitted,



Annie Laurie Rumler
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(803) 896-8508

November 27, 2018
Columbia, South Carolina

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Terry Bo Smith, #160785,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 18-ALJ-04-0438-AP

[Grievance No.: LEECI 390-17]

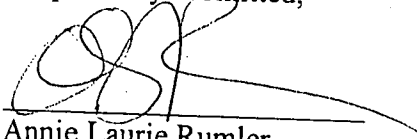
Hon. H. W. Funderburk

**RESPONDENT'S MOTION TO
WITHDRAW PREVIOUS MOTION TO
DISMISS**

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the appeal of Terry Smith ("Appellant"). On November 27, 2018, Respondent filed a Motion to Dismiss this appeal on the basis that Appellant had not served Respondent with a Notice of Appeal. In that motion, Respondent noted that on September 6, 2018, Appellant filed a Motion to Join, Compel, and for Summary Judgment to which he attached a Notice of Appeal which indicated it was for a different Administrative Law Court case, case number 18-ALJ-04-0050-AP. On December 3, 2018, Appellant filed a Reply to Motion to Dismiss in which he explained that the Notice of Appeal included with his September 6, 2018 filing was his Notice of Appeal for this case and that the other case number had been included in inadvertently. In light of this clarification, Respondent respectfully requests to withdraw their previously filed Motion to Dismiss.

Respectfully submitted,



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December 13, 2018
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Terry Smith, #160785,	)	Docket No.: 18-ALJ-04--438-AP
	)	
Appellant,	)	
	)	
v.	)	RESPONDENT'S MOTION TO FILE
	)	THE RECORD OUT OF TIME
	)	
South Carolina Department of Corrections,	)	<i>Honorable H.W. Funderburk, Jr.</i>
	)	
Respondent.	)	
_____	)	

Respondent, by and through the undersigned attorney, respectfully requests to file the Record in this case out of time. This case was assigned on September 19, 2018. The Record was originally due on November 28, 2018. However, on November 27, 2018,

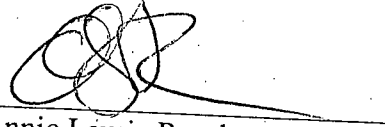
Respondent filed a Motion to Dismiss requesting that the Court dismiss this case or, in the alternative, give Respondent 70 days additional days from the date of an order denying the motion to file the Record. On December 13, 2018, in light of clarification provided by Appellant, Respondent filed a motion to withdraw its previously filed Motion to Dismiss. Administrative Law Court Rule 59 states, in relevant part,

If the agency files a motion to dismiss the appeal prior to filing the record, such a motion shall stay the time for the agency to prepare the transcript and file the record pending resolution of the motion. . . . Unless otherwise ordered, the initial time frames for the filing of the record and briefs shall begin upon the resolution of the motion by the court. The time frames shall run from the date of the order resolving the motion rather than the date of assignment, without regard to any time which elapsed prior to the filing of the motion.

Respondent has not yet received a ruling from the Court on either motion and thus believes that the time for filing the Record remains stayed. However, Respondent has the Record ready to file and believes it would benefit both parties and the court to have the Record as quickly as possible. Because Respondent's Motion to Dismiss and subsequent motion to withdraw said Motion to Dismiss have somewhat muddled the issue of the

Record's due date, Respondent, out of an abundance of caution, respectfully requests to file the Record out of time in the above-captioned case.

Respectfully Submitted,



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January 2, 2019
Columbia, South Carolina

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Terry Smith, #160785,	)	Docket No.: 18-ALJ-04-0438-AP
	)	
Appellant,	)	
	)	<i>Hon. H.W. Funderburk, Jr.</i>
v.	)	
	)	RESPONDENT'S BRIEF
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	
	)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court ("ALC") pursuant to the appeal of Terry Smith ("Appellant"), an inmate incarcerated with the Department of Corrections ("SCDC"). This is the second Administrative Law Court case Appellant has filed concerning his sentence calculation. On July 3, 2018, this Court remanded Appellant's previous case, 18-ALJ-04-0050-AP, and ordered Respondent to recalculate Appellant's sentence consistent with the Court's opinion. Respondent did so and notified Appellant of the final agency decision in this matter via letter on August 24, 2018. Appellant subsequently filed his Notice of Appeal. Because Appellant's sentence has been properly calculated, 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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the South Carolina Supreme Court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan*

v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the South Carolina Supreme Court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. *See Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

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

APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

On April 27, 1994, Appellant received a ten year sentence for Assault and Battery of a High and Aggravated Nature. *See* sentencing sheet for indictment number 1994GS11132. Then on August 9, 1994 he received a ten year sentence for Crack Distribution which was to run consecutive to his ABHAN sentence. *See* sentencing sheet for indictment number 1994GS11949. Appellant was entitled to 103 days of jail time credit on his sentence for Assault and Battery of a High and Aggravated Nature. SCDC gave Appellant that credit by backdating his sentence start date to January 14, 1994 which is 103 days prior to his April 27, 1994 sentencing. *See* Completed SCDC Priors. Appellant completed that sentence on August 14, 1999 and then began his Crack Distribution sentence. *See* Completed SCDC Priors.

On August 2, 2000, Appellant was released on parole. *See* Appellant's Transfer History, p. 4. On May 2, 2002, Appellant absconded from parole supervision and a warrant was issued for his arrest. *See* Appellant's Transfer History, p. 3 & Spartanburg County arrest warrant number W-42-02-0458. Appellant was arrested January 17, 2004. *See* Jail Time Report for SCDC Transfer from Spartanburg County dated March 3, 2004. Appellant's parole was officially revoked on March 1, 2004. *See* parole revocation order.

On March 3, 2004, he returned to SCDC custody to complete the remaining portion of his 1994 sentence for Crack Distribution. *See* Appellant's Transfer History, p.3 & Jail Time Report for SCDC Transfer from Spartanburg County dated March 3, 2004. Appellant was on parole in South Carolina from August 2, 2000 until May 1, 2002, a total of 638 days. Appellant was given day for day credit on for this time pursuant to S.C.

Code Ann. § 24-21-670. *See* SAS System Calculation for conviction S00008. From May 2, 2002 until his arrest on January 17, 2004, Appellant was not abiding by the terms of his parole. Thus S.C. Code Ann. § 24-21-670 does not entitle him to credit for this time period. In fact, South Carolina law prohibits Appellant from receiving credit for this period of time. (*See State v. Hackett*, 363 S.C. 177, 182, 609 S.E.2d 553, 555-56 (Ct. App. 2005)) (Hackett was not entitled to credit for "time between the issuance of the probation arrest warrant . . . and the time Hackett actually appeared before the court" because to do otherwise would "lead to an absurd result."); (*State v. Miller*, 404 S.C. 29, 37, 744 S.E.2d 532, 537 (2013)) ("the tolling of probation must be premised on a violation of a condition of probation or a statutory directive.").

Appellant spent some time incarcerated in New York between May 2, 2002, when his parole violation warrant was issued, and his January 17, 2004 arrest. *See* Appellant's Transfer History, p.3. Appellant argues he should get jail time credit on his Crack Distribution sentence for this time. *See* Appellant's Brief, p. 2-3. However, as discussed above, Appellant cannot get credit for time when he was ordered to be on parole but had absconded from supervision. *Hackett* at 182, 609 S.E.2d at 555-56 (Ct. App. 2005).

Appellant completed his Crack Distribution sentence and was released from SCDC custody on June 1, 2006.¹ *See* Appellant's Transfer History, p.1. Appellant ultimately served just over 10 years and four months of the possible 20 years imposed by his 1994 consecutive sentences. This includes the time he was incarcerated prior to parole

¹ While Appellant's Completed SCDC Priors does indicate that this sentence, offense S00008, would be completed on June 5, 2006, Appellant was actually released on June 1, 2006 pursuant to Proviso 37.26 to the 2005-2006 Appropriations Act which states "The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, shall release such prisoners on the first day of the month in which their sentence expires, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday, Saturday or Sunday."

(May 5, 1994 to August 2, 2000), the time he was on parole prior to his violating the terms (August 3, 2000 to May 2, 2002), and the time he was incarcerated after his parole was revoked (January 17, 2004 to June 1, 2006).

On October 16, 2006, Appellant was sentenced to 15 years for Common Law Robbery, 10 years for Assault and Battery of a High and Aggravated Nature, 23 years for Armed Robbery, 23 years for Kidnapping, and 20 years for Carjacking with Bodily Injury. *See* Sentencing Sheets for indictment numbers 2006GS423933, 2006GS423932, 2004GS422037, and 2004GS422036, respectively. Appellant is entitled to 189 days of jail time credit (46 days from January 17, 2004 to March 3, 2004 and 143 days from May 25, 2006 to October 16, 2006) on these sentences. *See* Jail Time Report for SCDC Transfer from Spartanburg County dated October 17, 2006. SCDC credited Appellant with 189 days of jail time credit on all of his October 16, 2006 sentences by recording his sentence start date as April 10, 2006; which is 189 days prior to his sentencing date of October 16, 2006. *See* Conviction Summary.

As discussed above, Appellant was entitled to jail time credit derived from two separate periods of time. SCDC applied these jail time credits to his sentence by utilizing an administrative fiction and entering his sentence start date as April 10, 2006. Because Appellant's sentence start date was recorded as April 10, 2006, it may at first glance appear that Appellant's current sentences were imposed before he completed his 1994 sentences on June 1, 2006. In fact, Appellant argues that this is the case stating that SCDC "constructed the start-date" of his current sentences based on the calculation of his 1994 sentences. *See* Appellant's Brief, p. 1. However, this is not the case. As discussed previously, Appellant completed his 1994 sentences on June 1, 2006 and his current

sentences were not imposed until a month and a half later on October 16, 2006. As such, the end date of Appellant's 1994 sentences do not have any bearing on the calculation of the sentences he is currently serving.

Appellant's sentences for Common Law Robbery and Assault and Battery of a High and Aggravated Nature were both completed prior to his initiating this appeals process; on March 10, 2014 and August 5, 2011, respectively. *See* Conviction Summary. Appellant is currently serving his sentences for Armed Robbery, Kidnapping, and Carjacking with Bodily Injury. *Id.* His current projected completion date for the Carjacking with Bodily Injury sentence is April 6, 2023. *Id.* His current projected completion date for both his Armed Robbery and Kidnapping sentences is October 22, 2025. *Id.*

Both Armed Robbery and Kidnapping are no parole offenses. S.C. Code Ann. § 24-13-100 defines a no parole offenses as, in relevant part, "an offense exempt from classification as enumerated in* Section 16-1-10(d)." Both Armed Robbery and Kidnapping are included in the list of offenses in S.C. Code Ann. § 16-1-10(d). Because both of these sentences are for no parole offenses, they are subject to the mandatory service requirement imposed by S.C. Code Ann. § 24-13-150(A). This statute states, in relevant part,

an inmate convicted of a no parole offense . . . is not eligible for early release, discharge, or community supervision . . . until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed . . . calculated without the application of earned work credits, education credits, or good conduct credits[.]

Appellant received 23 year sentences for both of these offenses so Appellant has a mandatory service requirement of 19 years, six months, and 18 days on both sentences.

Appellant's current projected max out date on these sentences, October 22, 2025, is approximately 19 years, six months, and 18 days from April 10, 2006, his sentence start date. Thus Appellant's current projected max out date is the earliest possible max out date available to him under South Carolina law.

CONCLUSION

Appellant has not carried his burden to demonstrate SCDC incorrectly calculated his sentence. Therefore, SCDC respectfully requests its final agency decision be upheld.

Respectfully submitted,



Annie Rumler
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-1355

January 3, 2019
Columbia, South Carolina

State of South Carolina
In the Administrative Law Court

Terry Smith 160785,

Appellant,

v

South Carolina Department of Corrections,

Respondent.

Docket No: 18-ALJ-04-0438-AP

[Grievance No: LEECI 590-17]

Honorable H. W. Funderburk, Jr.

Reply Brief

Statement of the Case

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the appeal filed by Terry Smith ("Appellant or Smith"), an inmate incarcerated in the South Carolina Department of Corrections ("Respondent or SCDC"). This is the second ALC case Smith has been forced to file concerning his sentence calculation. On July 3, 2018, this Court remanded Smith's previous case, 18-ALJ-04-0050-AP, and ordered SCDC to recalculate Smith's sentence consistent with the Court's opinion. SCDC refused to recalculate Smith's sentence in accordance with the Court's opinion, and notified Smith of the "Final Agency Decision" in the matter springing from the remand via letter on August 24, 2018. Smith subsequently filed his Notice of Appeal.

SCDC re-asserts that Smith's sentence has been properly calculated, despite the lack of any substantial change of information, and requests that the Final Agency Decision be affirmed, but it should be again reversed.

Argument

SCDC outlines the sequence of events as follows: On August 2, 2000, Smith was released on parole. On May 2, 2002, Smith absconded from parole and a warrant was issued for his arrest. On January 17, 2004, Smith was arrested. On March 1, 2004, Smith's parole was officially

revoked. [See page 3 of Respondent's Brief.] But in fact, Smith was arrested on July 13, 2002, and Spartanburg law enforcement was duly notified. [See Fax Sheet, NRPS; and Fingerprint Identification, NRPS; both attached.] SCDC's argument in this matter depends entirely upon this not-so-subtle misstatement of material fact.

The Respondent relies on *State v Hackett*, 609 SE 2d 553 (Ct App 2005), to dismiss the idea that Smith is entitled to the time served on parole between July 2002 and January 2004—but this is an after-the-fact search for justification for an already completed illegal action. [At this point, Smith has served the contested time already.] Smith is entitled to the time served because he was actually confined from 2002 through 2004 (and this time served was not jail-time credit, despite the repeated attempt at labeling by the Respondent). While this Court explained in its first Order that the time spent on parole must be calculated as time served [Page 6 of Final Order], and this in accordance with *Sanders v MacDougall*, 135 SE 2d 836 (1964), Smith is further entitled to all time spent confined to be counted as time served based upon *Robinson v State*, 495 SE 2d 433 (1998): “[while] a convict is subject to a South Carolina detainer, he is constructively in South Carolina custody. As a result, a convict will receive credit for time spent in another jurisdiction while subject to a South Carolina detainer.” And this entitlement exists even if Smith's parole was tolled—which it was not tolled, because it was not revoked.

But returning to SCDC's argument, the analysis based on *Hackett* seeks to apply a ruling particular to tolled probation to these instant facts, which are about time served on parole. While the courts have ruled that both probation and parole are species of incarceration, they clearly differ in legislative intent. Probation serves as a warning precursor to incarceration; parole is a deliberate relaxation of the rigors of incarceration. A rule intended for one will not automatically apply to the other. Thus any analysis based on *Hackett* is first misplaced due to this difference in legislative intent.

Second, probation tolling is a usage of the trial courts, not a statutory provision. The parole provisions, including revocation, are statutory. Statutory provisions are controlling in any conflict. SCDC clearly admits that Smith's parole was not revoked until 2004. [See page 3 of Respondent's Brief.] Unrevoked parole is parole that is being served.

Third, *Hackett* addresses material facts wildly dissimilar to Smith's. In *Hackett*, the probation period was tolled because he eluded supervision; the span of time that he eluded supervision was specifically tolled by the court. It would indeed have been an absurd result to allow him to avoid the sentenced probation by merely avoiding capture for the span of the probation. And by that premise, tolling could be applicable for any time spent outside supervision or confinement. Yet here, Smith was confined beginning July 2002, but the Respondent would choose the arbitrary date of his belated formal South Carolina arrest in 2004 as the start-point for counting the length of his confinement. [This date would conveniently explain nearly two years of illegal confinement preceding Smith's 2006 trial.]

SCDC is clearly not entitled to discount the time served by Smith between July 2002 and January 2004 from his time served, but did so, and held Smith in custody illegally prior to releasing him for trial in 2006. While the Respondent claims that the belated release from the 1994 sentences has no bearing on the calculation of the sentences Smith is currently serving [see page 6 of Respondent's Brief], this is plainly false. If Smith had been released properly in 2004 (a guess at the proper release date), then any subsequent time spent in confinement would have been counted as jail credit on the 2006 sentences, and would have been spent in Spartanburg County jail while awaiting trial on the charges lodged in 2002. Consequently, even had Smith still been sentenced in 2006, his sentence start-dates for those charges would have been calculated from his 2004 release from SCDC. This is a substantial impact on Smith's entitlement to liberty, and absolutely the responsibility of the Respondent.

Conclusion

WHEREFORE, the Appellant respectfully requests that the Court order SCDC to give Smith credit for the time served on parole, which naturally continued from his 2002 arrest in Canada, not the 2004 service of warrant in Spartanburg (which was a mere formality; the actuality of confinement began with the 2002 arrest that was *consequent to the issuance* of the later-served warrant).

Respectfully submitted,

Terry Smith 160785 F4B 1239
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

January 16, 2019
Bishopville SC

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Terry Bo Smith, # 160785,	)	Docket No. 18-ALJ-04-0438-AP
	)	[Grievance No.: LCI 590-17]
Appellant,	)	
	)	
vs.	)	ORDER GRANTING MOTION TO
	)	FILE RECORD OUT OF TIME
South Carolina Department of Corrections,	)	AND
	)	REQUESTING CLARIFICATION
Respondent.	)	
	)	

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Terry Bo Smith (Appellant), an inmate incarcerated by the South Carolina Department of Corrections (Department or SCDC) on September 5, 2018.

Respondent filed a Motion to File the Record Out of Time in this matter on January 2, 2018. Because Respondent previously filed a Motion to Withdraw an earlier Motion to Dismiss that went unanswered by the Court, the Court grants the Motion to File the Record Out of Time and the Record is deemed properly filed as of January 2, 2018.

This is the second ALC case Appellant has filed contesting his sentence calculation by the Department. By Order of July 3, 2018, the Court remanded Case Number 18-ALJ-04-0050-AP and ordered the Department to recalculate Appellant's sentence. The Department apparently did so and notified Appellant of the Final Agency Decision on August 24, 2018. Appellant then filed this Notice of Appeal on September 5, 2018.

FACTS/PROCEDURAL HISTORY

On April 27, 1994, Appellant was sentenced to ten (10) years on indictment number 1994-GS-11-132, for Assault and Battery of a High and Aggravated Nature (ABHAN). The Department backdated the start date of Appellant's sentence to January 14, 1994, in order to give him credit for the 103 days he served on his ABHAN charge prior to sentencing. On August 9, 1994, Appellant was sentenced to ten (10) years on indictment number 1994-GS-11-949 for Distribution of Crack (Distribution). This Distribution sentence was ordered to run consecutive to the ABHAN

FILED

FEB 27 2019

SC ADMIN. LAW COURT

sentence. Appellant completed his sentence for ABHAN on August 14, 1999, and then began to serve his Distribution sentence.

On August 2, 2000, Appellant was released on parole. Appellant was on parole in South Carolina for a total of 638 days from August 2, 2000 until May 1, 2002, when it was determined he had absconded from supervision. On May 2, 2002, Warrant Number W-42-02-0458 was issued by Spartanburg County alleging Appellant had violated his parole. The warrant also noted that Appellant was suspected of committing other crimes in the area.

During the period between the issuance of the parole violation warrant and his subsequent arrest on that warrant, Appellant spent time incarcerated in Canada and New York beginning in July 2002 and ending upon his extradition to South Carolina where he was served with the Spartanburg County warrant for parole violation on January 17, 2004. Appellant's parole was officially revoked on March 1, 2004 and, on March 3, 2004, Appellant returned to SCDC custody to complete the remainder of his sentence for the 1994 Distribution conviction.

Pursuant to S.C. Code Ann. § 24-21-670, Appellant was given the 638 days of credit from the time of his release on parole until the day he absconded. According to the Department's Brief in this case, it appears Appellant was not given credit from the day the Spartanburg County warrant was issued for his parole violation (May 2, 2002) until the day of his arrest for the violation on January 17, 2004. Because he was determined not to be abiding by the terms of his parole during this period, the Department argues § 24-21-670 does not entitle him to credit for this time. *State v. Hackett*, 363 S.C. 177, 609 S.E.2d 553 (Ct. App. 2005); *State v. Miller*, 404 S.C. 29, 744 S.E.2d 532 (2013). (Respondent's Brief, p.4)

However, the Department's August 24, 2018, letter to Appellant concerning the recalculation of his sentence after the Remand also states:

"Although you did not receive 'jail time credit' (per S.C. Code § 24-13-40) for the time you spent on parole, you did receive day-for-day credit for this time pursuant to § 24-21-670 upon your return to SCDC. Such credit is automatically calculated into your sentence by our computer program. You also received all jail time credit to which you were entitled under S.C. Code § 24-13-40. This statute states that jail time in South Carolina stops when you begin serving another sentence, so the time you spent serving a sentence in Canada cannot be counted as 'jail time' for purposes of your South Carolina sentences. However, you did receive jail time credit for time you were being detained in New York."

consecutive sentences he received for his 1994 ABHAN and Distribution convictions. Specifically, he served a total of 1,860 days on the Distribution charge.

Also, during the period between the issuance of the parole violation warrant and his subsequent arrest on that warrant, Appellant committed the offenses of Common Law Robbery and ABHAN on May 21, 2002 and the offenses of Armed Robbery, Kidnapping, and Car Jacking with Great Bodily Injury on June 28, 2002 in Spartanburg County, South Carolina.³

On October 16, 2006,⁴ Appellant entered pleas of guilt and was concurrently sentenced to the following:

- Common Law Robbery: 15 years (Indictment 2006-GS-42-3933)
- Assault and Battery of a High and Aggravated Nature: 10 years (Indictment 2006-GS-42-3932)
- Armed Robbery: 23 years (Indictment 2004-GS-42-2037)
- Kidnapping: 23 years (Indictment 2004-GS-42-2036)
- Carjacking with Great Bodily Injury: 20 years (Indictment 2004-GS-42-2035)

Appellant was given 189 days of credit for the time he served on these charges: 46 days from January 17, 2004 to March 3, 2004, and 143 days from May 25, 2006 to October 16, 2006. This credit was applied by backdating his sentence start date to April 10, 2006, to reflect the 189-day credit from his actual sentencing date on October 16, 2006.

Appellant argues that he should have been given credit for the time he served in New York (507 days) to have been applied to his 1994 Distribution sentence. If those 507 days had been applied by the Department, Appellant asserts he would have finished serving the Distribution sentence earlier than June 1, 2006, and, ostensibly, would have begun serving the sentences for which he is now incarcerated 507 days sooner. As such, he believes he is entitled to 507 days of additional credit on his current sentence.

³ Appellant was indicted on the May 21, 2002 charges in 2006. He was indicted on the June 28, 2002 charges in 2004.

⁴ The incident dates for these charges were in May and June, 2002. Appellant was not convicted of these offenses until after he was released from SCDC custody once he finished serving his sentence from the 1994 Distribution charge.

According to Appellant's Transfer History provided in the Record, it appears that Appellant was incarcerated in New York for a total of 507 days from August 28, 2002 until January 17, 2004.¹

The letter in response to the Remand states that Appellant was given credit for the time he was "detained" in New York. It is unclear from the Record provided if this time was credited to Appellant and, if so, how much time was credited to his sentence. Was it the full amount of his incarceration in New York or just the days after he completed his sentence there waiting to be extradited on the South Carolina detainer?

Furthermore, a page contained in Respondent's Motion to Dismiss filed on November 27, 2018, entitled "SCDC Offender Management System -Record Audit Application" contains the following lines:²

--UPDATED TRANCNT SCREEN TO REFLECT JAIL TIME FROM NEW YORK. 5/19/06-----
 --SCREEN TO REFLECT JAIL TIME FROM NEW YORK. 5/19/06----- DELETED "Y"

Again, based on the Record provided by Respondent at this time, the Court is unable to determine what the Department originally did in this case concerning the time Appellant was incarcerated in New York and what the Department has done since the Remand.

To further complicate matters, the Department asserted in its Brief that under *Hackett*, Appellant was not entitled to credit for that time because he had absconded from supervision. *Id.* at 182, 609 S.E.2d at 555-56. This seems to be in conflict with the contents of the August 24, 2018, letter to Appellant after the Remand.

After returning to SCDC to serve the remainder of his 1994 Distribution sentence, Appellant was released from custody on June 1, 2006. Including the time of incarceration on the original sentence (2,282 days from May 5, 1994 to August 2, 2000), the time he spent on parole prior to the issuance of his warrant for absconding (638 days from August 3, 2000 to May 2, 2002), and the time of incarceration after his parole revocation (867 days from January 17, 2004 to June 1, 2006), Appellant served approximately 10 years and 4 months, or 3,787 days on the 20-years of

¹ The Record is not clear as to when Appellant was incarcerated in Canada, so the Court is unable to address this specific duration at this time.

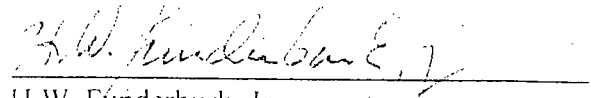
² These lines also contain two areas that have been crossed out for redaction purposes. This page was printed out on August 23, 2018, the day before the letter addressing the Remand was sent to Appellant.

The Department states in its letter that he was given credit for this time upon the previous Remand from the ALC but Appellant argues that the time still has not been applied correctly to his current sentence. Based upon the premises raised under *Hackett* in Respondent's Brief, it appears the Department does not intend to give Appellant credit for this time. However, since the letter states otherwise and the printout from the SCDC Offender Management System is not dispositive of this issue one way or the other, the Court must ask for clarification on these discrepancies and the Department's position before ruling on this matter.

As such, the Court asks for Clarification within 30 days of the date of this Order.

AND IT IS SO ORDERED.

February 27, 2019
Columbia, South Carolina


H.W. Funderburk, Jr.
Administrative Law Judge

FILED

FEB 27 2019

SC ADMIN. LAW COURT

CLERK OF COURT
COLUMBIA COUNTY
COLUMBIA, SOUTH CAROLINA
RECEIVED
FEB 27 2019
27th February, 2019

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Terry Bo Smith, #160785,	)	Docket No.: 18-ALJ-04-0438-IJ
	)	[<u>Grievance No. LCI 590-18</u>]
Appellant,	)	
	)	<i>Hon. H. W. Funderburk, Jr.</i>
v.	)	
	)	RESPONDENT'S
South Carolina Department of Corrections,	)	CLARIFICATION
	)	MEMORANDUM
Respondent.	)	

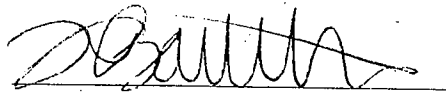
This matter is before the Administrative Law Court ("ALC" or "Court") pursuant to the appeal of Terry Bo Smith ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC" or "Department"). On February 27, 2019, this Court ordered Respondent to file a Clarification Memorandum as it relates to Appellant's sentencing calculation, specifically his jail time credit.

In reference to the Department's letter sent to Appellant, the "day-for-day credit" that Appellant received for his time in Canada and New York was credit towards his parole, not jail time credit.

Appellant was released from SCDC on June 1, 2006 and then sentenced for Kidnapping, Armed Robbery, Carjacking, Common Law Robbery, and Assault and Battery of a High and Aggravated Nature on October 16, 2006. See Sentencing Sheets, Jail Time Report, and the SCDC OMS Conviction Summary. The jail time credit for Appellant's previous offenses (i.e., those prior to the 2006 sentencing) would have no impact on his 2006 sentences, as these sentences are completely unrelated and unconnected to the prior sentences. Appellant was credited with 189 days of jail time for each of the 2006 sentences and his sentence start date was backdated to April 10, 2006 to account for this credit. See SCDC OMS Conviction Summary.

Included in this Clarification Memorandum is only information related to the portions of this case that, in Respondent's understanding of this Court's February 27, 2019 Order, were not thoroughly enough explained in previous filings. If there are any areas of this case that are still unclear, Respondent will file any additional memorandums as ordered by this Court.

Respectfully Submitted,
**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



Kensey Barrett
Deputy General Counsel
S.C. Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

April 29, 2019
Columbia, South Carolina

S E N T E N C E ABHAN

STATE OF SOUTH CAROLINA

CASE NO. 94-GS-11-132

Cherokee COUNTY

The Defendant Jerry Lee Smith is committed to the State Department of Corrections/County for a term of ten (10) ~~months~~ years and/or pay a fine of \$ _____; provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.

Restitution For Physical Injury \$ _____
 Yes/No Property Damage \$ _____
 to be paid _____

to clerk for _____ **

Other Condiditons concurrent

Date: APRIL 27, 1994

[Signature]
 Presiding Judge Gary E. Clary

*Cost and Assessments
 Non-waivable \$ _____
 Not waived \$ _____
 Total \$ _____

PERRY R & E CENTER
 FINGERPRINTED
 DATE: APR 28 1994
Katie W. Brum
 Clerk of Court
A TRUE COPY
Katie W. Brum
 CLERK OF COURT
 PERRY R & E CENTER

**Pay to Victim's Compensation Fund if subrogated.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

VS

Terry B. Smith

COUNT NO: 88

CASE NO: 99 GS-11 949

WARRANT NO: D969511

CHARGE: Dist. Crash Course

The sentence of the Court is that Terry B. Smith, the defendant named in this indictment be confined to the State Board of Corrections/Cherokee County Detention for a term of ten (10) ~~months~~/years (and) ~~pay~~ pay a fine of \$ 25,000⁰⁰ hr : ~~provided that upon the service of~~ ~~months/years (and) (or) payment of \$~~ ~~plus (pay) (waive)~~ ~~cost and assessments as applicable *~~, the balance is suspended and the defendant is placed on probation for ~~months/years.~~

RESTITUTION: (YES) (NO)
HEARING HELD OR WAIVED ON : _____

PHYSICAL INJURY \$ _____
(and) (or)
PROPERTY DAMAGE \$ _____
TOTAL \$ _____

PAYABLE TO CLERK FOR (VICTIM) _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: Concussion

DATE: 8-9-94
GAFFNEY, S.C. 29340

*COST AND ASSESSMENTS : FINE \$ _____
NON WAIVABLE \$ _____
NOT WAIVED \$ _____
TOTAL \$ _____

M/B
B/B

Harry B. Clay
Presiding Judge
Kater W. Kamin
CLERK OF COURT
Date of Birth 10-20-70
Social Security 248-274000
Drivers License N/A
ATTORNEY FOR DEF: Tom Shady
ADDRESS Evans Correctional Inst.
Connettsville, SC.
SOLICITOR Donnie Willingham
COURT REPORTER Mike Walter

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg
STATE VS. Terry Lee Smith
KA: _____
Place: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip _____
DL# _____ SID# _____

INDICTMENT/CASE#:

04 -GS- 42 - 2035
AW#: H221167
Date of Offense: 6/28/02
S.C. Code #: 16-3-1075
CDR Code #: 2161010

☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Guilty
to: Carjacking (a-70 v.s)
violation of 16-3-1075 of the S.C. Code of Laws, bearing CDR Code # 2161010
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
TEST: _____
Solicitor _____ Defendant _____ Attorney for Defendant _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 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 Services standard conditions of probation
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10 years, this date
☒ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____
Fine: \$ _____
14-1-206 (Assessments 107.5%) \$ _____
14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
56-5-2995 (DUI Assessment) \$12 \$ _____
35.13 (Public Def/Prob) \$500 \$ _____
73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
50-21-114(BUI Breath Test Fee) \$50 \$ _____
56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
% to County (if paid in installments) \$ _____
TOTAL \$ _____

PTUP _____ days/hours Public Service Employment
Obtain GED _____
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: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk _____
Court Reporter: Brian Smith
PRESIDING JUDGE _____
Judge Code: _____
CLERK OF COURT Date: 10/16/06

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg
STATE

VS.

AKA:

Face:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#:

04

GS-

42

2036

AW#:

H-221169

Date of Offense:

6/28/02

S.C. Code §:

16-3-910

CDR Code #:

0101915

☐ CASE RESTORED

SENTENCE

☐ PLEA ☐ TRIAL

Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

to: Kidnapping

in violation of § 16-3-90 of the S.C. Code of Laws, bearing CDR Code # 0101915

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

or a determinate term of 23 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 Services standard conditions of probation which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all sentences this date

☒ 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.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§35-13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP. (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP. (Drug Court Surcharge) \$100 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

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: _____

☒ Appointed PD or appointed other counsel, §35-13-TP

Requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Clerk

Sentence Date

SPARTANBURG COUNTY

CLERK OF COURT

CLERK OF COURT

CLERK OF COURT

SCCA/217.(2/2006)

White - Clerk

Green - Probation

Pink - Defendant

DATED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg
STATE VS.
Terry Lee Smith
AKA:
Race: [redacted] Sex: [redacted] Age: [redacted]
DOB: [redacted] SS#: [redacted]
Address:
City, State, Zip
DL# [redacted] SID# [redacted]

INDICTMENT/CASE#: 04 -GS- 42 - 2037
AW#: H221170
Date of Offense: 6/28/02
S.C. Code S: 16-11-330 A
CDR Code #: 0 1 1 3 1 9
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

On disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Guilty
to: Armed Robbery
in violation of S 16-11-330 A of the S.C. Code of Laws, bearing CDR Code # 0 1 1 3 1 9
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
ATTEST:
[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 23 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 Services standard conditions of probation,
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences this date
☒ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____
Fine: \$ _____
14-1-206 (Assessments 107.5%) \$ _____
14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
56-5-2995 (DUI Assessment) \$12 \$ _____
35-13 (Public Def/Prob) \$500 \$ _____
73-3, 1B TP (Law Enforce. Funding) \$25 \$ _____
33-7, 1B TP (Drug Court Surcharge) \$100 \$ _____
50-21-114 (BUI Breath Test Fee) \$50 \$ _____
56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
% to County (if paid in installments) \$ _____
TOTAL \$ _____
PTUP _____ days/hours Public Service Employment
Obtain GED
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: _____
☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk
Court Reporter: [Signature]
CCA/217 (2/2006) White = Clerk
JUDGE [Signature]
CLERK [Signature]
DATE 10/16/06
BY: [Signature]
- Probation
Pink = Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

92

COUNTY OF Spartanburg
 STATE VS.
Terry L. Smith
 AKA: _____
 Race: _____ Sex: _____ Age: _____
 JOB: _____ SS#: _____
 Address: _____
 City, State, Zip _____
 DL# _____ SID# _____

INDICTMENT/CASE#: 3932
06 -GS- 42
 AWW#: H219153
 Date of Offense: 5/21/02
 S.C. Code §: Common Law
 CDR Code #: 0 1 0 1 1 1 3
☐ CASE RESTORED
 SENTENCE
☒ PLEA ☐ TRIAL

On disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Guilty
 to: Assault - Battery of High - Agg. Nature
 in violation of § Common Law of the S.C. Code of Laws, bearing CDR Code # 0 1 0 1 1 1 3
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State. 10 yrs
 ATTEST: _____
 Solicitor _____ Defendant _____ Attorney for Defendant _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 or 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 Services standard conditions of probation
 which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10 years on this date
☒ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____
 Fine: \$ _____
 14-1-206 (Assessments 107.5%) \$ _____
 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
 56-5-2995 (DUI Assessment) \$12 \$ _____
 35-13 (Public Def/Prob) \$500 \$ _____
 73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
 50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 % to County (if paid in installments) _____
 TOTAL \$ _____

PTUP _____ days/hours Public Service Employment
 Obtain GED
 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: _____

 Clerk of Court/ Deputy Clerk
 Court Reporter: _____
 PRESIDING JUDGE _____
 Sentence Date: 01/11/01/13
1/10/06

CCA/217 (2/2006)

White - Clerk

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg
STATE Turkey VS. Le Smith
AKA: _____
Race: ☐ Sex: ☐ Age: ☐
DOB: ☐ SS#: ☐
Address: _____
City, State, Zip: _____
DL# _____ SID# _____

INDICTMENT/CASE#: 06 -GS- 42 - 3933
AW#: H219132
Date of Offense: 5/21/02
S.C. Code §: 16-11-325
CDR Code #: 011317
☒ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Guilty
TO: Common Law Robbery
In violation of § 16-11-325 of the S.C. Code of Laws, bearing CDR Code # 011317
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
ATTEST: _____
Solicitor _____ Defendant _____ Attorney for Defendant _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 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 Services standard conditions of probation,
which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 15 months from this date
☒ 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.

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____
*Fine: _____
\$14-1-206 (Assessments 107.5%) \$ _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____
\$35-13 (Public Def/Prob) \$500 \$ _____
\$73-3, 1B TP (Law Enforce. Funding) \$25 \$ _____
\$33-7, 1B TP (Drug Court Surcharge) \$100 \$ _____
\$50-21-114 (BUI Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

SPECIAL CONDITIONS:

PTUP _____ days/hours Public Service Employment
Obtain GED
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: _____
☒ Appointed PD or appointed other counsel, §35-13-TP.
Requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____
CLERK OF COURT
SPARTANBURG COUNTY
JUDGE
01/11/13
10/02/06
White - Clerk Green - Corrections Canary - Probation
SCCA/217 (7/2003)

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: SPARTANBURG

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: <u>SMITH, TERRY Lee</u>		Date of Birth: [REDACTED]		
Social Security #: [REDACTED]		Race/Sex: [REDACTED]		
SID #:		FBI #:		
Arrest Date	Charge	Warrant # (or) Indictment #	Release Date	Reason for Release *
5/26/06	<u>SCDF DETAINER:</u> KIDNAPPING	W# H-221169 04-GS-42- I# 2036	10/17/06	Transfer to SCDOC (G.S. SENTENCES)
	Armed Robbery	W# H-221170 04-GS-42- I# 2037		
	CARJACKING	W# H-221167 04-GS-42- I# 2035		
	Common Law Robbery	W# H-219152 06-GS-42- I# 3933		
	Assault + Battery of High & Aggrav. Nature	W# H-219153 06-GS-42- I# 3932		
1/17/04	KIDNAPPING, Armed Robbery, CARJACKING, C/L Robbery, ABHAW	W#s: H-221169 H-221170 H-221167 H-219152 H-219153 I#	3/3/04	Transferred to SCDOC on other charges (PACIFIC REVOC)
Approved By: <u>Linda D. Knight</u>		Date: <u>10-17-06</u>		

* 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.

The SAS System

CUR-GROUP20180312

TOMORROW DATE - 20180313

00000 SCDC# 00160785

CONV# 00013 SENT START: 20060410 SENTDAYS: 0005475 REMAIN DAYS: 005475000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20060410	20061116	20070502	20080505	20100909

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	20060410	20061116	000220000	000000000	000140000	000000000	NJ	005115000	000220000	000140000	000000000		
EWC	20061116	20070502	000167000	000059999	000100000	000000000	2F5	004788001	000387000	000240000	000000000		
EWC	20070502	20070503	000001000	000000000	000000000	000000000	NJ	004787001	000388000	000240000	000000000		
EWC	20070503	20080205	000278000	000099642	000180000	000000000	2F5	004229359	000666000	000420000	000000000		
EWC	20080205	20080404	000059000	000000000	000040000	000000000	NJ	004130359	000725000	000460000	000000000		
EWC	20080404	20080429	000025000	000009285	000020000	000000000	2F5	004076074	000750000	000480000	000000000		
EWC	20080429	20080430	000001000	000000000	000000000	000000000	NJ	004075074	000751000	000480000	000000000		
INCI	20080430	20080505	000005000	000001785	000000000	000000000	2F5	004068289	000756000	000480000	20080510		
EWC	20080505	20080604	000030000	000011071	000000000	000000000	2F5	004027218	000786000	000480000	20080510		
EWC	20080604	20080605	000001000	000000000	000000000	000000000	NJ	004026218	000787000	000480000	20080510		
INCI	20080605	20080820	000076000	000018094	000060000	000000000	3F5	003872124	000863000	000540000	20080510		
EWC	20080820	20081208	000110000	000026427	000060000	000000000	3F5	003675697	000973000	000600000	20080510		
EWC	20081208	20081209	000001000	000000000	000000000	000000000	NJ	003674697	000974000	000600000	20080510		
EWC	20081209	20100526	000533000	000127140	000360000	000000000	3F5	002654557	001507000	000960000	20080510		
EWC	20100526	20100706	000041000	000000000	000020000	000000000	NJ	002593557	001548000	000980000	20080510		
EEC	20100706	20100909	000065000	000015475	000040000	000000000	3F5	002473082	001613000	001020000	20080510		
EWC	20100909	20101018	000039000	000009523	000040000	000002228	3F5 B4	002382331	001652000	001060000	20080510		
EWC	20101018	20101019	000001000	000000000	000000000	000000057	NJ B4	002381274	001653000	001060000	20080510		
EEC	20101019	20120227	000496000	000118092	000320000	000028398	3F5 B4	001418784	002149000	001380000	20080510		
EWC	20120227	20120514	000077000	000018571	000060000	000000000	3F5	001263213	002226000	001440000	20080510		
EWC	20120514	20120515	000001000	000000000	000000000	000000000	NJ	001262213	002227000	001440000	20080510		
EWC	20120515	20160809	001547000	000368563	001000000	000000000	3F5	001653353	003774000	002440000	20080510		
LAST	20120515	20120610	000026000	000006190	000020000	000000000	3F5	001210023	002253000	001460000	20080510		

PMAX: 00160785 S00013 20140310 20140310 002253000 001460000 000521294 000030683 001210023 Y 3F5 000 000 20120610 002891000

CONV# 00012 SENT START: 20060410 SENTDAYS: 0003650 REMAIN DAYS: 003650000

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The SAS System

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20060410	20061116	20070502	20080505	20100909

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	RATE	RATE TO SERVE	SERVDAYS
EWC	20060410	20061116	000220000	000000000	000140000	000000000	NJ	003290000	000220000	000140000
EWC	20061116	20070502	000167000	000059999	000100000	000000000	2F5	002963001	000387000	000240000
EWC	20070502	20070503	000001000	000000000	000000000	000000000	NJ	002962001	000388000	000240000
EWC	20070503	20080205	000278000	000099642	000180000	000000000	2F5	002404359	000666000	000420000
EWC	20080205	20080404	000059000	000000000	000040000	000000000	NJ	002305359	000725000	000460000
EWC	20080404	20080429	000025000	000009285	000020000	000000000	2F5	002251074	000750000	000480000
EWC	20080429	20080430	000001000	000000000	000000000	000000000	NJ	002250074	000751000	000480000
INCI	20080430	20080505	000005000	000001785	000000000	000000000	2F5	002243289	000756000	000480000
EWC	20080505	20080604	000030000	000011071	000000000	000000000	2F5	002202218	000786000	000480000
EWC	20080604	20080605	000001000	000000000	000000000	000000000	NJ	002201218	000787000	000480000
INCI	20080605	20080820	000076000	000018094	000060000	000000000	3F5	002047124	000863000	000540000
EWC	20080820	20081208	000110000	000026427	000060000	000000000	3F5	001850697	000973000	000600000
EWC	20081208	20081209	000001000	000000000	000000000	000000000	NJ	001849697	000974000	000600000
EWC	20081209	20100526	000533000	000127140	000360000	000000000	3F5	000829557	001507000	000960000
EWC	20100526	20100706	000041000	000000000	000020000	000000000	NJ	000768557	001548000	000980000
EEC	20100706	20100909	000065000	000015475	000040000	000000000	3F5	000648082	001613000	001020000
EWC	20100909	20101018	000039000	000009523	000040000	000002228	3F5 B4	000557331	001652000	001060000
EWC	20101018	20101019	000001000	000000000	000000000	000000057	NJ B4	000556274	001653000	001060000
EEC	20101019	20120227	000496000	000118092	000320000	000028398	3F5 B4	000406210	002149000	001380000
LAST	20101019	20101110	000022000	000005237	000020000	000001257	3F5 B4	000507780	001675000	001080000

PMAX: 00160785 S00012 20110805 20110805 001675000 001080000 000383678 000003542 000507780 Y 3F5 B4 026 000 20101110 001943508

CONV# 00011 SENT START: 20060410 SENTDAYS: 0008395 REMAIN DAYS: 008395000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20060410	20061116	20070502	20080505	20100909

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	RATE	RATE TO SERVE	SERVDAYS
EWC	20060410	20061116	000220000	000000000	000021000	000000000	NJ	008154000	000220000	000021000
EWC	20061116	20070502	000167000	000033600	000015000	000000000	2F5	007938400	000387000	000036000

The SAS System

EWC	20070502	20070503	000001000	000000000	000000000	000000000	NJ	007937400	000388000	000036000	000000000
EWC	20070503	20080205	000278000	000055800	000027000	000000000	2F5	007576600	000666000	000063000	000000000
EWC	20080205	20080404	000059000	000000000	000006000	000000000	NJ	007511600	000725000	000069000	000000000
EWC	20080404	20080429	000025000	000005200	000003000	000000000	2F5	007478400	000750000	000072000	000000000
EWC	20080429	20080430	000001000	000000000	000000000	000000000	NJ	007477400	000751000	000072000	000000000
INCI	20080430	20080505	000005000	000001000	000000000	000000000	2F5	007471400	000756000	000072000	20080510
EWC	20080505	20080604	000030000	000006200	000000000	000000000	2F5	007435200	000786000	000072000	20080510
EWC	20080604	20080605	000001000	000000000	000000000	000000000	NJ	007434200	000787000	000072000	20080510
INCI	20080605	20080820	000076000	000015200	000009000	000000000	3F5	007334000	000863000	000081000	20080510
EWC	20080820	20081208	000110000	000022200	000009000	000000000	3F5	007192800	000973000	000090000	20080510
EWC	20081208	20081209	000001000	000000000	000000000	000000000	NJ	007191800	000974000	000090000	20080510
EWC	20081209	20100526	000533000	000106800	000054000	000000000	3F5	006498000	001507000	000144000	20080510
EWC	20100526	20100706	000041000	000000000	000003000	000000000	NJ	006454000	001548000	000147000	20080510
EEC	20100706	20100909	000065000	000013000	000006000	000000000	3F5	006370000	001613000	000153000	20080510
EWC	20100909	20101018	000039000	000008000	000006000	000000000	3F5 B4	006317000	001652000	000159000	20080510
EWC	20101018	20101019	000001000	000000000	000000000	000000057	NJ B4	006315943	001653000	000159000	20080510
EEC	20101019	20120227	000496000	000099200	000048000	000000000	3F5 B4	005672743	002149000	000207000	20080510
EWC	20120227	20120514	000077000	000015600	000009000	000000000	3F5	005571143	002226000	000216000	20080510
EWC	20120514	20120515	000001000	000000000	000000000	000000000	NJ	005570143	002227000	000216000	20080510
EWC	20120515	20160809	001547000	000309600	000150000	000000000	3F5	003563543	003774000	000366000	20080510
EWC	20160809	20160810	000001000	000000000	000003000	000000000	NJ	003559543	003775000	000369000	20080510
INCI	20160810	20170222	000196000	000039200	000018000	000000000	3F5	003306343	003971000	000387000	20080510
EWC	20170222	20171026	000246000	000049400	000024000	000000000	3F5	002986943	004217000	000411000	20080510
EWC	20171026	20171027	000001000	000000000	000000000	000000000	NJ	002985943	004218000	000411000	20080510
LAST	20171027	20171110	000014000	000002800	000003000	000000000	2F5	002966143	004232000	000414000	20080510

CONV# 00011 SENT START: 20060410 SENTDAYS: 0007135 REMAIN DAYS: 007135000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	20060410	99999999	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	20060410	20060410	000000000	000000000	000000000	000000000	2F5	007135000	000000000

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CONV# 00011 SENT START: 20060410 SENTDAYS: 0006716 REMAIN DAYS: 006716000

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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
01	20060410	99999999	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 SERV DAYS
LAST	20060410	20060410	000000000	000000000	000000000	000000000	2F5	006716000 000000000 000000000 000000000

PMAX: 00160785 S00011 20251022 20220425 000000000 000000000 000000000 000000000 007135000 N 2F5 000 000 20060410 007135000

CONV# 00010 SENT START: 20060410 SENTDAYS: 0008395 REMAIN DAYS: 008395000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	20061116	20070502	20080505	20100909

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 SERV DAYS
EWC	20060410	20061116	000220000	000000000	000021000	000000000	NJ	008154000 000220000 000021000 000000000
EWC	20061116	20070502	000167000	000033600	000015000	000000000	2F5	007938400 000387000 000036000 000000000
EWC	20070502	20070503	000001000	000000000	000000000	000000000	NJ	007937400 000388000 000036000 000000000
EWC	20070503	20080205	000278000	000055800	000027000	000000000	2F5	007576600 000666000 000063000 000000000
EWC	20080205	20080404	000059000	000000000	000006000	000000000	NJ	007511600 000725000 000069000 000000000
EWC	20080404	20080429	000025000	000005200	000003000	000000000	2F5	007478400 000750000 000072000 000000000
EWC	20080429	20080430	000001000	000000000	000000000	000000000	NJ	007477400 000751000 000072000 000000000
INCI	20080430	20080505	000005000	000001000	000000000	000000000	2F5	007471400 000756000 000072000 20080510
EWC	20080505	20080604	000030000	000006200	000000000	000000000	2F5	007435200 000786000 000072000 20080510
EWC	20080604	20080605	000001000	000000000	000000000	000000000	NJ	007434200 000787000 000072000 20080510
INCI	20080605	20080820	000076000	000015200	000009000	000000000	3F5	007334000 000863000 000081000 20080510
EWC	20080820	20081208	000110000	000022200	000009000	000000000	3F5	007192800 000973000 000090000 20080510
EWC	20081208	20081209	000001000	000000000	000000000	000000000	NJ	007191800 000974000 000090000 20080510
EWC	20081209	20100526	000533000	000106800	000054000	000000000	3F5	006498000 001507000 000144000 20080510
EWC	20100526	20100706	000041000	000000000	000003000	000000000	NJ	006454000 001548000 000147000 20080510
EEC	20100706	20100909	000065000	000013000	000006000	000000000	3F5	006370000 001613000 000153000 20080510
EWC	20100909	20101018	000039000	000008000	000006000	000000000	3F5 B4	006317000 001652000 000159000 20080510
EWC	20101018	20101019	000001000	000000000	000000000	000000057	NJ B4	006315943 001653000 000159000 20080510
EEC	20101019	20120227	000496000	000099200	000048000	000000000	3F5 B4	005672743 002149000 000207000 20080510
EWC	20120227	20120514	000077000	000015600	000009000	000000000	3F5	005571143 002226000 000216000 20080510
EWC	20120514	20120515	000001000	000000000	000000000	000000000	NJ	005570143 002227000 000216000 20080510

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EWC	20120515	20160809	001547000	000309600	000150000	000000000	3F5	003563543	003774000	000366000	20080510
EWC	20160809	20160810	000001000	000000000	000003000	000000000	NJ	003559543	003775000	000369000	20080510
INCI	20160810	20170222	000196000	000039200	000018000	000000000	3F5	003306343	003971000	000387000	20080510
EWC	20170222	20171026	000246000	000049400	000024000	000000000	3F5	002986943	004217000	000411000	20080510
EWC	20171026	20171027	000001000	000000000	000000000	000000000	NJ	002985943	004218000	000411000	20080510
LAST	20171027	20171110	000014000	000002800	000003000	000000000	2F5	002966143	004232000	000414000	20080510

CONV# 00010 SENT START: 20060410 SENTDAYS: 0007135 REMAIN DAYS: 007135000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	99999999	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	SERVDAYS GT-DAYS LAST FORF
LAST	20060410	20060410	000000000	000000000	000000000	000000000	2F5	007135000 000000000 000000000 00000000

CALCULATION OF 80% WORK RELEASE DATE

CONV# 00010 SENT START: 20060410 SENTDAYS: 0006716 REMAIN DAYS: 006716000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	99999999	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	SERVDAYS GT-DAYS LAST FORF
LAST	20060410	20060410	000000000	000000000	000000000	000000000	2F5	006716000 000000000 000000000 00000000

PMAX: 00160785 S00010 20251022 20220425 000000000 000000000 000000000 000000000 007135000 N 2F5 000 000 20060410 007135000

CONV# 00009 SENT START: 20060410 SENTDAYS: 0007300 REMAIN DAYS: 007300000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	20061116	20070502	20080505	20100909
					20120227

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC EEC	REM DAYS
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TYPE	START	END	SERV DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	RATE TO SERVE	SERVDAYS	GT-DAYS	LAST FOR
EWC	20060410	20061116	000220000	000000000	000021000	000000000	NJ	007059000	000220000	000021000	000000000
EWC	20061116	20070502	000167000	000033600	000015000	000000000	2F5	006843400	000387000	000036000	000000000
EWC	20070502	20070503	000001000	000000000	000000000	000000000	NJ	006842400	000388000	000036000	000000000
EWC	20070503	20080205	000278000	000055800	000027000	000000000	2F5	006481600	000666000	000063000	000000000
EWC	20080205	20080404	000059000	000000000	000006000	000000000	NJ	006416600	000725000	000069000	000000000
EWC	20080404	20080429	000025000	000005200	000003000	000000000	2F5	006383400	000750000	000072000	000000000
EWC	20080429	20080430	000001000	000000000	000000000	000000000	NJ	006382400	000751000	000072000	000000000
INCI	20080430	20080505	000005000	000001000	000000000	000000000	2F5	006376400	000756000	000072000	20080510
EWC	20080505	20080604	000030000	000006200	000000000	000000000	2F5	006340200	000786000	000072000	20080510
EWC	20080604	20080605	000001000	000000000	000000000	000000000	NJ	006339200	000787000	000072000	20080510
INCI	20080605	20080820	000076000	000015200	000009000	000000000	3F5	006239000	000863000	000081000	20080510
EWC	20080820	20081208	000110000	000022200	000009000	000000000	3F5	006097800	000973000	000090000	20080510
EWC	20081208	20081209	000001000	000000000	000000000	000000000	NJ	006096800	000974000	000090000	20080510
EWC	20081209	20100526	000533000	000106800	000054000	000000000	3F5	005403000	001507000	000144000	20080510
EWC	20100526	20100706	000041000	000000000	000003000	000000000	NJ	005359000	001548000	000147000	20080510
EEC	20100706	20100909	000065000	000013000	000006000	000000000	3F5	005275000	001613000	000153000	20080510
EWC	20100909	20101018	000039000	000008000	000006000	000000000	3F5 B4	005222000	001652000	000159000	20080510
EWC	20101018	20101019	000001000	000000000	000000000	000000057	NJ B4	005220943	001653000	000159000	20080510
EEC	20101019	20120227	000496000	000099200	000048000	000000000	3F5 B4	004577743	002149000	000207000	20080510
EWC	20120227	20120514	000077000	000015600	000009000	000000000	3F5	004476143	002226000	000216000	20080510
EWC	20120514	20120515	000001000	000000000	000000000	000000000	NJ	004475143	002227000	000216000	20080510
EWC	20120515	20160809	001547000	000309600	000150000	000000000	3F5	002468543	003774000	000366000	20080510
EWC	20160809	20160810	000001000	000000000	000003000	000000000	NJ	002464543	003775000	000369000	20080510
INCI	20160810	20170222	000196000	000039200	000018000	000000000	3F5	002211343	003971000	000387000	20080510
EWC	20170222	20171026	000246000	000049400	000024000	000000000	3F5	001891943	004217000	000411000	20080510
EWC	20171026	20171027	000001000	000000000	000000000	000000000	NJ	001890943	004218000	000411000	20080510
LAST	20171027	20171110	000014000	000002800	000003000	000000000	2F5	001871143	004232000	000414000	20080510

CONV# 00009 SENT START: 20060410 SENTDAYS: 0006205 REMAIN DAYS: 006205000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	99999999	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	SERVDAYS	GT-DAYS	LAST FOR
LAST	20060410	20060410	000000000	000000000	000000000	000000000	2F5	006205000	000000000	000000000	000000000

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CONV# 00009 SENT START: 20060410 SENTDAYS: 0005840 REMAIN DAYS: 005840000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	20060410	99999999	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	20060410	20060410	000000000	000000000	000000000	000000000	2F5	005840000

PMAX: 00160785 S00009 20230406 20190925 000000000 000000000 000000000 000000000 006205000 N 2F5 000 000 20060410 006205000

PMAX: 00160785 S00007 19940114 99999999 000000000 000000000 000000000 000000000 359640000 N 2F5 000 000 20060410 000000000

CONV# 00006 SENT START: 19940114 SENTDAYS: 0003600 REMAIN DAYS: 003600000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	19940428	19940513	19940728	19960219	19950310

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
MOVE	19940114	19940428	000104000	000000000	000060000	000000000	NJ	003436000
MOVE	19940428	19940505	000000000	000000000	000000000	000000000	NJ	003436000
EWC	19940505	19940513	000008000	000000000	000000000	000000000	NJ	003428000
EWC	19940513	19940728	000075000	000015200	000060000	000000000	5F7	003277800
EWC	19940728	19940810	000012000	000000000	000000000	000000000	NJ	003265800
EEC	19940810	19950310	000210000	000042000	000140000	000000000	5F7	002873800
EWC	19950310	19950714	000124000	000025000	000080000	000007085	5F7 B4	002637715
EEC	19950714	19950810	000026000	000000000	000020000	000001542	NJ B4	002590173
EWC	19950810	19950830	000020000	000000000	000020000	000000000	NJ	002550173
EEC	19950830	19950901	000001000	000000200	000000000	000000000	5F7	002548973
EWC	19950901	19960216	000165000	000033200	000100000	000009428	5F7 B4	002241345
EEC	19960216	19960216	000000000	000000000	000000000	000000057	NJ B4	002241288
INCI	19960216	19960219	000003000	000000000	000000000	000000000	NJ	002238288
EWC	19960219	19960306	000017000	000000000	000000000	000000000	NJ	002221288
EWC	19960306	19960402	000026000	000002755	000020000	000000000	7F5	002172533
EWC	19960402	19960403	000001000	000000000	000000000	000000000	NJ	002171533

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EWC	19960403	19960630	000087000	000017600	000060000	000000000	5F7	002006933	000879000	000560000	19960221
EWC	19960630	19960705	000005000	000000000	000000000	000000000	NJ	002001933	000884000	000560000	19960221
EWC	19960705	19960709	000004000	000001000	000000000	000000000	5F7	001996933	000888000	000560000	19960221
EEC	19960709	19960710	000001000	000000000	000000000	000000000	NJ	001995933	000889000	000560000	19960221
EEC	19960710	19961001	000081000	000000000	000060000	000005856	NJ 5P	001849077	000970000	000620000	19960221
EEC	19961001	19961002	000001000	000000000	000000000	000000000	NJ	001848077	000971000	000620000	19960221
EEC	19961002	19961112	000040000	000000000	000020000	000004880	NJ 3P	001783197	001011000	000640000	19960221
EEC	19961112	19961206	000024000	000000000	000020000	000000000	NJ	001739197	001035000	000660000	19960221
EEC	19961206	19961216	000010000	000000000	000000000	000001309	NJ 3P	001727888	001045000	000660000	19960221
INCI	19961216	19970109	000023000	000000000	000070000	000000000	NJ	001774888	001068000	000590000	19970121
EEC	19970109	19970114	000005000	000000000	000000000	000000000	NJ	001769888	001073000	000590000	19970121
EEC	19970114	19970122	000008000	000000000	000000000	000001071	NJ 3P	001760817	001081000	000590000	19970121
INCI	19970122	19970322	000060000	000000000	000020000	000000000	NJ	001680817	001141000	000610000	19970421
EEC	19970322	19970403	000011000	000000000	000000000	000000000	NJ	001669817	001152000	000610000	19970421
EEC	19970403	19970410	000007000	000000000	000000000	000000571	NJ 5P	001662246	001159000	000610000	19970421
EEC	19970410	19970411	000001000	000000000	000000000	000000000	NJ	001661246	001160000	000610000	19970421
EEC	19970411	19970618	000067000	000000000	000040000	000008094	NJ 3P	001546152	001227000	000650000	19970421
EEC	19970618	19970619	000001000	000000000	000000000	000000000	NJ	001545152	001228000	000650000	19970421
EEC	19970619	19970630	000011000	000000000	000020000	000000857	NJ 5P	001513295	001239000	000670000	19970421
EEC	19970630	19970701	000001000	000000000	000000000	000000000	NJ	001512295	001240000	000670000	19970421
EEC	19970701	19970807	000036000	000000000	000020000	000004404	NJ 3P	001451891	001276000	000690000	19970421
EWC	19970807	19970813	000006000	000000000	000000000	000000000	NJ	001445891	001282000	000690000	19970421
EWC	19970813	19971111	000088000	000021190	000060000	000012570	3F5 B7	001264131	001370000	000750000	19970421
EWC	19971111	19971117	000006000	000000000	000000000	000000857	NJ B7	001257274	001376000	000750000	19970421
EWC	19971117	19971210	000023000	000005714	000020000	000003285	3F5 B7	001205275	001399000	000770000	19970421
EEC	19971210	19971215	000005000	000000000	000000000	000000857	NJ B7	001199418	001404000	000770000	19970421
EEC	19971215	19971218	000003000	000000000	000000000	000000000	NJ	001196418	001407000	000770000	19970421
EEC	19971218	19980201	000043000	000000000	000040000	000005237	NJ 3P	001108181	001450000	000810000	19970421
EWC	19980201	19980202	000001000	000000000	000000000	000000000	NJ	001107181	001451000	000810000	19970421
EWC	19980202	19980501	000089000	000021428	000060000	000000000	3F5	000936753	001540000	000870000	19970421
EWC	19980501	19980504	000003000	000000000	000000000	000000000	NJ	000933753	001543000	000870000	19970421
EWC	19980504	19980602	000028000	000006904	000020000	000000000	3F5	000878849	001571000	000890000	19970421
EWC	19980602	19980604	000002000	000000000	000000000	000000000	NJ	000876849	001573000	000890000	19970421
EEC	19980604	19980625	000021000	000004999	000020000	000000000	3F5	000830850	001594000	000910000	19970421
EWC	19980625	19980730	000035000	000008571	000020000	000004999	3F5 B7	000762280	001629000	000930000	19970421
EWC	19980730	19980731	000001000	000000000	000000000	000000142	NJ B7	000761138	001630000	000930000	19970421
EWC	19980731	19980827	000026000	000009642	000020000	000003714	2F5 B7	000701782	001656000	000950000	19970421
EEC	19980827	19980827	000000000	000000000	000000000	000000142	NJ B7	000701640	001656000	000950000	19970421
INCI	19980827	19980827	000000000	000000000	000000000	000000000	NJ	000701640	001656000	000950000	19970421
EWC	19980827	19981027	000060000	000000000	000040000	000000000	NJ	000601640	001716000	000990000	19970421
EWC	19981027	19981214	000047000	000017142	000020000	000000000	2F5	000517498	001763000	001010000	19970421

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EWC	19981214	19981215	000001000	000000000	000000000	000000000	NJ	000516498	001764000	001010000	19970421
EEC	19981215	19990106	000021000	000007499	000020000	000000000	2F5	000467999	001785000	001030000	19970421
EWC	19990106	19990203	000027000	000009999	000020000	000003856	2F5 B7	000407144	001812000	001050000	19970421
EEC	19990203	19990203	000000000	000000000	000000000	000000142	NJ B7	000407002	001812000	001050000	19970421
EWC	19990203	19990212	000009000	000000000	000000000	000000000	NJ	000398002	001821000	001050000	19970421
EWC	19990212	19990224	000012000	000004642	000020000	000000000	2F5	000361360	001833000	001070000	19970421
EWC	19990224	19990225	000001000	000000000	000000000	000000000	NJ	000360360	001834000	001070000	19970421
EEC	19990225	19990301	000006000	000002142	000000000	000000000	2F5	000352218	001840000	001070000	19970421
EWC	19990301	20000802	000511000	000182855	000340000	000029198	2F5 B4	00071083N	002351000	001410000	19970421
LAST	19990301	19990321	000020000	000007142	000020000	000001142	2F5 B4	000303934	001860000	001090000	19970421

CONV# 00005 SENT START: 19930426 SENTDAYS: 0000240 REMAIN DAYS: 000240000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19930430	19940513	19940728	19960219	19930602

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	DAYS	RATE	TO SERVE
EEC	19930426	19930602	000036000	000000000	000020000	000000000	NJ	000184000	000036000	000020000
EEC	19930602	19930901	000089000	000000000	000060000	000021428	NJ 3F	000013572	000125000	000080000
MOVE	19930901	19930901	000000000	000000000	000000000	000000000	NJ	000013572	000125000	000080000
MOVE	19930901	19940428	000000000	000000000	000000000	000000000	NJ	000013572	000125000	000080000
MOVE	19940428	19940428	000000000	000000000	000000000	000000000	NJ	000013572	000125000	000080000
MOVE	19940428	19940505	000000000	000000000	000000000	000000000	NJ	000013572	000125000	000080000
EWC	19940505	19940513	000008000	000000000	000000000	000000000	NJ	000005572	000133000	000080000
EWC	19940513	19940728	000075000	000015200	000040000	000000000	5F7	00012462Q	000208000	000120000
LAST	19940513	19940530	000017000	000003400	000020000	000000000	5F7	00003482Q	000150000	000100000

CONV# 00004 SENT START: 19890915 SENTDAYS: 0000360 REMAIN DAYS: 000360000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19890919	19891005	19891102	19900817	19891016

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	DAYS	RATE	TO SERVE
EWC	19890915	19891005	000020000	000000000	000000000	000000000	NJ	000340000	000020000	000000000
EEC	19891005	19891016	000011000	000001571	000020000	000000000	7F7	000307429	000031000	000020000

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EWC	19891016	19891102	000016000	000002428	000000000	000002285	7F7	B7	000286716	000047000	000020000	00000000
EWC	19891102	19891104	000002000	000000000	000000000	000000285	NJ	B7	000284431	000049000	000020000	00000000
EWC	19891104	19900208	000094000	000019000	000060000	000013427	5F7	B7	000098004	000143000	000080000	00000000
EWC	19900208	19900209	000001000	000000000	000000000	000000142	NJ	B7	000096862	000144000	000080000	00000000
EWC	19900209	19900320	000041000	000008400	000040000	000005856	5F7	B7	000001606	000185000	000120000	00000000
EWC	19900320	19900321	000001000	000000000	000000000	000000142	NJ	B7	000000464	000186000	000120000	00000000
EWC	19900321	19900411	000020000	000006999	000000000	000002857	3F7	B7	00002939K	000206000	000120000	00000000
LAST	19900321	19900415	000024000	000007999	000020000	000003428	3F7	B7	00005496L	000210000	000140000	00000000

CONV# 00002 SENT START: 19890915 SENTDAYS: 0000180 REMAIN DAYS: 000180000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19890919	19891005	19891102	19900817	19891016

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	RATE	RATE	TO SERVE
EWC	19890915	19891005	000020000	000000000	000000000	000000000	NJ	000160000	000020000	000000000
EEC	19891005	19891016	000011000	000001571	000020000	000000000	7F7	000127429	000031000	000020000
EWC	19891016	19891102	000016000	000002428	000000000	000002285	7F7	B7	000106716	000047000
EWC	19891102	19891104	000002000	000000000	000000000	000000285	NJ	B7	000104431	000049000
EWC	19891104	19900208	000094000	000019000	000060000	000013427	5F7	B7	000081990	000143000
LAST	19891104	19891115	000011000	000002200	000020000	000001571	5F7	B7	000069660	000060000

CONV# 00001 SENT START: 19890915 SENTDAYS: 0001030 REMAIN DAYS: 001030000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19890919	19891005	19891102	19900817	19891016

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	RATE	RATE	TO SERVE
EWC	19890915	19891005	000020000	000000000	000000000	000000000	NJ	001010000	000020000	000000000
EEC	19891005	19891016	000011000	000001571	000020000	000000000	7F7	000977429	000031000	000020000
EWC	19891016	19891102	000016000	000002428	000000000	000002285	7F7	B7	000956716	000047000
EWC	19891102	19891104	000002000	000000000	000000000	000000285	NJ	B7	000954431	000049000
EWC	19891104	19900208	000094000	000019000	000060000	000013427	5F7	B7	000768004	000143000
EWC	19900208	19900209	000001000	000000000	000000000	000000142	NJ	B7	000766862	000144000
EWC	19900209	19900320	000041000	000008400	000040000	000005856	5F7	B7	000671606	000185000

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EWC	19900320	19900321	000001000	000000000	000000000	000000142	NJ B7	000670464	000186000	000120000	00000000
EWC	19900321	19900411	000020000	000006999	000000000	000002857	3F7 B7	000640608	000206000	000120000	00000000
EEC	19900411	19900411	000000000	000000000	000000000	000000142	NJ B7	000640466	000206000	000120000	00000000
EWC	19900411	19900412	000001000	000000000	000000000	000000000	NJ	000639466	000207000	000120000	00000000
EWC	19900412	19900626	000074000	000021428	000060000	000000000	3F6	000484038	000281000	000180000	00000000
EEC	19900626	19900712	000016000	000000000	000000000	000000000	NJ	000468038	000297000	000180000	00000000
EEC	19900712	19900817	000035000	000000000	000040000	000005142	NJ 5F	000387896	000332000	000220000	00000000
INCI	19900817	19900817	000000000	000000000	000000000	000000000	NJ	000387896	000332000	000220000	19900915
EEC	19900817	19900827	000010000	000000000	000000000	000000000	NJ	000377896	000342000	000220000	19900915
EEC	19900827	19901011	000044000	000000000	000000000	000004591	NJ 7F	000329305	000386000	000220000	19900915
EWC	19901011	19901012	000001000	000000000	000000000	000000000	NJ	000328305	000387000	000220000	19900915
EWC	19901012	19901112	000030000	000004428	000020000	000004285	5F5 B7	000269592	000417000	000240000	19900915
EEC	19901112	19901115	000003000	000000000	000020000	000000571	NJ B7	000246021	000420000	000260000	19900915
EEC	19901115	19901116	000001000	000000000	000000000	000000000	NJ	000245021	000421000	000260000	19900915
EEC	19901116	19901129	000013000	000000000	000000000	000001999	NJ 5F	000230022	000434000	000260000	19900915
EWC	19901129	19901130	000001000	000000000	000000000	000000000	NJ	000229022	000435000	000260000	19900915
EWC	19901130	19901213	000013000	000001999	000000000	000000000	5F5	000214023	000448000	000260000	19900915
EEC	19901213	19901214	000001000	000000000	000000000	000000000	NJ	000213023	000449000	000260000	19900915
EEC	19901214	19901010	000026000	000000000	000020000	000003856	NJ 5F	000163167	000475000	000280000	19900915
EWC	19901010	19901011	000001000	000000000	000000000	000000000	NJ	000162167	000476000	000280000	19900915
EWC	19901011	199010207	000026000	000005400	000020000	000003714	5F7 B7	000107053	000502000	000300000	19900915
EWC	199010207	199010208	000001000	000000000	000000000	000000142	NJ B7	000105911	000503000	000300000	19900915
EEC	199010208	199010411	000063000	000020999	000040000	000009142	3F7 B7	00002723}	000566000	000340000	19900915
LAST	199010208	199010215	000007000	000002333	000020000	000000999	3F7 B7	000075579	000510000	000320000	19900915

CONV# 00008 SENT START: 19990821 SENTDAYS: 0003600 REMAIN DAYS: 003592000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19990821	19990821	20000802	20080505	19990821

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC DAYS	GT DAYS	EEC DAYS	RATE	TO SERVE	SERVDAYS
EWC	19990821	20000802	000341000	000122141	000220000	000019484	2F5 B4	002889375	000341000	000220000
EEC	20000802	20000802	000000000	000000000	000000000	000000057	NJ B4	002889318	000341000	000220000
MOVE	20000802	20000802	000000000	000000000	000000000	000000000	NJ	002889318	000341000	000220000
MOVE	20000802	20020502	000630000	000000000	000000000	000000000	NJ	002259318	000971000	000220000
MOVE	20020502	20020828	000000000	000000000	000000000	000000000	NJ	002259318	000971000	000220000
MOVE	20020828	20020919	000021000	000000000	000000000	000000000	NJ	002238318	000992000	000220000
MOVE	20020919	20031224	000455000	000000000	000000000	000000000	NJ	001783318	001447000	000220000

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MOVE	20031224	20040110	000016000	000000000	000000000	000000000	NJ	001767318	001463000	000220000	000000000
MOVE	20040110	20040117	000007000	000000000	000000000	000000000	NJ	001760318	001470000	000220000	000000000
EEC	20040117	20040426	000099000	000000000	000060000	000000000	NJ	001601318	001569000	000280000	000000000
EEC	20040426	20040525	000029000	000000000	000020000	000010714	NJ 2F	001541604	001598000	000300000	000000000
EWC	20040525	20040526	000001000	000000000	000000000	000000000	NJ	001540604	001599000	000300000	000000000
EEC	20040526	20040531	000005000	000001785	000000000	000000857	2F5 B7	001532962	001604000	000300000	000000000
EEC	20040531	20040601	000000000	000000000	000000000	000000000	2F5	001532962	001604000	000300000	000000000
EEC	20040601	20040608	000007000	000002499	000000000	000000457	2F5 B4	001523006	001611000	000300000	000000000
EEC	20040608	20040609	000001000	000000357	000000000	000000000	2F5	001521649	001612000	000300000	000000000
EEC	20040609	20050612	000363000	000129641	000240000	000051997	2F5 B7	000737011	001975000	000540000	000000000
EEC	20050612	20050613	000001000	000000357	000000000	000000000	2F5	000735654	001976000	000540000	000000000
EEC	20050613	20051205	000172000	000061428	000120000	000009885	2F5 B4	000372341	002148000	000660000	000000000
EWC	20051205	20060601	000176000	000063213	000120000	000000000	2F5	000013128	002324000	000780000	000000000
MOVE	20060601	20060601	000000000	000000000	000000000	000000000	NJ	000013128	002324000	000780000	000000000
MOVE	20060601	20061017	000000000	000000000	000000000	000000000	NJ	000013128	002324000	000780000	000000000
EWC	20061017	20061116	000029000	000000000	000020000	000000000	NJ	00003587K	002353000	000800000	000000000
LAST	20061017	20061103	000016000	000000000	000020000	000000000	NJ	00002287K	002340000	000800000	000000000

CONV# 00003 SENT START: 19910322 SENTDAYS: 0000720 REMAIN DAYS: 000720000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19910322	19910322	19910415	19910822	19910322

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	GT	EEC	RATE	RATE	TO SERVE
EEC	19910322	19910411	000019000	000006333	000000000	000002857	3F7 B7	000691810	000019000	000000000
EWC	19910411	19910415	000004000	000001666	000020000	000000000	3F7	000666144	000023000	000020000
EWC	19910415	19910416	000001000	000000000	000000000	000000000	NJ	000665144	000024000	000020000
EWC	19910416	19910531	000045000	000023000	000020000	000000000	2F7	000577144	000069000	000040000
EWC	19910531	19910621	000020000	000000000	000020000	000000000	NJ	000537144	000089000	000060000
EEC	19910621	19910625	000004000	000000800	000000000	000000000	5F7	000532344	000093000	000060000
EWC	19910625	19910710	000015000	000003200	000000000	000002142	5F7 B7	000512002	000108000	000060000
EWC	19910710	19910711	000001000	000000000	000000000	000000142	NJ B7	000510860	000109000	000060000
EEC	19910711	19910814	000033000	000010999	000020000	000004856	3F7 B7	000442005	000142000	000080000
EWC	19910814	19910822	000008000	000002999	000020000	000000000	3F7	000411006	000150000	000100000
INCI	19910822	19910822	000000000	000000000	000000000	000000000	NJ	000411006	000150000	000100000
INCI	19910822	19910909	000017000	000000000	000000000	000000000	NJ	000394006	000167000	000100000
INCI	19910909	19910909	000000000	000000000	000000000	000000000	NJ	000394006	000167000	000100000
EWC	19910909	19911010	000031000	000000000	000000000	000000000	NJ	000363006	000198000	000100000

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EWC	19911010	19911030	000020000	000002142	000020000	000000000	7F5	000320864	000218000	000120000	19910915
EWC	19911030	19911031	000001000	000000000	000000000	000000000	NJ	000319864	000219000	000120000	19910915
EEC	19911031	19911104	000003000	000000600	000000000	000000000	5F7	000316264	000222000	000120000	19910915
EEC	19911104	19920127	000083000	000016600	000060000	000004799	5F7 B4	000151865	000305000	000180000	19910915
EWC	19920127	19920401	000064000	000013000	000040000	000000000	5F7	000034865	000369000	000220000	19910915
MOVE	19920401	19920401	000000000	000000000	000000000	000000000	NJ	000034865	000369000	000220000	19910915
MOVE	19920401	19930430	000000000	000000000	000000000	000000000	NJ	000034865	000369000	000220000	19910915
EEC	19930430	19930602	000032000	000000000	000020000	000000000	NJ	00001713N	000401000	000240000	19910915
LAST	19930430	19930514	000014000	000000000	000020000	000000000	NJ	000000865	000383000	000240000	19910915

CONVICTION COMPLETION TABLE FOR SCDC # 00160785-----

CONVICT	START	MAXOUT	MX-SURP	CY-SURP
00001	09/15/1989	03/22/1991	000	007
00002	09/15/1989	12/21/1989	000	006
00003	03/22/1991	05/14/1993	000	000
00004	09/15/1989	03/21/1990	000	006
00005	04/26/1993	05/17/1994	000	017
00006	01/14/1994	08/21/1999	008	000
00007	01/14/1994	01/14/1994	000	000
00008	08/21/1999	10/30/2006	000	027
00009	04/10/2006	04/06/2023	000	000
00010	04/10/2006	10/22/2025	000	000
00011	04/10/2006	10/22/2025	000	000
00012	04/10/2006	08/05/2011	000	026
00013	04/10/2006	03/10/2014	000	000

BEGIN EWCPAR

EWC	20061016	20061116	000031000	000000000	000000000	NJ --	001148750	000220000
EWC	20061116	20070502	000167000	000059999	000000000	2F5 --	000921751	000387000
EWC	20070502	20070503	000001000	000000000	000000000	NJ --	000920751	000388000
EWC	20070503	20080205	000278000	000099642	000000000	2F5 --	000543109	000666000
EWC	20080205	20080404	000059000	000000000	000000000	NJ --	000484109	000725000
EWC	20080404	20080429	000025000	000009285	000000000	2F5 --	000449824	000750000
EWC	20080429	20080430	000001000	000000000	000000000	NJ --	000448824	000751000
EWC	20080430	20080604	000035000	000012857	000000000	2F5 --	000400967	000786000
EWC	20080604	20080605	000001000	000000000	000000000	NJ --	000399967	000787000
EWC	20080605	20081208	000186000	000044522	000000000	3F5 --	000169445	000973000
EWC	20081208	20081209	000001000	000000000	000000000	NJ --	000168445	000974000
EWC	20081209	20100526	000533000	000127140	000000000	3F5 --	00049169N	001507000
LAST	20081209	20081209	000533000	000127140	000000000	3F5 --	000168445	000974000

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CONV# 00013 SENT START: 20061016 SENTDAYS: 0005475 REMAIN DAYS: 000168445

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01 20100526	20081209	20100526		20100909	20120227

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	20061016	20061116	000031000	000000000	000000000	NJ -- 000692500	000220000
EWC	20061116	20070502	000167000	000059999	000000000	2F5 -- 000465501	000387000
EWC	20070502	20070503	000001000	000000000	000000000	NJ -- 000464501	000388000
EWC	20070503	20080205	000278000	000099642	000000000	2F5 -- 000086859	000666000
EWC	20080205	20080404	000059000	000000000	000000000	NJ -- 000027859	000725000
EWC	20080404	20080429	000025000	000009285	000000000	2F5 -- 000006420	000750000
LAST	20080404	20080404	000025000	000009285	000000000	2F5 -- 000027859	000725000

CONV# 00012 SENT START: 20061016 SENTDAYS: 0003650 REMAIN DAYS: 000027859

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01 20080604	20080404	20080429		20100909	20120227

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	20061016	20061116	000031000	000000000	000000000	NJ -- 002578333	000220000
EWC	20061116	20070502	000167000	000059999	000000000	2F5 -- 002351334	000387000
EWC	20070502	20070503	000001000	000000000	000000000	NJ -- 002350334	000388000
EWC	20070503	20080205	000278000	000099642	000000000	2F5 -- 001972692	000666000
EWC	20080205	20080404	000059000	000000000	000000000	NJ -- 001913692	000725000
EWC	20080404	20080429	000025000	000009285	000000000	2F5 -- 001879407	000750000
EWC	20080429	20080430	000001000	000000000	000000000	NJ -- 001878407	000751000
EWC	20080430	20080604	000035000	000012857	000000000	2F5 -- 001830550	000786000
EWC	20080604	20080605	000001000	000000000	000000000	NJ -- 001829550	000787000
EWC	20080605	20081208	000186000	000044522	000000000	3F5 -- 001599028	000973000
EWC	20081208	20081209	000001000	000000000	000000000	NJ -- 001598028	000974000
EWC	20081209	20100526	000533000	000127140	000000000	3F5 -- 000937888	001507000
EWC	20100526	20100706	000041000	000000000	000000000	NJ -- 000896888	001548000
EEC	20100706	20100909	000065000	000015475	000000000	3F5 -- 000816413	001613000
EWC	20100909	20101018	000039000	000009523	000002228	3F5 B4 000765662	001652000

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EWC	20101018	20101019	000001000	000000000	000000057	NJ	B4	000764605	001653000
EEC	20101019	20120227	000496000	000118092	000028398	3F5	B4	000122115	002149000
EWC	20120227	20120514	000077000	000018571	000000000	3F5	--	000026544	002226000
EWC	20120514	20120515	000001000	000000000	000000000	NJ	--	000025544	002227000
EWC	20120515	20160809	001547000	000368563	000000000	3F5	--	00189001R	003774000
LAST	20120515	20120515	001547000	000368563	000000000	3F5	--	000025544	002227000

CONV# 00011 SENT START: 20061016 SENTDAYS: 0008395 REMAIN DAYS: 000025544

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	99999999	20120515	20160809		99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM-DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE	TO EARN
PAROLE DATE IS GREATER THAN MAXOUT DATE								
EWC	20061016	20061116	000031000	000000000	000000000	NJ	--	002578333
EWC	20061116	20070502	000167000	000059999	000000000	2F5	--	002351334
EWC	20070502	20070503	000001000	000000000	000000000	NJ	--	002350334
EWC	20070503	20080205	000278000	000099642	000000000	2F5	--	001972692
EWC	20080205	20080404	000059000	000000000	000000000	NJ	--	001913692
EWC	20080404	20080429	000025000	000009285	000000000	2F5	--	001879407
EWC	20080429	20080430	000001000	000000000	000000000	NJ	--	001878407
EWC	20080430	20080604	000035000	000012857	000000000	2F5	--	001830550
EWC	20080604	20080605	000001000	000000000	000000000	NJ	--	001829550
EWC	20080605	20081208	000186000	000044522	000000000	3F5	--	001599028
EWC	20081208	20081209	000001000	000000000	000000000	NJ	--	001598028
EWC	20081209	20100526	000533000	000127140	000000000	3F5	--	000937888
EWC	20100526	20100706	000041000	000000000	000000000	NJ	--	000896888
EEC	20100706	20100909	000065000	000015475	000000000	3F5	--	000816413
EWC	20100909	20101018	000039000	000009523	000002228	3F5	B4	000765662
EWC	20101018	20101019	000001000	000000000	000000057	NJ	B4	000764605
EEC	20101019	20120227	000496000	000118092	000028398	3F5	B4	000122115
EWC	20120227	20120514	000077000	000018571	000000000	3F5	--	000026544
EWC	20120514	20120515	000001000	000000000	000000000	NJ	--	000025544
EWC	20120515	20160809	001547000	000368563	000000000	3F5	--	00189001R
LAST	20120515	20120515	001547000	000368563	000000000	3F5	--	000025544

CONV# 00010 SENT START: 20061016 SENTDAYS: 0008395 REMAIN DAYS: 000025544

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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
01	99999999	20120515	20160809		99999999
				99999999	99999999

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	20061016	20061116	000031000	000000000	000000000	NJ	--	002213333	000220000
EWC	20061116	20070502	000167000	000059999	000000000	2F5	--	001986334	000387000
EWC	20070502	20070503	000001000	000000000	000000000	NJ	--	001985334	000388000
EWC	20070503	20080205	000278000	000099642	000000000	2F5	--	001607692	000666000
EWC	20080205	20080404	000059000	000000000	000000000	NJ	--	001548692	000725000
EWC	20080404	20080429	000025000	000009285	000000000	2F5	--	001514407	000750000
EWC	20080429	20080430	000001000	000000000	000000000	NJ	--	001513407	000751000
EWC	20080430	20080604	000035000	000012857	000000000	2F5	--	001465550	000786000
EWC	20080604	20080605	000001000	000000000	000000000	NJ	--	001464550	000787000
EWC	20080605	20081208	000186000	000044522	000000000	3F5	--	001234028	000973000
EWC	20081208	20081209	000001000	000000000	000000000	NJ	--	001233028	000974000
EWC	20081209	20100526	000533000	000127140	000000000	3F5	--	000572888	001507000
EWC	20100526	20100706	000041000	000000000	000000000	NJ	--	000531888	001548000
EEC	20100706	20100909	000065000	000015475	000000000	3F5	--	000451413	001613000
EWC	20100909	20101018	000039000	000009523	000002228	3F5	B4	000400662	001652000
EWC	20101018	20101019	000001000	000000000	000000057	NJ	B4	000399605	001653000
EEC	20101019	20120227	000496000	000118092	000028398	3F5	B4	00024288N	002149000
LAST	20101019	20101019	000496000	000118092	000028398	3F5	B4	000399605	001653000

CONV# 00009 SENT START: 20061016 SENTDAYS: 0007300 REMAIN DAYS: 000399605

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
					END DATE
01	99999999	20101019	20120514		20100909
				20100909	20120227

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
MOVE	19940809	19940809	000000000	000000000	000000000	NJ	--	000900000	000000000
EWC	19940809	19940810	000001000	000000000	000000000	NJ	--	000899000	000001000
EEC	19940810	19950310	000210000	000042000	000000000	5F7	--	000647000	000211000
EWC	19950310	19950714	000124000	000025000	000007085	5F7	B4	000490915	000335000
EEC	19950714	19950810	000026000	000000000	000001542	NJ	B4	000463373	000361000
EWC	19950810	19950830	000020000	000000000	000000000	NJ	--	000443373	000381000

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EEC	19950830	19950901	000001000	000000200	000000000	5F7	--	000442173	000382000
EWC	19950901	19960216	000165000	000033200	000009428	5F7	B4	000234545	000547000
EEC	19960216	19960216	000000000	000000000	000000057	NJ	B4	000234488	000547000
EWC	19960216	19960306	000020000	000000000	000000000	NJ	--	000214488	000567000
EWC	19960306	19960402	000026000	000002755	000000000	7F5	--	000185733	000593000
EWC	19960402	19960403	000001000	000000000	000000000	NJ	--	000184733	000594000
EWC	19960403	19960630	000087000	000017600	000000000	5F7	--	000080133	000681000
EWC	19960630	19960705	000005000	000000000	000000000	NJ	--	000075133	000686000
EWC	19960705	19960709	000004000	000001000	000000000	5F7	--	000070133	000690000
EEC	19960709	19960710	000001000	000000000	000000000	NJ	--	000069133	000691000
EEC	19960710	19961001	000081000	000000000	000005856	NJ	5P	00001772L	000772000
LAST	19960710	19960710	000081000	000000000	000005856	NJ	5P	000069133	000691000

CONV# 00008 SENT START: 19940809 SENTDAYS: 0003600 REMAIN DAYS: 000069133

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC	
STAT	DATE	START	END DATE	DATE	START	END DATE
06	19961112	19970813	19971111		19960710	19961001

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS				
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE	RATE	TO EARN	SERV	DAYS
MOVE	19940114	19940428	000104000	000000000	000000000	NJ	--	003496000	000104000				
MOVE	19940428	19940505	000000000	000000000	000000000	NJ	--	003496000	000104000				
EWC	19940505	19940513	000008000	000000000	000000000	NJ	--	003488000	000112000				
EWC	19940513	19940728	000075000	000015200	000000000	5F7	--	003397800	000187000				
EWC	19940728	19940810	000012000	000000000	000000000	NJ	--	003385800	000199000				
EEC	19940810	19950310	000210000	000042000	000000000	5F7	--	003133800	000409000				
EWC	19950310	19950714	000124000	000025000	000007085	5F7	B4	002977715	000533000				
EEC	19950714	19950810	000026000	000000000	000001542	NJ	B4	002950173	000559000				
EWC	19950810	19950830	000020000	000000000	000000000	NJ	--	002930173	000579000				
EEC	19950830	19950901	000001000	000000200	000000000	5F7	--	002928973	000580000				
EWC	19950901	19960216	000165000	000033200	000009428	5F7	B4	002721345	000745000				
EEC	19960216	19960216	000000000	000000000	000000057	NJ	B4	002721288	000745000				
EWC	19960216	19960306	000020000	000000000	000000000	NJ	--	002701288	000765000				
EWC	19960306	19960402	000026000	000002755	000000000	7F5	--	002672533	000791000				
EWC	19960402	19960403	000001000	000000000	000000000	NJ	--	002671533	000792000				
EWC	19960403	19960630	000087000	000017600	000000000	5F7	--	002566933	000879000				
EWC	19960630	19960705	000005000	000000000	000000000	NJ	--	002561933	000884000				
EWC	19960705	19960709	000004000	000001000	000000000	5F7	--	002556933	000888000				
EEC	19960709	19960710	000001000	000000000	000000000	NJ	--	002555933	000889000				

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EEC	19960710	19961001	000081000	000000000	000005856	NJ	5P	002469077	000970000
EEC	19961001	19961002	000001000	000000000	000000000	NJ	--	002468077	000971000
EEC	19961002	19961112	000040000	000000000	000004880	NJ	3P	002423197	001011000
EEC	19961112	19961206	000024000	000000000	000000000	NJ	--	002399197	001035000
EEC	19961206	19961216	000010000	000000000	000001309	NJ	3P	002387888	001045000
EEC	19961216	19970114	000028000	000000000	000000000	NJ	--	002359888	001073000
EEC	19970114	19970122	000008000	000000000	000001071	NJ	3P	002350817	001081000
EEC	19970122	19970403	000071000	000000000	000000000	NJ	--	002279817	001152000
EEC	19970403	19970410	000007000	000000000	000000571	NJ	5P	002272246	001159000
EEC	19970410	19970411	000001000	000000000	000000000	NJ	--	002271246	001160000
EEC	19970411	19970618	000067000	000000000	000008094	NJ	3P	002196152	001227000
EEC	19970618	19970619	000001000	000000000	000000000	NJ	--	002195152	001228000
EEC	19970619	19970630	000011000	000000000	000000857	NJ	5P	002183295	001239000
EEC	19970630	19970701	000001000	000000000	000000000	NJ	--	002182295	001240000
EEC	19970701	19970807	000036000	000000000	000004404	NJ	3P	002141891	001276000
EWC	19970807	19970813	000006000	000000000	000000000	NJ	--	002135891	001282000
EWC	19970813	19971111	000088000	000021190	000012570	3F5	B7	002014131	001370000
EWC	19971111	19971117	000006000	000000000	000000857	NJ	B7	002007274	001376000
EWC	19971117	19971210	000023000	000005714	000003285	3F5	B7	001975275	001399000
EEC	19971210	19971215	000005000	000000000	000000857	NJ	B7	001969418	001404000
EEC	19971215	19971218	000003000	000000000	000000000	NJ	--	001966418	001407000
EEC	19971218	19980201	000043000	000000000	000005237	NJ	3P	001918181	001450000
EWC	19980201	19980202	000001000	000000000	000000000	NJ	--	001917181	001451000
EWC	19980202	19980501	000089000	000021428	000000000	3F5	--	001806753	001540000
EWC	19980501	19980504	000003000	000000000	000000000	NJ	--	001803753	001543000
EWC	19980504	19980602	000028000	000006904	000000000	3F5	--	001768849	001571000
EWC	19980602	19980604	000002000	000000000	000000000	NJ	--	001766849	001573000
EEC	19980604	19980625	000021000	000004999	000000000	3F5	--	001740850	001594000
EWC	19980625	19980730	000035000	000008571	000004999	3F5	B7	001692280	001629000
EWC	19980730	19980731	000001000	000000000	000000142	NJ	B7	001691138	001630000
EWC	19980731	19980827	000026000	000009642	000003714	2F5	B7	001651782	001656000
EEC	19980827	19980827	000000000	000000000	000000142	NJ	B7	001651640	001656000
EWC	19980827	19981027	000060000	000000000	000000000	NJ	--	001591640	001716000
EWC	19981027	19981214	000047000	000017142	000000000	2F5	--	001527498	001763000
EWC	19981214	19981215	000001000	000000000	000000000	NJ	--	001526498	001764000
EEC	19981215	19990106	000021000	000007499	000000000	2F5	--	001497999	001785000
EWC	19990106	19990203	000027000	000009999	000003856	2F5	B7	001457144	001812000
EEC	19990203	19990203	000000000	000000000	000000142	NJ	B7	001457002	001812000
EWC	19990203	19990212	000009000	000000000	000000000	NJ	--	001448002	001821000
EWC	19990212	19990224	000012000	000004642	000000000	2F5	--	001431360	001833000
EWC	19990224	19990225	000001000	000000000	000000000	NJ	--	001430360	001834000

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EEC 19990225 19990301 000006000 000002142 000000000 2F5 -- 001422218 001840000
EWC 19990301 20000802 000511000 000182855 000029198 2F5 B4 000699165 002351000
EEC 20000802 20000802 000000000 000000000 000000000 NJ B4 000699165 002351000
MOVE 20000802 20000802 000000000 000000000 000000000 NJ -- 000699165 002351000
MOVE 20000802 20020502 000630000 000000000 000000000 NJ -- 000069165 002981000
MOVE 20020502 20020828 000000000 000000000 000000000 NJ -- 000069165 002981000
MOVE 20020828 20020919 000021000 000000000 000000000 NJ -- 000048165 003002000
MOVE 20020919 20031224 000455000 000000000 000000000 NJ -- 00040683N 003457000
LAST 20020919 20020919 000455000 000000000 000000000 NJ -- 000048165 003002000

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CONV# 00007 SENT START: 19940114 SENTDAYS: 9999999 REMAIN DAYS: 000048165

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
06 20031224	20040526	20060601		20040426	20040525

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

CONV# 00007 SENT START: 19940114 SENTDAYS: 0003600 REMAIN DAYS: 003600000

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01 19940428	19940513	19940728		20040426	20040525

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	19940114	19940428	000104000	000000000	000000000	NJ --	003496000 000104000
MOVE	19940428	19940428	000000000	000000000	000000000	NJ --	003496000 000104000
MOVE	19940428	19940505	000000000	000000000	000000000	NJ --	003496000 000104000
EWC	19940505	19940513	000008000	000000000	000000000	NJ --	003488000 000112000
EWC	19940513	19940728	000075000	000015200	000000000	5F7 --	003397800 000187000
EWC	19940728	19940810	000012000	000000000	000000000	NJ --	003385800 000199000
EWC	19940810	19950714	000334000	000067000	000000000	5F7 --	002984800 000533000
EWC	19950714	19950830	000046000	000000000	000000000	NJ --	002938800 000579000
EWC	19950830	19960216	000166000	000033400	000000000	5F7 --	002739400 000745000
EWC	19960216	19960306	000020000	000000000	000000000	NJ --	002719400 000765000
EWC	19960306	19960402	000026000	000002755	000000000	7F5 --	002690645 000791000
EWC	19960402	19960403	000001000	000000000	000000000	NJ --	002689645 000792000

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EWC	19960403	19960630	000087000	000017600	000000000	5F7	--	002585045	000879000
EWC	19960630	19960705	000005000	000000000	000000000	NJ	--	002580045	000884000
EWC	19960705	19960709	000004000	000001000	000000000	5F7	--	002575045	000888000
EWC	19960709	19970813	000394000	000000000	000000000	NJ	--	002181045	001282000
EWC	19970813	19971111	000088000	000021190	000000000	3F5	--	002071855	001370000
EWC	19971111	19971117	000006000	000000000	000000000	NJ	--	002065855	001376000
EWC	19971117	19971210	000023000	000005714	000000000	3F5	--	002037141	001399000
EWC	19971210	19980202	000052000	000000000	000000000	NJ	--	001985141	001451000
EWC	19980202	19980501	000089000	000021428	000000000	3F5	--	001874713	001540000
EWC	19980501	19980504	000003000	000000000	000000000	NJ	--	001871713	001543000
EWC	19980504	19980602	000028000	000006904	000000000	3F5	--	001836809	001571000
EWC	19980602	19980604	000002000	000000000	000000000	NJ	--	001834809	001573000
EWC	19980604	19980730	000056000	000013571	000000000	3F5	--	001765238	001629000
EWC	19980730	19980731	000001000	000000000	000000000	NJ	--	001764238	001630000
EWC	19980731	19980827	000026000	000009642	000000000	2F5	--	001728596	001656000
EWC	19980827	19981027	000060000	000000000	000000000	NJ	--	001668596	001716000
EWC	19981027	19981214	000047000	000017142	000000000	2F5	--	001604454	001763000
EWC	19981214	19981215	000001000	000000000	000000000	NJ	--	001603454	001764000
EWC	19981215	19990203	000048000	000017499	000000000	2F5	--	001537955	001812000
EWC	19990203	19990212	000009000	000000000	000000000	NJ	--	001528955	001821000
EWC	19990212	19990224	000012000	000004642	000000000	2F5	--	001512313	001833000
EWC	19990224	19990225	000001000	000000000	000000000	NJ	--	001511313	001834000
EWC	19990225	20000802	000517000	000184998	000000000	2F5	--	000809315	002351000
MOVE	20000802	20000802	000000000	000000000	000000000	NJ	--	000809315	002351000
MOVE	20000802	20020502	000630000	000000000	000000000	NJ	--	000179315	002981000
MOVE	20020502	20020828	000000000	000000000	000000000	NJ	--	000179315	002981000
MOVE	20020828	20020919	000021000	000000000	000000000	NJ	--	000158315	003002000
MOVE	20020919	20031224	000455000	000000000	000000000	NJ	--	00029668N	003457000
LAST	20020919	20020919	000455000	000000000	000000000	NJ	--	000158315	003002000
MOVE	19940114	19940428	000104000	000000000	000000000	NJ	--	000796000	000104000
MOVE	19940428	19940428	000000000	000000000	000000000	NJ	--	000796000	000104000
MOVE	19940428	19940505	000000000	000000000	000000000	NJ	--	000796000	000104000
EWC	19940505	19940513	000008000	000000000	000000000	NJ	--	000788000	000112000
EWC	19940513	19940728	000075000	000015200	000000000	5F7	--	000697800	000187000
EWC	19940728	19940810	000012000	000000000	000000000	NJ	--	000685800	000199000
EEC	19940810	19950310	000210000	000042000	000000000	5F7	--	000433800	000409000
EWC	19950310	19950714	000124000	000025000	000007085	5F7 B4		000277715	000533000
EEC	19950714	19950810	000026000	000000000	000001542	NJ B4		000250173	000559000
EWC	19950810	19950830	000020000	000000000	000000000	NJ	--	000230173	000579000
EEC	19950830	19950901	000001000	000000200	000000000	5F7	--	000228973	000580000
EWC	19950901	19960216	000165000	000033200	000009428	5F7 B4		000021345	000745000

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EEC 19960216 19960216 000000000 000000000 000000057 NJ B4 000021288 000745000
EWC 19960216 19960306 000020000 000000000 000000000 NJ -- 000001288 000765000
EWC 19960306 19960402 000026000 000002755 000000000 7F5 -- 00002746P 000791000
LAST 19960306 19960306 000026000 000002755 000000000 7F5 -- 000001288 000765000

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CONV# 00006 SENT START: 19940114 SENTDAYS: 0003600 REMAIN DAYS: 000001288

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
06	19961112	19960306	19960402	19960710	19961001

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV DAYS	EWC DAYS	EEC DAYS	RATE	RATE	TO EARN	SERVDAYS
EEC	19930426	19930602	000036000	000000000	000000000	NJ	--	000684000	000036000
EEC	19930602	19930901	000089000	000000000	000021428	NJ	3F	000573572	000125000
MOVE	19930901	19930901	000000000	000000000	000000000	NJ	--	000573572	000125000
MOVE	19930901	19940428	000000000	000000000	000000000	NJ	--	000573572	000125000
MOVE	19940428	19940428	000000000	000000000	000000000	NJ	--	000573572	000125000
MOVE	19940428	19940505	000000000	000000000	000000000	NJ	--	000573572	000125000
EWC	19940505	19940513	000008000	000000000	000000000	NJ	--	000565572	000133000
EWC	19940513	19940728	000075000	000015200	000000000	5F7	--	000475372	000208000
EWC	19940728	19940810	000012000	000000000	000000000	NJ	--	000463372	000220000
EEC	19940810	19950310	000210000	000042000	000000000	5F7	--	000211372	000430000
EWC	19950310	19950714	000124000	000025000	000007085	5F7	B4	000055287	000554000
EEC	19950714	19950810	000026000	000000000	000001542	NJ	B4	000027745	000580000
EWC	19950810	19950830	000020000	000000000	000000000	NJ	--	000007745	000600000
EEC	19950830	19950901	000001000	000000200	000000000	5F7	--	000006545	000601000
EWC	19950901	19960216	000165000	000033200	000009428	5F7	B4	00020108L	000766000
LAST	19950901	19950901	000165000	000033200	000009428	5F7	B4	000006545	000601000

CONV# 00005 SENT START: 19930426 SENTDAYS: 0002880 REMAIN DAYS: 000006545

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01	19960216	19950830	19960216	19950901	19960216

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	19890915	19891005	000020000	000000000	000000000	NJ	--	000070000	000020000

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EEC	19891005	19891016	000011000	000001571	000000000	7F7 --	000057429	000031000
EWC	19891016	19891102	000016000	000002428	000002285	7F7 B7	000036716	000047000
EWC	19891102	19891104	000002000	000000000	000000285	NJ B7	000034431	000049000
EWC	19891104	19900208	000094000	000019000	000013427	5F7 B7	000091990	000143000
LAST	19891104	19891104	000094000	000019000	000013427	5F7 B7	000034431	000049000

CONV# 00004 SENT START: 19890915 SENTDAYS: 0000360 REMAIN DAYS: 000034431

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT DATE	START	END DATE	DATE	START	END DATE
01 19900411	19891104	19900208		19891016	19900411

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	19890915	19891005	000020000	000000000	000000000	NJ	--	000880000	000020000
EEC	19891005	19891016	000011000	000001571	000000000	7F7	--	000867429	000031000
EWC	19891016	19891102	000016000	000002428	000002285	7F7	B7	000846716	000047000
EWC	19891102	19891104	000002000	000000000	000000285	NJ	B7	000844431	000049000
EWC	19891104	19900208	000094000	000019000	000013427	5F7	B7	000718004	000143000
EWC	19900208	19900209	000001000	000000000	000000142	NJ	B7	000716862	000144000
EWC	19900209	19900320	000041000	000008400	000005856	5F7	B7	000661606	000185000
EWC	19900320	19900321	000001000	000000000	000000142	NJ	B7	000660464	000186000
EWC	19900321	19900411	000020000	000006999	000002857	3F7	B7	000630608	000206000
EEC	19900411	19900411	000000000	000000000	000000142	NJ	B7	000630466	000206000
EWC	19900411	19900412	000001000	000000000	000000000	NJ	--	000629466	000207000
EWC	19900412	19900626	000074000	000021428	000000000	3F6	--	000534038	000281000
EEC	19900626	19900712	000016000	000000000	000000000	NJ	--	000518038	000297000
EEC	19900712	19900817	000035000	000000000	000005142	NJ	5F	000477896	000332000
EEC	19900817	19900827	000010000	000000000	000000000	NJ	--	000467896	000342000
EEC	19900827	19901011	000044000	000000000	000004591	NJ	7F	000419305	000386000
EWC	19901011	19901012	000001000	000000000	000000000	NJ	--	000418305	000387000
EWC	19901012	19901112	000030000	000004428	000004285	5F5	B7	000379592	000417000
EEC	19901112	19901115	000003000	000000000	000000571	NJ	B7	000376021	000420000
EEC	19901115	19901116	000001000	000000000	000000000	NJ	--	000375021	000421000
EEC	19901116	19901129	000013000	000000000	000001999	NJ	5F	000360022	000434000
EWC	19901129	19901130	000001000	000000000	000000000	NJ	--	000359022	000435000
EWC	19901130	19901213	000013000	000001999	000000000	5F5	--	000344023	000448000
EEC	19901213	19901214	000001000	000000000	000000000	NJ	--	000343023	000449000
EEC	19901214	19910110	000026000	000000000	000003856	NJ	5F	000313167	000475000
EWC	19910110	19910111	000001000	000000000	000000000	NJ	--	000312167	000476000

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The SAS System

EWC	19910111	19910207	000026000	000005400	000003714	5F7	B7	000277053	000502000
EWC	19910207	19910208	000001000	000000000	000000142	NJ	B7	000275911	000503000
EEC	19910208	19910411	000063000	000020999	000009142	3F7	B7	000182770	000566000
EWC	19910411	19910415	000004000	000001666	000000000	3F7	--	000177104	000570000
EWC	19910415	19910416	000001000	000000000	000000000	NJ	--	000176104	000571000
EWC	19910416	19910531	000045000	000023000	000000000	2F7	--	000108104	000616000
EWC	19910531	19910621	000020000	000000000	000000000	NJ	--	000088104	000636000
EEC	19910621	19910625	000004000	000000800	000000000	5F7	--	000083304	000640000
EWC	19910625	19910710	000015000	000003200	000002142	5F7	B7	000062962	000655000
EWC	19910710	19910711	000001000	000000000	000000142	NJ	B7	000061820	000656000
EEC	19910711	19910814	000033000	000010999	000004856	3F7	B7	000012965	000689000
EWC	19910814	19910822	000008000	000002999	000000000	3F7	--	000001966	000697000
EWC	19910822	19911010	000048000	000000000	000000000	NJ	--	00004603M	000745000
LAST	19910822	19910822	000048000	000000000	000000000	NJ	--	000001966	000697000

CONV# 00003 SENT START: 19890915 SENTDAYS: 0003600 REMAIN DAYS: 000001966

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
09	19920302	19911010	19911030		19911104
					19920127

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	19890915	19891005	000020000	000000000	000000000	NJ	--	000025000	000020000
EEC	19891005	19891016	000011000	000001571	000000000	7F7	--	000012429	000031000
EWC	19891016	19891102	000016000	000002428	000002285	7F7	B7	00000828M	000047000
LAST	19891016	19891016	000016000	000002428	000002285	7F7	B7	000012429	000031000

CONV# 00002 SENT START: 19890915 SENTDAYS: 0000180 REMAIN DAYS: 000012429

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19900411	19891005	19891102		19891016
					19900411

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	DAYS	EEC	DAYS	RATE
EWC	19890915	19891005	000020000	000000000	000000000	NJ	--	000250000	000020000
EEC	19891005	19891016	000011000	000001571	000000000	7F7	--	000237429	000031000
EWC	19891016	19891102	000016000	000002428	000002285	7F7	B7	000216716	000047000

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EWC	19891102	19891104	000002000	000000000	000000285	NJ	B7	000214431	000049000
EWC	19891104	19900208	000094000	000019000	000013427	5F7	B7	000088004	000143000
EWC	19900208	19900209	000001000	000000000	000000142	NJ	B7	000086862	000144000
EWC	19900209	19900320	000041000	000008400	000005856	5F7	B7	000031606	000185000
EWC	19900320	19900321	000001000	000000000	000000142	NJ	B7	000030464	000186000
EWC	19900321	19900411	000020000	000006999	000002857	3F7	B7	000000608	000206000
EEC	19900411	19900411	000000000	000000000	000000142	NJ	B7	000000466	000206000
EWC	19900411	19900412	000001000	000000000	000000000	NJ	--	00000053M	000207000
LAST	19900411	19900411	000001000	000000000	000000000	NJ	--	000000466	000206000

CONV# 00001 SENT START: 19890915 SENTDAYS: 0001080 REMAIN DAYS: 000000466

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
01	19900626	19900412	19900626		19900712
					19900817

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	EEC	DAYS	RATE	TO EARN
EWC	19940809	19940810	000001000	000000000	000000000	NJ	--	000899000	000001000
EEC	19940810	19950310	000210000	000042000	000000000	5F7	--	000647000	000211000
EWC	19950310	19950714	000124000	000025000	000007085	5F7	B4	000490915	000335000
EEC	19950714	19950810	000026000	000000000	000001542	NJ	B4	000463373	000361000
EWC	19950810	19950830	000020000	000000000	000000000	NJ	--	000443373	000381000
EEC	19950830	19950901	000001000	000000200	000000000	5F7	--	000442173	000382000
EWC	19950901	19960216	000165000	000033200	000009428	5F7	B4	000234545	000547000
EEC	19960216	19960216	000000000	000000000	000000057	NJ	B4	000234488	000547000
EWC	19960216	19960306	000020000	000000000	000000000	NJ	--	000214488	000567000
EWC	19960306	19960402	000026000	000002755	000000000	7F5	--	000185733	000593000
EWC	19960402	19960403	000001000	000000000	000000000	NJ	--	000184733	000594000
EWC	19960403	19960630	000087000	000017600	000000000	5F7	--	000080133	000681000
EWC	19960630	19960705	000005000	000000000	000000000	NJ	--	000075133	000686000
EWC	19960705	19960709	000004000	000001000	000000000	5F7	--	000070133	000690000
EEC	19960709	19960710	000001000	000000000	000000000	NJ	--	000069133	000691000
EEC	19960710	19961001	000081000	000000000	000005856	NJ	5P	00001772L	000772000
LAST	19960710	19960710	000081000	000000000	000005856	NJ	5P	000069133	000691000

CONV# 00008 SENT START: 19940809 SENTDAYS: 0003600 REMAIN DAYS: 000069133

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
06	19961112	19970813	19971111		19960710	19961001

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	19960307	19960402	000025000	000002653	000000000	7F5	--	000872347	000025000
EWC	19960402	19960403	000001000	000000000	000000000	NJ	--	000871347	000026000
EWC	19960403	19960630	000087000	000017600	000000000	5F7	--	000766747	000113000
EWC	19960630	19960705	000005000	000000000	000000000	NJ	--	000761747	000118000
EWC	19960705	19960709	000004000	000001000	000000000	5F7	--	000756747	000122000
EEC	19960709	19960710	000001000	000000000	000000000	NJ	--	000755747	000123000
EEC	19960710	19961001	000081000	000000000	000005856	NJ	5P	000668891	000204000
EEC	19961001	19961002	000001000	000000000	000000000	NJ	--	000667891	000205000
EEC	19961002	19961112	000040000	000000000	000004880	NJ	3P	000623011	000245000
EEC	19961112	19961206	000024000	000000000	000000000	NJ	--	000599011	000269000
EEC	19961206	19961216	000010000	000000000	000001309	NJ	3P	000587702	000279000
EEC	19961216	19970114	000028000	000000000	000000000	NJ	--	000559702	000307000
EEC	19970114	19970122	000008000	000000000	000001071	NJ	3P	000550631	000315000
EEC	19970122	19970403	000071000	000000000	000000000	NJ	--	000479631	000386000
EEC	19970403	19970410	000007000	000000000	000000571	NJ	5P	000472060	000393000
EEC	19970410	19970411	000001000	000000000	000000000	NJ	--	000471060	000394000
EEC	19970411	19970618	000067000	000000000	000008094	NJ	3P	000395966	000461000
EEC	19970618	19970619	000001000	000000000	000000000	NJ	--	000394966	000462000
EEC	19970619	19970630	000011000	000000000	000000857	NJ	5P	000383109	000473000
EEC	19970630	19970701	000001000	000000000	000000000	NJ	--	000382109	000474000
EEC	19970701	19970807	000036000	000000000	000004404	NJ	3P	000341705	000510000
EWC	19970807	19970813	000006000	000000000	000000000	NJ	--	000335705	000516000
EWC	19970813	19971111	000088000	000021190	000012570	3F5	B7	000213945	000604000
EWC	19971111	19971117	000006000	000000000	000000857	NJ	B7	000207088	000610000
EWC	19971117	19971210	000023000	000005714	000003285	3F5	B7	000175089	000633000
EEC	19971210	19971215	000005000	000000000	000000857	NJ	B7	000169232	000638000
EEC	19971215	19971218	000003000	000000000	000000000	NJ	--	000166232	000641000
EEC	19971218	19980201	000043000	000000000	000005237	NJ	3P	000117995	000684000
EWC	19980201	19980202	000001000	000000000	000000000	NJ	--	000116995	000685000
EWC	19980202	19980501	000089000	000021428	000000000	3F5	--	000006567	000774000
EWC	19980501	19980504	000003000	000000000	000000000	NJ	--	000003567	000777000
EWC	19980504	19980602	000028000	000006904	000000000	3F5	--	00003133P	000805000
LAST	19980504	19980504	000028000	000006904	000000000	3F5	--	000003567	000777000

CONV# 00008 SENT START: 19960307 SENTDAYS: 0003600 REMAIN DAYS: 000003567

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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
01 19980602	19980504	19980602		19980625	19980827

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	19890915	19891005	000020000	000000000	000000000	NJ	--	000880000	000020000
EEC	19891005	19891016	000011000	000001571	000000000	7F7	--	000867429	000031000
EWC	19891016	19891102	000016000	000002428	000002285	7F7	B7	000846716	000047000
EWC	19891102	19891104	000002000	000000000	000000285	NJ	B7	000844431	000049000
EWC	19891104	19900208	000094000	000019000	000013427	5F7	B7	000718004	000143000
EWC	19900208	19900209	000001000	000000000	000000142	NJ	B7	000716862	000144000
EWC	19900209	19900320	000041000	000008400	000005856	5F7	B7	000661606	000185000
EWC	19900320	19900321	000001000	000000000	000000142	NJ	B7	000660464	000186000
EWC	19900321	19900411	000020000	000006999	000002857	3F7	B7	000630608	000206000
EEC	19900411	19900411	000000000	000000000	000000142	NJ	B7	000630466	000206000
EWC	19900411	19900412	000001000	000000000	000000000	NJ	--	000629466	000207000
EWC	19900412	19900626	000074000	000021428	000000000	3F6	--	000534038	000281000
EEC	19900626	19900712	000016000	000000000	000000000	NJ	--	000518038	000297000
EEC	19900712	19900817	000035000	000000000	000005142	NJ	5F	000477896	000332000
EEC	19900817	19900827	000010000	000000000	000000000	NJ	--	000467896	000342000
EEC	19900827	19901011	000044000	000000000	000004591	NJ	7F	000419305	000386000
EWC	19901011	19901012	000001000	000000000	000000000	NJ	--	000418305	000387000
EWC	19901012	19901112	000030000	000004428	000004285	5F5	B7	000379592	000417000
EEC	19901112	19901115	000003000	000000000	000000571	NJ	B7	000376021	000420000
EEC	19901115	19901116	000001000	000000000	000000000	NJ	--	000375021	000421000
EEC	19901116	19901129	000013000	000000000	000001999	NJ	5F	000360022	000434000
EWC	19901129	19901130	000001000	000000000	000000000	NJ	--	000359022	000435000
EWC	19901130	19901213	000013000	000001999	000000000	5F5	--	000344023	000448000
EEC	19901213	19901214	000001000	000000000	000000000	NJ	--	000343023	000449000
EEC	19901214	199010110	000026000	000000000	000003856	NJ	5F	000313167	000475000
EWC	199010110	199010111	000001000	000000000	000000000	NJ	--	000312167	000476000
EWC	199010111	199010207	000026000	000005400	000003714	5F7	B7	000277053	000502000
EWC	199010207	199010208	000001000	000000000	000000142	NJ	B7	000275911	000503000
EEC	199010208	199010411	000063000	000020999	000009142	3F7	B7	000182770	000566000
EWC	199010411	199010415	000004000	000001666	000000000	3F7	--	000177104	000570000
EWC	199010415	199010416	000001000	000000000	000000000	NJ	--	000176104	000571000
EWC	199010416	199010531	000045000	000023000	000000000	2F7	--	000108104	000616000
EWC	199010531	199010621	000020000	000000000	000000000	NJ	--	000088104	000636000
EEC	199010621	199010625	000004000	000000800	000000000	5F7	--	000083304	000640000

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EWC	19910625	19910710	000015000	000003200	000002142	5F7 B7	000062962	000655000
EWC	19910710	19910711	000001000	000000000	000000142	NJ B7	000061820	000656000
EEC	19910711	19910814	000033000	000010999	000004856	3F7 B7	000012965	000689000
EWC	19910814	19910822	000008000	000002999	000000000	3F7 --	000001966	000697000
EWC	19910822	19911010	000048000	000000000	000000000	NJ --	00004603M	000745000
LAST	19910822	19910822	000048000	000000000	000000000	NJ --	000001966	000697000

CONV# 00003 SENT START: 19890915 SENTDAYS: 0003600 REMAIN DAYS: 000001966

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC
STAT	DATE	START	END DATE	DATE	START
09	19920302	19911010	19911030	19911104	19920127

BRK	BREAK	BREAK	BREAK	BREAK	BREAK	EWC	EEC	REM	DAYS
TYPE	START	END	SERV	DAYS	EWC	EEC	DAYS	RATE	TO EARN
EWC	19900411	19900411	000000000	000000333	000000000	3F7 B7	000899667	000000000	
EEC	19900411	19900411	000000000	000000000	000000142	NJ B7	000899525	000000000	
EWC	19900411	19900412	000001000	000000000	000000000	NJ --	000898525	000001000	
EWC	19900412	19900626	000074000	000021428	000000000	3F6 --	000803097	000075000	
EEC	19900626	19900712	000016000	000000000	000000000	NJ --	000787097	000091000	
EEC	19900712	19900817	000035000	000000000	000005142	NJ 5F	000746955	000126000	
EEC	19900817	19900827	000010000	000000000	000000000	NJ --	000736955	000136000	
EEC	19900827	19901011	000044000	000000000	000004591	NJ 7F	000688364	000180000	
EWC	19901011	19901012	000001000	000000000	000000000	NJ --	000687364	000181000	
EWC	19901012	19901112	000030000	000004428	000004285	5F5 B7	000648651	000211000	
EEC	19901112	19901115	000003000	000000000	000000571	NJ B7	000645080	000214000	
EEC	19901115	19901116	000001000	000000000	000000000	NJ --	000644080	000215000	
EEC	19901116	19901129	000013000	000000000	000001999	NJ 5F	000629081	000228000	
EWC	19901129	19901130	000001000	000000000	000000000	NJ --	000628081	000229000	
EWC	19901130	19901213	000013000	000001999	000000000	5F5 --	000613082	000242000	
EEC	19901213	19901214	000001000	000000000	000000000	NJ --	000612082	000243000	
EEC	19901214	19910110	000026000	000000000	000003856	NJ 5F	000582226	000269000	
EWC	19910110	19910111	000001000	000000000	000000000	NJ --	000581226	000270000	
EWC	19910111	19910207	000026000	000005400	000003714	5F7 B7	000546112	000296000	
EWC	19910207	19910208	000001000	000000000	000000142	NJ B7	000544970	000297000	
EEC	19910208	19910411	000063000	000020999	000009142	3F7 B7	000451829	000360000	
EWC	19910411	19910415	000004000	000001666	000000000	3F7 --	000446163	000364000	
EWC	19910415	19910416	000001000	000000000	000000000	NJ --	000445163	000365000	
EWC	19910416	19910531	000045000	000023000	000000000	2F7 --	000377163	000410000	
EWC	19910531	19910621	000020000	000000000	000000000	NJ --	000357163	000430000	

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EWC	19901012	19901112	000030000	000004428	000004285	5F5	B7	000423735	000377000
EEC	19901112	19901115	000003000	000000000	000000571	NJ	B7	000420164	000380000
EEC	19901115	19901116	000001000	000000000	000000000	NJ	--	000419164	000381000
EEC	19901116	19901129	000013000	000000000	000001999	NJ	5F	000404165	000394000
EWC	19901129	19901130	000001000	000000000	000000000	NJ	--	000403165	000395000
EWC	19901130	19901213	000013000	000001999	000000000	5F5	--	000388166	000408000
EEC	19901213	19901214	000001000	000000000	000000000	NJ	--	000387166	000409000
EEC	19901214	19901010	000026000	000000000	000003856	NJ	5F	000357310	000435000
EWC	19901010	19901011	000001000	000000000	000000000	NJ	--	000356310	000436000
EWC	19901011	19902027	000026000	000005400	000003714	5F7	B7	000321196	000462000
EWC	19902027	19902028	000001000	000000000	000000142	NJ	B7	000320054	000463000
EEC	19902028	19904111	000063000	000020999	000009142	3F7	B7	000226913	000526000
EWC	19904111	19904115	000004000	000001666	000000000	3F7	--	000221247	000530000
EWC	19904115	19904116	000001000	000000000	000000000	NJ	--	000220247	000531000
EWC	19904116	19905311	000045000	000023000	000000000	2F7	--	000152247	000576000
EWC	19905311	19906211	000020000	000000000	000000000	NJ	--	000132247	000596000
EEC	19906211	19906215	000004000	000000800	000000000	5F7	--	000127447	000600000
EWC	19906215	19907101	000015000	000003200	000002142	5F7	B7	000107105	000615000
EWC	19907101	19907111	000001000	000000000	000000142	NJ	B7	000105963	000616000
EEC	19907111	19908114	000033000	000010999	000004856	3F7	B7	000057108	000649000
EWC	19908114	19908222	000008000	000002999	000000000	3F7	--	000046109	000657000
EWC	19908222	19911010	000048000	000000000	000000000	NJ	--	00000189J	000705000
LAST	19910822	19910822	000048000	000000000	000000000	NJ	--	000046109	000657000

CONV# 00003 SENT START: 19891025 SENTDAYS: 0003600 REMAIN DAYS: 000046109

1ST MOVEMENT	1ST EWC	1ST EWC	1ST INCI	1ST EEC	1ST EEC	
STAT	DATE	START	END DATE	DATE	START	END DATE
09	19920302	19911010	19911030		19911104	19920127

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

CONVICTION COMPLETION TABLE FOR SCDC # 00160785-----

CONVICT	START	MAXOUT	CYCLE	COMP	FULLDATE	MX-SURP	CY-SURP
00001	19890915	19900411	Y				
00002	19890915	19891025	Y				
00003	19900411	19930514	Y				
00004	19890915	19891129	Y				
00005	19930426	19950906	Y				

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00006	19940114	19960307	Y
00007	19940114	20030227	Y
00008	19960307	19980506	Y
00009	20060410	20230410	Y
00010	20060410	20251028	Y
00011	20060410	20251028	Y
00012	20061016	20080424	Y
00013	20061016	20090424	Y

START EWCTOTAL

TOTAL SENTENCE.:02300000 CURRENT SENTENCE.:02300000 CURRENT SENT START.:04/10/2006

BEGIN EWCWREL

000000000000000000

100-SET- 00160785

421000VNS012008110101

01

01

000000000000000000

* * * EXECUTION FINISHED ON 03/12/18

00001 INMATES PROCESSED



ROAI200D
ROAI200M
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM
RECORD AUDIT APPLICATION
DISPLAY RECORD AUDIT

03/12/18
C056427

SCDC#: 00160785
NAME.: SMITH, TERRY BO

CURR STATUS.: INCARCERATED
CURR LOC..... LEE
CURR CUSTODY: MI2

AUDIT TYPE: 01 RECORDS AUDIT

AUDIT DATE: 10/25/06

UPDATED BY: ROLACK, CAROLINE

DATE: 10/25/06

RECORD AUDIT DISPLAYED...

CLEAR:SUMMARY

ENTER:DISPLAY NOTES

PF8:FORWARD

CMTI700M
CMTI700D
SCDC# > 160785
SMITH, TERRY BO

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
COMPLETED SCDC PRIORS

03/15/18
C052640

125

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CURR LOC: LEE

SCDC CLASSIFICATION...: VIOLENT

		C	S												
		A	E	INCARC	SENT	SENT	SENT					CONV	VIO		
NUM		T	X	CONV	OFFENSE	YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND	
	S00008	2	N	CRACK	DISTRIB	010	00	000	08/09/94	08/09/94	06/05/2006	COM	N	N	
	S00006	3	N	ASSL&	BATTERY-	010	00	000	04/27/94	01/14/94	08/14/1999	COM	N	N	
Y	S00005	3	N	POINTING	A FI	000	08	000	04/29/93	04/26/93	/	/	COM	N	N
	S00004	2	N	GRAND	LARCENY	001	00	000	09/15/89	09/15/89	03/21/1990	COM	N	N	
	S00003	3	N	POINTING	A FI	002	00	000	09/15/89	09/15/89	/	/	REV	N	N
	S00002	2	N	LARCENY		000	06	000	09/15/89	09/15/89	12/21/1989	COM	N	N	
	S00001	2	N	CONTRIB	DELIN	002	00	310	09/15/89	09/15/89	03/22/1991	COM	N	N	

MAKE A SELECTION AND PRESS <ENTER>...

PF4-MODCONV PF6-NON-SCDC PRIORS

PAGE: 0001

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

03/15/18

C052640

SCDC ID: 160785

DISPLAY INMATE OFFENSE HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

SERIOUS MENTAL ILLNESS: N

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00010	INTERFERING WITH COUN	OTHER AC	08/20/08	/ /	00000	CLOSED	3
00009	USE, POSS NARC, MARIJ, U	MAJOR DI	05/05/08	05/19/08	00000	CONVICTED	1
00007	OUT OF PLACE	MINOR DI	03/22/97	/ /	00000	CONVICTED	3
00006	GAMBLING AND LOAN SHA	MAJOR DI	01/09/97	02/12/97	00090	CONVICTED	3
00005	GAMBLING AND LOAN SHA	MAJOR DI	02/19/96	/ /	00000	CONVICTED	3
00004	OUT OF PLACE	MINOR DI	09/09/91	09/20/91	00000	CONVICTED	3
00003	LYING TO EMPLOYEE/MAK	MAJOR DI	09/09/91	09/20/91	00000	CONVICTED	3
00002	LYING TO EMPLOYEE/MAK	MAJOR DI	08/22/91	08/30/91	00000	CONVICTED	3
00001	FIGHTING WITHOUT A WE	MINOR DI	08/17/90	08/21/90	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

CMT1100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

03/12/18
C056427

127

SCDC# > 00160785

CURR LOC: LEE

SMITH, TERRY BO

SCDC CLASSIFICATION...: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND	CONV	VIO
		YRS	MO	DYS	DATE	START					
S00013	COMMON LAW ROBBERY	015	00	000	10/16/06	04/10/06	03/10/2014	ACT	N	N	
S00012	ASSLT&BATTERY-HIGH&AG	010	00	000	10/16/06	04/10/06	08/05/2011	ACT	N	N	
* S00011	ARMED ROBBERY	023	00	000	10/16/06	04/10/06	10/22/2025	ACT	V	V	
S00010	KIDNAPPING	023	00	000	10/16/06	04/10/06	10/22/2025	ACT	V	V	
S00009	CARJACKING W/BODILY	020	00	000	10/16/06	04/10/06	04/06/2023	ACT	V	V	
S00007	HOMICIDE BY CHILD AB	999	00	000	04/27/94	01/14/94	01/14/1994	REM	V	N	

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

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

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

01/02/19

INMATE TRANSFER AND COUNT

C058106

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

STATUS	LOCATION	SERIOUS MENTAL ILLNESS: N
		CHG DATE CHANGE REASON
— INCARCERATED	LEE	05/26/10 ADMINISTRATIVE
— INCARCERATED	KIRKLAND	05/25/10 RETURN FROM COURT
— AUTH ABSENCE (AWL)	SPARTANBURG CO	05/24/10 TO COURT
— INCARCERATED	LEE	06/04/08 ADMINISTRATIVE
— INCARCERATED	MCCORMICK	02/05/08 ADMINISTRATIVE
— INCARCERATED	LEE	11/14/06 ADMINISTRATIVE
— INCARCERATED	KIRKLAND	11/01/06 ADMINISTRATIVE
— INCARCERATED	GILLIAM PSY	10/17/06 MEDICAL
— INCARCERATED	KIRKLAND	10/17/06 R&E PROCESSING
— INCARCERATED	PERRY	10/17/06 NEW SENT W/O PR/CS/SF REV
— PROBATION	CHEROKEE CO	06/01/06 RELEASED TO PROBATION

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT01/02/19
C058106

129

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

STATUS	LOCATION	SERIOUS MENTAL ILLNESS: N
		CHG DATE CHANGE REASON
AUTH ABSENCE (AWL)	SPARTANBURG CO	05/26/06 TO COURT
INCARCERATED	LIEBER	06/09/05 RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	06/09/05 TO COURT
INCARCERATED	LIEBER	05/27/05 RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	05/27/05 MEDICAL
INCARCERATED	LIEBER	05/09/05 RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	05/09/05 MEDICAL
INCARCERATED	LIEBER	03/14/05 RETURN FROM COURT
AUTH ABSENCE (AWL)	RICHLAND CO	03/14/05 MEDICAL
INCARCERATED	LIEBER	12/11/04 RETURN FROM COURT
AUTH ABSENCE (AWL)	SPARTANBURG CO	12/04/04 TO COURT

PAGE.> 0002

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

01/02/19

INMATE TRANSFER AND COUNT

C058106

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

STATUS	LOCATION	SERIOUS MENTAL ILLNESS: N	CHG DATE	CHANGE REASON
INCARCERATED	LIEBER		12/01/04	ADMINISTRATIVE
INCARCERATED	KIRKLAND		12/01/04	MEDICAL
INCARCERATED	LIEBER		03/22/04	ADMINISTRATIVE
INCARCERATED	KIRKLAND		03/03/04	R&E PROCESSING
INCARCERATED	PERRY		03/03/04	PAROLE VIOLATOR
AUTH ABSENCE (AWL)	SPARTANBURG CO		01/17/04	LOCKUP-FRM EPA, SF, PAR, PRB
PAROLE	NEW YORK		01/10/04	PAROLE BOARD ACTION
AUTH ABSENCE (AWL)	NEW YORK		12/24/03	LOCKUP-FRM EPA, SF, PAR, PRB
PAROLE	NEW YORK		09/19/02	PAROLE BOARD ACTION
AUTH ABSENCE (AWL)	NEW YORK		08/28/02	LOCKUP-FRM EPA, SF, PAR, PRB
DEAD TIME	UNK		05/02/02	WARRANT ISSUED

PAGE.> 0003

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT01/02/19
C058106

131

SCDC # 160785

SMITH, TERRY BO

TRANSFER HISTORY

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

STATUS	LOCATION	SERIOUS MENTAL ILLNESS: N
	CHG DATE	CHANGE REASON
PAROLE	GREENVILLE CO	08/02/00 PAROLE BOARD ACTION
INCARCERATED	GIVENS	02/10/99 ADMINISTRATIVE
INCARCERATED	TYGER RIVER LOW	02/04/99 ADMINISTRATIVE
INCARCERATED	NORTHSIDE	02/03/99 ADMINISTRATIVE
INCARCERATED	TYGER RIVER UPP	06/02/98 ADMINISTRATIVE
INCARCERATED	PERRY	03/09/98 ADMINISTRATIVE
AUTH ABSENCE (AWL)	RICHLAND CO	03/09/98 MEDICAL
INCARCERATED	PERRY	01/02/97 ADMINISTRATIVE
INCARCERATED	PERRY R&E	12/18/96 DISCIPLINARY
INCARCERATED	PERRY	12/02/96 RETURN FROM COURT
AUTH ABSENCE (AWL)	CHEROKEE CO	11/12/96 TO COURT

PAGE.> 0004

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT01/02/19
C058106

132

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
— INCARCERATED	PERRY	03/04/96	ADMINISTRATIVE
— INCARCERATED	PERRY R&E	02/19/96	LOCKUP-INVESTIGATION
— INCARCERATED	PERRY	02/16/96	ADMINISTRATIVE
— INCARCERATED	EVANS	09/13/95	RETURN FROM COURT
— AUTH ABSENCE (AWL)	CHEROKEE CO	09/11/95	TO COURT
— INCARCERATED	EVANS	08/09/94	RETURN FROM COURT
— AUTH ABSENCE (AWL)	CHEROKEE CO	07/28/94	TO COURT
— INCARCERATED	EVANS	05/11/94	ADMINISTRATIVE
— INCARCERATED	PERRY R&E	05/05/94	RETURN FROM COURT
— RELEASE	UNK	04/28/94	PROB/CS/EPA COMPLETE
— AUTH ABSENCE (AWL)	CHEROKEE CO	04/28/94	TO COURT

PAGE.> 0005

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

01/02/19

133

INMATE TRANSFER AND COUNT

C058106

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

OFFENDER TYPE: ADULT-STRAIGHT

TOBACCO: Y

SPEC ED: N

VIC/WIT: Y

OFF TYPE ENTRY DATE:

CURR DORM:

F41239T

CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

SERIOUS MENTAL ILLNESS: N

STATUS	LOCATION	CHG DATE	CHANGE REASON
— INCARCERATED	PERRY R&E	04/28/94	NEW SENT W/O PR/CS/SF REV
— PROBATION	CHEROKEE CO	09/01/93	RELEASED TO PROBATION
— INCARCERATED	ALLENDAL	05/26/93	ADMINISTRATIVE
— INCARCERATED	PERRY R&E	04/30/93	PROBATION VIOLATOR
— PROBATION	CHEROKEE CO	04/01/92	RELEASED TO PROBATION
— PRE-RELEASE	BLUE RIDGE	03/02/92	PRE-RELEASE
— INCARCERATED	TYGER RIVER UPP	06/12/91	ADMINISTRATIVE
— INCARCERATED	PERRY R&E	05/30/91	ADMINISTRATIVE
— INCARCERATED	GRNVLL CO DTN D	04/15/91	ADMINISTRATIVE
— INCARCERATED	TYGER RIVER LOW	06/27/90	ADMINISTRATIVE
— INCARCERATED	TYGER RIVER LOW	06/26/90	ADMINISTRATIVE

PAGE.> 0006

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT01/02/19
C058106

134

SCDC # 160785

TRANSFER HISTORY

SMITH, TERRY BO

CURR LOC: LEE

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

OFF TYPE ENTRY DATE: CURR DORM: F41239T CURR CUST/SEC: MI2

ASSNMT: 2025 EDUCATION DEPT

HARDSHIP VIOLATOR: MCCORMICK

STG:

STATUS	LOCATION	SERIOUS MENTAL ILLNESS: N
INCARCERATED	LIVESAY	CHG DATE CHANGE REASON
INCARCERATED	TYGER RIVER UPP	04/11/90 ADMINISTRATIVE
INCARCERATED	PERRY R&E	09/29/89 ADMINISTRATIVE
		09/19/89 NEW ADMISSION

PAGE.> 0007

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

Parole

ARREST WARRANT

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

Indictment Number #94-GS-11-949

Warrant Number W-42-02-0458

State Identification No. (SID) 630301

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Spartanburg, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

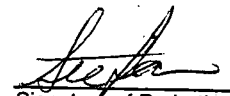
It appearing from the attached affidavit that there are reasonable grounds to believe that Terry B. Smith, did on the 2nd day of May, 2002 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

There is probable cause to believe that the offender committed ABHAN and A+B on 4-28-02 and 4-30-02 per incident report and victims statement.

Now, therefore, you are empowered and directed to arrest the said defendant and bring Terry B. Smith 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. Done at Spartanburg, S. C. this

2nd day of May, 2002

 (L.S.)
Signature of Probation and Parole Agent
Gilbert

County of Spartanburg

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Stefan E. Gilbert, who, first being duly sworn, deposes and says that Terry B. Smith did within this County and State on the 2nd day of May, 2002, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

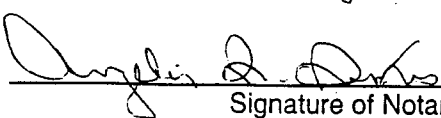
There is probable cause to believe that the offender committed ABHAN and A+B on 4-28-02 and 4-30-02 per incident report and victims statement.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

The Defendant has violated the conditions of his Parole Agreement in the following manner:
There is probable cause to believe that the offender committed ABHAN and A+B on 4-28-02 and 4-30-02 per incident report and victims statement. On 4-28-02, Per incident report offender struck female with fist and small statue. On 4-30-02, per incident report and victim statement offender struck female with fist in the face and abdomen. Also offender choked her with his hands and placed a pillow on her face to quiet her screams.
(Condition#10)-Failure To Follow Agents Advice And Instructions.

Sworn to and Subscribed before me
this 2 day of May, 2002


Affiant

 (L.S.)
Signature of Notary Public

Address: #180 Library St.
Spartanburg, S.C. 29306

2-24-2008
My Commission Expires

(Form Continues on Back)

STATE OF SOUTH CAROLINA
COUNTY OF
Spartanburg

THE STATE
against

Terry B. Smith

ARREST WARRANT

Offense: Violation of Parole

Offense Section:

Date: 05-02-02

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Stefan E. Gilbert

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name Terry B. Smith
Address #123 Carson Dr.
Cowpens, S.C. 29330
Phone
Sex Male Race Black Height 509
Weight 140 Birth date 10-20-70
Social Security Number 248-27-4000

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

PRELIMINARY HEARING held by

Magistrate
on
with

Attorney for the Defendant.

Decision

BAIL

Date Set
Magistrate
Amount
Surety

137

SCDC# 160785
SID# 630301

South Carolina

-vs-

Terry B. Smith

Alta Terry L. Smith

ORDER

Whereas the above named Parolee has been charged with violating the conditions of parole ordered on August 2, 2000 by the South Carolina Board of Probation, Parole and Pardon Services, as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, we find the Parolee has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and dated May 2, 2002 & September 25, 2002 a copy of which is incorporated by reference.

The South Carolina Board of Probation, Parole and Pardon Services now finds that the Parolee has violated the conditions of Parole number:

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ 9 ☐ 10 ☒ 11 ☐ 12 ☐ 13 ☐
Special Conditions ☐ Additional Conditions which were agreed to by the Parolee on the above date ☐ 16 ☐

☒ In consequence whereof, the South Carolina Board of Probation, Parole and Pardon Services hereby orders the parole revoked and orders the above named Parolee be returned to the South Carolina Department of Corrections to serve the remainder of the original sentence imposed by the Court, said sentence to run from the date of commitment until the final date of expiration of the maximum active sentence. The parole is revoked in the (☐ Presence ☒ Absence ☐ Waiver) of the Parolee by the panel of the full Board.

☐ IT IS ORDERED that the above named Parolee is continued on parole as provided for in the sentence identified above and subject to the conditions set forth therein and not inconsistent with the order. This action is taken in the (☐ Absence ☐ Presence ☐ Waiver) of the Parolee.

☐ Additional Conditions ordered by the Board.

Additional Conditions:

Ordered this 25th, day of February, 2004.

[Signature]
Chairman

[Signature]
Marlene J. McClain

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. If I have been continued under supervision, I agree to comply with the above conditions and all conditions of my original parole order not inconsistent with this order.

dered this 1st day of March, 2004

[Signature]
Agent

[Signature] Terry Smith
Parolee

RECEIVED

FEB 14 2018

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

Due 2/1/18

138

INMATE NAME: Larry SmithSCDC NUMBER: 1160785INSTITUTION: Lee CTHOUSING UNIT: F4-1228WORK ASSIGNMENT: EducationDIVISION OF CLASSIFICATION
& INMATE RECORDS

Office Use Only

Grievance No. Lee CT 0766-17Code: GeneralPolicy: PolicyDisc. Hear. Disc. Hear.Class. Class.Date Received 2/12/18IGC Initials MC/H

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

I APPEAL THE CONTINUED FAILURE OF LEE AND CENTRAL CLASSIFICATION TO SUCCESSFULLY REVIEW MY COMPLAINTS, EVEN WITH SUPERVISORY HELP. THE STEP ONE RESPONSE TO LEE CT (0766-17) EXPLAINED THAT MS. RIVERS FROM LEE CT CONTACTED MS. LONG FROM CENTRAL CLASSIFICATION, AND THAT MS. LONG STATED THAT I WAS INELIGIBLE "BECAUSE OF MY KIDNAPPING CHARGE."

THIS INDICATES TWO THINGS. FIRST, THAT CLASSIFICATION CONTINUES TO CONSIDER MY KIDNAPPING CHARGE AS A "SEX OFFENSE" EVEN THOUGH I HAVE PROVIDED THEM WITH A COURT ORDER FORBIDDING THEM TO DO SO. SECOND, THAT MS. LONG FAILED TO EXERCISE DUE DILIGENCE AND READ ALL OF THE RELEVANT PORTIONS OF MY RECORD, BECAUSE CLASSIFICATION HAS A COPY OF THE COURT ORDER ON FILE.

POLICY DOES NOT FORBID KIDNAPPING CONVICTIONS FROM MO1B. IT FORBIDS SEX OFFENSES FROM HAVING MO1B. MOST KIDNAPPING CHARGES ARE CONSIDERED SEX OFFENSES, BUT MY CASE IS NOT. I DO NOT HAVE A SEX OFFENSE AND AM ELIGIBLE FOR MO1B.

THIS FAILURE OF DUE DILIGENCE AND MISQUOTE OF POLICY IS A CONTINUATION OF THE EARLIER NEGLIGENCE AND/OR INDIFFERENCE. THE ADDITIONAL DELAY IS A DELIBERATE AND UNJUSTLY DEPRIVAL OF A STATE-CREATED LIBERTY INTEREST IN A SITUATION WHERE TIME IS THE ESSENCE OF THE COMPLAINT.

Grievant Signature

Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance, you stated that your SCDC classification status is incorrect. You believe that you are eligible for custody advancement. You would like the ICC to recommend you to SCC for MO1B Custody. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 1/29/18. SCDC Classification Staff have been consulted. It has been determined that your request is inappropriate. Your current conviction of kidnapping makes you ineligible for your request to be granted. You were convicted of violating SC Code of Laws as follows: 16-3-90, offense Kidnapping; 1-11-330 (A), offense Armed Robbery; Common Law, offense Assault and Battery of High and Aggravated Nature; Common Law Robbery; 16-3-1075, offense Carjacking W/Bodily Injury; and Homicide By Child Abuse. You have not shown that SCDC Staff have performed their job duties inappropriately.

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.

Signature

Date

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)

INMATE GRIEVANCE FORM

Due 2/7/18 139

STEP 1

INMATE NAME: <u>SMITH, TERRY</u>	OFFICE USE ONLY
SCDC NUMBER: <u>160785</u>	Grievance No. <u>Lee CI-0766-17</u>
INSTITUTION: <u>LEE CI DEC 27 2017</u>	Code: General
HOUSING UNIT: <u>F4B-1228</u>	Policy
WORK ASSIGNMENT: <u>SCHOOL WORKER</u>	Disc. Hear. ☒
	Class.
	PREA
	Date Received <u>12/28/17</u>
	IGC Initials <u>crk</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

On 11-6-17, I WAS REVIEWED BY LEE ICC BUT WAS NOT RECOMMENDED TO SCC FOR MOIB custody change. Ms. McKenzie checked my computer records and told me that I did meet the criteria for MOIB (after telling me at my previous review that I simulated MOIB). On 11-6-17, she told me that I showed as M12. When I addressed this issue on the kiosk (RTSM 17-740359) she stated SCC had not recommended me for MOIB. However, policy (21.07.14) states the ICC recommends to the SCC and that then SCC decides to approve or disapprove the recommendation.

Errors in my classification records have obstructed my custody advancement since 1998. My computerized classification record still lists a murder conviction that was overturned by the Supreme Court 21 years ago. The computer still counts me as a sex offender despite a court order to the contrary, and is classifying me as a repeat Category 5 offender despite the murder conviction being overturned. Plainly the computer is making some error in the classification of my offenses that is correctable.

These errors have shown themselves repeatedly in my computer classification. The classification staff at Lee CI is aware of these discrepancies because I have repeatedly challenged them. And yet the Lee ICC failed to recommend custody advancement to the SCC in accordance to OP 21.07.14.1.

In short, Lee ICC is aware of my eligibility for custody advancement - or claim to be aware - and yet failed to recommend advancement to the SCC. This is negligence or indifference. Therefore, I grieve the ICC's failure to follow policy and is in violation of OP 21.07.14.

Terry Smith 12/28/17
Grievant Signature Date

ACTION REQUESTED:

To have ICC recommend me to SCC for MOIB custody in accordance with OP 21.07.14

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

K. Turner 1/24/18
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Failed due diligence 140

Inmate Terry Smith

#160785

LEECI-0766-17

This is in reference to the above grievance. Pertinent information has been reviewed. Ms. Long from Central Classification was contacted by Ms. Rivers. Ms. Long stated that you are ineligible for Level 1b advancement because of your kidnapping charge. Due to your current commitment, you will not be eligible for any type of advancement.

Therefore, your grievance is denied. If you are not satisfied with my response, you have the opportunity to appeal to the appropriate official at Central Office. If you wish to do so, complete the Step 2 Grievance Form provided and submit it, along with your copy of this Step 1 Grievance Form, to the Inmate Grievance coordinator within five (5) calendar days.

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.

Grievant Signature

Date

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. 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, by placing your Step 2 appeal form in the Grievance Box at your institution.



NIAGARA REGIONAL POLICE SERVICE

Chief of Police Bryan MacCulloch, M.O.M., BA, MA

October 18, 2018

Terry Smith 160785 F4B 1207
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010
UNITED STATES

Dear Mr. Smith:

I am responding to your request, pursuant to the Municipal Freedom of Information and Protection of Privacy Act (the *Act*), for access to information, our Information and Privacy File No.: 2018-915.

You have requested access to a copy of the record of your arrest in relation to an incident which occurred in Niagara Falls, Ontario, Canada in 2002.

Enclosed please find a copy of Offensive Weapons Report #2002-67108 which is the responsive record.

You have been granted access to 3 full pages and 6 partial pages of this 9-page report, information having been severed from it pursuant to subsections 38(a) and 38(b) of the *Act* which read as follows:

<u>Sub-Section</u>	<u>Reason</u>
38	A head may refuse to disclose to the individual to whom the information relates personal information,
(a)	if section 6, 7, 8, 8.1, 8.2, 9, 10, 11, 12, 13 or 15 would apply to the disclosure of that personal information;
(b)	if the disclosure would constitute an unjustified invasion of another individual's personal privacy.

Confidential police codes have been severed from pages 1, 2, 6, 7, 8 and 9 pursuant to subsection 38(a) of the *Act* cited above as section 8(1)(l) of the *Act* applies to this information. It reads as follows:



02-14-2002 0073

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INGERPRINT IDENTIFICATION IDENTIFICATION DACTYLOSCOPIQUE
 EFORE fingerprinting, read Part A and B on reverse. AVANT de prendre les empreintes, lire les parties A et B au verso.

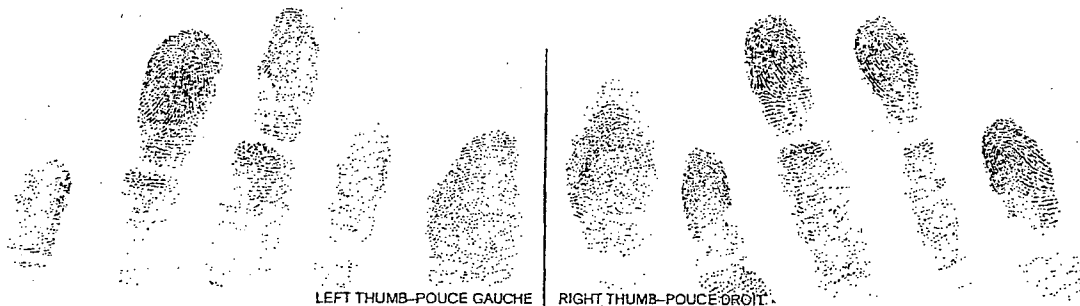
Regional Identifier Identificateur régional	Latent-Latente	Certified-Certifié par	Classifier Préposé au classement	AFIS-SAID	
0609			Year of birth Année de naissance		
Bar Code - Barre-code					

Thumb-Pouce	Index	Middle-Médus	Ring-Annulaire	Little-Auriculaire

--	--	--	--	--

IF ANY FINGERPRINT IS NOT RECORDED, GIVE REASON - IF AMPUTATED, DEFORMED OR INJURED, GIVE DATE
 S'IL MANQUE UNE EMPREINTE, DIRE POURQUOI - EN CAS D'AMPUTATION, DE DÉFORMATION OU DE BLESSURE, DONNER LA DATE

FOUR FINGERS TAKEN TOGETHER - IMPRESSION SIMULTANÉE DANS QUATRE DOIGTS



LEFT THUMB-POUCE GAUCHE RIGHT THUMB-POUCE DROIT

Name & complete address of contributing agency/dept Nom et adresse complète du service ou de l'organisme contributeur		Contributor's no./Reference No. N° du contributeur/ N° de référence		Signature of official taking fingerprints Signature du préposé aux empreintes		15 Date	
Niagara Regional Police Service 68 Church Street St. Catharines, Ontario L2R 3C6 Tel (905) 688-4111 Fax (905) 685-5081		77937				Y-A M D-J 2002 07 13	
24 Signature of person fingerprinted (full name and address) - Signature de la personne dactyloscopiée (nom au complet et adresse)							
24 Surname - Nom de famille SMITH		Given names - Prénoms TERRY LEE				6 FPS NO. - N° FPS	
Other names, aliases, nicknames, maiden name, etc. - Autres noms, sobriquets, surnoms, nom de jeune fille, etc.							
Address - Adresse NO FIXED ABODE ON CANADA				Complexion - Teint Light/fair		Occupation - Employeur - Employé-employeur	
Peculiarities, marks, scars, tattoos, deformities, etc. Traits caractéristiques, marques, cicatrices, tatouages, difformités, etc.				14 Sex - Sexe Male		21 Eyes - Yeux Brown	
				17 DOB - ODN 1970/10/20		19 Height - Taille (cm) 174	
				20 Weight - Poids (kg) 64			
☐ Sex related Infraction sexuelle				☐ Spousal assault Violence conjugale			
☒ Violent Violente				☐ Sudden Soudaine			
☐ Publication ban Interdiction de publication				☒ Escape Risk Danger d'évasion			
☐ Child sex offence Agression sexuelle sur enfant				☐ M Age			
				☐ F Age			
Name and address of NOK - Nom et adresse du plus proche parent				16 Race Black			
Date arrested - Arrêtée le 2002/07/13		☐ Young Offender Jeune contrevenant		Court - Tribunal PROVINCIAL DIVISION		Investigating Agency - Organisme enquêteur NIAGARA REGIONAL POLICE	
Date & place of Sentence Date et lieu de la sentence		Charge - Exact Section - Statute Accusation - article exact - loi		* Disposition - Décision			
		CC 88 WEAPONS DANGEROUS x 2					
		CC 270(2) ASSAULT PEACE OFFICER x 2					
		CC 355(A) POSSESS OVER					
		CC 357 BRING INTO CANADA PROPERTY OBTAINED BY CRIME					

NIAGARA REGIONAL POLICE SERVICE

Vehicle Report

SUPPLEMENTARY ☒

IDENTIFY BY NAME, ADDRESS, SEX, D.O.B., I.D., FEATURES, PLACE OF EMPLOYMENT, S.I.N., DRIVERS LICENCE No. ETC.

SMITH TERRY LEE OCT 20, 1970
N.F.A. SOUTH CAROLINA.
IMMIGRATION HOLD FOR U.S. ROBBERY
WARRANT.

☒ ARRESTED ☐ WARRANT

☐ SUMMONED ☐ SUSPECT (STATE WHY.)

I.D. POSSIBLE?

☐ NO ☐ YES (BY WHOM?)

NRP No.

FOR NARRATIVE COMPLETE SUPPLEMENTARY REPORT

VEHICLE RELEASED AT SCENE? ☐ YES ☒ NO
TOWED BY/TO: MADE LEAF
IDENT REQUIRED: ☒ YES ☐ NO
HOLD: ☒ YES ☐ NO
AND BY: 6410 DRUMMOND
905-356-6300

CONDITIONS OF RELEASE
TO R/O ONLY OR AGENT
PERSON NOTIFIED
SPARTANBURG POLICE - S.C. 864-596-2646

DATE/TIME NOTIFIED: 02 JUL 13 215
NOTIFYING OFFICER: 9026

VEHICLE RELEASED TO (PRINT NAME)

ADDRESS

SIGNATURE OF CLAIMANT

RELATIONSHIP TO REGISTERED OWNER

DATE/TIME RELEASED: 02 JUL 13 215
RELEASING OFFICER: 9026

HAZARD REMARKS (MUST BE COMPLETED IF HAZARD CHECKED)

STATS. CANADA CLEARED BY			INCIDENT CLASS		ADULTS		JUVENILES		INF.
CHARGE	OTHER	UNF.			M	F	M	F	

OFFICE DATA F ONLY
DATA VERIF.
DATE RECEIVED IN RECORDS
DATE CLEARED

DIVISION 22	PATROL AREA/ZONE 2	INCIDENT CLASS 997 934	INCIDENT No. 02-67108
TYPE OF INCIDENT ☒ STOLEN VEHICLE ☐ RECOVERED VEHICLE ☐ ABAN./IMP. VEHICLE		VEHICLE TYPE ☐ STOLEN VIN PL. ☐ STOLEN PARTS ☒ OTHER (SPECIFY) TRUCK ☐ AUTO ☐ MOTO ☐ SNOW ☐ TRAILER ☐ AIRCRAFT	
TIME & DATE OF INCIDENT SATURDAY 00:24 10.2 JUL 13		LOCATION OF INCIDENT LUNDYS LANE	
LICENCE No. 6 2 3 M B K	LIC. YR. 0 3	VEH. YR. 9 7	MAKE FORD
STYLE TRUCK	COLOUR BLACK	MODEL EXPLODER	
VAL TAG No.	PART No.	VALUE OF VEH. \$ 20,000	
DOORS LOCKED? ☐ YES ☒ NO	KEYS IN VEH.? ☒ YES ☐ NO	OWNERSHIP IN VEH.? ☐ YES ☐ NO	VALUE OF CONTENTS \$
DESCRIPTION OF CONTENTS (LUGGAGE, TOOLS, ETC.) ADDITIONAL INFORMATION			
CONDITION/DAMAGE TO VEHICLE NO DAMAGE			DAMAGE VALUE \$
LIEN/CHattel MORTGAGE HELD BY ☐ NO ☐ YES			VALUE \$
INSURED ☐ YES ☐ NO		INSURANCE COMPANY AND POLICY NUMBER ACCUSED.	
SURNAME ACCUSED.		GIVEN(1)	GIVEN(2)
ADDRESS		HAZARD ☐	
SEX R/O.	YR. DOB MO. DAY	OCCUPATION	CONDITION Sober Intox HBD Drugs ☐ ☐ ☐
DRIVER'S LICENCE No.		HOME PHONE (EXT./LOCAL)	
SURNAME R/O.		GIVEN(1)	GIVEN(2)
ADDRESS		HAZARD ☐	
SEX R/O.	YR. DOB MO. DAY	RELATIONSHIP TO VICTIM/COMPLAINANT	CONDITION Sober Intox HBD Drugs ☐ ☐ ☐
PLACE OF EMPLOYMENT/EMPLOYER		HOME PHONE (EXT./LOCAL)	
SURNAME BRAMLETTE		GIVEN(1)	GIVEN(2)
ADDRESS 207 CRESTLINE DRIVE- SPARTANBURG, S.C.		HAZARD ☐	
REPORTING OFFICER (FULL NAME/RANK/No.) PURDIE 9112		DATE/TIME REPORT TAKEN 02 JUL 13 0100	NO. DAY TIME
OTHER OFFICER(S) ATTENDING ANDERSON 9026		I.D. OFFICER RESPONDING	
REPORT CHECKED BY (FULL NAME/RANK/No.) 723		CASE REASSIGNED TO BY DATE	
REPORT CHECKED BY (FULL NAME/RANK/No.)		INCIDENT STATUS (IF INVEST. COMP. CHECK SOLVED OR UNSOLVED) INIT./DATE	

143

008

02-14-2005 00:11

NIAG REG POL NF

07/15/02 15:21 FAX 308



FAX SHEET

02-14-2005 0064

NIAGARA REGIONAL POLICE SERVICE

c/o 68 CHURCH STREET, ST. CATHARINES, ONTARIO, L2R 3C6

TELEPHONE: 905-688-4111

FAX INFORMATION TO: 905-374-0604

DELIVERY INSTRUCTIONS:

URGENT ☐AS SOON AS POSSIBLE ☒FOR YOUR INFORMATION ☐NUMBER OF PAGES SENT (INCLUDING THIS PAGE) 12

MESSAGE TO:

FAX NUMBER: 864-596-2280NAME OF PERSON: Investigator Cheryl BoydDEPARTMENT / BRANCH: Spartanburg Public Safety Department

(NOTE: FOR MULTIPLE FAX - PLEASE LIST BELOW IN NARRATIVE SECTION)

MESSAGE FROM:

NAME OF PERSON: Carl Scott, Acting Staff Sergeant #7272DEPARTMENT / UNIT: 22 Division, Platoon 1TELEPHONE: (905) 688-4111 EXT. 2206 BEST TIME TO CALL: 5 AM TO 5 PM

NARRATIVE:

Here is the Arrest Report and fingerprint information you requested.

(4 sets of prints are done so I'm sending all of them)Carl Scott 7272

*** CONFIDENTIALITY NOTICE ***

The documents accompanying this fax transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copy, distribution, or the taking of any action in reliance on or regarding the contents of this faxed information is strictly prohibited. If you have received this fax in error, please notify the sender by telephone to arrange for the return of the documents.

Conclusion

And the foregoing matter is the Record on Appeal.

NOVEMBER 18, 2019
Bishopville, SC

Respectfully Submitted,

s/ Terry Smith

Terry Smith 160785 F4B Pro Se
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

RECEIVED

NOV 19 2019

SC Court of Appeals