

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W. Funderburk, III Administrative Law Judge

Appeal No. 2019-001502

Larrell Purvis

Appellant,

v.

South Carolina Department of Corrections Respondent,

RECORD ON APPEAL

Larrell Purvis
Allendale C.I.
Barnwell A-38
P.O. Box 1151
Fairfax, S.C. 29827

Office of General Counsel
4444 Broad River Road
P.O. Box 21787
Columbia, S.C. 29221

RECEIVED

DEC 03 2019

SC Court of Appeals

INDEX

Order of August 23, 2019	1
Step 2 Grievance	2
Step 1 Grievance	3
Disciplinary Report and Hearing Record	4
Incident Report	5
Notice of Appeal in the Administrative Law Court	6
Proof of Service	7

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 2~~0~~, 2019

57 Larrell Purvis
Larrell Purvis 306499
Allendale C.I.
Barnwell A-38
P.O. Box 1151
Fairfax, S.C. 29827

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Larrell Purvis, #306499,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent)
_____)

Docket No. 19-ALJ-04-0406-AP
Grievance No.: ACI-0105-19

ORDER OF DISMISSAL

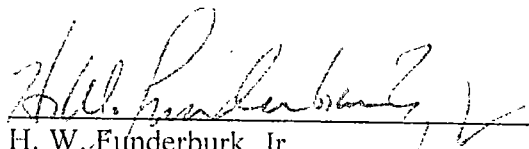
This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed July 31, 2019, by Larrell Purvis, (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC).

Appellant seeks review of SCDC's decision in a prison disciplinary matter in which Appellant did not lose any good-time credits. Appellant makes no claim for the loss of any other state-created liberty interest nor any contention that his sentence, sentence-related credits, or custody status have been erroneously calculated. There is no state-created liberty interest in the loss of opportunity to earn additional good-time credits. *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2012); *see also* S.C. Code Ann. § 1-23-600 (D) (Supp. 2017) ("An administrative law judge shall not hear an appeal from an inmate in the custody of the Department of Corrections involving the loss of the opportunity to earn sentence-related credits..."). It is therefore,

ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

Columbia, South Carolina
August 23, 2019



H. W. Funderburk, Jr.
Administrative Law Judge

FILED

AUG 23 2019

SC ADMIN. LAW COURT

SEARCHED
SERIALIZED
INDEXED
FILED
AUG 23 2019
33rd August, 2019
C.D. Funderburk

RO App 1

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

File: 15/12/19

JUN 13 2019

Office Use Only

INMATE GRIEVANCE

INMATE NAME: Larrell Purvis

Grievance No. AL I-0105-19

SCDC NUMBER: 306499

RECEIVED

Code: General _____
Policy _____

INSTITUTION: Allendale

MAY 24 2019

Disc. Hear. 4/15/19
Class. 903 - 65710

HOUSING UNIT: F2A-38

WARDEN'S OFFICE

PREA _____
Date Received: 05/24/19

WORK ASSIGNMENT: N/A

ACI CE

IGC Initials: _____
Date Received: 6/10/19

IGA Initials: _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): The DHO findings and the Wardens upholding of those findings and hearing the record, testimony or evidence do not have any probative value or probative evidence to support a conviction of 903 Trafficking Use and/or Possession. I was asleep in bed when I was taken in custody for these drugs. A Conviction of possession requires proof of possession, either Actual or Constructive. Drugs were not taken off me. Actual possession occurs when drugs are found to be in the Actual possession physical custody of the person charged. In order to prove constructive possession SCDC must show that I had Dominion and Control or the right to exercise dominion and control over the place the drugs were found. I was not in control of a locked day room upstairs while ASLEEP in BED. Grievant Signature Larrell Purvis Date 5-24-19

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of the (903) Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including Prescription Drugs, Inhalants, Intoxicants and Synthetics in case #10 conducted on April 4, 2019 under SCDC Policy OP-22.14, Inmate Disciplinary System, dated February 2, 2015, and the sanctions imposed, which included the loss of -00- days accrued good time, were appropriate for the rules violation. There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing. You were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Responsible Official Signature Allen Stone Date 7/15/19

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 Larrell Purvis Date 7-24-19

IGC Signature Conner Barber Date 7-24-19

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

APPEAL #1

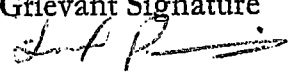
PMOD: 030124

STEP 1

INMATE NAME: <u>Larrell Purvis</u>	RECEIVED	OFFICE USE ONLY
SCDC NUMBER: <u>306499</u>		Grievance No. <u>ACT-0105-19</u>
INSTITUTION: <u>A.C. I</u>		Code: <u>General</u>
HOUSING UNIT: <u>RHU #223</u>		Policy: _____
WORK ASSIGNMENT: <u>N/A</u>	WARDEN'S OFFICE ACI	Disc. Hear. <u>04/04/19</u>
		Class. <u>903 - C#10</u>
		PREA _____
		Date Received <u>04/28/19</u>
		IGC Initials <u>MS P52319</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.)

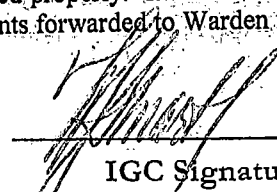
ON 4-4-19 I was convicted of a 903. In the 903, it states it is a violation of this section if an inmate actually or constructively traffics, uses, or possess drugs. These drugs were not found on my person, in my living quarters, or anywhere near me. They were found in a Learning center a common area accessible by anyone in HAH. The incident report or evidence presented can't show or prove where I engaged in the specified behavior, attempted to engage in the specified behavior, conspired to engage in specified behavior, or aided others in engaging, attempting to engage, or conspiring to engage in the specified behavior. It only states the words from another inmate. The incident report or evidence can't show or prove where I actually, constructively trafficked, used or possessed these drugs. They were in a common area and could have easily been placed there by the inmates in HAH area by the inmate who informed the major. (Newly discovered Evidence) I was informed that Hampton A has video footage that can be reviewed. Please review the video footage from the camera's in Hampton A this will prove I was never in this area. I ask you please review the video footage from the camera's in Hampton A wing 2H. I'll prove I'm telling the truth.

#306499
Larrell Purvis 4-5-19
 Grievant Signature Date


ACTION REQUESTED: Overturn conviction and allow me to be a part of the Program.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

A review of Inmate Purvis' Disciplinary Hearing held on April 4, 2019, was conducted. All documents, written and recorded, were reviewed. All dates, times, and signatures were processed properly. Inmate Purvis was given ample time to present his case and was given his appeal rights. Grievance and documents forwarded to Warden for review and response.


 IGC Signature Date
 05/11/19

RL 12.8

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Description of facts.

Case # 10

Page 1 of 1

Institution/Center: Allendale		Date of Report: March 11, 2018
Reporting Official (Full Name): Larry Morris		Time of Report: 1:30 pm approx.
Employee ID #:		Date of Incident: March 11, 2018
Location of Incident: Major's Area		Time of Incident: 9:45 am approx.
Inmate(s)/Resident:	SCDC #	Age: Sex: Race:
1. Larrell Purvis 306499 M/B		Employee(s)/Witnesses Involved:
2.		1.
3.		2.
4.		3.
5.		4.
		5.

On the above date and approximate time:

I Major Larry Morris received some information from a Confidential Informant stating that Inmate Larrell Purvis 306499 M/B was selling Methamphetamines to inmates in his housing unit. The informant also told me where he kept the contraband in room #263 of Hampton A - wing. This information was relayed to the Contraband Staff for a detail search to be conducted. The search was conducted with positive results. A "crystal like substance weighed 17 grams and tested positive for Methamphetamines using the NIK U field test." was found in room #263. Based on the information I received and the positive results of the findings by the Contraband Staff, I recommend Inmate Purvis be charged with (903) The Trafficking, Use and/or Possession of Narcotics, etc.

RECEIVED

MAR 13 2019

Signature: *[Signature]* Title: Major ACI

Evidence: See incident report written by Corporal Riley, Contra Band.

Disposition of Evidence:

Supervisor's Comments: *I, Lt. Renee A. Owens, concur with the charge, 903. Refer to Major Authority.*

Printed Name: *Renee A. Owens*

Signature: *[Signature]* Title: *Lt.* Date/Time: *3-11-19* Approx: *2:30pm*

Major/Responsible Authority: *Charge inmate Purvis with 903 based on [illegible]*

Printed Name: *A. FREDERICKS*

Signature: *[Signature]* Title: *AW (0)* Date/Time: *3.17.19*

STG Related - Refer to STG Committee

Yes No Unknown

This incident is DRUG related

Yes No Unknown

Responsible Authority

Action Taken

Informal Resolution

Administrative Resolution

Refer to Disciplinary Hearing

3/15/19

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Larrell Purvis 306499,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

NOTICE OF APPEAL

DOCKET NO. ALJ-04- -
GRIEVANCE NO.: ACI-0105-19

Notice is hereby given that Larrell Purvis #306499 does hereby appeal the final decision of the South Carolina Department of Corrections dated July 15, 2019 and received on July 24, 2019, a copy of which is attached. A **general** statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Substantial evidence is not found and does not support the Responsible Official's decision to uphold the Warden's and DHO conviction of guilty of Trafficking, use and or/ Possession of Narcotics in the Department of Corrections. Where such evidence used in this major disciplinary hearing did not establish such an offense. The conviction is unconstitutional and contrary to this State's law of Possession and Trafficking in illegal drugs. Furthermore, such a decision is controlled by an error of law. One must knowingly possess a controlled substance, whether it is actual or constructive.

Appellant's Name Larrell Purvis
Mailing Address Allendale C.I.
Barnwell A-3P P.O. Box 1151
City, State, Zip Code Fairfax, S.C.
29827

Larrell Purvis #306499
Signed
August 1, 2019
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Larrell Purvis (your name), on the 1 day of August, 2019, in Fairfax (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows: Administrative Law Court
Name of person/Agency served: Clerk of Court, Edgar A. Brown Building, Suite 224,
Address: 1205 Pendleton Street
City, State, Zip Code: Columbia, S.C. 29201

FILED

JUL 31 2019

Print your name Sign your name Larrell Purvis
(See reverse side for instructions)

R0 App 6

SC ADMIN. LAW COURT

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

APPEAL FROM THE DEPARTMENT OF CORRECTIONS

RECEIVED

DEC 03 2019

SC Court of Appeals

Larrell Purvis, 306499

Appellant,

v.

S.C. Dept. of Corrections

Respondent,

PROOF OF SERVICE

Undersigned appellant hereby certifies that on today's date, I mailed this Notice of Appeal to the Office of General Counsel of the South Carolina Department of Corrections addressed to S.C. Dept. of Corrections, Office of General Counsel, P.O. Box 21787, Columbia S.C. 29221

August 1 2019

Office of General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221

15/ Larrell Purvis #306499

Larrell Purvis
Allendale C.I.
Barnwell A-38
P.O. Box 1151
Fairfax, S.C. 29827