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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W. Funderburk, III Administrative Law Judge

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Appeal No. 2019-001582

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Larrell Purvis

Appellant,

v.

South Carolina Department of Corrections Respondent,

---

RECORD ON APPEAL

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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

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DEC 03 2019

SC Court of Appeals

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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 20, 2019

s/ 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**

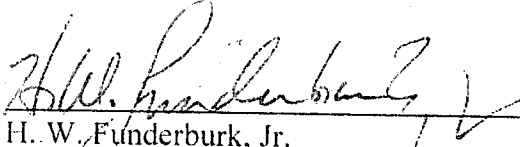
This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed July 31, 2019, by Larrell Purvis. (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC).

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

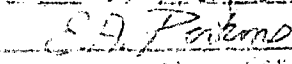
  
\_\_\_\_\_  
H. W. Funderburk, Jr.  
Administrative Law Judge

**FILED**

AUG 23 2019

SC ADMIN. LAW COURT

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DEPARTMENT OF SERVICE  
This document is a true and correct copy of the original as filed with the court.  
It is certified to be a true and correct copy of the original as filed with the court.  
This document is a true and correct copy of the original as filed with the court.  
It is certified to be a true and correct copy of the original as filed with the court.  
23<sup>rd</sup> August, 2019  
  
\_\_\_\_\_

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

JUN 13 2019

STEP 2

Office Use Only

INMATE GRIEVANCE

Grievance No: AL I-0105-19

Code: General

Policy

Disc. Hear. 1/4/19

Class: 903 - C#10

PREA

Date Received: 05/24/19

IGC Initials:

Date Received: 6/27/19

IGA Initials: Jan

INMATE NAME: Larrell Purvis

SCDC NUMBER: 306499

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INSTITUTION: Allendale

MAY 24 2019

HOUSING UNIT: F2A-38

WARDEN'S OFFICE

WORK ASSIGNMENT: N/A

ACI CE

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

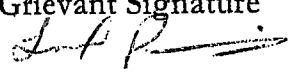
APPEAL #1

PMDD: 030124

STEP 1

INMATE NAME: <u>Larrell Purvis</u>	<b>RECEIVED</b>	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>		Disc. Hear. <u>04/04/19</u>
	APR 08 2019	Class. <u>903 - G#10</u>
	WARDEN'S OFFICE	PREA _____
	ACIY	Date Received <u>04/08/19</u>
		IGC Initials <u>MS P52319</u>

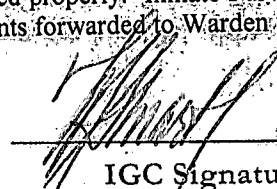
STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) ON 4-4-19 I was convicted of a 903. In the 903 it states it is a violation of this section 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 HAN. 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 place there by the inmates in HAN are by the inmate who informed the warden. ~~Newly discovered evidence~~ I was informed that Hampton A has video footage that can be reviewed. Please review the video footage from the cameras in Hampton A this will prove I was never in this area. I ask again please review the video footage from the cameras in Hampton A wing it will 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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DISCIPLINARY REPORT AND HEARING RECORD

Case#: 110 Inmate Name: Larrell Purvis SCDC#: 306499  
 Living Area: RHU A 117 Job: Lock Up Custody: ST 2

Offense Date: 3/11/2019 Offense Time: 09:45  AM  PM Institution: Allendale Correctional Institution

**Offense Description:**  
 1903 The Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, Including Prescription Drugs, Inhalants, Intoxicants and Synthetics. It is a violation of this section for an inmate to: Actually or constructively traffic, use, or possess drugs or intoxicants of any type or description (except those prescribed by an authorized physician and within authorized amounts and expiration dates) such as but not limited to: barbiturates, narcotics, medicines, marijuana, poisons, inhalants and synthetic cannabinoids, as well as all drug paraphernalia, such as but not limited to: needles, syringes, pipes, rolling papers and straws. Officers may rely on their training and experience to identify any intoxicating substance or paraphernalia where no available scientific tests have been created and/or confirmed credible. Substances which cannot be identified by the officer through their training and experience will be considered contraband and subject to an 1817 Possession of Contraband charge unless the inmate can prove by a preponderance of the evidence at the disciplinary hearing that the substance was either: (1) issued to the inmate officially; (2) purchased in the institutional canteen; (3) authorized by the Warden and/or Agency policy; or (4) issued to the inmate by SCDC. This rule violation encompasses the "hoarding" of authorized prescribed medication by any inmate(s); or inmates who having accepted their medication, then failed to ingest the medication at the time they are issued it at the pill call. Or, Under, or feign (pretend) to be under the influence of any intoxicant, other than one prescribed by an authorized physician, which creates an altered state of physical or mental activity. The observation and documentation by institutional staff of inmates exhibiting behavior such as paranoia, panic attacks, giddiness, agitation, hallucinations, psychosis, unexplained hypertension (high blood pressure), tachycardia (increased heart rate), vomiting, seizures, foaming at the mouth, blurred vision, total memory loss, inability to feel pain, suicidal thoughts, uncontrollable aggression or any other symptoms which through the staff member's training and experience would lead them to reasonably believe the inmate is under the influence of a drug or intoxicant, would be sufficient to justify this charge. A voluntary admission by an inmate that they are intoxicated, whether spontaneously uttered or as a result of questioning by institutional staff, can be considered in making this charge but is not in itself, enough to justify the charge. Test positive for any unauthorized drug or intoxicant, refuse to submit to a drug test or fail to produce a specimen within three (3) hours, as specified in SCDC Policy GA-03103 "Inmate Drug Testing/Screening Program."

Charging Officer/Employee: Larry Morris Title: Major

**INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.**

- I GIVE UP MY RIGHT TO 48-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.
  - I DO NOT WANT TO BE PRESENT AT MY HEARING.
  - I DO WANT MY ACCUSER PRESENT AT MY HEARING.
  - I DO NOT WANT MY ACCUSER PRESENT AT MY HEARING.
- RHU/GPH SEGREGATION ONLY**  
 I WANT A COUNSEL SUBSTITUTE  
 I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 3/11/2019 AM/PM By (Print): \_\_\_\_\_

Inmate Signature: \_\_\_\_\_ SCDC# \_\_\_\_\_ Date: 3/11/2019

**HEARING INFORMATION**  
 Hearing Date: 3/11/2019 Hearing Time: 11 (am/pm) Medclass: NMH Reading Level: 12-8

DD Assigned Counsel Substitute: \_\_\_\_\_

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; (6) IF INMATE WAS DENIED CONFRONTATION, QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING OR (7) IF HEARING WAS DELAYED.

OFFENSE CODES		
INMATE PLEA (G, NG, None)	<u>NG</u>	
FINDINGS (G, NG, DS) (NGMI) (GMI)	<u>NG</u>	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

Discipline of Facts

Case # 10

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:
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.

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Signature: [Signature] Title: Major ACI

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

Disposition of Evidence:

DISCIPLINARY HEARING OFFICE

ACI

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  
[Signature]

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

Printed Name: Kerne A. Owens

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

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

Printed Name: A. FREDERICKS

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

2:00  
2:30 PM  
2:00 PM

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-38 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

SC ADMIN. LAW COURT

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

RO App 6

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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.

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- 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

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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

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
H.W. Funderburk, Administrative Law Judge

Case No. 2019-061582

Larrell Purvis . . . . . Appellant,

v.

South Carolina Department of Corrections . . . . . Respondent,

PROOF OF SERVICE

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DEC 03 2019

SC Court of Appeals

Undersigned certifies that Appellant's Record on Appeal has been served on the Department of Corrections, General Counsel Office addressed 4444 Broad River Road, Columbia South Carolina, 29221 by depositing such in the United States Mail Postage Prepaid, the same Record on Appeal has been served on the Court of Appeals, The Honorable Jenny Abbott-Kitchings addressed at The Court of Appeals P.O. Box 11629, Columbia, South Carolina 29211

November 26, 2019

s/ Larrell Purvis

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