

The South Carolina Court of Appeals

Adan Winingham, # 268099, Appellant
Pro/se

V.

South Carolina Dept of Corrections, Respondent

Appellant Case # 2019-001751

Reply Brief on Respondents initial Brief.

(cc) Jenny Abbott Kitchings, Clerk

(cc) S.C.D.C OFFICE OF General Counsel

S/Adan Winingham 268099

Date/ 3-16-2020

Goodman C.I B4-7B

4556 Broad River Rd

Columbia S.C. 29210

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Argument

Respondent uses statute law 24-13-100; Appellant pointed out in his initial brief that law has been repealed. (See appellants initial brief the last paragraph on pg 8 and the top of pg 9) "Appellant would like to put on record that respondent did not even put up a defense on how law 24-13-100 is relevant when in fact that law has been repealed." Note: law 24-13-100 was repealed because 2nd offense manufacturing meth carries 30 years a class A felony; which carries above the minimum time of 20 years. Any charge that carries 20 years or more according to law 24-13-100 is a No-parole charge which is 85% (See Bolin v. SCDC)

Appellant would also like to point out that respondent failed to put up a defense on how appellant pointed out that if the 85% was mandatory; "then how do No-parole offenders go home on the 1st of the month. If our max out day of 85% falls on the 31st of that month we still go home on that 1st which takes us below the 85%." (See Appellants initial brief 2nd paragraph pg 8)

Appellant will now point out in respondents brief respondent states correctly that No-parole offenders get three days a month for good time credits law 24-13-210(B), and six days a month for work and/or education credits law 24-13-230(B). (SEE Respondents brief pg 5). However respondent incorrectly states that those credits brings us No-parole offenders from 100% to 85%. (See respondents

brief where she wrote law 24-13-150(A) see last line on pg 4 and the rest of that law wrote on the top of pg 5)

How can the 85% be calculated without the application of earned work credits, education credits, and good conduct credits; and the credits in laws 24-13-210(B) and 24-13-230(B) be credits that make us No-parole offenders from 100% to 85%? Law 24-13-150(A) also states the 85% is to be calculate from the 100% of what the Judge gives us without any credits getting us that percentage. "There is also no possible way to give a No-parole offender 72 days a year if 85% were mandatory, because to make 85% from 100% of 1 year only comes to 54 days a year, so 72 day a year from 100% would also take us below 85%." "Honorable Court of appeals there is clearly conflict and ambiguity in the meaning of these statute law's."

There is one logical sense that those statute laws has to mean. "That is a No-parole offender's time starts at 85% and if they work, educate, and behave their selves, they will recieve 3 days a month for good behavior 24-13-210(B) and 6 days a month for their work and/or education performance 24-13-230(B).

SCDC policy OP.21.07 declares in (2.2) all inmates are compensated for their work with work credits. (7.6) states all inmates will be charged with a level 3 charge if we do not work. Paroleable offenders get their credits 180 days a year and us No-parole offenders do not even get our stark contrast

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of 72 days a year of credits, (see 8.2 of policy)
Policy's (1.5), (1.6), (4.3) and (8.2) all declare that
No-parole offenders can get 72 days a year
for EWC's, EEC's, and G.T Credits.

"Honorable Court of appeals look back at
appellants initial brief, starting with the
first paragraph on pg 7 and ending with the
first paragraph on pg 8." Hear appellants arg-
ument on the conversation of Doc and you
honorable Court of appeals as a reminder of
how Doc declares to the court No-parole
offenders get their 72 days of credits a
year. And you honorable court take note
on the stark contrast on credits bet-
ween a parole offender who gets 180 days
a year and US No-parole offender who Doc
says we get 72 days a year. However Appell-
ant has proved that No-parole offenders in
fact get no credits at all. (See Michael
Heath Bolin V. SCDC appellant case # 2014-
000461.)

Thanks very much for your time and careful
review of these statute laws and policies.

Sincerely, Respectfully Submitted.

Certificate of Service

I Adam Winningham #268099 hereby Certify that a placement of this reply brief on respondents initial brief has been served upon the following parties by placing a copy of the same via mail to his/her's last known address at the same time and on the same day

SCDC Office of
General Counsel
P.O. Box 21787
Columbia S.C.
29221

S.C. Court of appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia S.C. 29211

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S/Adam Winningham 268099
Date/3-16-2020
Goodman C.I. B4-7-B
4556 Broad River Rd
Columbia S.C. 29210

Notary: *[Signature]*

s/Exp: 8/30/2026

Date/ 3/16/2020

70am Winningham 268099
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1556 Broad River Rd
Columbia S.C. 29210

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