

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

27 March 2020

Via US Mail

David M. Hancock (SCDC 268655)
Lee Correctional Institute
F6B-1231-B
990 Wisacky Highway
Bishopville, SC 29010

RE: Jail Time Credits

RECEIVED
APR 08 2020
SC Court of Appeals

Dear David M. Hancock:

This letter is in response to Judge Lenski's order dated February 6, 2020 (Docket No. 19-ALJ-04-0473-AP). Per Judge Lenski's order, the South Carolina Department of Corrections (SCDC) was required to recalculate jail credits that were applicable to the three sentences you are currently serving.

Although our brief stated otherwise, prior to the Administrative Law Court action, SCDC had already given you jail time credits on each of your three sentences based on the period of incarceration in Aiken County (176 days that covered the time periods of 11/14/2017 to 11/17/2017 and 1/18/2018 to 7/10/2018), the same day arrest and bond out in Lexington County (5/18/2016) and the same day arrest and bond out in Lexington County (1/19/2017).

After receiving a copy of Judge Lenski's order, our office contacted Lexington County to see if there was any additional jail time that should be awarded on any of your three sentences. Lexington County provided the attached jail time report, which showed an additional 47 days of jail time (8/31/2017 to 10/17/2017). The 47 days was added to both Lexington County sentences to increase the jail time on these sentences to 224 days (Sentence 11) and 225 days (Sentence 10). The 47 days of jail time from Lexington County cannot be included in the Aiken County sentence (Sentence 9) because the date of offense for the Aiken County burglary occurred after the period of jail time in Lexington County. Applying the additional 47 days of jail time credit from Lexington County resulted in your projected release date changing from 7/21/2025 to 6/16/2025. Below is a summary of the actions SCDC has taken on your three sentences per Judge Lenski's order.

Sentence 9 - 2018GS0201466 (Arrest Warrant - 2018A0210200083) - Burglary 2nd - Aiken County - Date of Offense 1/18/2018

- Prior to Judge Lenski's order SCDC had credited you 176 days of jail time on this sentence.
- The 176 days of jail time are for the period that you were in the Aiken County Detention Center for the offense dated 1/18/2018. You were arrested for this offense on 1/18/2018 and held at the Aiken County Detention Center until 7/10/2018, when you were released to SCDC to serve your sentence. This equals 173 days. We actually gave you an additional credit of three days for the time period of 11/14/2017 to 11/17/2017, which resulted in a total jail time credit of 176 days on this sentence.
- Although we received a jail time report from Lexington County showing an additional 47 days, we cannot add this to the Aiken County sentence because this jail time occurred in 2016 and 2017, which was before the Aiken County offense occurred.
- The total amount of jail time on Sentence 9 is 176 days.

Sentence 10 - 2016GS3202268 (Arrest Warrant - 2016A3210700104) - Burglary 2nd - Lexington County - Date of Offense 3/28/2016

- Prior to Judge Lenski's order SCDC had credited you 178 days of jail time on this sentence.
- The 178 days were for the period of time that you were in the Aiken County Detention Center (11/14/2017 to 11/17/2017 and 1/18/2018 to 7/10/2018 - 176 days) plus the arrest in Lexington County on 5/18/2016 (bonded out same day - 1 day credit), and the arrest in Lexington County on 1/19/2017 (bonded out same day - 1 day credit).
- After receiving the additional 47 days of jail time credit from Lexington County (arrest in Lexington on 8/31/2017, in which you bonded out 10/17/2017), SCDC credited 47 days to Sentence 10. The total amount of jail time on Sentence 10 is now 225 days.
- As you began serving Sentence 9 at SCDC on 7/10/2018, you cannot get any additional jail time for Sentence 10 after 7/10/2018. The statute does not allow jail time credits on a sentence for time that the individual was serving a sentence for another offense. Therefore, SCDC cannot give credit on this sentence from July 10, 2018 to June 4, 2019, as you were serving Sentence 9 at the time.
- The total amount of jail time on Sentence 10 is 225 days.

Sentence 11 - 2017GS3200067 (Arrest Warrant - 2016A3220500607) - Burglary 2nd - Lexington County - Date of Offense 10/10/2016

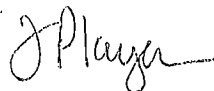
- Prior to Judge Lenski's order SCDC had credited you 177 days of jail time on this sentence.
- The 177 days are for the period of time that you were in the Aiken County Detention Center (11/14/2017 to 11/17/2017 and 1/18/2018 to 7/10/2018 - 176 days) plus the arrest in Lexington County on 1/19/2017 (bonded out same day - 1 day credit). You cannot get the 1 day credit for the arrest in Lexington County on 5/18/2016 as the arrest was prior to this date of offense.
- After receiving the additional 47 days of jail time credit from Lexington County - arrest in Lexington on 8/31/2017, in which you bonded out 10/17/2017, SCDC credited 47 days to Sentence 11. The total amount of jail time on Sentence 11 is now 224 days.
- As you began serving Sentence 9 at SCDC on 7/10/2018, you cannot get any additional jail time for Sentence 11 after 7/10/2018. The statute does not allow jail time credits on a

sentence for time that the individual was serving a sentence for another offense. Therefore, SCDC cannot give credit on this sentence from July 10, 2018 to June 4, 2019, as you were serving Sentence 9 at the time.

- The total amount of jail time on Sentence 11 is 224 days.

You may contact our office if you have any additional questions about this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Player", with a horizontal line extending from the end of the signature.

T. Player

cc: The Honorable S. Phillip Lenski