

STATE OF SOUTH CAROLINA  
 COUNTY OF Bamberg  
 STATE VS.  
SPENCER UTSEY  
 AKA:  
 Race: [Redacted] Sex: [Redacted]  
 DOB: [Redacted] Age: [Redacted]  
 SSN: [Redacted]  
 DL#: [Redacted]  
 SID#: SC0050100

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#:

99-GS-05-137  
 A/W#: F 853064  
 Date of Offense: 12/5/98  
 S.C. Code §: 16-11-330(A)  
 CDR Code #: 011319

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO:

Armed Robbery  
 in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 011319

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 thirty (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.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.  
 CONCURRENT or  CONSECUTIVE to sentence on:

A TRUE COPY

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
 Total: \$ 1450 plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  
 set by SCDPPPS

Recipient: Jester Dickerson

Fire: ..... \$  
 14-1-206 - Assessments 100%..... \$  
 14-1-211 - Surcharge..... \$  
 Exceptions: See § 14-1-211)  
 56-5-2995 (DUI)..... \$  
 County (3%)..... \$  
 TOTAL..... \$

Clerk of Court/Deputy Clerk: [Signature]  
 Court Reporter: [Signature]

PTUP \_\_\_\_\_  
 days/hours Public Service Employment

Obtain GED \_\_\_\_\_  
 Attend Voc Rehab. or Job Corps \_\_\_\_\_

May serve W/E beginning AUG 11 2020  
 Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol Testing SC Court of Appeals  
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund.  
 Other: \_\_\_\_\_

PRESIDING JUDGE [Signature]  
 Judge Code: 0101508  
 Sentence Date: 6/15/99

Attest: [Signature]  
 CLERK OF COURT  
 BAMBERG COUNTY, SC

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

DEC 31 2019

INMATE NAME: <u>SPENCER UTSEY</u>	OFFICE USE ONLY
SCDC NUMBER: <u>192660</u>	Grievance No. <u>19-1088-19</u>
INSTITUTION: <u>KIRKLAND CT</u>	Code: <u>General</u>
HOUSING UNIT: <u>F2-B-139</u>	Policy _____
WORK ASSIGNMENT: <u>DORM WORKER</u>	Disc. Hear. _____
	Class. <u>C1C1</u>
	PREA _____
	Date Received <u>JAN 02 2020</u>
	IGC Initials <u>UT</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.)

SCDC has me doing a violent sentence, when the violent box on sentencing sheet was not checked, thus is a enhancement of sentence and violation of seperation of powers doctrine, not getting the benefit of judicial actions. see state v. Archie (S.C. App. 1996) 470 S.E.2d 380 rehearing denied.

Kiosk # 19-01471632

Spencer Utsey

Grievant Signature

Date

12-11-19

ACTION REQUESTED: TO immediate release  
GRIEVANT FROM PRISON FOR ABOVE  
VIOLATION.

ACTION TAKEN BY IGC:  PROCESSED  UNPROCESSED  OTHER

See Warden's Decision

A. Hickson

IGC Signature

Date

1/3/2020

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 INMATE GRIEVANCE FORM  
 STEP 2

DUE: 1/13/2020

INMATE NAME: Spencer Utsey  
 SCDC NUMBER: 192660  
 INSTITUTION: Kirkland CI  
 HOUSING UNIT: A2-B-239  
 WORK ASSIGNMENT: ORM

INMATE GRIEVANCE

JAN 10 2020

Office Use Only  
 Grievance No. WCI-109819  
 Code: General \_\_\_\_\_  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. 211C1  
 Date Received JAN 08 2020  
 IGC Initials (initials)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Immediate release for herein SCDC records do NOT have me as a violent offender that they admitted to. The violent box is NOT checked on Grievant sentencing. This is a violation of separation of power doctrine, and NOT getting the benefit of judicial actions and SCDC is still laboring me as a violent offender in clear violations of ARCHIE V. STATE, 420 S.E.2d 380.

Spencer Utsey 1/7/2020  
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that SCDC is having you to serve a violent sentence when you have not been sentenced as such. You also stated that this is a violation of your rights. You would like to be immediately released from prison. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 1/6/2020. You were found guilty of violating SC Code of Laws 16-11-330, Armed Robbery and sentenced on 6/15/1999 to 30 years which is state and SCDC classified as violent. You have a mandatory service requirement of 25 years, and 6 months. Your projected release date is 6/1/2025. You have 299 good time credits and 589 earned work credits for a total service time earned of 7,533 days. You are currently earning a 3F5 work level and no earned education credits. You have not shown that SCDC staff have failed to perform their job duties properly.

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.

S. McRae 2/6/20  
 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.

Spencer Utsey 2/2/2020  
 Grievant Signature Date

S. McRae 2/21/2020  
 IGC Signature Date