



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

September 1, 2020

The Honorable H. W. Funderburk, Jr.
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

RECEIVED

OCT 15 2020

SC Court of Appeals

RE: Michael Braxton, #119081, vs. SCDC
Docket No.: 17-ALJ-04-0154-AP
20-ALJ-04-0325-A-AP
Grievance No.: KRCI 1759-16

Dear Judge Funderburk:

On August 24, 2017, the Administrative Law Court issued an opinion affirming SCDC's calculation of Mr. Braxton's sentence. Mr. Braxton appealed this ruling to the South Carolina Court of Appeals (Appellate Case No. 2017-001964). On July 1, 2020, the Court of Appeals affirmed in part and reversed and remanded in part stating, "Braxton argues the ALC erred in affirming SCDC's refusal to grant him credit for time served while he was successfully on parole prior to his Tennessee arrest. We agree. Accordingly, we reverse and remand this issue to the ALC[.]"

On August 10, 2020, you issued an Order on Remand that Mr. Braxton be credited with two (2) years and sixteen (16) days towards his sentence for his time on parole. This order was amended to correct the grievance number and an Amended Order on Remand was issued on August 26, 2020.

Mr. Braxton has already been given credit for the time he successfully served on parole prior to his Tennessee arrest (March 31, 1994 to May 28, 1996). Once an inmate is paroled, the time spent on parole begins to credit against the inmate's sentence. Unfortunately, previous SCDC filings with the court have caused confusion regarding the time that was credited for the parole. As such, SCDC is submitting the attached documentation to demonstrate that Mr. Braxton has already been credited for the time he was successfully on parole.

Page 1 and Page 2 are actual screen shots from SCDC's computer system for Mr. Braxton. On Page 1, please see the entry where SCDC noted "Parole - Tennessee - 3/31/1994 - Parole Board Action." This is the entry that starts the credit for the time spent on parole. This time runs until it is complete or if there is a parole violation, until an arrest warrant is issued, or the inmate is locked up. In this case, you will see on Page 1 the entry showing a warrant was issued on May 28, 1996. This means Mr. Braxton was receiving credit for the time period he was successfully on parole from March 31, 1994 until he was arrested on May 28, 1996. On Page 2, you will see his current maxout date is March 25, 2021, with credit for the time spent on parole. All entries into our system are made at the time the events occur or as soon as SCDC has notice of these events; therefore, Mr. Braxton would have already been credited for the time spent on parole from March 31, 1994 to May 28, 1996 by the time he returned to SCDC on January 20, 2016.

Page 3 and Page 4 are a test calculation to demonstrate what would have happened if Mr. Braxton had not been given credit for this time period. This test calculation is using all of Mr. Braxton's information, but is done within the test environment so that it will not disturb his actual record. On Page 3, March 31, 1994 is entered as Mr. Braxton's release date only, with no parole information included. There is also no entry to show that an arrest warrant was issued for a parole violation. Making the entries in this format will not give credit for the time period on parole from March 31, 1994 to May 28, 1996, and as you will see on Page 4, without this credit, Mr. Braxton's maxout date would be April 16, 2022.

SCDC understands their previous filings with the court have caused confusion with time that has already been credited to Mr. Braxton; therefore, we are sending this letter as an attempt to clarify how these credits have been applied to his sentence. As SCDC has already given Mr. Braxton credit for the time he successfully spent on parole, at this time, we have not credited any additional time to Mr. Braxton for the period of parole. Of course, once you have had an opportunity to review this letter, SCDC will adjust Mr. Braxton's credits according to any further instruction. Thank you for your review of this additional information.

Sincerely,



Teresa S. Player
Staff Attorney

Enclosures

cc: Michael Braxton, #119081
Annie Laurie Rumler, Esquire, SCDC General Counsel's Office

1
BRANTON, MIKE -

TRANSFER HISTORY

ADULT-STRAIGHT
01/20/16

Y

N

KERSHAW

Y

PB0009T

112

2040 VDC SCHOOL

INCARCERATED	KIRKLAND	09/22/16	MEDICAL
INCARCERATED	KERSHAW	06/08/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	06/08/16	MEDICAL
INCARCERATED	KERSHAW	02/22/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/20/16	R&E PROCESSING
INCARCERATED	PERRY	01/20/16	PAROLE VIOLATOR
AUTH ABSENCE (AWL)	ANDERSON CO	11/02/15	LOCKUP-FRM EPA, SF, PAR, PRB
DEAD TIME	UVK	05/28/96	WARRANT ISSUED
PAROLE	TENNESSEE	03/31/94	PAROLE BOARD ACTION
INCARCERATED	TIGER RIVER LOW	11/23/93	ADMINISTRATIVE
INCARCERATED	BYRNES CLINIC	11/19/93	MEDICAL

BRAXTON, MIKE -

ADULT-STRAIGHT SENTENCE

MERSHAW
VIOLENT
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REFERRE
COMPLETED

030-00-000
030-00-000

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10/24/1983

03/25/2021

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02/28/1992

NOT CURRENTLY EARNING EEC
05/15/2021

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CURRENT OR PRIOR SEX CONDUCT CONVICT

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BRAXTON, MIKE -

TRANSFER HISTORY

ADULT-STRAIGHT

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KERSHAW

Y

: 01/20/16

PB00097

MI 2

2040

VOC SCHOOL

X

INCARCERATED	KIRKLAND	09/22/16	MEDICAL
INCARCERATED	KERSHAW	06/08/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	06/08/16	MEDICAL
INCARCERATED	KERSHAW	02/22/16	ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/20/16	R&E PROCESSING
AUTH ABSENCE (AWL)	ANDERSON CO	11/02/15	LOCKUP-FRM EPA, SF, PAR, PRB
RELEASE	UNK	03/31/94	EXPIRATION OF SENTENCE
INCARCERATED	TYGER RIVER LOW	11/23/93	ADMINISTRATIVE
INCARCERATED	BYRNES CLINIC	11/19/93	MEDICAL
INCARCERATED	TYGER RIVER LOW	08/04/93	ADMINISTRATIVE
INCARCERATED	MANNING	08/03/92	ADMINISTRATIVE

BRAXTON, MIKE

ADULT-STRAIGHT SENTENCE

KERSHAW
VIOLENT
Y
REFERRE
COMPLETED
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10/24/1983

04/16/2022

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NOT CURRENTLY EARNING EEC

02/28/1992

05/15/2021

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CURRENT OR PRIOR SEX CONDUCT CONVICT

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INMATE SEARCH DETAIL REPORT

BRAXTON, MIKE (00119081)



INMATE DESCRIPTION

SEX: MALE
 RACE: BLACK
 HEIGHT: 6' 03"
 WEIGHT: 206 lbs.
 AGE: 57
 CITIZENSHIP: CITIZEN - NATIVE BORN
 BUILD: LARGE
 COMPLEXION: DARK BROWN
 HAIR COLOR: BLACK
 EYE COLOR: BROWN
 PICTURE DATE: 01/20/2018

INMATE SENTENCE AND LOCATION

SCDC ID: 00119081
 SID: SC00407110
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 ADMISSION DATE: 01/20/2018
 LOCATION: KERSHAW
 DORM-ROOM-BUNK: PB-0009-T
 EWC LEVEL: 2F5
 EEC LEVEL:
 PROJECTED RELEASE DATE: 03/25/2021
 PROJECTED PAROLE ELIGIBILITY: 05/15/2021
 SUP. FURLOUGH ELIGIBILITY: NOT ELIGIBLE

SUP. RE-ENTRY DATE:

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	V/W	CAT	INDICT	STATUS
CRIMINAL SEX CONDCT 1ST DE	ADULT-STRAIGHT SENTENCE	30	0	0	ANDERSON	10/24/1983	U	5	08GS04801	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARY SANCTIONS

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
06/13/2018	KERSHAW	INCARCERATED	RETURN FROM COURT
06/13/2018	RICHLAND CO	AUTH ABSENCE (AWL)	TO COURT
02/15/2017	KERSHAW	INCARCERATED	ADMINISTRATIVE
02/15/2017	EVANS	INCARCERATED	COURT/PAROLE HEARING VIA
01/06/2017	KERSHAW	INCARCERATED	ADMINISTRATIVE
01/06/2017	SUMTER CO	AUTH ABSENCE (AWL)	MEDICAL
10/27/2016	KERSHAW	INCARCERATED	ADMINISTRATIVE
10/27/2016	KIRKLAND	INCARCERATED	MEDICAL
10/03/2016	KERSHAW	INCARCERATED	ADMINISTRATIVE
10/03/2016	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
09/22/2016	KERSHAW	INCARCERATED	ADMINISTRATIVE
09/22/2016	KIRKLAND	INCARCERATED	MEDICAL
06/08/2016	KERSHAW	INCARCERATED	ADMINISTRATIVE
06/08/2016	KIRKLAND	INCARCERATED	MEDICAL
02/22/2016	KERSHAW	INCARCERATED	ADMINISTRATIVE
01/20/2016	KIRKLAND	INCARCERATED	R&E PROCESSING
01/20/2016	PERRY	INCARCERATED	PAROLE VIOLATOR

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
MECHANIC HELPER	02/22/2019			2F5
WARDKEEPER	04/17/2018	02/21/2019	INMATE REQUEST	2F5
CUSTODIAL WORKER	06/09/2016	04/16/2018	INMATE REQUEST	2F7

INMATE SEARCH DETAIL REPORT

BRAXTON, MIKE (00119081)

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
FOOD SERVICE AIDE	03/10/2016	06/07/2016	INMATE REQUEST	2F5
WARDKEEPER	03/04/2016	03/09/2016	INMATE REQUEST	2F5
WARDKEEPER	03/01/2016	03/03/2016	MI ELIGIBLE FOR LEVEL 2	3F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

Michael BRANTON # 119081
P.B # 62
4848 Goldmine Hwy.
Kershaw, SC 29067



South CAROLINA COURT OF APPEALS
c/o JENNY ABBOTT MITCHINGS, CLERK
V. Clark Allen, Deputy Clerk
P.O. Box 11629
Columbia, SC 29211

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