

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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NOV 12 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Harold W. Funderburk, Jr., Administrative Law Judge

Case No. 2020ALJ040155AP

Spencer Utsey, #192660, Appellant,

v.

South Carolina Department of Corrections, Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. FACT - Adm. Law Judge H.W. Funderburk that he committed fraud because the sentencing sheet
2. contained ambiguity - having a obscure or more
3. than one meaning in ~~the~~ docket no.
4. 2020ALJ040155 - AP - Immediate Release
5. ~~above~~
6. Review the step 2 GR - ~~he~~ ~~was~~ ~~not~~ ~~clear~~ ~~for~~ ~~ambiguity~~ ~~within~~ ~~and~~ ~~SCAC~~ - General Counsel committed fraud when seen the violation and would not rule.

I certify that this designation contains no matter which is irrelevant to this appeal.

11-4, 2020

1st Spencer Utsey #192660

Spencer Utsey, #192660
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

3. Judge Harold W. Funderburk acted in absence of all jurisdiction knowing the sentencing sheet was in violation of ambiguous language, having more than 1 meaning when in fact that he knew it was fraud not to rule on the material violation once spotted in the case. See *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099 (1978). The violent box is not checked on Appellant's sentencing sheet and there is no way Judge Funderburk could rule Appellant is serving a violent sentence in case # 99-65-05-139. See record, immediate release for above.

1/14-2020

5/ Spencer W. Wren
Spencer Wren #192660

**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: F2-B-139
 WORK ASSIGNMENT: DDRM

INMATE GRIEVANCE

JAN 10 2020

Office Use Only
 Grievance No. WCI-108819
 Code: General
 Policy _____
 Disc. Hear. _____
 Class. C/ICI
 Date Received JAN 08 2020
 IGC Initials (14)

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Immediate release for having 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 getting the benefit of judicial actions and SCDC is still labeling me as a violent offender. In clear violations of Spencer Utsey 1/7/2020
Arch LeViste, 420 S.E. 2d 380.
 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.

Spencer Utsey 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.

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

IN STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

11-5-2020

SPENCER WISEY
Appellant

v.

S.C. Dept. of
CORR.
Respondents

Certificate of
Service

RE Appellate
Case No. 2020-

00112

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SC Court of Appeals

I do hereby aver
that I did serve SCOC and
Appellate court with a
designation of matter to
be included in the record on
Appeal, on 11/5/2020 and
placed copies inside the KCF
mail system on 11/5/2020

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S.C. COURT OF APPEALS
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29201

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Columbia, S.C. 29201

Spencer Wisey
#192660

SPENCER R. WILSON # 92660
Mailroom #2-54139

Kirkland Correctional Institution
Kirkland Correctional Institution
344 Broad River Road
Columbia, S.C. 29210
Columbia, S.C. 29210



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