



The South Carolina Court of Appeals

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CLERK

V. CLAIRE ALLEN
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February 23, 2021

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

Re: Spencer Utsey, #192660 v. SCDC
Appellate Case No. 2020-001124

Dear Mr. Utsey:

Upon reviewing your appellant's final brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The final brief is not identical to the initial brief, pursuant to Rule 211, SCACR.
- Exhibits cannot be attached to briefs. The documents listed on each party's designations of matter are to be included in the record on appeal. These documents are being returned to you.

Very truly yours,

V. Claire Allen

CLERK

cc: Imani Diane Byas, Esquire

**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: DORM

INMATE GRIEVANCE

JAN 10 2020

Office Use Only
 Grievance No. WCI-1098-19
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. CTCI
 Date Received JAN 08 2020
 IGC Initials (14)

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 getting the benefit of judicial actions and SCDC is still laboring me as a violent offender. In clear violations of Spencer Utsey 1/7/2020
Archie V. State, 470 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)

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Harold W. Funderburk, Jr., Administrative Law Judge

Case No. 2020ALJ040155AP

Spencer Utsey, #192660, Appellant,

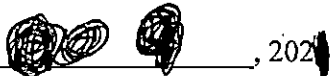
v.

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~~ packet no.
 4. 20 - ALJ - 040155 - AP - Immediate Release
 5. for above
 6. 2. Review the step 2 GR hearing for ambiguous
 - 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.

 2021
2 - 3

1st Spencer Utsey #192660
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