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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, 096883,)
)
Appellant,)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No.: 17-ALJ-04-0591-A-AP
Grievance No.: GCI 20-17

ORDER

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) on remand from the South Carolina Court of Appeals with instructions to address the merits of Isiah James' (Appellant) appeal regarding the South Carolina Department of Corrections' (Department) calculation of his sentence. Both parties filed motions requesting to supplement the record in this matter. Appellant sought to supplement the record to include documents that have no relevance to the appeal at hand and therefore these documents were not considered during review of this case.¹ The Department requested that the Record be supplemented with the Maxout Date Calculation Worksheet showing Appellant's sentence calculations. Because the document is directly related to Appellant's issue being appealed and is necessary for the Court to address Appellant's concerns about his sentence calculations, it has been added to the record in this matter.

Upon careful consideration of the record on appeal, the parties' briefs, and a review of the applicable law, the Department's decision is affirmed.

JURISDICTION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dept. of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (quoting

¹ Appellant sought to supplement the record with a 1994 classification review, classification report of January 20, 1998, and a Step 2 Grievance (RCI-0503) he received on February 23, 2012.

The State of South Carolina
FILED
AUG 23 2021
Administrative Law Court

Manslaughter sentences. Following Appellant's incarceration, the Department calculated Appellant's sentence and projected release date based upon a 360-day year.² Based upon the Department's calculations, Appellant's projected release date is December 11, 2022.³

In the appeal, Appellant, citing to *Busby v. Moore*, contends that for more than 40 years the Department incorrectly calculated his sentence by using calculations based on a 360-day year as opposed to a 365-day year. See 330 S.C. 201, 498 S.E.2d 883 (1998), *overruled by Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Appellant also contends that he has not been credited with the proper amount of earned work credits. This Court disagrees.

At the time of Appellant's sentencing in 1979, the Department calculated inmate sentences based upon a 360-day year. In 1995, the South Carolina General Assembly amended Title 24 by adding Section 24-13-175 so as to provide that "sentences imposed and time served must be computed based upon a three hundred and sixty-five day year." (*Act No. A83, Ratified R136, signed by Governor*). Section 62 of the Act provided that the act took effect on January 1, 1996 and applied prospectively to all crimes committed on or after that date, with some exceptions.⁴ The exceptions that are pertinent to inmates include violent offenses enumerated in Section 9 of the Act, and in Section 25 of the Act as it applies to persons convicted of a capital crime and sentenced to death. *Id.*

Because Section 24-13-175 is applied prospectively to sentences imposed on or after January 1, 1996, this provision would not apply to Appellant since he was sentenced years earlier in 1979. There are some exceptions to the prospective application, however the crimes for which Appellant was sentenced are not among the exceptions, and therefore, the Department properly computed his sentence based upon a 360-day year. Additionally, a careful review of the record shows that the Department properly credited Appellant with earned work credits and good time credits.

Appellant also contends the Department violated his due process rights by delaying the change of his custody status to MOIB for more than 7 months. However, this issue is moot at this point because Appellant is no longer incarcerated and any ruling regarding his custody status would have no effect. See *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (citation

² Appellant completed the requisite time to be served on the two Involuntary Manslaughter sentences and is currently completing his 25-year sentence for the Armed Robbery conviction.

³ Appellant was released on parole in 2017.

omitted). Such a liberty interest is at stake in the calculation of an inmate's sentence. *Tant v. S.C. Dept. of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); *see also Sullivan v. S.C. Dept. of Corrs.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

STANDARD OF REVIEW

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377-80, 527 S.E.2d at 754-56. Consequently, the Court's review is limited to the record. S.C. Code Ann. § 1-23-380(4). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

"Substantial evidence" is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." *Lark v. Bi-Lo*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981) (quoting *Law v. Richland County Sch. Dist. No. 1*, 270 S.C. 492, 495-96, 243 S.E.2d 192, 193 (1978)). Accordingly, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995).

DISCUSSION

On June 18, 1979, Appellant received two convictions for Involuntary Manslaughter and received two 30-year sentences to be served consecutively. Also, on June 18, 1979, Appellant was convicted of Armed Robbery and sentenced to 25 years to run consecutive to his Involuntary

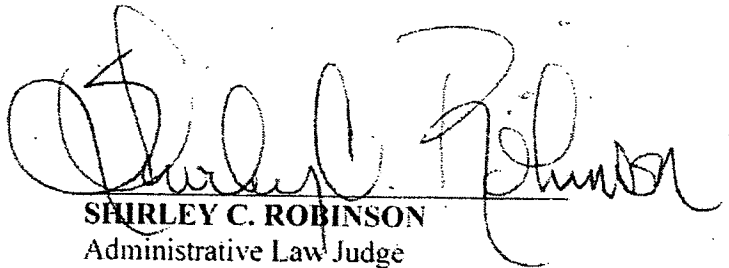
omitted) (“An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.”); *See also Id.* at 567-68. 549 S.E.2d at 596 (quoting *Mathis v. S.C. State Highway Dep’t.*, 260 S.C. 344, 346. 195 S.E.2d 713, 715 (1973) (“A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.”)).

CONCLUSION

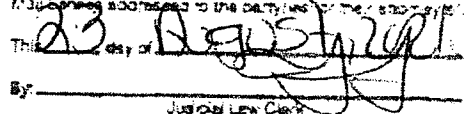
Having thoroughly reviewed the record, supplements to the record, and briefs submitted by the parties, the Court finds that substantial evidence supports the Department’s calculations and final determination regarding Appellant’s sentence and earned work credits. This Court further finds that the substantial rights of Appellant have not been prejudiced. Thus, the Department’s decision is affirmed. *See* S.C. Code Ann. § 1-23-380(5).

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Department’s decision is affirmed.
AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

August 23, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has caused to be
served this order in the above entitled action upon all
parties to this cause by certified mail, postage paid,
in the United States mail, postage paid, of the emergency
Mail Service addressed to the parties at their respective
addresses.
This _____ day of August, 2021
By: 
Judicial Law Clerk