

Dear Appellant:

1/6/2021

Page 4

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

| Case number | Inmate number | Inmate first name | Inmate last name | Grievance No | Respondent | Filing date | Date Assigned | Judge last name |
|-------------|---------------|-------------------|------------------|--------------|------------|-------------|---------------|-----------------|
| 20C0495     | 171770        | JOHN              | WARD             | TYRCI 389-20 | DOC        | 12/9/2020   | 1/7/2021      | ANDERSON        |

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

**FILED**

JAN 07 2021

SC ADMIN. LAW COURT

January 20, 2021

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335 <sup>2</sup>

The Honorable Ralph King Anderson, III  
~~S.C. Administrative Law Court~~  
1205 Pendleton Street, Suite 224  
Columbia, South Carolina 29201

RE: John Michael Ward v South Carolina Department of Corrections  
Case Number: 20CO495 / Grievance No. TYRCI 389-20

Dear Judge Anderson:

Enclosed for filing, please find the DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, along with a Certificate of Service for the same.

Please find also, enclosed, an additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, John M. Ward  
John M. Ward  
APPELLANT

CC: SCOC Dept of General Counsel  
FILE

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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John Michael Ward, #171770, |

APPELLANT, | DESIGNATION OF MATTER TO  
| BE INCLUDED IN THE RECORD  
ON APPEAL

South Carolina Department  
of Corrections,

RESPONDENT, |

Case No. 20CD495  
Grievance No. TYRCI 389-20

The Appellant proposes and seeks that Respondent include the following in the Record On Appeal, as the Administrative Law Judge will not consider any fact which does not appear in the Record. Rule 36 (G), SCALC.

1. The Arrest Warrant for Appellant's Armed Robbery charge.
2. The Jail Time Report which reflects Appellant's length of time and for what charges he was confined as pretrial detainee at the Oconee County Detention Center.
3. Warrant K-150668 (Burglary, 1<sup>st</sup> degree)
4. Sentencing Sheets and Indictments for Armed Robbery 2006-GS-37-1381; Burglary, 1<sup>st</sup> Degree 2006-GS-37-1378; ABWIK 2006-GS-37-1377
5. VICTIM NOTIFICATION FORM SCCA/560; Filed in Oconee Clerk of Court's Office on July 17, 2006 (K150666-670)
6. Email and Correspondence between SCDC and Donna Lusk, Administrative Assistant of Oconee County Detention Center
7. SCDC Kiosk messages RTSM: 20-01523896; 20-01530117; 20-01630540; 20-01658045

The Appellant hereby certifies this Designation contains no matter

which is irrelevant to this appeal.

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5/ John Michael Ward  
John Michael Ward  
APPELLANT

---

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 20 day of January, 2021.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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John Michael Ward, #171770,

APPELLANT,

CERTIFICATE OF SERVICE

v

South Carolina Department  
of Corrections,

Case No. 20CO495

Grievance No. TYRCI 389-20

RESPONDENT.

I, John Michael Ward, hereby certify that I have served a copy of the DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL; on the Respondent by placing a copy of the same inside of a postage prepaid envelope and depositing the same for mailing, by and through the Tyger River Correctional Institution Legal Mail System, via the United States Mail, addressed as follows: Department of General Counsel, South Carolina Department of Corrections, Post Office Box 21787, Columbia, SC 29221; The Honorable Ralph King Anderson, III, S.C. Administrative Law Court, 1205 Pendleton Street, Suite 224, Columbia, SC 29201. On this 20 day of January, 2021.

Sworn and Subscribed before me  
this 20 day of Jan, 2021

Calvin C. Culp  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

s/ John Michael Ward  
John Michael Ward  
APPELLANT  
Tyger River Correctional Institution  
200 Prison Road  
Endree, South Carolina 29335

FILED

JAN 21 2021

SC ADMIN. LAW COURT



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Safety, Service, and Stewardship*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

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March 17, 2021

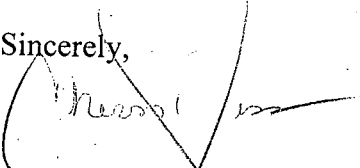
The Honorable Ralph King Anderson, III  
South Carolina Administrative Law Court  
Edgar A. Brown Building, Suite 224  
1205 Pendleton Street  
Columbia, SC 29201

Reference: Inmate John Michale Ward, #171770, vs. SCDC  
Docket No. 20-ALJ-04-0495-AP

Dear Judge Ralph King Anderson, III:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance TYRCI 389-20, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,

  
Cheron Hess  
Administrative Coordinator  
Office of General Counsel

Enclosures

cc: Inmate John Michale Ward, #171770  
File

RECEIVED

Due Date: 4/17/2020

OCT 14 2020

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 2

Office Use Only

7

DIVISION OF CLASSIFICATION  
& INMATE RECORDS

Grievance No. T9RCI-0389-20

INMATE NAME: JOHN MICHAEL WARD

Code: General

Policy

SCDC NUMBER: 171770

Disc. Hear.

INSTITUTION: Tyger River

Class CLICL

PREA

HOUSING UNIT: UNIT 3-119

SEP 23 2020

Date Received: 9/17/2020

IGC Initials:

Date Received: 9-23-20

IGA Initials:

WORK ASSIGNMENT: P.I. 3

INMATE GRIEVANCE

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I have still failed in obtaining the full total of 156 days credit concurrently on each charge. For all the charges were part of the Burglary 1st and due to the investigation there of the Burglary 1st that is why the judge said that all the charges were to be run concurrently not separate it should be 156 day on all the charges.

Grievant Signature

John M Ward

Date

9-10-20

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you have attempted get your jail time credits. You were in Oconee County Detention Center from July 8, 2006 until December 11, 2006. You also stated that you have been informed that you would receive 55 days of jail time credits. You would like to receive 156 days of jail time credits added to your sentence for each of the three charges. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 8/21/20. An adjustment has been made to your projected release date. Because of jail time credits being calculated, your new projected release date has been moved from 12/7/2023 to 10/13/2023. You have been given all the credits that you are entitled. If you still have concerns about your inmate records, you are advised to speak to a Classification Caseworker.

Therefore, your grievance is resolved.

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.

Responsible Official Signature

Heather A. Smith

Date

10/20/20

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)

**RECEIVED**

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## INMATE GRIEVANCE FORM

AUG 13 2020

## STEP 1

|                                                    |  |                                    |  |
|----------------------------------------------------|--|------------------------------------|--|
| INMATE NAME: <u>John Michael Ward</u>              |  | OFFICE USE ONLY                    |  |
| WARDEN'S OFFICE                                    |  | Grievance No. <u>TYRCL 0389-20</u> |  |
| SCDC NUMBER: <u>#171770</u>                        |  | 8-13-2020                          |  |
| INSTITUTION: <u>Tiger River Correctional Inst.</u> |  | Code: General                      |  |
| HOUSING UNIT: <u>U-7-</u>                          |  | Policy                             |  |
| WORK ASSIGNMENT: <u>Prison Industries</u>          |  | Disc. Hear.                        |  |
|                                                    |  | Class. <u>C/C</u>                  |  |
|                                                    |  | PREA                               |  |
|                                                    |  | Date Received <u>8/13/2020</u>     |  |
|                                                    |  | IGC Initials <u>SC</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.)

I have continually sought to be credited my correct time of Jail credits. I have asked numerous times to be provided the amount of Jail credit days I am currently reflected as receiving on each of my charges. I was incarcerated/warrant served on all of my current charges (Burglary 1<sup>st</sup> Degree, Armed Robbery, ABWIK) on the same date of July 8, 2006, and remained in the Oconee County Detention Center from that date until my December 11, 2006, Court date and transported to SCDC shortly thereafter. I have spent several months in attempt to rectify this matter and also to receive correspondence which was from Oconee County Detention Center to SCDC whereby attempts were made to rectify this miscalculation. I was recently told that I would receive 55 days Jail time credit for the armed robbery sentence and that I have already been credited the full amount of Jail time already on the ABWIK and Burglary 1<sup>st</sup> sentences, however I am still failed in obtaining the full total of 156 days credit concurrently on each charge, and also the Jail Time Credit Sheet from Oconee County Detention Center that was provided to SCDC and classification. John M Ward 8/10/20  
Kiosk RTSM# 20-01630540; 20-01530117; 20-01523896

ACTION REQUESTED: Credit 156 days Jail Credit to my sentence Concurrent on All Charges - Burglary 1<sup>st</sup> Degree, Armed Robbery, and ABWIK. Copy of Jail Time Credit Sheet or email which was sent to SCDC classifications regarding Jail Time Credit.

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

See Warden's response on back.

J. Crumley 8/28/2020  
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

## WARDEN'S DECISION AND REASON:

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Ward, John 171770

TYRCI-0389-20

I have reviewed your concerns expressed in Grievance TYRCI-0389-20. You allege that you are due jail time credits from July 8, 2006 to December 11, 2006 because you were being held in Oconee County Detention Center prior to being moved to SCDC. You state that you were recently informed that you would receive 55 days jail time credits for the Armed Robbery Sentence and that you have already been credited the full amount on the other 2 charges. You allege that you are afforded 156 days credit concurrently on each charge. According to SCDC records, you were granted 55 days jail time for the Armed Robbery Sentence in April of 2020 for the dates of October 17, 2006 to December 11, 2006 as this sentence did not begin until October 2006. You had already received your full amount of credits (156 days) for the ABWIK and Burglary 1<sup>st</sup> Degree sentence, as those sentences began 7/8/2006. You have provided sentencing sheets from your own records. You have requested that you be given the 156 days credit, a copy of your Jail Time Credit Sheet and emails which were sent to classifications regarding this matter.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

[Signature] 8/27/2020  
Warden Signature Date

- ☐ I accept the Warden's decision and consider the matter closed.
- ☒ I do not accept the Warden's decision and wish to appeal.

John Michael Ward 10-7-20  
Grievant Signature Date

[Signature] 9/10/2020  
IGC Signature Date

## INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH  
INMATE CORRESPONDENCE**

INMATE: John Ward (171770)  
INSTITUTION: Tyger River Correctional Institution | Unit 3-119  
FROM: Ms. Janice Crumley, Inmate Grievance Coordinator  
Tyger River Correctional Institution  
COPY: Atty. Sherman L. Anderson, Chief  
Inmate Grievance Branch | Office of General Counsel  
SUBJECT: Alternative Service of Process During Lockdown and Pandemic  
Grievance Number: TYRCI-0389-20  
**Return Step 1 By September 10, 2020**  
DATE: September 3, 2020

Inmate Ward

Your grievance would normally be served in person. However, due to recent conditions at Tyger River Correctional Institution, the process for serving grievances has been modified in some instances.

**Instructions:**

You will need to sign the copy of your Step 1 Grievance that is enclosed. Once you sign and date, send it back to me in the mail. I have enclosed a pre-addressed envelope. Once I receive the Step 1 Grievance back as instructed, I will send you the original Step 1 Grievance and you will do the same. I will also include a pre-addressed envelope. Once I receive the original Step 1 Grievance back as instructed, I will send you your copy of the Step 1, and a Step 2 Form in the event you wish to appeal. This procedure is being used in view of extended lockdown conditions at some correctional institutions.

**Your Quick Response Required:**

If you do not return the Step 1 Grievance as instructed by **September 10, 2020**, your grievance will be closed. Your cooperation is appreciated during these extraordinary times. We will continue to process your grievances as quickly as possible.

**Thank you.**

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH  
INMATE CORRESPONDENCE**

**INMATE:** John Ward (171770)  
**INSTITUTION:** Tyger River Correctional Institution | Unit 3-119  
**FROM:** Ms. Janice Crumley, Inmate Grievance Coordinator  
Tyger River Correctional Institution  
**COPY:** Atty. Sherman L. Anderson, Chief  
Inmate Grievance Branch | Office of General Counsel  
**SUBJECT:** Alternative Service of Process During Lockdown and Pandemic  
Grievance Number: TYRCI-0389-20  
**Return Step 1 By September 17, 2020**  
**DATE:** September 10, 2020

Inmate Ward

Your grievance would normally be served in person. However, due to recent conditions at Tyger River Correctional Institution, the process for serving grievances has been modified in some instances.

**Instructions:**

You will need to sign the copy of your Step 1 Grievance that is enclosed. Once you sign and date, send it back to me in the mail. I have enclosed a pre-addressed envelope. Once I receive the Step 1 Grievance back as instructed, I will send you the original Step 1 Grievance and a Step 2 Form in the event you wish to appeal and you will do the same. I will also include a pre-addressed envelope. Once I receive the original Step 1 Grievance back as instructed, I will send you your copy of the Step 1. This procedure is being used in view of extended lockdown conditions at some correctional institutions.

**Your Quick Response Required:**

If you do not return the Step 1 Grievance as instructed by **September 17, 2020**, your grievance will be closed. Your cooperation is appreciated during these extraordinary times. We will continue to process your grievances as quickly as possible.

**Thank you.**

February 13, 2020

John Michael Ward, # 171776  
Tyger River Correctional Institution  
200 Prison Road 12  
Enoree, South Carolina 29335

Oconee County Detention Center  
415 S. Pine St.  
Walhalla, South Carolina 29691

Dear Sir or Madam:

I am writing seeking that you would provide me confirmation of the amount of days I was held as pretrial detainee within the Detention Center.

I was arrested on July 5, 2006 and remained incarcerated there until my court date wherein I entered plea of guilty for the charges I was being held for. My court date was on December 11, 2006, wherein I pled guilty before the Honorable for the crimes of ABWIK, Armed Robbery, and Burglary 1<sup>st</sup> Degree.

Please provide me confirmation of the time spent in the Detention Center before court by providing this confirmation in writing and also please send a copy of this letter and the confirmation to the Inmate Classification department here by mailing these documents to the following addresses:

John Michael Ward, #  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

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Ms. K. Diaz  
Classification Case Manager  
Inmate Classifications Department  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

Thank you for your assistance in this matter.

Sincerely, John Michael Ward  
John Michael Ward

Page 2 of 2



# OCONEE COUNTY DETENTION CENTER

415 SOUTH PINE STREET  
WALHALLA, SC 29691  
864-638-4105

*Captain, Gentry Hawk*

Mr. John Michael Ward,

02-19-20

I received the request from you asking me to send your Classification Case Manager on how long you were detained here before being transferred.

Your caseworker will not to get in touch with me at the above number and request that information to be sent to her via email. I'm sending back the letter that you sent so you can reference it with this letter.

Sincerely,

A handwritten signature in cursive script that reads 'Donna Lusk'.

Donna Lusk  
Administrative Assistant  
Oconee County Detention Center

# RECEIVED

AUG 13 2020

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

15

TYGER RIVER C.I.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------|
| WARDEN'S OFFICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | TITLE:           | DATE:           |
| Mrs. Crumley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Grievance        | August 12, 2020 |
| INMATE'S NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | SCDC #:          |                 |
| John Michael Ward                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 171770           |                 |
| INSTITUTION:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | LIVING QUARTERS: |                 |
| Tyger River Correctional Institution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | U-7-             |                 |
| <p>Mrs. Crumley,</p> <p>I am submitting the attached grievance for filing today to comply with the <del>mandate</del> mandate of timely filing. However, I do also have supporting documentation which I intend to submit as well. As things are extremely off schedule during this time of uncertainty, I have been unable to get a copy of my supporting documents. It is planned that I will receive the copies on Friday and will be able to submit them to you on Friday, (August 14, 2020) When you receive these supporting documents, please make a copy for your grievance file and return to me as I will need them.</p> <p>Also, please provide me a printed copy of all RTSM which I have noted with the grievance(s). Thank you, John Ward</p> |                  |                 |
| DISPOSITION BY STAFF MEMBER:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                 |
| DATE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | SIGNATURE:       |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                 |

# RECEIVED

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

### INMATE GRIEVANCE FORM

16

AUG 13 2020

STEP 1

|                                                          |  |                                                                                               |  |
|----------------------------------------------------------|--|-----------------------------------------------------------------------------------------------|--|
| INMATE NAME: <u>John Michael Ward</u><br>WARDEN'S OFFICE |  | OFFICE USE ONLY<br>Grievance No. <u>TYRCE 0389-20</u>                                         |  |
| SCDC NUMBER: <u>#171770</u>                              |  | Code: General _____<br>Policy _____<br>Disc. Hear. _____<br>Class. <u>CL/CL</u><br>PREA _____ |  |
| INSTITUTION: <u>Tyger River Correctional Inst.</u>       |  | Date Received <u>8/13/2020</u>                                                                |  |
| HOUSING UNIT: <u>U-7-</u>                                |  | IGC Initials <u>JP</u>                                                                        |  |
| WORK ASSIGNMENT: <u>Prison Industries</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.)

I have continually sought to be credited my correct time of Jail credits. I have asked numerous times to be provided the amount of Jail credit days I am currently reflected as receiving on each of my charges. I was incarcerated/warrant served on all of my current charges (Burglary 1<sup>st</sup> Degree, Armed Robbery, ABWIK) on the same date of July 8, 2006, and remained in the Oconee County Detention Center from that date until my December 11, 2006, Court date and transported to SCDC shortly thereafter. I have spent several months in attempt to rectify this matter and also to receive correspondence which was from Oconee County Detention Center to SCDC whereby attempts were made to rectify this miscalculation. I was recently told that I would receive 55 days Jail time credit for the armed robbery sentence and that I have already been credited the full amount of Jail time already on the ABWIK and Burglary 1<sup>st</sup> sentences, however I am still failed in obtaining the full total of 156 days credit concurrently on each charge, and also the Jail Time Credit Sheet from Oconee County Detention Center that was provided to SCDC and classification.

John M Ward 8/10/20  
 Grievant Signature Date

Kiosk RTSM= 20-01630540; 20-01530117; 20-01523896

ACTION REQUESTED: Credit 156 days Jail Credit to my sentence Concurrent on All Charges - Burglary 1<sup>st</sup> Degree, Armed Robbery, and ABWIK. Copy of Jail Time Credit Sheet or email which was sent to SCDC classification regarding Jail Time Credit.

ACTION TAKEN BY IGC: ☐ PROCESSED ☐ UNPROCESSED ☐ OTHER

1 Made Conformed Original Due to error JP 1

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

CMT1100D  
OMCOMITASCDC OFFENDER MANAGEMENT SYSTEM  
COMMITMENT APPLICATION  
CONVICTION SUMMARY03/09/21  
C052640

17

SCDC# &gt; 171770

WARD, JOHN MICHAEL

CURR LOC: TYGER RI

SCDC CLASSIFICATION... VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

| NUM      | CONVICTION OFFENSE   | INCARC | SENT | SENT | SENT     | CONV     | VIO        |      |      |     |
|----------|----------------------|--------|------|------|----------|----------|------------|------|------|-----|
|          |                      | YRS    | MO   | DYS  | DATE     | START    | PROJ       | COMP | STAT | IND |
| * S00014 | ARMED ROBBERY        | 020    | 00   | 000  | 12/11/06 | 10/17/06 | 10/13/2023 | ACT  | V    | V   |
| S00013   | BURGLARY-1ST DEGREE  | 020    | 00   | 000  | 12/11/06 | 07/08/06 | 07/04/2023 | ACT  | V    | V   |
| S00012   | ASSLT & BATT W/INTNT | 020    | 00   | 000  | 12/11/06 | 07/08/06 | 07/04/2023 | ACT  | V    | V   |

MAKE A SELECTION AND PRESS &lt;ENTER&gt;...

PAGE: 0001

PF3-ADD PF4-MODIFY/RVK PF5-ADD DUPL PF6-DISP CONSEC PF9-DETAIN PF12-SUMRPT

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 03/09/21  
OMCOMITA COMMITMENT APPLICATION C052640  
SCDC #: 171770 INQUIRY CURR LOC: TYGER RI  
WARD, JOHN MICHAEL NONCONFORM SENT: N RTRN TO COURT: N  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE  
CONVICTION NUM: S00014 INDICT NUM: 06-GS-371381 WARRANT NUM: DI  
DATE SENTENCED...: 12/11/2006 JUDGE LAST...: MACAULAY FI: A  
STATUTE: 16-11-330 CDR CODE.: 0139 GPS IND: N  
OFFENSE: 1299 ARMED ROBBERY OFFENSE DATE: 07/04/2006  
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 37 OCONEE  
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO  
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/11/2006  
TOTAL SENTENCE...: 020 00 000 MAND SERV REQMT...: 017 00 000  
INCARC SENTENCE...: 020 00 000 PAROLE FACTOR...: 2 1/3 SENT. REQ.  
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999  
HIP SENT...: 000 00 000 HAYES CRED: 00000  
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00055 EXTRA CRED: 00000  
CONVICTION STATUS: AC ACTIVE SENT START DATE: 10/17/2006 DOM.IND:  
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: VIOLENT  
DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: VIOLENT  
SEX REG: N PRED OFF: N LAST UPDATE: INDICTFX DATE: 02/24/21  
NO PAROLE: NO PAROLE CREATED BY.: A CRUM DATE: 12/14/06

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

VS.

AKA: JOHN MICHAEL WARD

Race: Sex: Age:

DOB:

Address:

City, State

DL#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2006-GS-37-138

AW#: DIRECT

Date of Offense: 7/4/2006

S.C. Code §: 16-11-330(A)

CDR Code #: 011319

SENTENCE SHEET

RECEIVED  
DIVISION OF CLASSIFICATION  
& INMATE RECORDS  
19

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 # 139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS

☐ Mandatory GPS (CSC  
w/minor 1<sup>st</sup> or Lewd Act)

☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant Initial)  
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 20 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.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 06-GS-37-1347; 1348

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

Payment Terms:

☐ set by SCDPPPS

SPECIAL CONDITIONS:  
PTUP

days/hours Public Service Employment

Obtain GED  
Attend Voc. Rehab. or Job Corp.  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

Recipient: \_\_\_\_\_  
\*Fine: \_\_\_\_\_  
\$14-1-208 (Assessments 107.5%) \$ \_\_\_\_\_  
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00  
\$14-1-211(A)(2) (OUI Surcharge) \$100 \$ \_\_\_\_\_  
\$56-5-2995 (OUI Assessment) \$12 \$ \_\_\_\_\_  
\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ 3.75  
TOTAL \$ 128.75

*[Signature]*  
Clerk of Court/ Deputy Clerk  
Court Reporter: Robin Hald

PRESIDING JUDGE

Judge Code:

Sentence Date: 12-11-06

CERTIFIED TRUE COPY

MAR 24 2020

CLERK OF COURT  
OCONEE COUNTY, SC

13.22.00 Tuesday, March 9, 2021

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 03/09/21  
OMCOMITA COMMITMENT APPLICATION C052640  
SCDC #: 171770 INQUIRY CURR LOC: TYGER RI  
WARD, JOHN MICHAEL NONCONFORM SENT: N RTRN TO COURT: N

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE  
CONVICTION NUM: S00013 INDICT NUM: 06-GS-371378 WARRANT NUM: K150668  
DATE SENTENCED...: 12/11/2006 JUDGE LAST...: MACAULAY FI: A  
STATUTE: 10-11-311 CDR CODE.: 0079 GPS IND: N

OFFENSE: 2220 BURGLARY-1ST DEGREE OFFENSE DATE: 07/08/2006  
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 37 OCONEE  
PLEA...: G GUILTY TYPE OF COURT...: 01 GENERAL SESSIO

TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/11/2006  
TOTAL SENTENCE...: 020 00 000 MAND SERV REQMT...: 017 00 000  
INCARC SENTENCE...: 020 00 000 PAROLE FACTOR...: 2 1/3 SENT. REQ.  
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999  
HIP SENT...: 000 00 000 HAYES CRED: 00000

RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00156 EXTRA CRED: 00000  
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/08/2006 DOM.IND: N  
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: VIOLENT  
DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: VIOLENT  
SEX REG: N PRED OFF: N LAST UPDATE: INDICTFX DATE: 02/24/21  
NO PAROLE: NO PAROLE CREATED BY.: A CRUM DATE: 12/14/06

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

20

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
STATE v JOHN MICHAEL WARD

AKA: \_\_\_\_\_  
Race/Sex: \_\_\_\_\_ Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

DL# \_\_\_\_\_ SID: \_\_\_\_\_

IN THE COURT GENERAL SESSIONS  
INDICTMENT/CASE #

21  
2006 -GS-37-1378

AW#: K150888

Date of Offense: 07/08/06

S.C. Code: 16-11-0311 CDR Code #: 79

CASE RESTORED ☐

SENTENCE ☒ PLEA ☐ TRIAL

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

Burglary First Degree

In violation of 16-11-311 of the S.C. Code of Laws, bearing CDR Code #: 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.  
Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

David R. Wagner  
Solicitor

John Ward  
Defendant

Christina Lavery  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections,

☒ County Detention Center, for a determinate term of 20 days/months/years or

☒ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or 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 of South Carolina Department of Probation.

Random & Parole Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 06-GS-37-1377; 1381

☒ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms:

☐ set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

|                                     |                        |
|-------------------------------------|------------------------|
| *Fine.....                          | \$                     |
| 14-1-208 - Assessments (107.5%)     | \$                     |
| 14-1-211 (A)(1) Conv. Surcharge     | \$100 \$ <u>100.00</u> |
| 14-1-211 (A)(2) DUI Surcharge       | \$100 \$               |
| 56-5-2995 (DUI Assessment)          | \$12 \$                |
| 35.13 (Public Def/Prob)             | \$500 \$               |
| 73.3, 1B TP (Law Enforce. Funding)  | \$25 \$ <u>25.00</u>   |
| 33.7, 1B TP (Drug Court Surcharge)  | \$100 \$               |
| 50-21-114 (BUI Breath Test Fee)     | \$50 \$                |
| 56-5-2942(J) (Vehicle Assessment)   | \$40/ea \$             |
| 3% County (If paid in installments) | \$ <u>3.75</u>         |
| TOTAL .....                         | \$ <u>128.75</u>       |

Sallie C. Smith

Clerk of Court/Deputy Clerk  
SCCA/217(7/2003)

PTUP \_\_\_\_\_ time served pursuant to S.C. Code 24-13-40 t  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab, or Job Corps \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol Testing \_\_\_\_\_

Fine may be paid in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

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

Other: \_\_\_\_\_

☐ Appointed PD or other counsel, 35.13 TP  
Requires \$500 be paid to Clerk during probation.

Christina Lavery  
Presiding Judge

Judge Code: 1/16/31

Sentence Date 12-11-06

Court Reporter Robin Hild Code #: 1/1/1

WITNESSES  
OFFICER/LYLES  
*M. H. M. Lyles*

ARREST WARRANT NO. DIRECT RE: K150668

ACTION OF GRAND JURY  
*True Bill*  
*10-17-06*  
*Campbell*  
Foreman of Grand Jury

VERDICT  
  
Foreman of Petit Jury Date:

DOCKET NO. 2006-GS-37-1381

The State of South Carolina,  
OCONEE  
County of

COURT OF GENERAL SESSIONS  
OCT 17 2006 TERM 2006

THE STATE  
vs.  
JOHN MICHAEL WARD

Indictment for  
ARMED ROBBERY

16-11-330(A) (0139)

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

FILED OCOONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

CLERK OF COURT  
2020 APR 22 PM 3:46

*BW*

CERTIFIED TRUE COPY  
*BW* MAR 24 2020  
CLERK OF COURT  
OCONEE COUNTY, SC

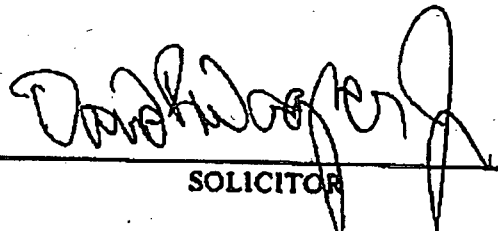
STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

INDICTMENT FOR  
ARMED ROBBERY  
16-11-330(A) (0139)

At a Court of General Sessions, convened on OCT 17 2006,  
the Grand Jurors of OCONEE County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT  
JULY 4, 2006 TAKE AND CARRY AWAY FROM THE PERSON OF CLAUDE EARL  
WADDELL, BY MEANS OF FORCE, THREATS OR INTIMIDATION, A WALLET AND U.S.  
CURRENCY WITH INTENT TO DEPRIVE THE OWNER PERMANENTLY OF SUCH  
PROPERTY WHILE ARMED WITH A DEADLY WEAPON, A KNIFE. ALL IN VIOLATION OF  
SECTION 16-11-330 (A), CODE OF LAWS OF SOUTH CAROLINA, (1976), AS AMENDED.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.

  
SOLICITOR

IMMEDIATE RECORDS OFFICE  
2020 APR 22 PM 3:36

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 03/09/21  
OMCOMITA COMMITMENT APPLICATION C052640  
SCDC #: 171770 INQUIRY CURR LOC: TYGER RI 24  
WARD, JOHN MICHALE NONCONFORM SENT: N RTRN TO COURT: N  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE  
CONVICTION NUM: S00012 INDICT NUM: 06-GS-371377 WARRANT NUM: K150667  
DATE SENTENCED...: 12/11/2006 JUDGE LAST...: MACAULAY FI: A  
STATUTE: 16-3-620 CDR CODE.: 0014 GPS IND: N  
OFFENSE: 1399 ASSLT & BATT W/INTNT KILL OFFENSE DATE: 07/08/2006  
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 37 OCONEE  
PLEA....: G GUILTY TYPE OF COURT.....: 01 GENERAL SESSIO  
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 12/11/2006  
TOTAL SENTENCE...: 020 00 000 MAND SERV REQMT...: 017 00 000  
INCARC SENTENCE...: 020 00 000 PAROLE FACTOR.....: 2 1/3 SENT. REQ.  
PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999  
HIP SENT.....: 000 00 000 HAYES CRED: 00000  
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00156 EXTRA CRED: 00000  
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/08/2006 DOM.IND: N  
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: VIOLENT  
DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS....: VIOLENT  
SEX REG: N PRED OFF: N LAST UPDATE: INDICTFX DATE: 02/24/21  
NO PAROLE: NO PAROLE CREATED BY.: A CRUM DATE: 12/14/06  
  
PF8-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

STATE v JOHN MICHAEL WARD

AKA:

Race/Sex:

Age:

DOB:

SSN:

Address:

City, State, Zip

DL#

SID:

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE #

2006 -GS-37-1377

AW#: K150667

Date of Offense: 07/08/06

S.C Code: 16-03-0620

CDR Code #: 14

CASE RESTORED ☐

SENTENCE ☒ PLEA

☐ TRIAL

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

ABWIK

in violation of 16-3-620 of the S.C. Code of Laws, bearing CDR Code #: 0101141

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 17-25-45

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

David R. Wagner

Solicitor

John Ward

Defendant

C. L. Lavery

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections,

☐ County Detention Center, for a determinate term of 20 days/months/years or

☐ under the Youthful Offender Act not to exceed 20 years and/or pay a fine of \$

provided that upon the service of 20 days/months/years and/or payment of \$

plus costs and assessments as applicable\*, the balance is suspended with probation

for 20 months/years and subject of South Carolina Department of Probation.

Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 06-GS-37-1378; 1381

☒ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

PTUP time served pursuant to S.C. Code 24-13-40 t

days/hours Public Service Employment

Obtain GED

Attend Voc Rehab, or Job Corps

May serve WIE beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be paid in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other:

☐ Appointed PD or other counsel, 35.13 TP

Requires \$500 be paid to Clerk during probation.

Residing Judge

Judge Code: 11/13/1

Sentence Date 12-11-06

Court Reporter Robin Hild

Code #: 1111

|                                     |                        |
|-------------------------------------|------------------------|
| *Fine.....                          | \$                     |
| 14-1-208 - Assessments (107.5%)     | \$                     |
| 14-1-211 (A)(1) Conv. Surcharge     | \$100 \$ <u>100.00</u> |
| 14-1-211 (A)(2) DUI Surcharge       | \$100 \$               |
| 58-5-2995 (DUI Assessment)          | \$12 \$                |
| 35.13 (Public Def/Prob)             | \$500 \$               |
| 73.3, 1B TP (Law Enforce. Funding)  | \$25 \$ <u>25.00</u>   |
| 33.7, 1B TP (Drug Court Surcharge)  | \$100 \$               |
| 50-21-114 (BUI Breath Test Fee)     | \$50 \$                |
| 58-5-2942(J) (Vehicle Assessment)   | \$40/ea \$             |
| 3% County (if paid in installments) | \$ <u>3.75</u>         |
| TOTAL .....                         | \$ <u>128.75</u>       |

Sallie C. Smith

Clerk of Court/Deputy Clerk  
SCCA217(7/2003)

CERTIFIED TRUE COPY

MAR 24 2020

CLERK OF COURT

RECEIVED

APR 06 2020

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
Division of Classification

26

**Request for Jail Time**

Inmate Ward, John AKA \_\_\_\_\_ SCDC # 171770

Soc. Sec. # \_\_\_\_\_ DOB \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_

The inmate listed above indicates that he/she was held in your facility as a pre-trial detainee for  
06-GS-37-1381 06-GS-37-1318 06-GS-37-1317  
Armed Robbery Burglary Aggravated  
 (Offenses)

He/She was committed to the Department of Corrections on 12/11 2006.  
 If he/she has served time in your facility, would you please fill in the information requested below.

Completed by: Kimberly Diaz TYROT 3/4/20  
 (Caseworker) (Institution) (Date)

( ☒ ) Approved: \_\_\_\_\_ 3/5/2020  
 Chief, Offender Records Date

( ) Disapproved: \_\_\_\_\_  
 Reason for Disapproval Date

Inmate: \_\_\_\_\_ was in the custody  
 (Inmate's Name)

of this agency at the following time(s) for the following offense(s):

| OFFENSE | WARRANT NO. | DATE OF ARREST | DATE OF RELEASE | REASON FOR RELEASE |
|---------|-------------|----------------|-----------------|--------------------|
|         |             |                |                 |                    |
|         |             |                |                 |                    |
|         |             |                |                 |                    |
|         |             |                |                 |                    |
|         |             |                |                 |                    |
|         |             |                |                 |                    |
|         |             |                |                 |                    |

INMATE RECORDS OFFICE  
2020 MAR -4 PM 3:14

S/ \_\_\_\_\_

City or County Date

**PLEASE RETURN TO: Offender Records, 4444 Broad River Road, Columbia, SC 29210**

WHITE: Caseworker  
 CANARY: Offender Records  
 PINK: Suspense

SCDC 18-11 (Revised September, 1993)

# JAIL TIME REPORT FOR SCDC TRANSFER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787  
OFFICE #: (803) 896-8531 FAX #: (803) 896-1217

27

COUNTY SUBMITTING FORM: Oconee

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing ...

| Name: <u>Ward, John Michael</u>      |           | Date of Birth: <u>[REDACTED]</u> |              |                      |
|--------------------------------------|-----------|----------------------------------|--------------|----------------------|
| Social Security #: <u>[REDACTED]</u> |           | Race/Sex: <u>[REDACTED]</u>      |              |                      |
| SID #:                               |           | FDI #:                           |              |                      |
| Arrest Date                          | Charge    | Warrant # (or)<br>Indictment #   | Release Date | Reason for Release * |
| 07-08-06                             | ABWIK     | W# <u>K150667</u><br>I#          | 12-14-06     | TOT SCDC <u>156</u>  |
| 7-8-06                               | Burg. 1st | W# <u>K150668</u><br>I#          | 12-14-06     | TOT SCDC             |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
|                                      |           | W#<br>I#                         |              |                      |
| Approved By: <u>Cynthia Beckett</u>  |           | Date: <u>12-13-06</u>            |              |                      |

\* Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

CMTI700M SCDC OFFENDER MANAGEMENT SYSTEM 03/09/21  
 CMTI700D COMMITMENT APPLICATION C052640  
 SCDC# > 171770 COMPLETED SCDC PRIORS  
 WARD, JOHN MICHAEL CURR LOC: TYGER RI  
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE SCDC CLASSIFICATION...: VIOLENT

28

|          | C | S |               |        |      |      |          |          |            |      |      |     |  |
|----------|---|---|---------------|--------|------|------|----------|----------|------------|------|------|-----|--|
|          | A | E |               | INCARC | SENT | SENT | SENT     |          | CONV       | VIO  |      |     |  |
| NUM      | T | X | CONV OFFENSE  | YRS    | MO   | DYS  | DATE     | START    | PROJ       | COMP | STAT | IND |  |
| S00011   | 2 | N | LARCENY       | 000    | 00   | 182  | 08/08/05 | 02/07/05 | 06/07/2005 | COM  | N    | N   |  |
| Y S00010 | 3 | N | BURGLARY-2ND  | 000    | 00   | 182  | 08/08/05 | 02/07/05 | 06/07/2005 | COM  | N    | N   |  |
| S00009   | 3 | N | ARSON-3RD DEG | 004    | 00   | 000  | 06/01/05 | 03/24/04 | 06/04/2006 | COM  | N    | N   |  |
| Y S00008 | 3 | N | ASSL&BATTERY- | 010    | 00   | 000  | 05/10/96 | 03/08/96 | 12/28/2001 | COM  | N    | N   |  |
| S00007   | 3 | N | RESISTING OFF | 010    | 00   | 000  | 05/10/96 | 03/08/96 | 12/28/2001 | COM  | N    | N   |  |
| S00006   | 2 | N | MALIC INJURY/ | 000    | 00   | 030  | 05/10/96 | 03/08/96 | 04/07/1996 | COM  | N    | N   |  |
| S00005   | 3 | N | ACC AFTER FEL | 008    | 00   | 000  | 11/20/90 | 11/20/90 | 07/13/1996 | COM  | N    | N   |  |
| S00004   | 2 | N | RECEIVE STOLE | 008    | 00   | 000  | 11/20/90 | 10/20/90 | 06/13/1996 | COM  | N    | N   |  |
| S00003   | 2 | N | RECEIVE STOLE | 000    | 00   | 030  | 11/20/90 | 10/20/90 | 11/20/1990 | COM  | N    | N   |  |
| S00002   | 3 | N | RESISTING OFF | 008    | 00   | 000  | 11/20/90 | 10/20/90 | 06/13/1996 | COM  | N    | N   |  |
| S00001   | 3 | N | RESISTING OFF | 001    | 00   | 000  | 11/20/90 | 10/20/90 | 05/26/1991 | COM  | N    | N   |  |
| S00016   | 3 | N | BURGLARY-2ND  | 000    | 00   | 000  | 03/21/89 | 03/21/89 | / /        | COM  | N    | N   |  |
| S00015   | 2 | N | GRAND LARCENY | 000    | 00   | 000  | 03/21/89 | 03/21/89 | / /        | COM  | N    | N   |  |

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>....  
 PF4-MODCONV PF6-NON-SCDC PRIORS

DISI100D

## SCDC OFFENDER MANAGEMENT SYSTEM

03/09/21

## DISCIPLINARY SYSTEM

C052640

SCDC ID: 171770

## DISPLAY INMATE OFFENSE HISTORY

WARD, JOHN MICHAEL

CURR LOC: TYGER RIVE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y  
SERIOUS MENTAL ILLNESS: N

29

| CASE# | OFFENSE DESCRIPTION   | TYPE ACTION | OFFENSE DATE | HEARING DATE | NET GT LOST | DHO DECISION | OFF LVL |
|-------|-----------------------|-------------|--------------|--------------|-------------|--------------|---------|
| 00007 | POSSESSION OF CONTRAB | OTHER AC    | 01/05/15     | 01/06/15     | 00000       | CLOSED       | 3       |
| 00006 | FORGERY OR POSS.ANY F | ADMINIST    | 06/26/09     | / /          | 00000       | CONVICTED    | 3       |
| 00005 | POSS. OR/ATTEMPT TO P | MAJOR DI    | 06/26/07     | 07/02/07     | 00000       | CONVICTED    | 1       |
| 00004 | POSSESSION OF CONTRAB | OTHER AC    | 12/10/05     | / /          | 00000       | CLOSED       | 3       |
| 00003 | USE OBSCENE,VULGAR,PR | OTHER AC    | 12/12/01     | / /          | 00000       | CLOSED       | 3       |
| 00002 | VIOLATIONS WRITE/POST | OTHER AC    | 11/18/01     | / /          | 00000       | CLOSED       | 5       |
| 00001 | FIGHTING WITHOUT A WE | MAJOR DI    | 12/04/90     | 12/11/90     | 00000       | CONVICTED    | 3       |

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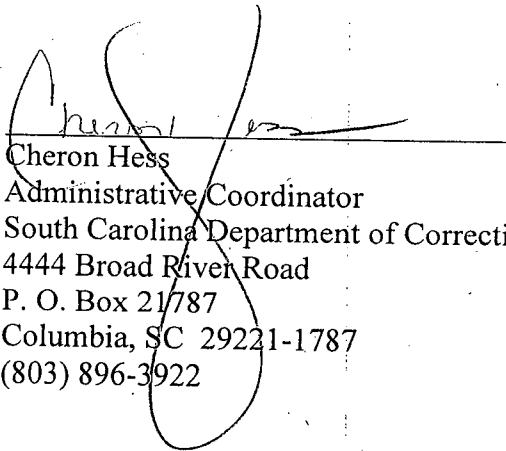
PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate John Michale Ward  
Inmate Number: 171770  
Tyger River Correctional Institution  
Dorm-Room-Bunk: U7-0202-A



Cheron Hess  
Administrative Coordinator  
South Carolina Department of Corrections  
4444 Broad River Road  
P. O. Box 21787  
Columbia, SC 29221-1787  
(803) 896-3922

March 17, 2021

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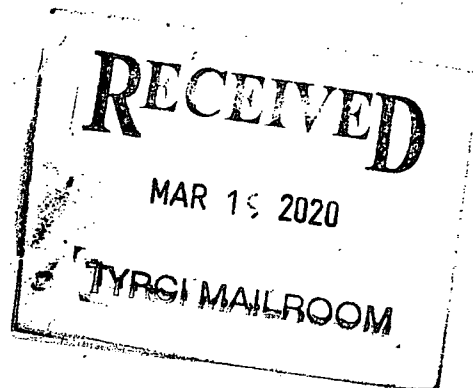


**SOUTH CAROLINA**

DEPARTMENT OF CORRECTIONS

*Office of General Counsel*

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787



**Inmate John Michale Ward**

**Inmate Number: 171770**

**Tyger River Correctional Institution**

**Dorm-Room-Bunk: U7-0202-A**

**LEGAL MAIL**

March 25, 2021

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335 32

The Honorable Ralph King Anderson, III  
South Carolina Administrative Law Court  
1205 Pendleton St.  
Columbia, South Carolina 29201

RE: John Michael Ward, #171770 v SCDC  
Docket No. 20-ALJ-04-0495-AP

Dear Honorable Judge:

Please find, enclosed for filing, the: Brief of Appellant, Appellants' Appendix, Motion For Leave To Exceed Page Limit, Motion For An Order Compelling Designation, and a Certificate of Service for the same.

Enclosed, please also find an additional copy of these said documents and a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided envelope.

Thank you for your assistance in this matter.

Sincerely, John Michael Ward  
John Michael Ward, #171770  
APPELLANT

**FILED**

MAR 25 2021

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

33

John Michael Ward, #171770,  
APPELLANT,

CERTIFICATE OF SERVICE

v

South Carolina Department  
of Corrections,  
RESPONDENT.

Docket No. 20-ALT-04-0495-AP  
Grievance No. TYRCI 389-20

I, John Michael Ward, hereby certify that I have served the Brief of Appellant, Appellant's Appendix, Motion For Leave To Exceed Page Limit, and Motion For An Order Compelling Designation; on Respondent by placing the same inside of a postage prepaid envelope and placing the same in the hands of Tiger River Correctional Institution mail room personnel by and through the institution's legal mail system on this 25<sup>th</sup> day of March, 2021, for mailing via the United States mail, addressed as follows: Office of General Counsel, South Carolina Department of Corrections, 4444 Broad River Road, PO Box 21787, Columbia, South Carolina 29221-1789; The Honorable Ralph King Anderson, III, South Carolina Administrative Law Court, 1205 Pendleton St., Columbia, SC 29201.

Sworn and subscribed before me  
this 25<sup>th</sup> day of MARCH, 2021

Patricia A. Gresham

Notary Public for South Carolina

My Commission Expires: Dec 10, 2025

s/ John Michael Ward

John Michael Ward, #171770

Tiger River Correctional Institution

200 Prison Road

Greene, South Carolina 29335

FILED

MAR 25 2021

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
Docket No. 20-ALJ-04-0495-AP  
Grievance No. TYRCI 389-20

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John Michael Ward, #171770, ----- APPELLANT,

South Carolina Department of Corrections, ----- RESPONDENT.

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BRIEF OF APPELLANT

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John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

FILED

MAR 26 2021

SC ADMIN. LAW COURT

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## Argument

The Department did err in declining to set the date of arrest as the start date for credit for time served on all charges which arose out of a multi-crime incident, albeit Appellant was not initially charged for one of the crimes upon arrest, but later received a true-billed direct indictment for one of the crimes . . . . . 5

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## STATEMENT OF ISSUE ON APPEAL

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Did the Department err in declining to set the date of arrest as the start date for credit for time served on all charges which arose out of a multi-crime incident, albeit Appellant was not initially charged for one of the crimes upon arrest, but later received a true-billed direct indictment for one of the crimes?

III

## STATEMENT OF THE CASE

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On July 4, 2006, in Oconee County, Appellant involved himself in a single chain of circumstances wherein multiple crimes arose out of the single of conduct.

Consequently, Appellant was arrested by deputies of the Oconee County Sheriff's Office on July 8, 2006. Upon arrest, Appellant was served with arrest warrants whereby he was charged with the crimes of assault and battery with intent to kill (2 counts) (Arrest Warrant Nos. K150666, K150667), Burglary first degree (Arrest Warrant No. K150668), and Petit larceny (2 counts) (Arrest Warrant Nos. K150669, K150670). Wherefore Appellant was then booked in the Oconee County Detention Center on this date of service of the warrants. (Appx. pgs. 17, 22, 27, 32, 37, 51-52)

Upon providing notification to the victims involved in the crimes to inform of the date and time a bond hearing would be convened regarding the crimes; a bond hearing was held on the same date of the arrest. (Appx. pgs. 9, 10)

Appellant remained in the Oconee County Detention Center as his crime of Burglary 1<sup>st</sup> degree was deemed to be a non-bailable offense. (Appx. pg. 9, 11)

As Appellant remained in the Oconee County Detention<sup>39</sup> Center, the Oconee County Grand Jury returned true-billed indictments on all of Appellant's charged crimes on October 17, 2006. (Appx. pgs. 18-19, 23-24, 28-29, 33-34, 38-39)

Further, on the same date of October 17, 2006, the Oconee County Grand Jury also returned a true-billed direct indictment on a crime charging Appellant with the crime of armed robbery. (Appx. pgs. 43-45).

Appellant continued to remain in the Oconee County Detention Center and did move by way of a Motion For Bond filed with the Oconee County Clerk of Court on October 20, 2006; seeking that the Oconee County General Sessions Court would set a reasonable bond for Appellant's release. (Appx. pg. 11).

Appellant never banded out from the Oconee County Detention Center. Ultimately, a Court of General Sessions was convened at the Oconee County Courthouse on December 11, 2006, wherein Appellant entered a plea of guilty before the Honorable Alexander S. Macaulay to the crimes of Assault and Batter with Intent to Kill (arrest warrant No. K150667; Indictment No. 2006-GS-37-1377) and was sentenced to a 20 year concurrent term of imprisonment (Appx. pg. 21); Burglary First Degree (arrest warrant No. K150668; Indictment No. 2006-GS-37-1378) and was sentenced to a 20 year concurrent

term of imprisonment (Appx. pg. 26); and Armed Robbery 40 (Indictment No. 2006-GS-37-1381) and was sentenced to a 20 year concurrent term of imprisonment (Appx. pg. 42).

In sentencing Appellant concurrently, the Honorable Judge Alexander S. Macaulay further specified and ordered that Appellant was to be given credit for time served in the Oconee County Detention Center as a pretrial detainee, pursuant to SC Code Ann. §24-13-40. (Appx. pg. 14). All Appellant's sentencing sheets were also marked accordingly specifying, "The Defendant is given credit for time served pursuant to SC Code 24-13-40 to be calculated and applied by the State Department of Corrections". (Appx. pgs. 21, 26, 42).

Upon commitment to the South Carolina Department of Corrections (SCDC) (hereinafter "Department"), Appellant found that the Department declined to award him credit for pretrial detainee time served on any of his charges. After much extreme diligent requests in this regard, the Department ultimately applied 156 days credit for time served pursuant to 24-13-40 to Appellant's charges of Assault and Battery with Intent to Kill and Burglary First Degree.

However, the Department would continue to decline to apply any time served credit to Appellant's Armed Robbery sentence, as Appellant sought to receive the 156 days credited to this sentence as well.

After many continuous unsuccessful requests to gain 41 the Department's understanding regarding the matter and prayer that the Department would equitably apply the 156 days credit for time served concurrently to the Armed Robbery charge and and properly calculate the Armed Robbery sentence accordingly; Appellant sought a review/audit of his case regarding the matter.

Upon review, the Department determined that it had erred in not crediting Appellant credit for pretrial time served on the Armed Robbery sentence. Nevertheless, the Department determined that Appellant was only entitled to 55 days credit, as this amount reflected the amount of time served from the date (October 17, 2006) Appellant was directly indicted on the Armed Robbery charge to the date that Appellant entered a plea of guilty to the charge (December 11, 2006). (Kiosk RTSM SCDC 20-01567650)

Appellant then filed Step 1 and Step 2 grievances seeking to resolved the matter through the Department's internal grievance system. (Appx. pgs. 4-7). The Department maintained its position regarding the matter.

This appeal follows:

## ARGUMENT

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The Department did err in declining to set the date of arrest as the start date for credit for time served on all charges which arose out of a multi-crime incident, albeit Appellant was not initially charged for one of the crimes upon arrest, but later received a true-billed direct indictment for one of the crimes.

The Department declines to credit Appellant the full amount of time he served in the Oconee County Detention Center as a pretrial detainee.

Appellant was initially arrested on July 8, 2006, due to warrants which were issued for his arrest for the crimes of Assault and Battery with Intent to Kill (two counts) (Arrest Warrants K150666 & K150667) (Appx. pgs. 17, 22); Burglary First Degree (Arrest Warrant K150668) (Appx. pg. 27); and Petit Larceny (two counts) (Arrest Warrants K150669 & K150670) (Appx. pgs. 32, 37).

These charges and arrest warrants were related to and resulted from an incident which took place on July 4, 2006, wherein multiple crimes were committed in a single chain of circumstances. As such, the crimes

involved the same victims. (See Appx. pg. 10 regarding 666 thru 670.) The Oconee County Grand Jury returned true-billed<sup>43</sup> indictments on these charges on October 17, 2006. On this same date, a true-billed direct indictment was returned, therefore charging Appellant also with the crime of armed robbery. (Appendix pgs. 43-45).

Appellant pled guilty before the Honorable Alexander S. Macaulay at the Oconee County Court of General Sessions on December 11, 2006, to the charges of ABWIK, Burglary 1<sup>st</sup> Degree, and Armed Robbery. Judge Macaulay sentenced Appellant to concurrent sentences and further ordered that Appellant was to be given credit for the time served in the Oconee Detention Center as a pretrial detainee. (Appendix pgs. 13-15)

The South Carolina Department of Corrections (SCDC) declines to apply any pretrial detainee credit time served to Appellant's armed robbery charge. As such, the Department errors and Appellant will show why below.

### Analysis

The Department seems to decline to apply the total 156 days "Jail Time" credit to Appellant's armed robbery charge/sentence based on the fact that Appellant did not get indicted for the armed robbery charge until October 17, 2006. While this is true that Appellant did not get or

receive an indictment and notification of this charge 44 until the October 17, 2006 date when the Oconee County Grand Jury returned true-billed indictments on Appellant's Charges; it is inequitable and also contrary to the South Carolina's legislature's intent that prisoners receive credit for all time served and S.C. Code Ann. § 24-13-40.

The ultimate question is whether Appellant is entitled to receive credit for the time served as pretrial detainee from the date of his arrest from when the crime was committed or only from the date when the Oconee County Sheriff's office or Solicitor's Office decided that it would seek a conviction from the charges.

This question has already been answered by the Supreme Court of South Carolina by Justice Burnett in Blakeney v. State, 339 SC 86, 529 SE2d 9 (2000) (Beaufort County's decision not to execute the arrest warrant until... later, should not preclude [the Defendant] from receiving credit [for time served as a pretrial detainee]).

Most important for indulgence is the case sub Judice is the facts that; (1) The crimes were committed on the same date (See Appx pgs. 17-18, 22-23, 27-28, 32-33, 37-38, 43); (2) The crimes were temporally connected, happened in a single incident and single course of conduct, and involved the same victims (See same Appx pgs. listed above, Id.); Appellant was arrested for this incident on July 8, 2006 and remained in jail for this

incident and his conduct during this incident until <sup>45</sup> the date of the entry of his plea of guilty to the crimes committed during the multi-crime incident.

As Appellant was not actually served an arrest warrant that specifically charged him with the crime of Armed Robbery on the date of his arrest, Appellant will provide more clarification and reasoning with regard to the matter.

Appellant's Armed Robbery charge arose out of a single chain of circumstances. There was a single course of conduct which resulted in a multi-crime incident as all crimes were committed at the same exact time and in one single motion or chain of events.

Appellant would show the Court the indictment for the Armed Robbery charge. (See Appx. pgs. 43-45). Indulgence should be given to the fact that this is a direct indictment which specifically indicates that it "relates back" to the Arrest Warrant No. K150668.

This arrest warrant was for the charge of Burglary 1st degree. The affiant, in setting forth the facts for probable cause to arrest Appellant, provides the following statement in Affidavit within the warrant:

"The Defendant did, on 7-04-06, did break and enter

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the residence of Claude Earl Waddell without consent and with the intent to commit a crime therein. The defendant was armed with a knife at nighttime when he entered the residence.

(See Appx. pg. 27)

See State v Porter, 251 SC 393, 162 SE2d 843 (1968), (An arrest warrant may be issued upon an affidavit reciting the facts necessary to establish probable cause).

However, in the case at bar, the Oconee Sheriff's Office did not decide to charge Appellant with the Armed Robbery offense at genesis of his arrest. Rather, the Solicitor's Office would seek to directly indict Appellant for the Armed Robbery offense.

See Mattox v City of Beaufort, CIA No. 9:14-CV-0384-DCN (DSC 2015) - Under South Carolina law, a solicitor may "direct indict" an individual on a charge without an underlying warrant. In such a case, the solicitor may present facts to the grand jury to seek an indictment without a pending arrest warrant or after a warrant was dismissed at a preliminary hearing.

In the case sub Judice, the solicitor presented facts to the grand jury to seek an indictment to be "true billed" for Armed Robbery. This is significant as the Court and Department must realize that the facts which were presented

Came from the same facts that the Affidavit had<sup>47</sup>  
when the warrant for the Burglary 1<sup>st</sup> Charge was  
was requested and issued by the Magistrate Judge.  
This is why it was clearly specified and indicated  
on the Armed Robbery indictment that the armed  
robbery charge relates back to the Burglary 1<sup>st</sup> Charge  
and warrant and affidavit on the Burglary 1<sup>st</sup> warrant.  
The probable cause developed from the affidavit.

See New England Journal on Criminal and Civil  
Confinement, 21 NENGJCCC 339, - "An indictment  
is a procedure by which a grand jury instead of  
a judge determines whether there is probable cause  
to believe that the subject of the indictment has  
committed the particular offense charged."

As a charge had to be taken to the grand jury  
to allow Appellant to be directly indicted, it  
would be unreasonable to fail to understand that  
it is inequitable that the Appellant, this Court, or anyone  
else to be forced to guess when the solicitor's office  
decided to charge Appellant with the crime. A line  
of reasoning in this direction would leave to guess of  
"when" did the solicitor's office decide to charge  
Appellant, why did the solicitor's office proceed with  
serving a warrant charging Appellant with the crime once

48  
The solicitor's office decided it would seek to prosecute? See SC Code Ann. § 17-23-130 and Rule 3(c), SCRCrimP (explaining that the solicitor prepares the indictment for presentation to the grand jury).

The grand jury does not create or prepare the indictment. The indictment is created or prepared by the solicitor and then it is presented to the grand jury, whereby it will be deliberated upon by the grand jury and a decision reached by the grand jury whether to return a "true bill" or "no bill". See e.g. Anderson v State, 338 SC 629, 527 SE2d 398 (2000).

Simply put, declining to set the date of arrest as the start date for credit for time served for Appellant's Armed Robbery charge, rather than the date the grand jury returned a true bill indictment on the charge is not the legislative intent and not reasonable as the facts of this case clearly presents.

Albeit Appellant was not initially charged for the Armed Robbery offense at genesis of his arrest is of no fault of Appellant as he had no control of the sheriff's office's decision making process.

The Appellant emphasizes that this was a multi-  
crime incident which happened in one motion  
and chain of events. 49

The decision not to charge Appellant with the  
Armed Robbery offense until a later date, does  
not preclude Appellant from receiving pretrial  
detainee credit for the time served from the  
period of his arrest for the incident as all charges  
resulted from the same incident. See State v Brown,  
426 SC 63, 824 SE2d 476 (2019); Blakeney v State,  
339 SC 86, 529 SE2d 9 (2000); State v Smith, No. 2007-  
UP-022 (2007), 2007 WL 8324402.

SC Code Ann. § 24-13-40 specifies, in relevant portion:

In every case in computing the time served  
by a prisoner, full credit against the sentence  
must be given for time served prior to trial  
and sentencing. Provided, however, that credit  
for time served prior to trial and sentencing  
shall not be given: (1) when the prisoner at the  
time he was imprisoned prior to trial was an  
escapee from another penal institution; or (2)  
when the prisoner is serving a sentence for one  
offense and is awaiting trial and sentence for  
a second offense in which case he shall not  
receive credit for time served prior to trial

in a reduction of his sentence for the second 50 offense.

SC Code Ann. § 24-13-40.

See also, Hayes v State, 413 SC 553, 559, 777 SE2d 6, 10 (2015) ("The requirement that a prisoner receive credit for time served is mandatory."); State v Boggs, 388 SC 314, 316, 696 SE2d 597, 598 (2010) ("Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies"); Allen v State, 339 SC 393, 529 SE2d 541 (2000) (explaining the language "when already serving a sentence" which exists in 24-13-40, means a person who has actually been to court and before a judge and is serving a sentence for such; not a person who is merely sitting on jail for unconvicted offenses/charges).

The Solicitor's Office and Oconee County Sheriff's Office decision not to charge Appellant until a later date does not preclude Appellant from receiving the credit for time served beginning at his arrest date for the incident in which the crime arose as Appellant did not commit the crime at a separate time. See e.g. State v Brown,

426 SC 63, 824 SE2d 476 (2019); Blakeney v State, 339 SC 86, 529 SE2d 9 (2000). 51

Appellant would also emphasize that the victim(s) of the crime did provide a statement of what happened in this incident. The victim's statement and investigation of such is what allowed the Affiant to provide information and Affidavit to the Magistrate Judge whereby warrants for Appellant's arrest were pursued. Appellant had no control over what charges or warrants the Department would seek or pursue at that time and therefore Appellant should not be punished or sanctioned for the Department's delay in charging the crime.

Appellant would further emphasize that the Oconee County's Grand Jury task was to true bill or no bill an indictment. The Department's reasoning that Appellant should only be credited for the time he served in the Detention Center after the indictment was true billed is unreasonable. The Department fails to realize that the indictment existed and was created and prepared before the convening of the Grand Jury. The indictment existed already and it was only "presented" to the Grand Jury when it convened. The solicitor's office had time to present Appellant with an arrest warrant, but rather

decided to wait and then seek a direct indictment. Appellant should not be punished or sanctioned for such 52 delay. It would further be unreasonable as it would leave to question or "guess" when did the Solicitor's Office actually decide to charge Appellant, when did the Solicitor create or prepare the indictment for presentation, and why did the Solicitor wait. This Court should not have to "guess" as in Mattox v City of Beaufort, CIA No. 9:14-CV-0384-DCN (DSC 2015).

Simply put, denying time-served credit from the time of Appellant's initial arrest date for his conduct which took place at the multi-crime incident, would be at odds with the General Assembly's express language in SC Code Ann. § 24-13-40, mandating that prisoners receive credit for all time served.

The Department's decision is in violation of the 24-13-40 statutory provision, affected by error of law, clearly erroneous in view of the reliable, probative, and substantial evidence on the record, and characterized by abuse of discretion or clearly unwarranted exercise of discretion; therefore this Court should reverse the Department's decision.

Lastly, to ultimately provide this Court the indulgence it deserves regarding this matter, Appellant will direct this

Court's attention to the charges which were nolle 53  
pressed. The two charges for petit larceny (Arrest  
Warrant Nos. K150669 and K150670) as well as  
an account of assault and battery with intent  
to kill (Arrest Warrant No. K150666) were all  
dropped or nolle pressed. See Taken In Consideration  
(TIC) (App. pgs. 16, 31, 36)

Appellant brings this Court's focus on the victim (alleged)  
in this specific counts of petit larceny (Arrest Warrant K150  
K150670) and Assault and Battery with Intent to Kill  
(Arrest Warrant K150666). The charges of this (alleged)  
victim was dropped. (See App. pgs. 16, 17, 36, 37)

A wallet is what provided much truth of the  
circumstances of this case at genesis. See arrest warrants  
K10669 and K10670 as both persons claimed to have  
the wallet and both persons provide different calculation  
of its contents. As this wallet provided sight to truth,  
arrest warrants K150666 and K150670 were rightfully  
nolle pressed. This would leave arrest warrant K150669.

However, the elements of arrest warrant K150669  
and the affidavit which was provided for probable  
cause within the Burglary First arrest warrant would  
both together lay foundation for an Armed Robbery  
charge. The Solicitor's Office, with this probable cause,  
would then seek to upgrade the petit larceny charge

(arrest warrant K150669) to an Armed Robbery 54 Charge. However, as this petit larceny charge involved the same victim, same circumstances and chain of events, and were based on the same facts; Appellant could not be charged and convicted of both the petit larceny and Armed Robbery charges without violating double-jeopardy. Therefore, the Armed Robbery was charged and the petit larceny was nolle prossed.

As Appellant has provided this Court with clear presentation of these facts and this case, it should be also clear that the Department erred in its reasoning and determination.

It is unreasonable that Appellant would not be given time served credit for the time served prior to the upgrading of his charge, from petit larceny to armed robbery; or from combining the facts of the petit larceny with the weapon present at Burglary 1st to ultimately result in the armed robbery charge.

This is a clear error of the Department.

## CONCLUSION

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Based on these reasons, the Appellant respectfully request that the final decision of the South Carolina Department of Corrections be reversed and Appellant be granted the full total of 156 days pretrial "Jail time" credit under SC Code Ann. 24-13-40, and it be properly calculated and applied to his Armed Robbery sentence.

Respectfully submitted, John Michael Ward  
John Michael Ward, #171770  
APPELLANT

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 25<sup>th</sup> day of March, 2021.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
Docket No. 20-ALJ-04-0495-AP  
Grievance No. TYRCI 389-20

56

John Michael Ward, #171770 . . . . . APPELLANT,

South Carolina Department  
of Corrections, . . . . . RESPONDENT.

APPELLANT'S APPENDIX

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Euree, South Carolina 29335

FILED

MAR 25 2021

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
Docket No. 20-ALJ-04-0495-AP  
Grievance No. TYRCI 389-20

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John Michael Ward, #171770 . . . . . APPELLANT,

South Carolina Department  
of Corrections, . . . . . RESPONDENT.

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APPELLANT'S APPENDIX

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John Michael Ward, #171770  
Tiger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

RECEIVED  
MAR 25 2020  
TYRCI MAILROOM

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
Docket No. 20-ALT-04-0495-AP  
Grievance No. TYRCI 389-20

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John Michael Ward, #171770, . . . . . APPELLANT,

South Carolina Department  
of Corrections, . . . . . RESPONDENT.

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APPELLANT'S APPENDIX

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John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

December 10, 2020

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335 59

Office of the Clerk  
SC Administrative Law Court  
1205 Pendleton St., Suite 224  
Columbia, SC 29201

RE: John Michael Ward v SCOC

Dear Honorable Clerk:

Enclosed for filing, please find the Notice of Appeal and Certificate of Service for the same, and copy of Final Decision.

Please also find enclosed, an additional copy of these documents along with a self-addressed stamped envelope. Please return to me file-stamped copy of these documents.

Lastly, as COVID has impacted the institution, it has also caused grievances, requests, copying services, etc to be delayed. Due to this, please do excuse any concern regarding timeliness in this filing.

Although signed November 3, 2020, the grievance had to be then returned, via mail to the proper grievance coordinator, then instructions and forms for filing Notice of Appeal mailed back to me. I received the proper forms on November 10, 2020.

Thank you for your assistance and understanding in this matter.

Sincerely, John Michael Ward

John Michael Ward

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT.

60

John Michael Ward  
SCDC#171770  
Appellant,

vs.

South Carolina Department of Corrections,  
Respondent.

NOTICE OF APPEAL

DOCKET NO. \_\_\_\_-ALJ-04-\_\_\_\_\_  
GRIEVANCE NO.: \_\_\_\_\_

Notice is hereby given that John Michael Ward does hereby appeal the final decision of the South Carolina Department of Corrections dated October 29, 2020 and received on November 10, 2020, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The South Carolina Department of Corrections is failing to properly calculate and apply credit for time served as a pretrial detainee. The SCDC errs as it declines to credit me the total 156 days time served as a pretrial detainee on all charges that I pled guilty to on the same date. The crimes were committed on the same date at the same exact time and with the same incident and were temporally connected. SCDC relies on the fact that the Enoree Sheriff's Office charged me with the crime 101 days after my incarceration for the incident. This is an error of SCDC. Blakeney v State, 339 SC 86, 529 SE2d 9 (2000), (all time served).

John Michael Ward  
Appellant's Name  
Tyger River Correctional Institution  
200 Prison Road  
Mailing Address

Signed

December 10, 2020  
Dated

Enoree, South Carolina 29335  
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, John M. Ward (your name), on the 10 day of December, 2020, in Enoree (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Office of General Counsel, South Carolina Department of Corrections

Address: 4444 Broad River Rd., PO Box 21787

City, State, Zip Code: Columbia, South Carolina 29221-1787

John Michael Ward  
Print your name

John Michael Ward 2  
Sign your name

CERTIFICATE OF SERVICE

I, John Michael Ward, hereby certify that I have served the Notice of Appeal and Certificate of Service on the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 10 day of December, 2020, for mailing via the United States Mail, addressed as follows: Office of General Counsel, South Carolina Department of Corrections, 4444 Broad River Road, PO Box 21787, Columbia, South Carolina 29221-1787; Office of the Clerk, South Carolina Administrative Law Court, 1205 Pendleton Street, Suite 224, Columbia, SC 29201.

SWORN and Subscribed before me  
this 10<sup>th</sup> day of Dec., 2020

S/ John Michael Ward

Paul James Curran

Notary Public for South Carolina  
My Commission Expires: Dec. 19, 2024

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## INMATE GRIEVANCE FORM

AUG 13 2020

STEP 1



62

|                                                    |                  |                                    |  |
|----------------------------------------------------|------------------|------------------------------------|--|
| INMATE NAME: <u>John Michael Ward</u>              |                  | OFFICE USE ONLY                    |  |
| WARDEN'S OFFICE                                    |                  | Grievance No. <u>TYRCL 0389-20</u> |  |
| SCDC NUMBER: <u>#171770</u>                        | <u>8-13-2020</u> | Code: General                      |  |
| INSTITUTION: <u>Tyger River Correctional Inst.</u> |                  | Policy                             |  |
| HOUSING UNIT: <u>U-7-</u>                          |                  | Disc. Hear.                        |  |
| WORK ASSIGNMENT: <u>Prison Industries</u>          |                  | Class. <u>C/C</u>                  |  |
|                                                    |                  | PREA                               |  |
|                                                    |                  | Date Received <u>8/13/2020</u>     |  |
|                                                    |                  | IGC Initials <u>JS</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.)

I have continually sought to be credited my correct time of Jail credits. I have asked numerous times to be provided the amount of Jail credit days I am currently reflected as receiving on each of my charges. I was incarcerated/warrant served on all of my current charges (Burglary 1<sup>st</sup> Degree, Armed Robbery, ABWIK) on the same date of July 8, 2006, and remained in the Oconee County Detention Center from that date until my December 11, 2006, Court date and transported to SCDC shortly thereafter. I have spent several months in attempt to rectify this matter and also to receive correspondence which was from Oconee County Detention Center to SCDC whereby attempts were made to rectify this miscalculation. I was recently told that I would receive 55 days Jail time credit for the armed robbery sentence and that I have already been credited the full amount of Jail time already on the ABWIK and Burglary 1<sup>st</sup> sentences, however I am still failed in obtaining the full total of 156 days credit concurrently on each charge, and also the Jail Time Credit Sheet from Oconee County Detention Center that was provided to SCDC and classifications Kiosk RTSM# 20-01630540; 20-01530117; 20-01523896

John M Ward 8/10/20  
Grievant Signature Date

ACTION REQUESTED: Credit 156 days Jail Credit to my sentence Concurrent on All Charges - Burglary 1<sup>st</sup> Degree, Armed Robbery, and ABWIK. Copy of Jail Time Credit Sheet or email which was sent to SCDC Classifications regarding Jail Time Credit.

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

See Warden's response on back.

J Crumley  
IGC Signature

8/28/2020  
Date 4

(CONTINUE ON REVERSE SIDE)

## WARDEN'S DECISION AND REASON:

63

Ward, John 171770

TYRCI-0389-20

I have reviewed your concerns expressed in Grievance TYRCI-0389-20. You allege that you are due jail time credits from July 8, 2006 to December 11, 2006 because you were being held in Oconee County Detention Center prior to being moved to SCDC. You state that you were recently informed that you would receive 55 days jail time credits for the Armed Robbery Sentence and that you have already been credited the full amount on the other 2 charges. You allege that you are afforded 156 days credit concurrently on each charge. According to SCDC records, you were granted 55 days jail time for the Armed Robbery Sentence in April of 2020 for the dates of October 17, 2006 to December 11, 2006 as this sentence did not begin until October 2006. You had already received your full amount of credits (156 days) for the ABWIK and Burglary 1<sup>st</sup> Degree sentence, as those sentences began 7/8/2006. You have provided sentencing sheets from your own records. You have requested that you be given the 156 days credit, a copy of your Jail Time Credit Sheet and emails which were sent to classifications regarding this matter.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

*[Signature]* 8/27/2020  
Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

*John Michael Ward* 10-7-20  
Grievant Signature Date

*J. Crumley* 9/10/2020  
IGC Signature Date

### INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

5

RECEIVED

Due Date: 9/11/2020

OCT 14 2020

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 2

Office Use Only

64

DIVISION OF CLASSIFICATION  
& INMATE RECORDS

INMATE NAME: JOHN Michael WARD

SCDC NUMBER: 171770

INSTITUTION: Tiger River

HOUSING UNIT: unit 3-119

WORK ASSIGNMENT: P.I. 3

Grievance No. T4RCI-0389-20

Code: General

Policy

Disc. Hear.

Class: CLICL

PREA

Date Received: 9/17/2020

IGC Initials:

Date Received: 9-23-20

IGA Initials:

RECEIVED

SEP 23 2020

INMATE GRIEVANCE

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I have still failed in obtaining the full total of 156 days credit concurrently on each charge. For all the charges were part of the Burglary 1st and due to the investigation there of the Burglary 1st that is why the judge send that all the charges were to be run concurrently not separate it should be 156 day on all the charges.

Grievant Signature

John M Ward

Date

9-10-20

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you have attempted get your jail time credits. You were in Oconee County Detention Center from July 8, 2006 until December 11, 2006. You also stated that you have been informed that you would receive 55 days of jail time credits. You would like to receive 156 days of jail time credits added to your sentence for each of the three charges. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 8/21/20. An adjustment has been made to your projected release date. Because of jail time credits being calculated, your new projected release date has been moved from 12/7/2023 to 10/13/2023. You have been given all the credits that you are entitled. If you still have concerns about your inmate records, you are advised to speak to a Classification Caseworker.

Therefore, your grievance is resolved.

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.

Responsible Official Signature

Heckle

Date

10/20/20

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.

John Ward

11-3-20

Grievant Signature

Date

J Crumley

IGC Signature

10/29/2020

Date

65

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH  
INMATE CORRESPONDENCE**

INMATE: John Ward (171770)  
INSTITUTION: Tyger River Correctional Institution | Unit 3-119  
FROM: Ms. Janice Crumley, Inmate Grievance Coordinator  
Tyger River Correctional Institution  
COPY: Atty. Sherman L. Anderson, Chief  
Inmate Grievance Branch | Office of General Counsel  
SUBJECT: Alternative Service of Process During Lockdown and Pandemic  
Grievance Number: TYRCI-0389-20  
**Return Step 1 By September 17, 2020**  
DATE: September 10, 2020

Inmate Ward

Your grievance would normally be served in person. However, due to recent conditions at Tyger River Correctional Institution, the process for serving grievances has been modified in some instances.

**Instructions:**

You will need to sign the copy of your Step 1 Grievance that is enclosed. Once you sign and date, send it back to me in the mail. I have enclosed a pre-addressed envelope. Once I receive the Step 1 Grievance back as instructed, I will send you the original Step 1 Grievance and a Step 2 Form in the event you wish to appeal and you will do the same. I will also include a pre-addressed envelope. Once I receive the original Step 1 Grievance back as instructed, I will send you your copy of the Step 1. This procedure is being used in view of extended lockdown conditions at some correctional institutions.

**Your Quick Response Required:**

If you do not return the Step 1 Grievance as instructed by **September 17, 2020**, your grievance will be closed. Your cooperation is appreciated during these extraordinary times. We will continue to process your grievances as quickly as possible.

**Thank you.**

66

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH  
INMATE CORRESPONDENCE**

INMATE: John Ward (171770)

INSTITUTION: Tyger River Correctional Institution | Unit 3-113  
FROM: Ms. Janice Crumley, Inmate Grievance Coordinator  
Tyger River Correctional Institution

COPY: Atty. Sherman L. Anderson, Chief  
Inmate Grievance Branch | Office of General Counsel

SUBJECT: Alternative Service of Process During Lockdown and Pandemic  
Grievance Number: TYRCI-0389-20  
**Return Step 2 By November 17, 2020**

DATE: November 10, 2020

Inmate

Your grievance would normally be served in person. However, due to recent conditions at Tyger River Correctional Institution, the process for serving grievances has been modified in some instances.

**Instructions:**

You will need to sign the copy of your Step 2 Grievance that is enclosed. Once you sign and date, send it back to me in the mail. I have enclosed a pre-addressed envelope. Once I receive the Step 2 Grievance back as instructed, I will send you the original Step 2 Grievance and you will do the same. I will also include a pre-addressed envelope. Once I receive the original Step 2 Grievance back as instructed, I will send you your copy of the Step 2, and ALC paperwork in the event you wish to appeal. This procedure is being used in view of extended lockdown conditions at some correctional institutions.

**Your Quick Response Required:**

If you do not return the Step 2 Grievance as instructed by **November 17, 2020**, your grievance will be closed. Your cooperation is appreciated during these extraordinary times. We will continue to process your grievances as quickly as possible.

**Thank you.**

John Michael Ward  
Name of Defendant

K150666-670

67

Warrant/Ticket No.

County of Blount

Charges: ABWTH x2; Burglary 1st; PL x2 Trial Court: GS

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

BAIL PROCEEDING

FILED O'CONNOR, SC  
SALLIE C. SMITH  
CLERK OF COURT  
2006 JUL 17 P 2:00

1. Form used at bail proceeding

☐ a. Bond Form I (personal recognizance)

☒ b. Bond Form II (surety, cash, ~~percentage~~)

☒ c. None (Non-Bailable Offense)

52,000  
Burglary 1st

2. For cases in which bond was set, defendant was informed:

☐ a. Warrant for arrest will be issued for violation of any condition of bail bond order.

☐ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.

☒ c. Failure to appear in court as required will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

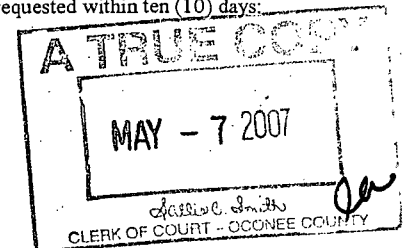
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

☐ a. Orally

☐ b. In writing

(NOTE: Defendant must be informed of right both orally and in writing.)

☒ 4. Defendant was informed of the right to trial by jury.



5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:

☐ a. Charges against defendant and nature of the charges.

☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.

☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before Clayton Smith 7-18-06 located at Co Courthouse

Wolhalla SC for indigency screening. Defendant is responsible for a statutory fee of \$ 40 for indigency screening.

Appearance or  
Hearing Date: 7-8-06

Judge's Signature

# VICTIM NOTIFICATION FORM

68

STATE OF SOUTH CAROLINA )  
COUNTY OF Oconee )

IN THE SUMMARY COURT

State of South Carolina )

vs.

John Michael Wines

K 150666 - 670

(Check and complete one of the following)

☒ A representative of Oconee County Detention Center, (the facility having custody of the Defendant)\*, acknowledges that a reasonable attempt was made to notify the victim(s) sufficiently in advance of the bond hearing.

Name of victim(s)

Barbara J. Bunker  
Charles E. Waddell

2006 JUL 17 P 2:00

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

OR

☒ A representative of Oconee County Detention Center, (the facility having custody of the Defendant)\*, indicates the victim(s) did not wish to be notified of the bond hearing.

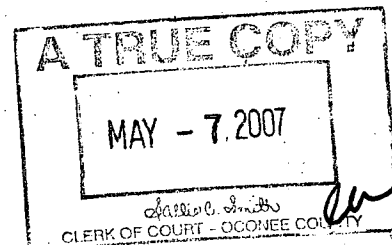
Name of victim(s)

(Representative's Signature)\*

(Judge's Signature)

7-D-OC

\*Or the arresting officer if defendant is brought directly before the judge.



STATE OF SOUTH CAROLINA )  
)  
COUNTY OF OCONEE )

IN THE COURT OF GENERAL SESSIONS

2006-GJ-31-1377

State of South Carolina, )  
)  
Plaintiff, )  
)  
vs. )  
)  
John Michael Ward, )  
)  
Defendant. )  
\_\_\_\_\_ )

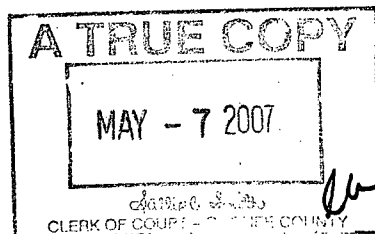
**DEFENDANT'S NOTICE OF MOTION AND  
MOTION FOR BOND**

Warrant Nos.: K150666, K150667, K150668,  
K150669 and K150670

YOU WILL PLEASE TAKE NOTICE that Defendant, **John Michael Ward**, by and through his undersigned counsel, will move before the Presiding Judge of the Tenth Judicial Circuit during the term of General Sessions Court beginning October 30, 2006, or as soon thereafter as counsel may be heard, for an Order setting a reasonable bond for Defendant's release.

  
C. NICHOLAS LAVERY (S.C. BAR#16975)  
Attorney for Defendant  
**OLSON, SMITH, JORDAN AND COX, P.A.**  
Post Office Box 1633  
Clemson, South Carolina 29633  
(864) 654-3680

October 20, 2006  
Clemson, South Carolina



2006 OCT 20 A 10:51

FILED OCONEE, SC  
SALLIE O. SMITH  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 COUNTY OF OCONEE )  
 STATE OF SOUTH CAROLINA, )  
 -vs- )  
 JOHN MICHAEL WARD, )  
 Defendant. )

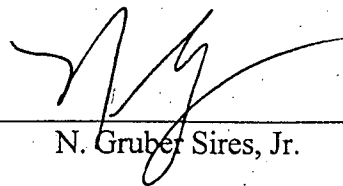
IN THE COURT OF GENERAL SESSIONS

AFFIDAVIT OF SERVICE

FILED OCONEE, SC  
 SALLIE C. SMITH  
 CLERK OF COURT  
 2006 JUL 28 P 12:00

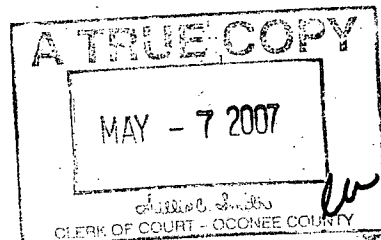
Ticket Nos: N/A  
 Warrant Nos: K-150666-670 K-150667  
 Indictment Nos: N/A  
 Charges: Assault and Battery with Intent to Kill; Burglary, 1<sup>st</sup> Degree; Petit Larceny \$1,000; Petit Larceny

THIS IS TO CERTIFY that I am Attorney N. Gruber Sires, Jr., and that on the 27 day of July, 2006, I served a **MOTION FOR DISCOVERY AND INSPECTION AS WELL AS BRADY MATERIALS AND RULE 6** in the above-referenced case on the Oconee County Solicitor's Office, Oconee County Courthouse, 205 West Main Street, Walhalla, South Carolina, 29691, by hand-delivering a copy of same to Ashley Barnes of that office.

  
 N. Gruber Sires, Jr.

SWORN to before me this 27 day of July, 2006.

Patricia K. Addis  
 Notary Public for South Carolina  
 My Commission Expires: 02/25/2013



STATE OF SOUTH  
CAROLINA  
COUNTY OF OCONEE

71  
) IN THE COURT OF GENERAL  
) SESSIONS  
)  
) INDICTMENTS NOS:  
) 2006-GS-37-1377, 1378, 1381

STATE OF SOUTH  
CAROLINA

PLAINTIFF,

-VS-

JOHN M. WARD,

DEFENDANT..

)  
)  
) TRANSCRIPT OF RECORD  
) GUILTY PLEA  
)  
)  
)  
)

DECEMBER 11, 2006  
WALHALLA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE ALEXANDER S. MACAULAY, JUDGE.

A P P E A R A N C E S:

DAVID R. WAGNER, ESQ.  
DEPUTY 10TH CIRCUIT SOLICITOR  
ATTORNEY FOR THE STATE

NICHOLAS LAVERY, ESQ.  
ATTORNEY FOR THE DEFENDANT

ROBIN SUE HILD, FCRR, RPR  
CIRCUIT COURT REPORTER  
POST OFFICE BOX 9  
WALHALLA, SC 29691

1 YOU WOULD LIKE TO SAY? 72

2 THE DEFENDANT: I JUST WOULD LIKE YOU TO  
3 AGREE, LIKE HE SAID, PLEASE GO ALONG WITH WHAT THE  
4 SOLICITOR SAID.

5 THE COURT: ANYTHING ELSE, MR. WARD?

6 THE DEFENDANT: NO, SIR.

7 THE COURT: INDICTMENT NUMBER  
8 2006-GS-37-1377, IT IS THE SENTENCE OF THE COURT THAT  
9 THE DEFENDANT, JOHN MICHAEL WARD, BE COMMITTED TO THE  
10 STATE DEPARTMENT OF CORRECTIONS FOR A TERM OF 20 YEARS  
11 AND PAY COSTS AND ASSESSMENTS AS APPLICABLE.

12 INDICTMENT NUMBER 2006-GS-37-1378, IT IS THE  
13 SENTENCE OF THE COURT THAT THE DEFENDANT BE COMMITTED TO  
14 THE STATE DEPARTMENT OF CORRECTIONS FOR A TERM OF 20  
15 YEARS PLUS PAY THE COSTS AND ASSESSMENTS AS APPLICABLE.

16 INDICTMENT NUMBER 2006-GS-37-1381, IT IS THE  
17 SENTENCE OF THE COURT THAT THE DEFENDANT BE COMMITTED TO  
18 THE STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 20  
19 YEARS PLUS PAY THE COSTS AND ASSESSMENTS AS APPLICABLE.

20 ALL SENTENCES ARE TO RUN CONCURRENT, AND HE  
21 IS TO BE GIVEN CREDIT FOR TIME SERVED AS ESTABLISHED OR  
22 CALCULATED AND APPLIED BY THE STATE DEPARTMENT OF  
23 CORRECTIONS, AND A.T.U. WHILE INCARCERATED.

24 MR. LAVERY: THANK YOU, YOUR HONOR.

25 MR. WAGNER: THANK YOU, YOUR HONOR.

73

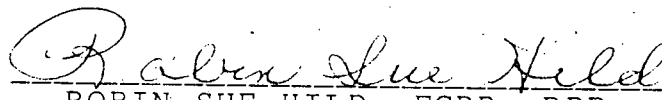
1 \*\*\*\*\* END OF REQUESTED TRANSCRIPT \*\*\*\*\*  
2  
3

**CERTIFICATE OF COURT REPORTER**

I, THE UNDERSIGNED, ROBIN SUE HILD, FCRR, RPR,  
OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT  
OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT  
THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE  
TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND THE  
EVIDENCE INTRODUCED IN THE GUILTY PLEA HEARING OF THE  
CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF  
GENERAL SESSIONS FOR OCONEE COUNTY, SOUTH CAROLINA, ON  
THE 11TH DAY OF DECEMBER, 2006.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,  
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

JANUARY 31ST, 2008

  
ROBIN SUE HILD, FCRR, RPR  
CIRCUIT COURT REPORTER

15

74

GENERAL SESSIONS DOCKET REPORT FOR OCONEE COUNTY

REPORT RUN DATE - 07/17/2006

INDICTMENT NUMBER: 20060837

1376

DEFENDANT NAME: WARD, JOHN MICHAEL

AKA:

ADDRESS: 490 BERRY FARM RD

CITY: WESTMINSTER

STATE: SC ZIP: 29693

SOCIAL SECURITY NUMBER: 249-43-4673

SEX: 1 MALE

RACE: 1 WHITE

DATE OF BIRTH: 04/03/1965

DRIVERS LICENSE STATE / NO.: SC / 008424917

MARITAL STATUS:

WARRANT OR TICKET NUMBER: K150666

COUNTS: 01 OFFENSE CODE: 0014

NO WARRANT? 0

NAME OF OFFENSE: ASSAULT / ROBBERY

DATE OF ARREST: 07/08/2006

DATE RECD BY CLERK: 07/17/2006

SUMMARY JUDGE: 1233

12-11-06

DISP DATE: 03/00/0000 DISP TYPE:

DISP TYPE EXPLANATION:

TAKEN INTO CONSIDERATION  
OF PLEA TO  
WARRANT

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS: 00

OFFENSE: 0000 \*\*\*\*\*

CLERK NAME:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY: ADAMS

2006 DEC 11 P 5:00

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

*[Handwritten signature]*

*[Handwritten checkmark]*

*[Handwritten signature]*

16841

V-16842

16

*[Handwritten signature]*

## ARREST WARRANT

K- 150666

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
 OCONEE COUNTY

THE STATE

against

WARD, JOHN MICHAEL

 Address: 490 BERRY FARM RD  
 WESTMINSTER, SC 29693

Phone: 249-43-4673

Sex: W Race: 5'08" Height: 145 Weight:

DL State: SC DL #: 008424917

DOB: 04/03/1965 Agency ORI#: SC037000

Prosecuting Agency: SHER DEPT

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: ASSAULT AND BATTERY W/ INTENT TO KILL

Offense Code: 0014

Code/Ordinance Sec. 16-3-620

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused  
 is to be arrested and brought before me to be  
 dealt with according to law.

Signature of Judge

(L.S.)

Date:

## RETURN

 A copy of this arrest warrant was delivered to  
 defendant WARD, JOHN MICHAEL

on 7-8-06

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

 OCONEE COUNTY SHERIFF'S OFFICE  
 O.L.E.C.

 415 SOUTH PINE STREET  
 WALHALLA, S.C. 29691

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
 OCONEE COUNTY

## AFFIDAVIT

 Personally appeared before me the affiant LYLES, M. OCSO  
 being duly sworn deposes and says that defendant WARD, JOHN MICHAEL  
 did within this county and state on 07/08/06  
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of OCONEE  
 in the following particulars:

 DESCRIPTION OF OFFENSE: ASSAULT AND BATTERY W/ INTENT TO KILL  
 16-3-620

 I further state that there is probable cause to believe that the defendant named above did commit  
 the crime set forth and that probable cause is based on the following facts:

 THE DEFENDANT DID, ON 07-04-06, DID KNOWINGLY AND WILLFULLY COMMIT AN UN-  
 LAWFUL ACT OF VIOLENT INJURY TO BARBARA JANET BATSON AND IT WAS THE INTENT  
 TO KILL THE VICTIM BY HITTING HER SEVERAL TIMES IN THE HEAD WITH A BLUNT  
 OBJECT. THIS INCIDENT OCCURRED AT 304 FRIENDSHIP RD., SENECA, SC IN OCONEE  
 COUNTY AND WAS INVESTIGATED BY OCSO. A WRITTEN REPORT IS ON FILE. CASE #  
 0619535

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
 OCONEE

 Affiant's Address 300 S. CHURCH ST  
 WALHALLA, SC 29691

Affiant's Telephone 864 638-4111 000-0000

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that  
 on 07/08/06 defendant WARD, JOHN MICHAEL  
 did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of OCONEE ) as set forth below:

 DESCRIPTION OF OFFENSE: ASSAULT AND BATTERY W/ INTENT TO KILL  
 16-3-620

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the  
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to  
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on JULY 08, 2006

Signature of Issuing Judge (L.S.)

Judge Code: 033

B.A. NORTON

Judge's Address 208 BOOKER DRIVE

WALHALLA, SC 29691

Judge's Telephone 864 638 4125

 Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL

 Form Approved by  
 S.C. Attorney General  
 April 21, 2003  
 SCCA 618

61

 FILED OCONEE, SC  
 SALLIE C. SMITH  
 CLERK OF COURT  
 2006 JUL 17 P 1:59

 ENTERED  
 COMPUTER

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

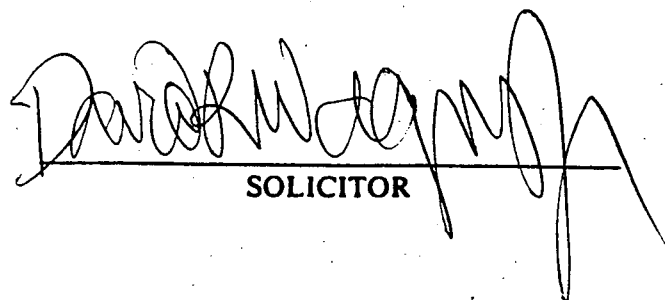
INDICTMENT FOR

ASSAULT AND BATTERY WITH  
INTENT TO KILL  
16-3-620 (014)

At a Court of General Sessions, convened on OCT 17 2006,  
the Grand Jurors of OCONEE County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT JULY 4,  
2006, WITH MALICE AND AFORETHOUGHT COMMIT AN ASSAULT AND BATTERY WITH  
INTENT TO KILL UPON ONE BARBARA JANET BATSON BY HITTING HER SEVERAL  
TIMES IN THE HEAD WITH A BLUNT OBJECT.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.

  
SOLICITOR

DEC 18 2006  
alw

DOCKET NO. 2006-GS-37-1376

The State of South Carolina,

County of OCONEE

COURT OF GENERAL SESSIONS  
OCT 17 2006 TERM 2006

THE STATE

vs.

JOHN MICHAEL WARD

Indictment for

ASSAULT AND BATTERY WITH  
INTENT TO KILL  
16-3-620 (014)

DAVID WAGNER, JR, DEPUTY SOLICITOR

WITNESSES

OCSD/LYLES

77  
*M. J. McLean*

ARREST WARRANT NO. K150666

ACTION OF GRAND JURY

*True Bill*  
*10-17-06*  
*Candace Thomas*  
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

19

*alw*  
10-17-06  
10:19 AM

*12*

BAIL set by

Judge 10/28

on 7-8-06

Type and Amount: 25000 Full

Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING** held by

Judge \_\_\_\_\_

on \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

**DISPOSITION** before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_

(indicate jury trial; bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

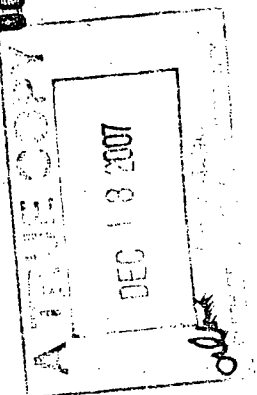
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_

\_\_\_\_\_

FILED O'CONNOR, SC  
SALLIE C. SMITH  
CLERK OF COURT  
2006 JUL 17 P 2:00



78

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

STATE v JOHN MICHAEL WARD

AKA:

Race/Sex: W M Age: 40

DOB: 04/03/65 SSN: 249-43-4673

Address: 490 BERRY FARM RD

City, State, Zip WESTMINSTER SC 29693

DL# 0084249

SID:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #

2006 -GS-37- 1377 79

A/W#: K150667

Date of Offense: 07/08/06

S.C. Code: 16-03-0620 CDR Code #: 14

CASE RESTORED ☐

SENTENCE ☒ PLEA ☐ TRIAL

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

ABWIK

in violation of 16-3-620 of the S.C. Code of Laws, bearing CDR Code #: 0101141

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

David R. Wagner  
Solicitor

John Ward  
Defendant

C. Hutchins  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections,

☐ County Detention Center, for a determinate term of 20 days/month/years or

☐ under the Youthful Offender Act not to exceed years and/or 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 of South Carolina Department of Probation.

Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 06-GS-37-1378; 1381

☒ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

PTUP time served pursuant to S.C. Code 24-13-40 t  
days/hours Public Service Employment

Obtain GED

Attend Voc Rehab, or Job Corps

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be paid in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other: ATT

☐ Appointed PD or other counsel, 35.13 TP  
Requires \$500 be paid to Clerk during probation.

Residing Judge

Judge Code: 11631

Sentence Date 12-11-06

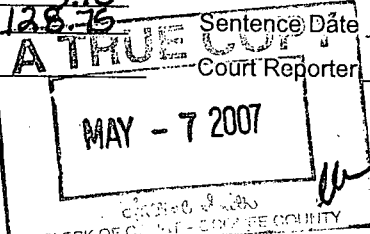
Court Reporter Robin Hild

Code #: 111

\*Fine..... \$  
14-1-206 - Assessments (107.5%) \$  
14-1-211 (A)(1) Conv. Surcharge \$100 \$ 100.00  
14-1-211 (A)(2) DUI Surcharge \$100 \$  
56-5-2995 (DUI Assessment) \$12 \$  
35.13 (Public Def/Prob) \$500 \$  
73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00  
33.7, 1B TP (Drug Court Surcharge) \$100 \$  
50-21-114 (BUI Breath Test Fee) \$50 \$  
56-5-2942(J) (Vehicle Assessment) \$40/ea \$  
3% County(if paid in Installments) \$  
TOTAL 375  
128.75

Sallie C. Smith

Clerk of Court/Deputy Clerk  
SCCA/217(7/2003)



## ARREST WARRANT

K- 150667

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## THE STATE

against

WARD, JOHN MICHAEL

Address: 490 BERRY FARM RD  
WESTMINSTER, SC 29693

Phone: SSN: 249-43-4673

Sex: M Race: W Height: 5'08" Weight: 145

DL State: SC DL# 008424917

DOB: 04/06/1965 Agency ORI#: SC037000

Prosecuting Agency: SHER DEPT

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: ASSAULT AND BATTERY W/ INTENT  
TO KILL Offense Code: 0014

Code/Ordinance Sec. 16-3-620

This warrant is CERTIFIED FOR SERVICE in the  
☐ County/ ☐ Municipality of

The accused  
is to be arrested and brought before me to be  
dealt with according to law.

Signature of Judge (L.S.)

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant WARD, JOHN MICHAEL

on 7-8-06

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

OCONEE COUNTY SHERIFF'S OFFICE  
O.L.E.C.  
415 SOUTH PINE STREET  
WALHALLA, S.C. 29691

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 618

Personally appeared before me the affiant LYLES, M. OCSO who  
being duly sworn deposes and says that defendant WARD, JOHN MICHAEL  
did within this county and state on 07/08/06 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of OCONEE )  
in the following particulars:

DESCRIPTION OF OFFENSE: ASSAULT AND BATTERY W/ INTENT TO KILL  
16-3-620

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID, ON 07-04-06, DID KNOWINGLY AND WILLFULLY COMMIT AN UN-  
LAWFUL ACT OF VIOLENT INJURY TO CLAUDE EARL WADDELL AND IT WAS THE INTENT  
TO KILL THE VICTIM BY HITTING HIM SEVERAL TIMES IN THE HEAD WITH A BLUNT  
OBJECT AND HOLDING A KNIFE TO HIS THROAT. THIS INCIDENT OCCURRED AT 304  
FRIENDSHIP RD., SENECA, SC IN OCONEE COUNTY AND WAS INVESTIGATED BY OCSO.  
A WRITTEN REPORT IS ON FILE. CASE #0619535

Signature of Affiant

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE

Affiant's Address 300 S. CHURCH ST  
WALHALLA, SC 29691

Affiant's Telephone 864 638-4111 000-0000

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on 07/08/06 defendant WARD, JOHN MICHAEL  
did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of OCONEE ) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT AND BATTERY W/ INTENT TO KILL  
16-3-620

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the  
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to  
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on JULY 08, 2006

Signature of Issuing Judge

Judge Code: 033

B.A. NORTON

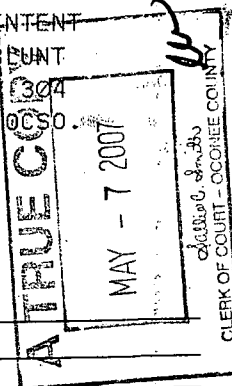
Judge's Address 208 BOOKER DRIVE

WALHALLA, SC 29691

Judge's Telephone 864 638-4125

Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL



FILED OCONEE SC  
SALLIE C. CLARK  
CLERK OF COURT  
2006 JUL 17 2:00

ENTERED  
COMPUTER

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

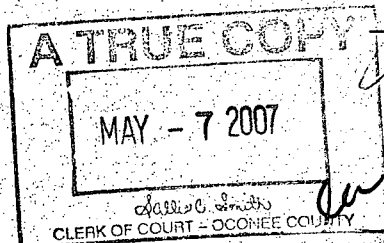
## INDICTMENT FOR

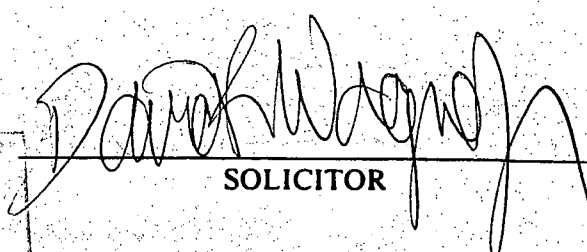
ASSAULT AND BATTERY WITH  
INTENT TO KILL  
16-3-620 (014)

At a Court of General Sessions, convened on OCT 17 2006,  
the Grand Jurors of OCONEE County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT JULY 4,  
2006, WITH MALICE AND AFORETHOUGHT COMMIT AN ASSAULT AND BATTERY WITH  
INTENT TO KILL UPON ONE CLAUDE EARL WADDELL BY HITTING HIM SEVERAL TIMES  
IN THE HEAD WITH A BLUNT OBJECT AND HOLDING A KNIFE TO HIS THROAT.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.



  
SOLICITOR

88

WITNESSES

OCSP/LYLES

*M. J. M. Lyles*

ARREST WARRANT NO. K150667

ACTION OF GRAND JURY

*True Bill*

*10-17-06*

*Carolyn J. Mann*

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2006-GS-37-

*1377*

The State of South Carolina,

County of OCONEE

COURT OF GENERAL SESSIONS

OCT 17 2006

TERM 2006

THE STATE

vs.

JOHN MICHAEL WARD

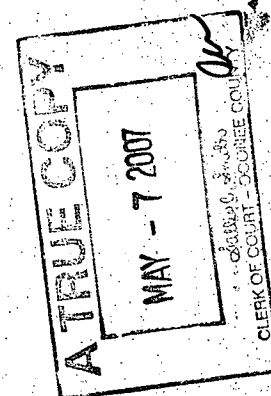
Indictment for

ASSAULT AND BATTERY WITH  
INTENT TO KILL  
16-3-620 (014)

DAVID WAGNER, JR, DEPUTY SOLICITOR

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46



BAIL set by BRJ  
Judge BRJ  
on 7-8-06  
Type and Amount: 20000 FID  
Name of Surety: 3387 20

**PRELIMINARY HEARING** held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defense Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

**DISPOSITION** before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

**JURORS**

5 00

25

ATRIE COPY

MAY 7 2007

CLERK OF COURT - O'CONNOR COUNTY

**WITNESSES**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

FILED O'CONNOR, SC  
SALLIE C. SMITH  
CLERK OF COURT  
2006 JUL 17 P 2:00

83

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

STATE v JOHN MICHAEL WARD

AKA:

Race/Sex: W M Age: 40

DOB: 04/03/65 SSN: 249-43-4673

Address: 490 BERRY FARM RD

City, State, Zip WESTMINSTER SC 29693

DL# 0084249

SID:

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE #

2006 -GS-37-1378 84

A/W#: K150668

Date of Offense: 07/08/06

S.C Code: 16-11-0311 CDR Code #: 79

CASE RESTORED ☐

SENTENCE ☒ PLEA ☐ TRIAL

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

Burglary First Degree

in violation of 16-11-311 of the S.C. Code of Laws, bearing CDR Code #: 001719

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

David R. Wagner  
Solicitor

John Ward  
Defendant

C. Michael Lavery  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections,

☐ County Detention Center, for a determinate term of 20 days/month/years or

☐ under the Youthful Offender Act not to exceed years and/or 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 of South Carolina Department of Probation.

Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 06-GS-37-1377; 1381

☒ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

\*Fine..... \$

14-1-206 - Assessments (107.5%) \$

14-1-211 (A)(1) Conv. Surcharge \$100 \$ 100.00

14-1-211 (A)(2) DUI Surcharge \$100 \$

56-5-2995 (DUI Assessment) \$12 \$

35.13 (Public Def/Prob) \$500 \$

73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

33.7, 1B TP (Drug Court Surcharge) \$100 \$

50-21-114 (BUI Breath Test Fee) \$50 \$

56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% County(if paid in Installments) \$ 3.75

TOTAL \$ 128.75

Sallie C. Smith

Clerk of Court/Deputy Clerk  
SCCA/217(7/2003)

PTUP time served pursuant to S.C. Code 24-13-40 t

days/hours Public Service Employment

Obtain GED

Attend Voc Rehab, or Job Corps

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be paid in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other:

☐ Appointed PD or other counsel, 35.13 TP

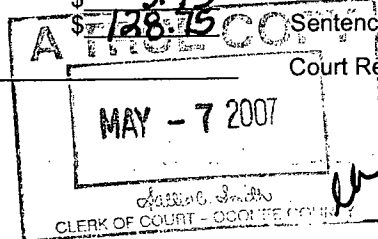
Requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 1/16/31

Sentence Date 12-11-06

Court Reporter Robin Hild Code #: 1/1/1



26  
C. O. L.

## ARREST WARRANT

K- 150668

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## THE STATE

against

WARD, JOHN MICHAEL

Address: 490 BERRY FARM RD  
WESTMINSTER, SC 29693

Phone: \_\_\_\_\_ SSN: 249-43-4673

Sex: M Race: W Height: 5'08" Weight: 145

DL State: SC DL# 008424917

DOB: 04/03/1965 Agency ORI#: SC037000

Prosecuting Agency: SHER DEPT

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: BURGLARY, 1ST DEGREE

Offense Code: 0079

Code/Ordinance Sec. 16-11-311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

Date: \_\_\_\_\_

## RETURN

A copy of this arrest warrant was delivered to defendant WARD, JOHN MICHAEL

on 7-8-06

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

OCONEE COUNTY SHERIFF'S OFFICE  
O.L.E.C.  
415 SOUTH PINE STREET  
WALHALLA, S.C. 29691

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCGA 618

Personally appeared before me the affiant LYLES, M. OCSO who being duly sworn deposes and says that defendant WARD, JOHN MICHAEL did within this county and state on 07/08/06 violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of OCONEE) in the following particulars:

DESCRIPTION OF OFFENSE: BURGLARY, 1ST DEGREE  
16-11-311

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID, ON 07-04-06, DID BREAK AND ENTER THE RESIDENCE OF CLAUDE EARL WADDELL WITHOUT CONSENT AND WITH THE INTENT TO COMMIT A CRIME THEREIN. THE DEFENDANT WAS ARMED WITH A KNIFE AT NIGHTTIME WHEN HE ENTERED THE RESIDENCE. THIS INCIDENT OCCURRED AT 304 FRIENDSHIP RD., SENECA SC IN OCONEE COUNTY AND WAS INVESTIGATED BY OCSO. A WRITTEN REPORT IS ON FILE. CASE #0619535

Signature of Affiant

Affiant's Address 300 S. CHURCH ST  
WALHALLA, SC 29691

Affiant's Telephone 864 638-4111 000-0000

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 07/08/06 defendant WARD, JOHN MICHAEL did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of OCONEE) as set forth below:

DESCRIPTION OF OFFENSE: BURGLARY, 1ST DEGREE  
16-11-311

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on JULY 08, 2006

Signature of Issuing Judge

Judge Code: 033

B.A. NORTON

Judge's Address 208 BOOKER DRIVE  
WALHALLA, SC 29691

Judge's Telephone 864 638-4125

Issuing Court: ☒ Magistrate ☐ Municipal

ORIGINAL

FILED OCONEE SC  
SALLIE SMITH  
CLERK OF COURT

2006 JUL 17 P 2:00

ENTERED  
COMPUTER

STATE OF SOUTH CAROLINA )  
OCONEE )  
COUNTY OF \_\_\_\_\_ )

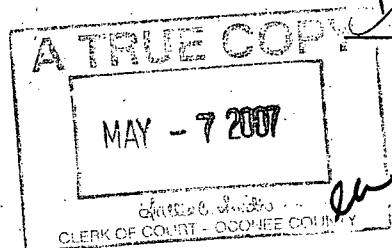
INDICTMENT FOR  
BURGLARY - 1<sup>ST</sup> DEGREE  
16-11-311 (0079)

OCT 17 2006

At a Court of General Sessions, convened on \_\_\_\_\_,  
OCONEE  
the Grand Jurors of \_\_\_\_\_ County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT  
JULY 4, 2006, WILLFULLY AND UNLAWFULLY ENTER THE DWELLING OF CLAUDE EARL  
WADDELL WITHOUT CONSENT AND WITH THE INTENT TO COMMIT A CRIME THEREIN,  
AND AGGRAVATING CIRCUMSTANCES WERE PRESENT, TO WIT: DID ENTER THE  
DWELLING DURING THE NIGHTTIME HOURS AND WHILE INSIDE THE RESIDENCE,  
DEFENDANT WAS ARMED WITH A DEADLY WEAPON AND DEFENDANT HAS TWO OR  
MORE PRIOR CONVICTIONS FOR BURGLARY OR HOUSE BREAKING OR A  
COMBINATION THEREOF, IN VIOLATION OF SECTION 16-11-311, CODE OF LAWS OF

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.



*[Handwritten Signature]*  
SOLICITOR

WITNESSES

OCSD/LYLES

DOCKET NO.

2006 GS 37

1378

The State of South Carolina,

County of

OCONEE

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

29

2006 OCT 17 P 3:46

COURT OF GENERAL SESSIONS

OCT 17 2006

TERM

2006

THE STATE

vs.

JOHN MICHAEL WARD

ARREST WARRANT NO.

K150668

ACTION OF GRAND JURY

True Bill

10-17-06

Caroline Annan

Foreman of Grand Jury

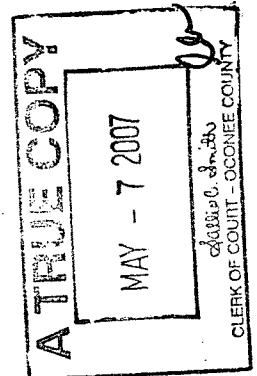
VERDICT

BURGLARY - 1<sup>ST</sup> DEGREE

16-11-311

(079)

DAVID WAGNER, JR, DEPUTY SOLICITOR



Foreman of Petit Jury

Date:

29

BAIL set by

Judge BFB

on 7-8-06

Type and Amount: Domestic

Name of Surety: 1st Appearance

PRELIMINARY HEARING held by

Judge \_\_\_\_\_

on \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_

on \_\_\_\_\_

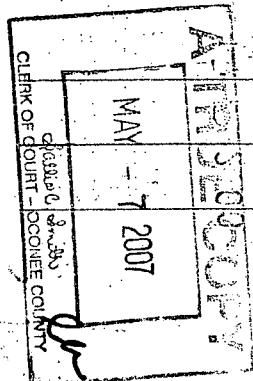
by \_\_\_\_\_

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

JURORS



WITNESSES

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

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Telephone: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

CODEFENDANTS

2006 JUL 17 P 2:00

FILED OCOONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

88

89

GENERAL SESSIONS DOCKET REPORT FOR OCONEE COUNTY

REPORT RUN DATE - 07/17/2006

INDICTMENT NUMBER: 20060637

1379

DEFENDANT NAME: WARD, JOHN MICHAEL

AKA:

ADDRESS: 490 BERRY FARM RD

CITY: WESTMINSTER

STATE: SC ZIP 29693

SOCIAL SECURITY NUMBER: 249-43-4673

SEX: 1 MALE

RACE: 1 WHITE

DATE OF BIRTH: 04/03/1965 DRIVERS LICENSE STATE / NO.: SC / 008424917

MARITAL STATUS:

WARRANT OR TICKET NUMBER: K150669

COUNTS: 01

OFFENSE CODE: 0400

NO WARRANT? 0

NAME OF OFFENSE: LARCENY / PETIT

DATE OF ARREST: 07/08/2006 DATE RECD BY CLERK: 07/17/2006

SUMMARY JUDGE: 033

12-11-06

DISP DATE: 00/00/0000 DISP TYPE:

DISP TYPE EXPLANATION:

TAKEN INTO CONSIDERATION  
OF PLEA TO  
OTHER CHARGES

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS: 00 OFFENSE: 0000 \*\*\*\*\*

SENTENCE:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY: ADAMS

2006 DEC 11 P 5:00

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

31  
Dex

## ARREST WARRANT

K- 150669

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## THE STATE

against

WARD, JOHN MICHAEL

Address: 490 BERRY FARM RD  
WESTMINSTER, SC 29693

Phone: \_\_\_\_\_ SSN: 249-43-4673

Sex: M Race: W Height: 5'08" Weight: 145DL State: SC DL #: 008424917

DOB: 04/03/1965 Agency ORI#: SC037000

Prosecuting Agency: SHER DEPT

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: PETIT LARCENY &lt; \$1000

Offense Code: 0480

Code/Ordinance Sec. 16-13-30 (A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused  
is to be arrested and brought before me to be  
dealt with according to law.

\_\_\_\_\_  
Signature of Judge (L.S.)

Date: \_\_\_\_\_

## RETURN

A copy of this arrest warrant was delivered to  
defendant WARD, JOHN MICHAEL

on 7-8-06

\_\_\_\_\_  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

OCONEE COUNTY SHERIFF'S OFFICE  
O.L.E.C.

415 SOUTH PINE STREET  
WALHALLA, S.C. 29691

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 648

Personally appeared before me the affiant LYLES, M. OCSO who  
being duly sworn deposes and says that defendant WARD, JOHN MICHAEL  
did within this county and state on 07/08/06 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of OCONEE )  
in the following particulars:

DESCRIPTION OF OFFENSE: PETIT LARCENY < \$1000  
16-13-30 (A)

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID, ON 07-04-06, WITH THE INTENT TO PERMANENTLY DEPRIVE THE  
OWNER, TAKE AND CARRY AWAY A WALLET AND CONTENTS VALUED AT \$600.00 BELONGING  
TO CLAUDE EARL WADDELL. THIS INCIDENT OCCURRED AT 304 FRIENDSHIP RD.,  
SENECA, SC IN OCONEE COUNTY AND WAS INVESTIGATED BY OCSO. A WRITTEN REPORT  
IS ON FILE. CASE #0619535.

\$

Signature of Affiant

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE

Affiant's Address 300 S. CHURCH ST  
WALHALLA, SC 29691

Affiant's Telephone 864 638-4111 000-0000

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on 07/08/06 defendant WARD, JOHN MICHAEL  
did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of OCONEE ) as set forth below:

DESCRIPTION OF OFFENSE: PETIT LARCENY < \$1000  
16-13-30 (A)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the  
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to  
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me  
on JULY 08, 2006

\_\_\_\_\_  
Signature of Issuing Judge (L.S.)

Judge Code: 033

B.A. NORTON

Judge's Address 208 BOOKER DRIVE  
WALHALLA, SC 29691

Judge's Telephone 864 638-4125

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

FILED OCONEE, SC  
SALLIE G. SMITH  
CLERK OF COURT  
2006 JUL 11 P 2:00

ENTERED  
JB

STATE OF SOUTH CAROLINA )  
OCONEE )  
COUNTY OF \_\_\_\_\_ )

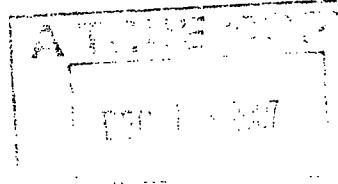
INDICTMENT FOR  
PETIT LARCENY  
16-13-30(A) (480)  
16-1-57

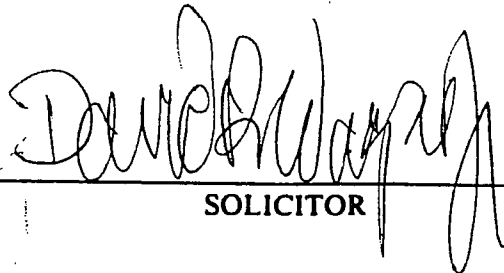
OCT 17 2006

At a Court of General Sessions, convened on \_\_\_\_\_,  
OCONEE  
the Grand Jurors of \_\_\_\_\_ County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT  
JULY 4, 2006, FELONIOUSLY TAKE AND CARRY AWAY THE PERSONAL GOODS OF  
CLAUDE EARL WADDELL, TO WIT: A WALLET AND ITS CONTENTS, VALUED AT LESS  
THAN \$1000, WITH INTENT TO DEPRIVE THE OWNER PERMANENTLY OF THE  
PROPERTY, THIS BEING THE DEFENDANT'S THIRD OR SUBSEQUENT OFFENSE. ALL  
IN VIOLATION OF SECTION 16-13-30, CODE OF LAWS OF SOUTH CAROLINA (1976), AS  
AMENDED.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.



  
SOLICITOR

WITNESSES

OCSD/LYLES

DOCKET NO. 2006-GS-37-1379

The State of South Carolina,

County of OCONEE

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

COURT OF GENERAL SESSIONS

OCT 17 2006 TERM 2006

THE STATE

vs.

JOHN MICHAEL WARD

ARREST WARRANT NO. K150669

ACTION OF GRAND JURY

True Bill

10-17-06

Carolyn Inman

Foreman of Grand Jury

Indictment for

PETIT LARCENY

16-13-30(A)

(480)

16-1-57

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

Foreman of Petit Jury

Date:

BAIL set by

Judge BSH

on 93 78-06

Type and Amount: 1000 Full

Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING** held by

Judge \_\_\_\_\_

on \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

**DISPOSITION** before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_

(indicate jury trial, bench trial, plea, nöl. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_

\_\_\_\_\_

FILED O'CONNOR, SC  
SALLIE C. SMITH  
CLERK OF COURT  
2006 JUL 17 P 2:00

2006 JUL 18 2006

94

GENERAL SESSIONS DOCKET REPORT FOR OGDONEE COUNTY

REPORT RUN DATE - 07/17/2006

INDICTMENT NUMBER: 20060837

1380

DEFENDANT NAME: WARD, JOHN MICHAEL

AKA:

ADDRESS: 490 BERRY FARM RD

CITY: WESTMINSTER

STATE: SC ZIP 29693

SOCIAL SECURITY NUMBER: 249-43-4673

SEX: 1 MALE

RACE: 1 WHITE

DATE OF BIRTH: 04/03/1965

DRIVERS LICENSE STATE / NO.: SC / 008424917

MARITAL STATUS:

WARRANT OR TICKET NUMBER: K150670

COUNTS: 01

OFFENSE CODE: 0480

NO WARRANT? 0

NAME OF OFFENSE: LARCENY / PETIT

DATE OF ARREST: 07/08/2006

DATE RECD BY CLERK: 07/17/2006

SUMMARY JUDGE: 033

DISP DATE: 00/00/0000

DISP TYPE:

DISP TYPE EXPLANATION:

TAKEN INTO CONSIDERATION  
OF PLEA TO  
OTHER CHARGES

TAKEN INTO CONSIDERATION  
OF PLEA TO  
OTHER CHARGES

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS: 00

OFFENSE: 0000 \*\*\*\*\*

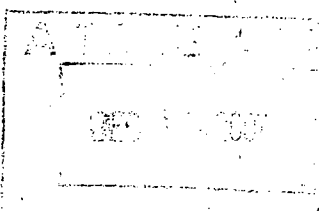
SENTENCE:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY: ADAMS

2006 DEC 11 P 5:00

FILED OGDONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT



Handwritten signature and a large checkmark.

Handwritten 'C 36' and a signature.

## ARREST WARRANT

K- 150670

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## THE STATE

against

WARD, JOHN MICHAEL

Address: 490 BERRY FARM RD  
WESTMINSTER, SC 29693

Phone: \_\_\_\_\_ SSN: 249-43-4673

Sex: M Race: W Height: 5'08" Weight: 145

DL State: SC DL#: 008424917

DOB: 04/03/1965 Agency ORI#: SC037000

Prosecuting Agency: SHER DEPT

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: PETIT LARCENY &lt; \$1000

Offense Code: 0480

Code/Ordinance Sec. 16-13-30 (A)

This warrant is **CERTIFIED FOR SERVICE** in the  
☐ County/ ☐ Municipality of

The accused  
is to be arrested and brought before me to be  
dealt with according to law.

Signature of Judge

(L.S.)

Date: \_\_\_\_\_

## RETURN

A copy of this arrest warrant was delivered to  
defendant WARD, JOHN MICHAEL

on 7-8-06

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

OCONEE COUNTY SHERIFF'S OFFICE  
O.L.E.C.

415 SOUTH PINE STREET  
WALHALLA, S.C. 29691

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE COUNTY

## AFFIDAVIT

Personally appeared before me the affiant LYLES, M. OCSO who  
being duly sworn deposes and says that defendant WARD, JOHN MICHAEL  
did within this county and state on 07/08/06 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of OCONEE)  
in the following particulars:

**DESCRIPTION OF OFFENSE:** PETIT LARCENY < \$1000  
16-13-30 (A)

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID, ON 07-04-06, WITH THE INTENT TO PERMANENTLY DEPRIVE THE  
OWNER, TAKE AND CARRY AWAY A WALLET AND CONTENTS VALUED AT \$400.00 BELONGING  
TO BARBARA JANET BATSON. THIS INCIDENT OCCURRED AT 304 FRIENDSHIP RD.,  
SENECA, SC IN OCONEE COUNTY AND WAS INVESTIGATED BY OCSO. A WRITTEN REPORT  
IS ON FILE. CASE #0619535.

\$

Signature of Affiant

## STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of  
OCONEE

Affiant's Address 300 S. CHURCH ST  
WALHALLA, SC 29691

Affiant's Telephone 864 638-4111 000-0000

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on 07/08/06 defendant WARD, JOHN MICHAEL  
did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of OCONEE) as set forth below:

**DESCRIPTION OF OFFENSE:** PETIT LARCENY < \$1000  
16-13-30 (A)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said  
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to  
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on JULY 08, 2006

B.A. NORTON (L.S.)

Signature of Issuing Judge

Judge Code: 033

B.A. NORTON

Judge's Address 208 BOOKER DRIVEWALHALLA, SC 29691Judge's Telephone 864 638-4125

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 618

37

2006 JUL 17 2:00

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

ENTERED  
COMPUTER

ORIGINAL

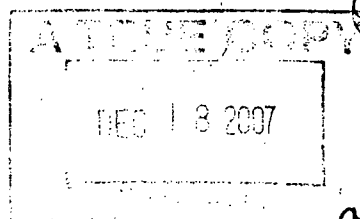
STATE OF SOUTH CAROLINA )  
OCONEE )  
COUNTY OF \_\_\_\_\_ )

INDICTMENT FOR  
PETIT LARCENY  
16-13-30(A) (480)  
16-1-57  
OCT 17 2006

At a Court of General Sessions, convened on \_\_\_\_\_,  
OCONEE  
the Grand Jurors of \_\_\_\_\_ County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT  
JULY 4, 2006, FELONIOUSLY TAKE AND CARRY AWAY THE PERSONAL GOODS OF  
BARBARA JANET BATSON, TO WIT: A WALLET AND ITS CONTENTS, VALUED AT LESS  
THAN \$1000, WITH INTENT TO DEPRIVE THE OWNER PERMANENTLY OF THE  
PROPERTY, THIS BEING THE DEFENDANT'S THIRD OR SUBSEQUENT OFFENSE. ALL  
IN VIOLATION OF SECTION 16-13-30, CODE OF LAWS OF SOUTH CAROLINA (1976), AS  
AMENDED.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.



*[Signature]*  
SOLICITOR

DOCKET NO. 2006-GS-37-1380

The State of South Carolina,

County of OCONEE

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

COURT OF GENERAL SESSIONS

OCT 17 2006 TERM 2006

THE STATE

vs.

JOHN MICHAEL WARD

ACTION OF GRAND JURY

True Bill  
10-17-06  
Carolyn Schuman  
Foreman of Grand Jury

Indictment for

PETIT LARCENY

16-13-30(A) (480)  
16-1-57

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

VERDICT

Foreman of Petit Jury

Date:

RECEIVED  
OCT 17 2006  
CLERK OF COURT

*[Handwritten signature]*

BAIL set by

Judge 1878

on 7-8-06

Type and Amount: 1000 Full

Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING** held by

Judge \_\_\_\_\_

on \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

**DISPOSITION** before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

**JURORS**

**WITNESSES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**CODEFENDANTS**

FILED O'CONNOR, SC  
SALLIE C. SMITH  
CLERK OF COURT  
2006 JUL 17 P 2:00

2006 JUL 17 03:00

40

98

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF  
STATE

VS.

AKA: **JOHN MICHAEL WARD**  
Race: **M** Sex: **W** Age:   
DOB: **4/3/1965** SS#: **249-43-4973**  
Address: **408 Daniel Avenue**  
City, State, Zip: **Seneca, SC 29678**  
DL# **SC 008424917** SID#

INDICTMENT/CASE#: **2006-GS-37-1381 100**  
AW#: **DIRECT 7/4/2006**  
Date of Offense: **10-11-330(A)**  
S.C. Code §: **16-11-330(A)**  
CDR Code #: **0 11 13 19**

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: **ARMED ROBBERY**

in violation of **§16-11-30** of the S.C. Code of Laws, bearing CDR Code # **139**

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)

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 **20** 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.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: **06-GS-37-1377; 1378**

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms:

☐ set by SCDPPPS

Recipient:

\*Fine: \$ \_\_\_\_\_  
\$14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_  
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ **100.00**  
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
\$56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ **25.00**  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ **3.75**  
TOTAL \$ **128.75**

PTUP

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

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol Testing \_\_\_\_\_

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

*[Signature]*  
Sallie C. Smith

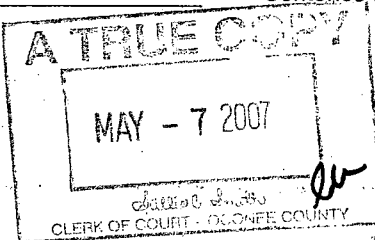
Clerk of Court/ Deputy Clerk

Court Reporter: *[Signature]*  
Robin Hild

PRESIDING JUDGE

Judge Code: *[Signature]*

Sentence Date: **12-11-06**



101

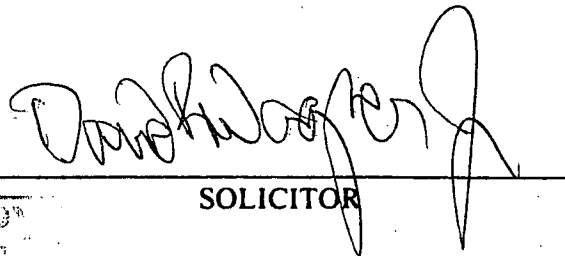
STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

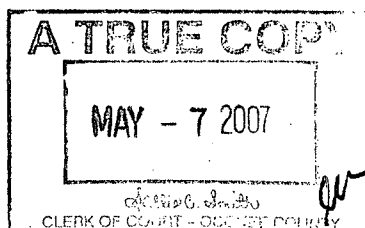
INDICTMENT FOR  
ARMED ROBBERY  
16-11-330(A) (0139)

At a Court of General Sessions, convened on OCT 17 2006,  
the Grand Jurors of OCONEE County present upon their oath:

THAT JOHN MICHAEL WARD DID IN OCONEE COUNTY ON OR ABOUT  
JULY 4, 2006 TAKE AND CARRY AWAY FROM THE PERSON OF CLAUDE EARL  
WADDELL, BY MEANS OF FORCE, THREATS OR INTIMIDATION, A WALLET AND U.S.  
CURRENCY WITH INTENT TO DEPRIVE THE OWNER PERMANENTLY OF SUCH  
PROPERTY WHILE ARMED WITH A DEADLY WEAPON, A KNIFE. ALL IN VIOLATION OF  
SECTION 16-11-330 (A), CODE OF LAWS OF SOUTH CAROLINA, (1976), AS AMENDED.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.

  
SOLICITOR



43

DOCKET NO. 2006-GS-37-1381

**The State of South Carolina,**

County of OCONEE

**COURT OF GENERAL SESSIONS**  
OCT 17 2006

TERM 2006

**THE STATE**

**vs.**  
**JOHN MICHAEL WARD**

**Indictment for**

**ARMED ROBBERY**

16-11-330(A)

(0139)

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

44

WITNESSES

OFFICER/LYLES

102  
*M. J. Lyles*

DIRECT RE: K150668  
ARREST WARRANT NO. \_\_\_\_\_

**ACTION OF GRAND JURY**

*True Bill*  
*10-17-06*  
*Carolyn Stuman*  
Foreman of Grand Jury

VERDICT

CLERK OF COURT  
OCONEE COUNTY  
MA' - 17 2007  
AT THE COURT  
FOREMAN OF PETIT JURY

Date:

*BW*

103

DOCKET NO. 2006-GS-37- 1381

**The State of South Carolina,**

County of OCONEE

**COURT OF GENERAL SESSIONS**  
OCT 17 2006 TERM 2006

**THE STATE**

vs.  
JOHN MICHAEL WARD

**Indictment for**

ARMED ROBBERY

16-11-330(A)

(0139)

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 OCT 17 P 3:46

*SW*

45

WITNESSES

OFFICER/LYLES

*M. J. M. Lyles*

DIRECT RE: K150668

ARREST WARRANT NO.

ACTION OF GRAND JURY

*True Bill*

*10-17-06*

*Carolyn Stuman*

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

February 13, 2020

John Michael Ward, # 171770  
Tiger River Correctional Institution  
200 Prison Road 104  
Endree, South Carolina 29335

Oconee County Detention Center  
415 S. Pine St.  
Walhalla, South Carolina 29691

Dear Sir or Madam:

I am writing seeking that you would provide me confirmation of the amount of days I was held as pretrial detainee within the Detention Center.

I was arrested on July 5, 2006 and remained incarcerated there until my court date wherein I entered plea of guilty for the charges I was being held for. My court date was on December 11, 2006, wherein I pled guilty before the Honorable for the crimes of ABWIK, Armed Robbery, and Burglary 1<sup>st</sup> Degree.

Please provide me confirmation of the time spent in the Detention Center before court by providing this confirmation in writing and also please send a copy of this letter and the confirmation to the Inmate Classifications department here by mailing these documents to the following addresses:

John Michael Ward, #  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

105

Ms. K. Diaz  
Classification Case Manager  
Inmate Classifications Department  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

Thank you for your assistance in this matter.

Sincerely, John Michael Ward  
John Michael Ward



# OCONEE COUNTY DETENTION CENTER

415 SOUTH PINE STREET  
WALHALLA, SC 29691  
864-638-4105

*Captain, Gentry Hawk*

Mr. John Michael Ward,

02-19-20

I received the request from you asking me to send your Classification Case Manager on how long you were detained here before being transferred.

Your caseworker will not to get in touch with me at the above number and request that information to be sent to her via email. I'm sending back the letter that you sent so you can reference it with this letter.

Sincerely,

*Donna Lusk*

Donna Lusk  
Administrative Assistant  
Oconee County Detention Center

August 10, 2020

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road 107  
Enoree, South Carolina 29335

Donna Lusk  
Administrative Assistant  
Oconee County Detention Center  
415 South Pine Street  
Walhalla, SC 29691

Mrs. Lusk:

I am seeking that you will please provide me the following information:

1. Date I was incarcerated on the charges of Burglary 1<sup>st</sup>, Armed Robbery and ABWIK (I was incarcerated on or about July 5, 2006 for these charges, Warrants K150667, K150668, 2006-GS-37-1381)
2. I remained incarcerated on these charges until I pled guilty to these charges on December 11, 2006 and was transferred to the SCDC. Please provide me confirmation of this and also a copy of the Jail Time Report that is sent to the SCDC upon commitment.

Thank you for your assistance in this matter.

Sincerely, John Michael Ward

RECEIVED

AUG 13 2020

49

OCCONEE DETENTION CENTER



# OCONEE COUNTY DETENTION CENTER

415 SOUTH PINE STREET

WALHALLA, SC 29691

[864] 638-4105

*Captain, Gentry Hawk, Director*

*ghawk@oconeelaw.com*

108

08-13-20

Mr. Ward,

Attached is the print out showing the information that you requested. The jail response to me is that the jail time report has been sent to you as well as the facility. However, the attached forms have the same information on it. It appears you were incarcerated here for 159 days.

I hope this helps you out.

Sincerely,

*Donna Lusk*

Donna Lusk

Oconee County Administrative Assistant



# OCONEE COUNTY SHERIFF'S OFFICE

415 SOUTH PINE STREET  
WALHALLA, SC 29691

Mike Crenshaw, Sheriff

109

## WARD, JOHN MICHAEL (#2006-00002199)

|            |         |            |                     |                  |
|------------|---------|------------|---------------------|------------------|
| Jacket #   | 3575    | Deceased   | No                  | Marital Status   |
| Sex        | Male    | Complexion | Light               | Citizenship      |
| DOB        | 4/3/65  | Race       | White               | Country of Birth |
| Age        | 41      | Ethnicity  | Not Hispanic/Latino | State of Birth   |
| Height     | 5' 8"   | Last Grade |                     | Place of Birth   |
| Weight     | 145 lbs | Religion   |                     | SC               |
| Build      | Medium  |            |                     |                  |
| Eye Color  | Hazel   |            |                     |                  |
| Hair Color | Brown   |            |                     |                  |

### Distinctive Markings

#### Tattoos

Arm (Right) - SMT: T SMT: INITIALS Description: MW

Current Address 408 DANIEL AVE, SENECA, SC 29678

Emergency Contact

Employer

Organization Affiliations

Occupation

|          |      |     |    |     |      |
|----------|------|-----|----|-----|------|
| Jacket # | 3575 | OLN | SC | SSN | 4673 |
|----------|------|-----|----|-----|------|

### Inmate Comments

|                   |                           |                      |                                |
|-------------------|---------------------------|----------------------|--------------------------------|
| Initial Cell      | OLD Unsented Male-D Cell  | Current Cell         | None                           |
| Booked By         |                           | Held For             | Oconee County Sheriff's Office |
| Booking Date      | 07/08/06 11:16            | Arresting Agency     | OCSO                           |
| Arrest Location   | Converted - Not Specified | Arresting Officer    |                                |
| Court             |                           | Court Case #         |                                |
| Billed To         |                           | Primary Hold Reason  |                                |
| Treat As          |                           | Holding Type         | Confined - Not Convicted       |
| Gets Work Release | No                        | Required Cell Checks |                                |
| Allows Check Out  | No                        |                      |                                |

### Hold Reasons

#### Charge

N/A - MISC FELONY/GS OFFENSE REPEALED NO NEW STATUTE

Remarks: K-150686 // NORTON

Court Sentence Comments: TIC

Arresting Agency/Officer: Record #

N/A - MISC FELONY/GS OFFENSE REPEALED NO NEW STATUTE - 2 counts

Remarks: K150666-667 NORTONCO IS FOR ABWITK X 2

Court Sentence Comments: K150666 TIC // K150667 20 YEARS

Arresting Agency/Officer: Record #

16-11-311 - BURGLARY - FIRST DEGREE

Remarks: K150668 NORTON

Court Sentence Comments: 20 YEARS

Arresting Agency/Officer: Record #

16-13-30(A) - PETIT LARCENY <\$2000 - 2 counts

Remarks: K150669-670

51

Court Sentence Comments: K150669 TIC // K150670 TIC  
Arresting Agency/Officer: Record

110

16-13-30(B)(1) - GRAND LARCENY >\$2 000 <\$10 000  
Remarks: K150824/NORTON  
Court Sentence Comments: TIC  
Arresting Agency/Officer: Record #1

C/L 16-11-325 - ATTEMPTED ROBBERY  
Remarks: K150825/NORTON  
Court Sentence Comments: TIC  
Arresting Agency/Officer: Record

16-11-330(A) - ARMED ROBBERY ARMED WITH DEADLY WEAPON  
Remarks: DIRECT INDITMENT // 2006GS-37-1381  
Court Sentence Comments: 20 YEARS  
Arresting Agency/Officer: Record

**Hold Comments**

**Bond Information**

Bond Type: SURETY - Bond Amount: \$50,000.00 -  
Bond Type: SURETY - Bond Amount: \$2,000.00 -  
Bond Type: SURETY - Bond Amount: \$10,000.00 -  
Bond Type: SURETY - Bond Amount: \$5,000.00 -  
Bond Type: SURETY - Bond Amount: \$5,000.00 -

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|                                        |                    |                       |          |
|----------------------------------------|--------------------|-----------------------|----------|
| <b>Release Date</b>                    | 12/14/06 05:31     | <b>Released By</b>    | Unknown  |
| <b>Recipient</b>                       | WARD, JOHN MICHAEL | <b>Release Reason</b> | TOT SCDC |
| <b>Release Comments</b>                |                    |                       |          |
| Release #1                             |                    |                       |          |
| Release Reason: TOT SCDC - RELASED BY: |                    |                       |          |

I certify that the above information is correct.

Signed

\_\_\_\_\_  
WARD, JOHN MICHAEL

Date

52

**Kimberly Diaz (C059273)**

---

**From:** Teresa Player (C064760)  
**Sent:** Friday, April 03, 2020 12:11 PM  
**To:** Kimberly Diaz (C059273)  
**Cc:** Angel Boyd (C054227)  
**Subject:** Ward, John (SCDC 171770)

111

Ms. Diaz,

This is in response to Inmate John Ward's request for us to review jail time. After review, we have added 55 days of jail time to the armed robbery sentence. The 55 days is for the time period of October 17, 2006 (the date of the direct indictment for the armed robbery charge) through December 11, 2006 (the date of sentencing on the armed robbery). The full amount of jail time had already been credited on the ABWIK and Burglary 1<sup>st</sup> sentences; therefore, there was no additional time to add to those. The addition of the 55 days of jail time credit moved the projected release date from 12/7/2023 to 10/13/2023. Please do not hesitate to contact us if you need any further information.

Thanks,  
Teresa

Teresa S. Player  
Staff Attorney  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29210  
(803) 896-2074

RECEIVED  
APR 03 2020  
SCDC

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

112

John Michael Ward, #171770, |

APPELLANT, | MOTION FOR LEAVE TO  
EXCEED PAGE LIMIT

v  
South Carolina Department of  
Corrections;

| Docket No. 20-ALJ-04-0495-AP  
RESPONDENT. | Grievance No. TYRCI 389-20

Appellant, John Michael Ward, hereby respectfully motions this Court for leave to exceed the page limit specified by the rules of procedure for the Administrative Law Court with regard to special appeals (RULE 60(a), SCALC).

Appellant seeks this Court's understanding as the circumstances of the case are such that this Court and the parties involved deserve that Appellant provides clear argument which clarifies the circumstances.

Secondly, Appellant provides a brief which is handwritten and therefore more spacing is needed so as to attempt to provide a decent presentation which is legible.

Appellant prays for the Court's understanding.

Respectfully Submitted, John Michael Ward

John Michael Ward  
APPELLANT

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 25<sup>th</sup> day of March, 2021.

Page 1 of 1

FILED

MAR 25 2021

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

113

John Michael Ward, #171770, I  
APPELLANT, I

v  
South Carolina Department  
of Corrections,  
RESPONDENT.

MOTION FOR AN ORDER  
COMPELLING DESIGNATION  
Rule 68, SCALC; Rule 37(a), SCRCF  
Docket No. 20-ALT-04-0495-AP  
Grievance No. TYRCI 389-20

The Appellant comes respectfully, and motions this Honorable Court that it would issue an order compelling designation.

Appellant filed a Designation Of Matter To Be Included In The Record On Appeal, with this Court on January 21, 2021, along with a Certificate of Service whereby Applicant certified he served a copy of the same on the Respondent in this case.

On March 19, 2020, Appellant received a copy of the Respondent's Record which was filed with this Court on March 17, 2021. Upon Appellant's review of the Respondent's Record, Appellant found that Respondent fails to include in the Record, material which is significant in bringing clarity to the issues of this case.

Appellant's intent is to cure this Record and submit what is available to him by attaching an Appendix to be filed and served at the time he files his Initial Brief.

However, Appellant has no way of providing the material which is listed as Number (7) in his Designation of Matter which he filed requesting that Respondent would provide in its Record.

**FILED**

Consequently, Appellant asks that this Court would  
compell Respondent that it would provide for the Record in  
this case those items listed in the Designation of Matter as  
Number (7) which are SCDC correspondence with regard of  
the matter in this case. These messages are: (1) RTSM 20-0152  
3896; (2) RTSM 20-01530117; (3) RTSM 20-01630540  
(4) RTSM 20-01658045.

---

WHEREFORE, Appellant prays this Court will issue  
an order compelling this designated material as it is  
relative to this case. Rule 36(G), SCALC, (the Administrative  
Law Judge will not consider any fact which does not  
appear in the Record.

Respectfully submitted, John Michael Ward  
John Michael Ward  
APPELLANT

Tyger River Correctional Institution  
200 Prison Road  
Endree, South Carolina 29335

This 25<sup>th</sup> day of March, 2021.

STATE OF SOUTH CAROLINA  
**Administrative Law Court**

114

**Ralph K. Anderson, III**  
*Chief Judge*

**Jana E. Cox Shealy**  
*Clerk*



PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCASC.NET

April 5, 2021

Office of General Counsel  
South Carolina Department of Corrections  
4444 Broad River Road  
P.O. Box 21787  
Columbia, South Carolina 29221

John Michael Ward, #171770,  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina, 29335

Re: Ward v. South Carolina Department of Corrections; Docket No. 20-CP-04-0495-AP

Dear Mr. Vincent,

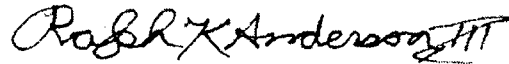
The above-captioned matter was filed by John Michael Ward (Appellant) on December 9, 2020, in the South Carolina Administrative Law Court (Court). The Notice of Assignment was issued January 7, 2021. On January 21, 2021, Appellant filed a Designation of Matter to be Included in the Record.<sup>1</sup> Then, on March 18, 2021, the Record on Appeal was filed by the South Carolina Department of Corrections (Department). Thereafter, Appellant filed his brief along with a Motion for Leave to Exceed Page Limit and a Motion for an Order Compelling Designation to be included in the record. Because

---

<sup>1</sup> The Court has also received letters from the Appellant requesting file-stamped copies of the documents he has filed. Although Appellant included copies of some documents he has filed, he did not include a self-addressed stamped envelope or a check for the costs associated with making copies of the other documents he has filed. The Court charges \$.50 a page for copies and there are approximately 123 pages in the file so the estimated cost to copy the entire file would be \$61.50. Once the Court has received a check for this amount, he will receive a copy of the documents in Docket No. 20-ALJ-04-0495-AP.

Appellant has filed two Motions for Designation of Matter to be included in the Record and the Department has not responded to the Motions, the Court will not consider the Record closed until the Department files a Response to the Motion. Therefore, please file a Response to the Motion for an Order Compelling Designation to be included in the record within 15 days from the date of this letter. Furthermore, the deadline for filing the Department's brief will be extended until this matter is resolved.

Sincerely,

A handwritten signature in cursive script that reads "Ralph King Anderson, III". The signature is written in dark ink and is positioned above the printed name.

Ralph King Anderson, III  
Chief Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Stephanie Michelle Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



---

Stephanie Michelle Perez  
Judicial Law Clerk

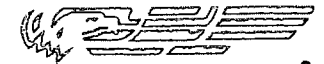
April 5, 2021  
Columbia, South Carolina

117

STATE OF SOUTH CAROLINA  
**Administrative Law Court**  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201



U.S. POSTAGE >> PITNEY BOWES



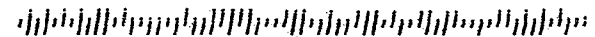
ZIP 29201 \$ 000.51<sup>0</sup>  
02 1W  
0001392766 APR. 05. 2021



John Ward, #171770,  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, SC 29335

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202

2933532798 R003





**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Safety, Service, and Stewardship*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

118

April 13, 2021

The Honorable Ralph King Anderson, III  
South Carolina Administrative Law Court  
Edgar A. Brown Building, Suite 224  
1205 Pendleton Street  
Columbia, South Carolina 29201

Reference: Inmate John Michale Ward, #171770, vs. SCDC  
Docket No. 20-ALJ-04-0495-AP

Dear Judge Anderson:

Find enclosed an original and one copy of the *Respondent's Motion to Deny Appellant's Motion Compelling Designation of Matter* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

Imani Diane Byas  
Staff Attorney  
Office of General Counsel

Enclosures

cc: Inmate John Michale Ward, #171770  
File

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

119

John Michale Ward, #171770,

Appellant,

vs.

South Carolina Department of Corrections,

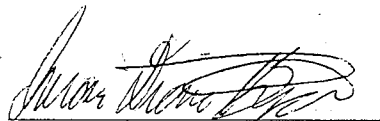
Respondent.

)  
)  
)  
) **Certificate of Service**  
)  
)

) Docket# 20-ALJ-04-0495-AP  
)  
)  
)

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate John Michale Ward  
Inmate Number: 171770  
Tyger River Correctional Institution  
Dorm-Room-Bunk: U7-0202-A



Imani Diane Byas  
Staff Attorney  
Office of General Counsel  
South Carolina Department of Corrections  
4444 Broad River Road  
P.O. Box 21787  
Columbia, South Carolina 29221-1787  
(803) 896-3922

April 13, 2021

120

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

|                                           |   |                                         |
|-------------------------------------------|---|-----------------------------------------|
| John Michale Ward, #171770                | ) | Docket No.: 20-ALJ-04-0495-AP           |
|                                           | ) | Grievance No.: TYRCI-389-20             |
| Appellant,                                | ) |                                         |
|                                           | ) | <i>Honorable Ralph K. Anderson, III</i> |
| v.                                        | ) |                                         |
|                                           | ) | <b>RESPONDENT'S MOTION TO</b>           |
| South Carolina Department of Corrections, | ) | <b>DENY APPELLANT'S MOTION</b>          |
|                                           | ) | <b>COMPELLING DESIGNATION</b>           |
| Respondent.                               | ) | <b>OF MATTER</b>                        |
|                                           | ) |                                         |

---

This matter comes before the Administrative Law Judge Division ("Division") pursuant to the appeal of John Ward ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Respondent"). Respondent received Appellant's Notice of Appeal on December 4, 2020, and this case was assigned to Respondent on January 7, 2021. Appellant filed a Designation of Matter on January 21, 2021. Respondent filed the record on March 17, 2021. On March 25, 2021, Appellant filed a brief as well as a motion to compel Designation of Matter. On April 5, 2021, this Court sent correspondence to both parties ordering Respondent to respond to Appellant's motions for Designation of Matter within 15 (fifteen) days of the letter.

Appellant has requested the following documents be added to the record:

- Arrest Warrant for Appellant's Armed Robbery Charge;
- Jail Time Credit Report;
- Arrest Warrant for Appellant's Burglary in the 1<sup>st</sup> Degree Sentence;
- Armed Robbery, Burglary in the 1<sup>st</sup> Degree, and ABWIK sentencing sheets;
- Victim Notification Form;
- Emails from Ms. Donna Lusk, Administrative Assistant of Oconee County Detention Center; and
- Requests to Staff Member No. 20-01523896; 20-01530117; 20-01630540; and 20-01658045.

In Appellant's Motion for an Order Compelling Designation to be included in the record, Appellant attached the documents he would like included in the record. A review of the documents provided by Appellant as well as the records at SCDC reveal there is no

arrest warrant for Armed Robbery. The sentencing sheet provided by Appellant and the Department reflect Appellant received a direct indictment for the Armed Robbery charge. Appellant Record, p. 42; Respondent Record, p. 13. Therefore, Respondent is unable to provide the arrest warrant for Appellant's Armed Robbery sentence. Appellant also requests and includes various sentencing sheets and arrest warrants. Appellant's sentencing sheets have already been provided by the Department and the inclusion of Appellant's copies would be redundant. Furthermore, Appellant requests the addition of arrest warrants to show jail time credit for sentences not at issue in this case. Appellant does not grieve the jail time credit for the Burglary in the 1<sup>st</sup> degree and ABWIK sentences. He requests a review of the jail time credit as it relates to his Armed Robbery sentence. Therefore, the additional arrest warrants would only burden the Court with documents not relevant to Appellant's case.

Appellant also request the inclusion of a victim notification which has no bearing on Appellant's case and should be denied. Appellant also wants to add emails from the Administrative Assistant at Oconee County Jail. A review of the documents reveals it includes information already provided in the record regarding Appellant's Jail Time Credit sheet provided by the Department in the record. Respondent's Record, p. 21. There is no dispute that Appellant was in Oconee County Detention Center for 159 days, only how much of the 159 days should be applied to Appellant's Armed Robbery sentence. Appellant attempts to include part of the transcript from the criminal proceeding that merely states his sentences are to run concurrent and "he [Appellant] be given credit for time served as established or calculated and Applied by the State Department of Corrections . . . ." Appellant Record, p. 14. This information is provided in a more condensed version on the sentencing sheets which show that Appellant's sentences are concurrent to one another and Appellant is to receive credit for time served to be calculated by the Department. Respondent's Record, pp. 16-19. Finally, Appellant requests to include Requests to Staff Member (RTSM) forms submitted to the department. The RTSM that initiated this grievance is included in the record and was reviewed by the officials responding to his grievance. Respondent's Record, p. 23.

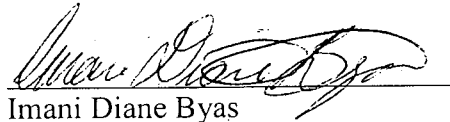
South Carolina Administrative Law Court Rule 58 provides, in pertinent part, that the record shall include all documents filed and evidence received or considered including **relevant** sentencing sheets in sentence calculation matters. SCALC Rule 58 (*emphasis*

added). Furthermore, it is the agency's responsibility to provide the record. SCALC Rule 59. Here, Appellant requests documents that are already included in the record or are not relevant to the issue before this Court. The documents Appellant requests to supplement the record with were not included in Appellant's packet nor were they considered by prison officials in reaching their decision. Therefore, the documents should not be included in the record. 122

### CONCLUSION

For the foregoing reasons, Respondent requests that the Court deny Appellant's Motion to Compel Designation of Matter.

Respectfully submitted,



Imani Diane Byas  
Staff Attorney  
S.C. Department of Corrections  
Post Office Box 21787  
4444 Broad River Road  
Columbia, South Carolina 29221  
(803) 896-8508

April 13, 2021  
Columbia, South Carolina

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**SOUTH CAROLINA**  
**DEPARTMENT OF CORRECTIONS**  
*Office of General Counsel*

4444 Broad River Road - P.O. Box 21787 - Columbia, SC 29221-1787

Inmate John Michale Ward  
Inmate Number: 171770  
Tyger River Correctional Institution  
Dorm-Room-Bunk: U7-0202-A

7  
202

April 19, 2021

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335 124

The Honorable Ralph K. Anderson, III  
SC Administrative Law Court  
1205 Pendleton St.  
Columbia, South Carolina 29201

RE: John Michael Ward v SCDC

Docket No. 20-ALT-04-0495-AP

Dear Judge Anderson:

Please find enclosed, an original and one copy of the Return To Respondent's Motion To Deny Appellant's Motion Compelling Designation of Matter, along with a Certificate of Service.

Please return to me a file-stamped copy of these documents by way of the provided self-addressed stamped envelope.

Thank you for your assistance in this matter.

Sincerely, John Michael Ward

FILED

APR 21 2021

SC ADMIN. LAW COURT

# CERTIFICATE OF SERVICE

125

RE: John Michael Ward v SCDC

Docket No. 20-ALJ-04-0495-AP

I, John Michael Ward, hereby certify that I have served the Return To Respondent's Motion To Deny Appellate's Motion Compelling Defendant on the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 19<sup>th</sup> day of April, 2021, for mailing via the United States Mail, addressed as follows:

SWORN and Subscribed before me  
this 21<sup>st</sup> day of April, 2021

Paul Dean Caw

Notary Public for South Carolina

My Commission Expires: Dec. 16, 2024

John Michael Ward

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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John Michael Ward, #171770, | Docket No.: 20-ALJ-04-0495-AP  
APPELLANT, | Grievance No.: TYRCI-389-20

v

Honorable Ralph K. Anderson, III

South Carolina Department of  
Corrections,

RESPONDENT.

RETURN TO RESPONDENT'S MOTION TO  
DENY APPELLANT'S MOTION  
COMPELLING DESIGNATION OF  
MATTER.

The Appellant makes the Return to the Respondent's Motion to Deny Appellant's Motion Compelling Designation of Matter, which Respondent filed with this Court on April 13, 2021, and which Appellant received on April 16, 2021, by and through the Tyger River Correctional Institution's Legal mail System. Inas such, Appellant submits as follows:

Appellant filed a Designation of Matter on January 21, 2021, whereby he requested documents be included in the record. On March 18, 2021, the Record on Appeal was filed by the Respondent. Noticing that the documents which were requested in Appellant's Designation of Matter were not included in the Record on Appeal which was filed by the Respondent, Appellant filed his initial brief and included an Appendix which included most of the documents which were requested by Designation of Matter, on March 25, 2021. Appellant also filed a Motion for an Order Compelling Designation, along with his initial brief and Appendix.

Because Respondent failed to acknowledge and respond to Appellant's Designation of Matter and Motion to Compel Designation of Matter, this Court ordered Respondent to respond to Appellant's

Motions within 15 days of the Court's correspondence. 129  
Respondent responded by filing a Motion to Deny Appellant's  
Motion Compelling Designation of Matter.

Respondent claims that the documents which Appellant  
seeks to be included in the record, many of which he has  
submitted by way of his Appendix which was filed along with  
his brief, and intends to supplement the record with; are  
not relevant.

However, Appellant emphasizes the records are in fact relevant  
and are significant as these records provides this Court a clear  
picture of Appellant's issue, the context of the argument, and  
proof needed which will show the Court the unreasonableness  
of Respondent's determinations.

Appellant has filed his initial brief and have referred  
to the documents within his appendix which serves to  
clarify and provide this Court the information it needs  
in order to make an informed adjudication of this case.

The Respondent complains unreasonably as the records  
which Appellant submits and has designated are public  
record which the Court can take judicial notice of and  
serve to bring clarity and understanding to the Court.

Appellant further submits that Respondent's failure to include  
these requested documents in its Record shows that the Department  
has failed to consider the same albeit Appellant has continually  
asked the department to view the records from all of the  
charges which Appellant entered his plea of guilty on that same date.

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Appellant did provide the department with the records. See Respondent's Record page 9 of 23, which is a Request to Staff member dated Aug. 12, 2020, where Appellant informs that he has supporting documents which he will submit and explains his trouble obtaining copies due to Covid-19 obstacles. Appellant also asked to be provided a copy of all RTSM which he had submitted within the grievances.

Simply put, these records provide this Court accurate information and Respondent cannot reasonably complain from Appellant's desire and intent to provide this Court a complete and Full record for its informed adjudication.

Just as Respondent failed to Provide the RTSM which Appellant asked for in Respondent's Record page 9 of 23, Respondent also failed to include these records which Appellant submitted for its review.

This is quite telling as such failures also clearly reveal the reason why the department made such unreasonable determination to fail to calculate and apply the credits Appellant continues to pursue.

The Rules of this Court wisely allows Appellant to submit an Appendix along with his brief so as to allow Appellant opportunity to ensure the record is complete. The failures of Respondent demonstrate exactly why the rules of this Court allows and finds it equitable that Appellant be able to submit his Appendix.

No prejudice visits upon the Respondent in this 129 case as the record is allowed to be made complete.

As Respondent argues the documents that Appellant has designated and submitted by way of Appendix, Appellant's brief clearly reveals Respondent's unreasonableness and reveals the significance of all documents and clearly shows that it is this very thinking why Respondent never chose to thoroughly examine these documents when dealing with the matters at genesis even before a grievance was filed. The Respondent's thorough view would have prevented Appellant having to proceed to this Court to bring clarity and understanding to the department.

As there is very little room for explanation on the grievance forms, Appellant was not able to hold the department's hand and review these documents. Appellant could and did only present the records to the Department; these records must be considered by this Court.

Respondent's Motion To Deny Appellant's Motion Compelling Designation of Matter must be denied.

Respectfully submitted, John Michael Ward  
John Michael Ward  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 19<sup>th</sup> day of April, 2021.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

John Michael Ward, #171770,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 20-ALJ-04-0495-AP

**ORDER DENYING MOTIONS**

This matter is before the South Carolina Administrative Law Court (Court or ALC) on an appeal filed by John Michael Ward (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department).

Appellant filed his Notice of Appeal on December 9, 2020, after SCDC denied his Step 2 Grievance. On January 21, 2021, Appellant filed a Designation of Matter to be Included in the Record. Thereafter, the Record on Appeal was filed by the South Carolina Department of Corrections (Department). On March 25, 2021, Appellant filed his brief along with a Motion Compelling Designation of Matter (Motion) requesting the Court order the Department to add specific documents to the Record on Appeal that he asserts are relevant. Appellant requests the following documents be added to the Record:

- Arrest Warrant for Appellant's Armed Robbery Charge;
- Jail Time Credit Report;
- Arrest Warrant for Appellant's Burglary in the 1st Degree Sentence;
- Armed Robbery, Burglary in the 1st Degree, and AB WIK sentencing sheets;
- Victim Notification Form;
- Emails from Ms. Donna Lusk, Administrative Assistant of Oconee County Detention Center; and
- Requests to Staff Member Nos. 20-01523896; 20-01530117; 20-011630540; and 20-01658045.

Appellant also filed a Motion for Leave to Exceed Page Limit requesting the Court accept his handwritten brief that is in excess of the page limit specified in the Rules of Procedure for the Administrative Law Court (SCALC Rules).



After receiving Appellant's Motion, this Court ordered the Department to respond to Appellant's Motions within fifteen days. On April 13, 2021, the Department filed a Motion to Deny Appellant's Motion Compelling Designation of Matter (Response).<sup>1</sup> The Department asserts the documents Appellant requests are either already included in the Record on Appeal or are irrelevant to the issue before the Court. Therefore, the Department argues the documents Appellant requests should not be included in the Record.

SCALC Rule 58 provides "the record of the contested case shall consist of: . . . all evidence received or considered, including copies of all **relevant** sentencing sheets in sentence calculation matters, and copies of specific policies relied upon by the agency . . ." (emphasis added). Moreover, SCALC Rule 60(A) states, "[t]he principal briefs shall not exceed ten (10) pages and the reply brief shall not exceed five (5) pages. Motions to extend the time for filing briefs will only be granted in **exceptional circumstances**." (emphasis added).

Here, Appellant requests arrest warrants for his Armed Robbery charge and Burglary in the 1<sup>st</sup> Degree sentence be included. Appellant received a direct indictment for the Armed Robbery charge and, thus, the Department asserts it cannot provide an arrest warrant for the armed robbery charge. As for the Burglary in the 1<sup>st</sup> Degree sentence, the arrest warrant and sentencing sheets for that charge are irrelevant as Appellant is requesting review of his jail time credit as it relates to his Armed Robbery sentence. Next, Appellant requests the inclusion of a victim notification form; however, that form has no bearing on the issue before the Court. Appellant also requests to add emails from the Administrative Assistant at Oconee County Jail. The relevant information contained in those emails is already provided in the Record, and, in addition, there is no dispute that Appellant was in Oconee County Detention Center for 159 days. Instead, the issue before the Court is how many of those days should be applied to Appellant's Armed Robbery sentence. Therefore, those documents are irrelevant to the issue before the Court. Lastly, Appellant requests the Jail Time Credit Report, Requests to Staff Member (RTSM) forms, and the sentencing sheet for his Armed Robbery charge be included in the Record. However, these documents already appear in the Record.<sup>2</sup>

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<sup>1</sup> Although the document is captioned as a "Motion," it is actually a Response to the Motion.

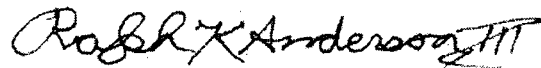
<sup>2</sup> The Court notes the RTSM that initiated this grievance is included in the Record and was reviewed by the officials responding to his grievance. All other RTSM forms requested by Appellant are irrelevant to this matter.

In sum, the documents requested by Appellant were either already included in the Record on Appeal filed on March 18, 2021, or are irrelevant to the issue before the Court. Therefore, the Record on Appeal complies with SCALC Rule 58 and there is no need to compel the Department to add additional documents to the Record. In addition, Appellant does not provide an adequate reason for granting his Motion for Leave to Exceed Page Limit. See SCALC Rule 60. Accordingly, the Motions are denied.

**IT IS THEREFORE ORDERED** that Appellant's Motion Compelling Designation of Matter is **DENIED**.

**IT IS FURTHER ORDERED** that Appellant's Motion for Leave to Exceed Page Limit is **DENIED**.

**AND IT IS SO ORDERED.**



---

Ralph King Anderson, III  
Chief Administrative Law Judge

April 20, 2021  
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



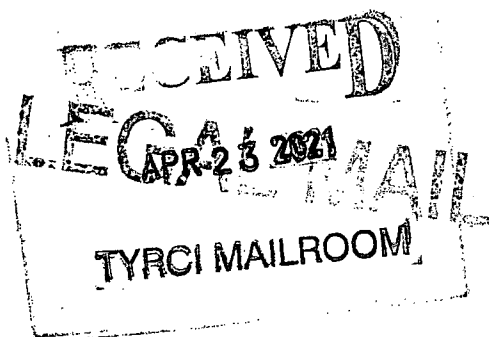
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Stephanie Perez  
Judicial Law Clerk

April 20, 2021  
Columbia, South Carolina

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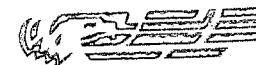
STATE OF SOUTH CAROLINA  
Administrative Law Court  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201



John M. Ward, #171770,  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, SC 29335



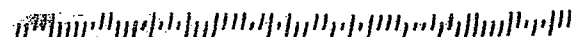
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April 30, 2021

John Michael Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335 135

The Honorable Ralph K. Anderson, III  
SC Administrative Law Court  
1205 Pendleton St.  
Columbia, South Carolina 29201

RE: John Michael Ward v SCDC  
Docket No. 20-ALJ-04-0495-AP

Dear Judge Anderson:

Please find enclosed, an original and one copy of the Amended Brief of Appellant, Motion For Judicial Notice, and a Certificate of Service for the same.

Please find also ~~an~~ enclosed self addressed stamped envelope. Please return to me a file-stamped copy of these documents by way of the provided self-addressed stamped envelope.

Thank you for your assistance in this matter.

Sincerely, John Michael Ward

FILED

APR 30 2021

SC ADMIN. LAW COURT

CERTIFICATE OF SERVICE

136

Re: John Michael Ward v SCDC  
Docket No. 20-ALT-04-0495-AP.

I, John Michael Ward, hereby certify that I have served the Amended  
Brief of Appellant, Motion for Judicial Notice, and a  
Certificate of Service

on Respondent by placing a copy of the same inside of a postage prepaid envelope  
and placing said envelope in the hands of Tyger River Correctional  
Institution's mailroom personnel on this 30 day of April, 2021, for  
mailing via the United States Mail, addressed as follows: Office of General Counsel,  
South Carolina Department of Corrections, 4444 Broad River Road,  
PO Box 21787, Columbia, SC 29221-1787. Administrative Law Court,  
1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201.

SWORN and Subscribed before me  
this 30 day of April, 2021

Paul D. [Signature]  
Notary Public for South Carolina  
My Commission Expires: 06-10-2024

SI John Michael Ward  
John Michael Ward

FILED

APR 30 2021

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
DOCKET NO. 20-ALJ-04-0495-AP  
GRIEVANCE TYRCI 389-20

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John Michael Ward, #171770, ..... APPELLANT,

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V

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South Carolina Department of Corrections, ..... RESPONDENT.

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BRIEF OF APPELLANT

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John Michael Ward, #171770

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

APPELLANT

FILED

APR 20 2021

SC ADMIN. LAW COURT

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STATEMENT OF ISSUE ON APPEAL

Did the Department err in declining to set the date of arrest as the start date for credit for time served on all charges which arose out of a multi-crime incident, albeit Appellant was not initially charged for one of the crimes upon arrest, but later received a true-billed direct indictment for one of the crimes?

---

STATEMENT OF THE CASE

On July 4, 2006, in Oconee County, Appellant involved himself in a single chain of circumstances wherein multiple crimes arose out of the single event. Consequently, Appellant was arrested by deputies of the Oconee County Sheriff's Office on July 8, 2006. Upon arrest, Appellant was served with arrest warrants whereby he was charged with the crimes of assault and battery with intent to kill (2 counts) (Arrest Warrant Nos. K150666 & K150667); Burglary 1<sup>st</sup> Degree (Arrest Warrant No. K150668); and Petit Larceny (2 counts) (Arrest Warrant Nos. K150669 & K150670). Wherefore Appellant was then booked in the Oconee County Detention Center on the date of service of the warrants. (Appx. Pgs. 17, 22, 27, 32, 37, 51-51)

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Upon providing notification to the victims involved in the crimes to inform of the date and time a bond hearing would be convened regarding the crimes, a bond hearing was held on the same date of the arrest. (Appx. Pgs. 9, 10)

Appellant remained in the Oconee County Detention Center as his crime of Burglary 1<sup>st</sup> Degree was deemed to be a non-bailable offense. (Appx. Pgs. 9, 11). As Appellant remained in the Oconee County Detention Center, the Oconee County Grand Jury returned true-billed indictments on all of Appellant's charged crimes on October 17, 2006. (Appx. Pgs. 18-19, 23-24, 28-29, 33-34, 38-39)

Further, on the same date of October 17, 2006, the Oconee County Grand Jury also returned a true-billed direct indictment on a crime charging Appellant with the crime of Armed Robbery. (Appx. Pgs. 43-45).

Appellant continued to remain in the Oconee County Detention Center and did move by way of a Motion for Bond, (filed with the Oconee County Clerk of Court on October 20, 2006), whereby he sought that the Oconee County General Sessions Court would set a reasonable bond for Appellant's release. (Appx. Pg. 11)

Appellant never bonded out from the Oconee County Detention Center. Ultimately, a Court of General Sessions was convened at the Oconee County Courthouse on December 11, 2006, wherein Appellant entered a plea of guilty before the Honorable Alexander S Macaulay to the crimes of Assault and Battery with Intent to Kill (Arrest Warrant No. K150667, Indictment No. 2006-GS-37-1377) and was sentenced to a 20 year concurrent term of imprisonment (Appx. Pg. 21); Burglary 1<sup>st</sup> Degree (Arrest Warrant No. K150668, Indictment No. 2006-GS-37-1378) and was sentenced to a 20 year concurrent term of imprisonment (Appx. Pg. 26); and Armed Robbery (Indictment No. 2006-GS-37-1381) and was sentenced to a 20 year concurrent term of imprisonment (Appx. Pg. 42).

In sentencing Appellant concurrently, the Honorable just Alexander S. Macaulay further specified and ordered that Appellant was to be given credit for time served

in the Oconee County Detention Center as a pretrial detainee, pursuant to SC Code Ann. §24-13-40. (Appx. Pg. 14) All Appellant's sentencing sheets were also marked accordingly specifying, "The Defendant is given credit for time served pursuant to SC Code 24-13-40 to be calculated and applied by the State Department of Corrections". (Appx. Pgs. 21, 26, 42).

Upon commitment to the South Carolina Department of Corrections (SCDC) (hereinafter "Department"), Appellant found that the Department declined to award him credit for pretrial detainee time served on any of his charges. After much extreme diligent requests in this regard, the Department ultimately applied 156 ~~days credit for time served pursuant to 24-13-40 to Appellant's charges of Assault and Battery with Intent to Kill and Burglary 1<sup>st</sup> Degree.~~

However, the Department would continue to decline to apply any time served credit to Appellant's Armed Robbery sentence, as Appellant sought to receive the 156 days credited to this sentence as well.

After many continuous unsuccessful requests to gain the Department's understanding regarding the matter and prayer that the Department would equitably apply the 156 days credit for time served concurrently to the Armed Robbery charge and properly calculate the Armed Robbery sentence accordingly; Appellant asked the Department to perform a review/audit of his case regarding the matter.

Upon review, the Department determined that it had erred in not crediting Appellant credit for pretrial time served on the Armed Robbery sentence. Nevertheless, the Department determined that Appellant was only entitled to 55 days credit, as this amount reflected the amount of time served from the date (October 17, 2006) Appellant was directly indicted on the Armed Robbery charge to the date that Appellant entered a plea of guilty to the charge (December 11, 2006). (Kiosk RTSM SCDC 20-01567650)

Appellant then filed Step 1 and Step 2 grievance seeking to resolved the matter through the Department's internal grievance system. (Appx. Pgs. 4-7). The Department maintained its position regarding the matter.

This appeal follows:

## ARGUMENT

The Department did err in declining to set the date of arrest as the start date for credit for time served on all charges which arose out of a multi-crime incident, albeit Appellant was not initially charged for one of the crimes upon arrest, but later received a true-billed direct indictment for one of the crimes.

The Department declines to credit Appellant the full amount of time he served in the Oconee County Detention Center as a pretrial detainee. Appellant was initially arrested on July 8, 2006, due to warrants which were issued for his arrest for the crimes of Assault and Battery with Intent to Kill (two counts) (Arrest Warrants K150666 & K150667) (Appx. Pgs. 17, 22); Burglary First Degree (Arrest Warrant K150668) (Appx. Pg. 27); and Petit Larceny (two counts) (Arrest Warrants K150669 & K150670) (Appx. Pgs. 32, 37).

These charges and arrest warrants were related to and resulted from an incident which took place on July 4, 2006, wherein multiple crimes were committed in a single chain of circumstances. As such, the crimes involved the same victims. (See Appx. Pg. 10, regarding Warrants K150666 thru K150670). The Oconee County Grand Jury returned true-billed indictments on these charges on October 17, 2006. On this same date, a true-billed direct indictment was returned, therefore charging Appellant also with the crime of armed robbery. (Appendix pgs. 43-45).

Appellant pled guilty before the Honorable Alexander S. Macaulay at the Oconee County Court of General Sessions on December 11, 2006, to the charges of ABWIK, Burglary 1<sup>st</sup> Degree, and Armed Robbery. Judge Macaulay sentenced Appellant to concurrent sentences and further ordered that Appellant was to be given credit for the time served in the Oconee Detention Center as a pretrial detainee. (Appendix pgs. 13-15)

The South Carolina Department of Corrections (SCDC) declines to apply any pretrial detainee credit time served to Appellant's armed robbery charge. As such, the Department errors and Appellant will show why below.

### Analysis

The Department declines to apply the total 156 days "Jail Time" credit to Appellant's armed robbery charge/sentence based on the fact that Appellant did not get indicted for the armed robbery charge until October 17, 2006. While this is true that Appellant did not get or receive an indictment and notification of this charge until the October 17, 2006, date when the Oconee County Grand Jury returned true-billed indictments on Appellant's charges; it is inequitable and also contrary to

the South Carolina's legislature's intent that prisoners receive credit for all time served and S.C. Code Ann. §24-13-40.

The ultimate question is whether Appellant is entitled to receive credit for the time served as pretrial detainee from the date of his arrest from when the crime was committed or only from the date when the Oconee County Sheriff's office or Solicitor's Office decided that it would seek a conviction from the charge.

This question has already been answered by the Supreme Court of South Carolina by Justice Burnett in *Blakeney v State*, 339 SC 86, 529 Se2d 9 (2009) (Beaufort County's decision not to execute the arrest warrant until... later, should not preclude [the Defendant] from received credit [for time served as a pretrial detainee]).

Most important, for indulgence, in the case subjudice are the facts that; (1) The crimes were committed on the same date (See Appx. Pgs. 17-18, 22-23, 27-28, 32-33, 37-38, 43); (2) The crimes were temporally connected, happened in a single incident and single course of conduct, and involved the same victims (See Appx. Pgs. 17-18, 22-23, 27-28, 32-33, 37-38, 43). Appellant was arrested for this incident on July 8, 2006 and remained in jail for this incident and his conduct during this incident until the date of entry of his plea of guilty to the crimes committed during the multi-crime incident.

As Appellant was not actually served an arrest warrant that specifically charged him with the crime of Armed Robbery on the date of his arrest; Appellant will provide more clarification and reasoning with regard to the matter.

Appellant's Armed Robbery charge arose out of a single chain of circumstances. There was a single course of conduct which resulted in a multi-crime incident as all crimes were committed at the same exact time and in one single motion or chain of events.

Appellant would show the Court the indictment for the Armed Robbery charge. (See Appx. Pgs. 43-45). Indulgence should be given to the fact that this is a direct indictment which specifically indicates that it relates back to the Arrest Warrant No. K150668.

This arrest warrant was for the charge of Burglary 1<sup>st</sup> Degree. The Affiant, in setting forth the facts to establish probable cause to arrest Appellant, provides the following statement in Affidavit within the warrant:

"The Defendant did, on 7-04-06, did break and enter the residence of Claude Earl Waddell without consent and with the intent to commit a

crime therein. The defendant was armed with a knife at nighttime when he entered the residence."

(See Appx. Pg. 27)

See State v Porter, 251 SC 393, 162 SE2d 843 (1968), (An arrest warrant may be issued upon an affidavit reciting the facts necessary to establish probable cause).

However, in the case at bar, the Oconee Sheriff's Office did not decide to charge Appellant with the Armed Robbery offense at genesis of his arrest. Rather, the solicitor's office would seek to directly indict Appellant for the Armed Robbery offense.

See Mattox v City of Beaufort, C/A No. 9:14-cv-0834-DCN (D.S.C. 2015) (Under South Carolina law, a solicitor may "direct indict" an individual on a charge without an underlying warrant. In such a case, the solicitor may present facts to the grand jury to seek an indictment without a pending arrest warrant or after a warrant was dismissed at a preliminary hearing.

In the case subjudice, the solicitor, presented facts to the Grand Jury to seek an indictment to be "true billed" for Armed Robbery. This is significant as the Court and Department must realize that the facts which were presented came from the same facts that the Affiant had when the warrant for the Burglary 1<sup>st</sup> charge was requested and issued by the magistrate judge. This is why it was clearly specified and indicated on the Armed Robbery indictment that the armed robbery charge relates back to the Burglary 1<sup>st</sup> charge and warrant and affidavit on the Burglary 1<sup>st</sup> warrant. The probable cause developed from the affidavit.

See New England Journal on Criminal and Civil Confinement, 21 NENGJCCC 339, ("An indictment is a procedure by which a grand jury instead of a judge determines whether there is probable cause to believe that the subject of the indictment has committed the particular offense charged.")

As a charge had to be taken to to Grand Jury to allow Appellant to be directly indicted, it would be unreasonable to fail to understand that it is inequitable that the Appellant, this Court, or anyone else to be forced to guess when the solicitor's office decided to charge Appellant with the crime of Armed Robbery. A line of reasoning in this direction would leave to guess or wonder exactly when did the solicitor's office decide to charge Appellant and why didn't the solicitor's office proceed with serving a warrant charging Appellant with the crime once the solicitor's office decided it would seek to prosecute? See SC Code Ann. §17-23-130 and Rule 3(c), SCRCRimp (explaining that the solicitor prepares the indictment for presentment to the Grand Jury).

The Grand Jury does not create or prepare the indictment. The indictment is created or prepared by the solicitor and then it is presented to the Grand Jury, whereby it will be deliberated upon by the Grand Jury and a decision reached by the Grand Jury whether to return a "true bill" or "no bill". See e.g., Anderson v State, 338 SC 629, 527 SE2d 398 (2000).

Simply put, declining to set the date of arrest as the start date for credit for time served for Appellant's Armed Robbery charge, rather than the date the Grand Jury returned a true bill indictment on the charge is not the legislative intend and is not reasonable as the facts of this case clearly presents.

The fact that Appellant was not initially charged for the Armed Robbery offense at genesis of his arrest, is of no fault of Appellant as he had no control of the sheriff's office's decision making process. The Appellant emphasizes that this was a multi-crime incident which happened in one motion and chain of events.

The decision not to charge Appellant with the Armed Robbery offense until a later date, does not preclude Appellant from receiving pretrial detainee credit for the time served from the period of arrest for the incident as all charges resulted from the same incident. See e.g., State v Brown, 426 SC 63, 824 SE2d 476 (2019); Blakeney v State, 339 SC 86, 529 SE2d 9 (2000); State v Smith, No. 2007-UP-022 (2007), 2007 WL 8324402.

S.C. Code Ann. §24-13-40 specifies, in relevant portion:

"In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing... Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

SC Code Ann. §24-13-40.

See also, Hayes v State, 413 SC 553, 559, 777 SE2d 6, 10 (2015) ("The requirement that a prisoner receive credit for time served is mandatory."); State v Boggs, 388 SC 314, 316, 696 SE2d 597, 598 (2010) ("Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies"); Allen v State, 339 SC 393, 529 SE2d 541 (2000) (explaining the language "when already serving a sentence" which exists in

24-13-40, means a person who has actually been to court and before a judge and is serving a sentence for such; not a person who is merely sitting in jail for unconvicted offenses/charges).

The solicitor's office and Oconee County Sheriff's Office decision not to charge Appellant until a later date does not preclude Appellant from receiving the credit for time served beginning at his arrest date for the incident in which the crime arose as Appellant did not commit the crime at a separate or later time. See e.g., State v Brown, 426 SC 63, 824 SE2d 476 (2019); Blakeney v State, 339 SC 86, 529 SE2d 9 (2000).

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Appellant would also emphasize that the victim(s) of the crime did provide a statement of what happened in this incident. The victim's statement and investigation of such is what allowed the Affiant to provide information and Affidavit to the magistrate judge whereby warrants for Appellant's arrest were pursued. Appellant had no control over what charges or warrants the sheriff's office would seek or pursue at that time and therefore Appellant should not be punished or sanctioned for the sheriff's office's delay in charging the crime.

Appellant would further emphasize that the Oconee County's Grand Jury task was to true bill or no bill an indictment. The Department's reasoning that Appellant should only be credited for the time he served in the Detention Center after the indictment was true billed is unreasonable. The Department fails to realize that the indictment existed and was created and prepared before the convening of the Grand Jury. The indictment existed already and it was only "presented" to the Grand Jury and thereafter deliberated upon, returned, and filed. The solicitor's office had time to present Appellant with an arrest warrant, but rather decided to wait and later seek a direct indictment. Appellant should not be punished or sanctioned for such delay. It would further be unreasonable as it would leave to question or to "guess" exactly when did the solicitor's office actually decide to charge Appellant, when did the solicitor create or prepare the indictment for presentation, deliberation, etc., and why did the solicitor wait. See Mattox v City of Beaufort, C/A No. 9:14-cv-0384-DCN (D.S.C. 2015) (Where the court was left to guess regarding similar issue).

Simply put, denying time-served credit from the time of Appellant's initial arrest date for his conduct which the record clearly reflects took place at the multi-crime incident, would be at odds with the General Assembly's express language in SC Code Ann. §24-13-40, mandating that prisoners receive credit for all time served; and more importantly the interest of equity.

The Department's decision is in violation of the 24-13-40 statutory provision, affected by error of law, clearly erroneous in view of the reliable, probative, and substantial evidence in the record, and characterized by an abuse of discretion or

clearly unwarranted exercise of discretion; therefore this Court should reverse the Department's decision.

Lastly, to ultimately provide this Court with indulgence it deserves regarding this matter, Appellant will direct this Court's attention to the charges which were nolle prossed. The two charges for petit larceny (Arrest Warrant Nos. K150669 and K150670), as well as an account of assault and battery with intent to kill (Arrest Warrant No. K150666) were all dropped or nolle prossed. See Taken In Consideration (TIC) (App. Pgs. 16, 31, 36).

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~~Appellant brings this Court's focus on the victim (alleged) in the specific counts of~~ petit larceny (Arrest Warrant K150670) and Assault and Battery with Intent to Kill (Arrest Warrant K150666). The charges with regard to this (alleged) victim was dropped. (See Appx. Pgs. 16, 17, 36, 37)

A wallet is what provided much truth of the circumstances of this case at genesis. See Arrest Warrants K150669 and K150670 as both persons claimed to have the wallet and both persons provide different calculation of its contents. As this wallet provided sight to truth, Arrest Warrants K150666 and K150670 were rightfully nolle prossed. This would leave Arrest Warrant K150669.

However, the elements of Arrest Warrant K150669 and the Affidavit which was provided for probable cause within the Burglary 1<sup>st</sup> Arrest Warrant would both together lay foundation for an Armed Robbery charge. The solicitor's office, with this probable cause (the the elements of Arrest Warrant K150669 and the Affidavit which was provided for probable cause within the Burglary 1<sup>st</sup> Arrest Warrant which had been there and known about since date of Appellant's arrest), would then seek to "upgrade" the petit larceny charge arrest warrant K150669) to an Armed Robbery charge. However, as this petit larceny charge involved the same victim, same circumstance and chain of events, and were based on the same facts; the solicitor's officer could not charge and seek conviction of both the petit larceny and Armed Robbery charges without violating double-jeopardy. Therefore, the Armed Robbery offense was charged and the petit larceny offense was nolle prossed.

As Appellant has provide this Court with clear presentation of these facts and of this case, is should be also clear that the Department errors in its reasoning and determination.

It is unreasonable that Appellant would not be given time served credit for the time served prior to the upgrading of his charge, from Petit Larceny to Armed Robbery; or form combining the fats of the Petit Larceny with the weapon present in the Burglary 1<sup>st</sup> charge to ultimately result in the Armed Robbery charge.

This is a clear error of the Department and the determination not to calculate and apply the total 156 days time spent in jail as a pretrial detainee from at genesis of the arrest is in error.

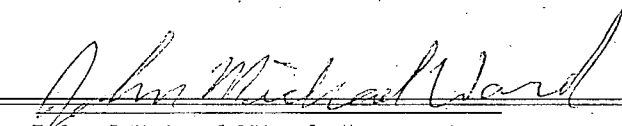
SI/John Michael Ward

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CONCLUSION

Based on these reasons, the Appellant respectfully request that the final decision of the South Carolina Department of Corrections be reversed and Appellant be granted the full total of 156 days pretrial "Jail time" credit under SC Code Ann. 24-13-40, and it be properly calculated and applied to his Armed Robbery sentence.

Respectfully submitted,

  
John Michael Ward, #171770  
APPELLANT

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 30<sup>th</sup> day of April, 2021.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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John Michael Ward, #171770, Docket No.: 20-ALJ-04-0495-AP  
APPELLANT, Grievance No.: TYRCI-389-20

Honorable Ralph K. Anderson, III

South Carolina Department of  
Corrections,  
RESPONDENT.

MOTION FOR JUDICIAL  
NOTICE

The Appellant, John Michael Ward, motions this Court that it would take Judicial notice of the following:

- 1) The Amended Brief of Appellant - Appellant files an Amended Brief of Appellant which is conformed to meet the page limits of SCALC Rule 60 (A).
- 2) Appellant's Appendix - Appellant filed a 53-page Appendix on March 25, 2020. SCALC Rule 60(C) provides that "[a]t the time of filing the brief with the Court, one copy of the brief and any appendix shall be served on each party to the appeal." Also, SCALC Rule 58(B) and (D) provides that, "the record of the contested case shall consist of:" "All evidence received or considered..." and "All proffers of proof of excluded evidence;"

Appellant emphasizes that he did present the documents within the Appellant's Appendix, to the Department when he filed his grievance at genesis of seeking to rectify the matter and issue this case presents. Albert, the Department may

Page 1 of 2

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SC ADMIN. LAW COURT

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have failed by choosing not to consider Appellant's evidence, the Department was presented and did receive the evidence. Furthermore, as Appellant's Brief clearly reflects, this evidence is in-fact "relevant" as it brings into clear focus the context, reasoning and evidence which supports the facts of this case.

3) Return To Respondent's Motion To Deny Appellant's Motion Compelling Designation of Matter - This Return was filed by Appellant on April 21, 2021. Appellant received Respondent's Motion To Deny Appellant's Motion Compelling Designation of Matter on April 16, 2021 by and through the Tiger River Legal Mail System.

Wherefore Appellant asks this Court that it would take Judicial Notice and accept as sufficient and proper the Amended Brief of Appellant, Appellant's Appendix, and the Return To Respondent's Motion To Deny Appellant's Motion Compelling Designation of Matter.

Respectfully submitted,

John Michael Ward  
John Michael Ward, #171770

Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

This 30<sup>th</sup> day of April, 2021

June 14, 2021

John Michale Ward, #171770<sup>153</sup>  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, South Carolina 29335

The Honorable Ralph King Anderson, III  
SC Administrative Law Court  
Edgar A. Brown Building, Ste. 224  
1205 Pendleton Street  
Columbia, SC 29201

RECEIVED

JUN 17 2021

TYRRI MAIL ROOM

RE: John Michale Ward, #171770 v SCDC  
Docket No. 20-ALT-04-0495-AP

Dear Judge Anderson:

Please inform me of the status of this case as I, the Appellant, filed an Amended Brief of Appellant and a motion For Judicial Notice on April 30, 2021. An Appendix was filed on March 25, 2021, as well.

Appellant seeks to be informed of the status of this case, out of an abundance of caution and in the interest of certainty, as Appellant has not received the Brief of Respondent in this case as Respondent has not filed its brief.

Thank you for your assistance in this matter.

Sincerely,

CC: Imani D. Byas, SCDC  
FILE

John Michale Ward, #171770  
John Michale Ward

June 14, 2021

John Michale Ward, #171770  
Tyger River Correctional Institution  
200 Prison Road 154  
Enoree, South Carolina 29335

The Honorable Ralph King Anderson, III  
SC Administrative Law Court  
Edgar A. Brown Building, Ste. 224  
1205 Pendleton Street  
Columbia, SC 29201

RE: John Michale Ward, #171770 v SCDC  
Docket No. 20-ALD-04-0495-AP

Dear Judge Anderson,

Please inform me of the status of this case as I, the Appellant, filed an Amended Brief of Appellant and a Motion For Judicial Notice on April 30, 2021. An Appendix was filed on March 25, 2021, as well.

Appellant seeks to be informed of the status of this case, out of an abundance of caution and in the interest of certainty, as Appellant has not received the Brief of Respondent in this case as Respondent has not filed its brief.

Thank you for your assistance in this matter.

Sincerely,

cc. Imani D. Byas, SCDC  
FILE

John Michale Ward, #171770

John Michale Ward  
SC ADMIN. LAW COURT

FILED

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Docket No. 20-ALJ-04-0495-AP

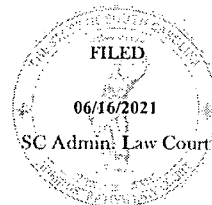
## ORDER

South Carolina Department of Corrections,

Respondent.

## FACTUAL BACKGROUND AND PROCEDURAL HISTORY

According to the Record, the date of the offense for the First Degree Burglary charge and the ABWIK charge is July 8, 2006. However, Appellant asserts these charges resulted from an incident that occurred on July 4, 2006. According to the Record, the date of the offense for the Armed Robbery indictment is July 4, 2006. Additionally, Appellant asserts the two counts of Petit Larceny were nolle prossed so the charge could “upgraded” to Armed Robbery, for which Appellant was then direct indicted on October 17, 2006.



ABWIK from his arrest on July 8, 2006, through December 14, 2006, when he was transferred to SCDC, or 156 days. The Report does not include any jail time served for Armed Robbery.

On August 13, 2020, the Department received Appellant's Step 1 Grievance in which Appellant asked to receive 156 days' credit for jail time served "concurrent on All charges – Burglary 1<sup>st</sup> Degree, Armed robbery, and ABWIK." The Department denied the Step 1 Grievance, finding Appellant had already been credited for the 156 days of jail time for First Degree Burglary and ABWIK and had recently been credited with fifty-five days of jail time for Armed Robbery since that sentence did not start until October 2006. Appellant filed a Step 2 Grievance in which he again alleged he had not been credited with "the full total of 156 days credit concurrently on each charge." The Department denied the grievance, stating again that Appellant had received all credit to which he was entitled, and his projected release date had recently been moved from 12/7/2023 to 10/13/2023.

Appellant then filed an appeal to this Court on December 9, 2020. The case was assigned on January 7, 2021. The Record was filed on March 18, 2021.

On March 25, 2021, Appellant filed a brief. Along with his brief, Appellant filed two motions. First, Appellant filed a Motion for Leave to Exceed Page Limit in which he asked the Court asked the Court to exceed the page limits for special appeals in SCALC Rule 60(a) in order to clarify the circumstances of the case and accommodate the greater space taken up by handwriting. Second, Appellant filed a Motion for an Order Compelling Designation (Motion to Compel), in which he requested the Court issue an order "compelling designation" because the Record on Appeal that was filed did not include all documents his identified in the Designation of Matter he filed on January 21, 2021.<sup>2</sup>

On April 5, 2021, the Court issued a letter to the parties in which it requested the Department respond to Appellant's Motion to Compel within fifteen days of the date of the letter. The Court also informed the parties that until the Department submitted a response to the Motion to Compel, the Court would not consider the Record closed and the deadline for the Department's brief would be extended until the matter was resolved.

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<sup>2</sup> Before the Department filed the Record on Appeal, Appellant filed a Designation of Matter to be Included in the Record on Appeal on January 21, 2021, in which he asked the Department to include a list of seven documents in the Record on Appeal.

On April 13, 2021, the Department filed a Response to Appellant's Motion to Compel in which the Department opposed the Motion because the documents Appellant requested be included in the Record were either redundant to those already in the Record or irrelevant.

On April 20, 2021, the Court issued an Order denying Appellant's Motion for Leave to Exceed Page Limit and Motion to Compel, thus resolving the motions.<sup>3</sup> Thereafter, on April 30, 2021, Appellant filed an Amended Brief that was within the page limit required by this Court's rules. Also on April 30, 2021, Appellant filed a Motion for Judicial Notice. In his Motion for Judicial Notice, Appellant asks the Court to take notice that: (1) his Amended Appellant's Brief was filed within the proper page limits; (2) Appellant filed a fifty-three-page Appendix on March 25, 2020; and (3) Appellant's reply to the Department's response to Appellant's Motion to Compel.

As of the date of this Order, the Department has not filed a Respondent's Brief or a response to Appellant's Motion for Judicial Notice.<sup>4</sup>

### DISCUSSION

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). In *Al-Shabazz*, the Supreme Court set forth that the ALC has jurisdiction to review inmate appeals involving state-created liberty interests in which an inmate contends that prison officials have erroneously calculated his or her sentence. *Id.* The Court reviews these matters in "an appellate capacity." *Id.* at 388, 527 S.E.2d at 754.

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<sup>3</sup> On April 21, 2021, after this Court had already issued its Order resolving the motions, Appellant filed a reply to the Department's response to Appellant's Motion to Compel.

<sup>4</sup> Pursuant to SCALC Rule 60(A), the Department had 110 days from the date of assignment, January 7, 2021, to file its brief. On April 5, 2021, the Court stayed the time to file Respondent's Brief until Appellant's Motion to Compel was resolved. At the time of the stay, eighty-eight days from the date of assignment had passed. The Motion to Compel was resolved by this Court's Order on April 20, 2021. Accordingly, the Department had twenty-two days from April 5<sup>th</sup>, or until April 27, 2021, to file a Respondent's Brief. SCALC Rule 68 provides that an ALC judge may apply the South Carolina Appellate Court Rules in an ALC appeal to resolve questions not addressed by the ALC rules. Rule 208(a)(4), SCACR, provides that "[u]pon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper." Since the Department has failed to file a timely brief, the Court will review this case without it.

The Department also failed to timely respond to Appellant's Motion for Judicial Notice. See SCALC Rule 63 ("Any response to the motion must be filed within ten (10) days after receipt of the motion, unless the time is extended or shortened by the Administrative Law Judge.").

“A reviewing court will not disturb findings of [an administrative agency] if its findings are supported by substantial evidence on the record as a whole.” *Pearson v. JPS Converter & Indus. Corp.*, 327 S.C. 393, 397, 489 S.E.2d 219, 220 (Ct. App. 1997). A decision is supported by “substantial evidence” when the record as a whole allows reasonable minds to reach the same conclusion as the agency. *Friends of the Earth v. Pub Serv. Comm’n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency’s findings from being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm’n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). Furthermore “the party challenging a[n administrative agency’s] order bears the burden of convincingly proving that the decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record.” *Porter v. S.C. Pub. Serv. Comm’n*, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998).

### **Motion for Judicial Notice**

In his motion, Appellant first asks the Court to take judicial notice that Appellant filed an Amended Appellant’s Brief. This motion was not necessary for the Court to consider Appellant’s Amended Brief, which it has.

Next, Appellant asks the Court to take judicial notice of the Appendix he filed on March 25, 2021. Appellant filed the Appendix with his original Appellant’s Brief. This Court can only consider documents that are properly part of the Record on Appeal. S.C. Code Ann. § 1-23-380(4) (Supp. 2020) (“The review must be conducted by the court and must be confined to the record.”); SCALC Rule 36(G) (“The administrative Law Judge will not consider any fact which does not appear in the Record.”). Furthermore,

Appellate courts are generally reluctant to notice adjudicative facts even when those facts may be absolutely reliable. Notice of “facts” for the first time on appeal may deny the adverse party the opportunity to contest the matters noticed; it may also violate the general principle that appellate review should be limited to the record. Finally, appellate courts, limited to the “cold” record, cannot be as sensitive to the appropriateness of judicial notice as the trial judge. For the foregoing reasons we hold that original judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable.

*Masters v. Rodgers Dev. Grp.*, 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct. App. 1984) (citations omitted). However, “[a] court can take judicial notice of its own records, files[,] and proceedings for all proper purposes including facts established in its records.” *Freeman v. McBee*, 280 S.C.

490, 313 S.E.2d 325 (Ct.App.1984). Since this Court's review on appeal is limited to the Record, any documents included in the Appendix that are not part of the Record on Appeal will not be considered by this Court.

Finally, Appellant asks this Court to take judicial notice of the reply he filed to the Department's response to his Motion to Compel. Nevertheless, the Court had already resolved the motion when Appellant's reply was received.

Based upon the above, Appellant's Motion for Judicial Notice is denied.

### **Issue on Appeal**

Appellant asserts the Department erred in declining to set the date of arrest as the start date for calculating time served on all charges that arose out of a multi-crime incident. Appellant acknowledges the Department credited him with 156 days' time served for First Degree Burglary and ABWIK but contends the Department failed to credit him with 156 days' time served for Armed Robbery, a crime that was committed at the same time as the First Degree Burglary and ABWIK. However, Appellant was not initially charged with Armed Robbery but was later directly indicted for that charge. Therefore, the Department determined that Appellant is only entitled to fifty-five days' time served for Armed Robbery because he was not indicted until October 17, 2006, whereas he was arrested for the two other charges and served time for them beginning on July 8, 2006.

Section 24-13-40 of the South Carolina Code (Supp. 2020) provides, in pertinent part:

In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

This statute requires that prisoners be given credit for all time served prior to sentencing unless either of the two statutory exceptions applies. *See id.* In this case, neither exception to section 24-13-40 applies to Appellant.

Appellant argues the South Carolina Supreme Court's decision in *Blakeney v. State*, 339 S.C. 86, 529 S.E.2d 9 (2000), supports his assertion that he is entitled to 156 days' time served for Armed Robbery because the crime occurred in July 2006. I do not find this case supports

Appellant's argument: In *Blakeney*, the Respondent was already in jail in Berkeley County for charges in that county when a "hold" was placed upon him by the Beaufort County Sheriff's office for another charge. *Id.* at 88, 529 S.E.2d at 11. Although the arrest warrant for the Beaufort County charge was not issued until fifteen months later, the Supreme Court held the Respondent was entitled to credit for time served from the date Beaufort County placed a "hold" on him because he was confined in Berkeley County upon placement of the hold based on the Beaufort County charge. *Id.* at 88–89, 529 S.E.2d at 11. Overall, *Blakeney* relies on the Supreme Court's earlier holding in *Crooks v. State* that "time served" means "the time during which a defendant is in pre-trial confinement and charged with the offense for which he is sentenced (so long as he is not serving time for a prior conviction)." *Id.* at 88, 529 S.E.2d at 10–11 (emphasis original) (citing to *Crooks v. State*, 326 S.C. 171, 485 S.E.2d 374.(1997)). Therefore, *Blakeney* does not stand for the principle that an inmate should receive time served for time spent in jail on other charges before being charged or indicted for the crime at issue.

Nevertheless, Appellant argues that he should receive the same amount of time served for Armed Robbery because this crime arose from the same incident or course of events on July 4, 2006, as the First Degree Burglary charge and ABWIK charge. Appellant argues it is inequitable and contrary to the legislative intent of section 24-13-40 to only give him time served after he was indicted for Armed Robbery when he was arrested and jailed for the incident leading to this charge on July 8, 2006. The Record shows the date of the offense for Armed Robbery is July 4, 2006, but the date of the offense for First Degree Burglary and ABWIK is July 8, 2006. However, according to Appellant, the incident or course of events resulting in all three crimes occurred on July 4, 2006. Because the Department did not submit a brief to contradict Appellant's assertions, the Court accepts that the Armed Robbery indictment stemmed from the same incident or series of events leading to the First Degree Burglary and ABWIK charges.

But even accepting that the Armed Robbery charged stemmed from the same incident, the Court does not have authority under *Blakeney* to back-date Appellant's indictment to July 8, 2006, for the purposes of section 24-13-40. Here, unlike in *Blakeney*, Appellant was "directly" indicted for Armed Robbery on October 17, 2006. He was not arrested for that charge or held for that charge until that date. He thus could not begin serving any jail time until the date of the direct indictment for Armed Robbery. See *Blakeney*, 339 S.C. at 88–89, 529 S.E.2d at 11.

Furthermore, Appellant's assertion that his charges for Petit Larceny were essentially "upgraded" to Armed Robbery and, therefore, he should receive time served as if one continuous charge had been in place also fails. While pleading down to a lesser charge will not affect the start time for calculating time served, nolle prossed charges followed by a direct indictment for a higher charge represents a completely new charge that breaks continuity with any former charge that may have preceded it. *See Mackey v. State*, 357 S.C. 666, 668, 595 S.E.2d 241, 242 (2004) ("[W]e hold that when a solicitor enters a nolle prosequi, charges are extinguished."); *cf. State v. Boggs*, 388 S.C. 314, 316-17, 696 S.E.2d 597, 598-99 (Ct. App. 2010) ("We find the plea judge committed an error of law when he denied Boggs credit for time served based upon the State's decision to drop the charge from armed robbery to strong arm robbery.").

Pursuant to the plain language of section 24-13-40 and the holding in *Blakeney*, Appellant is entitled to time served for the time he was in jail **and** charged (or in this case, indicted) for the crime for which he was later sentenced. Since Appellant was not indicted on Armed Robbery until October 17, 2006, he could not have served any jail time before that date. Therefore, the Department correctly awarded him fifty-five days' time served for the time he was confined in the Oconee County Jail for Armed Robbery from October 17, 2006, to December 11, 2006. In sum, Appellant failed to carry his burden of proving that SCDC improperly calculated his sentence and the Department's decision must be affirmed. *See Porter*, 333 S.C. at 20, 507 S.E.2d at 332.

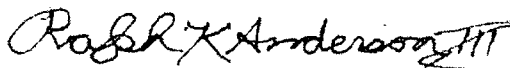
### ORDER

For the reasons set forth in this Order,

**IT IS HEREBY ORDERED** that Appellant's Motion for Judicial Notice is **DENIED**.

**IT IS FURTHER ORDERED** that the Department's final agency decision is **AFFIRMED**.

**AND IT IS SO ORDERED.**



\_\_\_\_\_  
Ralph King Anderson, III  
Chief Administrative Law Judge

June 16, 2021  
Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, Stephanie Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



---

Stephanie Perez  
Judicial Law Clerk

June 16, 2021  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

113

John Michael Ward, #171770, I  
APPELLANT, I

v  
South Carolina Department  
of Corrections,  
RESPONDENT.

MOTION FOR AN ORDER  
COMPELLING DESIGNATION  
Rule 68, SCALC; Rule 37(a), SCRPC  
Docket No. 20-ALT-04-0495-AP  
Grievance No. TYRCI 389-20

The Appellant comes respectfully, and motions this Honorable Court that it would issue an order compelling designation.

Appellant filed a Designation Of Matter To Be Included In The Record On Appeal, with this Court on January 21, 2021, along with a Certificate of Service whereby Applicant certified he served a copy of the same on the Respondent in this case.

On March 19, 2020, Appellant received a copy of the Respondent's Record which was filed with this Court on March 17, 2021. Upon Appellant's review of the Respondent's Record, Appellant found that Respondent fails to include in the Record, material which is significant in bringing clarity to the issues of this case.

Appellant's intent is to cure this Record and submit what is available to him by attaching an Appendix to be filed and served at the time he files his Initial Brief.

However, Appellant has no way of providing the material which is listed as Number (7) in his Designation of Matter which he filed requesting that Respondent would provide in its Record.

**FILED**

MAR 25 2021

Consequently, Appellant asks that this Court would  
compell Respondent that it would provide for the Record in  
this case those items listed in the Designation of Matter as  
Number (7) which are SCDC correspondence with regard of  
the matter in this case. These messages are: (1) RTSM 20-0152  
3896; (2) RTSM 20-01530117; (3) RTSM 20-01630540  
(4) RTSM 20-01658045.

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WHEREFORE, Appellant prays this Court will issue  
an order compelling this designated material as it is  
relative to this case. Rule 36(G), SCALC, (the Administrative  
Law Judge will not consider any fact which does not  
appear in the Record.

Respectfully submitted, John Michael Ward  
John Michael Ward  
APPELLANT

Tyger River Correctional Institution  
200 Prison Road  
Endree, South Carolina 29335

This 25<sup>th</sup> day of March, 2021.

163

STATE OF SOUTH CAROLINA  
**Administrative Law Court**  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201

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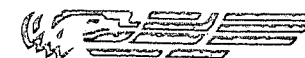
**JUN 24 2021**

**TYRGI MAILROOM**

John M. Ward, #171770,  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, SC 29335



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