

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Thomas J. Torrence, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210767

Appeal From Administrative Law Court
Ralph King Anderson, III, Administrative Law Judge

Unpublished Opinion No. 2013-UP-189
Submitted April 1, 2013 – Filed May 8, 2013

AFFIRMED

Thomas J. Torrence, pro se.

Christopher D. Florian, of the South Carolina Department
of Corrections, of Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Sanders v. S.C. Dep't. of Corr.*, 379 S.C. 411, 417, 665 S.E.2d 231, 234 (Ct. App. 2008) ("In an appeal of the final decision of an administrative agency, the standard of appellate review is whether the [Administrative Law Court's] findings are supported by substantial evidence."); S.C. Code Ann. § 24-13-40 (2007) ("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."); *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) ("Where the terms of a statute are clear, the court must apply those terms according to their literal meaning."); *State v. Higgins*, 357 S.C. 382, 384, 593 S.E.2d 180, 181 (Ct. App. 2004) ("Our supreme court has defined 'time served,' as it is used in section 24-13-40, as '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).'" (quoting *Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10-11 (2000))).

AFFIRMED.¹

HUFF, WILLIAMS, and KONDUROS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.