

STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 11 2022

SC Court of Appeals

Appeal from the Administrative Law Court
Robert L. Reibold, Administrative Law Judge
Appellate Case No. 2022-000180

Ronald Ceo, #258464,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

APPELLANT BRIEF

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STATEMENT OF ISSUES ON APPEAL

Did the ALC err when it found that the Appellant is not entitled to a deduction of his sentence from the benefit of Good time and Earn Work Credits?

STATEMENT OF THE CASE

On June 11, 2021 the Appellant file a Step 1 Grievance alleging that he was not appropriately receiving good time and work credits against his sentence. Appellants grievance was investigated and resolved when it was determined that the Respondent had properly applied all available credits. Appellant file a Step 2 Grievance on July 1, 2021. In the Step 2 Grievance, Appellant complained the Department denied him his Good time and EWC. Appellant argued the Department actions were a violation of Appellants state created liberty interest. The Respondent denied Appellants Step 2 grievance in August 2021. On September 1, 2021 the Appellant file a Notice of Appeal to the Administrative Law Court. The Appellant claim the Respondent actions has resulted in a violation of a protected liberty interest. The Administrative Law Court denied the Appeal in a order dated January 24, 2022 signed by Judge Reibold. The Appellant file a Notice of Appeal to this Court on February 14, 2022.

ARGUMENT

The ALC erred when it found that the Appellant is not entitled to a deduction of his sentence from the benefit of Goodtime and Earn work credits. The Appellant avers that he is entitled to a deduction of his sentence by virtue of the state created liberty interest found in S.C. Code Ann. § 24-13-210(B), § 24-13-230(B), § 24-13-260, and § 24-21-635. Respectively S.C. Code Ann. § 24-13-260 and § 24-21-635 commands that the Appellant has a state created right to the benefit of earnwork credits and a deduction of his sentence. Furthermore the S.C. Legislature made it a misdemeanor for a officer who violates § 24-13-260. It is apparent that the General Assembly commands that the Appellant receive a deduction in time of serving sentence. The S.C. Supreme Court held in Hodges v. Rainey, 341 S.C. 79 533 S.E.2d 518. "What the legislature says in the text of a statute is considered the best evidence

of the legislative intent or will; therefore, the Courts are bound to give effect to the express intent of the legislature. It appears that these statutes that gives the Appellant state created rights are in conflict. However the S.C. Supreme Court has consistently held that the more recent and specific legislation controls if there is a conflict between two statutes. See: Hair v. State, 305 S.C. 406 S.E.2d 332, Hodges v. Rainey, 341 S.C. 79. 533 S.E.2d 578. S.C. Code Ann. § 24-13-260 was last Amended on June 11, 2010 which makes it a crime for an officer having charge of an inmate who refuses to allow a deduction in time of serving sentence. The Appellant has earn over 3000 days of earn work credits. The Respondent will not allow the Appellant a deduction of his sentence from these credits that he has earned. This is akin of a employee earning his wages that his employer fails to pay. Furthermore the Respondent has fail to give the Appellant his Good Conduct credits that he has a state created right under the Due Process

Clause of the United States Constitution 14th Amendment U.S.C.A. 14th Amend. See the R.O.A. SCDC Offender Management System Release Date Screen. As of the date of this Brief the Good time earned on this screen shows Zero.

CONCLUSION

The Appellant request that this Court of Appeals remand this case back to the ALC to instruct the Respondent to apply the credits that the Appellant has earn to the deduction of his sentence.

Ronald Coe
Appellant Pro Se -

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PROOF OF SERVICE

I, Ronald Coe, #258464 hereby certify that I have this 8th day of March 2022 mail a copy upon the Respondent by placing the Appellant Brief in a properly addressed envelope postage prepaid in the U.S. mail.

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March 8, 2022

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