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The South Carolina Court of Appeals SC Court of Appeals

Adam Winingham, 268099, Appellant
pro/se

v.

South Carolina Dept of Corrections, Respondent

Appellant Case # 2019-001751

Motion For Summary Judgement

Appellant Now Comes Filing a motion for Summary Judgement based on the following Facts of Law.

(cc:File) Jenny Abbott Kitchings, Clerk: P.O. Box 11629, Columbia S.C. 29211.)

(SCDC General Counsel, Imani Diane Byas, P.O. Box 21787, Columbia S.C. 29221.)

S/Oct 14/2022 268099
Pro/se Adam Winingham 268099

Date/3-7-2022

Livesay C.I 6-37-B

P.O. Box 580

UNA, S.C. 29378

Honorable Court of appeals appellant has proved by facts of Law that no-parole inmates get good time, work, and education credits. And those credits can not be the 15% which bring us no-parole offenders from the 100% that the judge gave us, to the 85% in which we are serving. "First is because law 24-13-150(A) declares that the 85% is to be calculated from the 100% without the application of work, education, and good time credits. Second is in fact; if no-parole offenders even received three days a month good time credits and six days a month work, and education credits from the 100%; then those credits would take them to 70%." (see final brief pg's 2-9)

Appellant proved in his briefs that laws 24-13-150A, 24-13-210 B, and 24-13-230 B are in conflict with ambiguity, which must go in favor to appellant. (see final brief pg 2-9)

Appellant proved that those laws declare he should be getting three days a month for good time credits, and six days a month for work, and education credits. And those credits has to come from the 85%, being that it is calculated from the 100% without the application of work, education, and G.T credits. (24-13-150A) (see final brief pg's 2-9)

Appellant has proved that the law of definition for no-parole offenders (24-13-100) has been repealed and made void. "Which means there is no law to support what a no-parole offender really is." (SEE Final Brief pgs 8-9) (SEE Also Bolin v. SCDC)

Appellant also proved that it is in fact discrimination to give parolable inmates credits and not give no parole inmate credits. We are all made to work the same jobs and the same amount of hours. Parolable inmates get the credits that are declared for them to receive, however appellant a no-parole offender does not even get the stark contrast of credits (Compared to parolable inmates) that are declared for us no parole inmates to receive.

Remember SCDC policy OP-21.07; 7.6 declares all inmates who refuse to work will be charged. Then OP-21.07; 2.2 declares all inmates are compensated for their work with work credits and education with education credits. (SEE Final Brief pg 6-7) (SEE ALSO Evidence 1).

"We are equally punished for refusal to work. However parolable inmates are treated fairly by receiving the credits do to them, but us no-parole inmates are treated with discrimination and unfairness do to not even receiving the small amount of credits (Compared to parolable inmates) that Law and SCDC policy's declare that us no parole inmates are to receive."

Honorable Court of appeals; appellant is asking you to grant his motion for summary judgement, not just on the overwhelming facts of merit that laws and SCDC policy's have proven are in my favor, but also on the fact that Respondent did not follow your order dated May 28th, 2021. No Respondent did

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not respond within their today limit for your order nor did she file an extension.

Conclusion for Appellant

Appellant pleads with you honorable Court of appeals to grant him the relief that he is entitled to, and Law and SCDC policy declares he a "no-parole" offender receives.

DOC testified in Bolin v. SCDC that no-parole offenders get 3 days a month for good time credits and 6 days a month for work and education credits. Appellant begs of the Court to retroactively go back to 1996 when these laws and policies were rewrite for the truth in sentencing act; and make SCDC writely interpret those laws by adding up all those work credits, education credits, and good time credits that appellant worked for, educated himself for, and behaved himself for.

Appellants start date is October 2005, so calculate from then to now and calculate them against my max out date. Appellant should of been home a long time ago.

Thanks very much for your time and careful review of these facts of statute laws and SCDC policy's that appellant has carefully laid out before you.

Sincerely, Respectfully, Submitted

3-7-2022

S/John [Signature] 268099

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Proof of Service

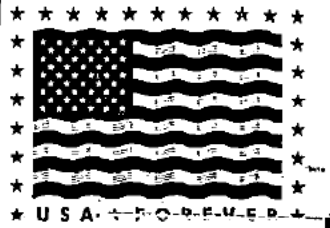
SC Court of Appeals

T. Adam Wunningham #268099 Appellant pro/se
hereby certify that a placement of this Motion
for summary judgement has been served upon
the following parties by placing a copy of the
same via mail to his/hers last known address
at the same time and on the same day.

S.C. Court of Appeals	SCDC General Counsel
Jenny A. Kitchings, Clerk	Imani Diane Byas
P.O. Box 11629	P.O. Box 21787
Columbia S.C. 29211	Columbia S.C. 29221

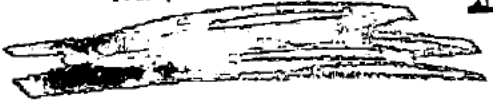
S/O Adam Wunningham 268099
Pro/se Adam Wunningham 268099
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