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STATE OF SOUTH CAROLINA

In the Court of Appeals

SC Court of Appeals

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

Ronald Geo, #258466f

Appellant,

v.

South Carolina Department
of Corrections,

Respondent.

REPLY BRIEF OF APPELLANT

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Date: April 6, 2022

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STATEMENT OF THE CASE

This matter comes before the Court pursuant to the Appellant. The Appellant filed a step one grievance on June 11, 2021, seeking a change to his sentence calculation, claiming he was not receiving Good time credits or Earn work credits. This grievance was investigated and denied when it was determined that SCDC has properly calculated and applied Good time credits and earn work credits to Appellants sentence. Appellant filed a Step Two Grievance on July 1, 2021. This grievance was also investigated and denied. Appellant filed a Notice of Appeal in the Administrative Law Court on August 31, 2021. Thereafter on January 24, 2022, the Honorable Robert L. Reibold issue an order affirming the decision of the Respondent. This appeal follows. The Appellant filed a Notice of Appeal on February 14, 2022. The Appellant received the Respondent Brief filed March 28, 2022. This Reply Brief follows.

STATEMENT OF ISSUE ON APPEAL

The Appellant is entitled to a deduction of his sentence pursuant to the S.C. Code of Law Ann. § 24-13-260

ARGUMENT

The Appellant is entitled to a deduction of his sentence by virtue of the S.C. Code Ann § 24-13-260 which provides in relevant part.. (An officer having, charge of an inmate who refuses to allow a deduction in time of serving sentence is guilty of a misdemeanor) The Respondent are forbidden to not allow the Appellant a deduction of his sentence. The Appellant has a protected liberty interest in receiving the deduction in his sentence. The Due Process clause 14th Amendment of the United States Constitution assures that a state created right cannot be arbitrarily abrogated. The Respondent in there Brief rely on two statutes that are in direct conflict with § 24-13-260. Respectively S.C. Code Ann § 24-13-100, § 24-13-150. These two statutes were added in June of 1995. The Respondent ignores the precedence set by the S.C. Supreme Court in Stone v. State, 313 S.C. 533, 535 443 S.E.2d 544, 545; Hair v. State, 305 S.C. 77, 406 S.E.2d 332, that the more recent and specific legislation controls if there is a conflict between two statutes. S.C. Code Ann

§ 24-13-260 was rewritten on June 2010. The Legislature made it a misdemeanor for those in charge of an inmate who refuses to allow a deduction in sentence. The Legislature is presumed to intend that its statutes, accomplish something. See, State v. Long, 363 S.C. 360 (2005), 278 S.2d 809. The Respondent alleges in their brief that the Appellant is receiving Good time and Earn work credits. The fact remains that the Appellant is not receiving a deduction of his sentence from the benefit of Good time and Earn work credits is affront to § 24-13-260. The absurdity of the Respondent position is that the Appellant can earn all the Earn work credits and Good Conduct credits possible but they cannot be applied to the deduction of his sentence. This concept violates § 24-13-260 and also the Appellant's state created right found under the Due Process Clause 14th Amendment of the U.S. Constitution.

CONCLUSION

The Appellant request the relief sought in his Initial Brief.

Ronald Coak

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

Ronald Coe # 258464.

Appellant,

v.

South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

I, Ronald Coe, #258464 hereby certify that I have this 6 day of April 2022 mail a copy of the Reply Brief of Appellant to the Respondent in a properly addressed envelope postage prepaid in the U.S. mail.

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April 6, 2022

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SC Court of Appeals

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