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APR 26 2022

SC Court of Appeals

The South Carolina Court of Appeals

Adam Wainingham, # 268099, Appellant
pro/se

v.

South Carolina Dept of Corrections, Respondent

Appellant case # 2019-001751

Motion For Rehearing

(cc:File) Jenny Abbott Kitchings, Clerk; P.O. Box
11629, Columbia S.C. 29211.) SCBC: General
Counsel, Imani Diane Byas; P.O. Box 21787,
Columbia S.C. 29221.

S/O *[Signature]* 268099

Date 4-21-2022

Livesay Pre-Release

P.O. Box 580

UNA S.C. 29378

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Statement of Case

Appellant filed his step 1 grievance on 10-14-18, It was denied on 11-2-18. He then filed his Step 2 grievance on 11-3-18 and it was denied on 1-24-19. I then filed notice of appeal to ALC and it was denied and I received that order 10-9-19. I then appealed to Court of appeals and I got denied and I received that order 4-15-2022. "I now file this motion for Rehearing to the Court of appeals on 4-21-2022"

Argument

Appellants arguments in his brief has not been correctly observed in this Courts order.

Appellants argument on the conflict in the Statutes is because 24-13-150A clearly States in the latter part; the 85% is to be calculated from the 100% that the Judge gave me; Without the application of Work, education, and good time Credits. Now law 24-13-210B says us

no-parole offenders get three days a month for good time credits. Law 24-13-230B States us no-parole offenders get 6 days a month or Seventy-two days a year.

IF 24-13-150A states at the latter part that the 85% is to be calculated Without the application of Work, education, and good time Credits; then 24-13-210B and 24-13-230B both state no-parole offenders get Credits. That is clearly Conflict when appellant does 85%.

(Please explain what Without means.)

72 days a year for Work and education as well as 36 day a year for good time Credits goes to 108 days year. Even if you take that From the 100% and not the 85%, Those days will take me to 70%. There is definite Conflict in those Statutes.

"You say I did not raise the argument of my education and good time credits in my 1st step grievance or to the ALC."

(SEE Exhibit 1) Appellants Amendment to the grievance office with the education and good time credits on it. See highlighted area where they stated they would handle all credits in Grievance GCI 0084-18, (SEE Exhibit 2) Look on the back where they made judgement on EWC, EEC, and G.t. credits. (SEE Exhibit 3 pgs 2 and 4) look at the highlighted areas in my brief to the ALC speaking of EEC's and G.t. Credits along with EWC's. (Also SEE Exhibit 4 pgs 2 and 3) look at highlighted areas where Judge Robinson ruled not only on EWC's but also on EEC's and G.t. credits.

Appellant also argued in his step 1, 2, ALC, and you honorable court of appeals that SCBC policy O.P. 21.07 (2.2) testifies that all inmates are compensated for their labor; as well as O.P. 21.07 (7.6) testifies that all inmates who refuse to work will be disciplined. "Appellants argument due to these policies is that it is discrimination to make all inmates work alike, however only reward parolable inmates according to policy and laws and not reward no-parole inmates at all." (Exhibits 1, 3, and 4)
Appellant Reminds you honorable court

by asking you to remember your statement in Bolin v. SCDC; The fourth paragraph above your conclusion. You made a note of the "Stark Contrast" of amount of credits given to parolable inmates versus no-parole inmates; Who do the same jobs and hours as the parolable inmates. That is obvious discrimination against us no-parole inmates. Honorable Court of appeals would you please rule on this argument. (SEE Exhibits 1, 3, and 5) (Remember Policy OP 2107 (2.2) state they compensate us for our labor with Work Credits. (7.6) They will discipline us for not working.)

Conclusion

Appellant pleads with the Court knowing that he is not an attorney to look at his evidence and grant him the obvious results he deserves from the EWCs, EECs, and G.T. Credits as well as the obvious discrimination against No-parole inmates.

Respectfully submitted

John L. [Signature]

Date 4-21-2022
 Live say pre-release
 P.O. Box 580
 UNA S.C 29378

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Exhibit 1

INMATE NAME: Adan Wunningham
 SCDC NUMBER: 268099
 INSTITUTION: Goodman C.I.
 HOUSING UNIT: R4-21T
 WORK ASSIGNMENT: Criminal Justice Academy

OFFICE USE ONLY
 Grievance No. GC7 0095-18
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. EWC
 PREA _____
 Date Received 10/26/18
 IGC Initials Rh

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.)

AMENDMENT to grievance I Filed on 10-14-18 for credit for my (EWCs).
 I wrote classification on 10-19-18 on the Kiosk on behalf of how many (EWCs) that I have earned. Their response on 10-19-18 Reference # 18-01055307, Author (C004909) said I have earned 659 (EWCs). Law: 24-13-150(A) tells us that our 85% is to be applied to the actual term of imprisonment imposed without the application of (EWCs), (EWCs) and/or (EWCs) conduct credits. Law: 24-13-230(B) says A maximum annual credit for both (EWCs) and (EWCs) is limited to seventy-two days. Policy: O.P. 21.07-(4.3) tells us any inmate who was sentenced on or after 1-1-96 to a (No Parole) which is a (85%) sentence can earn (EWCs) / (EWCs) and 60 credits at a combined maximum total of six credits a month and maximum annual total of 72 credits. Policy OP. 21.07 (8.2) tells us inmates with "No Parole" sentences, can get total maximum of (EWCs) and (EWCs) of 72 days a year. Policy OP 21.07 (1.5) notes inmates convicted of a violent offense excluded by law will not be eligible to receive (EWCs) unless they were convicted of a crime committed on or after 1-1-96 and were sentenced to one of the (No Parole) 85% offenses. Policy OP 21.07-(2-2) tells us we are compensated for our work with (EWCs). "Note: IF we do not work according to Policy ~~OP 21.07 (1.6)~~ Inmates will be charged with a level 3 charge." According to Policy OP 21.07 (8.3) The Warden can request for the inmate to receive his/hers (EWCs) and/or (EWCs) retroactively and the Division Director can Award those Credits retroactively.

Thanks for your
 time and concern.
 May God Bless
 you all.

Adan Wunningham 10-21-18
 Grievant Signature Date

ACTION REQUESTED: For the 1644 (EWCs) and the 659 (EWCs) ~~to be~~ to be applied to my current max out date which I have rightfully earned, 72 days a year. (see 24-13-230(B) and SCDC policies as well as 15 days a month for G.I. credit) Thanks and may God Bless (see 24-13-210(B))

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Returned all credits will be addressed in GC7-0095

K. Hill
 IGC Signature Date

WARDEN'S DECISION AND REASON:

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.

Grievant Signature

Date

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.

WARDEN'S DECISION AND REASON:

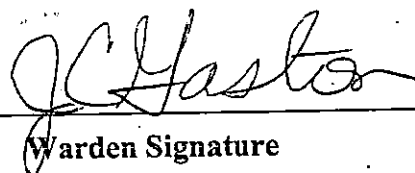
GCI-0084-18

Inmate Adam Winningham, 268099

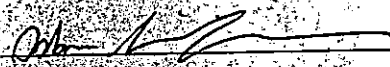
I have reviewed your concern. In your grievance you state that you have 1644 Earned Work Credits (EWC). You are requesting that the 1644 EWC you have earned be applied to your current max out date. Agency records indicate you are serving a 20 year sentence for Burglary - 1st Degree without parole as a violent offender. You must serve 85% of your incarcerative sentence (without EWC/EEC/GT accrual) 17 years. Upon completion of your mandatory sentence 17 years your projected max-out date is December 21, 2022. You have been credited with all EWCs that you are entitled. Also, you should be aware that EWCs will vary based upon your job assignment.

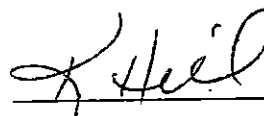
Therefore, your grievance is resolved.

If you disagree with this Warden's Decision (Decision), you may file a Step 2 Grievance Appeal by completing SCDC Inmate Grievance Form 10-5A with is 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.

 10-31-18
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.

 11-2-18
Grievant Signature Date

 11/2/18
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.

Exhibit 3

①

State of South Carolina
Administrative Law Court

Case# 19C0077
Grievance# GCT 84-2019

Adam Blinningham #268099
Pro Se Appellant

Initial Brief

v.

S.C. Dept of Corrections. Honorable: Robinson

Statement of issue on Appeal:

Appellant wants to receive the credits that policy and law declares for No Parole offenders to receive.

Statement of the case:

Appellant filed his step 1 grievance on 10-14-18. Appellant received his denial on his step one on 11-2-18. Step 2 grievance was filed on 11-3-18. Appellant received his denial on step 2 on 1-24-19. Appellant then filed a notice of appeal with Administrative Law Court and General Council. Appellant got his case number and Judge Robinson to file his initial brief with on 3-6-19 at the mail room at MacDougall C.I. where appellant has been transferred from Goodman to MacDougall on 2-28-19 where he is now housed.

Argument of Case:

Law 24-13-150(A): State's all no parole offences have to do 85% of their sentence before being

released. It also states that the 85% is to be calculated from the actual term of imprisonment imposed without the application of EWC's, EEC's, or G.I. credits.

Law 24-13-230 (B): States; no prisoner convicted of a no parole offense is entitled to a reduction below the minimum term provided in 24-13-150 (A). Law 24-13-230 (B) also states, "a no parole offender can get a maximum yearly credit for both EWC's and EEC's is limited to 72 days."

These two laws evidently contradict one another. Law 24-13-150 (A), says a no parole offender has to do 85% of his sentence; when law 24-13-230 (B) says to follow law 24-13-150 (A), however a no parole offender can get 72 days a year for EWC's, EEC's, and G.I. credits.

Now we know those 72 days a year in law cannot be talking about the 15% given to make the 85%. First is because law 24-13-150 (A), says "the 85% is to be calculated without the application of EWC's, EEC's, and G.I. credits." Second is because "if the law meant we can't get under 85%, then 72 days a year would have to change to 54 days a year. (It would be impossible to give a no parole offender 72 days a year no matter their custody or job because 72 days a year would be 16 years and 20 days to serve on a 20 year sentence, and 85% of 20 years is 17 years.)

(These laws could only mean one thing; a no parole offender can get 72 days a year for EEC's, EWC's and G.I. credits reduced from the 85% of the actual sentence imposed.)

(3)

Appellant's step 2 grievance states that, "he had been given credit for all the time that he deserved." Appellant argues that on SCDC's computer calculation of credits appellant had accumulated as of 2-17-19, 1709 EWC's, and 683 EEC's. Within my brief I have sent a computer printout with a highlighted area showing that ~~I am eligible for EEC's.~~

Policy O.P. 21.07(2.2) declares, "inmates are compensated for their work with EWC's, and EEC's for educational studies. Appellant therefore begs to differ on he has been given all the credits that he deserves.

No parole inmates are being calculated in the SCDC computer for 2 for 5 EWC's and EEC's. Just like parolable inmates however, no-parole inmates are getting no credits at all. Remember law 24-13-150(A) states "no parole inmate do 85% with no credits applied."

Appellant; a no parole offender does the same work everyday as a parole offender does, however appellant gets no credits and all parole offenders get their credits. Law says Same Work, Same pay. Also note if we don't work we will be charged with a level 3 charge see Policy O.P. 21.07(7.6)

Where is the line drawn from parolable offender who get their credits and no parole offenders who get no credits at all. Are the parolable offender prisoners, and the no parole offenders slaves? Is discrimination only legal within the law who defined it?

Policy OP 21.07 (4.3), (8.2)(1.6), (1.5) all tell us that no parole offenders can get 72 days a year for EWC's, EEC's, and C.I. credits.

Conclusion:

Step 2 grievance states I have gotten all the credits that I deserve; when in fact the Supreme Court ruled Same Work Same pay. So I deserve 1709 EWC's, and 683 EEC's as of 2-17-19 and by now it's more. However I am only asking for what law and policy declares that a no parole offender gets. I want 72 days a year added up for all these years that I have been incarcerated and applied retroactively to be deducted from the top of the 85% of my sentence. Thanks and may God bless the Justice System.

Proof of Service:

I Adam Wittingham #268099 hereby certify that a placement of this brief has been served upon the following parties by placing a copy of the same via mail to his/her last known address at the same time and on the same day.

S.C. Administrative Law Court
Honorable Judge Robinson
Edgar A. Brown Building
1205 Pendleton St Suite 224
Columbia S.C. 29201

SCDC Office of
General Council
P.O. Box 21787
Columbia S.C.
29221

S/O ~~Wittingham~~ 268099 Pro/Se
MacDougall C.I.
1516 Old Gilliard R.d.
Ridgeville S.C. 29472

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Adam Winningham, 268099,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections.)
)
Respondent.)

Docket No.: 19-ALJ-04-0077-AP
Grievance No.: GCI 84-18

ORDER

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed by Adam Winningham ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). Appellant is seeking judicial review of the Department's determination regarding the application of earned work credits ("EWCs") to his sentence. After careful review of the Record and briefs, the Department's decision is affirmed.

ISSUE ON APPEAL

Did the Department commit error by not applying earned work credits to reduce Appellant's sentence?

STANDARD OF REVIEW

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). The *Al-Shabazz* decision explained that "procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property." *Wicker v. S.C. Dep't of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Such a liberty interest is at stake in the calculation of an inmate's sentence. *See Tant v. S.C. Dep't of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) ("There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest."); *See also Sullivan v. S.C. Dep't of Corrs.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 and recognizing that *Al-Shabazz* created review in the ALC for sentence calculation cases).

In sentence calculation cases, the Court sits in an appellate capacity, applying the appellate

FILED

OCT 04 2019



standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377–80, 527 S.E.2d at 754–56. Consequently, the Court’s review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2017). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the Appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2017). Substantial rights of the appellant are prejudiced when the agency’s decision, including the agency’s findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

DISCUSSION

On March 20, 2006, Appellant received a twenty-year sentence after pleading guilty to Burglary-First Degree, a violation of S.C. Code Ann. § 16-11-311(B). Upon calculating his sentence, the Department determined that Appellant committed a no parole offense and must serve at least eighty-five percent of his sentence without the application of earned work credits. This Court will review Appellant’s case to determine whether the Department did in fact err. *See State v. Bennett*, 375 S.C. 165, 170, 650 S.E.2d 490, 493 (Ct. App. 2007).

S.C. Code Ann. § 24-13-100 defines a “no parole offense” as “a class A, B, or C felony, or an offense exempt from classification as enumerated in Section 16-1-10(D), which is punishable by a maximum term of imprisonment for twenty years or more.” S.C. Code Ann. 16-1-10(D) sets forth the offenses that are exempt from classification, and section 16-11-311(B), Burglary-First Degree, is on the list of offenses exempt from classification. Furthermore, as set forth in relevant portions of S.C. Code Ann. § 24-13-150 (A), “a prisoner convicted of a “no parole offense” as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections.... is not eligible for early release, discharge, or community supervision.... until the prisoner has served at least eighty-five percent of the actual term of imprisonment imposed. ~~The eighty-five percent must be calculated without the application of EWCs. See *Id.* Additionally, while inmates are given credit for good behavior and allowed reductions in their sentence for participation in certain programs, no inmate convicted of a “no-parole-offense” is entitled to a reduction below the maximum term of incarceration provided in Section 24-13-150...~~ S.C. Code Ann. §§ 24-13-

~~24-13-150(B) and 24-13-230(B).~~

In sum, Appellant pled guilty to and was sentenced for Burglary-First Degree and therefore he is required by law to serve eighty-five percent of his twenty-year sentence before being eligible for release, discharge, or community supervision. ~~See sections 24-13-150(A), 24-13-210(B), and 24-13-230(B).~~

Appellant further argues he is not required to serve eight-five percent of his sentence due to conflicting language in S.C. Code Ann. §§ 24-13-150 and 24-13-230. Appellant contends section 24-13-150 states the eighty-five percent is calculated without the application of credits while section 24-13-230(B) discusses an annual limit of seventy-two days of eligible work and education credits. In light of the language Appellant views as being in conflict, or ambiguous, he urges that the statutes be interpreted such that no-parole offenders can receive seventy-two days of eligible credits annually to reduce the eighty-five percent requirement. However, there is no ambiguity in this instance. Appellant must serve at least eighty-five percent of his sentence for Burglary-First Degree, which must be calculated "without the application of earned work credits...." Section 24-13-150(A). See *Smith v. Tiffany*, 419 S.C. 548, 556, 799 S.E.2d 479, 483 (2017) ("Absent an ambiguity, there is nothing for a court to construe, that is, a court should not look beyond the statutory text to discern its meaning"); see also *S.C. Carolina Coastal Council v. S.C. State Ethics Comm'n*, 306 S.C. 41, 44, 410 S.E.2d 245, 247 (1991) (when interpreting a statute, a court should not consider a particular clause in isolation but rather, it should be read in conjunction with the purpose of the whole statute and the policy of law).

Lastly, Appellant argues that section 24-13-100 was repealed by *Bolin v. S.C. Dep't of Corrections*, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016). However, *Bolin* affected drug distribution, manufacturing, and possession with intent to distribute charges for second or subsequent offenses and has no relevance to Appellant's case.

CONCLUSION

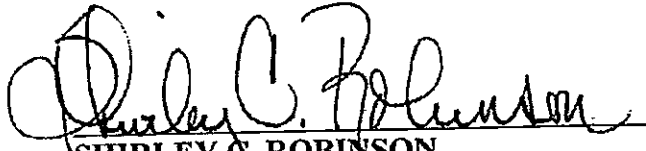
The substantial evidence in the record supports the Department's decision that Appellant must serve eighty-five percent of his sentence, which cannot be reduced by the application of earned work credits.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Department's decision is **AFFIRMED**.

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AND IT IS SO ORDERED.


SHIRLEY G. ROBINSON
Administrative Law Judge

October 4, 2019
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 4 day of October, 2019.

By: _____
Judicial Law Clerk

25

DEC 12 2018

Exhibit 5

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due 11/9/18

MISSION OF CLASSIFICATIONS
INMATE RECORDS

STEP 2

RECEIVED

INMATE NAME: Adam Hiningsham
SCDC NUMBER: 268099 NOV 08 2018
INSTITUTION: Goodman C.I.
HOUSING UNIT: Building 4 cell 21-T
WORK ASSIGNMENT: Criminal Justice Academy

Office Use Only
Grievance No. SC1-0084-18
Code: General _____
Policy: _____
Disc. Hear: _____
Class: ✓ EWC
Date Received 11/15/18
IGC Initials KM

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Law 24-13-150(A): All No Parole offenses have 85% before being released. It also states that the 85% is to be calculated from the actual term of punishment imposed without the application of EWCs, EECs, or G.C. credits. Law 24-13-230(B): No prisoner convicted of a no parole offense is entitled to a reduction below the minimum term provided in 24-13-150(A). Law 230(B) also states a no parole offender can get a maximum annual "early" credit for both EWCs and EECs of 72 days. Now we know those 72 days a year in Law can not be talking about the 15% giving the 85%. One is because Law 24-13-150(A) says the 85% is to be calculated without EWCs, EECs, or G.C. credits. Two is because if the Law meant we can't get under 85% then 72 days a year would be impossible to give to a no parole offender no matter their custody or job because 72 days a year would be 16 year and 30 days to serve on a 20 year sentence and 85% of 20 years is 17 years. The Laws are intended to mean a no parole offender can get 72 days a year deducted from the 85% Policy of 21.07(2.2) Inmates are compensated by their work with EWCs, and EECs for educational purposes. Policy of 21.07(4.3), (8.2), (1.6), (1.5) tells us No Parole offenders can get 72 days a year for EWCs, EECs, and G.C. credits. Also note Policy of 21.07(7.6) says we will be charged with a level 3 offense if we do not work. Kiosk reference # 18-05994701, Author (6004909) says I have worked and violated 1644 EWCs. Also Kiosk reference # 18-0105307, Author (6004909) says I earned 659 EECs. THESE EWCs and G.C. credits are being calculated for a reason in computer. We got what we deserved when sentenced now we get what we deserve by doing what is right. Adam Hiningsham 11-3-18
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

See reverse side for final Agency response.

John D. Smith 12/2/18
Signature Date

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.

Adam Hiningsham 1-24-19
Grievant Signature Date

Bill [Signature] 1/24/19
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Winningham, Adam SCDC No. 268099 GCI-0084-18

I have reviewed your concern. In your grievance you stated that upon request on 8/14/18 classification stated that you have 17 years of 20 years original sentence which is 85% and you would like to get 1,644 days of credits that you are owed. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 10/31/18. You have been convicted of violating SC Code of Laws 16-11-311, Burglary 1st Degree and sentenced to 20 years which is classified as violent and no parole; 16-13-0030, Grand Larceny and sentenced to 7 years, and 16-11-0312, Burglary 2nd Degree and sentenced to 7 years. You have a mandatory service sentence of 17 years. Your projected release date is 12/21/2022. You have been credited with 1,661 Earned Work Credits, 664 Earned Education Credits and you have a Total Service Time Earned of 4,650 days. SCDC may award inmates with credits for good behavior and participation in work/educational programs. These credits can be applied towards an inmate's sentence (s) to establish an earlier release date, unless the inmate was sentenced under the Truth-in-Sentencing statute and must serve 85% of his/her sentence without EWCS/EECs/GT accruals. Good time credits can be applied towards establishing sentence expiration date. Good time credits cannot be applied towards establishing parole (conditional release) eligibility. On the other hand, work/educational credits can be applied towards conditional or unconditional release criteria. Once an offender is committed to SCDC, projected release dates could be negatively impacted in several ways, including if the inmate loses good time, fails to earn good time, or fails to earn work credits for any reason. Your projected release date is correct and you have been given credit for all the time that you deserve.

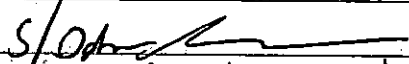
Therefore, your grievance is resolved.

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.

Proof of Service

I, Adam Winingham #268099 Appellant pro/se hereby certifies that a placement of this motion for Rehearing has been served upon the following parties by placing a copy of the same mail to his/hers last known address at the same time and on the same day.

S.C. Court of Appeals	/	SCBC 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  268099
 Pro/se Adam Winingham 268099
 Date 4-21-2022
 Live say pre-release
 P.O. Box 580
 UNA S.C. 29378

Adam Winningham 268099

LIVESAY CORRECTIONAL INSTITUTION

P.O. BOX 580
UNA, SC 29378
(864) 594-4915

RECEIVED

APR 26 2022

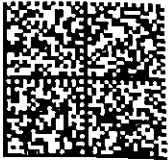
Jenny A. Kitchings, Clerk

SC Court of Appeals P.O. Box 11629

Columbia SC 29211



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Correction
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ZIP 29303 02 7H
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US POSTAGE IMPITNEY BOY
Correct!

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