

**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**

Joshua Gallishaw, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210106

Appeal From The Administrative Law Court
Carolyn C. Matthews, Administrative Law Judge

Unpublished Opinion No. 2014-UP-006
Submitted November 1, 2013 – Filed January 8, 2014

AFFIRMED

Joshua Gallishaw, 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."); *id.* ("Although this court shall

not substitute its judgment for that of the AL[C] as to findings of fact, we may reverse or modify decisions which are controlled by error of law or are clearly erroneous in view of the substantial evidence on the record as a whole."); S.C. Code Ann. § 24-13-40 (Supp. 2012)¹ ("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 . . . 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. Boggs*, 388 S.C. 314, 316, 696 S.E.2d 597, 598 (Ct. App. 2010) ("Section 24-13-40 . . . mandates prisoners receive credit for the time they served prior to trial unless one of two exceptions exist, either: (1) the prisoner was an escapee or (2) the prisoner was already serving a sentence on a different offense.").

AFFIRMED.²

SHORT, WILLIAMS, and THOMAS, JJ., concur.

¹ Section 24-13-40 was recently amended to include any time spent on monitored house arrest in the computation of time served. *See* Act No. 34, 2013 S.C. Acts 141-42 (effective June 7, 2013).

² We decide this case without oral argument pursuant to Rule 215, SCACR.