

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPELLATE CASE NO: 2013-000480

APPEAL FROM THE ADMINISTRATIVE LAW COURT
HONORABLE RALPH KING ANDERSON, III, CHIEF
ADMINISTRATIVE LAW JUDGE

APPEAL OF FINAL DECISION
DEPARTMENT OF PROBATION PAROLE AND PARDON SERVICES
12-ALJ-~~15~~15-0002-AP

CURTIS RICHARDSON #369166

APPELLANT

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SOUTH CAROLINA DEPT OF PROBATION PAROLE
AND PARDON SERVICES

RESPONDENT

BRIEF OF APPELLANT

I SWEAR UNDER PENALTY OF PERJURY THE CONTENTS OF
THIS BRIEF ARE TRUE AND CORRECT.

SWORN TO BEFORE ME THIS
2 DAY OF April 2013

S/ Curtis Richardson
CURTIS RICHARDSON
269166 PB47
4848 GOLDMINE HWY
KERSHAW SC
29067

Catherine A. Orrison
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES My Commission Expires December 22, 2018

STATEMENT OF THE CASE

IN SEPTEMBER 2011. I WAS SENTENCED TO (5) FIVE YEARS IN PRISON NONVIOLENT AND PAROLE ELIGIBLE BY THE Horry COUNTY COURT OF GENERAL SESSIONS. UPON ADMISSION TO THE SCDC. THE SCDC AND THE PAROLE BOARD (HEREINAFTER SCDC AND SCPPAS) CHANGED MY COURT ORDERED CLASSIFICATION TO "VIOLENT AND NOT PAROLE ELIGIBLE."

BASED ON THIS ADMITTEDLY FALSE INFORMATION I WAS DENIED A TIMELY HEARING.

APPELLANT WILL ARGUE THAT THE HEARING WAS SCHEDULED INAPPROPRIATELY. THE BRIEF OF APPELLANT FOLLOWS.

ARGUMENT 1.

APPELLANT'S PAROLE HEARING HELD FEBRUARY 27 2013 VIOLATED THE EX POST FACTO CLAUSE OF THE SOUTH CAROLINA AND UNITED STATES CONSTITUTION.

UPON THE ADMISSION TO THE SCDJ THE RESPONDENTS CHANGED MY CLASSIFICATION TO VIOLENT AND NOT PAROLE ELIGIBLE. THE RESPONDENTS SCDPPS WERE CONTACTED AND ADVISED THAT THIS CLASSIFICATION WAS AN ERROR. HOWEVER THE RESPONDENT SCDPPS ELECTED NOT TO TAKE COLLECTIVE ACTION.

ON FEBRUARY 27 2013 I WAS SEEN BY THE PAROLE BOARD AND DENIED PAROLE BECAUSE OF MY WRITTEN COMPLAINTS AND GRIEVANCES AND APPEALS TO THE COURTS

PURSUANT TO STATUTE 24-21-620 " WITHIN THE 90 DAY PERIOD PRECEDING HAVING SERVED 1/4 OF HIS SENTENCE, THE BOARD EITHER ACTING IN A THREE-MEMBER PANEL OR MEETING AS A FULL BOARD SHALL REVIEW THE CASE" 1.
(SEE EXHIBIT A)

1. I WAS ADVISED BY COUNSEL THAT I WOULD BE PAROLE ELIGIBLE AND INDIVIDUAL AS PART OF MY PLEA AGREEMENT.

APPELLANT IS CURRENTLY SUBJECTED TO AN ILLEGAL SENTENCE UNDER THE EX POST FACTO CLAUSE AND EQUAL APPLICATION OF LAW AS ALL NONVIOLENT OFFENDERS WITH A 5 YEAR SENTENCE ARE ENTITLED VIA STATUTE 24-21-620 TO TWO (2) PAROLE HEARINGS. SEE COOPER V SCDPPS 6615E21 106 A 1/4 HEARING DATE IS ALSO MANDATED UNDER STATUTE HOWEVER APPELLANT DID NOT RECEIVE A HEARING UNTIL SERVICE OF (22), TWENTY TWO MONTHS OF HIS FIVE YEAR SENTENCE AND THE RESPONDENTS HAVE RELAYED TO APPELLANT THAT HE WILL NOT HAVE HIS 2ND HEARING AS MANDATED VIA STATUTE. SEE ROLLER V CAVANAUGH 984 F2D 120 (4TH CIR 1993)

APPELLANT DOES NOT ARGUE AN ENTITLEMENT TO PAROLE AND SOLELY SEEKS MONETARY DAMAGES AS A COMPENSATION FOR BEING SUBJECTED TO EX POST FACTO APPLICATIONS TO HIS SENTENCE WHICH SUPPORTS ILLEGAL CONFINEMENT. SEE BUKHARI V NUTTO 487FSUPP 1162. APPELLANT FURTHER SEEKS RELEASE FROM PRISON UNDER EX POST FACTO APPLICATION. AND ALLEN V LOWDER 875 F2D 82 (4TH CIR 1989). ALSO SEE WEAVER V GRAHAM 101 SCT 960 (1981) PROPER RELIEF UPON A CONCLUSION THAT A PRISONER IS BEING TREATED UNDER AN EX POST FACTO LAW IS TO REMAND TO PERMIT THE COURT TO APPLY THE LAW IN PLACE WHEN HIS CRIME OCCURRED.

ARGUMENT 2.

APPELLANT HAS EXHAUSTED HIS ADMINISTRATIVE
REMEDIES (SEE EXHIBIT B ATTACHED)

CONCLUSION

BASED ON THE FOREGOING REASONS THE ~~REASON~~-
APPELLANT REQUESTS MONETARY DAMAGES AND
RELEASE FROM PRISON OR ANY OTHER RELIEF
DEEMED JUST AND PROPER BY THIS HONORABLE
COURT UNDER ITS JURISDICTION.

KENSHAW, SOUTH CAROLINA
MARCH 31, 2013

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