

Tyrone Perry # 307793
PCI / Q4B - 116
430 Oaklawn Rd
Pelzer S.C. 29669

Jenny Kitchings, Clerk of Court
Court of Appeals
P.O. Box 11629
Columbia S.C. 29211

RE: Perry v SCDC : Motion for rehearing after dismissal from
Administrative Law Court

Dear Ms Jenny A. Kitchings,

Please find enclosed my affidavit dated May 29, 2014 and my Motion
for rehearing. filed to the Administrative Law Court after the dismissal
of my case. I tried every avenue to obtain relief and not abandon
my claims.

I kindly request that you please file the foregoing on the records
and return a court stamped "filed" clock in copy to me for my
records. I accidentally misread the rule and sent it to the wrong
clerk.

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JUN 17 2014

P.C.I. MAILROOM

Thanks in Advance

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vs Tyrone Perry # 307793

JUN 20 2014

Tyrone Perry # 307793

SC Court of Appeals

Administrative Law Court of South Carolina

Tyrone Perry # 307793		Docket # 14-ALJ-04-0096-AP
Appellant		
V		
South Carolina Dept of Corrections		Affidavit by Tyrone Perry Appellant
Respondent		Judge Matthews

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 VOID CLOKED IN ERROR
 2014 JUN 12 PM 2:58
 M. HOPE BLACKLEY

① I Tyrone Perry swear under oath that I am an inmate in the South Carolina Department of Corrections at Perry Institute at 430 Oaklawn Rd Pelzer South Carolina 29669, that this affidavit given by the Appellant is true and correct under oath.

② The respondents make a frivolous argument and do not address the Appellant's issues

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SC Court of Appeals

③ The ALC made an erroneous decision pursuant to Stezac v SCDC 605 SE2d 506 (2004) and didn't address the Appellant's issues

④ This affidavit is given by the Appellant Tyrone Perry is true and correct up under oath before the ALC voluntarily

sx Tyrone Perry #307793

Tyrone Perry # 307793
 430 Oaklawn Rd 04B-116
 Pelzer S.C. 29669

sworn and subscribed before me this

29 day of may 2014

Jamara C. Powell
 Notary Public

my commission expires: My Commission Expires
 September 25, 2023

South Carolina Administrative Law Court

Tyrone Perry # 307793

Appellant

V

South Carolina Dept

of Corrections

Respondent

Docket # 14-ALJ-04-0096-AP

Grievance # PCI-1493-13

Judge Matthews

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SC Court of Appeals

FILED
CLERK OF COURT
SPARTANBURG COUNTY
M. HOPE BLACKLEY
VPP SPOKESMAN ERROR
2014 JUN 20 PM 3:00

MOTION FOR REHEARING

Now moves the Appellant to motion for a Rehearing. The Appellant was given a docket number on February 24, 2014. The Appellant filed his Appellant Brief on February 26, 2014. In compliance with Rule 35 the Appellant filed for a request of documents and transcript. And filed two motions to comply on the respondents for a transcript. The respondents never complied to the Appellant's motions nor request to his initial brief asking for the transcript. The Appellant argued Slezace v. SCDC 605 SE2d 506 (2004) contending his property liberty interests and state created liberty interests in staff not timely filing his written statement to the DHO violating the Appellant's Due process rights under Wolff v. McDonnell 44 S.Ct 2963 (1974) thwarting the Appellants due process rights to be heard in a major disciplinary hearing. Also pursuant to Wolff v. McDonnell 44 S.Ct 2963 (1974) Counsel substitute failed to interview and question requested witnesses testimony violating due process rights of the aid of counsel substitute and the right to be heard in a major disciplinary hearing. These failures by staff created a state created liberty interest in which

the Appellant alleged- Also a property interest in that the Appellant's personal property was taken for 240 days and while going to Special Housing Unit [SHU] staff loss \$102.11 worth of Appellants personal property, in which was not recovered and the Appellant is still deprived of \$102.11 worth of personal belongings- Also the Appellant contends in his Appellant Brief he submitted exhibits in accordance with Rule 36(f) where requested staff members were not questioned and the DHO recorder who failed to file the Appellant's statements to the hearing officer which is violating the Appellants due process rights and creating a state created liberty interest. Prison officials must provide a reason for their refusal to call a witness or present document evidence And that reason must be logically related to institutional safety and correctional goals. Ponte v. Real 471 US 491 (1985). The agency did not comply. The Appellant's Brief and Reply Brief implement state created liberty interests and property interests. The Appellant never contends of earn work credits due to the Appellant is serving a 50 year mandatory sentence. The respondent's argument do not address the issues of the Appellant. The Appellant was denied due process pursuant to Weiff v. McDonnell 94 S.Ct 2963 (1974) and staff's failure to abide by SCDC policy and procedure in a major disciplinary hearing created a state created liberty interest and property interest due to the Appellant is still without his personal property loss by staff. The Appellant humbly requests for a rehearing on the facts presented.

This 29th day of May 2014

vs Tyrone Perry #307793
Tyrone Perry # 307793
430 Oaklawn Rd Q4B-111
Pelzer S.C. 29669

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SPARTANBURG COUNTY
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M. HOPE BLACKLEY

South Carolina Administrative Law Court

Tyrone Perry # 307793

Docket # 14-ALJ-04-0096-AP

Appellant

v

South Carolina Dept

of Corrections

Respondent

CERTIFICATE OF SERVICE

I certify that I have served this Motion for Rehearing by depositing a copy of it in the U.S. mail postage prepaid to the following

Administrative Law Court
1205 Pendleton Street Suite 224
Columbia S.C. 29201

Office of General Counsel
4444 Broad River Rd / P.O. Box 21787
Columbia S.C. 29221
RECEIVED
JUN 20 2014
SC Court of Appeals

This 29th day of May 2014

By Tyrone Perry # 307793

Tyrone Perry # 307793

430 Oaklawn Rd OVR-116

Pelzer S.C. 29669

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MAY 29 2014

P.C.I. MAILROOM

FILED
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SPARTANBURG COUNTY
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HOPE BLACKLEY

Tyrone Perry # 307793

430 Oaklawn Rd 04B-116

Pelzer S.C. 29669

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JUN 17 2014

P.C.I. MAILROOM

FROM MAIL

^s INTER AGENCY MAIL

South Carolina Court of Appeals

Jenny Abbott Kitchings, clerk

P.O. Box 11629

Columbia S.C. 29211

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SC Court of Appeals

Legal Mail