

THE STATE OF SOUTH CAROLINA
In The Court OF Appeals

RECEIVED

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SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Deborah Brooks Durden

Docket No.: 13-ALJ-04-0732-AP

Perry Watford, #289215, Appellant,

v.

South Carolina Department of Corrections Respondent

AMEND FINAL BRIEF OF APPELLANT

Perry Watford 289215
Perry Watford, 289215
P.C.J. Q2- A122
430 Oaklawn Rd.
Pelzer, S.C. 29669
Appellant pre-se

Date: September 30, 2014.

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3 Copies

JUL 12 2012

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

sent copy out 9-11-11

| | | |
|---|---------------------------------------|--------------------------------|
| TO: NAME: <i>Head of Classification Headquarters</i> | TITLE: | DATE: <i>March 15, 2011</i> |
| INMATE'S NAME: <i>Perry Watford</i> | SCDC #: <i>289215</i> | |
| INSTITUTION: <i>B.R.C.I</i> | LIVING QUARTERS: <i>Murray 143</i> | |

Dear Sir or Madam, I'm writing to find out How can SCDC classification Purpose - Classify me as a violent offender. I was sentenced 25 years for leaving a accident with Death, and 10 years for reckless Homicide Both are non-violent charges. so is SCDC ~~changing~~ statutorily changing non-violent charges to violent. is that legal By law?

Thanks for your Time
Perry Watford
289215

DISPOSITION BY STAFF MEMBER:

Hit and Run-Death results is a non-violent offense by state statute. It's SCDC Classification is consider violent because the statute has been change to a violent offense. At the time you committed your offense it was non-violent.

| | |
|--------------------------|--|
| DATE: <i>03/15/11</i> | SIGNATURE: <i>Michael R. [Signature] Branch Chief</i> |
|--------------------------|--|

EXHIBIT (A)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

3 copy Front + Back

STEP 1

INMATE NAME: Perry Watford
SCDC NUMBER: #289215
INSTITUTION: BRCI
HOUSING UNIT: Murray 266
WORK ASSIGNMENT: dorm

JUL 12 2012
GDR

Office Use Only
Grievance No. BRCI-0848
Code: General _____
Policy _____
Disc. Hear. _____
Class. ✓
Date Received 7-8-12
IGC Initials TM

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy, indicate which policy)

I was sentenced in December 2002 for the offense of leaving the scene resulting in death; wreckless homicide and a probation violation. At the time I committed the above referenced offenses by statute the offense are non-violent. After entering SCDC I have been advised that I am being classified as violent 85%. I wrote head of classification concerning this matter, see attached inmate to staff request and Michael Matthews informed that at the time my crime was committed by statute they are considered non-violent, but SCDC's classification is treating them as violent and has me serving 85%.

Under the U.S. Constitutional Full Faith and Credit Clause I am entitled to have the law apply to me as it was at the time the offense was committed.

~~At this time I request to be reclassified as non-violent.~~
ACTION REQUESTED:

At this time I request to be reclassified as non-violent as the statute I was convicted under at that time was non-violent

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

See attached inmate to staff request to Head of Classification

Perry Lee Watford 7-9-12
Grievant Signature Date

ACTION TAKEN BY IGC:

See Warden's Response →

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

T. Montgomery
IGC Signature Date

NR
Grievant Signature Date

3 copies Front + Back

WARDEN'S DECISION AND REASON:

Inmate Watford;

This is in response to BRCI-0848-12. In this grievance you asked to be reclassified as non-violent. All pertinent information and documentation has been reviewed. While your crime might have been classified as non-violent at the time it was committed, by the time you came under the custody of SCDC the statutes had changed. Unless the laws change, you will remain classified as a violent offender.

Based on this information, your requested action is denied. If not satisfied with my response, see Step 5 below.

HM 4-3-13
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.

Perry, W... April 9, 2013
Grievant Sign Date

J. Montgomery 4-9-13
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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, via the Institutional Grievance Coordinator.

DUE 4-14-13

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: Perry Watford
SCDC NUMBER: SCDC# 289215 APR 18 2013
INSTITUTION: BRCI APR 24 2013
HOUSING UNIT: Murray #266
WORK ASSIGNMENT: Dorm INMATE GRIEVANCE

Office Use Only
Grievance No. DRCI-0848-12
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 4-25-13
IGC Initials TM

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I am appealing the Warden's decision in grievance no. BRCI-0848-12. The Warden agreed that while my crime was classified as "non-violent" at the time the crime was committed, but by the time I entered SCDC the statute had change to violent and therefore I will remain classified as a violent offender. The Warden's decision is in error based on law. Under the Full Faith and Credit Clause the law must apply to me as it was when it was committed. Any departure from that as in the instant matter has resulted in an ex post facto violation. Ex post facto prohibits the application of a new law that increases punishment to an old sentence. I respectfully ask to be reclassified as non-violent.

see attached Request to Staff and Step 1 grievance

Perry Watford April 12, 2013
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your grievance has been reviewed. Offenses are considered statutorily violent if they were violent under SC Code Ann. 16-1-60 at the time of the conviction. In contrast, offenses are considered violent for classification purposes if they are listed in SC Code Ann. 16-1-60 regardless of the date of the conviction. Therefore, your offense is statutorily non-violent but you are classified violent. This classification has no bearing on your projected release date or sentence-related credits. You are required to serve a mandatory minimum of 85% of your 25 year sentence based on your offense, not your violent status for classification purposes.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

J. Claster 4-4-13
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.

Grievant Signature

Date

IGC Signature

Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket No. 13-ALJ-04-0732-AP
Grievance No. BRCI-0848-12

Hon. Deborah Brooks Durden, Presiding
S.C. Administrative Law Court

Perry Watford #289215 -- Appellant,

-Vs-

South Carolina Department of Corrections -- Respondent,

APPELLANT'S INITIAL BRIEF
ON APPEAL

Christopher D. Florian
Deputy General Counsel
South Carolina Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221-1787

Perry Watford
SCDC# 289215
PCI (2B-120)
430 Oaklawn Rd.
Pelzer, SC. 29669

Appellant Pro-Se

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

| | | |
|---------------------------------|---|-----------------------------|
| Perry Watford |) | Docket No.13-ALJ-04-0732-AP |
| Appellant, |) | Grievance No.BRCI-0848-12 |
| -Vs- |) | |
| S.C.Depart.Corrections ("SCDC") |) | APPELLANT'S INITIAL BREIF |
| Defendant |) | ON APPEAL |
| <hr/> | | |

COMES NOW, above captioned, Appellant, pro-se. seeking relief in this Honorable Court, that the judgement below entered by the Administrative Agency is in error and violates the Ex post facto clause.

JURISDICTION

Jurisdiction lies in this Honorable Court pursuant to S.C.Code Ann.§1-23-380(A)(6). and Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).

ARGUMENT

STATEMENT OF FACTS/PROCEDURAL

Appellant is presently confined in the South Carolina Department of Corrections ("SCDC") serving a twenty-five (25) year aggregate sentence for one count of reckless homicide, S.C. Code Ann. § 56-5-2910 (2002-GS-32-2321)(10-years); and one count of leaving the scene of an accident, S.C. Code Ann. §56-5-1210-(A)(3) (2002-GS-32-2322)(25-years); sentences were ordered concurrent.

Appellant was arrested in Lexington County South Carolina on October 11, 2001 and subsequently indicted and charged as stated.

On December 3, 2002, Appellant appeared before the Honorable Marc Westbrook and Judge Westbrook sentenced Appellant as stated (Rppl-2)

On December 4, 2002, Appellant was taken to SCDC for commencement of said sentences. It was brought to Appellant's attention that SCDC's classification system was classifying Appellant's crime(s) as "violent" offense and thus requiring Appellant to serve 25-years at 85% (Rp1)

On March 15, 2011, Appellant wrote an inmate-to-staff request [SCDC Form 19-11] to Head of Classification at SCDC headquarters see fortior attached hereto Exhibit (A); and Michael Mather Branch Chief responded March 18, 2011 informing Appellant that:

"hit and Run --Death Results in a non-violent offense by state statute.

It's SCDC's Classification is consider violent because the statute has been changed to a violent offense. At the time you committed your offense it was non-violent." Id

(Rp1)

As was seen in the above it is SCDC that is classifying Appellant as "violent" because the State Statute changed "after" Appellant had committed his offenses. It should be noted that the offense were non-violent when they were committed.

Appellant immediately filed a Step 1 grievance concerning the matter, see attached fortior Exhibit (B), and SCDC's response was

This is in response to BRCI-0848-12. In this you asked to be re-classified as non-violent. All pertinent information and documentation has been reviewed. While your crime might have been classified as non-violent at the time it was committed, by the time you came under the custody of SCDC the statutes had changed. Unless the law changes, you will remain classified as a violent offender. Id.

(Rp2)

As is seen in the above, SCDC has stated that "...while your crime might have been classified as non-violent at the time it was comitted, but [by] the time you entered SCDC's custody the "state statute had changed", and therefore you will remain classified as a violent offender. Id

Appellant filed a Step 2 inmate grievance concerning this matter and the Agency's decision is attached hereto as a fortior Exhibit (C) which states in pertinent part:

Offense are considered statutorily violent if they were violent under S.C.Code §16-1-60 at the time your of your conviction. In contrast, offenses are considered for classification purposes if they are listed in §16-1-60, regardless of the date of your conviction. Therefore, your offense is statutorily non-violent, but you are classified as violent. This classification has no bearing on your projected release date or sentence credits. You are required to serve a mandatory minimum 85% of your 25 year sentence based on your offense, not your violent status for classification purposes.

(Rp3)

As is seen in the above answer to Appellant's Step 2 SCDC has

stated Appellant's offense are considered violent for classification purposes, regardless of the date of the conviction, but further agrees that Appellant's offenses are statutorily non-violent, but Appellant is classified as a violent offender.

SCDC further states "this has no bearing on Appellant's projected release date", as Appellant is required to serve a mandatory minimum 85% of his 25-year sentence based on "his offense", not his "violent" status for classification purposes. (Rp3)

Appellant would submit SCDC's classification of Appellant's non-violent offenses by "state statute" violates ex post facto

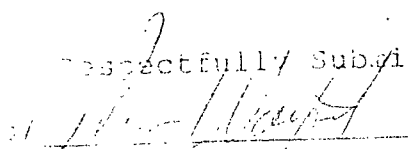
As was seen in the above SCDC has candidly admitted that [at] the time Appellant committed his offenses they were, by "state statute non-violent" offenses, and that it was SCDC that is classifying Appellant as [violent], See Exhibit (A) (Head of SCDC's Classification, Michael Mather, Branch Chief). (Rp1) This meaning as a "non-violent" offense according to law which, by law Appellant is required to serve 65% of his 25-year [non-violent] sentence, but due to SCDC's overly intense classification system SCDC is requiring Appellant to serve 85% of his 25-year [non-violent] sentence, thus by imposing a harsher sentence by 15% more than is actually required by "state statutory" law that was in place at the time Appellant had committed the offenses. Which under a [non-violent] offense an offender is only required to serve 65% of the sentence. Article 4 of the United States Constitution's Full Faith and Credit Clause requires every State to apply the law as it was at the time the offense is committed, and each State and body of law is required to give Full Faith and Credit. Meaning SCDC has no

authority to "re-open a non-violent offense for classification purposes and impose a "harsher" sentence than was allowed at the time the offenses were committed. The offenses were "non-violent" at the time they were committed, but the "state statute" changed [after], meaning at a later date than when they were committed so SCDC now wants to treat the offenses as violent for classification purposes, See Exhibits (A)(B)(C) ^(R123) thus requiring Appellant to serve 85% percent of his 25-year sentence, rather than 65% if the offenses were considered as non-violent like they were at the time they were committed, thus SCDC is increasing Appellant's sentence in violation of the ex post facto clause and violating Appellant's constitutional rights. An ex post facto violation occurs when a "change in the law retroactively alters the definition of a crime or increases the punishment for a crime. See Jernigan v. State, 340 S.C. 256, 261, 531 S.E.2d 507, 509 (2000). Ex post facto violations claims are non-collateral matters, Id at 260, 531 S.E.2d at 509 and our Court of Appeals has found that the ALJ does have jurisdiction to hear Appellant's claim, See Sanders v. S.C. Department of Corrections, 379 S.C. 411, 665 S.E. 2d. 231 (Ct.App.2003).

CONCLUSION

WHEREFORE, based on the foregoing, Appellant respectfully request this Court to review the argument and Exhibits submitted and asks this Court to correct SCDC erroneous classification of Appellant's [non-violent] offenses, and declare Appellant's rights have been violated by SCDC and fashion the relief just and and appropriate.

Respectfully Submitted,



STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

| | | |
|---|---|---------------------------------|
| Perry Watford, # 289215, |) | Docket No.: 12-ALJ-04-0732-AP |
| |) | |
| Appellant, |) | |
| |) | RESPONDENT'S BRIEF AND MOTION |
| v. |) | TO DISMISS |
| |) | |
| South Carolina Department of Corrections, |) | Honorable Deborah Brooks Durden |
| |) | |
| Respondent. |) | |
| _____ |) | |

STATEMENT OF FACTS

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of Perry Watford ("appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). Appellant filed a Step One Grievance on July 12, 2012, complaining about his inmate classification because SCDC considers him to be a violent offender for internal classification purposes. This grievance was investigated and denied. Appellant filed a Step Two Grievance on April 18, 2013. This grievance was also investigated and denied. This appeal follows.

In this appeal, appellant again challenges his classification. The appeal should be dismissed for the reasons that follow.

ARGUMENT

THE ADMINISTRATIVE LAW COURT SHOULD DISMISS THIS CASE UNDER SLEZAK V. S.C. DEP'T OF CORRECTIONS, 361 S.C. 327, 605 S.E.2D 506 (2004), SKIPPER V. S.C. DEP'T OF CORRECTIONS, 370 S.C. 267; 633 S.E.2D 910 (CT. APP. 2006), AND SLEZAK V. EVATT, 21 F.3d 590 (4TH CIR. 1994).

The ALC'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). Subsequently, the Supreme Court clarified the ALC's appellate jurisdiction over

inmate appeals in Slezak v. SCDC, 361 S.C. 327, 605 S.E.2D 506 (2004). The Supreme Court held that, although the ALC had jurisdiction over all properly perfected inmate appeals, the ALC may summarily decide those appeals that do not implicate an inmate's state-created liberty or property interest. SCDC reads Slezak as encouraging, for the sake of judicial economy, the ALC to dismiss summarily inmate cases that do not involve a state created liberty or property interest.

Recently, the South Carolina Court of Appeals interpreted Slezak to mean that where a state created liberty interest is not implicated in a prisoner appeal, the "ALJ should" dismiss the appeal. Skipper v. SCDC, 370 S.C. 267; 633 S.E.2d 910 (Ct. App. 2006).

In Slezak v. Evatt, 21 F.3d 590 (4th Cir. 1994), the Fourth Circuit Court of Appeals addressed the issue of an inmate's constitutional interest in his classification level. Slezak brought suit claiming SCDC subjected him to "punitive, high security" classification without notice or hearing. The Slezak court ruled, "The logical first question in assessing such a claim is, therefore, whether the inmate has a protectible liberty interest in the classification he seeks either to retain (against a "demotion") or to receive (by a "promotion"). . . . The federal constitution itself vests no liberty interest in inmates in retaining or receiving any particular security or custody status as long as the [challenged] conditions or degree of confinement . . . is within the sentence imposed . . . and is not otherwise violative of the Constitution." Slezak at 594 (citations omitted). In the case at hand, there is no allegation, that the conditions of appellant's confinement exceed that which would be permitted for an inmate sentenced to the custody of the Department. Thus, appellant has not sustained his burden of proof that a liberty interest is implicated.

In this appeal, appellant complains that SCDC classifies him as a violent offender even though the offense for which he was convicted – hit and run resulting in death – was not listed as a violent offense in S.C. Code Ann. § 16-1-60 on the date of his conviction. SCDC classifies inmates based on a number of factors and an inmate has no right to any particular custody level. As the Step Two response to appellant’s grievance explains, appellant’s offense is considered to be violent for classification purposes only. This classification does not impact the length of appellant’s sentence or appellant’s eligibility for parole. Instead, SCDC considers the offense as violent only for purposes of making internal agency decisions regarding inmate classification and housing of offenders, both of which are matters within particular expertise of correctional authorities.

Inmate classification is a prime example of the type of issue for which courts defer to the professional judgment of correctional authorities. See Sullivan v. SCDC, 355 S.C. 437, 444, 586 S.E.2d 124, 127-28 (2004) (noting the traditional “hands-off approach” the Court has taken toward internal prison matters). Accordingly, SCDC respectfully requests this appeal be dismissed. See Skipper, 370 S.C. at 279, 633 S.E.2d at 917 (holding the ALC should dismiss an inmate’s appeal if no state-created liberty interest is implicated).

CONCLUSION

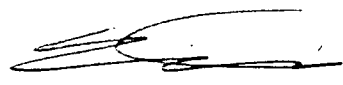
Based on the foregoing reasons and legal authorities, SCDC respectfully requests that this matter be dismissed pursuant to Slezak v. SCDC, 355 S.C. 437, 586 S.E.2d 124 (2004).

Respectfully submitted,

CHRISTOPHER D. FLORIAN
Deputy General Counsel

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

BY: _____


Post Office Box 21787
4444 Broad River Road
Columbia, South Carolina 29221
(803) 896-8508

February 3, 2014
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Perry Watford, #289215,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 13-ALJ-04-0732-AP

Grievance No. BRCI 0848-12

ORDER OF DISMISSAL

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Perry Watford (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant filed a grievance with the Department objecting to his security classification. On September 11, 2013, Appellant received the Department's final decision, which denied Appellant the relief he requested in his grievance. On September 25, 2013, Appellant filed this appeal with the ALC.

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 Court is authorized to dismiss inmate grievance appeals that do not implicate a state-created liberty or property interest. Skipper v. S.C. Dept. of Corr., 370 S.C. 267, 279 n.5, 633 S.E.2d 910, 917 n.5 (Ct. App. 2006).

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Al-Shabazz, 338 S.C. at 377; 527 S.E.2d at 754. Consequently, the review in inmate grievance cases is limited to the record presented. See, S.C. Code Ann. § 1-23-380(4) (Supp. 2013) ("The review must be conducted by the court and must be confined to the record..."); see also, S.C. Code Ann. § 1-23-600(E) (Supp. 2013) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380). An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5) (Supp. 2013). Furthermore, an Administrative Law Judge may not reverse or modify an agency's decision

FILED

MAR 11 2014

unless substantial rights of the appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole record, arbitrary or affected by an error of law. See, Section 1-23-380(5); see also, Marietta Garage, Inc. v. S.C. Dept. of Pub. Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct. App. 1999); S.C. Dept. of Labor, Licensing and Regulation v. Girgis, 332 S.C. 162, 503 S.E.2d 490 (Ct. App. 1998).

DISCUSSION

“The Fourteenth Amendment’s Due Process Clause protects persons against deprivations of life, liberty, or property; and those who seek to invoke its procedural protection must establish that one of these interests is at stake.” Wilkinson v. Austin, 545 U.S. 209, 221 (2005). Liberty interests protected by the Fourteenth Amendment may arise from the Constitution itself or from an expectation or interest created by state laws or policies. Id.; Hewitt v. Helms, 459 U.S. 460, 466 (1983), overruled on other grounds by Sandin v. Conner, 515 U.S. 472 (1995).

Courts have held that the Constitution itself “vests no liberty interest in inmates in retaining or receiving any particular security or custody status as long as the challenged conditions or degree of confinement are within the sentence imposed and are not otherwise violative of the Constitution.” Brown v. Evatt, 322 S.C. 189, 194, 470 S.E.2d 848, 851 (1996); Slezak v. Evatt, 21 F.3d 590, 594 (4th Cir. 1994); see also, Moody v. Daggett, 429 U.S. 78, 88 n.9 (1976). Rather, within these limits, so far as the Constitution itself is concerned, “the security and custody classification of state prison inmates is a matter for state prison official discretion.” Brown, 322 S.C. at 194, 470 S.E.2d at 851; Slezak, 21 F.3d at 594.

Here, Appellant has failed to demonstrate that he has a state-created liberty interest in his security classification. An inmate’s mere assertion that he has been given a certain security classification, without evidence that the classification imposes an atypical and significant hardship, does not establish a liberty interest. See, Harbin-Bey v. Rutter, 420 F.3d 571, 577 (6th Cir. 2005); Miller v. Campbell, 108 F. Supp. 2d 960, 965 (W.D. Tenn. 2000); James v. Reno, 39 F. Supp. 2d 37, 40 (D.D.C. 1999); Collins v. Hannigan, 14 F. Supp. 2d 1239, 1243 (D. Kan. 1998). In this case, Appellant has not explained how his security classification affects the conditions of his incarceration. See, Wilkinson, 545 U.S. at 223-24 (determining that prisoners had a liberty interest in avoiding transfer to “Supermax” prison facility, court considered conditions at facility); Sandin, 515 U.S. at 485 (finding no liberty interest protection against a 30-day assignment to segregated confinement, court noted that case did not present “a dramatic

departure from the basic conditions of Conner's indeterminate sentence"). Moreover, Appellant has not shown that his security classification will "inevitably affect" the overall duration of his imprisonment. See, Sandin 515 U.S. at 487 (finding that State's action would not "inevitably affect" the duration of the prisoner's sentence). While Inmate complains that his security classification as "violent" will result in a requirement that he serve a greater percentage of his sentence before he can be paroled, this is not the case. SCDC's Step 2 response makes it clear that the violent classification relates only to Inmate's custody/security matters and has no bearing on his projected release date.

ORDER

IT IS THEREFORE ORDERED that Appellant's appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

March 11, 2014
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 11th day of March 2014

By: R. S. C.
Judicial Law Clerk

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Perry Watford, #289215,)
)
Appellant,)
) **Certificate of Service**
vs.)
) Docket# 12-ALJ-04-0732-AP
South Carolina Department of Corrections,)
)
Respondent:)

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Perry Watford, #289215
Perry Correctional Institution



E. Dee Dee Bowers
Administrative Assistant
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

February 3, 2014

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Motions for Reconsideration
are Prohibited.
See ALC Rule 65.

Perry Watford, 289215) Docket No. 13-ALJ-04-0732-AP
Appellant,) Grievance No. BRCI 0848-12
-vs-)
SCDC) MOTION FOR RECONSIDERATION
Respondent,)

COMES NOW, above captioned Appellant, pro-se respectfully moving this Court for reconsideration of the judgement entered in March 11, 2014 and received by Appellant, via Institutional Legal Mail. In support of this motion Appellant would respectfully show unto this Court that the Court in it's ruling has overlooked and failed to address Appellant's [ex post facto] clause issue. (Rpp 14-16)

Appellant's appeal Brief succinctly set forth a viable argument with relevant citations of authorities supporting his ex post facto claim. Therefore, Appellant would respectfully ask this Honorable Court to reconsider the judgement entered in the above.

Respectfully Submitted,

1st Perry Watford 3-25-14
Perry Watford,

Appellant, pro-se

FILED

MAR 27 2014

SC ADMIN. LAW CO.

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this Final Brief of Appellant Complies with Rule 211 (b), SCACR and Supreme Court's order of August 13, 2007.

Perry Watford 289215
Perry Watford, 289215
P.C.I. Q2-A122
430 Oaklawn Rd.
Pelzer, S.C. 29669
Appellate, pro-se

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Deborah Brooks Durden

Docket No.: 13-ALJ-04-0732-AP

Perry Watford, # 289215, ----- Appellant,

v.

South Carolina Department of Corrections, ----- Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served Respondent a Copy of the foregoing FINAL BRIEF by depositing a Copy in the United States Mail, postage prepaid on September 30, 2014, addressed as follows:

cc: Christopher D. Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221-1787
Attorney for Respondent

Perry Watford 289215
Perry Watford, 289215
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Pelzer, S.C. 29669
Appellant, pro-se

Sworn to and Subscribed Before Me
this _____ day of September 2014

~~NOTARY Public~~ ~~Refused to sign~~ ~~Sept 29, 2014~~
NOTARY Public

my Comm. Expires: _____

Date: September 30, 2014.