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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

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

Perry Watford, #289215
P.C.I. 02-1A122
430 Oaklawn Rd.
Pelzer, S.C. 29669

DATE: August 21, 2014.

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

sent copy out 4-11-11 TMM

TO: NAME: <i>Head of Classification Headquarters</i>	TITLE: <i>Head of Classification Headquarters</i>	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 to 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>03/18/11</i>	SIGNATURE: <i>Michael R. Mathis Branch Chief</i>
--------------------------	---

Exhibit
(A) 1

(9)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
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-081
 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

[Signature]
 IGC Signature Date

[Signature]
 Grievant Signature Date

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

Exhibit (B) 2

10 07/11
Warden's Decision
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.

Warden Signature 4-3-13
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 April 9, 2013
Date

IGC Signature 4-9-13
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.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

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

APR 13 2013
LB

Office Use Only
 Grievance No. BRCI-0848-12
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 4-2-13
 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:

Grievance has been reviewed. Offenses are considered statutorily violent if they were violent under SC Code Ann. 16-1-60 at the time of conviction. In contrast, offenses are considered violent for classification purposes if they are listed in SC Code Ann. 16-1-60 regardless of date of the conviction. Therefore, your offense is statutorily non-violent but you are classified violent. This classification has no bearing on 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 file it as instructed on the form within 30 days of receipt.

[Signature] 9-4-13
 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.

Perry Watford 9-11-13
 Grievant Signature Date

[Signature] 9-11-13
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Exhibit (C) 3

sent both Administrative Law Court + S.C.D.C. General Counsel copy's out 9-25-13.

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 #239215 -- 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
Respondent

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
)	

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.

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%

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 Cheif 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 conider violent because the statute has been changed to a violent offense. At the time you committed your offense it was non-violent." Id

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.

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.

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.

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). 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), 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.2008).

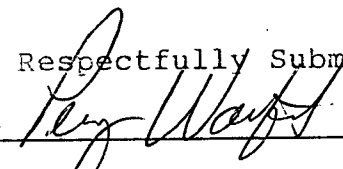
CONCLUSION

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,

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/s/


Perry Watford SCDC 289215

**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.)	
<hr/>		

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.

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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.

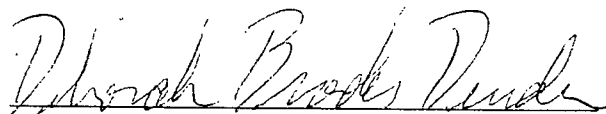
Here, Appellant has failed to demonstrate that he has a state-created liberty interest in his security classification. An inmate’s mere assertion that he has been given a certain security classification, without evidence that the classification imposes an atypical and significant hardship, does not establish 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 intragovernmental mail service addressed to the party(ies) or their attorney(s).

This 11th day of March 2014

Judicial Law Clerk

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.

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,
 /s/ *Perry Watford* 3-25-14
 Perry Watford,

Appellant, pro-se

DWD

FILED
MAR 27 2014

SC ADMIN. LAW COURT

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.

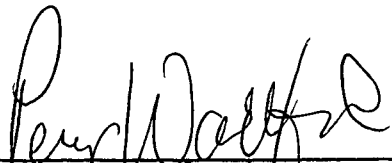
South Carolina Department of Corrections, Respondent

CERTIFICATE OF SERVICE

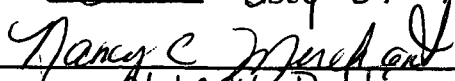
I hereby Certify that I have served Respondent a Copy of the forgoing Initial Brief by depositing a Copy of Same in the United States Mail. August 21 2014.

Address as follows:

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


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

Sworn to and Subscribed Before Me
this 21st day of August 2014


Notary Public

My Comm. Expires: 1-23-2023

Date: August 21, 2014

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

APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON Appeal

COMES Now, Appellant, Perry Watford, #289215, and
propoes the following to be included in the
Record on Appeal:

- (1.) Inmate to staff Request form from Head of Classifications SCDC
- (2.) Step 1 Inmate Grievance form for Grievance No. BRCI 848-12
- (3.) Step 2 Inmate Grievance form from Grievance No. BRCI 848-12
- (4.) Appellants Initial Brief
- (5.) Respondent's Initial Brief
- (6.) ALJ order of Dismissal
- (7.) Appellant's Motion to Reconsider

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AUG 27 2014

SC Court of Appeals

I certify that this designation contains no matter
that is irrelevant to this Appeal.

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

Perry Watford 289215
Perry Watford, 289215
P.C.I. 02-A122
430 Oaklawn Rd.
Pelzer, S.C. 29669

Date: August 21, 2014.

THE STATE OF SOUTH CAROLINA
In the Court of APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Deborah Brooks Purden

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 forgoing Initial Brief by depositing a Copy of Same in the United States Mail. August 21 2014, address as follows:

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

Perry Watford
Perry Watford, 289215
P.C.I. Q2-A122
430 oaklawn Rd.
Pelzer, S.C. 29669

Sworn to and Subscribed Before Me.
this 21st day of August 2014

Nancy C. Muehl
NOTARY Public

My Comm. Expires: 1-23-2023

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SC Court of Appeals

Date: August 21, 2014

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

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Christopher D. Florian, and South Carolina Dept. of Corrections by depositing a Copy of it in the United States Mail, postage prepaid on August 21, 2014. addressed to SCDC attorney of record, Christopher D. Florian, Deputy General Counsel, South Carolina Dept. of Corrections, P.O. Box 21787, Columbia, S.C. 29221-1787, on August 21, 2014.

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

Sworn to and Subscribed Before
me this 21st day of August 2014

Nancy C. Murchison
Notary Public

My Comm. Expires: 1-23-2023

Date: August 21, 2014.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Perry Watford, #289215)
Appellant,)
-v-)
SCDC)
Respondent,)
_____)
)

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

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, above captioned Appellant, Perry Watford, pro-se appeals the order issued in the above captioned case number that was entered March 11, 2014, by the Honorable Deborah Brooks Durden, Administrative law court. A copy of the order is attached hereto.

Respectfully Submitted,
/s/ Perry Watford
Perry Watford

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SC Court of Appeals

YOUR COPY

CERTIFICATE OF SERVICE

The undersigned hereby certifies he has served a true and correct copy of the enclosed Notice of Appeal on the parties whom addresses appear below. This was done by placing the aforesaid in a properly addressed, first-class postage affixed envelope and placed in the U.S. Mail this 8 day of April, 2014.

Respectfully Submitted,

/s/ Perry Watford

Perry Watford

Sworn to and Subscribed before me
this 8 day of April, 2014

Tamara C. Powell

NOTARY PUBLIC

My Commission Expires
September 25, 2023

MY COMM. EXPIRES _____

THOSE SERVED:

General Counsel, SCDC
P.O. Box 21787/4444 Broad River Rd.
Columbia, SC, 29221-1787

Administrative Law Court ✓
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC. 20201

S.C. Court of Appeals
P.O. Box 11629
Columbia, SC. 29211

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

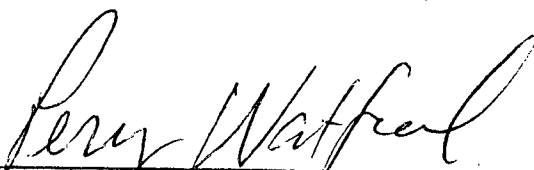
I hereby certify that I have served Respondent a Copy of the foregoing Initial Brief by depositing a Copy of Same in the United States Mail, August 5, 2014, addressed as follows:

RECEIVED

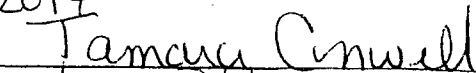
AUG 27 2014

SC Court of Appeals

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
P.C.I. Q2-A122
430 Oaklawn Rd.
Pelzer, S.C. 29669

Sworn to and subscribed before
me this 5 day of
August 2014


Notary Public

My Comm. Expires: _____

My Commission Expires
September 25, 2023

Dated: August 5 2014