THE STATE OF SOUTH CAROLINA
In The Court of Appeal

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable Deborah Brooks Durden

Case No. 2015-000060

Derrick A. Young, #273562 Appellant

v.

South Carolina Department of Corrections Respondent

INITIAL BRIEF OF APPELLANT

Derrick Antron Young, #273562
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Bennettsville, SC 29512
Appellant, Pro se

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STATEMENT OF ISSUES ON APPEAL

1. Did the Administrative Law Court (ALC) err in its order, where the the ALC held that the Appellant's argument that counsel substitute failed to obtain Officer Morgan's supporting report prior to hearing violated Appellant's due process rights was without Merits?
2. Did the ALC err in its order where the ALC held that a review of the hearing transcript demonstrates that the Appellant did in fact testify and that the Appellant was afforded the constitutional minimal due process as required by *Wolff*, therefore the Appellant's argument that he was not allowed to make a statement at his disciplinary hearing was without merit?
3. Did the ALC err in its order where the ALC held that the Appellant did not allege or establish that this case was of sufficient complexity to necessitate assistance in presenting his case and that the department was not constitutionally required to afford counsel substitute to assist the Appellant in his defense and that the department complied with the minimal due process required by *Wolff* and that the Appellant was entitled to no more?
4. Did the ALC err in its order where the ALC held that there is substantial evidence to support the conviction which is clearly not arbitrary, capricious or affected by any personal bias or prejudice?
5. Did the ALC err in its order where, the ALC held that there is nothing in the record to suggest that the hearing officer was otherwise than neutral or detached?

STATEMENT OF CASE

On March 26, 2013, a Lieutenant J. Robertson and Officer N. Morgan brought allegations against the Appellant Derrick A. Young, an prisoner within the South Carolina Department of Corrections (referred to as SCDC herein hereto forth), for threatening to inflict harm on/assaulting an employee and/or members of the public. (Lieutenant J. Robertson referred to as Lt. Robertson/accuser or accusing officer and Officer N. Morgan referred to as Ofc. N. Morgan/assisting officer herein hereto forth, are employed as officer's [correctional officers] within SCDC.) The Appellant was placed in segregation, referred to as segregation, special management unit (SMU), or pre-hearing detention (phd), hereto forth the Appellant was placed in segregation as a result of the above said allegations the same day.

The supervisor referred the allegations to the disciplinary hearing officer. The Appellant was officially charged with the institutional disciplinary offense on April 3, 2013. The Appellant was served a written notice of the charges on April 12th 2013. The Appellant's hearing was held on April 16, 2013. The Appellant pled not guilty and was found guilty by the disciplinary hearing officer based on the officer's reports.

The Appellant initiated a disciplinary appeal to the warden on April 20, 2013. The appeal denied by the warden on May 9, 2013. The Appellant received the warden's decision on May 16, 2013. The Appellant further his appeal to the appropriate responsible official on May 18, 2013. The appeal was denied on September 10, 2013, the decision was rendered as the final decision and returned to the Appellant September 19, 2013.

The Appellant initiated an appeal within the Administrative Law Court on October 18, 2013. The case was assigned to an Administrative Law Judge on November 13, 2013. The Appellant was granted a 90 day extension to file his brief with the ALC. The Appellant filed his original brief on April 21, 2014. SCDC filed their brief on May 13, 2014. The Appellant filed a reply brief on May 23, 2014. The Appellant then filed a belated separate statement of facts on June 3, 2014. On December 3, 2014, the Honorable Deborah Brooks Durden rendered her decision in the instant case against the Appellant, denying all the claims the Appellant raised on appeal. The Appellant received this decision December 11, 2014. The Appellant filed a notice of appeal January 13, 2015, with the South Carolina Court of Appeals. The Appellant was granted an extension to file his initial brief by March 11, 2015.

ARGUMENTS

1. The ALC erred in its order, where the ALC held that the Appellant's argument that counsel substitute failed to obtain Ofc. Morgan's supporting report prior to hearing was without merit (R. p. 1, line 27-29). During the hearing the Appellant clearly stated that he never received a copy of Ofc. Morgan's report (R. p. 41, line 6-7). The statement made by the Appellant clearly establishes that the Appellant made

a claim that he never received a copy of Ofc. Morgan's report prior to the disciplinary hearing. Where the ALC held that in the Appellant's Step 1 grievance he merely mentions the supporting report, (R. p. 2, line 26-27), was clear error on behalf of the ALC. In the Appellant's Step 1 grievance the Appellant made the claim that the "recorder (Lt. W. Golden) did not provide him with a copy of the supporting report by Ofc. Morgan upon serving him notice of the disciplinary offense, (R. p. 5, line 20-22). The Appellant also stated that the recorder did not "make Mention or indicate" that there existed a supporting report by Ofc. Morgan (R. p. 5, line 31-33). After Appellant's Step 1 grievance was denied the Appellant persisted with his appeal to Step 2. In the Appellant's Step 2 grievance the Appellant persisted that he was not aware of and never received a copy of Ofc. Morgan's supporting report because the recorder failed to provide the Appellant with a copy thereof and that counsel substitute failed to obtain a copy of the said report (R. p. 7, lines 2-17). In the Appellant's original brief upon appeal before the ALC the Appellant reiterated the above stated argument (R. p. 12, line 16-18-p. 13, line 1-5). The Appellant also submitted a separate statement of facts which was filed with the ALC on June 3, 2014. Within this document the Appellant included a "Request To Staff Member Form," (R. p. 37), in support of his argument in support of his argument in the Appellant's original brief on appeal before the ALC, (R. p. 12-p. 13 line 1-5). Within this exhibit the Respondent stated "any supporting report/evidence is given to the counsel substitute who is able to show it/read it to you," (R. p. 37). The Respondent clearly indicates that "an inmate [as a disciplinary-action defendant] can only have the report from which the charge arose" (R. p. 37). The Appellant hereby asserts that Ofc. Morgan's supporting report was not classified as evidence which an inmate may not possess prior to a disciplinary hearing, this supporting report would not have created an issue of institutional safety or impeded correctional goals, if presented to the Appellant prior to the disciplinary hearing.

The Appellant thereby asserts where the Respondent did not provide, mention or indicate that there existed a supporting report by Ofc. Morgan prior to the disciplinary hearing, and

where the Appellant asked "why he did not receive a copy of Ofc. Morgan's report?," (R. p. 41, line 6-7), the failure of the counsel substitute and the disciplinary hearing officer to address this issue at this point and time, (R. p. 41, line 8-9), in conjunction with the entirety of the above argument supports the Appellant's claim that the Respondent failed to provide and/or allow the Appellant to review this article of evidence. Ofc. Morgans report is part of the written notice which must be provided to a disciplinary-action defendant.

Part of the function of notice is to give the charged party a chance to marshal the facts in his defense and to clarify what the charges are in fact. Wolff v. McDonnell, 418 U.S. 539, at 564, 94 S.Ct. 2963, at 2978, (1974) (Quoting In re Gault, 387 U.S. 1, 33-34, and n. 54, 87 S.Ct. 1428, 1446-1447, 18 L.Ed.2d 527, (1967). We hold that written notice of the charges must be given to the disciplinary-action defendant in order to inform him of the charges and to enable him to marshal the facts and prepare a defense. The Appellant hereby asserts that when the Respondent failed to provide the Appellant with a copy of the supporting report by Ofc. Morgan prior to the hearing; and when the counsel substitute failed to obtain, provide, show or read or discuss the supporting report prior to the hearing, with the Appellant, undermined the function of advance written notice to be given to the disciplinary-action defendant and the Appellants due process rights in the instant matter before the agency below.

2. ALC erred in its order where the ALC held that a review of the hearing transcript demonstrates that the Appellant did in fact testify, that the Appellant was afforded the constitutional minimal due process as required by Wolff, and Appellant's argument is without merit. During the proceeding before the agency, at the point where the hearing officer permitted the Appellant to make a statement, the hearing officer interrupted and cut Appellant statement off, preventing the Appellant from making the statement in his defense. (R. p. 40, line 7-15). At this point the

Appellant specifically stated to the hearing officer "I ain't finished Turner," (R. p. 40, line 13), indicating that he had not finished his statement. The hearing officer's actions prevented the Appellant from defending himself. Where the ALC stated in its order "next the Appellant contends that he was not allowed to make a statement at his disciplinary hearing," (R. p. 2, line 30), this is clearly an erroneous interpretation of the Appellants argument within his brief before the ALC.

Within the Appellant's step 1 grievance (R. p. 4) the Appellant specifically stated "while grievant made attempt to make verbal during the hearing DHO Turner cut him off which is in violation of "OP-22.14, Inmate Disciplinary System," § 15.2, (R. p. 5, line 16-18), (above stated policy is institutional/agency policy and guidelines). Within Appellant's step 2 grievance the Appellant specifically stated "As grievant attempted to state in details why he should be relieved of this charge during disciplinary hearing, maintaining that the accuser fabricated allegations against him, DHO R.L. Turner interrupted and cut grievants statement off...," (R. p. 6, line 3-7).

When properly examined the reviewing court will see that the Appellant did not state "he was not allowed to make a statement at his disciplinary hearing as alleged by the ALC, (R. p. 2, line 30). It was stated during the disciplinary hearing by the Appellant, "I ain't finished Turner," implicating that he was not finished making a statement in his defense, (R. p. 40, line 13). The above stated assertions in conjunction with the Appellant's argument within his brief before the ALC on appeal, clearly states that he was "denied due process when the respondent denied him the opportunity to make a statement in his defense to the alleged misconduct." (R. p. 13, line 24-26). The Appellant further elaborated within the dialogue of his argument, (R. p. 13 line 27-35-p. 14), as to the deprivation and prejudice which he suffered as a result of such breach of Appellants rights.

Ordinarily, the right to present evidence is basic to a fair hearing; the inmate facing disciplinary proceedings should be allowed to call witnesses and present documentary evidence..... Wolff, 418 U.S. at 566, 94 S.Ct. at 2979.

Where the hearing officer interrupted and cut off the Appellant from making a statement in his defense during the hearing before the agency negates the established principles to a fair hearing and undermines the Appellant's due process rights. For the requirements of due process include notice, an opportunity to be heard in a meaningful way, judicial review. Leventis v. S.C. Dept. of Hea/th & Env/l. Control, 340 S.C. at 151, 530 S.E. 2d at 650; S.C. Const. Article 1 § 22; Stono River Env/l. Protection Assn. v. South Carolina Dept. of Hea/th and Env/l. Control, 305 S.C. 90, 406 S.E. 2d 340 (1991). Where the hearing officer interrupted and cut off the Appellant from making a statement in his defense denied the Appellant an opportunity to be heard in a meaningful way.

3. Where the ALC held that the department was not constitutionally required to afford counsel substitute to assist Appellant in his defense, because the Appellant did not allege or establish that he was illiterate or that the instant case was of sufficient complexity to necessitate assistance in presenting his case was clear error, (R. p. 3, line 8-10), because the Appellant clearly established prior to the hearing before SCDC that he would need counsel substitute due to the complexity of the issues, whereas the Appellant was in segragation, (phd), it was very unlikely the Appellant would have been able to collect and present the evidence necessary for an adequate comprehension of the instant case. As stated, the Appellant clearly established prior to the disciplinary hearing before SCDC that he would need counsel substitute, due to the fact that he was in segragation, (R. p. 8 line [see Inmate Waivers section]), and it was very unlikely the Appellant would have been able to collect and present the evidence necessary for an adequate comprehension of the instant case. The Record on Appeal reflects that the Appellant established that the instant case was of sufficient complexity, due to the fact the Appellant was in pre-hearing detention, (R. p. 44, line: see Notice of Placement in PHD Form), to necessitate assistance in regards to collecting evidence and presenting evidence necessary for an adequate comprehension of the instant case, as implicated below prior to the hearing before SCDC by the Appellant, (R. p. 8 line: see Inmate Waivers section). Where the Appellant established this much below prior to the hearing before SCDC, the

Appellant based his argument within his brief on appeal, (R. p. 15, p. 16, - p. 17, line 1-10), that the Respondent denied the Appellant proper due process where Counsel substitute failed to properly Cross examine witnesses, before the ALC, on the fact that the Appellant pre-established below prior to the hearing before SCDC, that he would need counsel substitute, (R. p. 8, line: see Inmate Waivers section), due to the fact that he was placed and held in segragation, (R. p. 44, line: see Placement In PHD Form), prior to the hearing and would not have been able to collect and present the evidence necessary for an adequate comprehension of the instant case.

The Respondent has failed to respond to the Appellant's argument within his brief on appeal, (R. p. 15, - p. 16, - p. 17, line 1-10), within their respondent's brief before the ALC. For the ALC to argue for the SCDC is seemingly misplaced and improper. While the Appellant was in segragation from the time the allegations of the underlying incident arose and due to the nature of the underlying allegations the reviewing court will find that the Appellant could not collect and present the evidence necessary for an adequate comprehension of the instant case, Wolff, 418 U.S. at 569, 94 S.Ct. 2982, whereby this would entitle the Appellant grounds to seek adequate substitute aid/help from others in preparing his defense for presentation before SCDC.

During the disciplinary hearing below before SCDC, the Appellant asked counsel substitute "Did you get in contact with My witnesses?", (R. p. 40, line 22). In response the counsel substitute stated "I did talk with Officer Greco. Um, she said she didn't have anything relevant to the case. I did not get in contact with Officer Morgan. I did talk with the, um, Inmate Roosevelt Bryant. Um, he answered no to your questions. He... he said he didn't want to get involved in the incident and all he saw was you being escorted out in handcuffs. (R. p. 41, line 1-5).

Where the ALC held, that counsel substitute testified that he initiated contact with each of Inmate's witnesses, is clear error, (R. p. 2, line 18-19). The ALC also held that the record reflects that counsel substitute attempted to contact

all the witnesses is clear error, (R. p. 3, line 12). During the disciplinary hearing the counsel substitute clearly stated that "I did not get in contact with Officer Morgan." (R. p. 41, line 2-3). This statement by counsel substitute is clearly contrary to the ALC's finding in regard to this issue and this statement plainly fails to demonstrate an attempt to contact Ofc. Morgan.

The ALC concluded that the Appellant provided his counsel substitute a list of questions to ask of the witnesses requested, (R. p. 3, line 11), the Appellant concedes that this finding is correct. Yet, the Appellant hereby asserts that the counsel substitute failed to reflect and reveal the questions he asked of the two witnesses whom he did get in contact with, (R. p. 41, line 1-5), more specifically, the Appellant hereby asserts that the counsel substitute failed to reflect and reveal if he questioned Ms. Greco in regards to the specified questions and any answers that she may have furnished specifically to such specified questions. In addition, the Appellant hereby asserts that the counsel substitute failed to reflect and reveal for the record the list of specified questions provided to him by the Appellant which he allegedly asked of Inmate Roosevelt Bryant and due to the fact that Inmate Roosevelt Bryant stated that "he didn't want to get involved in the incident," further prevented the Appellant from introducing extant exculpatory evidence and thereby deprived the Appellant the right to present evidence in his defense. Edwards v. Balisok 520 U.S. 641, 644, 117 S.Ct. 1584, 1587. This is an obvious procedural defect and state and federal courts have reinstated good-time credits (absent a new hearing) when it is established. Balisok 520 U.S. at 647-647 117 S.Ct. at 1588. See also Kingsley v. Bureau of Prisons, 937 F. 2d 26, 27, 31 (C.A. 2 1991); Dumas v. State, 654 So. 2d 48, 49 (Ala. Crim. App. 1994); Mahers v. State, 437 N.W. 2d 565, 568-569 (Iowa 1989); In re Contras, 199 A.D. 2d 601, 602, 604 N.Y.S. 2d 651, 652 (1993);

In re Reismiller, 101 Wash.2d 291, 293-297, 687 P.2d 323, 325-326 (1984); *In re Burton*, 80 Wash. App. 573, 585, 910 P.2d 1295, 1304 (1996).

Where the Appellant requested that Inmate Roosevelt Bryant come forth and give testimony on his behalf, the witness declined the opportunity to come forth with evidence, (R. p.41, line 3-5), stating that "he didn't want to get involved in the incident." The Appellant submitted an belated statement of facts wherein the Appellant had filed a grievance on this underlying incident prior to seeking testimony from Inmate Roosevelt Bryant as proof of differences between the Appellant and Inmate Roosevelt Bryant (R. p.29, line 1-7 p.35, line 1-7). The Compulsory Process Clause to the United States Constitution gives any criminal defendant the right to call witnesses in his favor. If any such witness refuses to testify that witness may be compelled to do so by the court at the request of the defendant. The Appellant hereby assents that the due process requirements for a prison disciplinary proceeding are in many respects less demanding than those for criminal prosecution, but they are not so lax as to let stand the decision of a hearing officer based on deprivations inducing suppressed evidence of innocence. *Wolff, supra* at 570-571 94 S.Ct. at 2981-2982.

4. Where the requirements of due process are in question here in the instant case, the evidence utilized by the hearing officer to revoke good time credits are also in questions here in the instant case.

The findings of an administrative body must be sufficiently detailed to enable the reviewing court to determine whether the findings are supported by evidence and whether the law has been properly applied to those findings. Implicit findings of fact are not sufficient. Where material facts are in dispute, the administrative body must make specific express findings of fact. *United States ex. rel. Vajtauer v. Commissioner of Immigration*, 273 U.S. 103, 106, 47 S.Ct. 302, 304. The United States Supreme Court held that requirements of due process are met if some evidence support the decision by the prison disciplinary board to revoke good time credits. This standard is met if "there was some evidence from which the conclusion of the

administrative tribunal could be deduced ..."

The Appellant hereby asserts that the findings in regards to the evidence in the instant case are insufficiently detailed and implicit. In order for the reviewing court to determine whether the findings are supported by substantial evidence, it is only necessary that the Appellant direct the reviewing courts attention to the written statement by the fact-finder as to the evidence relied upon in the instant case, (R. p. 8, line: see Findings section and section below for evidence presented) which reflects that the hearing officer utilized the accusing officer's report and the supporting report of Ofc. Morgan.

In continuance, also essential, whether there was some evidence from which the conclusion of the administrative tribunal was drawn, the appellate court must direct its attention to the disciplinary offense and the elements of the offense description, as well as the given circumstances surrounding the incident.

Offense Description: Threatening to Inflict Harm On/Assaulting An Employee and/or Members of the Public: Communication, verbal or written by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to human life presently or in the future; or one who commits a physical act of a threatening nature and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm. (R. p. 8, line: see Offense Description).

Where the Appellant challenges the evidence utilized by the hearing officer in the instant case, it is necessary that the appellate court have an understanding of the disciplinary offense and the elements thereof, in determining the sufficiency of the evidence and its weight presented, in consideration and reasoning for determination of guilt or innocence in regards to the alleged claimed violation.

The Appellant will now analyze the evidence before the appellate court as to verbal or written communication which constitutes a threat. Upon examining the accusing officer's report, (R. p. 43), the appellate court will see that the accusing officers report lack any allegations of a verbal or written threat. Upon

examination of the assisting officer's report the appellate court will see where the assisting officer stated "as the Inmate Young was being restrained, he began verbally threatening Lieutenant Robertson and lunged at him (R. p. 42). While the accusing officer's report lacks any alleged verbal threat, the assisting officer's report generally states that the Appellant began verbally threatening Lieutenant Robertson, yet the assisting officers report fails to articulate any verbal threat which the assisting officer generally alleges the Appellant made to Lt. Robertson. Due to the fact that the officer's reports are inconsistent to each other, where the accusing officer lacks any alleged verbal threat and the assisting generally states the Appellant began verbally threatening Lt. Robertson, yet fails to articulate a verbal threat creates discrepancies between the two reports, and it can readily be deduced that the evidence is inconclusive as to a verbal threat being made by the Appellant. In addition, the Appellant stated "the truth of the matter is, they fabricated the incident report. I never... I... he fabricated the incident report to begin with, but I never said anything threatening, of a threatening nature," (R. p. 40, line: 8-11). The accusing officer's lack of a verbal threat, the assisting officers general allegation of a verbal threat, yet failure to articulate specifically what it was that he alleges the Appellant stated, in conjunction with the Appellant's statement at the hearing concludes that there was no verbal threat made by the Appellant.

The Appellant will now analyze the circumstances surrounding the incident and the evidence before the appellate court as to a physical act of a threatening nature and the probable result of such threats or action is to place the individual in fear of bodily injury. Upon examination of the accusing officers report the appellate court will see where the accusing officer states "Inmate Young was extremely aggressive at this point, so I had Ofc. Morgan cuff him. Inmate Young then lunged at me." (R. p. 43, line: 9-11). Upon examination of the assisting officers report the appellate court will see where the assisting officer alleges "As Inmate Young was restrained he began verbally threatening Lt. Robertson and lunged at him." (R. p. 42, line: 2-3). The Appellant claims that the officer fabricated the incident

report. (R. p.4, line: 8-11). In fact the Appellant gave a totally different account of the events, (R. p.10, line: 1-5 - p. 11, line: entire page). The Appellant subsequently claimed "an inmate in handcuffs can not place an SCDC employee in fear of bodily injury because he can not use his hands, nor arms and he can not maintain any balance to lunge with his hands cuffed, (R. p.14, line: 8-11). The Appellant also stated "while Appellant was in handcuffs the Appellant was not a threat nor could he have committed an act to be perceived as a threat or place an individual in fear of bodily injury, because the Appellant was restrained in handcuffs," (R. p.14, line: 23-27). The Appellant claimed that "where the accuser and Officer Morgan alleges the Appellant lunged at the accuser, the Appellant asserts that he did not and could not have placed anyone in fear of bodily injury or harm for he was restrained in cuffs." (R. p.25, line: 39-40 - p.26, line: 1-2).

Where the accusing officer alleges that "Inmate Young was extremely aggressive at this point so I ... had Ofc. Morgan cuff him," the Appellant hereby asserts that the accuser fabricated this allegation and certainly fails to articulate how the Appellant was aggressive, the Appellant hereby asserts that the officers failure to demonstrate aggressiveness on part of the Appellant and Appellant's claim of accusers fabricated allegations negates the accuser's reasoning to handcuff the Appellant. The Appellant hereby asserts that the accuser's failure to demonstrate aggressiveness on part of the Appellant reflects that there existed no imminent threat that would require a need for the accuser to protect himself or place the Appellant in cuffs. There is no evidence in the record that reflects that the Appellant was a threat to the accuser prior to being placed in cuffs.

The Appellant hereby asserts that discrepancies arise as to the circumstances surrounding him being cuffed. While the accuser states "I ... had Ofc. Morgan cuff him," (R. p. 43 line: 10), the assisting officer states "As Inmate Young was restrained he began to verbally threaten Lt. Robertson and lunged at him." (R. p. 42 line: 2-3). The staff attorney arguing for SCDC stated "Due to his behavior, the Appellant was cuffed," (R. p. 20, line: 25), as if without incident and

the accuser's version of events reflect no incidence within cuffing the Appellant, consistent with the staff attorney's argument. While the assisting officer utilizes the word restrain, (R. p. 42, line: 1-2), in his report it would lead the appellate court to think that Ofc. Morgan had to physically subdue the Appellant, which would be an incorrect interpretation of the incident. For the staff attorney's arguent and the accusing officer's report reflects no incident in the Appellant being cuffed. This is also an inconsistency to be construed, in the Appellant's angle that the officers fabricated the incident reports.

The Appellant would like to point out another inconsistency between the officer's reports. Where the accusing officer alleges "I directed Ofc. Morgan along with myself to place him on the ground due to his behavior," the assisting officer contradicts this, alleging "I Officer Morgan placed Inmate Young on the ground, using the minimal amount of force necessary to regain control, (R. p. 43, line: 11-13 - p. 42, line: 3-5). The staff attorney for SCDC argued "It was Officer Morgan that cuffed the Appellant and placed him on the ground (R. p. 21, line: 2-3).

Such, inconsistencies puts the core evidence in question. Where the Appellant claimed the officers fabricated such allegations to begin with, in conjunction with such inconsistencies weakens the Respondents evidence.

Where the Appellant denies such allegations made by the officers, the Appellant hereby asserts that the inconsistencies betwixt the officer's reports, the Appellant's claim of fabrications on behalf of the officers, the accusing officers failure to demonstrate aggressiveness on part of the Appellant prior to being placed in cuffs, in light of the accuser's allegation and the lack of incidence upon placing the Appellant in cuffs, would lead the logical mind to see that it is completely illogical that an individual would wait until he was placed in cuffs to attempt to attack, when prior to being placed in cuffs he had ample opportunity to do so, if he so chose.

5. Where the ALC held that there is nothing in the record to suggest that the hearing officer was otherwise than neutral and detached is clearly erroneous. The Appellant hereby asserts that where the hearing officer interrupted and cut off the Appellant from making a statement in his defense

was partial behavior on behalf of the hearing officer. (See part 2 of Argument.)

CONCLUSION

For the reasons stated above, this Honorable Court should reverse the judgement of the Administrative Law Court and restore Appellants good-time credits.

Respectfully & Humbly Submitted,

Derrick Antron Young

February 25, 2015

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Appellant, Pro se

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

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The Honorable Deborah Brooks Durden

Case No. 2015-000060

Derrick A. Young, #273562 — Appellant

V.

South Carolina
Department of Corrections — Respondent

PROOF OF SERVICE

I certify that I have served a copy of the initial brief of the appellant, on all parties to the appeal and the appellate court by depositing a copy of it in the United States Mail, postage prepaid on February, 27, 2015, addressed to their respective offices.

February 27, 2015

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