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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SEP 10 2015

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW Court
Administrative Law Judge DURDEN

Appellate Case No. 2015-000379

Perry Watford, 289215 Appellate

vs.

S.C. Dept. of Corrections Respondent

INITIAL BRIEF OF APPELLANT

Perry Watford 289215
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Allendale C.I. F4-B10
P.O. Box 1151
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Appellate - prose

cc: DAVID Tatarskey
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Date: Sept., 3, 2015

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TABLE OF AUTHORITIES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AGENCY
Policy No: GA.01.12 section 13.3 _____ 5

STATEMENT OF ISSUE ON APPEAL

- The ADMINISTRATIVE LAW COURT ERRED IN THE above case and violated Appellate's Constitutional Rights and violated S.C. Dept. of Corrections Grievance policy NO. GA. 01.12 section 13.3 .

ARGUMENT

STATEMENT OF FACTS / Procedural

Appellant is presently Confined in the South Carolina Department of Corrections "SCDC" serving a (25) Twenty-five years sentence.

on OCTOBER 30, 2012. around correct time 10:15 A.M. Appellant was given a Administrative Resolution for (5) five Sausages for being taken out of the Cafeteria, 1st.) Restitution for Canteen, Visitation, and phone privileges for (90) ninety days. 2nd.) Deadlocked in Appellant's cell for (5) five days (10-30-12 Thru 11-4-12), and 3rd.) Failure to earn good time (20) twenty days. Around 3:45 P.M. or 4:00 P.M. Appellant went to BRCE Medical with the Administrative Resolution Sanction paper work, and showed the sanction paper to a Lt. Bean in Medical. Lt. Bean made a phone call to a Captain stephon. Lt. Bean informed appellant that the sanction was a little harsh for the charge that was given to Appellant. Lt. Bean ordered Appellant to report to BRCE Cafeteria to see Captain stephon. Captain stephon looked over the sanction paper and stated that sanction should have been charged of Conturband. Captain stephon went on Called Acting Captain / Major P. Jones about the sanction. Lt. Failey gave Appellant that morning. Captain stephon informed Appellant that Captain / Major P. Jones was gone for the day. Can stated he (Capt. stephon) would talk to Capt. / Major P. Jones the next day OCT. 31, 2012

On OCTOBER 31, 2012, around 2:30 P.M. or 2:45 P.M. Lt. Failey ordered officer Bradley to come to Appellant's cell to get Appellant's original Copy of the Administrative Resolution Sanction Goldenrod Copy that Appellant recieved OCTOBER 30, 2012 officer Bradley informed Appellant that Lt. Failey stated, that she (Lt. Failey) needed to add a sanction to Appellant's Administrative Resolution Sanction from the day Before. which would be OCTOBER 30, 2012. So Appellant asked officer What sanction was Lt. Failey talking about. officer Bradley stated payment of restitution. So Appellant got the sanction out of his locker, opened the sanction paper and Appellant asked officer Bradley, Does officer Bradley see any dollar amount in payment of restitution Block. officer Bradley stated NO!! Appellant asked officer Bradley Could Appellant use officer Bradley's personel pen and officer Bradley gave Appellant his (officer Bradley's) personel pen.

and Appellant made a wave line thru the payment of Restitution Block - and then Appellant gave officer Bradley the personnel pen back and gave the original Goldenrod SCDC Form 19-106 Exhibit (A) white photo copy before \$9.76 was added to payment of Restitution Block with only wave line in the payment Block. officer Bradley left with the Goldenrod original copy. Form 19-106 SCDC.

around 3:45 P.M., OCTOBER 31, 2012. Lt. Failey came to Appellant's cell and gave Appellant the original Goldenrod Administrative Resolution copy with a dollar amount \$ 9.76 added to it Exhibit (B) and a white photo copie of the Administrative Resolution original before the \$ 9.76 was added Exhibit (A). Appellant asked Lt. Failey how can she (Lt. Failey) add to the sanction some (27) twenty-seven hours later. Lt. Failey stated she could do what ever Lt. Failey wanted to do. that's why she (Lt. Failey) made Appellant a photo copie of what she (Lt. Failey) did by adding \$ 9.76 and made the NOTE ON THE TOP OF Exhibit (A) stating and initialed By C.F. (Lt. Failey) stating (C.F) Altered Copy by Inmate Watford (Appellant) line "where Restitution of payment" (C.F) ... So if Appellant wanted to file a grievance on Lt. Failey

around 4:05 P.M. Appellant went to BRCE Medical. Capt. Stephen was there in Medical. Appellant showed Capt. Stephen the Altered Restitution sanction that Appellant just recieved back from Lt. Failey before Appellant came to Medical. Capt. Stephen asked Appellant who put the wave line in the payment Block on the sanction paper. Appellant told Capt. Stephen Appellant did the wave line. But Lt. Failey added the \$9.76 dollar amount at the beging and the end of payment of Restitution Block. Capt. Stephen stated Lt. Failey could not do that after (24) twenty-four hours and that Appellant and Lt. Failey have signed the sanction. Lt. Bean came by medical and Appellant asked Lt. Bean to look at the original Goldenrod Administrative Resolution Sanction from the day before. Lt. Bean told Capt. Stephen that there was no \$ 9.76 dollar amount in the payment of Restitution Block. Lt. Bean stated that there was no wave line or \$ 9.76 dollar amount at all yesterday OCTOBER 30, 2012. Capt. Stephen stated he knew there was nothing either yesterday OCTOBER 30, 2012.

• Captain Stephen and Lt. Bean, Both stated that Lt. Failey had committed fraud and that Lt. Failey could not do that at any sanction or any legal documents. Capt. Stephen said he (Capt. Stephen) was going to Capt. / Major P. Jones. Appellant spoke with Capt. / Major P. Jones Nov. 1, 2012. Capt. / Major P. Jones told Appellant that he (Capt. P. Jones) would get with Appellant the next day, Nov. 2, 2012. Appellant approached Associate Warden D. Bush on Nov. 7, 2012. Associate Warden D. Bush told Appellant himself (Assoc. Warden D. Bush) and Capt. / Major P. Jones would get with Appellant when Capt. P. Jones returned from vacation next week. Appellant told Associate Warden Bush that Appellant has only a few days before Appellant has to file a STEP 1 Grievance on this matter if the BRCE Administrative could not resolve this matter. Assoc. Warden Bush stated ("That you Appellant was just talking").

on November 13, 2012, Appellant filed a Inmate STEP 1 Grievance form. See further attached hereto Exhibit (A) and STEP 1 Inmate Grievance Form BRCE-1371-12. Warden Reason:

"This is in response to BRCE-1371-12 you have appealed the results of your 10-30-12 Informal Resolution / Administrative Resolution (SCDC Form 19-106). In which you stated Lt. Failey altered the Form to include restitution. Per Captain P. Jones you signed Resolution Form (SCDC 19-155) and were therefore aware of the \$9.76 restitution charge. The total costs were based on substantial evidence based on this information your appeal is without merit and therefore denied."

As seen in above, SCDC has stated that "Per Capt. P. Jones" Appellant signed Restitution form SCDC 19-155 and therefore aware of the \$9.76 restitution charge.

Appellant filed a STEP 2 Inmate Grievance concerning this matter and the Agency's decision is attached hereto as a further Exhibit "Inmate STEP 2 Grievance" which states:

"It is noted that you have provided 2 copies of the Form SCDC 19-106 Informal Resolution / Administrative Resolution Form. However there is no way to prove which was altered or by whom. Your signature is on the one with the restitution of \$9.76 written on the Form. You have not provided any evidence and none has been found to support your allegations. Without verifiable evidence to support your allegations further action is not warranted."

As seen in the above answer to Appellant's STEP 2 Inmate Grievance, SCDC has stated: Appellant's signature is on the one with the restitution of \$9.76 written on the form and Appellant has not provided any evidence and none to support and none found to support Appellant's allegations and without verifiable evidence. 1st.) Appellant did sign the original Goldenrod Resolution Copy Exhibit (A) before any waive line or any \$9.76 Restitution dollar amount was added by appellant or by Lt. Failey. Exhibit (A) clearly shows only waive line after Appellant initially signed Resolution Sanction paper with Lt. Failey on Nov. 30, 2012. 2nd.) Exhibit (B) shows the Goldenrod True Copy of Sanction To This Honorable Court with a pen marked waive line and shows were the original True Copy has a Carbon Copy stinckle \$9.76 in the payment of Restitution Block. The original Goldenrod Copy clearly shows a Dark pen mark and a Carbon Copy light. Appellant did not agree to Restitution when Appellant and Lt. Failey signed and on the Administrative Resolution Form SCDC 19-106 on Oct. 30, 2012. 3rd.) SCDC state's that Appellant has not showed any evidence that the sanction has been altered by Lt. Failey. Appellant has presented (2) two Copies of Sanction Forms 19-106. (1) 1- with only waive line in Restitution Block. (2) 1- with waive line and a Carbon Copy of \$9.76 dollar amount, and Appellant's signature is on Both Copies. Appellant's signature right, Appellant's signature would be on Both Copies if (1) if one is the original and then the 2nd Copy is a photo Copy of the Altered original Copy of SCDC Form 19-106. SCDC STATED Appellant has no verifiable evidence to support allegations. SCDC Administrative Agency Never Called or Spoke with any of Appellant's witnesses to the Altering of the resolution Sanction By Lt. Failey. Captain Stephan, Lt. Bean or officer Bradley was never spoken to by any SCDC agency about their testimony what the witnesses to the Resolution charge Paper. 4th.) SCDC Administrative Has Violated Appellant's Rights By allowing Lt. Failey an Employee of SCDC To Alter a legal Document (Charge) Sanction and perpetrating a Fraud on Inmate Watford (Appellant). it is that, SCDC has violated Appellant's Constitutional Rights and Violated SCDC Policy GA.01-12 section 13.3 (NO EMPLOYEE INVOLVED or ADDRESSED IN A GRIEVANCE WILL NOT BE ASSIGNED TO CONDUCT ANY INVESTIGATION REGARDING SAME.)

CONCLUSION

WHEREFORE based on the foregoing, Appellate respectfully request this Honorable Court to review the Arguments and Exhibits Submitted and asks this Court to Correct SCDC's Erroneous Sanctions of Appellates Administrative Resolution Sanctions, and declare Appellate's Rights have been Violated by SCDC and fashion the relief just and appropriate and grant Appellate's (Actions Requested) that SCDC Reprimand and Suspend Lt. Failey without pay for (10) ten days and Reprimand Lt. Failey back to a Sat. Due to Lt. Failey was a (Lt.) at the time of this unlawfully altering Sanction paper work and perpetrating a Fraud on Appellate. restore all sanctions and Refund Appellate of all Cost of filing fee of (\$100.00) one Hundred dollars and Cost for all Copies, and legal supply's from SCDC Legal office.

Perry Watford 289215
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Administrative Law Judge DURDEN

Appellate Case No.: 2015-000379

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S.C. Dept. of Corrections • • • • • Respondent

CERTIFICATE OF COUNSEL

The undersigned certified that this complies
with rule 211(b), SCACR.

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ATTORNEY FOR Respondent

Dated: September 3, 2015

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PROFF OF SERVICE

I certify that I have served a copy of this Initial BRIEF OF APPELLATE by depositing a copy in the United States mail postage prepaid on September 3, 2015 and RECORD ON Appeal Designation OF MATTER!

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Attorney for Respondent

Date: September 3, 2015

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* Inter-office-Mail *

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