

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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DEC 31 2015

SC Court of Appeals

APPEAL FROM COURT OF COMMON PLEAS, RICHLAND COUNTY

Honorable Tanya A. Gee, Circuit Court Judge

Case No: 2015-CP-400-2869

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CURTIS WATERS #152625,

Appellant,

-- VS --

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS,

Respondent.

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APPELLATE CASE NO: 21015-002337

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MOTION TO PROCEED IN FORMA PAUPERIS  
REQUEST FOR DIRECTIVE  
APPELLANT'S PRO SE APPEAL BRIEF  
CERTIFICATE OF SERVICE

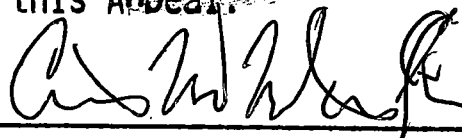
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I

Motion To Proceed Without Prepayment Of Costs  
and Affidavit In support Thereof

I, CURTIS WATERS, hereby apply for leave of this Honorable Court to proceed in this action without prepayment of fees or costs or give security thereto. In support of my motion I declare under the penalty of perjury that the following facts are TRUE and CORRECT, to the best of my belief and understanding:

- 1.).. I am the appellant in the above action and I believe in "Good-Faith" I am entitled to redress.
- 2.).. Because of my poverty I am unable to pay the costs of these proceeding or give security thereto.
- 3.).. Due to my poverty, I am unable to financially:  
(1).. Obtain a TYPED COPY of the lower court transcripts;... (2).. Or Pay SCDC (respondent) for a TYPED COPY of the Disciplinary Hearing Transcripts, for this Appeal.



CURTIS WATERS, #152625  
APPELLANT.

December 24, 2015.

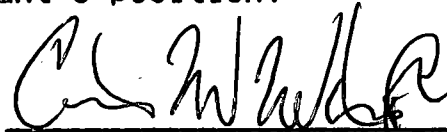
II

REQUEST FOR DIRECTIVE

Appellant request this Court for a "DIRECTIVE" instructing the Clerk's Office of the lower court (Richland County) and General Counsel's Office of SCDC, take the necessary steps to provide this Court, with a "typed copy" of their relevant transcript to these proceeding.

Due to appellant's financial poverty, and without said transcripts, would deprive appellant of a fair opportunity to present and prefect his appeal on a wrongful conviction.

Appellant further claims the "record" of these proceedings fully support appellant's position.



CURTIS WATERS, #152625

APPELLANT

December 24, 2015.

III

ISSUE ON APPEAL

WHETHER THE CIRCUIT COURT ERRED IN DISMISSING PLAINTIFF'S ACTION:

FOR FAILURE TO STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION.

### Discussion

Appellant proclaims that Disciplinary Hearing Officer (DHO) ERNEIT ROWE and Inmate Counsel Substitute (ICS) MS. BROWN, both are employees of the South Carolina Department of Corrections (SCDC) at the Broad River Correctional Institution (BRCI), in Columbia, South Carolina. That while acting under the color of State Law, denied appellant procedural due process, where he was charged with an agency infraction. Appellant plead "INNOCENCE" to all charges.

On June 1, 2003, Major Gregory employee of SCDC at BRCI, charged appellant with a CLASS I ESCAPE; THREATENING TO INFLICT; SEXUAL MISCONDUCT, after reviewing an SCDC Incident Report and reading a letter. Appellant was then placed in SPECIAL MANAGEMENT UNIT (SMU a/k/a Lock-up).

On the 5th of June, 2013, Cpl. J. Gomez notified appellant of the infractions being charged and his "Pertinent Rights." Appellant request ICS and his "ACCUSERS" present at his hearing. Ms. Angela Brown an employe of SCDC was appointed as appellant's ICS.

Due to appellant being placed in SMU, he "requested" ICS to obtain a copy of the documentary evidence (i.e. (1)

Letters or Notes indicating an alleged "Plan of Escape" and a Written Report (response) by WARDEN Robert M. Stevenson, III; (2) Call witness LT. SCOTT and SGT. COOK which found said "notes" and did not interpret them to be an "actual" Plan of Escape, and (3) prepare a defense on appellant's behalf, pursuant to SCDC Policy/Procedure OP.22-14 "Inmate Disciplinary System."

A hearing was held on June 18, 2013 before DNO, ERNEST ROWE. At hearing ICS did not:.. (1).. call or speak with the two SCDC witnesses appellant informed her of;... (2).. obtain any copies of the Documentary Evidence, prior to the hearing;... (3).. prepare a defense on behalf of appellant.

Appellant was found guilty on all infractions and these falsely convictions are now posted on SCDC's Website.

Appellant was denied the minimal Due Process at hearing, mandated in: WOFF -vs- McDONNELL, 418 U.S. 53<sup>9</sup> (1974) to:

- 1.).. Call witnesses at hearing,
- 2.).. assist in preparing a defense;
- 3.).. before an Impartial Decision Maker (DHO).

Appellant declares under the penalty of perjury that, this false claim being held as against him has his family refusing to "SUPPORT" "VISIT" or "COMMUNICATE" with him; compound by these charges being posted on SCDC's Website, causes an "atypical and significant hardship" upon appellant. Appellant is unable to maintain mental stability, due to this "emotional

hardship" now upon him (lost of family and false conviction).

Conclusion

For reasons set forth above, but not limited too, Appellant prays this Court grant Appellant's requests in the above actions, and affording him a fair opportunity for review of this wrongful conviction, on appeal.

December 24, 2015



CURTIS WATERS, #152625  
APPELLANT, Pro Se.

IV

Certificate of Service

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I, CURTIS WATERS, the appellant to the above matter, hereby declare under the penalty of perjury, that on this day, I have served a complete and true copy of this document upon the respondent, by placing a copy of same. in the prison mail system, for depositing in the United States Mail, with First Class Post affixed, and addressed as indicated below:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Attn: Office of General Counsel

P.O. Box 21787

Columbia, SC. 29221-1787

STATE OF SOUTH CAROLINA

Attn: Office of the Attorney General

P.O. Box 11549

Columbia, SC. 29211-1549

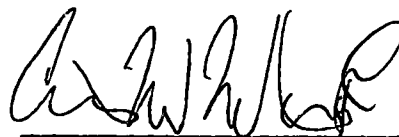
RICHLAND COUNTY COURT OF COMMON PLEAS

Attn: Office of the Clerk

P.O. Box 2766

Columbia, SC. 29202-2766

Respectfully submitted,



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Curtis Waters #152625

Lee Correctional Institution

990 Wisacky Hwy.

Bishopville, SC.

29010

December 24, 2015

APPELLANT.

RT'S WATERS #152625  
CORRECTIONAL INSTITUTION  
UNIT #2143  
WISACKY HWY.  
SHOPIVILLE, SC. 29010

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC. 29211

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