

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson III, Chief Administrative Law Judge

Case No. 2018-000656

Perry Deveaux, #109601.....Appellant,

v.

South Carolina Department of Probation, Parole and Pardon Services...Respondent.

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**RECORD ON APPEAL**

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**RECEIVED**

JUL 31 2018

**SC Court of Appeals**

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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Perry Deveaux, #109601, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Probation, )  
Parole and Pardon Services, )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. 17-ALJ-15-0031-AP

ORDER

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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) on an appeal filed by Perry Deveaux (Appellant), from a decision of the South Carolina Department of Probation, Parole and Pardon Services (Department) denying him parole.

**FACTUAL/PROCEDURAL HISTORY**

Appellant is in the custody of the South Carolina Department of Corrections after being sentenced to life imprisonment for the offense of murder. The murder took place in November 1975, but Appellant was not charged with the murder until several years later.<sup>1</sup> He pled guilty to the charge on February 24, 1982. At the time of Appellant's offense, South Carolina law provided that a person serving a life sentence for murder was eligible for parole upon the service of ten years' imprisonment. Since 1992, Appellant has appeared before the Parole Board (Board) a total of twenty-two times and has been denied parole every time he has appeared. Appellant last appeared before the Board on October 18, 2017, when the Board voted unanimously to deny Appellant parole. The Board gave the following reasons for denying parole: (1) the nature and seriousness of the current offense; (2) an indication of violence in this or a previous offense; (3) a use of deadly weapon in this or a previous offense; and (4) a failure to successfully complete a community supervision program.<sup>2</sup>

<sup>1</sup> Appellant was arrested years after the crime based upon information supplied by a confidential informant implicating him in the murder.

<sup>2</sup> In his brief, Appellant questioned the finding of failure to complete a community supervision program. The Department agrees that this reason was cited in error. Nevertheless, the Department argues this was not the only reason for the denial of parole, and therefore Appellant was not prejudiced and any error is harmless.

**FILED**

April 6, 2018

SC ADMIN. LAW COURT

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After the Board denied Appellant parole on October 18, 2017, he timely filed this appeal with the ALC. The Department filed the Record on Appeal on January 11, 2018. On February 14, 2018, Appellant filed his brief as well as a Motion to Supplement the Record. The Department did not object to the Motion to Supplement the Record and filed its brief on March 2, 2018.<sup>3</sup>

### STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the decisions of the South Carolina Supreme Court in *Furtick v. South Carolina Department of Probation, Parole and Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2003) and *Cooper v. South Carolina Department of Probation, Parole and Pardon Services*, 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008). When reviewing the Department's decisions in inmate parole matters, the ALC sits in an appellate capacity. *Furtick*, 352 S.C. at 599; 576 S.E.2d at 149; *see also* S.C. Code Ann. § 1-23-600(E) (Supp. 2016) (directing administrative law judges to conduct appellate review in the same manner prescribed in section 1-23-380 of the South Carolina Code). Consequently, 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. 2016). Furthermore, an Administrative Law Judge may not reverse or modify an agency's decision unless the record reflects that substantial rights of the appellant have been prejudiced because the decision is clearly arbitrary or affected by an error of law. *See Marietta Garage, Inc. v. S.C. Dep't of Pub. Safety*, 337 S.C. 133, 137, 522 S.E.2d 605, 607 (Ct. App. 1999); *S.C. Dep't of Labor, Licensing and Regulation v. Girgis*, 332 S.C. 162, 166, 503 S.E.2d 490, 492 (Ct. App. 1998). Finally, "when appealing an agency's decision, the burden rests squarely on the appellant to prove that substantive rights were prejudiced . . . ." *S.C. Dep't of Corr. v. Mitchell*, 377 S.C. 256, 260, 659 S.E.2d 233, 235 (Ct. App. 2008).

### DISCUSSION

Appellant asserts that the denial of parole violated the Eighth Amendment of the United States Constitution and Article 1, section 15 of the South Carolina Constitution. Appellant also

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<sup>3</sup> In its brief, the Department contends that the documents Appellant submitted in the Supplemental Record provided mitigating evidence already considered by the Board. In addition, the Department maintains there was no argument regarding the criteria the Board considered.

asserts the Board improperly failed to consider the risk assessment he had prepared for Board review.<sup>4</sup>

The Eighth Amendment of the United States Constitution provides “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const. amend. VIII. The South Carolina Constitution states:

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

S.C. Const. art I, §15.

It is unclear from Appellant’s brief how the Department violated the proscriptions in the above constitutional provisions. In fact, Appellant does not even reference cruel or unusual punishment in his brief. Rather, Appellant asserts the Eighth Amendment has been violated as a result of the Department’s continued denial of his parole, which he claims has converted his original sentence to a de facto sentence of life without parole. In support of that argument, Appellant cites both *Furtick v. South Carolina Department of Probation, Parole & Pardon Services*, 352 S.C. 594, 598, 576 S.E.2d 146, 149 (2003) and *Steele v. Benjamin*, 362 S.C. 66, 71, 606 S.E.2d 499, 502 (Ct. App. 2004). He claims these cases stand for the proposition that “a sufficient liberty interest may be implicated to trigger due process requirements even though the Parole Board’s decision did not constitute a permanent denial of parole eligibility.”

The U.S. Supreme Court has held that “[t]here is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.” *Greenholtz v. Neb. Penal Inmates*, 442 U.S. 1, 7 (1979). In other words, “given a valid conviction, the criminal defendant has been constitutionally deprived of his liberty.” *Meachum v. Fano*, 427 U.S. 215, 224 (1976). Thus, if Appellant has a liberty interest in parole, then it must emanate from state law. See *Ellis v. Dist. of Columbia*, 84 F.3d 1413, 1415 (D.C. Cir. 1996).

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<sup>4</sup> The Board is statutorily required to produce a “validated actuarial risk and needs assessment,” which it must use when determining whether to grant parole. See S.C. Code Ann. § 24-21-10(F). In this case, Appellant took the unusual step of submitting a risk assessment that was prepared independently on his behalf.

In South Carolina, section 24-21-620 of the South Carolina Code generally provides for review of an inmate's case for parole. *Furtick*, 352 S.C. at 598, 576 S.E.2d at 149 ("Section 24-21-620 provides for review by the Board, 'regardless of whether or not any application has been made therefore, for the purposes of determining whether or not such prisoner is entitled to any of the benefits provided for in this chapter.'"). Furthermore, the court held in *Furtick* that "the permanent denial of parole eligibility implicates a liberty interest sufficient to require at least minimal due process." *Id.* However, "[a]lthough [section 24-21-620] creates a liberty interest in parole eligibility, it does not create a liberty interest in parole." *Id.* at 598 n. 4, 576 S.E.2d at 149 n. 4. Shortly after the issuance of *Furtick*, the Supreme Court further explained:

Recently, in *Furtick v. S.C. Dept. of Probation, Parole and Pardon Services*, this Court held that the permanent denial of parole eligibility implicates a liberty interest sufficient to require at least minimal due process, and, therefore, review by the [ALC]. In reaching this conclusion, the Court emphasized the finality of the Department's decision, and distinguished the final determination of parole eligibility from the temporary granting or denial of parole to an eligible inmate. Although the Court found S.C. Code Ann. § 24-21-620 created a liberty interest in the one-time determination of parole eligibility, it was quick to note that the statute did not create a liberty interest in parole.

*Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003) (citations omitted). The court in *Sullivan* emphasized that: "[t]he only way for the [ALC] to obtain subject matter jurisdiction over [inmate] claim[s] is if it implicates a state-created liberty interest." *Id.*

Here, Appellant alleges the Department's continued denial of parole is akin to a permanent denial of parole eligibility. However, the Department's continued denial of parole does not constitute the permanent denial of parole eligibility. Appellant was sentenced to a life sentence with the possibility of parole after ten years. There is no dispute that in 1975 the South Carolina Code provided that a person who is convicted of murder must be "punished by death or by imprisonment for life." Furthermore, there is no contention that the Parole Board considered any law other than that provision. In addition, Appellant has not been denied the opportunity to appear before the Board. In fact, consistent with this State's law, since 1992 he has appeared numerous times before Board for the purpose of considering whether to grant him parole.

Rather, the Department's denial of parole eligibility for the last twenty-five years relates to the Board's exercise of its discretion. Clearly, the Board "is the sole authority with respect to decisions regarding the grant or denial of parole." *Cooper*, 377 S.C. at 499, 661 S.E.2d at 111. Additionally, as explained in *Cooper*, this Court's review is limited to ascertaining whether the

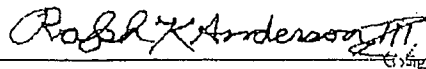
Board "followed proper procedure." *Id.* at 500, 661 S.E.2d at 112. Therefore, the Court may summarily dismiss Appellant's appeal unless it determines that the Board failed to consider the appropriate statutory and Department criteria in making its determination. *See Compton v. S.C. Dep't of Probation, Parole & Pardon Servs.*, 385 S.C. 476, 479, 685 S.E. 2d 175, 177 (2009) (holding that an order denying parole and showing consideration of all statutory and Department criteria is sufficient to support denial of parole).

Here, the Department properly followed all procedures in denying Appellant parole. The Record clearly reflects that the Board considered the appropriate statutory and Department criteria in making its determination. Specifically, it considered the characteristics of the offense and prison disciplinary record, the statutory criteria of section 24-21-640, the factors published in its parole criteria form (Form 1212), and the actuarial risk and needs assessment factors pursuant to Section 24-21-10(F)(1)). Although Appellant asserts that the Board failed to consider the risk assessment he submitted, the Board considered the actuarial risk and needs assessment factors as it was required to pursuant to section 24-21-10(F)(1) as noted in its letter denying Appellant parole.<sup>5</sup> Therefore, the Department complied with all required procedures in evaluating Appellant for parole.

Ultimately, Appellant is in the exact same position he was in when he was sentenced for his crime: he has a life sentence for murder with the possibility of parole. Furthermore, Appellant has failed to show that the Board did not follow statutory requirements in denying him parole. He also failed to show that the Board actions violate the Constitutional prohibitions cited in his brief.

**ORDER**

**IT IS THEREFORE ORDERED** that the Department's decision is **AFFIRMED**.  
**AND IT IS SO ORDERED.**



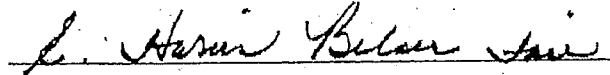
Ralph King Anderson, III  
Chief Administrative Law Judge.

April 6, 2018  
Columbia, South Carolina

<sup>5</sup> In addition, Appellant argues on one hand that he is "a model inmate" with a record "devoid of violence," yet acknowledges "two incidents of physical altercations" in his brief.

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



E. Harvin Belser Fair  
Judicial Law Clerk

April 6, 2018  
Columbia, South Carolina

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**FORENSIC PSYCHOLOGICAL ASSESSMENT**  
**[Parole Hearing Evaluation]**

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**Examinee:** DEVEAUX, Perry

**SCDC Inmate #:** 109601

**Case Name:** *State of South Carolina vs. Perry Deveaux, Jr.*

**Date of Birth:** [REDACTED]

**Dates of Interviews:** March 22, 2017; April 18, 2017; May 19, 2017; and August 10, 2017

**Examiner:** Susan C. Knight, Ph.D., ABPP

**IDENTIFYING DATA:** Mr. Perry Deveaux, Jr. is a 61-year-old, divorced, African-American male, currently incarcerated in the South Carolina Department of Corrections [SCDC] for a conviction of Murder, in violation of *S.C. Code §16-3-10*. His conviction stems from an incident that occurred on November 28, 1975, when he was 19 years old. At age 25, he was sentenced to a life term with parole eligibility after ten years, and has been incarcerated in SCDC since March 1, 1982. Mr. Deveaux's defense counsel, Ms. Elizabeth Franklin-Best, Esq., requested a forensic psychological evaluation to evaluate Mr. Deveaux in preparation for his parole hearing in October 2017. Pursuant to this request, the examiner assessed his developmental and psychosocial functioning prior to his incarceration; his functioning over 35 plus years of incarceration; his risk for future violence; and transition needs. Mr. Deveaux was evaluated on the above listed dates at Lieber Correctional Institution.

**SUMMARY OPINION:** Based on the totality of data gathered during the evaluation, to include clinical interviews and psychological testing with Mr. Deveaux; an interview with his son; consultation with his prior SCDC unit manager; consultation with a community placement counselor; and review of available academic, legal, correctional, medical and mental health records, the following is opined as summarized.

Mr. Deveaux was born and raised in a rural area of Mt. Pleasant, South Carolina. He described a poverty-stricken, abusive, and primitive childhood. School records indicate significantly sub-average intellectual functioning, with IQ scores in the 50's and placement in special education classes. At the time of the offense, he was 19 years old, worked for a sanitation department, and lived with his grandmother. He was arrested at age 24, approximately five years after the offense, and sentenced at age 25. Therefore, Mr. Deveaux has been incarcerated within SCDC for over thirty-five years, from ages 25 to 61. Prior to his incarceration, he had no history of juvenile or adult arrests, charges or convictions, separate from his instant offense. While incarcerated, he has held many different jobs with positive performance reviews; participated in various trainings and vocational opportunities; has married and divorced; and reconnected with his son. Records indicate he has been convicted of 11 major disciplinary infractions. He has only two infractions involving any violence, which were minor physical altercations with other inmates in 1990 and 2012. He has no known major medical issues, and does not meet criteria for a major mental illness or personality disorder. Cognitively, he is assigned the diagnosis of Intellectual Disability, Mild, denoting deficits in cognitive and adaptive functioning. Results from a risk assessment measure do not indicate significant risk factors for future violence; with release plans to include residential placement in a comprehensive transitional services program to further reduce risk.

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Date of Birth: [REDACTED]

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**SOURCES OF INFORMATION:** The following sources of information were reviewed in forming the opinions found in this report:

Legal/Case Documents

1. State of South Carolina County of Charleston Arrest Warrant #A-480368, and attached Affidavit for Murder, dated June 9, 1981;
2. County of Charleston, Department of Police, Affidavit for Murder, by Sgt. Det. Frazier, dated June 9, 1981;
3. Checklists for Magistrates and Municipal Judges, *State v. Perry Deveaux*, dated June 15, 1981;
4. State of South Carolina County of Charleston Appearance Recognizance, Perry Deveaux (Principal) and Robinson Bonding Co., Inc. (Surety) dated July 22, 1981;
5. Letter to A.M. Sprague, County Jailer, from H. Taylor, Clerk of Court of Common Pleas and General Sessions for Charleston County, dated July 22, 1981;
6. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Motion to Produce, by M. O'Connell and B. Peeples, undated;
7. State of South Carolina County of Charleston Indictment for Murder, from the Court of General Sessions, dated August 3, 1981;
8. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Notice of Intention to Seek the Death Penalty, by C. Condon, Solicitor, Ninth Judicial Circuit, dated October 29, 1981;
9. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Order [Competency to Stand Trial Examination by the Department of Mental Retardation] by the Honorable R. Fields, dated January 20, 1982;
10. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Order [Appointment of B. Peeples, Esq.], by the Honorable R. Fields, dated January 24, 1982;
11. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Motion, Indictment #81-GS-10-1086 [to quash notice of intent to seek the death penalty], from M. O'Connell and B. Peeples, dated January 26, 1982;
12. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Memorandum of Law In Support of the Motion to Quash the Death Notice, by M. O'Connell, dated January 29, 1982;
13. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Order [Motion to Quash Denied], by the Honorable R. Fields, dated February 22, 1982;
14. *State of South Carolina vs. Perry Deveaux, Jr.*, Court of General Sessions, Transcript of Sentencing Hearing, before the Honorable R. Fields, on February 24, 1982;
15. Federal Bureau of Investigation Identification Division, Criminal History of P. Deveaux, dated June 8, 1982;
16. State of South Carolina County of Charleston, In the Court of General Sessions, *South Carolina (Respondent) vs. Perry Deveaux (Defendant)*, Order [extension of PCR time period], by the Honorable R. Fields, dated November 29, 1982;
17. Letter from H. Taylor, Clerk of Court, to J.S. Boone, Esq., dated December 7, 1982;

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Date of Birth: [REDACTED]

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18. South Carolina County of Charleston In the Court of Common Pleas, *Perry Deveaux, Jr. (Applicant) vs. State of South Carolina (Respondents)*, Return, from T. Medlock, D. Zelenka and S. Rentier, dated March 16, 1983;
19. Application for Post Conviction Relief, from P. Deveaux, dated October 29, 1982;
20. South Carolina Department of Corrections Offender Summary for P. Deveaux, dated November 1982;
21. State of South Carolina County of Charleston In the Court of Common Pleas, *Perry Deveaux, Jr. (Petitioner) vs. State of South Carolina (Respondent)*, Petition for Newly Discovered Evidence, by P. Deveaux, dated November 26, 1982;
22. State of South Carolina County of Charleston In the Court of Common Pleas, *Perry Deveaux, Jr. (Applicant) vs. State of South Carolina (Respondent)*, Return, by T. Medlock, D. Zelenka and S. Rentiers, dated March 16, 1983;
23. State of South Carolina County of Charleston Court of Common Pleas, In *Re: Perry Deveaux, Jr. (Petitioner)*, Transcript of PCR Hearing, dated March 29, 1983;
24. State of South Carolina County of Charleston In the Court of Common Pleas, *Perry Deveaux, Jr. (Applicant) vs. State of South Carolina (Respondent)*, Order [Application for Post Conviction Relief Dismissed and Denied], by the Honorable R. Fields, dated May 3, 1983;
25. *Perry Deveaux, Jr. (Appellant) vs. The State (Respondent)*, The Supreme Court of South Carolina Order [Petition for Writ of Certiorari denied and Appeal Dismissed] by J. Woodrow Lewis, Chief Justice, dated October 18, 1983;
26. State of South Carolina County of Charleston In the Court of Common Pleas, *Perry Deveaux, Jr. (Applicant) vs. State of South Carolina (Respondent)*, Order to Comply with Supreme Court Rule 50 (8), dated February 7, 1987;
27. Discovery materials, to include police and investigative reports, autopsy report, witness and defendant statements, and other materials were requested for review; however, due to the age of the case, such materials are believed not to still be in existence;

**Psychosocial Records**

28. State of South Carolina Certification of Vital Record, Birth Certification for Perry Deveaux, Jr., date record filed, [REDACTED] and date issued, May 18, 2017;
29. Academic records from the Charleston County School District, dated from September 1969 to November 1972;
30. Charleston County School District Psychological Evaluation conducted by K. P. DeVeaux, Ed., dated February 22, 1972;
31. Records [Medical] from the South Carolina Department of Corrections [SCDC], dated from March 1982 to March 2017;
32. Records [Central File] from the South Carolina Department of Corrections [SCDC], dated from March 1982 to June 2016;
33. Letters to Mr. Deveaux from the State of South Carolina Department of Probation, Parole and Pardon Services, dated from December 5, 1990 to June 23, 2016;
34. SCDC Inmate Search Detail Report for P. Deveaux, dated October 2, 2017;
35. SCDC Inmate 'Record Summary Sheet,' dated October 6, 2017;
36. Records were requested from the South Carolina Department of Disabilities [SCDDSN], who evaluated Mr. Deveaux in 1982; however, on April 24, 2017, they responded they had no records for Mr. Deveaux due to retention policies;

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37. Records were requested from psychologists, Diane Hamrick, PhD, and Tom Hiers, PhD, who both evaluated Mr. Deveaux in 1982; however, per his attorney, they have not responded to such requests by the submission of this report;
38. Records were requested from Charleston County Hospital, however, per his attorney, no records had been provided by the submission of this report;

**Interviews/Consultations**

39. Clinical Contact with Mr. Perry Deveaux, lasting approximately forty-five minutes, on March 22, 2017;
40. Clinical Interview with Mr. Perry Deveaux, lasting approximately three hours, on April 18, 2017;
41. Clinical Interview and Psychological Testing with Mr. Perry Deveaux, lasting approximately three hours, on May 19, 2017;
42. Consultation with Mr. Chuck Crumpler, Case Manager with Transitions Homeless Center, on July 20, 2017;
43. Clinical Interview with Mr. Perry Deveaux, lasting approximately two hours, on August 10, 2017;
44. Interview [by telephone] with Mr. Brown's son, Mr. Perry Davon Brown, and his son's girlfriend, Ms. Melissa Guggisberg, on August 18, 2017;
45. Consultation with Mr. Christopher Murphy, Esq., Mr. Deveaux's attorney for financial matters, on August 23, 2017;
46. Consultation with SCDC personnel, Cpt. Mack, unit supervisor, on October 3, 2017.

**DISCLOSURE OF NON-CONFIDENTIALITY:** Prior to the evaluation, Mr. Deveaux was provided information regarding the purpose and non-confidential nature of the evaluation. He was informed that any information he provided may be used to prepare a report for his attorney, which, at his attorney's discretion may be distributed to the parole board. He was also informed that the nature of the evaluation did not include a treatment relationship with the examiner and treatment would not be provided. Mr. Deveaux acknowledged understanding the parameters of the evaluation, and agreed to proceed.

**HISTORICAL DATA [Prior to Incarceration]:** Historical information pertaining to his life circumstance and functioning prior to his incarceration was provided by Mr. Deveaux and supplemented with collateral data where indicated.

**Developmental/Familial History:** Mr. Deveaux's records contain multiple birthdates, including [REDACTED]. When asked his correct birthdate, he pointed to his prison identification, which had his date of birth as [REDACTED]. He reported he was 59 years old and "will be 60 in July." [This is inaccurate, as Mr. Deveaux's formal birth certificate cites his birthdate as [REDACTED] making him 61 years old. He was informed of this information, and his correct age, during the evaluation].

Mr. Deveaux was born in "Charleston County at Roper Hospital." He was "raised up in Mt. Pleasant," in the "4-mile area, on Venning Road." Mr. Deveaux had multiple siblings and half-siblings on both sides of his family. He was raised with two full biological siblings, both older sisters, and a maternal half-sister. His mother, Betty Deveaux Larkins, left the Charleston area when he was 9 months of age, and resided in New York "for the next forty years."

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She left Mr. Deveaux and his sisters in the care of her parents, Lena and Benjamin Manigault, who raised them. During his childhood, his mother would "come on holidays to visit and then go back to New York." His mother did not raise him and his sisters as she, "got into another life, she had to choose..." He explained she had two additional children in New York, and focused on raising them instead of her children in Charleston.

His father was Perry Deveaux, Sr., who resided in Charleston during Mr. Deveaux's upbringing, but did not raise Mr. Deveaux. He saw his father intermittently during his childhood. His father was a "veteran, high school graduate, did odd jobs." He has two paternal half-siblings, a sister and a brother, however, was not raised with them.

Therefore, as his mother resided out of state, and his father was not involved as a caregiver, his maternal grandparents, the Manigaults, were responsible for his care. With his grandparents, he described a poverty-stricken, primitive, and abusive upbringing. His childhood house had approximately "20 people, could have been more, in one house, seven rooms, a wooden house with no bathrooms" or running water. For facilities, they would "go in the woods, use the outdoor toilet, or the slop jar with a bucket." They "got water from a hand pump, it came up from the ground." They "had electricity but it was rigged, was not hooked up properly, we used extension cords and drop cords hooked up to the service pole." The individuals living in the home included "sisters, brother, cousins, aunts" and other relatives. He slept "on a single mattress on the floor" which he shared with others.

Mr. Deveaux stated they were supported by family members "working on Isle of Palms," and on the "J.C. Long Plantation." His maternal grandparents worked on the farm as laborers. For food, the family "raised hogs, and chickens, grew vegetables." They also "had white folks donate stuff to us, we planted a big garden and we had a vegetable stand, they would give clothes in return, or give us leftovers from Christmas dinner or from a party."

He reported his maternal grandparents were "very strict with rules and beatings," particularly his grandmother. She would "beat me with anything she could get her hands on, "shoes, limbs, the hose, a broomstick..." When asked the severity of the beatings, he stated, "if we had child protective services like now, she'd be in prison." This abuse occurred from the ages of 12 to 17, or "could be earlier." She engaged in such beatings for "any little thing, we raised chickens, if I didn't collect the eggs, I would get beat, if I didn't rake the yard, or cut the wood, or walk to the corner store, she would beat me." These beatings would leave "marks and welts." He also stated that if he left the home or yard, he would "get a behind cutting," and she would "tie our hands to the bannister and go to work on us." He related one incident when others in the family were eating, however, he was not allowed to eat. When he attempted to get food, she "shot at me with a gun, all but hit me." During his early years in prison, Mr. Deveaux wrote a letter to his mother asking, "why didn't you take me to New York with you" so that he would have been spared such abuse, but "she never answered it."

At some point in his early 20's, Mr. Deveaux "moved out of my grandmother's home" due to her ill treatment. He "stayed with my sister Josephine," who lived nearby, and then moved in with his sister Deborah, where he was residing at the time of his arrest in 1982.

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Name/SCDC#: DEVEAUX, Perry/#109601

S. Knight, Ph.D., ABPP

Date of Birth: [REDACTED] 5

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**Education History:** Mr. Deveaux reported attending Jennie Moore Elementary School in Mt. Pleasant for the first grade, "and then to special ed...the county put up trailers for the special ed class." He attended school through the "5<sup>th</sup> or 6<sup>th</sup> grade, in the special ed trailers." He liked school because "I liked to learn, and meet people, something different, get away from the house." He "rode the bus or my bicycle" to school, which was "four miles" from his home. When asked why he was placed in special education classes, he stated, "I was slow, my brains run into each other and I get confused, I get jumpy and frustrated" which caused learning difficulties. With the other students, he was "pretty good." He reported no fighting with his peers in school, or persistent behavior problems. When letters came from the school, his grandmother could not read them due to illiteracy, and he stated, "not too much of the household could read."

Mr. Deveaux also reported numerous absences from school due to his grandmother "took us out of school to help raise the crops, raise the chickens, work the yard, the garden... we had to do good at the house to earn our days in school." If they did not work hard enough, she would keep them out of school. At age 14 or 15, he discontinued his schooling after being suspended for an incident with a teacher. He stated this was his only suspension, and afterwards, he "never went back." Mr. Deveaux has no history of further education.

**Collateral Data [School Records]:** Mr. Deveaux's records from the Charleston County School District indicate the following. His birth date is incorrectly identified as September 10, 1956; and in another record as April 10, 1958. In **September 1969**, at age 13, he was classified as being in the 3<sup>rd</sup> grade. He had "repeated 1<sup>st</sup> grade twice; 2<sup>nd</sup> grade once." Therefore, his total number of years in school was listed as "five," with absences for those five years listed yearly as: "97; 144; 104; 108; and 16."

References to testing conducted in **September 1969**, at age 13, were included, and indicated an IQ score of 50 using the Slosson Intelligence Test [SIT]. Due to this testing, in September 1969, the "General Service Desired" for Mr. Deveaux was selected as "Special Education" with the recommendation that he attend Jennie Moore Elementary School for the 1969/1970 school year. For the 1970/1971 school year, he was recommended to Mamie P. Whitesides in special education, however, it was noted that he did not attend school for the 1970 school year.

At age 15, in **February 1972**, a psychological evaluation was conducted "because he had been in Special Education for a year but no evaluation had ever been done." At the time of the evaluation, his grade level was listed as "Special Education" and he was attending "Moultrie High at Laing." It was further noted that he "was tested and referred to Special Education in 1969. He did not attend class at all during the 1970-1971 school year."

IQ testing with the Slosson Intelligence Test (SIT) indicated an IQ score of 52. Achievement testing with the Wide Range Achievement Test (WRAT) indicated his mathematics, reading and spelling skills all tested at the 2<sup>nd</sup> grade level. Based on testing results, it was recommended that, "Perry remain in Special Education and continue with his vocational training..."

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At age 15, in May 1972, per the 'Special Education End of Year Recommendation,' he was recommended to continue in special education for the 1972-1973 school year, with attendance in the "Advanced" special education program (e.g., with levels identified as 'Trainable, Primary, Intermediate and Advanced').

**Vocational History:** As a young adolescent, Mr. Deveaux worked as a "brick mason, roofing, carpenter work, painting, drywall, just work for people in the area." As an older teenager, he worked for the Isle of Palms Sanitation Department for two years, which was his employment at the time of the offense, at age 19. He next worked at the Mt. Pleasant Department of Sanitation for "a day or two," however, could not find reliable transportation, as he never obtained a driver's license or had access to a vehicle. He was then hired by the Charleston Department of Sanitation, where he worked for "two years and six months." To get to work, he would "hitch a ride starting at 4:00 a.m., or ride with the boss man."

**Relationship History:** Mr. Deveaux's only girlfriend prior to his incarceration was Deborah Brown, whom he met through a neighbor. They began dating in 1976, which lasted until his incarceration in 1982, at which point they ended their relationship. He and Ms. Brown have a son from this union, "Perry Devon Jr. Brown," who was born in 1978, and is Mr. Deveaux's only child. His son was 4 years old at the time of his incarceration.

**Mental Health History:** Mr. Deveaux reported no history of psychiatric medications, hospitalizations or outpatient mental health treatment prior to his present incarceration. When asked about any history of mental illness in his family, he reported his "mother's sister's child" (maternal first cousin), "couldn't talk, or do nothing for herself, she was raised on Bull Street [state mental hospital]."

**Medical History:** Mr. Deveaux reported no major medical illness as a child or adult, and no current major medical conditions. He reported no history of known seizures, or stroke. He reported one incident in 1981, as a young adult, when he was hit by a car and sustained a head injury with loss of consciousness. He was, "walking, drinking, in the street" when a car struck him, and he was emergently hospitalized. He did not know further details. *(Records from Charleston County Hospital were requested from this incident; however, they were not available by the submission of this report).*

**Substance Use History:** Mr. Deveaux began drinking alcohol at age "13 or 14." When asked how he started at such a young age, he stated, "there was alcohol in the house all the time; everybody [in the family] was a drinker." As a child, "the family put pressure on me to drink, the whole household was drunk..." He "had to drink to fit in with the family." By age 18, he was drinking "every time I could get it, I was a walking still." He described binge-drinking alcohol, in that he "got drunk real fast, started acting like a clown...I liked to drink and get my laugh on." His drink of choice was vodka. From ages 18 to 24, he was "drinking pretty heavy." He reported having "had the shakes" after drinking. He denied drinking at work, stating it was "too dangerous" to drink and ride the sanitation truck. He also experimented with marijuana as a teenager, "only every now and then, not regular." He reported no history of using any other type of illicit substance, and no history of abusing prescription medication.

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**Legal History:** Mr. Deveaux reported no history of juvenile arrest, charges, or convictions; and no history of adult arrests, charges or convictions prior to his current conviction.

**Collateral Data ['Criminal History']:** Per his formal arrest history included in his SCDC records, Mr. Deveaux has no history of adult charges or convictions prior to his current conviction. Further, there is no indication that he has a history of juvenile arrests or charges.

**EVALUATION OF OFFENSE:** Mr. Deveaux's case was evaluated with respect to the offense conduct for which he is presently serving his sentence. An account of the offense according to collateral sources is provided, followed Mr. Deveaux's circumstance at the time of the offense.

**Collateral Account of Case [State v. Perry Deveaux, Jr.]:** Due to the age of the case, standard discovery documents such as police incident reports, witness and defendant statements, the autopsy report, and other similar material are most likely no longer in existence. Therefore, only basic details of the offense can be provided from the available data.

**Offense:** Per the Arrest Warrant for Murder, on **November 28, 1975**, "sometime during the hours between 4:45 and 5:30 p.m., the body of a white female was found in a wooded area located off of 4-mile Venning Rd., Mt. Pleasant, South Carolina." The victim was 23 years of age, and identified as "Kathy Sanderlin." Per the medical examiner, the cause of death "was due to penetration of right iliac artery due to stab wound of the lower abdomen, by some type of knife." On the same evening, "several witnesses placed Perry Deveaux, near the scene of the crime, in which the victim body was found." Therefore, officers spoke to Mr. Deveaux on the evening of November 28, 1975, at his grandmother's residence. He "told Sgt. Det. Frazier that among other things he went to Gold Grocery Store where he bought a quart of Budweiser beer in the bottle." During questioning, officers "examined subject Perry Deveaux and noticed fresh scratch marks on both hands and arms, which would be consistent with vine and brushes where the victim body was found." It was also noted, "near the scene of victim's body an empty quart bottle of Budweiser beer was also found."

The Arrest Warrant further stated that, "on **June 9, 1981**, the Subject Perry Deveaux told Det. Ronald Brown of Charleston County Police that he in fact had killed Kathy Sanderlin with a knife and told him details of how it was done which only police officials, the Medical Examiner, and the killer could of known." It was noted, "this confession was also recorded on tape." The Arrest Warrant was based on "information obtained from statements of witnesses, confidential informants and through Det. Sgt. Frazier's investigation."

**Post-Offense:** On **June 15, 1981**, Mr. Deveaux was arrested. On **July 22, 1981**, Mr. Deveaux posted a bond of \$20,000 and was released from detention. On **August 3, 1981**, Mr. Deveaux was indicted for a charge of Murder in Charleston County. The Indictment stated that Mr. Deveaux did "kill one Ester Kathleen Sanderlin by means of stabbing her many times with a knife." On **October 29, 1981**, Mr. Charles Condon, solicitor for the Ninth Judicial Circuit, served a 'Notice of Intention Seek the Death Penalty' in Mr. Deveaux's case.

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On **January 20, 1982**, the court issued an order "requiring the Department of Mental Retardation to examine the Defendant as to his capacity to understand the proceedings against him and to assist in his own defense." This evaluation was to take place on January 22, 1982, at the "Coastal Center for the Retarded." The Department of Mental Retardation was ordered to examine Mr. Deveaux "for determination of his competency to stand trial and in particular for a determination of his capacity to understand the proceedings against him and to assist in his own defense." (*Results of this evaluation are not known as the South Carolina Department of Disabilities and Special Needs, responded they no longer had records for Mr. Deveaux*).

Sentencing Hearing [February 24, 1982]: On **February 24, 1982**, Mr. Deveaux entered a plea of Guilty, and the presiding judge issued a sentence of life imprisonment, with parole eligibility after ten years. At the time of sentencing, he was described as "24 years of age" (this is incorrect, as per his recently obtained birth certificate, he would have been 25 years of age.) The sentencing hearing had been moved from the morning to the afternoon, as Mr. Deveaux "had consumed three cans of beer this morning between eight and nine o'clock."

At the hearing, the solicitor described that Mr. Deveaux got off work on the day of the incident, and "began drinking beer." He then positioned himself on the path where the victim was riding her horse. When she came through, the solicitor stated "he snatched her off the horse and attempted... to rape her." He then began "stabbing" her, resulting in "27 stab wounds." He asserted Mr. Deveaux then left the area through the woods, threw the knife in the woods, and went to his grandmother's house. He was seen leaving the scene of the offense some time later.

During the solicitor's presentation, he described a "far-fetched" plan, which resulted in Mr. Deveaux's arrest due to the information obtained thus far being "insufficient for an arrest." He recounted an undercover operation, using both law enforcement and a non-law enforcement individual. The latter individual had been directed to befriend Mr. Deveaux years before his arrest. Ultimately, this operation resulted in recordings being made, which the solicitor stated showed Mr. Deveaux knew details about the murder that had not been revealed.

It was also noted that Mr. Deveaux "signed a Miranda confession... in which he admitted to killing Kathy Sanderlin; but he did give some excuses that aren't probabilistic or realistic and could not have happened the way he said it happened. But he did admit to the killing after Miranda."

During the hearing, the defense indicated there had been a "question" if Mr. Deveaux was competent to stand trial. Therefore, Mr. Deveaux was evaluated by two psychologists, and by the "Department of Mental Retardation." The experts eventually concluded he was competent to enter a plea. His attorney advised Mr. Deveaux to enter a guilty plea due to his belief of a "substantial possibility" that Mr. Deveaux would receive the death penalty if the case went to trial. He described Mr. Deveaux as "borderline mentally retarded" by all evaluators, and that he "comes from a very, very, deprived background."

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Application for Post-Conviction Relief [October 29, 1982]: In his application for Post-Conviction Relief, dated **October 29, 1982**, Mr. Deveaux submitted three allegations for relief. One, that he did not appeal the sentence because "I wasn't aware of such information, I was in lack of knowledge of such information because I didn't and don't know too much about the law being my first time involved with the law." He believed he was being held unlawfully as "my lawyer defended me unfairly, and pressured me to plead guilty for a short-term sentence. There was no evidence, no fingerprints, no weapon or anything whatsoever. Being my first time with the law my lawyer over-pressured me to plead guilty." To support these statements, he wrote "my lawyer told me and my parents I wouldn't get up to Ten years; no exact proof for judgment; and I believed what my lawyer had told me cause I never been through the law." The relief sought was "I'm incarcerated for something I didn't do...my lawyer over-pressured me to plead guilty to such a terrified case, there was no such proof of Anything."

In sum, the three allegations were, "that he was unaware of his right to appeal;" "that the evidence was insufficient to sustain a judgment of guilty;" and that he was "denied effective assistance of counsel because his attorney pressured him into pleading guilty."

In the Return from the Court of Common Pleas, dated **March 16, 1983**, the court dismissed his first two contentions, as "there is no constitutional requirement that defendants must be informed of a right to appeal following a guilty plea;" and "a guilty plea acts as a waiver of all non-jurisdictional effects and defenses." However, they granted an evidentiary hearing on his argument that he was denied effective assistance of counsel.

Post-Conviction Relief Hearing [March 29, 1983]: Therefore, on **March 29, 1983**, a Post-Conviction Relief [PCR] hearing was held before the Honorable Richard E. Fields, Mr. Deveaux's original sentencing judge. A defense motion for the judge to recuse himself due to possible bias and prejudice in assuming dual roles (sentencing judge and PCR judge) was denied. During the hearing, Mr. Deveaux testified as related by the transcript. He stated he attended school through "fifth grade, special ed." When questioned by the attorneys, his cognitive deficits were overtly apparent, in that he was easily confused, did not comprehend their questions, and required more simplistic wording. For example, at one point, he asked them to "break it down to my level, what do you mean by that?" This type of request occurred multiple times, and it is readily apparent that he could not rationally follow their line of questioning.

Regarding his attorney, he testified that his attorney told him if he "pleaded guilty to the crime that means I get a ten year sentence." He later stated that if he knew he would have been given a life sentence, "I never would have pleaded guilty." He reiterated this sentiment numerous times. He further stated he pled guilty to avoid the "electric chair," stating at one point, "Look ahere. Here's what I'm saying now. Why should I get a trial by jury and he [attorney] done told me automatically the jury's going to give me the electric chair? So you think I'm gonna plead guilty on that?"

Mr. Deveaux's sister, Ms. Josephine Horlback, testified that Mr. Deveaux's attorney told her he would "get ten years but if it go in front of the jury the jury was going to find him guilty and he'd get the chair." She also testified that he did "not too good" in school, and that, in her opinion, he did not understand the plea offer.

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A "leader" from his church, Ms. Evelina McKnight, also testified, having known Mr. Deveaux his entire life. She was present on several occasions when Mr. Deveaux's attorney spoke with him prior to his plea. She stated, "he [Mr. Deveaux's attorney] asked Perry was Perry guilty of the crime and Perry said he was not guilty of the crime." When asked what had occurred, she testified that Mr. Deveaux told his attorney that someone offered to pay him money if he pled guilty to this crime. She stated his attorney "said if he pleaded not guilty then it would go before the jury and they probably would get life or the chair. If he pled guilty he would come up for maybe- maybe up for parole in ten years."

Mr. Michael O'Connell, Esq., Mr. Deveaux's attorney, also testified. He stated that in the fall of 1980 or early winter of 1981, the state issued a notification that they would seek the death penalty. He testified that Mr. Deveaux never voluntarily provided a statement to law enforcement. Therefore, the state "finally concocted a scheme where they had a fellow named Ronald Heyward go out and start—and initiate a friendship with Mr. Deveaux, and this occurred over a three or four year period. I think they even at one point put Mr. Heyward on the Isle of Palms garbage truck with Mr. Deveaux to start this friendship." He stated, "this relationship was being nurtured by the police and by Mr. Heyward...it apparently started in '75 or '76 when the police recruited Mr. Heyward to go make friends with Perry." This relationship "eventually led him to Mr. Heyward taking Mr. Deveaux to a motel on Savannah Highway and meeting with a police officer. As far as Mr. Deveaux knew at that time the man was not a police officer. He instead was someone in organized crime that was going to hire Mr. Deveaux to beat some women up." He explained this conversation was "taped" and that Mr. Deveaux was "being encouraged to elaborate on the incident and to brag about it..."

Mr. O'Connell further stated that the individual solicited by the police to befriend Mr. Deveaux, was a "professional witness, and in my opinion was a perjurer. In my mind, there was no question that Mr. Heyward was entirely capable of getting Perry to make the statement or at least preparing him to make such a statement by getting him intoxicated, or getting him stoned on marijuana."

His attorney described Mr. Deveaux as "an extremely limited person mentally, and can be very difficult to communicate with. He doesn't understand a lot of things people say...it was extremely difficult for he and I to communicate." He also stated there was a "cultural difference which had an incredibly wide gap. There's as wide a cultural difference between me and Perry Deveaux as I'd ever experienced with any client." He endorsed having had Mr. Deveaux evaluated for competency, and stated his experts found Mr. Deveaux "barely competent." He stated that he "had some major doubts in my mind about whether he understood all of his rights and everything I said to him..." Of his plea, he stated the state agreed to withdraw the death penalty for a plea of guilty.

His attorney stated that the state, and "attorney for the Department of Corrections all agreed that if Perry pleaded guilty to the crime his parole eligibility would be ten years...now I frankly don't know that Perry ever understood what parole eligibility meant. I just said you have to do ten before you can get out." His attorney stated he "used a lot of pressure" to convince Mr. Deveaux to plead guilty "because of the possible consequences..." He "used as much pressure or more than I'd ever used with any other client..."

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Further, his attorney repeatedly stated he did not know if Mr. Deveaux was guilty of the crime. In discussing his taped statement, he stated, "one of the things that could have happened in giving that statement is that those details could have been supplied by Ronald Heyward over the years, but Perry could never verbalize that to any great extent that that's what happened." He stated Mr. Heyward "testified for the police all the time. They sort of run him in when they need a witness in a drug case, for instance...he's fully capable of doing something like that. He was subsequently arrested for conspiracy to commit armed robbery. He's a bad guy."

During the PCR hearing, it was established that the first date on which Mr. Deveaux would be eligible for parole would be December 14, 1988. After the hearing, in a subsequent Order dated **May 3, 1983**, Mr. Deveaux's application for PCR was "dismissed and denied" on all three assertions.

***Defendant's Account of Case Circumstance:*** In November 1975, at age 19, Mr. Deveaux was residing with his maternal grandmother, Lena Manigault, where he had resided his entire childhood and adolescence. He was working for the Isle of Palms Sanitation Department, "making \$66.00 dollars a week, I took my check straight to my grandmother, she would sign it and cash it, and would give me \$20.00." At the time of the offense, he stated he was in the area of the incident location visiting family, when the police came to his grandmother's home. They took him to the incident location, and then to the police station. However, he was released, until his arrest almost six years later in June 1981. Although he wanted a jury trial, his lawyer told him he would be given the death penalty. He believed he would "get 10 years, be out in three," based on the information from his attorney.

Included in his SCDC records, is a statement presumably from Mr. Deveaux. It was noted, "subject stated that on an unknown date in November of 1975, Casey Sanders was stabbed. Subject stated that she was "stabbed twice in the chest. Subject stated that she was taken to the hospital, where she died. Subject stated Ronald Heywood [*sic*] came to his home and asked him if he was interested in making some easy money...stated that he asked how and that Ronald replied tell the police that you stabbed [victim]. Subject stated that a tape was being made and that he did not know that. Subject stated Charleston County Officer Eugene Frazier arrested him on an unknown date in June of 1981..."

**PRISON [SCDC] FUNCTIONING:** Mr. Deveaux's functioning during his incarceration was assessed through his self-report; by reviewing his entire SCDC Central File and SCDC medical records; and by speaking with SCDC personnel. His sentence with SCDC began on February 24, 1982, and he has been incarcerated in SCDC since March 1, 1982, at age 25. Mr. Deveaux reported having been moved approximately twelve times during his incarceration. He was first placed at "CCI [Central Correctional Institution]." From there, he reported transferring multiple times among various institutions, to include Kirkland, Allendale, Broad River, Manning, Lieber, Kershaw and Perry. At the time of the interviews, he was placed at Lieber, where he had been "from 2012" to present. However, on October 2, 2017, he was moved to Perry CI.

Mr. Deveaux's account of functioning in various psychosocial and disciplinary domains is provided below, followed by the account included in his SCDC records.

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Vocational History [Examinee's Account]: Mr. Deveaux reported having held many jobs over the course of his incarceration, including "cooking, janitor, dorm keeper, administration runner, transmission, making license plates, food line, yard detail, and laundry room..." His longest jobs have been "working on transmissions and cooking." He reported two jobs working for Prison Industries, with one at Broad River "making license plates," and a second at Lieber "working on vehicle transmissions." He is not presently formally employed, but has assisted with upkeep in his dorm for the past "five years."

Vocational History [SCDC Records]: Upon admission to SCDC, his intake assessment form dated **March 3, 1982**, indicated that he was administered several tests to assess level of functioning for vocational purposes. An IQ score of 42 was obtained on the Revised Beta Intelligence Test (average IQ score of 100). Per the WRAT [Wide Range Achievement Test], his spelling and math skills tested at the 2<sup>nd</sup> grade level; and per the Gates Reading test, his reading skills tested at the 2<sup>nd</sup> grade level. His initial classification was to "Special Education; Vocational Training; Vocational Counseling; and Job Assignment."

On this intake form, the evaluator commented, "Perry scored very low on his Beta but possesses most of his basic life skills. He stated he was in special education classes through the 6<sup>th</sup> grade and would like to continue it. He is also interested in learning a skilled trade. Perry has worked off and on with the sanitation department...Perry denies any guilt of the charges and states he was paid to plea guilty?"

In **September 1982**, on an 'Inmate Classification and Review' form, it was noted, "Inmate Deveaux is serving a life sentence for murder. Due to his low education background, he requested some form of assistance in appealing the conviction. It seems he was not aware of the judicial process during his trial."

Per records, Mr. Deveaux has been involved in a number of activities, programs and jobs during his incarceration. His job assignments have included Chief Clerk; Admin Runner/ Messenger; Custodial Helper; Food Service Aide; Machine Operator; Industries Trainee; Dining Room Supervisor; Inventory Supervisor; Senior Custodian; Wardkeeper Assistant; Mechanic Helper; Laundry Room Attendant; Furniture Repair Helper; and General Worker. Specific jobs, activities and trainings are listed below in chronological order.

In **March 1983**, it was noted that he "attends church regularly."

In **1985**, he was assigned as a "runner" to work on the yard, and his "conduct, work, attitude, and personal hygiene" were all rated as "Excellent." In **July 1985**, Mr. Deveaux submitted a letter regarding his request for transfer to a different institution. In the letter, he detailed his work skills, which included, "I'm a brick mason and can lay any type of blocks...I'm a concrete finisher and can lay slablings [*sic*] of all sorts... carpentry works of all sorts...I have roofing experience...I lay pep-pipes for all types of purposes, wheather [*sic*] it may be below the ground surface or atmosphere...drainage, sewer, hot water, cold water etc.; I'm experienced in mechanics, worked on motors of all kinds, I'm experienced in air-conditioners-cooling and heating...I know how to repair and adjusts these systems...I will put forth my whole 100% efforts and this will carry me on through...the continuing of advancement in my life."

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In **December 1986**, an Offender Reclassification Report noted he had participated in "Jaycees and Christians-In-Action." It was further noted "placement in special learning program at Stevenson recommended due to attached psychological and ICC recommendation for special education." It was further noted "team recommends transfer to Special Learning Unit [Habilitation Unit] at Stevenson." However, the warden did not approve this request due to "crime of notoriety."

In **June 1988**, he received a "Certificate of Membership" in the United States Jaycees and International Jaycees program, as a "member in good standing." For the month of June 1988, he received the "Jaycee of the Month" certificate "in recognition of outstanding ability, service and accomplishment rendered during the month of June." In **July 1988**, his work as a "ward keeper" was noted as "excellent."

In **January 1989**, he was described as a "good steady worker-has had the same job for over a year." In **March 1989**, he had an "above average" work record. In **August 1989**, his work progress report indicated average to excellence adjustment (work as a "yard runner"). Also in August 1989, he received a 'Statement of Participation' in Problem Solving.

In **January 1990**, his work progress report was scored as 'Good' to 'Excellent' in adjustment. In **July 1990**, his work progress report indicated 'Average' to 'Excellent' scores in adjustment (student in the Adult Ed. I program area and Chief Clerk in CCI Yard Detail). In **May 1990**, his work supervisor recommended him for community program placement due to being "dependable, and trustworthy" with a "superior" rating. He worked as an "administrative runner" at the time. In **August 1990**, he was noted as an "excellent worker" on an 'Offender Reclassification Report.' From **August 1990 to October 1990**, he exhibited "Good" participation in an Anger Management course, and "Excellent" participation in a Communication Skills course. In **September 1990**, he exhibited "Excellent" participation in a Stress Management course.

In **February 1991**, on his Merit Progress Report, he received "Good" scores regarding adjustment/in his work assignment (student in the Adult Ed. Literacy Program). Also in February 1991, on his Offender Re-classification Report, it was noted by his supervisor, "clear disciplinary record since 1987, excellent worker, is in school." By **March 1991**, he had completed the South Carolina Literary Association's 'Laubach Way to Reading' skill books 1 through 4, which he started in 1989. In **July 1991**, he received "Good" scores on Adjustment in his work assignment (machine operator in the cafeteria). In **August 1991**, he received an "Excellent" evaluation of his job performance on an 'Offender Reclassification Report.' In **September 1991**, he exhibited "Excellent" participation in a 10-week course, "Building Personal Power: Living Skills Seminar." In **October 1991**, he was promoted from "Food Service Aide" to "Dining Room Supervisor." In **December 1991**, he began work as an "Assistant Ward Keeper."

In **February 1992**, he began work as a "custodial helper" in "visitation." In **March 1992**, he was promoted to "Custodial Supervisor" in "Visitation." In **August 1992**, he was working for Prison Industries as a Machine Operator when he sustained a "half inch cut" to his finger. He declined medical services, and therefore, the wound was cleaned onsite and he "returned to work."

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In **February 1993**, a progress report noted scores of "Excellent" regarding his Adjustment in his work area. Also in February 1993, on an 'Offender Reclassification Report,' he was described as "Excellent worker- long work history." In **April 1993**, he was transferred as a new hire to work in the cafeteria as a "food service aide," however, in **May 1993**, he requested to be released from this position. He was then positioned as a "student" in the "Education" area, with no further details provided. Also in May 1993, he exhibited "Excellent" participation in "Problem Solving and Decision Making." In **June 1993**, he exhibited "Excellent" participation in another course of "Problem Solving and Decision Making" and "Good" participation in "Stress and Relaxation Management." In **August 1993**, he was scored as "Excellent" on his Adjustment, with his work assignment as "student" in "Education." In **December 1993**, he was promoted from Laundry Attendant to Machine Operator in the Laundry area.

In **February 1994**, he was assigned scores of 'Excellent' on his Adjustment/Progress Report, in the work area of Laundry. Also in February 1994, it was documented that he had participated in an Aids Education Workshop; a Stress/Relaxation course; Problem Solving and Decision Making courses; and a course in Effective Communication. In **May 1994**, he received scores of 'Excellent' on his progress report as a "General Worker" in the ward, with notes of, "Perry takes pride in his work, needs minimum supervision." In **August 1994**, on an Offender Classification Report, his 'Evaluation of Job Performance' and 'Evaluation of Program Performance' are both noted as "Excellent."

In **January 1995**, he received 'Excellent' scores in Adjustment for his work area (general worker). Again in January 1995, a 'Merit Progress Report' noted "Excellent" scores in all areas, with the comment, "Perry takes pride in his work. Needs minimum supervision." In **March and April 1995**, he exhibited "Good" participation in a Self-Esteem course. In **June 1995**, he exhibited "Excellent" participation in "Anger Management Phase I." In **May 1995**, he received a "poor rating" by his teacher in one of the following areas, "conduct, work, attitude, or attendance." Further detail is not given. In **July 1995**, he exhibited "Excellent" participation in Stress and Relaxation Management.

In **August 1995**, he received 'Good' to 'Excellent' scores in Adjustment for his work area (general worker). Also, in August 1995, an Offender Reclassification Report noted, "Perry received an excellent work evaluation from his supervisor." In **September 1995**, he received a promotion while working as a ward keeper.

In **February 1996**, an Offender Reclassification Report rated him as "Excellent" per his work evaluation. Also in February 1996, he received scores of 'Good' to 'Excellent' on his Adjustment in his work area (as a ward helper). It was noted, "Perry does an outstanding job as the ward laundry attendant." In **May 1996**, he was assigned to the "Tunnel" work area.

In **May 2002**, he was rehired in Prison Industries as a Mechanics Helper. In **August 2002**, he was transferred to the area of Education as a "Student."

In **January 2003**, he was hired as a "dorm worker." In **March 2003**, he was hired as a "TA" in Education. In **May 2008**, he was hired as a ward keeper. In **January 2013**, he was assigned as a "wardkeeper assistant," a position he is presently assigned.

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Name/SCDC#: DEVEAUX, Perry/#109601

Date of Birth: [REDACTED] 15

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**Interpersonal Functioning [Examinee's Account]:** In September 1985, at age 28, Mr. Deveaux was married at "CCI [Central Correctional Institution]." When he met his wife, her name was Hester Evonitz, which was changed to Lorraine Deveaux once they were married. They were married for "12 years," and divorced in 1998. Mr. Deveaux met his wife when she was working as an "AT&T telephone operator," and he would place telephone calls from the prison. He stated the "operator got real friendly with me." He stated, "every time I got on the phone, I got the same operator, we got friendly, and she had people send me cards." They began speaking by phone, which progressed to exchanging numbers. Eventually, she came to visit him, and they began a relationship. She was married at the time, having been married twenty years. However, she left her husband when they began their relationship. Her visits became more frequent, and they eventually married. Subsequently, Mr. Deveaux reported years of conjugal visits when he was placed at Manning Correctional Institution, which took place "in a car."

He stated that, in 1994, SCDC conjugal visits were discontinued after a change in state government and prison administration. After the conjugal visits stopped, the relationship suffered, as "they were the key to holding it together." She also "loved to bring me things, but she couldn't anymore" due to a change in institutional rules. After their divorce in 1998, he lost contact with her. He "got a divorce in case I ever wanted to get married again." Mr. Deveaux reported several relationships after his divorce. From 2000 to 2003, he was involved with an individual introduced to him by a former inmate. They "started writing and she came to visit four or five times." He reported two additional relationships that were less serious, and involved two women writing and visiting him for brief periods. He is not presently involved in a relationship.

Further, he has had sporadic and few visits from his family over the years, including from his mother before her death, and from his sisters and paternal grandmother. Regarding his siblings, several of his full and half sisters continue to reside in the local area, and are all in their early to mid-60's. His paternal grandmother is 106 years old, and resides locally with one of his sisters.

Regarding family relationships, multiple family members have passed away during his incarceration. His maternal grandparents are both deceased. His father passed away from "cancer" in "1989 or 1990." His paternal half-brother committed suicide in 1989 or 1990 while incarcerated in SCDC. His mother passed away in 2005, with her cause of death unknown.

**Interpersonal History [SCDC Records]:** Records reflect that Mr. Deveaux was married during the course of his incarceration. Per his marriage certificate, he was married in Richland County, on September 16, 1985. At the time of his marriage, he was 28 years old, and his wife, Hester Lorraine Evonitz, was 43 years old. Records indicate that his wife repeatedly wrote letters to SCDC regarding Mr. Deveaux's welfare; met with SCDC personnel about Mr. Deveaux, including the warden; and was a strong advocate for Mr. Deveaux's rights. Records also reference his divorce as an emotionally difficult time for Mr. Deveaux.

Records note multiple family members passing away. In January 1986, his paternal grandfather passed away from "heart failure," and records indicate that he was allowed to attend the funeral. In November 1991, his father passed away, and he was allowed to attend the funeral. In March 1999, his maternal grandmother passed away and he was approved for transport to her funeral.

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Name/SCDC#: DEVEAUX, Perry/#109601

Date of Birth: [REDACTED]

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**Mental Health History [Examinee's Account]:** Mr. Deveaux reported having been seen by prison mental health services for "difficulty sleeping," and provided medication, "Benadryl, Seroquel." However, he was unsure of the exact medication. He stated this treatment occurred years ago, and was short-lived.

**Mental Health History [SCDC Records]:** In **June 1986**, at age 29, Mr. Deveaux underwent a psychological evaluation by SCDC "to assist in assessment of inmate's suitability for transfer to an open correctional institution [from CCI]." Mr. Deveaux was "desirous of a transfer to an open correctional institutional so that he might enjoy better conditions for visiting with his wife;" and "is hopeful of being assigned to an institution which would be less crowded than CCI." Up to this point in his incarceration, "he has spent all of his time at CCI." At this time, he was "assigned to the institution's yard detail, has been active in religious programs and has taken some basic education." He was also receiving "regular visits" from his wife. Of his conviction offense, it was noted, "he denies being guilty in this matter and insists that he was tricked into taking responsibility for the crime."

The psychologist noted that Mr. Deveaux "is very limited in his intellectual and academic development..." Referral to previous testing was noted (although not included in the available SCDC records). This reference indicated that Mr. Deveaux "was functioning in the range of Mild Mental Impairment and all of his scores on academic achievement tasks reflected illiteracy and inability to do even simple calculations."

He was described as "certainly seems to be friendly and an easy-going individual." It was noted, "he does not give the impression of being primarily delinquent in his adjustment, but his intellectual and socio-cultural deficiencies have contributed to his poor adjustment. He is certainly limited in his problem-solving and coping skills." (The reference to "poor adjustment" includes no elaboration). Only one test was administered, the 'Draw a Person Test,' which is a projective test originally designed for children. The test indicated "easy frustration," "strong dependency needs" and an "inability to determine [a] person's feelings" which "may be a reflection of his own lack of introspection and insight."

The psychologist concluded that Mr. Deveaux "is deficient in his intellectual functioning and poorly equipped for coping with many of life's stresses, responsibilities and problems. He appears to be basically cooperative, but his personal limitations often interfere with his judgment." He believed Mr. Deveaux "could be managed effectively in an open institutional setting, but will need special attention from the staff to compensate for his low intelligence and other personal limitations."

In **September 1987**, at age 30, Mr. Deveaux underwent another psychological evaluation "to assist in the assessment of this inmate's suitability for placement with the Habilitation Unit at SCI." Mr. Deveaux was described as, "attitude [was] somewhat dependent, with an apparent need for approval and support from authority figures." He has some "difficulty accepting criticism, especially from authority figures whose directives he sometimes has difficulty comprehending, but who he strives to please nevertheless."

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He was administered an intelligence test, the Wechsler Adult Intelligence Scale-Revised (WAIS-R). Test results indicated a Full Scale IQ score of 67; Verbal IQ score of 74 and Performance IQ score of 63; which placed him "within the mild range of mental retardation." Unfortunately, only the first page of this evaluation is included in the provided SCDC medical records, therefore, additional test results are not known, nor is the examiner's opinion re: placement in the Habilitation Unit. (Although later notes indicate he was approved for this unit).

Aside from the two prior evaluations, records indicate that Mr. Deveaux first came to the attention of mental health in **August 1994**, when a social worker observed "unusual behaviors" from Mr. Deveaux including "confrontive behavior with other inmates, memory lapse, mood swings, and inappropriate laughter." He was placed on "mental health observation" and referred for an "outpatient evaluation with a psychiatrist at Gilliam..." Therefore, several days later, a staff psychiatrist evaluated him, who noted, "no previous history of psychiatric illness or treatment." During the evaluation, Mr. Deveaux reported "he has been having problems with his wife that he married during his incarceration since unable to have conjugal visits." He was also upset "about no visits from his mother despite her promises to do so." He "talked to people about his problems and wanted to be alone to think and pray. He exhibits no signs or symptoms of mental illness. His mental status examination today is normal." The psychiatrist issued the diagnosis of Adjustment Disorder with Mixed Emotional Features, and recommended "counseling with the institutional social worker" with "no psychiatric follow-up" necessary.

In **March 1995**, at age 37, Mr. Deveaux underwent another psychological evaluation "to assist in assessment in inmate's suitability for parole supervision." At the time of the evaluation, he "was assigned to an open correctional institution," was working in the "laundry" area, and "has not been cited for any recent disciplinaries." He was "currently attending basic education classes" and "receives regular visits from his wife." Regarding background, he reported, "both abuse and neglect" during his upbringing; attendance in "special education" classes in school; and that he had a history of alcohol abuse "in the past."

He was described as "sociable" and "friendly" offering "logical comments" and was "cooperative." It was noted that, "despite the serious nature of his crime, he does not display any strong identification with the criminal role."

As in other evaluations, he was described as "limited in his intellectual and academic development," but "functioning satisfactorily within his current environment." In addition, "despite his limitations, Mr. Deveaux keeps current on world events" with "good reality contact." Two projective measures were administered as part of his evaluation, the Rorschach Projective Technique and the Draw-a-Person Test, which indicated "no indications of any opposition or anger on Mr. Deveaux's part. In fact, he presents himself as a very compliant, obliging individual."

The evaluating psychologist noted, "he functions well within the highly structured environment, but his intellectual and academic limitations reduce his capacity for handling situations which are more indefinite and complex." It was recommended that, "if paroled, he will need a good deal of structure and direction to assist him in making an effective transition back to society."

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On the ordinal scales used by SCDC (-3 to +3), Mr. Deveaux was scored as a +2 on the 'Parole' Scale; a +2 on the 'Work Program' Scale; and a +2 on the 'Custody Advancement' Scale. (Plus responses indicate a greater chance of successful adjustment; while minus responses indicate less chance of successful adjustment.)

His next mental health contact occurred in **June 1997**, when he reported to staff that "he was depressed, lonely and cannot sleep at night." He reported "that since his wife left him, he has never been the same again...that he is fed up with life and does not want to continue doing time." He was also upset over not receiving family visits. During the contact, he reported significant emotional distress, including suicidal ideation. He was referred to the social worker for counseling. On June 9, 1997, "marital conflict" was noted as the reason for "mild to moderate situational depression" for which he received several counseling sessions.

Several weeks later, inmates complained that Mr. Deveaux was harassing them, but that they "were aware of Inmate Deveaux's marital and mental problems..." They refused protective custody, and officers "referred this matter to the social worker." The social worker saw him, and noted he was "less distressed and preoccupied with his marital situation" and attributed his behavior with other inmates as related to this distress. Notes do not reflect that the social worker continued to see him for any length of time.

Mr. Deveaux next came into contact with mental health in **August 2006**, after endorsing "numerous stressors and anxious and depressive symptoms." On August 10, 2006, he was seen by the psychiatrist, and diagnosed with "Anxiety and Depressive Disorder, Not Otherwise Specified, Antisocial Personality Traits vs. Disorder." He was prescribed Prozac, 20 mg (for depression); and Vistaril, 100 mg (for anxiety). He was noted as "very appreciative of the appointment." In **October 2006**, he was seen by the psychiatrist and informed that Vistaril would be discontinued per SCDC policy.

In **January 2007**, although the psychiatrist did not see him, his medication was changed to Risperdal, 2 mg, and Benadryl 100 mg. No reason was provided for the medication change, and no additional or different diagnoses are listed. In **May 2007**, the Risperdal was increased to 4 mg, and Benadryl to 150 mg, as he reported less effectiveness from the medication, with increased anxiety and poor sleep. However, in **August 2007**, the Risperdal was decreased to 2 mg. In **October 2007**, he was seen by nursing staff and issued diagnostic impressions of Major Depressive Disorder, Anxiety, and Impulse Control Disorder, Not Otherwise Specified. (No discussion was provided as to how he met criteria for these diagnoses).

In **January 2008**, his Benadryl was stopped due to concerns that it was causing confusion, and was unnecessary given his low dose of Risperdal. In **May 2008**, it was noted "inmate has been taking low dose Risperdal for some time. He seems unaware of why he has been taking the med. Thinks it was because he was having trouble sleeping."

In **June 2008**, he was placed at a different institution, and underwent an initial clinical assessment by clinical staff due to his status of taking psychiatric medication. The evaluator (not a psychologist or psychiatrist) believed his thoughts to be "somewhat tangential, with frequent references to religiosity. Believes to be a prophet and has 'the gift of prophecy.'"

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He reported visual hallucinations (content not provided) and that he hears his name called." No overt symptoms were noted during the contact. The counselor noted, "will need further assessment over time to determine if hyperreligiosity, odd beliefs, suspiciousness, etc. are secondary to major mental illness or cultural influences...." Therefore, his primary diagnosis was deferred; however, he was assigned the secondary diagnosis of Schizotypal Personality Disorder, without explanation of criteria met for this disorder.

Mr. Deveaux continued to attend mental health clinic, until **July 2009**, when he expressed a desire to discontinue all mental health treatment. He reported no benefit from taking the prescribed medication (Risperdal, 2 mg). It was noted that he, "has been maintaining fairly stable level functioning, and finds strength in strong spiritual beliefs." It was noted that his functioning was stable, although "odd," and there were "no reports from security that inmate is a behavior problem." Therefore, his treatment status was changed to NMH [No Mental Health]. Since July 2009, there is no indication from his records that he has resumed mental health treatment.

**Medical History [Examinee's Report]:** While incarcerated, Mr. Deveaux reported receiving outside treatment at Summerville Medical Center, Greenville Memorial Hospital, Trident Medical Center and a medical facility in Sumter, South Carolina. These periods of treatment were for "got hit in the head with a cane" by another inmate and for "wheezing due to sinus." He has also "had hot oil poured on me." He was sent to Greenville Memorial for this last incident, which occurred in 2010. *(Additional reports by Mr. Deveaux are noted in italics in the 'Medical History' section below).*

**Medical History [SCDC Records]:** Throughout Mr. Deveaux's incarceration, he has repeatedly sought medical treatment for wheezing and shortness of breath, which has required breathing [inhaler] treatments. He has also presented many times throughout the years for issues related to chronic sinusitis. In addition to these relatively minor issues, major medical events are listed below.

In **1990 and 1991**, Mr. Deveaux had positive PPD tests, and was prescribed a six-month trial of INH/B6 treatment. In **November 2001**, he sustained head trauma to his right occipital area, after being hit in the head with the "end of a mop" resulting in a "three inch laceration." The incident report indicated that Mr. Deveaux was "sitting down eating" when another inmate "came up from behind him and hit Inmate Deveaux on his head with a walking cane." He was transferred to Summerville Medical Center due to heavy bleeding and vision difficulties. He later developed conjunctivitis as a result of the head trauma. *(During the present evaluation, Mr. Deveaux reported the perpetrator of this injury was his roommate at the time. This individual was angry with Mr. Deveaux as Mr. Deveaux had lent his television out, and this individual "wanted to watch football." Therefore, he assaulted Mr. Deveaux as he was eating in the cafeteria. He has a noticeable scar on his head from this injury).*

In **September 2004**, he sustained a "three inch laceration with some fatty tissue on the crown of his head and several superficial lacerations on the back of his head and forehead. He did not lose consciousness, and no complications were noted. *(During the present evaluation, Mr. Deveaux reported hitting his head on a metal bedspring of the top bunk, when he was on the bottom bunk, resulting in a laceration).*

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In the fall of 2006, he underwent cardiac testing for occasional chest discomfort and shortness of breath. After an abnormal EKG, further testing indicated no abnormal findings with "low probability of significant coronary disease."

On **December 20, 2010**, Mr. Deveaux was badly burned after being assaulted by other inmates while at Perry Correctional Institution. SCDC notes indicate that he "was assaulted by several inmates using 'hot shampoo' that was heated in the microwave...the shampoo was poured on the inmate's chest, back and neck...the skin on these areas have begun to blister and peel." The burns "covered 7-8% of his upper body" and were described as "2<sup>nd</sup> and 3<sup>rd</sup> degree" burns. He was transported to the nearest ER via EMS for emergent treatment. Subsequently, he was transported multiple times to the Augusta Burn Center for ongoing treatment, which persisted for several months. He underwent a "skin graft," and was prescribed various medications during the healing process, for pain, itching, infection and discomfort. He was also provided physical therapy services and medical clothing devices (e.g., compression shirts).

Of this incident, the SCDC investigative report indicates that Mr. Deveaux was "having his prayer time between 7:30 p.m. and 8:00 p.m." when his roommate repeatedly entered his room, interrupting him. They had a "very heated argument," after which the inmate left with a "Styrofoam cup." He returned to the cell and "splashed him [Mr. Deveaux] in the chest with a hot liquid." Another inmate then "began hitting him with a lock-in-a-sock about his body." The offending inmate was charged with Assault and Battery of a High and Aggravated Nature.

***Disciplinary/Conduct History [Examinee's Account]:*** Mr. Deveaux was questioned in detail regarding his history of disciplinary infractions and conduct within SCDC. He was open and forthcoming with his history, acknowledging prior infractions as documented to the best of his memory. (*Specific comments by Mr. Deveaux are noted in italics in the 'Disciplinary/Conduct History' section below.*)

***Disciplinary/Conduct History [SCDC Records]:*** Mr. Deveaux's 'Record Summary Sheet' from SCDC indicates "no priors;" "no detainees;" and "no escape history." It further indicates "no criminal charges while in custody."

Throughout his entire 35-plus year incarceration, Mr. Deveaux has had only two instances of physical altercations, both of which were with other inmates, and of a minor nature. On **November 2, 1990**, Mr. Deveaux was charged with *Assault and Battery* after an officer witnessed him hit another inmate in the "chest area with his fist" while they were standing in the mail line. He complied with orders, and was placed on "lock-up." Subsequent sanctions were not provided, nor were details of any disciplinary hearing. Additional documents indicate this was not a major disciplinary incident, and this incident is not listed on his 'Record Summary Sheet.' (*Mr. Deveaux stated this involved his "friend," who was standing too close to him in the mail line, physically touching him. He "shoved" this individual away after giving him several warnings to stop touching him.*)

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The second incident involved a charge of 'Fighting Without a Weapon,' which occurred on **July 26, 2012**, and is not listed as a Major incident. Per records, officers observed he and another inmate in a physical altercation. It was noted that "both inmates [were] counseled" and the situation was resolved administratively. This latter incident is the only incident listed as a conviction under '*Assaultive Disciplinaryies*' on his 'Record Summary Sheet.'

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Under '*Non-Assaultive*' *Disciplinaryies*, his 'Record Summary Sheet' indicates he has been convicted of 11 'Major' incidents over his 35 plus years of incarceration. Each of these infractions is detailed below. (His 'Minor' or 'Admin' infractions are not detailed, nor are incidents which were 'Dropped' or of which he was found 'Not Guilty').

On **December 14, 1984**, he was convicted of his first 'Major' disciplinary infraction when he incurred charges of *Threatening Conduct*, and *Refusing to Obey Promptly and Properly a Direct Order*. He was accused of making a threatening remark to an officer, and refusing orders to leave the area. During the hearing, the officer acknowledged that Mr. Deveaux "did come back and apologize to him" several days after the incident. Mr. Deveaux's SCDC representative stated, "Inmate Deveaux jokes and cuts up a lot with the officers, but he explained to Deveaux that this officer is fairly new and you cannot go around and talk that way with an officer that is not used to you." He was given "six months suspended."

In **1985** [exact date illegible], it was noted, "inmate appears to have adjusted" on an Inmate Classification and Review form.

On **May 25, 1987**, he was charged with *Threatening Conduct* and *Refusing to Obey Promptly and Properly a Direct Order*. Mr. Deveaux claimed that an officer "burned his arm with a cigar" that the officer had in his hand. He was alleged to have threatened the officer and refused to open the door and leave the office where he and the officer were located. At the hearing, the officer acknowledged, "Deveaux may have brushed up against the cigar." He was given 60 days suspended to 30 days. Mr. Deveaux later submitted a grievance that he had been "intentionally burned" by the officer's cigar, which was denied. However, later documents noted that the officer "did state that grievant was burned with his cigar," acknowledging the injury.

On **May 4, 1992**, his request for transfer to an institution closer to his wife was approved as his "behavior/adjustment has been very good. No pending disciplinaryies, no detainers or separations..."

On **March 6, 1995**, and **February 15, 1996**, he incurred '*Under the Influence*' infractions, however, further details are not provided. For both infractions, he "agreed 20 days good time would not be earned for the month of the infraction..." (Mr. Deveaux did not recall these infractions specifically. However, he acknowledged they were probably due to homemade wine, which he has consumed during his incarceration on a few special occasions, including, "Christmas, New Year's, my birthday." He stated he has not consumed alcohol in years).

On **August 13, 2001**, he was charged with *Refusing or Failing to Obey Orders*, after he allegedly failed to step back from an officer. He was given 30 days of cell restriction.

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On **April 5, 2005**, he incurred a charge of *Creating a Disturbance* after he was asked to leave the exam room during sick call. He became "loud and boisterous" after he believed the nurse was "not listening" to him regarding his need for medication. He was escorted out of the area without incident. He received a loss of 45 days of canteen and telephone privileges.

On **March 6, 2006**, he incurred a charge of *The Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs*, after officers found marijuana "in a white sock found in a hole in the wall behind the baseboard" in his cell. He lost a year of privileges and was placed in disciplinary detention.

On **November 9, 2009**, he was charged with *Disrespect*, however, there is no description of the incident; therefore his alleged conduct is not known. He received loss of privileges for 180 days.

On **October 15, 2012**, he was charged with *Trafficking, Use and or Possession of Narcotics, Marijuana or Unauthorized Drugs*, after he tested positive for THC [marijuana]. He lost at least one year of privileges, and was placed on 90 days of disciplinary detention. (Mr. Deveaux acknowledged using marijuana on occasion during his incarceration, quantifying his use, "from time to time." He reported no frequent or problematic use. He acknowledged having tested positive in 2012, which he stated was his last use. He used at this time due to "my roommate had it and I couldn't get to sleep.")

On **May 20, 2013**, he was convicted of a lesser offense [*Disrespect*], after making a comment to an officer. He was lost privileges for 90 days.

On **July 25, 2014**, Mr. Deveaux was charged with *Threatening to Inflict Harm on/Assaulting an Employee* after he was "directed to sit at a certain table" by an officer. He used expletives with the officer, and asked, "why you gotta [mess] with me every day... come back to Ashley [dorm], I got something for you." He lost canteen, phone and visitation privileges for 210 days, and received 30 days of disciplinary time. (Mr. Deveaux acknowledged this incident, however, stated he was speaking informally, as noted multiple times in his records. He stated he did not intend to communicate any threat of harm). This is his last disciplinary infraction per available SCDC records, and from his 'Record Summary Sheet' dated **October 6, 2017**.

Further, in addition to the disciplinary incidents, SCDC records indicate instances where Mr. Deveaux has demonstrated good coping skills in potentially volatile situations. For example, on **July 28, 1986**, Mr. Deveaux was involved in a verbal altercation with another inmate, and "grabbed him by the collar" after the inmate "made several phone calls to his [Mr. Deveaux's] wife disrespecting her." They were counseled and "both inmates felt that their disagreement was over with and both signed a refusal of protective custody." They also "shook hands" at the resolution of the incident. No infractions resulted from the incident. On **December 16, 1992**, he and his roommate were counseled, after the problem was determined "a misunderstanding... and both inmates stated that everything was okay." During another instance, in **December 2008**, he became angry with another inmate who he believed stole from him. Instead of acting on his anger, he informed officers of the incident so that they could handle the situation.

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Collateral SCDC Consultation: In addition to reviewing his records, the examiner consulted with Mr. Deveaux's longtime unit supervisor at Lieber, Captain Mack, from Cooper Unit A. Cpt. Mack stated he has known Mr. Deveaux "for years." He stated he has "never seen violence" from Mr. Deveaux. He stated Mr. Deveaux has periods where he will "get loud," because he prefers to have a room by himself, but does not physically act out during these times. Cpt. Mack further noted Mr. Deveaux is able to independently take care of himself, and maintains a clean room.

Parole Denial History: SCDC records indicate that Mr. Deveaux was first eligible for parole on January 25, 1990. Over the course of his incarceration, Mr. Deveaux has received at least 15 decision letters from the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS), denying him parole. These letters are dated December 5, 1990; May 17, 1994; May 10, 1995; May 20, 1997; June 26, 2002; July 16, 2003; July 28, 2004; July 16, 2008; August 26, 2009; August 4, 2010; November 9, 2011; February 7, 2013; March 6, 2014; March 26, 2015; and June 23, 2016.

Reasons denying parole varied somewhat among hearings, and included the following:

On December 5, 1990; May 17, 1994; May 10, 1995; May 20, 1997; June 26, 2002; July 16, 2003; July 28, 2004; August 26, 2009; August 4, 2010; November 9, 2011; and March 6, 2014; reasons for denial were noted as: "*Nature and Seriousness of Current Offense;*" "*Indication of Violence in this or prior offense;*" and "*Use of a deadly weapon in this or previous offense.*"

On July 16, 2008, reasons documented were: "*Nature and Seriousness of Current Offense;*" "*Indication of Violence in this or prior offense;*" "*Use of a deadly weapon in this or previous offense;*" and "*Institutional Record is Unfavorable.*"

On February 7, 2013, reasons for denial were: "*Nature and Seriousness of Current Offense;*" "*Indication of Violence in this or prior offense;*" and "*Institutional Record is Unfavorable.*"

On March 26, 2015, reasons for denial were: "*Nature and Seriousness of Current Offense;*" "*Use of a deadly weapon in this or previous offense;*" and "*Institutional Record is Unfavorable.*"

On June 23, 2016, reasons for denial were: "*Nature and Seriousness of Current Offense;*" and "*Indication of Violence in this or prior offense.*"

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**MENTAL STATUS EXAMINATION:** Mr. Deyeaux's clinical presentation was consistent across all four interviews. He was appropriately and neatly dressed in prison-issued attire, with good attention to grooming and hygiene. He wore reading [not prescription] glasses. He was polite, cooperative and forthcoming with information. His mood was stable and pleasant, with congruent and full range of affect. He often smiled, and used humor as a means of communicating with the examiner. His speech was somewhat garbled and difficult to understand, from what appears to be a speech impediment and heavy 'lowcountry' accent. There were no abnormalities in psychomotor functioning. His thought process was linear, and organized, with thought content appropriate to the evaluation. No odd, unusual or inappropriate content was observed. Attention and concentration were well sustained and without apparent deficit during the interview. There were no signs of mental illness or personality disorder, however, cognitive deficits were apparent. Regarding the latter, he would at times become easily confused, and required inquiries repeated in a simplistic manner. When asked about this, he stated, "My brain starts clapping together, it gets confusing."

**PSYCHOLOGICAL REVIEW OF SYMPTOMS:** At the time of the interviews, Mr. Deveaux was not under medical or psychiatric care. He reported no medications, and no medical or psychiatric problems in need of treatment. He has "chronic sinus issues" for which undergoes occasional treatment, but not recently. At the time of all interviews, he was housed on Cooper Unit A, where he had been for "a little over a year." He recently had a roommate move into his room. He described himself as a "pretty much a private person, work in the dorm from time to time, go to church, I'm a church going man..." Of other activities, he stated, "they lock us down a lot" due to shortage of staff, which curtails the number and availability of programs. He has "church to myself, every day, night and morning, in my room, friends will stop by and study with me...sometimes the Chaplain will come by, has been coming by lately."

He detailed his daily routine as waking at "3:00 a.m. or 4:00 a.m., get up and pray, read scripture, go take a shower and shave up, pretty much stay in the dorm, have a simple, calm day, go out for rec from time to time, try to avoid trouble, I don't have too much excitement, the less company I keep, the better off I be." He purchases items through the canteen, such as "candy, cookies" and keeps them in his room to give out to others. He also drinks "four or five cups a coffee a day." He goes to bed at approximately 10:00 p.m. every night. He "sleeps okay now because I'm old, I didn't sleep as well when I was younger." His appetite is "good," and weight gain "comes and goes." His mood is "pretty good, sometimes get stressed, able to deal with it by sitting in solitude and reading a good scripture from Matthews and Psalms." He reported no suicidal or homicidal ideation, and no history of suicide precautions during his incarceration.

In a review of psychological symptoms, Mr. Deveaux reported no symptoms consistent with major mental illness, including history of psychosis (e.g., auditory or visual hallucinations, delusions, or paranoia); major mood disturbance (e.g., hypomania, mania, or clinical depression); obsessive-compulsive symptomatology; anxiety (e.g., intrusive worry, panic attacks or chronic elevated levels of anxiety); or trauma-related symptomatology.

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Brief Cognitive Examination: A brief cognitive examination on **April 18, 2017**, indicated that Mr. Deveaux was oriented to date, day of the week, location of the evaluation, floor, season, current President, and several prior Presidents. He was able to identify a current event. He registered three items, but could not recall any of the three after several minutes. He recalled one item with a prompt, and the other two when given multiple-choice responses. He was able to spell a four-letter word forward and backward. He was unable to complete serial subtraction by three's, making errors on each subtraction. He was able to complete a simple addition and simple subtraction problem. When asked to name five states, he named four and "Seattle." He correctly identified three cities. He was confused on the direction of travel to various locations, stating one would travel "East" to California and "North" to Florida. A clock drawing exercise was simplistic. He was able to write a complete and grammatically correct sentence. Responses to simple item pairs and interpretation of proverbs indicated the ability for abstraction. Judgment and insight appeared intact.

PSYCHOLOGICAL TESTING: On **May 19, 2017**, Mr. Deveaux was administered psychological testing to assess his cognitive and intellectual functioning, and academic skills. Results of his psychological testing are summarized below, and are considered a valid indicator of his functioning. (Please note: Personality/psychopathology testing could not be administered, as his cognitive deficits precluded administration of these measures).

Intellectual/Cognitive: Mr. Deveaux was administered the **Wechsler Adult Intelligence Scale®**, **4<sup>th</sup> Edition (WAIS-IV)** to assess his cognitive and intellectual abilities. Testing results indicated that he obtained a Full Scale IQ of 61 (FSIQ = 61), falling within the 0.5<sup>th</sup> percentile rank, indicating that over 99% of similar-age peers obtain a higher IQ score. His IQ score fell within the 'Extremely Low' range of intellectual functioning. Confidence intervals constructed to account for the standard error of measurement indicated that there is a 95% chance that his true IQ falls between 58 and 66.

IQ table summarizing Mr. Deveaux's prior and current intellectual testing results:

IQ Test	Year/ Age	Examiner	*Full Scale IQ / % Rank	*VCI / % Rank	*PRI / % Rank	*WMI / % Rank	*PSI / % Rank
Slosson Intelligence Test	1969 / 13 y.o.	Charleston County School District	<b>50</b>	N/A	N/A	N/A	N/A
Slosson Intelligence Test	1972 / 15 y.o.	Charleston County School District	<b>52</b>	N/A	N/A	N/A	N/A
Revised Beta	1982 / 25 y.o.	SCDC	<b>42</b>	N/A	N/A	N/A	N/A
WAIS-R	1987 / 30 y.o.	SCDC	<b>67</b>	<b>74</b>	<b>63</b>	Not Reported	Not Reported
WAIS-IV	2017 / 60 y.o.	S. Knight, Ph.D. ABPP	<b>61</b> (0.5 <sup>th</sup> )	<b>70</b> (2 <sup>nd</sup> )	<b>67</b> (1 <sup>st</sup> )	<b>71</b> (3 <sup>rd</sup> )	<b>59</b> (0.3 <sup>rd</sup> )

\*(IQ scores have a mean of 100 and a standard deviation of 15).

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On the four composite score indices, he obtained a score of 70 on the Verbal Comprehension Index (VCI = 70), falling at the 2<sup>nd</sup> percentile rank, indicating that over 98% of similar-age peers obtain a higher VCI score. He obtained a score of 67 on the Perceptual Reasoning Index (PRI = 67), falling within the 1<sup>st</sup> percentile rank, indicating that 99% of similar-age peers obtain a higher Perceptual Reasoning Index score. He obtained a score of 71 on the Working Memory Index (WMI = 71); and a score of 59 on the Processing Speed Index (PSI = 59).

**Achievement (Academic) Skills:** Mr. Deveaux was administered the Wide Range Achievement Test, 4<sup>th</sup> Edition (WRAT-4) to assess academic skills of word reading, sentence comprehension, spelling and mathematics.

Table summarizing Mr. Deveaux's achievement testing results:

Test	Date/ Age	Examiner	*Word Reading SS / Grade Level	*Reading Comp. SS / Grade Level	*Math SS / Grade Level	*Spelling SS / Grade Level
WRAT	1972 / 15 y.o.	School District	2 <sup>nd</sup> Grade	---	2 <sup>nd</sup> Grade	2 <sup>nd</sup> Grade
Gates Reading Test	1982 / 25 y.o.	SCDC	2 <sup>nd</sup> Grade	---	---	---
WRAT-4	2017 / 60 y.o.	S. Knight, Ph.D. ABPP	*64 3 <sup>rd</sup> Grade	*70 4 <sup>th</sup> Grade	*64 2 <sup>nd</sup> Grade	*71 3 <sup>rd</sup> Grade

\*(Standard Scores [SS] have a mean of 100 and a standard deviation of 15).

As reflected by his scores on the WRAT-4, Mr. Deveaux's basic academic skills all fall within the range of elementary school. He is reading individual words at the 3<sup>rd</sup> grade level, and comprehending sentences at the 4<sup>th</sup> grade level. His math skills tested at the 2<sup>nd</sup> grade level, while his spelling skills tested at the 3<sup>rd</sup> grade level.

**DIAGNOSTIC FORMULATION:** The following diagnoses are rendered on the bases of the above data and according to the *Diagnostic and Statistical Manual for Mental Disorders, 5<sup>th</sup> Edition*, (DSM-5).

- **Diagnoses:** Intellectual Disability, Mild  
(Previously Axis I & II)
- **Medical Conditions:** History of Positive PPD with INH Treatment  
(Previously Axis III) History of Second and Third Degree Burns to Upper Torso  
History of Chronic Wheezing and Shortness of Breath  
History of Chronic Sinusitis

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Mr. Deveaux is assigned the diagnosis of **Intellectual Disability, Mild**. Per DSM-5, **Intellectual Disability (ID)** is characterized by 1) deficits in "*intellectual functions*, such as reasoning, problem solving, planning, abstract thinking, judgment, academic learning and learning from experience, confirmed by clinical assessment and individualized, standardized intelligence testing;" 2) "deficits in *adaptive functioning* that result in failure to meet developmental and sociocultural standards for personal independence and social responsibility...in one or more areas of daily life, such as communication, social participation, and independent living, across multiple environments..." and 3) onset during the *developmental* period.

Regarding the *first* prong, Mr. Deveaux's history of IQ scores is indicative of significantly subaverage intellectual functioning. Per school records, in 1969, at age 13, he obtained an IQ score of 50; and in 1972, at age 15, he obtained an IQ score of 52. In 1982, at age 25, SCDC testing indicated an IQ score of 42; and in 1987 at age 30, SCDC testing indicated an IQ score of 67. During the current evaluation, he obtained a Full Scale IQ score of 61, with additional IQ indices (Verbal Comprehension, Perceptual Reasoning, Working Memory and Processing Speed) all at or below the 3<sup>rd</sup> percentile rank, and, at or below, two standard deviations from the mean of 100.

Regarding the *second* prong, Mr. Deveaux exhibits adaptive deficits within all three of DSM-5 adaptive functioning domains: *Conceptual* (academic) domain [e.g., memory, language, reading, writing, problem solving and judgment in new situations, etc.]; *Social* Domain [e.g., interpersonal communication skills, social judgment, friendships, awareness of others' thoughts, feelings and experiences, etc.]; and *Practical* Domain [e.g., financial management, employment, recreation, etc.]. For example, Mr. Deveaux has poor academic (reading, reading, and writing) skills as exhibited by testing conducted by the school district, prison officials, and by the current examiner. He has exhibited a lack of social judgment regarding risk and others taking advantage of him. He has a limited employment history in labor-like jobs, with no history of a driver's license or ability to drive. He has never resided independently, nor handled his own finances. This history and lack of skills support significant deficits in adaptive functioning.

Regarding the *third* prong, Mr. Deveaux's academic records from the developmental period indicate IQ scores well within range of ID, with his academic skills significantly lower than expected based on age. Records also note placement in special education classes during his school years. Therefore, his history is supportive of deficits related to ID as having onset during the developmental period.

The specifier '*Mild*' is used to indicate that Mr. Deveaux's adaptive deficits fall within the '*Mild*' range per DSM-5 descriptions (on a scale of *Mild*, *Moderate*, *Severe* and *Profound*). This specifier was chosen based on all available data gathered in the evaluation. (Per DSM-5, the severity specifier is commensurate with the level of adaptive deficits, and not IQ score).

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## RELEASE PLANNING

Collateral Data [Transitions]: If paroled, the *Transitions Homeless Center* in Columbia, South Carolina, provides viable post-incarceration transition services for which Mr. Deveaux would be eligible. *Transitions* provides residential placement with multi-level, intensive case management, connecting the individual to a broad array of psychosocial services and resources. Information about this program from the United Way indicates, "Transitions provides levels of services individually tailored to the needs, ability and commitment level of the client...[includes] meals, showers, refuge from the weather, emergency clothes closet, library books, computers, access to a case manager, job training and life skills classes, and a safe place to restructure your life and build a new future." In addition, "classes in life skills such as work habits, job interview workshops; computer literacy, resume building, and financial literacy are offered regularly and are a requirement of a client's Case Management Plan." A "primary goal" of the program is to "move people from homelessness to permanent housing."<sup>1</sup>

Per data from the program itself, "each client will create an individual development plan with assistance from the case manager" and "participate in on site programs, orientations/trainings and classes; be referred to community-based treatment programs and classes as needed; pursue stable income; pursue stable housing; and complete chores and community service..."<sup>2</sup>

Collateral Interview [Transitions Case Manager]: Consultation with a case manager from this program, Mr. Chuck Crumpler, indicated the following. He stated their agency receives referrals from probation and parole "all the time." Mr. Crumpler stated a bed would be made available for Mr. Deveaux once a referral is received from his attorney estimating his date of release. This transition would be arranged as to have no delay from Mr. Deveaux's release from prison, to his admission to *Transitions*. They have no disqualifying criteria applicable to Mr. Deveaux; therefore, he would be admitted as a resident.

Per Mr. Crumpler, *Transitions* "can offer a year's worth of residency," as residents work through different tier levels while services are established. Mr. Crumpler reported Mr. Deveaux would "work with a case manager every step along the way" in establishing services for successful transition. He stated they provide a variety of services to residents, working with "46 different agencies" such as Vocational Rehabilitation and establishment of disability benefits, if applicable.

Through the program, Mr. Deveaux would be provided shelter, daily meals, basic hygiene and clothing needs, a "computer lab," library, and access to many agencies that can offer services for transitioning back into society. If not working, he would be able to stay at the facility during the day, with a curfew of 6:30 p.m. if he leaves the facility. *Transitions* would also coordinate with Mr. Deveaux's parole agent as needed. At the end of his year at *Transitions*, Mr. Deveaux would be transitioned into appropriate independent housing as established by his case manager, with any relevant social services in place (e.g., disability).

<sup>1</sup> <https://www.uway.org/midlands-housing-alliance-transitions>.

<sup>2</sup> <https://transitionscc.org/transitions/program-overview>.

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Examinee Interview [Release Planning]: The *Transitions Homeless Center* was discussed with Mr. Deveaux as a viable release plan if paroled. The parameters and services of the program were explained. He expressed enthusiasm and was agreeable to this plan. He asked appropriate questions regarding offered services, and how it would apply to his case.

Additionally, Mr. Deveaux has recently been awarded monetary funds from the sale of 'heirs' property. A local attorney specializing in this area presently handles this sum of money for Mr. Deveaux. He was informed that the examiner thought it best to have a third party handle his finances due to his lowered intellectual ability, and his lack of experience in handling money due to his lengthy incarceration. There is also the concern that others may take advantage of him should this sum of money be known (as has happened during his incarceration). He has also never had his own checking account, although had a "joint checking account" with his wife during his marriage. He was in agreement with this plan, whether it would be a formal conservator appointed by the probate court, or a social services agency.

Mr. Deveaux was questioned regarding about basic life skills needed for living outside of an institution. Regarding finances, he believed he may need approximately \$1500 per month to pay basic expenses, which would include rent or mortgage and bills. He had some difficulty estimating how much money he actually has, and realistically, how long this money would last. Aside from this sum, if he needs money, he would "get a job..." He believes he would be able to physically handle labor-like jobs. He would like to get his driver's license, but knows he must pass the test, and is aware he may have difficulties with this due to cognitive deficits. Otherwise, he would "take taxis, buses." When asked what he would do if he were sick, he stated, "I would have a first aid box" or "call 911" if it were an emergency.

Regarding other skills, he stated, "I'm a good cook, my grandmother taught me a long time ago," and described a standard item that he cooks in prison. He stated he does his own laundry, and "can fix things." He was asked about the socially acceptable ways to approach others, and described appropriate social interactions. When asked how he knew he could trust others to not take advantage of him, he stated, "have to watch them, and give them the benefit of the doubt."

Collateral Interview [Son]: Mr. Perry's son, Mr. Perry Davon Brown, was interviewed by telephone on August 18, 2017. His girlfriend, Ms. Melissa Guggisberg, was also interviewed. Mr. Brown is 39 years of age, and lives on Johns Island with Ms. Guggisberg, with whom he has been in a relationship for five years. Mr. Brown is a graduate of Wando High School, and has his CDL [Commercial Driver's License]. He has worked for the Mt. Pleasant Department of Sanitation for over ten years. He also works managing rental properties with his girlfriend. His girlfriend, Ms. Guggisberg, is a graduate of the University of Minnesota, has worked as a paralegal, and now has her real estate license. She also assists in managing their rental properties.

Mr. Brown stated he has no memories of his father prior to his incarceration, as he was approximately four years old at the time of Mr. Deveaux's sentencing. However, he recalls meeting his father during his childhood, visiting him at SCDC. He believes his last visit was at approximately at age 7 or 8. He recalls his father as "very laughing, smiling a lot, teasing..." Mr. Deveaux's wife at the time took Mr. Brown to the visits.

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Within the past month (beginning in late July 2017), Mr. Brown has been talking to Mr. Deveaux by phone, and rekindling their relationship. He stated their relationship has "quickly progressed, accelerated," such that he is planning a visit with Mr. Deveaux. Of his father, Mr. Brown stated, "I miss my dad, I still care for him, and love him," and "wants to build our relationship back." He stated, "I'd really like to see him on the outside, it would make me so happy to see him free, I lost a lot of my childhood [with him], that bothers me." He stated that he could assist Mr. Deveaux financially, and provide additional types of support if he is released on parole.

**VIOLENCE RISK ASSESSMENT:** A violence risk assessment measure was utilized to supplement the above data and more formally evaluate the issue of future violence risk.

**HCR-20<sup>V3</sup>:** The **HCR-20<sup>V3</sup>** is an interview and assessment tool designed to assess an individual's risk of future violence. The **HCR-20<sup>V3</sup>** is comprised of twenty items in *Historical*, *Clinical* and *Risk Management* domains that combine to assess an individual's overall level of violent recidivism risk. Thus, the measure captures past, present, and future risk variables. Items are assessed for the *presence* of the risk factor, and the *relevancy* (*low, moderate or high*) of the item to addressing future violence for that individual. Information on these variables was obtained through in-depth clinical interviews with Mr. Deveaux, and by review of collateral data.

**HISTORICAL** variables are considered over an individual's lifetime and include history of: 1) *violence*; 2) *violent attitudes*; 3) *antisocial behaviors*; 4) *instability of relationships*; 5) *instability of employment*; 6) *substance use*; 7) *major mental illness*; 8) *personality disorders*; 9) *traumatic experiences*; and 10) *problems with treatment response*.

With regard to *history of violence*, Mr. Deveaux has three alleged instances of violence over the course of his lifetime. The most serious incident by far involves the offense conduct, consisting of a homicide by stabbing which occurred over 41 years ago. He has two additional instances, which occurred during his current incarceration and consisted of minor physical altercations with other inmates. One incident occurred in 1990 when another inmate touched him, and Mr. Deveaux hit him twice in the chest; while the second occurred in 2012, when he scuffled with another inmate. Neither instance involved the use of weapons, or injury to either party. There is no known additional history of violence, either prior to, or during, his present incarceration. He was also questioned about his anger expression and control. He reported retreating to his room when irritated or frustrated by others, and, aside from the instances above, stated he does not engage in verbal or physical expression of his anger (e.g., cursing, shouting, breaking items; or harming others). Although he has very few instances of violence, given the seriousness of the offense conduct, this factor is considered historically *present*, and of *high relevance*.

Regarding other factors, data do not indicate that Mr. Deveaux has a history of entrenched *violent attitudes*; therefore, this factor is *not present*. He does not have a history of *antisocial behaviors* as reflected by no criminal (juvenile or adult) record prior to his offense, and as reflected by his overall conduct documented by SCDC records during his incarceration. Therefore, this factor is *not present*.

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In consideration of *instability in relationships*, Mr. Deveaux has had two long-term, serious relationships. The first occurred from 1976 to 1982, with a serious girlfriend, which produced his now adult son. This relationship ended due to his incarceration. While incarcerated, he was married in 1985 and divorced 1998. By his accounts, and from SCDC records, this was a supportive and affectionate relationship. This relationship ended primarily due to SCDC policy changes regarding conjugal visits. Therefore, he has a history of two long-term intimate relationships; and does not have a pattern of relationship instability, characterized by multiple short-term, turbulent or conflictual relationships. As such, this factor is *not present*.

Regarding *instability of employment* history, Mr. Deveaux was steadily employed beginning as a teenager to his sentencing in 1982, working for several local sanitation departments. During his incarceration, he has held multiples types of jobs, with most ending for various legitimate reasons (e.g., transfer among institutions, transfer among jobs, injury, etc.). Of note, his history is not reflective of long periods of unemployment, frequent firings, poor performance reviews, conflicts with supervisors or coworkers, or other chronic problems. Therefore, this factor is *not present*.

Regarding *history of substance abuse*, data indicate a remote diagnosis of an Alcohol Use Disorder. He reported a pattern of heavy and frequent alcohol use as a teenager and into his early 20's. For example, he described binge drinking, and "heavy" drinking; was seriously injured while intoxicated and walking in the street in 1981; and his 1982 sentencing hearing was rescheduled to the afternoon as he had consumed alcohol on the morning of his sentencing. There is also indication from collateral legal documents that Mr. Deveaux may have been drinking around the time frame of the instant offense. This level of drinking, and such consequences, occurred over 35 years ago.

During his incarceration, there is some indication that he has consumed alcohol, as he was found with homemade wine in his cell in 1991; and incurred three 'Under the Influence' charges, once in 1995 and twice in 1996. However, these instances have been very few over his incarceration, and there is no indication of continued frequent or heavy consumption, a chronic pattern of alcohol consumption, or functional impairment. Therefore, while not a present clinical concern, this factor is considered historically *present* and, given that alcohol may have been implicated in the offense conduct, is *highly relevant* to risk management strategies.

For the risk factor of *major mental disorder*, Mr. Deveaux does not meet criteria for a major mental illness that impairs his stability of functioning (e.g., psychotic illness, major mood disturbance, trauma-related disorder, anxiety disorder, etc). SCDC records note several brief periods of "stressors" which resulted in some anxiety and depression. However, these instances appeared to be situational, and not reflective of underlying mental illness. Neurocognitively, he is assigned the diagnosis of Intellectual Disability (ID), Mild, signifying cognitive and intellectual deficits, as well as deficits in adaptive functioning. This disorder is specified as 'Mild' (on a scale from Mild, Moderate, Severe and Profound), which is used to reflect the level of his adaptive deficits. Unlike a major mental illness, ID indicates static deficits that are not subject to fluctuation, in need of treatment, or typically associated with clinical instability leading to violence. Therefore, while this risk factor is *present* due to the assignment of a diagnosis, it is considered only of *moderate relevance*.

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Additionally, he does not meet criteria for a personality disorder of any kind. There is one note in his SCDC records indicating that he may have Schizotypal Personality Disorder. However, this is an inaccurate diagnosis, which misinterprets and incorrectly pathologizes, his strong spiritual and cultural beliefs. Therefore, this factor is not present.

Regarding history of traumatic experiences, Mr. Deveaux reported a history of abandonment by his mother, and childhood physical abuse by his maternal grandmother. As an adult, he reported an incident in 2010 of being intentionally burned with hot liquid during his incarceration (as documented in his SCDC records). He reported no trauma-related symptomatology (e.g., nightmares, flashbacks, intrusive memories, etc.) from these events. Therefore, although this risk factor is considered historically present, it is of low relevance, indicating that it is not relevant in developing risk management strategies.

Mr. Deveaux has no history of problems with treatment response. Although not presently under treatment, when he has been under psychiatric or medical treatment during his incarceration, records indicate overall good compliance, cooperative attitude with treatment providers, and good attendance at appointments. Therefore, this factor is not present.

CLINICAL risk factors are considered over the past six months and include recent problems with 1) degree of insight; 2) violent ideation or intent; 3) symptoms of major mental disorder; 4) instability of functioning; and 5) treatment or supervision response.

Considering his cognitive deficits, Mr. Deveaux's degree of insight into his clinical status is good. He possesses insight into the limitations of his intellectual functioning and the need for assistance. He is able to discuss that he does not function at an equivalent intellectual level of others his age, but has learned to compensate. For example, if released, he is agreeable to the establishment of formal assistance in managing his finances (e.g., conservator), and understands that he may never be able to obtain a driver's license. He understands he will need assistance with housing, and other basic needs, as well as in carrying out daily activities in a much more modern world. He also understands his current legal situation as pertaining to his upcoming parole hearing. Therefore, this factor is not present.

There is no indication that Mr. Deveaux has had any recent problems with violent ideation or intent, therefore this risk factor is not present. He does not have a major mental illness, therefore, aside from his static cognitive deficits, he has no recent symptoms of major mental disorder. As such, this risk factor is not present. His overall stability of functioning is clinically stable at the present time, with no indication to the contrary; therefore, this risk factor is not present. The factor of recent treatment or supervision response is not applicable to Mr. Deveaux, as he has no conditions requiring treatment at the present time and is not involved in a treatment or supervision program. Further, he has had no disciplinary infractions of any kind in over three years; therefore this risk factor is not present.

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RISK MANAGEMENT factors represent an assessment of variables (out of custody) over the next six months, and include future issues or problems with: 1) *professional services and plans*; 2) *his living situation*; 3) *level of personal support*; 4) *treatment or supervision response*; and 5) *level of stress and coping*.

Regarding *professional services and plans*, arrangements have been made for Mr. Deveaux to participate in a residential transitional program for up to one year after his release. This program can provide any necessary professional or social service needs free of charge, to include basic necessities, employment prospects, funding options (e.g., social security), and other needs. This plan for professional services and plans is realistic and attainable; therefore this factor is not present. Relatedly, his *living situation* will be secure for up to one year after his release as he will be a resident of this transitional services program. Subsequently, the program will assist in finding stable residence upon his discharge. Therefore, this risk factor is not present.

With regard to level of *personal support*, Mr. Deveaux has reconnected with his son (age 39) who resides in South Carolina. This examiner spoke with his son, who is gainfully employed, and involved in a long-term relationship. He expressed a strong desire to re-establish a relationship with his father, in addition to providing needed supports for him. In addition, Mr. Deveaux has several family members in the area, primarily his half-sister Josephine, who has intervened on his behalf in the past. Support will also be provided at the transitional program, as Mr. Deveaux will be working closely with a case manager who will provide support at multiple steps. Therefore, this risk factor is not present.

Regarding the factor of future *treatment or supervision response*, Mr. Deveaux has no history of chronic compliance issues. He has no significant interpersonal or clinical impediments that would hinder a positive response to any psychosocial intervention or [parole] supervision. He is motivated for future interventions, and to reside freely (out of prison). He has been very agreeable to proposed plans by the examiner, and his attorney, and maintains a positive attitude and optimism regarding these plans. Therefore, evidence supports a future positive treatment and supervision response. As such, this factor is not present.

Finally, the risk factor of future problems with *level of stress or coping* was considered. If released on parole, Mr. Deveaux would be faced with the challenges of adjusting to a very different 'outside world' than what he experienced prior to his incarceration. This is likely to be stressful for anyone in his situation. However, his designated program of release is designed to target such a transition and to assist in dealing with these challenges. Therefore, this risk factor is considered present, but of only moderate relevance.

In sum, based on the evaluation and application of the HCR-20<sup>V3</sup> risk factors to Mr. Deveaux's specific history and situation, it is opined that two out of 20 risk factors are present, and highly relevant. These factors include: *History of Violence* and *Substance Use*. Although both are historically remote, these factors are highly relevant to the development of risk management strategies, and should be incorporated into any risk assessment plan. The former factor is static and represents the level of prior violence. The latter factor can be targeted through a course of alcohol education, and requirement that he abstain from alcohol when paroled.

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An additional two factors are *present* and of *moderate relevance*, to include *Major Mental Disorder*, and future issues with *Stress and Coping*. The former refers to his diagnosis of Intellectual Disability, Mild, which would need to be incorporated into any risk management strategies. For example, in order to communicate and tailor services accordingly, his parole agent, and case manager at his program of release would need to be aware of his cognitive limitations. Regarding the latter factor, any stress or difficulty coping with his adjustment to life outside of prison can be addressed through accessing available social services through his release program.

Taken together, in consideration of his individual, case-specific details, and available risk management strategies, data from the HCR-20<sup>v3</sup> indicates Mr. Deveaux does not represent a significant risk for future violent acts. It should be noted that this finding is predicated on Mr. Deveaux strictly adhering to his release planning program, the parameters of his parole, and abstinence from alcohol.

**SUMMARY AND CONCLUSION:** Based on the totality of data gathered during the evaluation, to include clinical interviews and psychological testing with Mr. Deveaux; an interview with his son; consultation with his prior SCDC unit manager; consultation with a community placement counselor; and review of available academic, legal, correctional, medical and mental health records, the following is opined.

*Development:* Mr. Deveaux was born and raised in a rural area of Mt. Pleasant, South Carolina. His mother essentially abandoned him at nine months of age to reside out of state. Although his father lived locally, he was not involved in raising Mr. Deveaux. Therefore, his maternal grandparents were his caregivers. He described a poverty-stricken, abusive, and primitive childhood. His grandparents worked on a local farm, and they bartered for food and clothing. His home was a "wooden house," where he resided with at least twenty individuals. They had no established electricity and no running water. He reported most individuals were illiterate in his household. He described significant physical abuse by his grandmother.

School records indicate significantly sub-average intellectual functioning, with IQ scores in the 50's and placement in special education classes. At age 13, he was noted as still in the 3<sup>rd</sup> grade, with multiple grade failures. He was often kept out of school for months to do farm work. He attended school through the 5<sup>th</sup> or 6<sup>th</sup> grade in special education programming, and discontinued schooling when he was 15 years old. Subsequently, he worked various labor jobs, and for local sanitation departments. He also reported a history of heavy alcohol use during his late teens and early twenties.

*Offense:* At the time of the offense in November 1975, he was 19 years old, worked for a sanitation department, and lived with his grandmother. He was arrested approximately five years later, in June 1981 at age 24. Officers set up an undercover operation for an individual to befriend Mr. Deveaux for years before ultimately recording him from a hotel room. In October 1981, the state served a death notice for his case. During the pretrial period, Mr. Deveaux was evaluated by the S.C. Department of Mental Retardation (presently known as SCDDSN), and by private psychologists, due to concerns regarding his competency to stand trial.

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Name/SCDC#: DEVEAUX, Perry/#109601

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S. Knight, Ph.D., ABPP  
Board-Certified Forensic Psychologist

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Legal documents indicated that he entered a Guilty plea on the advice of his attorney to avoid the death penalty, and was sentenced in February 1982, at age 25. He was sentenced to a life term with parole eligibility after ten years. Shortly after his sentencing, SCDC records indicate that, "due to his low education background" he requested assistance with the appellate process, with the clinician noting that Mr. Deveaux "was not aware of the judicial process during his trial." A transcript of his PCR hearing indicates that his cognitive deficits were readily apparent during his testimony.

Incarceration: As of his sentencing date, Mr. Deveaux has been incarcerated within SCDC for over thirty-five years, from ages 25 to 61. Prior to his incarceration, he had no history of juvenile or adult arrests, charges or convictions, separate from his instant offense. While incarcerated, he has held many different jobs with overwhelmingly positive performance reviews. He has participated in multiple trainings and vocational opportunities. He also completed a reading course, which served to improve his reading level.

Mr. Deveaux underwent several psychological evaluations for various institutional reasons, including placement. During a 1986 psychological evaluation for institutional placement, the evaluator found that Mr. Deveaux was "friendly," "easy going," and that, "he does not give me the impression of being primarily delinquent in his adjustment." The examiner found that his intellectual functioning made it more difficult to cope with life's stressors, however, he believed Mr. Deveaux could be managed in an open institution, with special accommodations by staff if necessary. (Such accommodations did not turn out to be necessary over the course of his incarceration).

Additionally, a psychological evaluation conducted in 1987, found that Mr. Deveaux qualified, and was approved, for placement in SCDC's 'Special Learning' or Habilitation Unit. [This was a designated unit for those with what used to be referred to as Mental Retardation, now Intellectual Disability]. However, the warden at the time denied placement due to his "crime of notoriety."

Regarding disciplinary history, records indicate convictions for eleven 'Major' infractions over the course of 35 years. Of all of his infractions ('major,' 'admin' and 'minor'), he has had only two infractions involving any violence, which were minor physical altercations with other inmates in 1990 and 2012. Neither incident involved a weapon or injury to either party.

From 1985 to 1998, he was married to an individual he met while incarcerated. She worked as a telephone operator for a national phone company, assisting inmates with placing calls. By all accounts, this marriage was a positive and stabilizing factor, with his wife a strong advocate for his rights. Their marriage ended shortly after conjugal visits were stopped by a changing state and prison administration. They were formally divorced in 1998. He has had several additional relationships of briefer status, and is not presently involved in a relationship.

More recently, Mr. Deveaux has reconnected with his son. Prior to his incarceration, he was involved in a relationship for six years, which produced his son, who was four years old at the time of his sentencing. His son is now 39 years old, and resides in the Charleston area. His son expressed to the examiner that he would very much like to rekindle their relationship, and is willing to provide financial and other supports for Mr. Deveaux should he be released:

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Regarding other family, many of Mr. Deveaux's close family members have passed away during his incarceration (e.g., grandparents, mother, father, brother, etc.), and he attended several of their funerals. However, he still has sisters and other relatives in the local area.

He has no known major medical issues at present, and does not presently take medication. He has a history of wheezing, shortness of breath, chronic sinusitis and positive PPD tests. During his incarceration, he has been transported for outside medical treatment due to instances of being assaulted. In 2001, he incurred a head injury when another inmate struck him with a cane as he was eating in the cafeteria. In 2010, he was praying in his room when two inmates poured hot liquid on him, suffering serious burns to his upper torso and requiring skin grafts.

Psychiatrically, he does not meet criteria for a major mental illness or personality disorder. He had no history of mental health treatment prior to his incarceration. He has had a brief trial of psychiatric medication during his incarceration for adjustment symptoms and situational stressors. He does not currently take any type of psychiatric medication, nor is he followed by mental health services. He is presently mentally stable, with no reported or observed symptoms of mental illness.

Cognitively, he is assigned the diagnosis of Intellectual Disability, Mild, denoting deficits in cognitive and adaptive functioning. IQ testing conducted during the current evaluation indicated a full scale IQ of 61, falling below the 1<sup>st</sup> percentile, with his verbal skills somewhat more developed than his nonverbal reasoning skills. He is reading at the 3<sup>rd</sup> to 4<sup>th</sup> grade level. His adaptive deficits are classified as "mild," in that he is able to independently manage personal care, and other basic life skills, such as rudimentary cooking, laundry, and simple repairs. Indeed, SCDC staff have noted that he "possesses most of his basic life skills." However, he needs assistance with higher order or more complex activities of daily living, including handling finances, legal matters, and multi-step decisional tasks.

Regarding parole, records indicate he has been denied parole at least 15 times, from 1990 to 2016. In 1995, a psychological evaluation for parole suitability was conducted by SCDC with Mr. Deveaux. Although noted as limited in his intellectual development, he was described as "sociable," "friendly," "logical," "cooperative," "compliant" and "obliging," with "no indications of opposition or anger." He did "not display any strong identification with the criminal role." Although the evaluator believed Mr. Deveaux would need "a good deal of structure and direction" if released, he issued scores of +2 on all items (from -3 to +3), indicating a positive and greater chance of successful adjustment. Therefore, the evaluator found a favorable rating regarding parole supervision, of which the present examiner agrees.

Results from a violence risk assessment measure do not indicate significant risk factors for future violence; and at age 61, Mr. Deveaux is well outside the age-crime curve for future criminality and violence. If paroled, release plans include residential placement in a comprehensive transitional services program to further reduce risk. This program would provide multi-level, intensive case management to tailor services to Mr. Deveaux's individual psychosocial needs. Support and guidance would also be provided as he transitions to a very different environment and modernized world. He can remain at this program for up to year, with a primary goal of the program to find clients permanent housing

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Date of Birth: [REDACTED] 37

S. Knight, Ph.D., ABPP  
Board-Certified Forensic Psychologist

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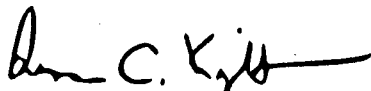
Recommendations: Should Mr. Deveaux be paroled, the following recommendations are made.

- 1) It is recommended that Mr. Deveaux report directly to the *Transitions Homeless Center* in Columbia, South Carolina, for establishment of residential and social services. This program will then assign a case manager who can assist with both immediate, and more long-term service needs.
- 2) It is recommended that his attorney or case manager at *Transitions* assist Mr. Deveaux in securing a conservator through the probate court, or a social services agency, to manage his financial proceeds from the recent land sale.
- 3) It is recommended that abstinence from alcohol be made an explicit condition of Mr. Deveaux's parole supervision.
- 4) It is recommended that this examiner speak with his assigned parole agent, and case manager at *Transitions* to inform them of Mr. Deveaux's limited intellectual and cognitive functioning so that interventions and services may be tailored accordingly.

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*(The above data is subject to revision should additional information become available that, in the examiner's opinion, substantially changes the findings).*

Respectfully Submitted



Susan C. Knight, Ph.D., ABPP  
Licensed Clinical Psychologist  
Board-Certified Forensic Psychologist

October 9, 2017

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Date Signed

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Name/SCDC#: DEVEAUX, Perry/#109601

Date of Birth: [REDACTED] 38

S. Knight, Ph.D., ABPP  
Board-Certified Forensic Psychologist

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State of South Carolina  
Department of Probation, Parole and Pardon Services

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

October 19, 2017

Mr. Perry Deveaux #00109601  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Deveaux:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. ~~The Parole Board had determined that your parole must be denied.~~

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense  
Failure To Successfully Complete A Community Supervision Program  
Vote Count: Unanimous To Reject

Sincerely,

Handwritten signature of Larry Ray Patton, Jr.

Larry Ray Patton, Jr.  
Director of Parole Board Support Services

000045 10/18/2017

South Carolina Department of Probation, Parole and Pardon Services  
 Criteria For Parole Consideration

SC Board of Probation, Parole and Pardon Services  
 P.O. Box 50666  
 Columbia, SC 29250

Inmate Name <b>Perry Deveaux</b>	SCDC# <b>109601</b>
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**8-23-17 FB**

**Criteria for Parole Consideration**

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. The files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far-reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some errors or other inaccuracies, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow his/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmates; parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate;
15. The actuarial risk and needs assessment outlined in section 24-21-10 (F)(1) of the S.C. Code of Laws;
16. Other factors considered relevant in a particular case by the Board.

**Reservation of Discretionary Power of the Parole Board**

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate fail to complete any one of these conditions or disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainers or pending charges. If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one-year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

**I certify that the above material has been explained to me, and I have received a copy.**

Inmate's Signature <b>Perry Deveaux</b>	Date <b>03/22/17</b>	Witness <b>[Signature]</b>	Date <b>03/22/17</b>
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The State of South Carolina

INDICTMENT FOR MURDER

County of Charleston

At a Court of General Sessions, convened on the 3rd day of August,

1981, the Grand Jurors of Charleston County present upon their oath:

That PERRY DEVEAUX

did with malice aforethought in Charleston County on or about the 28th day

of November, 1975, kill one Ester Kathleen Sanderlin

by means of stabbing her many times with a knife

and that the said Ester Kathleen Sanderlin

did die in Charleston County as a proximate result thereof on or about the

28th day of November, 1975.

81-63-10-1086  
82-CP10-1391

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

August Term, 19 81

THE STATE

s/m [redacted] s.

PERRY DEVEAUX 24

AW# 480368 CD# 44548

INDICTMENT FOR

MURDER

True Bill

Cecil M. Onato  
Foreman of Grand Jury

I/WE APPEAR IN PERSON AND PLEAD GUILTY TO THE WITHIN INDICTMENT

x Per Ouer

WITNESS DATE 2-24-82

Julian Dep Clerk

LET THE DEFENDANT Perry Deveaux BE CONFINED UNDER THE JURISDICTION AND CONTROL OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FOR A PERIOD OF Lifetime

2-24-82  
DATE

Richard E. [Signature]  
PRESIDING JUDGE

G. S. Journal 38 Pg. 26

Verdict

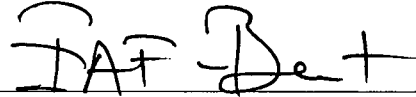
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 31, 2018



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Elizabeth Franklin-Best  
Blume Franklin-Best & Young, LLC  
900 Elmwood Avenue  
Suite 200  
Columbia, SC 29201  
(803) 765-1044

ATTORNEY FOR APPELLANT

**RECEIVED**

JUL 31 2018

**SC Court of Appeals**