

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from South Carolina Department of Corrections

Bryan P. Stirling, Director

Case No. : 63

**RECEIVED**  
OCT 24 2018  
SC Court of Appeals

Perry Gilmore, #344879,

Appellant.

v.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

I hereby give notice that I appeal the final decision on South Carolina Department of Corrections Disciplinary Report and Hearing Record (herewith) dated October 16, 2018 revoking earned good time credits from me upon convicting me of disciplinary offense 854 Exhibitionism and Public Masturbation in a disciplinary hearing held in the South Carolina Department of Corrections on same above-said date. (NOTE: I can appeal straight to this court because Respondent and the Administrative Law Court made administrative remedies unavailable to me. See Correspondence from each herewith. Law v. South Carolina Dept of Corrections, 368 S.C. 424 (2006) HN 22).

I appeal because Respondent deprived me of my constitutional right to present "documentary evidence" in my hearing and because the conviction is "clearly erroneous" where the accuser's report indicates she saw the offense committed while conducting a security check at approximately 4:45pm, but Counsel-Substitute ("CS") testified in the hearing that the accuser's own documentation of the time in the logbook indicates she conducted the security check at approximately 4:15pm. Al-Shabazz v. State, 338 S.C. 354 (2000).

Because the decision appealed from involves a "revocation" of "earned" good time credits, this court may hear this appeal. Howard v. South Carolina Department of Corrections, 399 S.C. 618.

October 18, 2018  
Bennettsville, SC

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PROOF OF SERVICE

I certify I this day served copies of: (1) Notice of Appeal; and (2) Motion to Proceed In Forma Pauperis on all parties to this case by mail at their last known address.

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

OCT 19 2018

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OCT 24 2018  
SC Court of Appeals

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