

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 30 2021

SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
DOCKET NO. 21-ALJ-15-0021-AP
CASE NO. 21P021

Stephen Roy Gratton ----- Appellant,

- VS -

South Carolina Department of
Probation, Parole, and Pardon Serv. ----- Respondent.

NOTICE OF APPEAL

Comes now, Stephen Roy Gratton, Appellant in above named case who does hereby appeals to the South Carolina Court of Appeals from the final decision of the South Carolina Administrative Law Court's "Order of Dismissal" issued by the Honorable Deborah Brooks Durden on the 1st day of September, 2021. This judgement was received from the mail room on the 3rd day of September, 2021 and is enclosed as exhibit number 1.

The Administrative Law Court Judge did not follow the proper procedures nor consider any of the relevant issues pursuant to Compton v. S.C. Dept of Probation Parole and Pardon Services, 385 S.C. 476, 685 S.E. 2d 175 (2009). By failing to consider the following Constitution issues presented by the Appellant the Administrative Law Court Judge denied "due process of law" under the 14th Amendment of the U.S. Constitution. Therefore,

pursuant to SC Code 1976 § 1-23-610(B) (a, c, d, e, and f), appellant files this Notice to Appeal:

ISSUES

No. 1: Did the parole board violate ex post facto laws by permanently denying parole eligibility by application of Section 24-21-640(2) and 16-1-60 S.C. Code, thus violating U.S. Const. Art. 1 § 9, 10 and S.C. Const. Art. 1 § 4 and denying benefits of S.C. Art. 100 of 1991 and violation of Section 17-1-40 (A).

No. 2: Did the parole board act arbitrarily and capriciously and deprive a state created liberty interest under 24-21-640 S.C. Code at the time existing at the appellant's crime date.

No. 3: Did the parole board violate the Fifth, sixth, eighth, and fourteenth amendments of the U.S. Const. and Art. three and four of the S.C. Const. by unlawfully using nature and seriousness of offense continually as a factor for rejection.

No. 4: Did the Administrative Law Judge deprive appellant due process of law by not ruling on the constitution violations presented by the appellant.

The appellant sent in an notice of appeal to the ALC on 9-13-21, however, no judgement was entered by ALC on appeal of "Order of dismissal" except to send another copy of the above order. Appellants "Notice of Appeal" to the

T
"Order of Dismissal" on September 1st, 2021 was in accordance to Rule 59(c) and code § 1-23-600(D) (Supp. 2020), S.C. Code.

Certificate of Service

I Stephen Roy Gratten, Appellant do hereby certify to have mailed a complete copy of above Notice to opposing counsel in compliance with the SCACR on the 27 day of Sept, 2021 by depositing in the U.S. mail service, postage prepaid to:

Division of Legal Counseling
S.C. Dept. Probation, Parole, and Pardon Serv.
Attn. Matthew Buchanan
P.O. Box 207
Columbia, SC 29202

Stephen Roy Gratten
Signature

9-27-21
Date

RECEIVED

SEP 30 2021

SC Court of Appeals

Stephen R. Grattan 136900
SCDC Kirkland C.I. - B2-4
4344 Broad River Road
Columbia, SC 29210

Honorable Jenny A. Fitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 1629
Columbia, SC 29211

RECEIVED

SEP 30 2021

SC Court of Appeals

Re: Notice of Appeal from ABC

August 27, 2021

Dear Honorable Clerk of Court:

Please find enclosed my notice of Appeal, Certificate of Service, Application for permission to proceed without cost, and judgement of the Judge.

I should not be barred from the Courts because of my poverty. In the past this court has allowed me to file in forma pauperis and my situation has not changed. According to Rule 24(a)(1)(B) and Rule 71(A) I should not have to pay the fees.

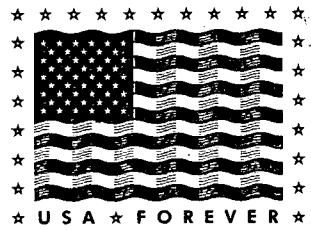
Thank you in advance for any consideration and help in this manner.

Respectfully

Steph Ray Grattan

Stephen Roy Gratton # 136990
SCDC Kirkland CJ. B2-4
4344 Broad River Road
Columbia, SC 29210

RECEIVED
SEP 30 2021
SC Court of Appeals



"Legal Mail"

The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211
Attn. Jenny Abbott Kitchings, Clerk

2921181629 B012

