

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT  
THE HONORABLE DEBORAH DARDEN  
DOCKET NO: 21-ALJ-15-DD21-AP

CASE NO: 21PD21

DATED SEPTEMBER 1, 2021

RECEIVED  
OCT 27 2021  
SC Court of Appeals

Stephen Roy Gratton, #136990

Appellant,

-vs-

South Carolina Department of  
Probation, Parole, and Pardon Svcs.

Respondent,

---

BRIEF OF APPELLANT

---

Stephen Roy Gratton, #136990  
SCDC Kirkland C.I. B2-4  
4344 BROAD RIVER ROAD  
Columbia South Carolina 29210

Pro-Se

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Stephen Roy Gratton #136990,  
Appellant,

-VS-

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

APPELLANTS BRIEF

CASE NO.: 2021-001121

This case is before the Honorable SC Court of Appeals pursuant to the unlawful decision from the Honorable Deborah Darden, Administrative Law Court Judge who issued an "Order of Dismissal" on September 1, 2021 (Exhibit No. 1). This decision was based on SC Code Ann. § 1-23-600 (B) (Supp. 2022). However, this was a gross error pursuant to SC Code 1976 § 1-23-380 (5) (a)(c)(d)(e) + (F) where errors of Law are claimed. The appellant is not challenging the routine denial of parole, but rather, the unlawful procedures employed by the SC Parole Board effectively rendering him to be permanently ineligible for the benefits of of parole. Pursuant to SC Supreme Court in its rulings in Al-Shabazz v. State and Fortrick v. SC Dept. PPS is a denial of Due Process.

Therefore, the ALC has based its decision on unlawful procedure and has ignored the Laws of the SC and US Constitution. This appeal is in response to these violations. (See Exhibit NO. 2)

## FACTUAL/PROCEDURAL HISTORY

On July 14, 1986, the Richland County Grand Jury indicted Appellant for Burglary (First Degree) and Two counts of Criminal Sexual Conduct First Degree, actually the same crime. Appellant was found guilty and sentenced after a Jury Trial on the 14 day of October 1986. Appellant was then sentenced to life and two thirty-year terms to run consecutive. At the time of the offense on April 30, 1986, South Carolina law provided that an individual serving a life sentence for burglary would become eligible for parole after ten years of sentence counting credits.

Appellant initially appeared before the SC Board of Probation, Parole, and Pardon Services on December 15, 1993, after service of ten years of his sentence through the award of good time credits. The Parole Board denied appellant after hearing based on five fixed or "immutable" factors. This was regardless of his meeting criteria under Section 24-21-640, (55-612, 62 Code) Act 160 of 1981, which was given to him at time of incarceration. The Parole Board denied Appellant parole following that hearing and on twenty-seven subsequent occasions. Appellant's most recent appearance on August 18, 2021, is at issue here.

Appellant filed a notice of Appeal (See Exhibit No. 2) citing ex post facto and due process violations guaranteed under the United States Constitution Amendments Fifth, Sixth, Eighth, and Fourteenth and Art. 3 and 4 under the South Carolina Constitution.

The ALC rejected Appellant's claims pursuant to SC Code Ann § 1-23-600(D) despite the claims of the Appellant which were constitutional violations and unlawful procedure supported by the record and SC Code § 1-23-380(5), after which the appellant appealed the ALC's order to the court of Appeals and this Court certified the case for view pursuant to Rule 204 (b) SCACR and 267.

### ISSUES

- I. Whether the ALC erred in ruling that appellant's parole rejection was just a routine denial of parole in violation of SC Code § 1-23-380(5) and due process of law guaranteed by the Fourteenth Amendment of U.S. Const.
- II. Whether the ALC erred in failing to rule on the ex post facto claim by appellant in violation of US Const. Art. I §§ 9-10 and SC Const. Art. 1 § 4.
- III. Whether the ALC erred & failed to rule on Appellant's claim that Parole Board violated the 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments of US Const. and Art. 3 and 4 of SC Const. by unlawful application of "Nature and Seriousness" of offense continually as a reason for rejection.

## STANDARD OF REVIEW

In an appeal from an ALC decision, the Administrative Procedures Act (APA) provides the appropriate standard of review. SC Code Ann. § 1-23-610 (B) (Supp. 2002). This court will only reverse the decision of an ALC if that decision is;

- (c) in violation of constitutional provisions;
- (d) made upon unlawful procedure;
- (d) affected by error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, or
- (f) arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

By looking at the whole record and the claims of appellant this court should reach the same conclusions as the appellant that despite all the supported substantial evidence, the ALC chose to ignore and dismissed the appellant's appeal.

## ARGUMENT OF ISSUES

I. Whether the ALC erred in ruling that Appellant's parole rejection was just a routine denial of parole in violation of above Code along with Code 1-23-380 (5) & due process of law guaranteed by 14<sup>th</sup> Amendment of U.S. Const.

Appellant argues that the Parole Board rendered him ineligible for parole due to procedure employed by Parole Board which deprived him of a state

created liberty interest that triggered the due process requirements of judicial review. In the case Al-Shobazz v. State, 338 S.C. 354, 369, 527 S.E. 2d 742, 750 (2000) the Court noted that the requirements of procedural due process would be applicable when an inmate was deprived of a protected liberty interest under the 14th Amendment in order to insure that a "state-created" right was not arbitrarily abrogated. Id. at 370, 527 S.E. 2d at 750 (citing Wolf v. McDonnell, 418 U.S. 539 (1974)).

"Further, the ALC has subject matter jurisdiction over an inmate's appeal when the claim sufficiently implicates a state-created liberty interest." Furtick v. S.C. Dept. of Corr. 374 S.C. 334, 339, 649 S.E. 2d 35, 38 (2007) (quoting Sullivan v. SC Dept. of Corr. 355 S.C. 437, 443, 586 S.E. 2d 124, 127 (2003), cert denied 540 U.S. 1153 (2004)). In Furtick v. S.C. Dep't of Prob., Parole, & Pardon Servs. 352 S.C. 594, 576 S.E. 2d 146 (2003), cert. denied 539 U.S. 932 (2003) this court extended the Al-Shobazz holding by finding "the permanent denial of parole eligibility implicates a liberty interest sufficient to require at least a minimal due process" and thus review by the ALC. Furtick 352 S.C. at 598, 576 S.E. 2d at 149.

Here appellant is not challenging the denial of parole, but rather the unlawful procedures employed by the Parole Board effectively rendering him to be permanently ineligible for the benefits of parole. At the time of incarceration Appellant was given the criteria for parole under Section 24-21-640 (1976) and Art. 100 amended in 1981 S.C. Code of laws which stated: (See Exhibit No. 3) \*\*

Expectation of parole is a function of the law in effect at the date of the offense was committed; Appellant's crime occurred on April 30, 1986. At that time S.C. Code of Laws Section 24-21-640 (1976) and Act. 100 (1981) provided parole and release for good conduct; which generally governed parole decisions. The criteria was that I serve a minimum of ten years and maintain a good prison record and complete all the suggested programs to the satisfaction of the Parole Board. During parole hearings from 1993 to 2009 used the above criteria making recommendations of programs needed. However, the Parole Board used fixed facts of past record which could never change (three to five reasons based on "Nature & Seriousness of offense").

Then from 2010 to 2021 the Parole Board started considering criteria in Department Form 1212 and the new criteria in Section 24-21-640 from the June 1986 Omnibus Crime Bill and statutes made thereafter. Now only listing as "Findings of Fact" the same fixed or immutable facts relating to "nature and seriousness." At the 2016 hearing only one fact was used, in 2021 it was back up to four. These same reasons are used over and over sometimes one sometimes five.

This alone shows that the Parole Board is using improper procedure for parole rejections completely ignoring the proper criteria, at the time of appellant's crime under 24-21-640 concerning prison conduct. A gross violation of due process of law and fair and equal treatment.

Pursuant to PE Form 6 revised 11/6-88 if the Parole Board determines [a] "Nature and seriousness of offense" will bar Appellant from parole. South Carolina has undoubtedly applied its new statutes to "alter" the condition of Appellant's pre-existing parole eligibility. The Parole Board has willfully denied Appellant the realistic opportunity to participate in the SC Parole Program by constantly rendering him as ineligible for parole. The ALC failed to consider appellant's appeal which is a violation of his right to due process and to equal protection. Pursuant to S.C. Code Ann § 1-23-610 (B) (2005 and Supp. 2013) the Court of Appeals may reverse or modify the decision of the ALC if the substantive rights of the prisoner has been prejudiced because the findings, conclusions, or decision is affected by error of law. In Copper v. S.C. Dept. PPS 377 S.C. 489, 499, 661 S.E. 2d 106, 112 (2008) an inmate has a state-created liberty interest in requiring the parole board to adhere to statutory criteria existing at time of crime in rendering a decision.

The ALC findings is clearly a violation of constitution and statutory provisions made upon unlawful procedures affected by errors of law which were arbitrary, capricious, and characterized by abuse of discretion in violation

of S.C. Code 1-23-380(5)(a thru f). Conversely if appellant was rendered ineligible for parole due to the procedure employed by the Parole Board then he was deprived of a state-created liberty interest, which triggered the due process requirements of judicial review and the ALC had the authority and responsibility in seeing that the rights of the appellant were not violated.

II. Whether the ALC erred in failing to rule on the ex post facto claim of the appellant; which was in violation of US Const. Art 1 § 9-10, and SC Const Art. 1 § 4.

Appellant argues that the Parole Board's retroactive application of Section 24-21-640 with 16-1-60 SC Code constitutes an ex post facto violation and that the ALC performed a flawed ex post facto analysis. By application of these statutes the Parole Board has unlawfully rendered Appellant permanently ineligible for parole. This denial of eligibility implicates a liberty interest sufficient to support a due process violation. The United States and South Carolina Constitution specifically prohibit the the passage of ex post facto laws. U.S. Const. art. I §§ 9, 10; S.C. Const. art. 1, § 4. A measure is an ex post facto law when it retroactively alters the definition of a crime or increases the punishment for a crime. Jernigan v. State, 340 S.C. 256, 261, 531 S.E.2d 507, 509 (2000). The Parole Board has undoubtedly applied its new statute Section 16-1-60 and 24-21-640(2) enacted after appellant's crime (from felon to violent) "altering" the conditions of his pre-existing parole eligibility. In fact the

the Parole Board has effectively revoked parole eligibility permanently.

The Parole Board will argue this statute is not being used to deny parole, however, the language of the statute and the language of rejection letters along with all 27 letters show the opposite. The statute under 24-21-640(2) reads as follows:

... "The Board "must" not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction for violent crimes as defined in Section 16-1-60."

The same language is being used in appellant's Parole Board's rejection letters since 2009 hearings.

... (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole concludes that parole "must" be denied."

The definition for "must" is expressing a command requirement, ~~obligation~~ or a necessity. By using the same language the Parole Board is saying it has to permanently deny me parole despite the criteria under 24-21-640 at the time of my crime. In fact until after the Statute of the June 1986 Omnibus Crime Bill and Amendments thereafter, my prior and existing offenses was considered a felony, neither violent or non violent existed. This is why appellant has annually parole hearings.

The 1986 Omnibus Crime Bill specifically Section 16-1-60 and 24-21-640(2) is an unlawful law as applied to any prisoner and appellant whose crime occurred before June 3, 1986. This is an ex post facto bill of attainder, vindictive legislation, which violates contract clauses and denies the

Appellant equal protection, property and liberty interest and due process of law in violation of the Fourteenth Amendment Art. I §§ 9, 10 of the U.S. Const., and Art. 1 § 3, 4 and Art. 3 § 17, 34 of S.C. Const. The ALC erred by not reviewing this claim which is a Constitutional violation under Section 1-23-380 (5) and 1-23-610(B) (Supp. 2002).

III Whether the ALC erred and failed to review the Appellant's claim that Parole Board violated the 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments of U.S. Const. and Art. 3 and 4 of S.C. Const. by unlawfull application of "Nature and Seriousness of offense" continually as a factor for rejection. (See Exhibit No. 2 Claim No. 3)

Appellant argues the continue use of the same factors for parole rejections shows that the parole board has determined he is ineligible for parole (see Exhibit No. 4). If some of these "fixed factors" are not used for rejection at some hearings how can they again be used? By this alone proves the parole board is only using the opposition of victim, upon facts and matters of memory, of crime, and trial, in effect, the Board has considered what the Court/Jury did at trial. Upon such a denial of parole is in effect a resentencing that up-roots legislative and judicial functions. Under such conditions Appellant is not only denied 5<sup>th</sup> and 6<sup>th</sup> Amendment rights but also the 14<sup>th</sup> Amendment. For example, at the December 5, 2013, hearing the Victim stated "I object to him making parole due to

his past record" (Note: Only two factors were used for rejection: "Nature and the seriousness of the current offense" and "Use of a deadly weapon in this or previous offense.") In fact, the Parole Board is not authorized to determine whether "facts" constitute an offense under violent offender status (16-1-60), because at the date of the offense it was not considered a violent crime but a felony.

Parole eligibility is a condition of the sentence based upon the date of crime and the sentencing of the Court. Therefore, Appellant has a legitimate expectation of parole after service of ten years and meeting the criteria for parole given to him at the time of his imprisonment under 24-21-640. However, the Parole Board by denying parole based on fixed factors are saying Appellant can never meet the requirements, even if his prison conduct is perfect. The Parole Board's decision not to apply the criteria for parole as required by the parole criteria before the statutes listed in June 3, 1986, Omnibus Crime, and thereafter, is a violation of Appellant's liberty interest and has willfully denied him the realistic opportunity to participate in the Parole Program. A violation of his Constitution rights U.S.C.A. Const. Amend 14, S.C. Code 1976 § 24-21-640 and Constitution rights under the 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments of the US Const. and Art. 3 and 4 of S.C. Const.

The continue deleting and then readding

of fixed factors takes away expectation of parole and that prison conduct means nothing. This continual denial of parole, despite the prison conduct, for past crime borders on cruel and unusual punishment; a violation of the 8th Amendment of a defendant's Bill of Right. Therefore, according to Furtick v. S.C. Dept. PPS, 352 S.C. 594, 576 S.E.2d 146 (2003) cert. denied 539 U.S. 932 it has been established that an inmate has right to a ALJ review of an agency's final decision denying parole eligibility. The facts support that ALC erred by rejecting factors listed under SC ST code 1976 § 1-23-380 (a-f).

## CONCLUSION

It is clear that the findings of fact is set forth in statutory language and is accompanied by concise and explicit statement of the underlying facts that are supported by findings S.C. Code Ann § 1-23-350 (2005). Appellant has shown in all the issues that the S.C. Dept. of PPS has undoubtedly applied new statute to "alter" the conditions of appellant's pre-existing parole eligibility. Indeed, Board has now effectively "revoked" parole eligibility permanently.

wherefore, appellant prays that this Honorable S.C. Court of Appeals will find that the ALCJ erred in ruling that the Parole rejection was a routine denial of parole to an eligible prisoner. The ALC failed to rule on Constitutional and Statute violations.

which is under SCST CODE 1976 § 1-23-380 (5), and is affected by an error of law, this court should order that appellant is to be given a new parole considerations and hearing under the code of law existing before the June 3, 1986, omnibus Crime Bills and those statutes thereafter, especially SC Code 24-21-640(2) and 16-1-60, and for Parole Board to acknowledge what criteria he has not met on how to meet this criteria to the satisfaction of Parole Board. And any other order this court decides in order for the Appellant to receive a fair and an impartial hearing

Respectfully Submitted;

This 27<sup>th</sup> day of October, 2021

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

Stephen Roy Gratton  
Signature

27 Oct. 2021  
Date

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# CERTIFICATE OF SERVICE

I, Stephen Roy Grotton #136990, Appellant in this matter before this Honorable Court of Appeals, hereby certify to have mailed out a complete copy of this Appellant's "Brief" and all the Exhibits 1-4 on the 27 day of October, 2021, to all parties by depositing the same in the United States Mail Service, postage prepaid to the following:

Jenny Abbott Kitchinas, Clerk  
S.C. Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, SC 29201

**RECEIVED**

OCT 27 2021

SC Court of Appeals

Clerks Office  
Administrative Law Court  
Edgar A. Brown Building  
1203 Pendleton St., Suite 224  
Columbia SC 29201

Deputy Director of Legal Services  
SC Dept. Prob., Parole and Pardon Servs.  
P.O. Box 50666  
Columbia SC 29250

This 27<sup>th</sup> day of October, 2021  
Stephen Roy Grotton

Exhibit No. 1

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Stephen Gratton, #136990,  
  
Appellant,  
  
vs.  
  
South Carolina Department of Probation,  
Parole and Pardon Services,  
  
Respondent.

Docket No. 21-ALJ-15-0021-AP

ORDER OF DISMISSAL

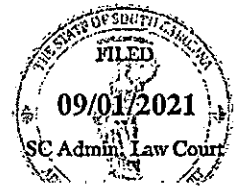
STATEMENT OF THE CASE

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Stephen Gratton (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On August 19, 2021, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) had rejected him for parole. Appellant filed an appeal with the ALC on August 23, 2021 challenging the Board's denial of parole.

S.C. Code Ann. § 1-23-600(D) (Supp. 2020) provides, "An administrative law judge shall not hear...an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board followed the proper procedure and considered the relevant factors. Compton v. S.C. Dept. of Probation Pardon and Parole Services, 385 S.C. 476, 685 S.E.2d 175 (2009). If that procedure was followed, any decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear.

The Notice of Rejection states that the parole board considered the relevant factors in reaching its decision and the actuarial risk and needs assessment factors pursuant to Section 24-21-10(F)(1) of the South Carolina Code of Laws. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).

1



**CERTIFICATE OF SERVICE**

I, Robin E. Coleman, 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, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

*Robin E. Coleman*

Robin E. Coleman  
Judicial Aide to Judge Deborah Brooks Durden

September 1, 2021  
Columbia, South Carolina



Top 9

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Stephen Gratton, 136990 )

Appellant, )

vs. )

PPPS )

South Carolina Department of Corrections, )

Respondent. )

NOTICE OF APPEAL

DOCKET NO. 21-ALJ-05 0021-AP  
GRIEVANCE NO.: 21 PO 21

Notice is hereby given that Stephen Gratton does hereby appeal the final decision of the South Carolina Department of Corrections dated and received on 8-19-21, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

- ① The Parole Board violated Ex Post Facto laws by permanently denying parole eligibility by application of Sec. 24-21-640 (2) and 16-1-60 S.C. Code thus violating U.S. Const. Art. I § 10, S.C. Const. Art. 1, § 4. Denied benefits of Art. 100 of 1981.
- ② The Parole Board acted arbitrarily and capriciously and deprived a state-created liberty interest under 24-21-640 S.C. Code
- ③ The Parole Board violated the 5th, 6th, 8th, and 14th amendments of the U.S. Const. and Art. 3 and 4 of S.C. Const. by unlawful application by using nature and seriousness of offense continually as reason for rejection.

Stephen R. Gratton

Appellant's Name  
SCDC - Kirkland C.I. - B2-4  
4344 Broad River Road

Mailing Address  
Columbia, SC 29210  
City, State, Zip Code

Stephen R. Gratton

Signed  
8-19-2021

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Stephen Gratton (your name), on the 19 day of Aug., 2021, in Columbia (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: Division of Legal Services, SC RPPS  
Address: 2221 Devine St., Suite 600, P.O. Box 50666

City, State, Zip Code: Columbia, SC 29250

Stephen R. Gratton

Stephen R. Gratton

Print your name  
(See reverse side for instructions)

Sign your name

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

CLAIM ~~one~~ one

Applicant is being deprived of liberty interest in parole of criteria of Section 24-21-640 (§55-612, 1962 Code), as amended by addition by Act 100 of 1981, and criteria promulgated by Parole Board in 1982 and 1988, in violations of his guaranteed rights to property and liberty interests, equal protection and due process of law in of the Fourteenth Amendment, and in violations of Article 1, Sections 9 & 10 of the United States Constitution:

Section 55-612, 1962 Code (24-21-640, 76 Code), of South Carolina Laws, provided:

"The Probation and pardon Board shall carefully consider the record of the prisoner, before and after imprisonment, and no such prisoner shall be paroled until it shall appear, to the satisfaction of the Board, that the prisoner has shown a disposition to reform that, in the future, he will probably obey the law and lead a correct life, that by his conduct he has merited a lessening of the rigors of his imprisonment, that the interests of society will not be imparied thereby and that suitable employment has been secured for him."

In 1976 Section 55-612 was changed to Section 24-21-640. Even though the parole laws were amended several times from 1962 to 1981, the legislative criteria for the granting of parole remained the same. In 1981, Act 100 amended Section 24-21-640, by adding:

"The Board shall establish specific criteria for the granting of parole and provisional parole. Such criteria shall reflect all the aspects of this section. The criteria shall be made available to all prisoners at the time of their incarceration and the general public."

Section 24-21-640 (55-612, 62 Code), prior to 1986, in part read: "----and no such prisoner shall be paroled until----". In 1986 the Omnibus Crime Bill changed Section 24-21-640 to read: "----and no such prisoner may be paroled until----."

This legislative change to language suggests that legislature understood that the shall they changed to may cabin the Parole Board's discretion, and mandated Board to grant parole if prisoner meet legislative criteria. However, the change, because of addition to Section 24-21-640 by Act 100 of 1981 failed to remove cabin from Board's discretion, that stated in part:

"The Board shall establish criteria for the granting of parole and provisional parole. Such criteria shall reflect all aspects of this section."

~~In 1988 Act 510 changed all remaining shall (s) of 24-21-640~~

~~Stephen Roy Gratton~~  
~~Stephen Roy Gratton~~

Exhibit # 4

Stephen Roy Gratton, #136990  
BRCI - Marion 118  
4460 Broad River Road  
Columbia, SC 29210

Clerk of Court  
Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201

\* August 18, 2021 hearing, see page no. 2

July, 8, 2019

Re: Parole Hearing on June 16, 2019

Clerk of Court;

I am writing about my parole hearing which was held on June 18, 2019. According to procedural requirements under the U.S. Constitution under parole hearings, Section II (A) Notice to the offender, the Board Support Services Director is responsible for adequate and timely "Notice Of Hearing" at least 30 days before the date of the hearing to the offender. I was not given notice until the night before when I was given an "Order to Report" to a parole hearing the next morning. This caused me to suffer an unquestionably disadvantage by denying me a fair parole hearing, since I was not able to properly prepare for the parole hearing (Notifying support to attend my hearing, place of employment, etc.).

I do understand that after being denied 27 times that the parole board has no intention of ever giving me a parole especially, given the reasons:

(27 TIMES)

June 18, 2019: Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program

March 7, 2018 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program

December 13, 2016 Nature and seriousness of the current offense

December 10, 2015 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:

November 6, 2014 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense

\* August 20, 2020 same three

(1)

- ✓ December 5, 2013 Nature and seriousness of the current offense  
Use of deadly weapon in this or previous offense
- ✓ September 12, 2012 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ March 4, 2011 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment
- ✱✱ August 18, 2021 - same 4 reasons as above ↗
- ✓ March 17, 2010 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program
- ✓ February 18, 2009 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program
- ✓ February 20, 2008 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ March 07, 2007 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ March 15, 2006 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ March 9, 2005 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ March 3, 2004 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ February 25, 2003 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program

~~09/26/2021~~

- ✓ February 26, 2002 ✓ Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program
- ✓ February 20, 2001 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment
- ✓ February 13, 2000 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment
- ✓ February 7, 1999 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment
- ✓ January 24, 1998 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment
- ✓ January 17, 1997 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment
- 1996  
✓ January 3, 1996 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program
- ✓ November 30, 1994 Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program
- ✓ December 15, 1993 ✓ Nature and seriousness of the current offense  
Indication of violence in this or previous offense:  
Use of deadly weapon in this or previous offense  
Prior criminal record indicates poor community adjustment  
Failure to successfully complete a community supervision program

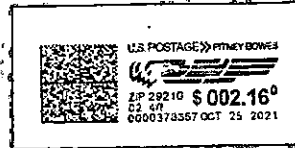
As you can see on December 13, 2016 I had only one reason, Nature and seriousness of offense, I can never change my past. I have had no disciplinary in over 30 years and have completed many self-help classes, Jump start, Men's Fraternity, Kairos, etc. Using these reasons every time is on the edge of due process claims, even though I don't have a right to parole.

However, I do have a right to have a fair hearing and have been denied that opportunity by not being given a 30-day notice as required by law, which is a denial of due process.

Thank you for any consideration concerning this matter for I wanted this information to be on record with your office, I have already sent a request to the parole board asking for another hearing. I will be filing further action with the courts and your office.

S/ Stephen Roy Gratto  
Stephen Roy Gratto, #136990

Stephen Roy Gratton #136990  
SCC Kirkland C.I. B2-4  
4344 Broad-River Road  
Columbia, South Carolina 29210



Jenny A. Kitchinas Honorable Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, South Carolina 29201

Ref # 2021-001121

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OCT 27 2021  
SC Court of Appeals