

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Stephen Roy Gratton[#] 136990, Appellant,

v.

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

Appellant Case No. 2021-001121

The Honorable Deborah Brooks Durden
Trial Court Case No. 2021 ALJ150021AD

RULE 59(e) MOTION

RECEIVED

NOV 04 2021

SC Court of Appeals

NOTICE IS HEREBY Given pursuant to Rule 59(e) in the above-entitled case that the Appellant presents the following issues which will be appealed to this Honorable Court in a WRIT OF MANDAMUS:

Issue No. I: Appellant is being denied the the right to Appeal pursuant to SCACR Rule 201. A violation of Due Process of Law under the Fourteenth Amendment of United States Constitution.

Issue No. II: whether the ALJ erred in ruling that Appellant's parole rejection was

just a routine denial of parole in violation of S.C. Code § 1-23-390(3) and due process of law guaranteed by the Fourteenth Amendment of U.S. Const.

ISSUE NO. III: Whether the AHC erred in failing to rule on the ex post facto claim by Appellant in violation of U.S. Const. Art. 1 §§ 9-10 and S.C. Const. Art. 1 § 4.

ISSUE NO. IV. Whether the AHC erred and failed to rule on Appellant's claim that the S.C. Parole Board violated the 5th, 6th, 8th, and 14th Amendments of U.S. Const., and Art. 3 and 4 of S.C. Const. by unlawful application of "Nature and Seriousness of offense" continually as a reason for parole rejection.

ISSUE NO. V: Did the South Carolina Court of Appeals error by application of Rule 203 SCACR by its Order of Dismissal on October 25, 2021, and received by Appellant on October 28, 2021. Factors by SCDC mailroom and getting copies on time was ignored by Appeal's Court denying Appellant due process of law.

Appellant moves this Honorable Supreme Court to put these issue on record which the lower Courts denied without cause. Submitted this 1st of November, 2021



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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October 06, 2021

Stephen Roy Gratton, 136990
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: Stephen Gratton, #136990 v. SCDPPPS (2)
Appellate Case No. 2021-001121

Dear Mr. Gratton:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Stephen Gratton, #136990, Appellant,

v.

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

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,


CLERK

cc: Matthew C. Buchanan, Esquire

The South Carolina Court of Appeals

Stephen Gratton, #136990, Appellant,

v.

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

Appellate Case No. 2021-001121

The Honorable Deborah Brooks Durden
Trial Court Case No. 2021ALJ150021AP

ORDER

Appellant has failed to file proof of service upon the Administrative Law Court, as required by Rule 203 of the South Carolina Appellate Court Rules and the Court's letter dated October 6, 2021. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY *V. Claire Allen*
CLERK

Columbia, South Carolina

FILED
Oct 25 2021

cc:
Stephen Roy Gratton, 136990
Matthew C. Buchanan, Esquire

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

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Certificate of Service SC Court of Appeals

I, Stephen Roy Gratton, Appellant in above
mention motion hereby certifies a complete
copy of same as been mailed to the following
parties by depositing in U.S. Mail Service with
postage paid on 1st. November 2021

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

Clerk's Office
S.C. Administrative Law Court
1205 Pendleton St., Suite 224
Columbia, SC 29201

~~Deputy Director of Legal Services~~
S.C. Dept. of PPS
P.O. Box 50666
Columbia, SC 29250

Noble Alan Wilson
South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211

Stephen Roy Gratton
Respectfully Submitted.

11-1-21

(3)

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



KCI MAIL ROOM RECEIVED

NOV 02 2021

NOV 04 2021

SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
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Legal Mail

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