

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

George M. Adams, # 181283,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Probation,)
Pardon and Parole,)
)
Respondent.)
_____)

Docket No. 13-ALJ-15-0005-AP

ORDER

FILED

May 22, 2013

SC ADMIN. LAW COURT

This matter is before the Administrative Law Court (ALC or Court) pursuant an appeal filed by George M. Adams (Appellant) from the South Carolina Department of Probation, Parole and Pardon Services' (PPPS) decision that Appellant was a subsequent violent offender pursuant to S.C. Code Ann. § 24-21-640 (Supp. 2011) and therefore not eligible for parole. Appellant filed this appeal on January 24, 2013.

BACKGROUND

On June 17, 1992, Appellant, together with his co-defendants, entered into a small grocery store armed with firearms and proceeded to rob the store. During the robbery, one of the owners of the store was shot and killed. Appellant and his co-defendants were later arrested, and Appellant was charged with murder and four (4) counts of armed robbery. On June 23, 1994, Appellant was convicted of murder and armed robbery. The trial judge, the Honorable Henry L. McKellar, sentenced Appellant to a term of life imprisonment for murder and twenty-five (25) years for armed robbery, to run concurrently.¹

Prior to Appellant's parole eligibility date,² PPPS conducted an investigation to see if Appellant could appear before the Parole Board. PPPS discovered that Appellant had been

¹ On October 7, 1996, Appellant was also convicted of the remaining counts of armed robbery, and was sentenced to a fifteen (15) year sentence on each count, to run concurrently with the previous convictions. Appellant completed his armed robbery sentences on December 29, 2002 and September 9, 2008, respectively.

² At the time Appellant committed the offense of murder, S.C. Code Ann. § 16-3-20(A) (1992) allowed those convicted of murder, who were not sentenced to death, to be eligible for parole after twenty (20) years of imprisonment, unless there were aggravating circumstances, in which case the convict would not be parole eligible until he had served thirty (30) years. However, this provision had to be read together with S.C. Code Ann. §§24-

convicted on September 17, 1991 of burglary in the first degree (Burglary 1st). Because Burglary 1st and the second or subsequent offense, murder, were both classified as violent offenses at the times of their commission, PPS determined that Appellant was not eligible for parole.

On December 21, 2012, PPS notified Appellant that he was not eligible for parole due to his prior conviction for a violent offense. PPS also informed Appellant that he could appeal its decision to this Court. Appellant filed a Notice of Appeal on January 21, 2013.

DISCUSSION

Appellant argues that: (1) PPS improperly denied his parole eligibility by applying S.C. Code Ann. §§ 24-21-640 and 16-1-60 instead of Section 16-3-20(A);³ and (2) PPS violated his expectation of parole and due process rights to preexisting parole eligibility.

Application of S.C. Code Ann. §§ 24-21-640 and 16-1-60

Appellant correctly points out that in construing Sections 16-3-20(A), 24-21-640, and 16-1-60, “[t]he cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature.” *Grier v. AMISUB of S.C., Inc.*, 397 S.C. 532, 535, 725 S.E.2d 693, 695 (2012) (internal citation omitted). “What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature.” *Id.* Thus, we must follow the plain and unambiguous language in a statute and have “no right to impose another meaning.” *Id.* at 535-36, 725 S.E.2d at 695. “It is only when applying the words literally leads to a result so patently absurd that the General Assembly could not have intended it that we look beyond the statute's plain language.” *Id.* at 536, 725 S.E.2d at 695-96. Furthermore, “[i]t is presumed that the Legislature is familiar

21-640 (1992), which disallowed parole eligibility “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.”

³ In his Initial Brief, Appellant worded the first issue as follows: “Did the South Carolina Department of Probation, Parole [sic] and Pardon Services have the authority to app[l]y no [sic] parole statute by reviewing Appellant’s sentence date, as th[e] law requires that a crime is defined as violent from when it is committed?” However, the issue as set forth above cuts more directly to the heart of what Appellant argues in his Initial Brief.

Appellant also listed a third issue, stated as follows: “Did [the] South Carolina Department of Probation, Parole and Pardon Services have the jurisdiction to restructure Appellant’s sentence from a mandatory minimum twenty (20) years life with possibility of parole to a life sentence without possibility of parole, when the trial court did not hold a separate sentencing hearing because of the absence of a controlling sentence statute on no parole at the time the crime was committed and sentencing?” Though this issue was not addressed by PPS in its Respondent’s Brief, this issue essentially collapses into the first issue as set forth in text above. Appellant’s first and third issues will therefore be discussed jointly in the first section of the discussion of the opinion.

with prior legislation, and that if it intends to repeal existing laws it would ... expressly do so; hence, if by any fair or liberal construction two acts may be made to harmonize, no court is justified in deciding that the later repealed the first.” *Hodges v. Rainey*, 341 S.C. 79, 88-89, 533 S.E.2d 578, 583 (2000) (internal citation omitted).

Appellant emphatically argues that the Court must look at the applicable statutes as they existed on the dates on which the crimes were committed, not those in effect at the time of sentencing. He argues that PPS erred by looking at the date of June 23, 1994, when he was convicted of murder and armed robbery, rather than the date on which the offenses were committed. He contends that “[i]f the Department of Probation, Parole and Pardon Services would have properly reviewed the dates as to when the crimes was [sic] committed, then the amendments to 16-1-60 and 24-21-640 would not apply to this case[, e]ven though made retroactive[.]” He adds that “[t]he language of the statutes does not authorize[] the Department of Probation, Parole [and] Pardon Services to apply no parole [eligibility] to appellant’s sentence under 16-3-20[(A)] mandatory minimum twenty years life sentence, with eligibility for parole. This law came into effect after appellant’s crimes was committed, leaving the court to structure [the] sentence accordingly.”

According to *State v. Dawson*, “[i]n the absence of a controlling statute, the common law requires that a convicted criminal receive the punishment in effect at the time he is sentenced, unless it is greater than the punishment provided for when the offense was committed.” 740 S.E.2d 501, --- (2013) (quoting *State v. Varner*, 310 S.C. 264, 265, 423 S.E.2d 133, 133 (1992)). Until January 1, 1996, S.C. Code Ann. § 16-3-20(A) provided in pertinent part:

(A) A person who is convicted of or pleads guilty to murder must be punished by death or by **imprisonment for life and is not eligible for parole until the service of twenty years**; provided, however, that when the State seeks the death penalty and an aggravating circumstance is specifically found beyond a reasonable doubt pursuant to subsections (B) and (C), and a recommendation of death is not made, the court must impose a sentence of life imprisonment without eligibility for parole until the service of thirty years. . . .

(Emphasis added). Beginning January 1, 1996, however, the pertinent language of S.C. Code Ann. § 16-3-20(A) was changed to reflect a heightened penalty:

(A) A person who is convicted of or pleads guilty to murder must be punished by death, **by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years**. If the State seeks the death penalty and a statutory aggravating circumstance is found beyond a reasonable doubt pursuant to subsections (B) and (C), and a recommendation of death is not made, the trial

judge must impose a sentence of life imprisonment. For purposes of this section, "life imprisonment" means until death of the offender. **No person sentenced to life imprisonment pursuant to this section is eligible for parole . . . [, and n]o person sentenced to a mandatory minimum term of imprisonment for thirty years pursuant to this section is eligible for parole**

It is evident that at the time Appellant committed murder, on June 17, 1992, and when he was sentenced, on June 23, 1994, S.C. Code Ann. § 16-3-20(A) was unchanged, and would normally have warranted eligibility for parole after Appellant served twenty (20) years (assuming the death penalty was not sought; otherwise, if aggravating circumstances were found and the death penalty was not imposed, a minimum service of thirty (30) years of service would have been required before Appellant could be eligible for parole). However, S.C. Code Ann. §§ 24-21-640 and 16-1-60 were also in existence, and neither had changed in a manner affecting this case.⁴ Because Sections 24-21-640 and 16-1-60 were in existence during the relevant periods at issue, and are related to the same issue, they must be read together with Section 16-3-20(A). Appellant thus errs in reading Section 16-3-20(A) in isolation.

S.C. Code Ann. § 24-21-640 (1992) states in pertinent part:

The [parole] 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.

In determining whether a prisoner is a subsequent violent offender, the prisoner must have first been convicted and sentenced, either before or after June 3, 1986, of one of the violent crimes listed in 16-1-60, and the subsequent crime of which the offender is convicted must be one of the violent crimes listed in Section 16-1-60 and have been committed after June 3, 1986. 1986 Op. Atty Gen, No. 86-102, p 309. Thus, it is immaterial when the first violent offense occurred, so long as the sentencing for that prior violent crime occurs prior to sentencing for a second or subsequent conviction. But the second or subsequent violent offense must be committed after June 3, 1986.

In the present case, both burglary in the first degree and murder were enumerated as a violent crimes under Section 16-1-60 at the time Appellant committed the respective crimes and at the time of conviction of, and sentencing for, those crimes. Even if Burglary 1st had not been

⁴ Section 16-1-60 had been amended prior to June 23, 1994, specifically by 1993 Act No. 184, § 8, eff January 1, 1994. However, Burglary 1st and murder were both classified as violent crimes under 16-1-60 at the time the crimes were committed: burglary in March 1991 and murder in June 1994.

classified as a violent crime under 16-1-60 at the time of Appellant's conviction for these crimes, Appellant could still be denied parole following his subsequent conviction for murder pursuant to S.C. Code Ann. §§ 24-21-640 and 16-1-60 if Burglary 1st was a violent crime under 16-1-60 by that time. *See Sullivan v. State*, 331 S.C. 479, 504 S.E.2d 110 (“[I]t is not a violation of the *ex post facto* clause for the legislature to enhance punishment for an offense based on a prior conviction of the defendant, even though the enhancement provision was not in effect at the time of the previous offense.”).⁵

Appellant seems to believe there is a contradiction between the parole eligibility granted under the 1992 versions of Section 16-3-20(A) and Sections 24-21-640 and 16-1-60. However, when read together, the statutes work in harmony. Section 16-3-20(A) applies only when a person is convicted of murder having served no prior sentence for a violent crime under Section 16-1-60. Nevertheless, when a person is convicted of murder having served a prior sentence for a violent crime under Section 16-1-60, then Sections 24-21-640 and 16-1-60 apply. This is why all three statutes – Sections 16-3-20(A), 24-21-640, and 16-1-60 have been able to co-exist since 1986. Though Appellant seems to believe that his sentence by the trial court was governed by Section 16-3-20(A), there is no evidence that the trial court included the possibility of parole in sentencing Appellant to life imprisonment. Indeed, the trial court's sentencing sheet only states that Appellant “is committed to the State Department of Corrections/County for a term of Life . . .”; no reference to the possibility of parole is made.⁶

⁵ There is an exception to this in that if the subsequent violent crime was committed between January 1, 1994 and January 12, 1995, the prior crime must have been classified as violent at the time the subsequent crime was committed. However, this exception does not apply because Appellant's subsequent violent crime of murder was committed in 1992.

⁶ Appellant misconstrues the statutes at issue, as he argues that “Appellant[’s] crimes as mentioned above were committed March 8, 1991 and June 17, 1992, which was well after 6/3/1986.” (Emphasis in original). This fact is entirely irrelevant, as is his next argument that “[t]hese crimes are separate offenses.” Appellant also makes an incoherent argument about how “[t]he grace period . . . between 1986 and 1992 of the omnibus crime bill and section 24-21-640, [during which] the Department of Probation, Parole and Pardon Services screen[s] for subsequent violent offender status on appellant to see if he has committed two separate offenses and, to be a subsequent violent offender, has been violated.” The Court is not aware of any such grace period, and Appellant has provided no statutory or regulatory authority for such a grace period. Therefore, this argument is considered abandoned on appeal. *See Bean v. S.C. Cent. R. Co., Inc.*, 392 S.C. 532, 559, 709 S.E.2d 99, 113 (Ct. App. 2011) (finding that an issue was deemed abandoned on appeal because Appellant cited no legal authority to support the argument, and the argument itself was merely conclusory). Appellant also argues that he was not given a separate sentencing hearing required to trigger the no-parole language in the Section 24-21-640, citing *State v. Dingle*, 376 S.C. 643, 650, 659 S.E.2d 101, 105 (2008). The Court in *Dingle* explained that “a defendant must not only have a separate sentencing hearing, but he or she must also have a separate conviction.” (Emphasis removed). In this case, Appellant was convicted of, and sentenced for, both his Burglary 1st and murder charges.

Due Process Rights to Preexisting Parole Eligibility

Appellant argues that he was eligible for parole under S.C. Code Ann. § 16-3-20(A) and that PPPS “applied [its] new statute⁷ to alter the condition of appellant’s preexisting parole eligibility, and indeed has revoked parole all together [sic][,] which violated the *Ex Post Facto* Clause of the State and federal Constitutions.

First, as aforementioned, Appellant errs in his assertion that Section 24-21-640 is a new statute that did not exist when he committed his crimes; for Section 24-21-640 existed well before Appellant committed either of his crimes, including his Burglary 1st in 1991, and imposed at the time of his offenses the same restriction at issue in this case. And it is “[t]he law existing at the time of the offense, not the time of sentencing, [that] determines whether an increase of punishment or reduction of benefits constitutes an *ex post facto* violation.” *Elmore v. State*, 305 S.C. 456, 409 S.E.2d 397 (1991), *overruled on other grounds by Al-Shabazz v. State*, 338 S.C. 354, 427 S.E.2d 742 (2000) (citing *Miller v. Florida*, 482 U.S. 423 (1987)). Therefore, there is no *ex post facto* issue in this case.

Secondly and finally, there has been no other violation of Appellant’s due process rights. Appellant correctly acknowledges that there is no constitutional requirement that a State permit parole or early release from confinement. *Greenholtz v. Inmates of Neb. Penal and Corr. Complex*, 442 U.S. 1, 7 (“There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.”); *Cooper v. S.C. Dep’t of Probation, Parole and Pardon Servs.*, 377 S.C. 489, 496, 661 S.E.2d 106, 110 (“Parole is a privilege, not a right) (citing *Sullivan v. S.C. Dep’t of Corr.*, 355 S.C. 437 443 n.4, 586 S.E.2d 124, 127 n. 4 (2003), *cert. denied*, 540 U.S. 1153 (2004)). “The parole board . . . has the sole authority to determine parole eligibility separate and apart from the court’s authority to sentence a defendant.” *Cooper*, 377 S.C. at 496, 661 S.E.2d at 110. The Legislature can and has placed restrictions and guidelines on parole eligibility, and Section 24-21-640 is one such limitation. It sets forth in pertinent part that “[t]he 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.” Because this Court has found that Sections 24-21-640 and 16-1-60 are implicated and applicable in this case, for the reasons discussed above, Appellant never had parole eligibility, and therefore could have

⁷ The Court assumes that Appellant is referring to Section 24-21-640 when he says PPPS’s “new statute.”

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

E. Harvin Belser Fair
Judicial Law Clerk

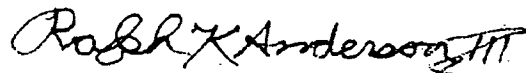
May 22, 2013
Columbia, South Carolina

had no parole eligibility altered or revoked. Due to Appellant reading Section 16-3-20(A) in isolation rather than with Sections 24-21-640 and 16-1-60, Appellant incorrectly presumed that he had preexisting parole eligibility. Because Appellant was never eligible for parole, PPPS's did not deprive Appellant of his due process rights.

ORDER

IT IS THEREFORE ORDERED that the PPPS's decision is **AFFIRMED**.

AND IT IS SO ORDERED.



Ralph K. Anderson, III
Chief Administrative Law Judge

May 22, 2013
Columbia, South Carolina

George M. Adams, #181283
Lee Correction Institution
Kershaw North Cell #181283
990 Wisacky Hwy.
Bishopville, S.C. 29010

Date: *May 31, 2013*

The Honorable Ralph K. Anderson, III
Administrative Law Court
1205 Pendleton Street, suite 224
Columbia, s.c. 29200-29201

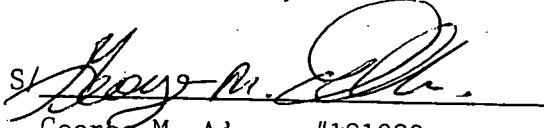
Re: Adams v. DPPPS, No. 13 - ALJ - 0005 - AP

Dear Honorable Anderson,

Please find enclosed for filing Appellant's 59(e) motion in reference to above case. Therefore, would you please file the original and return the copy to me for my file.

Thanks In Advance !

Respectfully


George M. Adams, #181283

CC:
Assistant General Counsel
Tommy Evans, Jr.

FILED

MAY 31 2013

ADMIN LAW COURT

Copy

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket Number 13 - ALJ - 15 - 0005 - AP

FILED

MAY 31 2013

SC ADMIN LAW COURT

George M. Adams, #181283,)
Appellant,)
v.)
S. C. Department of Probation,)
Parole and Pardon Services,)
Respondent.)

59(e) SCRPC
Motion to Alter / Amend Judgment

TIMELESSNESS

This motion comes before the ALJ (ALC) pursuant to an order received from the court May 23, 2013 affirming the SC Dept. of PPS decision to revoke inmate's parole eligibility.

JURISDICTION

Pursuant to South Carolina court of Appeals general preservation rules, and judicial economy, comity of exhaustion on the below issue in whole would not be preserved for appeal unless this court individually rule on inmate's third allegation. Isiah James, Jr. v. S.C. Dept. of PPS, Opinion No. 4365 (2008). The ALJ order dated May 22, 2013, fail's to address Appellant's issue individually in whole by not indicating whether S.C. law §§ 16 - 3- 20(a) (1992) and §§ 24 - 21 - 640 (1992) intent of the legislature language was to read both statutes together when sentenced to a 'mandatory minimum twenty years life, with possibility of parole' as listed in the order footnote at page 1,2. Where this adverse ruling will be binding on appeal for both Appellant and the Respondent if not corrected.

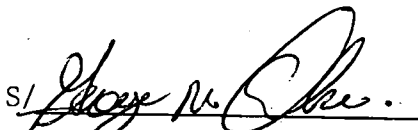
REASON TO ALTER / AMEND

Did South Carolina DPPPS have jurisdiction to restructure Appellant's sentence from a mandatorry minnum twenty (20) years life with possibility of parole to a life sentence without possibility of parole, when the trial court did not hold a separate sentencing hearing because of the absence of a controlling senteencing statute on no parole at the time Appellant's crime for murder was committed and during sentencing.

This motion is made upon the grounds that, the order contains finding and conclusions unnecessary to the proper resolution of the third allegation not ruled upon by the Respondent but jointly and partially addressed by this court as incorporating with Appellant's first allegation. Because the order does not rule on whether or not **SS 24 - 21 - 640(1992)** statute language on no parole was triggered in Appellant's case from trial and sentencing. Therefore, Appellant respectfully submit that this court is bound to recite accurately the law on this argument raised by in this court on the third allegation, by reconsidering and or altering or amending it's order to address Appellant's claim in whole. Or in the alternative issue an amended order that will relate solely to the third allegation. And that order will be intended to be and should be treated as binding on the next court and any future proceeding in this case. All findings of facts and conclusion of law in the order is to set forth applicable law as to this claim, which will not prejudice Appellant comity on appeal in this matter. The inclusions of findings of facts and conclusion of law as now stated in the order could be read by a subsequent judge as a ruling bearing on the merits of the issue, which ordinarily would be binding under axiomatic rule that one judge cannot over-rule another. The unnecessary finds and conclusions is requested to be removed from the order as a footnote and jointly conbind with allegation one (1) in the discussion of the opinion at pages 2 - 5 of the order. This will prevent another court from ruling that a finding was properly made on the third issue. If the unnecessary findings and conclusions are not deleted, this court is requested to amend the order to state expressly that the finding and conclusions of law in the order exhausted the third issue in whole, and is binding on the next appeals court. (see Order dated May 22, 2013 attached).

CONCLUSION

Based on the foregoing, Appellant respectfully request the grant of this motion to correct the erroneous findings through this court's de novo review as to Appellant's third allegation in whole. Great Games v. Dept. of Revenue, 529 S.E.2d 6 (2000). The sentencing statute under **SS 16 - 3 - 20(a)(1992)** could not be read together with the no parole statute under **SS 24 - 21 - 640(1992)** until 1995,96 when **SS 16 - 3 - 20 (a)** was amended and made prospective to all crimes committed on or after that date.


George M. Adams, #181283

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
Docket Number 13 - ALJ - 15 - 0005 - AP


George M. Adams, #181283,)
Appellant,)
v.)
S.C. Department of Probation, Parole)
and Pardon Services,)
Respondent.)

AFFIDAVIT OF SERVICE BY MAIL

I, George M. Adams, #181283, inmate housed in S.C. Department of Corrections, at Lee facility, swear that a true copy has been served of Appellant's 59(e) motion on Respondent. Appellant has deposited the same in the Lee facility Postal Services mail box, addressed to the following:

RESPONDENT'S ATTORNEY

Tommy Evans, Jr.
Assistant General Counsel
2221 Devine Street, suit 224
Columbia, S.C. 29205


George M. Adams, #181283

Sworn to before me this 31 day of May 2013,


_____,

Notary Public (L.S.)

My commission expires 11-4-2015.

George M. Adams, #181283
Lee Correction Institution
990 Wisacky Hwy.
Bishopville, S.C. 29010

FILED

MAY 31 2013

Date: *MAY 31, 2013* ADMINISTRATIVE LAW COURT

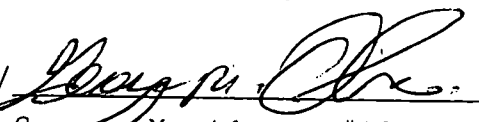
The Honorable Ralph K. Anderson, III
Administrative Law Court
1205 Pendleton Street, suite 224
Colimbia, S.C. 29200-29201

Re: Adams, v. DPPPS, No. 13 - ALJ - 15 - 0005

Dear Honorable Anderson,
Pleas find enclosed for filing, Appellant's 60(b)(4) motion, in reference to above case. Therefore, would you please file the original and return the copy to me for my file.

Thanks In Advance !

Respectfully

S/ 
George M. Adams, #181283

FILED

MAY 31 2013

ADMINISTRATIVE LAW COURT


Assistant General Counsel
cc: Tommy Evans, Jr.

Copy

Appellant is entitled to the relief requested in said motion. Thus, the ALJ order issued May 22, 2013 denying Appellant's appeal is prematurely issued.

CONCLUSION

Based upon the above facts of the record, Appellant appeal in the ALC is to be reopened on the default motion filed May 2, 2013. And the relief granted as requested in his third allegation. Wherefore, Appellant is to be granted his parole eligibility date.

S/ 
George M. Adams, #181283

Date: *MAY 31, 2013*

A

George Adams, #181283
Lee Correction Institution
Kershaw North Cell #2211
990 Wisacky Hwy.
Bishopville, S.C. 29010

Date: May 2, 2013

The Honorable Jane Shely, Clerk
Administrative Law Court
1205 Pendleton Street, suite 224
Columbia, S.C. 29201

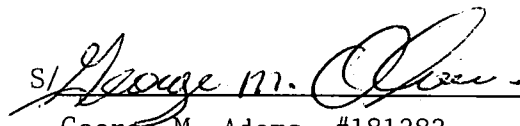
Re: Adams v. S.C. Department of Probation, Parole and Pardon Services,
Docket No. 13-ALJ-15-0005

Dear Ms. Shely:

Please find enclosed for filing Appellant's motion for Default pursuant to
ALC rules 23(a)(b) and (59(b), in response to Respondent's brief filed April
22, 2013, along with affidavit of service.

Thanks in Advance !

Respectfully


George M. Adams, #181283

cc: Tommy Evans, Jr.
Assistant General Counsel

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MAY -2 2013
SC ADMIN. LAW COURT

FILED

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COURT

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
DOCKET NUMBER 13-ALJ-15-0005

George M. Adams,
Appellant,

v.
S.C. Department of Probation, Parole
and Pardon Services,
Respondent.

MOTION FOR DEFAULT

This matter comes before this court by way of Respondent's Brief filed April 22, 2013.

BACKGROUND

April 22, 2013, Appellant filed a initial brief on appeal challenging the S.C. Department of Probation, Parole and Pardon Services (SCDPPPS) decision on not revoking his parole eligibility. In Appellant's Brief there was three (3) issues presented on constitutional violations as follows:

- 1) Did SCDPPPS have the authority to apply the no parole statute by reviewing the Appellant's sentence date. Where the law requires that a crime is defined as violent from when the crime was committed?
- 2) Did SCDPPPS violate Appellant's expectation of parole and due process right on preexisting parole eligibility?
- 3) Did SCDPPPS have the jurisdiction to restructure Appellant's sentence from a mandatory minimum twenty (20) years life with possibility of parole, to a life sentence without possibility of parole. Where the trial court did not hold a separate sentencing hearing because of the absence of a controlling sentencing statute on no parole.

GROUND FOR RELIEF

April 22, 2013, Respondent served and filed their Brief in reply to above issues presented to this court. In Respondent's brief at page 2, Table of contents, the

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
DOCKET NUMBER 13-ALJ-15-0005

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SC ADMIN. LAW COURT

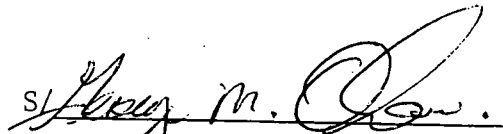
George M. Adams, #181283,)
Appellant,)
v.)
S.C. Department of Probation, Parole)
and Pardon Services.)
Respondent,)

AFFIDAVIT OF SERVICE BY MAIL

I, George M. Adams, #181283, inmate housed in S.C. Department of Corrections, at Lee facility, swear that a true copy has been served of Appellant's Default motion on Respondent. Appellant has deposited the same in the Lee Facility United States Postal service, addressed to the following:

Respondent Attorney

Tommy Evans, Jr.
Assistant General Counsel
2221 Devine Street, suite 224
Columbia, S.C. 29205


George M Adams, #181283

Sworn to before me this 2 day of May 2013,

Debra Jones,
Notary Public (L.S.)

My Commission Expires 11-4-2015.