

THE STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT

RECEIVED

MAY 22 2023

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA DEPT. of P.P.S.

DOCKET No. - 23P0001 - (PPPS 15)  
HON. JUDGE REIBOLD

S.C.D.P.P.S.  
(CONTESTED AGENCY)  
P.O. BOX 207-COLUMBIA, SC. 29202

v.

Respondant,

RONALD C. ALBRIGHT #211533  
(PRO SE)  
P.O. BOX 205-RIDGEVILLE, SC. 29472

APPLICANT.

PRE-HEARING BRIEF of APPELLANT

3/13/2023  
DATED

(0)

RESPECTFULLY SUBMITTED,  
Ronald C. Albright  
RONALD C. ALBRIGHT - #211533

Horry County Clerk of Court  
The Hon. Renee N. Elvis  
P.O. Box 677-Conway, SC. 29528

3/13/2023

APPLICATION FOR A CONTESTED CASE HEARING  
AND DOCKET No. BEFORE THE ADMINISTRATIVE  
LAW COURT OF A STATE AGENCY'S DECISION

REQUESTING PARTY: RONALD C. ALBRIGHT #211533  
(PRO SE) L.C.I.-SB38-P.O. BOX 205  
RIDGEVILLE, S.C. 29472

v.

CONTESTED AGENCY: SOUTH CAROLINA DEPARTMENT OF PAROLE,  
(S.C.D.P.P.S) PROBATION AND PARDON SERVICES  
P.O. BOX 207 - COLUMBIA, S.C. 29202

AGENCY DECISION DATED: 3/2/2023 FINAL ORDER RECEIVED: 3/7/2023

FINAL REVOCATION ORDER: MOTION TO COMPEL ISSUANCE OF FINAL  
REVOCATION ORDER ENCLOSED - REQUEST TO PROCEED UNDER S.C. APP. CT. RULE 203(b)(6)

RELIEF REQUESTED

APPLICANT IS SEEKING A CONTESTED CASE HEARING FOR A REVIEW BY THE COURTS OF A STATE AGENCY'S DECISION, THE PROCEEDINGS THAT RENDERED THAT DECISION, RELEVANT EXCULPATORY EVIDENCE, AND RELEVANT STATE AND FEDERAL STATUTES TO DETERMINE IF: THE REGULATIONS OF THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION (ICAOS) WERE CIRCUMVENTED, IF DUE PROCESS WAS VIOLATED, IF A RE-INSTATEMENT OF PAROLE IS WARRANTED, OR A DENOVO PAROLE REVOCATION HEARING SHOULD BE CONDUCTED UNDER THE GUIDELINES AND REGULATIONS OF (ICAOS) UNDER WHICH ALL OF THE PARTIES WERE BOUND TO UPHOLD.

(IT IS THE BELIEF OF THE APPLICANT THAT A REMAND TO THE SAME AGENCY THAT RENDERED THE CONTESTED DECISION CAN NOT RESULT IN A FAIR, UNBIASED PROCEEDING AS IS REQUIRED BY LAW, AND IF POSSIBLE, REQUESTS THIS COURT'S MORE DETACHED, OBJECTIVE, AND QUANTITATIVE ANALYSIS OF THE PROCEDURAL AND DUE PROCESS CONCERNS OF THIS CASE.)

EVIDENTIARY HEARING  
REQUESTED

PRE-HEARING BRIEF TO FOLLOW...

(i)

RESPECTFULLY SUBMITTED,  
Ronald C. Albright  
RONALD C. ALBRIGHT.

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## STATEMENT of CASE FACTS

PAROLEE WAS PROPERLY IN FLORIDA ON A PAROLE TRANSFERRED FROM SOUTH CAROLINA UNDER THE PROVISIONS OF THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION OR (ICAOS) TWO YEARS INTO THAT SUPERVISION, THE FLORIDA PAROLE AGENT SUBMITTED OFFENDER VIOLATION REPORTS TO S.C. AND S.C. ISSUED A "PAROLE VIOLATION WARRANT" (ATTACHMENT #42) AND HAD PAROLEE EXTRADITED BACK TO S.C. AND REVOKED HIS PAROLE AGAINST (ICAOS) REGULATIONS AND GUIDELINES. (ICAOS RULE 5.108A-G)

S.C., AS WELL AS THE PAROLEE AND THE STATE OF FLORIDA, KNOWINGLY AND VOLUNTARILY ENTERED INTO AGREEMENT WITH THE (ICAOS) COMPACT, AND IN DOING SO; AGREED TO FOLLOW THE PROTOCOLS SET FORTH IN THAT AGREEMENT THAT SUPERSEDES EITHER INDIVIDUAL STATE'S CUSTOMARY WAYS OF DOING THINGS. [(75 A.L.R. 6TH 191 § 2.6) THE CONSTRUCTION AND APPLICATION OF (ICAOS)] STATES ARE BOUND BY THESE REGULATIONS AS STATUTORY IF THEY'VE SIGNED THE COMPACT. (§ 2.5, 2.7)

SOUTH CAROLINA'S WHOLESALE DEPARTURE FROM THOSE REGULATIONS COMPROMISED THE ENTIRE RETAKING AND REVOCATION PROCESS THAT WAS PUT IN PLACE TO PROTECT DUE PROCESS RIGHTS AND PROVIDE A UNIFORM PROCEDURE FOR DOING SUCH. SOUTH CAROLINA'S DEPARTURE FROM THE (ICAOS) DEPRIVED PAROLEE OF HIS DUE PROCESS RIGHTS IN THE PROTECTION OF HIS CONDITIONAL LIBERTY INTEREST (NO MATTER HOW DIMINISHED BY PAROLE, STILL PROTECTED.) IN THAT; PAROLEE HAS A REASONABLE EXPECTATION TO REMAIN UNDER A LESS RIGOROUS FORM OF SUPERVISION OTHER THAN INCARCERATION, AS LONG AS HE ABIDES BY THE CONDITIONS OF THAT SUPERVISION.

S.C. OVERLOOKED MATERIAL FACTS IN THE RECORD, STATUTES, CONTROLLING AUTHORITY DECISIONS, AND THE (ICAOS) REGULATIONS AND ALL OF THESE CONSIDERED REQUIRE A DIFFERENT DECISION FROM THAT RENDERED BY THE S.C.D.P.P.S.; PAROLEE'S ARGUMENT OF ISSUES DETAIL AND FULLY EXPLAIN EXACTLY WHY THE STATES ACTIONS AND DECISIONS WARRANT A CONSTITUTIONAL COMMAND FOR REVIEW AND A QUANTITATIVE ANALYSIS OF DUE PROCESS ISSUES IN THIS PARTICULAR CASE. (SEE ARGUMENTS)

## DECLARATION OF ISSUES (1-6 of 6)

- 1.) DID THE REPRESENTATIVES OF 2 COMPACTING STATES (S.C. AND FL.) IN THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION OR (ICAOS) DEPART FROM THE REQUIREMENTS SET FORTH IN THAT COMPACT IN THE 'RETAKING' AND REVOCATION OF PETITIONER'S PAROLE?
- 2.) DID THE DEPARTURES FROM (ICAOS) PROTOCOL VIOLATE PAROLEE'S CONSTITUTIONALLY AFFORDED DUE PROCESS RIGHTS IN THE PROTECTION OF A LIBERTY INTEREST, NO MATTER HOW DIMINISHED BY PAROLE, STILL PROTECTED?
- 3.) DID PAROLEE'S REVOCATION PROCEEDINGS COMPLY WITH THE MINIMUM DUE PROCESS REQUIREMENTS OF PRESENTING AN OFFENDER WITH THE EVIDENCE AGAINST HIM AND A CHANCE TO DEFEND AGAINST IT, AND ALLOWING CONFRONTATION AND CROSS-EXAMINATION OF ADVERSE WITNESSES AGAINST HIM, AND DOES THIS REQUIRE A NEW HEARING?
- 4.) DOES THE AGENCY'S REFUSAL (AT THIS TIME, TILL NOW) TO ISSUE A WRITTEN DETERMINATION ON PAROLEE'S DEFENSE AND EVIDENCE PRESENTED MEET THE STANDARD OF A DECISION "BEING CAPABLE OF REPETITION, YET EVADING REVIEW" IN THAT THE ISSUES CONTESTED ARE DIRECTLY RESPONSIBLE FOR THE 'REPEATING' NON-REVIEWABLE "ROUTINE DENIALS" OF PAROLE?
- 5.) DID THE HEARING JUSTICE'S FAILURE TO INFORM PAROLEE OF HIS RIGHT TO HIRE OR HAVE COUNSEL PRESENT DURING THE PRELIMINARY HEARING, OR NOT HAVING COUNSEL, VIOLATE PAROLEE'S DUE PROCESS RIGHTS?
- 6.) DID S.C.D.P.P.S. OR HEARING ADMINISTRATOR PROCEED ARBITRARILY OR CAPRICIOUSLY IN ABROGATING PAROLEE'S RIGHTS BY A WHOLESALE DEPARTURE FROM (ICAOS) REGULATIONS, NOT ALLOWING CROSS EXAMINATION, NOT MAKING EVIDENCE AVAILABLE TO PAROLEE, NOT PROVIDING NOTICE THAT FAILURE TO PRESERVE ISSUES DURING THE HEARING RESULTS IN A WAIVER OF ISSUES, BUT REFUSED TO ENTERTAIN PAROLEE'S DEFENSES, AND DOING SO WITH A VERY DISMISSIVE DEMEANOR, UNLIKE THAT OF A FAIR, UNBIASED, NEUTRAL HEARING BODY AS REQUIRED?

(a)

# STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 1

DID S.C., AS A COMPACTING MEMBER OF THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION OR (ICAOS) WITH FL., OR THE S.C.D.P.P.S. AS A REPRESENTATIVE OF S.C., DEPART FROM THE REQUIREMENTS SET FORTH IN THAT COMPACT FOR THE 'RETAKE-ING' AND REVOCATION OF PETITIONER'S PAROLE?

## STANDARD OF REVIEW

- A.) INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION OR (ICAOS) - RULES 4.109 AND 5.108(A-G) (DEFINITIONS AT R. 1-101)
- B.) 75 A.L.R. 6TH 181 (2012) CONSTRUCTION AND APPLICATION OF (ICAOS) § 2.5, 2.6, 2.7, § 21, 22, AND 23

## CASES

- C.) RAMIREZ V. SUPERIOR COURT 15 CAL. APP. 5TH 643
- D.) MORRISSEY V. BREWER 408 U.S. 471
- E.) GAGNON V. SCARPELLI 411 U.S. 778
- F.) STATE OF CAL. V. CRUMP 180 N.J. SUPER. 27, 433 A.2D 791, 793
- G.) FISHER V. CRIST 182 MONT. 124; 594 P.2D. 1140, 1142
- H.) BEARDEN V. STATE OF S.C. 443 F.2D. 1090
- I.) HECK V. HUMPHREYS 512 U.S. 486-87; 114 S.C.T. 2364
- J.) RIDDLE V. STATE 282 S.E. 2D 863 S.C. 277
- K.) U.S. V. VARGAS-AMAYA 389 F.3J. 901, 904 (9TH CIR. 2004)

## FEDERAL AND STATE STATUTES

- L.) U.S. CONSTITUTIONAL AMENDMENTS: 1, 4, 5, 8, 314
- M.) CODE 1976 § 24-21-40 (RECORDS KEPT)
- N.) CODE 1976 § 24-21-1160(b) (CONFORMITY TO FED. APA)
- O.) CODE 1976 § 24-21-1160(c) (RULES & AMENDS. BINDING)
- P.) CODE 1976 § 24-21-1220(A)(2) (COMPACT SUPERSEDES STATE LAWS)

## SECONDARY SOURCES

- Q.) 26 S.C. JURISPRUDENCE - PROBATION, PAROLE, AND PARDON § 22 - REVOCATION OF PAROLE AND DUE PROCESS.

ARGUMENT

APPLICANT CONTENDS AND WILL SHOW THAT THE PROCEEDINGS OF THE S.C.D.P.P.S. CONSTITUTED A WHOLESAL DEPARTURE FROM THE REQUIREMENTS MANDATED, ESTABLISHED, AND CLEARLY LAID OUT IN THE (ICAOs) COMPACT TO WHICH S.C., FL., AND THE PAROLEE KNOWINGLY AND VOLUNTARILY ENTERED INTO AGREEMENT UNDER. IT WOULD BE BOTH UNFAIR AND UNJUST TO NOT HOLD THE REPRESENTATIVES OF THE COMPACTING STATES TO THE REQUIREMENTS OF THE SAME COMPACT AGREEMENT THAT THEY ARE ACCUSING THE PAROLEE OF BREACHING.

---

THE SENDING STATE (S.C.) SKIPPED, AND IN ONE IMPORTANT STEP, REVERSED THE PROCEDURES IN THE RETAKING AND REVOCATION SET FORTH IN (ICAOs) IN THAT NO PRELIMINARY OR PROBABLE CAUSE HEARING WAS HELD IN THE RECEIVING STATE (FL.) TO DETERMINE THE VALIDITY OF THE ALLEGED PAROLE VIOLATIONS AS REQUIRED IN A 'RETAKING' UNDER (ICAOs), MUCH LESS, THE PAROLEE'S RIGHTS TO EVIDENCE AGAINST HIM, TO DEFEND AGAINST IT, CONFRONT ADVERSE WITNESSES, AND CONTEST ALLEGATIONS OF CONDITIONS VIOLATED BEFORE BEING RETURNED TO THE SENDING STATE (S.C.). THESE ACTIONS VIOLATED PAROLEE'S DUE PROCESS RIGHTS UNDER THE LAW AND STATUTES.

---

PAROLEE WAS PROPERLY IN FLORIDA UNDER (ICAOs) AND BECAME SUBJECT TO A "PAROLE VIOLATION WARRANT" (ATTACH.# 4a) FROM SENDING STATE (S.C.) CITING IN IT, A BREACH OF THE (ICAOs) AGREEMENT. STATUTORY REQUIREMENTS STATE: PAROLEE SHOULD NOT HAVE BEEN EXTRADITED BACK TO SENDING STATE BASED SOLELY ON ALLEGATIONS OF VIOLATIONS IN THE RECEIVING STATE (FL.) AS THIS IS NOT A 'USUAL EXTRADITION' BUT A 'RETAKING' UNDER (ICAOs) AND SUBJECT TO ITS RULES ON SUCH MATTERS.

---

INSTEAD, THE SENDING STATE (S.C.) SHOULD HAVE SOUGHT A 'RETAKING' AS REQUIRED, BY (ICAOs), ESPECIALLY SINCE THEIR "PAROLE ARREST WARRANT" SUMMARILY CLAIMED PAROLEE WAS IN BREACH OF THE (ICAOs) AGREEMENT, NOT AN EXTRADITION.

(ICAOs) RULES 4.109 § 5.108(A-B); (U.S. CONST. AMENDS. 4 § 14)  
(RAMIREZ V. SUPERIOR CT. 15 CAL. APP. 5TH 643) (MORRISSEY V. BREWER 408  
U.S. 471), (GAGNON V. SCARPELLI 411 U.S. 778), (HELL V. HUMPHREYS 512  
U.S. 486, 487) ( 4 ) (APPENDICES: A, B, C, D, E, § I)

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE "1"  
(CONTINUED)

PAROLEE DID NOT KNOWINGLY OR VOLUNTARILY WAIVE A PRELIMINARY OR PROBABLE CAUSE HEARING AND HAS CONSISTENTLY DENIED THE ALLEGED VIOLATIONS AGAINST HIM. THEREFORE THE PAROLEE QUESTIONS THE VALIDITY OF THE 'PAROLE VIOLATION WARRANT' ISSUED BY THE SENDING STATE (S.C.) BASED SOLELY ON A SUMMARY OF FL. PAROLE AGENT'S UNFOUNDED ALLEGATIONS. S.C.'S PAROLE AGENT VICTORIA JAKE SWORE 3RD PARTY TO THE VALIDITY OF THESE STATEMENTS WITHOUT ANY INVESTIGATION, FACT FINDING, OR OPPORTUNITY OF THE PAROLEE TO CONTEST 'SO-CALLED' 'FACTS'. WITHOUT THE REQUIRED PRELIMINARY PROBABLE CAUSE HEARING IN THE RECEIVING STATE (FL.) FIRST, NEITHER MRS. JAKE, THE S.C.D.P.P.S, NOR THE COURTS HAD ANY WAY OF EXTRICATING 'FACTS' FROM ALLEGATIONS. BUT YET A WARRANT, EXTRADITION, AND REVOCATION WAS EFFECTUATED ON THIS 'PREMISE'.

---

AFTER THE ILLEGAL EXTRADITION BACK TO S.C., THE STATE FURTHER DEPARTS FROM THE COMPACT REGULATIONS BY ATTEMPTING TO SATISFY THOSE REGULATIONS BY HOLDING THEIR OWN PRELIMINARY PROBABLE CAUSE HEARING, AFTER THE FACT, ON THE ALLEGATIONS THAT THE ALREADY ISSUED AND EXECUTED WARRANT WAS BASED ON. MAYBE THIS PROCESS WAS CUSTOMARY OR CONVENIENT TO S.C., BUT IT IS TOTALLY BACKWARDS TO THE REQUIREMENTS OF (ICAOs) RULE 5.108(9). A 'RETAKING' UNDER (ICAOs) IS DIFFERENT FROM AN EXTRADITION UNDER THE CUSTOMARY STATE PRACTICES. S.C.'S ACTIONS ALSO SUBJECTED PAROLEE TO THE NEGATIVE CONSEQUENCES OF THE ALLEGATIONS OF THE RECEIVING STATE (FL.)'S PAROLE AGENT, AS IF THEY WERE ACTUAL VIOLATIONS COMMITTED, AND WHEN REVOCATION IS ONE OF THOSE NEGATIVE CONSEQUENCES, THEN DUE PROCESS IS COMMANDED TO ASCERTAIN WHAT IS ALLEGATION AND WHAT IS FACTUAL.

---

THE WHOLE REASON THE PROBABLE CAUSE HEARING IS TO BE HELD IN THE RECEIVING STATE, BEFORE EXTRADITION IS TO PROTECT DUE PROCESS BY ALLOWING THE PAROLEE TO CONFRONT THE RECEIVING STATE'S OFFICER WHO CHARGED THE VIOLATION, WITH FULL ACCESS TO THE INFORMATION TO DEFEND AGAINST THE CHARGE, WHILE THE SOURCES ARE AVAILABLE AND THE INFORMATION IS FRESH. WITHOUT THE PAROLE AGENT, OFFICERS, OR WITNESSES...

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE "1"  
(CONTINUED)

... HAVING TO TRAVEL TO THE OTHER STATE TO TESTIFY. ONLY IF AND AFTER PROBABLE CAUSE IS FOUND, THEN PAROLEE IS TO BE RETURNED TO THE SENDING STATE.

PETITIONER IS NOT OF THE BELIEF THAT THIS 'AFTER THE FACT' PRELIMINARY HEARING HELD BY S.C. WAS LEGAL, BUT HE DID FOLLOW AN ERRONEOUS (UNBEKNOWNST TO HIM AT THE TIME) DIRECTIVE OF ITS ADMINISTRATOR AND THAT WAS TO: "TELL ALL OF THAT" (PAROLEE'S DEFENSES) "TO THE PAROLE BOARD WHEN YOU GO BACK UP FOR PAROLE", THUS CUTTING SHORT ANY FURTHER CHANCE PAROLEE HAD IN DEFENDING OR PRESERVING HIS ISSUES BEFORE THIS HEARING JUSTICE. PAROLEE WAS NOT REPRESENTED BY COUNSEL AND WAS "IN WAY OVER HIS HEAD" AND DIDN'T KNOW IF THIS WAS A FLORIDA ISSUE TO CONTEST, OR A S.C. ONE, OR A FEDERAL COMPACT ISSUE, SO PAROLEE FOLLOWED THAT ERRONEOUS DIRECTIVE OF THAT HEARING ADMINISTRATOR AND HAS SUBMITTED SEVERAL DOCUMENTS OF EXCULPATORY EVIDENCE TO THE PAROLE BOARD "EVERY TIME I'VE GONE BACK UP FOR PAROLE, WITH NO RESPONSE EVERY TIME."

WHEN A HEARING BODY HAS BOTH THE INVESTIGATIVE AND ADJUDICATING FUNCTIONS, A FAIR, UNBIASED, OUTCOME CAN NOT BE EXPECTED BUT, SHOULD PAROLEE BE DENIED THE RIGHT OF REVIEW OF HIS EVIDENCE AGAINST THE ALLEGATIONS AGAINST HIM BECAUSE HE FOLLOWED AN ERRONEOUS DIRECTIVE OF AN ADMINISTRATOR? SHOULD HE BE TIMELINE BARRED FOR THE S.C.D. P.P.P.S. SIMPLY CHOOSING NOT TO RESPOND TO THESE ISSUES TO DATE? PAROLEE ARGUES THAT HE SHOULD GET A RULING, DECISION, OR AT LEAST A RESPONSE ON THESE ISSUES SO HE CAN PROCEED WITH FURTHER REVIEW OF THESE ISSUES BY THE COURTS.

\*WOLFF V. McDONNELL 418 U.S. 539, 558

(CONTINUED)

STANDARD of REVIEW AND ARGUMENT FOR ISSUE " 1  
(CONTINUED)

THE ISSUE AT HAND IS DID S.C. DEPART FROM THE PROCEDURES IT AGREED TO ABIDE BY? PAROLEE SUBMITS THAT HE AND THE RECORD HAS SHOWN THAT THEY DID DEPART FROM PROTOCOL AND THOSE DEPARTURES VIOLATE PAROLEE'S DUE PROCESS RIGHTS AFFORDED TO PAROLEE BY THE U.S. CONSTITUTIONAL AMENDMENTS AND THE (ICAOS) COMPACT, MANDATORY LANGUAGE IN (ICAOS) COMPACT RULES.

---

THIS DEPARTURE ALSO CONTINUES TO DEPRIVE PAROLEE OF HIS CONDITIONAL LIBERTY IN THAT THE PROCEDURE THAT PROCURED HIS REVOCATION IS STILL NEGATIVELY INFLUENCING THE SUBSEQUENT "ROUTINE DENIALS OF PAROLE THAT ARE 'NON-REVIEWABLE' AND BEYOND QUESTIONING EVEN THOUGH PAROLEE FEELS HIS PAROLE SHOULD HAVE NEVER BEEN REVOKED TO BEGIN WITH. IF THIS ISSUE WITH THE FL. PAROLE AGENTS FALSE ALLEGATIONS WAS RESOLVED, THE PAROLE BOARD WOULD ONLY BE LEFT WITH THE 'BOILER PLATE' EXCUSES FOR REJECTION WHICH HAVE BEEN ADJUDICATED AS INSUFFICIENT STANDING ALONE, ON BASIS OF NATURE OF CRIME.

---

ALL OF THE FOLLOWING ARE CASE LAW STUDY AND LAW REVIEWS AND ESTABLISHED COURT RULINGS DEALING WITH THE (ICAOS) COMPACT, ALONG WITH JUSTICES OPINIONS AND RELEVANT U.S. AND S.C. STATUTES, (COPY OF ICAOS RULE 4.109 35.108 ENCLOSED)

---

JUST BECAUSE A PARTY SIGNING A COMPACT EITHER, ISN'T FAMILIAR WITH IT'S CONTENTS OR REGULATIONS, OR CHOOSES NOT TO ABIDE BY THEM, SHOULD NOT EXCUSE THEM FROM THEIR DUTY TO FOLLOW THEM. THE DETAILS ARE IN THE COMPACT. PAROLEE IS JUST ASKING THE COURTS TO APPLY THEM TO THIS CASE, OR COMPEL THE STATES REPRESENTATIVES S.C.D.P.P.'S TO APPLY THEM.

---

STANDARD OF REVIEW (A) FOR ISSUE #1  
(ICAOs) RULES 5.108(A-G) AND 4.109(A-C)

"RETAKING AND REVOCATION PROCEDURES UNDER (ICAOs)."  
RULE 5.108 (A-G) (EMPHASIS ON MANDATORY LANGUAGE BY PETITIONER.)

5.108 A.) AN OFFENDER SUBJECT TO RETAKING THAT MAY RESULT IN A REVOCATION SHALL BE AFFORDED THE OPPORTUNITY FOR A PROBABLE CAUSE HEARING BEFORE A NEUTRAL AND DETACHED HEARING OFFICER, IN OR REASONABLY NEAR THE PLACE WHERE THE ALLEGED VIOLATION OCCURRED.

5.108 B.) NO WAIVER OF A PROBABLE CAUSE HEARING SHALL BE ACCEPTED UNLESS, ACCOMPANIED BY AN ADMISSION BY THE OFFENDER TO ONE OR MORE VIOLATIONS OF THE CONDITIONS OF SUPERVISION THAT WOULD RESULT IN THE PURSUANCE OF THE REVOCATION OF SUPERVISION IN THE RECEIVING STATE AND REQUIRE RETAKING.

5.108 C.) A COPY OF A JUDGEMENT OF CONVICTION REGARDING THE CONVICTION OF A NEW CRIMINAL OFFENSE BY THE OFFENDER SHALL BE DEEMED CONCLUSIVE PROOF THAT AN OFFENDER MAY BE RETAKEN BY A SENDING STATE, WITHOUT THE NEED FOR FURTHER PROCEEDINGS.

5.108 D.) THE OFFENDER SHALL BE ENTITLED TO THE FOLLOWING RIGHTS AT THE PROBABLE CAUSE HEARING:

- ✓ 1.) WRITTEN NOTICE OF THE ALLEGED VIOLATIONS
- X 2.) DISCLOSURE OF NON-PRIVILEGED OR NON-CONFIDENTIAL EVIDENCE REGARDING THE ALLEGED VIOLATIONS.
- X 3.) THE OPPORTUNITY TO BE HEARD IN PERSON AND TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE RELEVANT TO THE ALLEGED VIOLATIONS.
- X 4.) THE OPPORTUNITY TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES, UNLESS THE HEARING OFFICER DETERMINES THAT A RISK OF HARM TO A WITNESS EXISTS.

STANDARD OF REVIEW (A) FOR ISSUE #1  
(ICAOS) RULES 5.108 (A-G) AND 4.109(A-C)

"RETAKE AND REVOCATION PROCEDURES UNDER (ICAOS)."  
RULE 5.108 (E-G) (EMPHASIS ON MANDATORY LANGUAGE BY PETITIONER.)

5.108 E.) THE RECEIVING STATE SHALL PREPARE AND SUBMIT TO THE SENDING STATE, A WRITTEN REPORT WITHIN 10 BUSINESS DAYS OF THE HEARING THAT IDENTIFIES THE TIME, DATE, AND LOCATION OF THE HEARING; LISTS THE PARTIES PRESENT AT THE HEARING; AND INCLUDES A CLEAR AND CONCISE SUMMARY OF THE TESTIMONY TAKEN AND THE EVIDENCE RELIED UPON IN RENDERING THE DECISION. ANY EVIDENCE OR RECORD GENERATED DURING A PROBABLE CAUSE HEARING SHALL BE FORWARDED TO THE SENDING STATE.

5.108 F.) IF THE HEARING OFFICER DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENDER HAS COMMITTED THE ALLEGED VIOLATIONS OF CONDITIONS OF SUPERVISION THAT WOULD RESULT IN THE PURSUANCE OF REVOCATION OF SUPERVISION, THE RECEIVING STATE MUST HOLD THE OFFENDER IN CUSTODY, AND THE SENDING STATE SHALL WITHIN 15 BUSINESS DAYS OF RECEIPT OF THE HEARING OFFICER'S REPORT, NOTIFY THE RECEIVING STATE OF THE DECISION TO RETAKE OR OTHER ACTION TO BE TAKEN.

5.108 G.) IF PROBABLE CAUSE IS NOT ESTABLISHED, THE RECEIVING STATE SHALL:

1.) CONTINUE SUPERVISION IF THE OFFENDER IS NOT IN CUSTODY.

2.) NOTIFY THE SENDING STATE TO VACATE THE WARRANT AND CONTINUE SUPERVISION UPON RELEASE IF THE OFFENDER IS IN CUSTODY (IN RECEIVING STATE) ON THE SENDING STATE'S WARRANT.

3.) VACATE THE RECEIVING STATE'S WARRANT (IF ANY) AND RELEASE THE OFFENDER BACK TO SUPERVISION WITHIN 24 HOURS OF THE HEARING IF THE OFFENDER IS IN CUSTODY (IN THE RECEIVING STATE.)

STANDARD OF REVIEW (A) FOR ISSUE #1  
(ICAOs) RULES 5.108(A-G) AND 4.109(A-C)

"RETAKING AND REVOCATION PROCEDURES UNDER (ICAOs)."

RULE 4.109(A-C) (EMPHASIS ON MANDATORY LANGUAGE BY PETITIONER.)

4.109 A) A RECEIVING STATE SHALL NOTIFY A SENDING STATE OF AN ACT OR PATTERN OF BEHAVIOR REQUIRING RETAKING WITHIN 30 CALENDAR DAYS OF DISCOVERY OR DETERMINATION BY SUBMITTING A VIOLATION REPORT.

4.109 B) A VIOLATION REPORT SHALL CONTAIN: OFFENDER'S NAME AND LOCATION; OFFENDER'S STATE ISSUED IDENTIFYING NUMBERS; DATES AND DESCRIPTIONS OF THE BEHAVIOR REQUIRING RETAKING; DATES, DESCRIPTIONS, AND DOCUMENTATION REGARDING THE USE OF INCENTIVES, CORRECTIVE ACTIONS, INCLUDING GRADUATED RESPONSES OR OTHER SUPERVISION TECHNIQUES TO ADDRESS THE BEHAVIOR REQUIRING RETAKING IN THE RECEIVING STATE, AND THE OFFENDER'S RESPONSE TO SUCH ACTIONS.

DATES, DESCRIPTIONS, AND DOCUMENTATION REGARDING THE STATUS AND DISPOSITION, IF ANY, OF OFFENSES OR BEHAVIOR REQUIRING RETAKING; DATES, DESCRIPTIONS AND DOCUMENTATION OF PREVIOUS NON-COMPLIANCE, TO INCLUDE A DESCRIPTION OF THE USE OF CORRECTIVE ACTIONS, GRADUATED RESPONSES, OR OTHER SUPERVISION TECHNIQUES; NAME AND TITLE OF THE OFFICER MAKING THE REPORT; IF THE OFFENDER HAS ABSCONDED; THE OFFENDER'S LAST KNOWN ADDRESS AND TELEPHONE NUMBER, NAME AND ADDRESS OF THE OFFENDER'S EMPLOYER, AND DATE OF THE OFFICER'S LAST PERSONAL CONTACT WITH THE OFFENDER, AND DETAILS REGARDING HOW THE SUPERVISING OFFICER DETERMINED THE OFFENDER TO BE AN ABSCONDER, AND SUPPORTING DOCUMENTATION REGARDING THE VIOLATION.

STANDARD OF REVIEW (A) FOR ISSUE # 1  
(ICAOS) RULES 5.108(A-G) AND 4.109(A-C)

"RETAKING AND REVOCATION PROCEDURES UNDER THE (ICAOS):"

RULE 4.109 (C) (EMPHASIS ON MANDATORY LANGUAGE BY PETITIONER.)

4.109 c.) THE SENDING STATE SHALL RESPOND TO A REPORT OF A VIOLATION MADE BY THE RECEIVING STATE NO LATER THAN 10 BUSINESS DAYS FOLLOWING TRANSMISSION BY THE RECEIVING STATE, THE RESPONSE BY THE SENDING STATE SHALL INCLUDE ACTION TO BE TAKEN BY THE SENDING STATE AND THE DATE BY WHICH THAT ACTION WILL BEGIN AND ITS ESTIMATED COMPLETION DATE.

THE COURTS HAVE FOUND THAT THESE RULES ALLOW A PAROLEE TO CONFRONT THE RECEIVING STATE'S OFFICER WHO CHARGED THE VIOLATION, WITH FULL ACCESS TO THE INFORMATION TO DEFEND AGAINST THE CHARGE BEFORE BEING RETURNED TO THE SENDING STATE.

PRESUMABLY, REASONED THE COURTS, THE REQUIREMENT OF A HEARING, OR A WAIVER, IN THE RECEIVING STATE IS TO MAKE THE COMPACT WORKABLE BY AVOIDING THE EXPENSE OF PAROLE OFFICERS COMING TO THE SENDING STATE TO TESTIFY, (OR WITNESSES).

THE COURT EXPLAINED THAT ONCE PROBABLE CAUSE IS FOUND, EITHER BASED ON A PRELIMINARY HEARING OR A PAROLEE SIGNING A WAIVER ADMITTING THE VIOLATIONS, UNDER THE COMPACT, THE SENDING STATE MAY USE THAT EVIDENCE TO SUPPORT THE VIOLATION.

BUT CERTAINLY NOT, JUST THE UNFOUNDED ALLEGATIONS OF THE PAROLE OFFICER WITHOUT EVIDENCE OR A PROBABLE CAUSE HEARING TO PROVIDE CONFRONTATION AND CROSS-EXAMINATION BY THE OFFENDER, TO RETAKE, VIOLATE, OR REVOKE PAROLEE'S SUPERVISION.

# STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 1

75 A.L.R. 6<sup>TH</sup> ~ 181 (ORIG. PUBL. 2012)

§ 2.5, 2.6, 2.7, 21, 22, AND 23

"THE CONSTRUCTION AND APPLICATION OF THE INTER-  
-STATE COMPACT FOR ADULT OFFENDER SUPERVISION"

OR (I.C.A.O.S.) RULES 4.109(A-C), 5.108(A-C)

§ 2.5 "THE RULES OF (ICAOS) HAVE THE FORCE AND EFFECT OF STATUTORY LAW AND ARE BINDING ON THE COMPACTING STATES."

§ 2.6 "COMPACTING LAWS OF THE STATES CONFLICTING WITH THE COMPACT ARE SUPERSEDED BY COMPACT REGULATIONS TO THE EXTENT OF THE CONFLICT."

§ 2.7 "MEMBER STATES ARE OBLIGATED TO COMPLY TO A UNIFORM SYSTEM APPLICABLE TO ALL CASES AND PERSONS SUBJECT TO THE TERMS AND CONDITIONS OF THE COMPACT."

§ 21 "VIOLATION BY RECEIVING STATE IS TO CONTAIN: OFFENDER'S NAME, LOCATION AND I.D. #S, DATE AND DESCRIPTION OF THE OFFENSES FORMING THE BASIS OF THE VIOLATION, \*THE STATUS AND DISPOSITION OF THE OFFENSE" R.4.109

§ 22 "RECEIVING STATE MUST CONDUCT THE PROBABLE CAUSE HEARING IN ACCORDANCE WITH (ICAOS) RULE 5.108(A) AND DUE PROCESS REQUIREMENTS." "AN OFFENDER SUBJECT TO 'RETAKING' THAT MAY RESULT IN REVOCATION UNDER (ICAOS) IS ENTITLED TO A PROBABLE CAUSE HEARING (IN RECEIVING STATE) CONDUCTED IN ACCORDANCE WITH (1) (ICAOS) RULES BEFORE BEING RETURNED TO SENDING STATE."

§ 23 "NO WAIVER OF PROBABLE CAUSE HEARING CAN BE ACCEPTED UNLESS ACCOMPANIED BY AN ADMISSION BY THE OFFENDER TO ONE OR MORE SIGNIFICANT VIOLATIONS OF THE TERMS OF SUPERVISION" R.5.108

1. (U.S. CONST. AMEND. 4). (RAMIREZ V. SUPERIOR CT. 15 CAL. APP. 5#643)

\* STATUS AND DISPOSITION OF OFFENSE WAS LEFT OUT BY FLORIDA'S REPORT AND FALSIFIED AND FILLED IN BY S.C.'S WARRANT.

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE "1"  
(CONTINUED)

THE EVIDENT PURPOSE BEHIND (ICAOs) RULE 5.108 IS NOT JURISDICTIONAL, BUT INTENDED TO PROTECT A PAROLEE'S DUE PROCESS RIGHTS, AND RULE 5.108 IS EVIDENTLY A PART OF THE (ICAOs) BECAUSE OF THE SUPREME COURT'S HOLDINGS IN "RAMIREZ", "GAGNON", AND "MORRISSEY" (FULLY CITED AFTER THIS A.L.R. CITING) WHICH HELD: "A DEFENDANT FACING REVOCATION OF PROBATION IS ENTITLED TO THE SAME DUE PROCESS RIGHTS AS THAT OF PAROLE." AMONG THOSE RIGHTS IS THE RIGHT, NOT ONLY TO A FINAL REVOCATION HEARING, BUT ALSO A PRELIMINARY HEARING, BY REQUIRING A PRELIMINARY PROBABLE CAUSE HEARING IN THE RECEIVING STATE BEFORE THE RETURN OF THE PAROLEE TO THE SENDING STATE, EMBODIES THE RULINGS OF "MORRISSEY", "GAGNON", AND "RAMIREZ".

RAMIREZ V. SUPERIOR CT. 15 CAL. APP. 5TH 643  
MORRISSEY V. BREWER 408 U.S. 471  
GAGNON V. SCARPELLI 411 U.S. 778

ADDITIONALLY, "MORRISSEY" SPECIFIED THAT THE PRELIMINARY HEARING SHOULD BE CONDUCTED AT OR REASONABLY NEAR THE PLACE OF THE ALLEGED VIOLATIONS OR ARREST AND AS PROMPTLY AS CONVENIENT WHILE THE INFORMATION IS STILL FRESH AND THE SOURCES ARE STILL AVAILABLE, IN ORDER TO DETERMINE IF THERE IS PROBABLE CAUSE TO BELIEVE A DEFENDANT HAS VIOLATED PAROLE.

⊕ "WHERE APPROPRIATE CONVENTIONAL SUBSTITUTES FOR LIVE TESTIMONY INCLUDING: AFFIDAVITS, DEPOSITIONS, AND DOCUMENTARY EVIDENCE, MAY BE USED IN PAROLE REVOCATION PROCEEDINGS, HEARINGS SHOULD BE FLEXIBLE ENOUGH FOR CONSIDERATION OF SUCH EVIDENCE." (PAROLEE CONTENDS THIS SHOULD APPLY TO THE DEFENSE OF REVOCATION AT A HEARING, AS WELL AS THE SEEKING OF REVOCATION.)

"WHAT IS REQUIRED BY DUE PROCESS FOR A PAROLE REVOCATION HEARING IS AN INFORMAL HEARING STRUCTURED TO ASSURE THAT FINDING OF PAROLE VIOLATION WILL BE BASED ON VERIFIED FACTS AND THAT EXERCISE OF DISCRETION WILL BE INFORMED BY ACCURATE KNOWLEDGE OF THE PAROLEE'S BEHAVIOR."

RAMIREZ V. SUPERIOR COURT 15 CAL. APP. 5TH 643

THE COURT OF APPEALS, JUSTICE HALLER HELD:

- 1) PROBATIONER WAS "OFFENDER SUBJECT TO RETAKING THAT MAY RESULT IN REVOCATION" UNDER (ICAO) AND THUS, HE WAS ENTITLED TO A PROBABLE CAUSE HEARING.
- 2) THE PROCEEDINGS CONSTITUTED A WHOLESALE DEPARTURE FROM THE REQUIREMENTS OF A PROBABLE CAUSE HEARING UNDER (ICAO), IN VIOLATION OF DUE PROCESS.
- 3) (SENDING STATE) AUTHORITIES REQUESTED PROBATIONER'S RETURN UNDER (ICAO) AND THUS (ICAO) AND NOT EXTRADITION STATUTES APPLIED. (2017 WL 4210471 4th Dist)

FISHER V. CRIST 182 MONT. 124, 594 P.2d. 1140, 1142

"NO DEMAND FOR A HEARING IN THE RECEIVING STATE, DOESN'T CONSTITUTE A WAIVER OF THAT HEARING. THE OFFENDER WAS INFORMED OF THE ALLEGED VIOLATIONS AND CONTESTED THEM, THEREFORE THEY SHOULD HAVE BEEN THE SUBJECT OF A PROBABLE CAUSE HEARING IN THE RECEIVING STATE SO HE COULD REFUTE THE ALLEGATIONS AND PRESENT WITNESSES IN HIS DEFENSE." (PAROLE RE-INSTATED)

BEARDEN V. STATE OF S.C. 443 F.2d. 1090

"THE FACT THAT THE BOARD PERFORMS A PREDICTIVE AND PROGNOSTIC FUNCTION DOES NOT DEPRECIATE THE IMPORTANCE OF ACCURATE FACTUAL EXPOSITION AND EVALUATION."

HECK V. HUMPHREYS 114 S.Ct. 2364; 512 U.S. 486-87

CITED PROCEDURAL DEFICIENCIES WHICH NECESSARILY IMPLIED THE INVALIDITY OF THE JUDGEMENT.

"RIDDLE" v. STATE 282 S.E. 2d 863; 277 S.C. 110

CASE WAS REMANDED FOR A DE NOVO REVOCATION HEARING BECAUSE THE REVOCATION PROCEEDINGS WERE SO SUMMARY THAT THE RECORD WAS INSUFFICIENT FOR THE APPELLATE COURT TO REVIEW.

U. S. v. VARGAS-AMAYA 389 F. 3d. 901

"WARRANT MUST BE BASED ON SWORN FACTS, TO BE USED AS A BASIS FOR REVOCATION."

U. S. CONSTITUTIONAL AMENDMENTS

1, 4, 5, 8, AND 14

- I.) CONGRESS SHALL MAKE NO LAW ABRIDGING THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.
- IV.) NO WARRANTS SHALL ISSUE, BUT UPON, PROBABLE CAUSE.
- V.) NO PERSON SHOULD BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW.
- VIII.) NO CRUEL OR UNUSUAL PUNISHMENT INFLICTED.
- XIV.) DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

MINIMUM DUE PROCESS REQUIREMENTS OF A PAROLE REVOCATION HEARING

- A.) WRITTEN NOTICE OF CLAIMED PAROLE VIOLATIONS.
- B.) DISCLOSURE OF EVIDENCE AGAINST PAROLEE.
- C.) OPPORTUNITY TO BE HEARD IN PERSON
- D.) RIGHT TO CONFRONT WITNESSES AGAINST HIM.
- E.) A NEUTRAL AND DETACHED HEARING BODY.
- F.) A WRITTEN STATEMENT BY FACT FINDERS AS TO EVIDENCE RELIED ON AND REASONS FOR REVOCATION.

## STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 2

### DID S.C.'S DEPARTURE FROM (ICAOS)

REGULATIONS VIOLATE PAROLEE'S CONSTITUTIONALLY AFFORDED DUE PROCESS RIGHTS IN HIS PROTECTION OF A LIBERTY INTEREST (NO MATTER HOW DIMINISHED BY PAROLE, STILL PROTECTED.) BEING THAT A 'REASONABLE EXPECTATION' TO REMAIN UNDER A LESS RIGOROUS FORM OF SUPERVISION THAN INCARCERATION EXISTS, AS LONG AS PAROLEE ABIDES BY THE (ICAOS) AGREEMENT AND CONDITIONS OF PAROLE?

"HEWITT" V. HELMS 459 U.S. 472

FOR A DUE PROCESS VIOLATION TO CREATE A LIBERTY INTEREST, A REGULATION MUST CONTAIN "EXPLICITLY MANDATORY LANGUAGE" THAT IF THE REQUIRED SUBSTANTIVE PREDICATES ARE PRESENT, THEN A PARTICULAR OUTCOME MUST FOLLOW. (WL n. 4) OPINIONS OF JUSTICES STEVENS, BRENNAN, MARSHALL, AND BLACKMUN ON "MANDATORY LANGUAGE" OF STATUTES.

THE (ICAOS) TO WHICH BOTH COMPACTING STATES WERE BOUND CONTAIN SUCH "MANDATORY LANGUAGE" OUTLINING THE PROCESS TO BE FOLLOWED TO PROTECT THE LIBERTY INTEREST AND DUE PROCESS RIGHTS OF THE PAROLEE.  
(ICAOS) RULES 5.103 AND 4.109

WHILE EACH OF THE COMPACTING STATES, INDIVIDUALLY MAY HAVE THEIR OWN CUSTOMARY WAYS OF DOING THINGS, SOME MORE, SOME LESS, THAN WHAT IS CONSTITUTIONALLY REQUIRED, WHEN THE PAROLEE IS ON SUPERVISION UNDER THE (ICAOS), THE STATES HAVE AGREED TO ABIDE BY THOSE GUIDELINES INSTEAD OF RELYING ON CUSTOM, SO AS TO HAVE A WORKABLE, UNIFORM, COMPACT UNDERSTANDABLE TO ALL INVOLVED. STATES DO NOT GIVE UP THEIR JURISDICTION OR SOVEREIGNTY TO THE COMPACT, ONLY THEIR CUSTOMS. S.C. AND ITS REPRESENTATIVES PROCEEDED IN THIS CASE UNDER ITS CUSTOMARY EXTRA-DITION, VIOLATION, AND REVOCATION PROCEDURES AND SINCE THIS WAS AN OUT-OF-STATE (ICAOS) SUPERVISION, S.C.'S CUSTOMARY PROCEDURES SKIPPED OR REVERSED PORTIONS OF THE PROCESS AND IN DOING SO VIOLATED DUE PROCESS RIGHTS, (16) OF THE PAROLEE.

"MORRISSEY" v. BREWER 408 U.S. 471

"THE PAROLEES IN "MORRISSEY" WERE AT LIBERTY AND AS SUCH COULD BE GAINFULLY EMPLOYED AND WERE FREE TO BE WITH FAMILY AND FRIENDS AND TO FORM THE OTHER ENDURING ATTACHMENTS OF "NORMAL LIFE" (CONDITIONAL LIBERTY) "MORRISSEY" ENTAILS DEPRIVATION OF A LIBERTY ONE HAS AND IS A DECISION INVOLVING INITIALLY A WHOLLY RETROSPECTIVE FACTUAL QUESTION AS TO WHETHER THE PAROLEE VIOLATED HIS PAROLE. THE CHIEF JUSTICE IN "MORRISSEY" RECOGNIZED THAT FAIR TREATMENT IN PAROLE REVOCATIONS WILL ENHANCE THE CHANCE OF REHABILITATION BY AVOIDING REACTIONS TO ARBITRARINESS."

"IMPLICIT IN THE SYSTEM'S CONCERN WITH PAROLE VIOLATIONS IS THE NOTION THAT, THE PAROLEE IS ENTITLED TO RETAIN HIS LIBERTY AS LONG AS HE SUBSTANTIALLY ABIDES BY THE CONDITIONS OF HIS PAROLE."

(WL-n.20) "HINTON" v. S.C.D.P.P.P.S. 357 S.C. 327 S.C. APP. CT.

"IT WAS FOUND UNACCEPTABLE THAT THE PAROLE BOARD SHOULD LOOK TO THE SO CALLED "FACTS" (OF THE OTHER STATES CLAIMS) TO MAKE ITS DETERMINATION, FOR THE "FACTS" ARE ALMOST ALWAYS DISPUTED, AND NEITHER THIS COURT, NOR THE PAROLE BOARD HAS ANY WAY OF EXTRICATING WHICH PARTICULAR "FACTS" WERE TRUE OR NOT. THE PAROLE BOARD SHOULD NOT UNDERTAKE SUCH A DETERMINATION IN WHAT WOULD AMOUNT TO AN EGREGIOUS DUE PROCESS VIOLATION." (SEE ALSO. U.S. CONST. AMEND. 14)

S.C.D.P.P.P.S. DID THE EXACT SAME THING AS ABOVE IN MY CASE. S.C. PAROLE AGENT VICTORIA JAKE SWORE UNDER OATH 3<sup>RD</sup> PARTY, THAT THE UNFOUNDED ALLEGATIONS OF THE FLORIDA PAROLE AGENT, IN A SUMMARY OF HIS OFFENDER VIOLATION REPORTS, WERE "FACTS". WITHOUT ANY FACTFINDING, INVESTIGATION OR PROBABLE CAUSE HEARING HELD FOR PAROLEE TO CONTEST THIS INFORMATION. BUT YET, A WARRANT WAS ISSUED AND EXECUTED, A VIOLATION SOUGHT AND GAINED, AND A REVOCATION OF PAROLE IMPOSED, BASED ON THE OTHER STATES ALLEGATIONS ALONE, WITHOUT ANY DUE PROCESS OF LAW OBSERVED BY SOUTH CAROLINA.

# STANDARD of REVIEW AND ARGUMENT FOR ISSUE # 2

PEOPLE ex rel. "MEMECHINO" v. WARDEN 27 N.Y. 2d. 376, 379  
(CONTINUED)

"THE PAROLEE IS NOT THE ONLY ONE WHO HAS A STAKE IN HIS CONDITIONAL LIBERTY, SOCIETY HAS A STAKE IN WHATEVER MAY BE THE CHANCE OF RESTORING HIM TO NORMAL AND USEFUL LIFE WITHIN THE LAW." "SOCIETY THUS HAS AN INTEREST IN NOT HAVING PAROLE REVOKED BECAUSE OF ERRONEOUS INFO. OR BECAUSE OF AN ERRONEOUS EVALUATION OF THE NEED TO REVOKE PAROLE, GIVEN THE BREACH OF CONDITIONS. THE DISCRETIONARY ASPECT OF WHETHER TO REVOKE OR NOT, NEED NOT BE REACHED, UNLESS THERE IS FIRST AN APPROPRIATE DETERMINATION THAT THE INDIVIDUAL HAS IN FACT BREACHED THE CONDITIONS OF PAROLE."

PEOPLE ex rel. "COMBS" v. LAVALLE 29 AD. 2d. 131

HON. BASTOW, J.: "WHEN ALL OF THE LEGAL NICETIES ARE LAID ASIDE, A PROCEEDING TO REVOKE PAROLE INVOLVES THE RIGHT OF AN INDIVIDUAL TO: CONTINUE AT LIBERTY, OR TO BE IMPRISONED." IT INVOLVES A DEPRIVATION OF LIBERTY JUST AS MUCH AS DID THE ORIGINAL CRIMINAL ACTION AND FALLS WITHIN THE PROTECTION OF THE DUE PROCESS CLAUSE.

"MEACHUM" v. FANO 96 S. Ct. 2532

"IT DEMEANS THE CONCEPT OF LIBERTY ITSELF TO ASCRIBE NOTHING MORE THAN A PROTECTION OF AN INTEREST THAT THE STATE HAS CREATED...," "FOR IF THE INMATE'S PROTECTED LIBERTY INTERESTS ARE NO GREATER THAN THE STATE CHOOSES TO ALLOW, HE IS REALLY LITTLE MORE THAN THE SLAVE DESCRIBED IN THE 19TH CENTURY CASES. AN INMATE RETAINS AN UNALIENABLE INTEREST IN LIBERTY AT THE VERY MINIMUM, THE RIGHT TO BE TREATED WITH DIGNITY WHICH THE CONSTITUTION MAY NEVER IGNORE."

"GREENHOLTZ" v. NEBRASKA 442 U.S. 1, 23

"THERE IS A CRITICAL DIFFERENCE BETWEEN DENIAL OF A PRISONER'S REQUEST FOR INITIAL RELEASE ON PAROLE, AND THE REVOCATION OF (AN ALREADY PAROLED) PAROLEE'S CONDITIONAL LIBERTY" (Id. at 9-11 99 S. Ct. 2104) HON. JUSTICE MARSHALL IN "GREENHOLTZ" SUMMED UP LIBERTY INTEREST AS SUCH...

(CONTINUED)

# STANDARD of REVIEW AND ARGUMENT FOR ISSUE # 2

MEACHUM V. FANO 96 S. CT. 2532 AND (CONTINUED)

JUSTICE MARSHALL ON "LIBERTY INTEREST" FROM "GREENHOLTZ"

... "IT IS SELF-EVIDENT THAT ALL INDIVIDUALS POSSESS A LIBERTY INTEREST IN BEING FREE FROM PHYSICAL RESTRAINT;" "IF A MAN WERE A CREATURE OF THE STATE, THE ANALYSIS WOULD BE CORRECT, BUT NEITHER THE BILL OF RIGHTS, NOR THE LAWS OF SOVEREIGN STATES CREATE THE LIBERTY WHICH THE DUE PROCESS CLAUSE PROTECTS. THE RELEVANT CONSTITUTIONAL PROVISIONS ARE LIMITATIONS ON THE POWER OF THE SOVEREIGN TO INFRINGE ON THE LIBERTY OF THE CITIZEN WHO MUST LIVE IN ORDERED SOCIETY. OF COURSE LAW IS ESSENTIAL TO THE EXERCISE AND ENJOYMENT OF INDIVIDUAL LIBERTY IN A COMPLEX SOCIETY, BUT IT IS NOT THE SOURCE OF LIBERTY, AND SURELY NOT THE EXCLUSIVE SOURCE."

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S.C.'S PROCEEDING IN THEIR CUSTOMARY WAYS OF DOING THINGS, AND THEIR DEPARTURE FROM THE (ICAO'S) REGULATIONS, WHETHER KNOWINGLY, ARBITRARILY, INTENTIONALLY, OR OTHERWISE, MATTERS NOT WHEN ONE SIGNS AN AGREEMENT TO A COMPACT. IT IS INCUMBENT ON THE REPRESENTATIVES OF EACH OF THE COMPACTING STATES, TO KNOW AND TO FOLLOW THE PROCEDURES SET FORTH FOR CERTAIN PROCESSES UNDER THAT COMPACT. ESPECIALLY IF THE PROCEDURE DIFFERS SOMEWHAT TO WHAT WOULD NORMALLY BE ACCEPTABLE OR SUFFICIENT IN THE SENDING STATE.

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A PAROLE TRANSFER UNDER (ICAO'S) IS DIFFERENT THAN THAT OF EITHER OF THE STATES INVOLVED, AS IS A 'RETAKING' V. 'EXTRADITION', (ICAO'S) IS SET UP TO PROTECT DUE PROCESS RIGHTS OF THE PAROLEE, SO IT'S OBVIOUS THEY EXIST. SEVERAL CRUCIAL STEPS IN S.C.'S PROCEEDINGS, EITHER SKIPPED ALTOGETHER OR ALTERED SO EGGREGEIOUSLY THAT PAROLEE CAN NOT EVEN SEE HOW TO REMEDY IT, SHORT OF GOING BACK IN TIME, WITH ME IN FLORIDA, AND ALL MEMORY ERASED OF THE ERRORS COMMITTED, AND HAVING A NEW HEARING IN ACCORDANCE WITH THE (ICAO'S) REGULATIONS, WITH UN-BIASED HEARING OFFICIALS. (19)

### STANDARD OF REVIEW AND ARGUMENT FOR ISSUE #3

DID PAROLEE'S REVOCATION PROCEEDINGS COMPLY WITH THE MINIMUM DUE PROCESS REQUIREMENTS OF PRESENTING AN OFFENDER WITH THE EVIDENCE AGAINST HIM AND A CHANCE TO DEFEND AGAINST IT, AND ALLOWING CONFRONTATION AND CROSS-EXAMINATION OF ADVERSE WITNESSES AGAINST HIM, AND DOES THIS REQUIRE A NEW HEARING?

PAROLEE'S REVOCATION PROCEEDINGS IN NO WAY COMPLIED WITH THE MINIMUM DUE PROCESS REQUIREMENTS OF EITHER THE (ICAOs) REGULATIONS OR THE U.S. CONSTITUTIONAL AMENDMENTS.

THE CIRCUMSTANCES OF PAROLEE'S CASE WAS EITHER EXACTLY LIKE THE FOLLOWING CASES OR MUCH WORSE, AND RELIEF WAS GRANTED IN ALL OF THEM BECAUSE DUE PROCESS RIGHTS WERE VIOLATED, BY NOT PROVIDING PAROLEE WITH EVIDENCE AGAINST HIM, BUT INSTEAD RELYING JUST ON A SUMMARY OF DOCUMENTS SUBMITTED BY THE PAROLE OFFICER, TO RENDER THEIR DETERMINATION, DENYING THE RIGHT OF CONFRONTATION AND CROSS-EXAMINATION.

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U.S. ex. rel. CARSON v. TAYLOR 540 F.2d at 1156, 1161

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LAWRENCE v. SMITH 451 F. SUPP. At 179

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BIRZON v. KING 469 F.2d 1241, 1244-45 (2d Cir 1972)

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U.S. ex. rel. SIMS v. SIELAFF 563 F.2d 821, 823 n.4 (1977)

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WILLIAMS v. QUARTERMAN 307 FED. APPX. 790

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THIS PETITIONER'S CASE WAS EVEN MORE DERELICT THAN THE CASES ABOVE, IN THAT, IT WAS AN (ICAOs) PAROLE TRANSFER TO FLORIDA FROM S.C., WHERE THE HEARING WAS HELD IN S.C., AND A S.C. PAROLE OFFICER (THAT KNEW NOTHING OF THE PAROLEE) PRESENT AT HIS HEARING, PRESENTED AND SWORE 3RD PARTY TO ALL OF THE SO-CALLED "FACTS" DEDUCED AND INFERRED, ONLY FROM A SUMMARY OF THE FL. PAROLE OFFICER'S REPORTS. THERE WAS NO WAY PAROLEE COULD QUESTION OR CROSS EXAMINE HER BECAUSE SHE KNEW NOTHING OF THE "FACTS" OF THE CASE OTHER THAN WHAT WAS SUMMARIZED FROM THE FL. PAROLE OFFICER'S ALLEGATIONS, (CONTINUED...)

### STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 3

STATE V. HILL 359 S.C. 301

(CONTINUED)

... WITHOUT ANY EVIDENCE BACKING IT. ON THE OTHER HAND, PAROLEE HAS IN HIS POSSESSION AND HAS SUBMITTED NUMEROUS TIMES, SEVERAL DOCUMENTS OF EXCULPATORY EVIDENCE AS TO THOSE FALSE ALLEGATIONS, TO THE S.C.D.P.P.S. WITH NO RESPONSE FROM THEM. (SEE ATTACHMENTS 36-50 pgs.)

PICKENS V. MOORE 806 F. SUPP. 2D 1070

THE USE OF UNSWORN DOCUMENTS, NOT DISCLOSED TO THE PAROLEE, MAY VIOLATE THE CONFRONTATION CLAUSE, ESPECIALLY WHEN THE PAROLE OFFICER KNOWINGLY MADE FALSE STATEMENTS IN HIS OFFENDER VIOLATION REPORTS, LIKE IN THIS CASE.

HOW CAN THE S.C. PAROLE OFFICER VERIFY OR SWEAR TO THE FL. PAROLE OFFICER'S REPORTS WITHOUT AN INVESTIGATION OR FINDING OF FACTS? ONLY FROM A SUMMARY OF THE FL. PAROLE OFFICER'S ALLEGATIONS AND OPINIONS.

"MORRISSEY" V. BREWER 408 U.S. 471

"MORRISSEY" ON THE SUBJECT OF THE 'SUMMARY OF DOCUMENTS' HELD: THAT, BECAUSE OF THE RISK OF DISTORTION OR SUBTLE CHANGES TO MEANING, A PAROLE OFFICER'S 'SUMMARY OF DOCUMENTS' CONTAINING INCRIMINATING EVIDENCE OR INFORMATION THAT MAY BE DISPUTED BY THE PAROLEE, DOES NOT CONSTITUTE AN ADEQUATE SUBSTITUTE FOR THE DOCUMENT ITSELF, PARTICULARLY SINCE, AS THE SUPREME COURT RECOGNISED IN "MORRISSEY" THE PAROLE OFFICER WHO IS OFTEN RESPONSIBLE FOR REQUESTING THE PAROLE VIOLATION REPORT AND CONVENING THE REVOCATION HEARING, CAN NOT ALWAYS BE EXPECTED TO APPROACH HIS TASK WITH "COMPLETE OBJECTIVITY" (Id. at 1161(2))

COURTS HAVE REFUSED TO INFER A WAIVER OF 'RIGHT TO CROSS-EXAMINE', WHERE PAROLEE DID NOT REQUEST THAT THE WITNESS BE PRESENT FOR QUESTIONING, AND, WHERE THE HEARING OFFICER DID NOT SUGGEST THAT THE WITNESS COULD BE MADE AVAILABLE, (ESPECIALLY WHERE THE PAROLEE WAS NOT REPRESENTED BY COUNSEL.)

(a1)

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE #3  
(CONTINUED)

S.C. HAD NO 'GOOD CAUSE' TO WITHHOLD DOCUMENTS OR DENY PAROLEE THE RIGHT OF CONFRONTATION AND CROSS-EXAMINATION, OTHER THAN, 'JUMPING THE GUN' AND BOTH ISSUING AND EXECUTING A WARRANT THAT HAD PAROLEE EXTRADITED AWAY FROM THE PEOPLE HE WAS SUPPOSED TO BE ABLE TO CROSS-EXAMINE, AT A HEARING IN THE RECEIVING STATE, WHILE THOSE ACTIONS, CREATED A 'CAUSE' THAT PREVENTED PAROLEE CROSS-EXAMINATION OF PAROLE OFFICER AND WITNESSES, IT IS NOT "GOOD CAUSE," IN THE LEGAL CONTEXT OF REASONS TO DENY THOSE RIGHTS.

"MORRISSEY" COURT RULED THAT DUE PROCESS REQUIRES THE PAROLEE TO BE GIVEN ACCESS PRIOR TO THE HEARING, TO THE ACTUAL DOCUMENTS WHICH WOULD BE USED AGAINST PAROLEE, "IN ORDER TO SAFEGARD AGAINST THE BOARD'S SUBSTITUTION OF RUMOR, EXAGGERATION, OR FAULTY CHARACTERIZATIONS OF THE PAROLEE'S CONDUCT FOR "FACTS". (Id. at 1161, 1162)

"MORRISSEY" STANDARD IN PAROLE REVOCATIONS

THE MINIMUM REQUIREMENTS OF DUE PROCESS INCLUDE:

- ✓ A.) WRITTEN NOTICE OF THE CLAIMED VIOLATIONS OF PAROLE.
- ✗ B.) DISCLOSURE TO THE PAROLEE OF EVIDENCE AGAINST HIM.
- ✗ C.) OPPORTUNITY TO BE HEARD IN PERSON AND TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE.
- ✗ D.) THE RIGHT TO CONFRONT AND CROSS EXAMINE ADVERSE WITNESSES.
- ✗ E.) A NEUTRAL AND DETACHED HEARING BODY.
- ✗ F.) A WRITTEN STATEMENT BY THE FACTFINDERS AS TO THE EVIDENCE RELIED ON AND REASONS FOR REVOCATION.

PAROLEE'S CASE IN NO WAY MEETS THESE STANDARDS. PAROLEE CONTENDS THAT ONE OUT OF SIX DON'T EVEN COME CLOSE. ALL OF THESE ARE CRUCIAL TO PAROLEE'S DEFENSE AND (ICAO's) RULES 4.109 AND 5.108 @-c) MANDATES THAT PAROLEE BE PRESENTED WITH ALL NON-PRIVILEGED AND NON-CONFIDENTIAL EVIDENCE ALLEGED AGAINST OFFENDER TO BE ABLE TO EFFECTUATE A PROPER DEFENSE.

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE #3

"GHOLSTON" v. JONES 848 F.2d. 1156

(CONTINUED)

SEN. CIRCUIT JUDGE TUTTLE HELD:

"REVOCATION BASED SOLELY ON UNSWORN PAROLE VIOLATION REPORTS BY PAROLE OFFICER FINDING THAT PAROLEE HAD VIOLATED LAW PROHIBITING CRIMINAL MISCHIEF, DENIED PAROLEE DUE PROCESS RIGHT TO CONFRONT ADVERSE WITNESSES."

(UNDERLYING CRIMINAL CHARGE AGAINST PAROLEE WAS DISMISSED FOR LACK OF EVIDENCE TO TAKE TO GRAND JURY, SAME IN THIS CASE.) (SEE ATTACH. #36 "NOTICE FROM FL. STATES ATTORNEY")

PAROLEE WAS NOT PRESENTED WITH ANY EVIDENCE AT ALL IN REGARDS TO PAROLE VIOLATION ALLEGATIONS BUT PROBABLY THE MOST IMPORTANT PIECES OF EVIDENCE KEPT FROM CROSS EXAMINATION BY PAROLEE WERE THESE UNFOUNDED "OFFENDER VIOLATION REPORTS" FROM THE FL. PAROLE AGENT THAT WERE THE ENTIRE BASIS OF THE PAROLE VIOLATION WARRANT, EXTRADITION, REVOCATION, AND SUBSEQUENT "ROUTINE DENIALS" OF PAROLE THAT ARE STILL, CITING "UN SUCCESSFUL COMPLETION OF SUPERVISION."

(ILCAOS) RULE 4.109(b) INCLUDES WHAT MUST BE INCLUDED IN THE RECEIVING STATES VIOLATION REPORT. INCLUDED IN THAT LIST IS "THE STATUS AND DISPOSITION OF OFFENSE(S)" IF FL. PAROLE AGENT SUBMITTED A SUFFICIENT REPORT UNDER (ILCAOS) RULES, IT WOULD HAVE LET S.C. KNOW THAT THE CHARGE WAS ADJUDICATED BY THE FL. STATES ATTORNEY AS HAVING NO MERIT AND ISSUED A NOTICE TO CLEAR THE RECORD AND TO RELEASE PAROLEE. PAROLEE SAYS "IF" BECAUSE HE HAS NO WAY OF KNOWING WHAT WAS IN THE FL. PAROLE OFFICER'S REPORT BECAUSE HE WASN'T PRESENTED WITH ANY EVIDENCE ABOUT THAT.

S.C.'S PAROLE AGENT VICTORIA JAKE SWORE 3<sup>RD</sup> PERSON OF FL. PAROLE AGENT'S REPORT THAT "THERE WAS PROBABLE CAUSE OFFENDER COMMITTED THE CRIME OF GRANDTHEFT? NOW EITHER, THE FL. PAROLE AGENT ARBITRARILY AND CAPRICIOUSLY LEFT OUT THE 'STATUS AND DISPOSITION OF THE OFFENSE (4.109)' IN HIS REPORTS TO S.C., OR, SENT FALSE INFORMATION TO S.C. THAT THERE WAS PROBABLE CAUSE OF THAT OFFENSE, OR A THIRD EXPLANATION, THAT MRS. VICTORIA JAKE -----

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE #3  
(CONTINUED)

... MADE THAT JUMP ALL ALONE FROM THE SUMMARY OF THE FL. PAROLE AGENTS REPORTS. NO MATTER WHICH OF THOSE THREE, IF NOT ALL OF THEM HAPPENED, IT WAS UNFOUNDED, ILLEGAL, AND MAYBE EVEN DOUBLE JEOPARDY BECAUSE A CHARGE FL. ALREADY RULED ON AS DISMISSED WITH NO INFORMATION TO CHARGE, AND TO RELEASE PAROLEE. S.C. COMES RIGHT BEHIND FL. AND SAYS "THERE WAS PROBABLE CAUSE". THIS SECOND RULING OF THE CHARGE IS A PUNITIVE MEASURE THAT HAS REAL NEGATIVE CONSEQUENCES, AS TO POSSIBLE REVOCATION OF PAROLE, A CONDITIONAL LIBERTY, WITHOUT THE PROTECTION OF DUE PROCESS OR DOUBLE JEOPARDY STANDARDS.

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SO ONE CAN SEE PAROLEE RECEIVED NO EVIDENCE TO DEFEND AGAINST, AN ILLUSORY OPPORTUNITY TO DEFEND HIMSELF, A DERELICT RETAKING AND REVOCATION PROCEEDINGS, NO COUNSEL REPRESENTATION, AND NO RESPONSES FROM S.C. D.P.P.S. (ICAOs) COMPACT REGULATIONS CONTAIN 'MANDATORY LANGUAGE' THAT BOTH STATES AGREED TO ABIDE BY AND DIDN'T, AND THAT, DENIED PAROLEE HIS DUE PROCESS RIGHTS TO CONFRONTATION AND THE PRESENTATION OF EVIDENCE TO HIM.

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"GERSTEIN" V. PUGH 420 U.S. 103

"A FAIR AND RELIABLE DETERMINATION OF PROBABLE CAUSE AS A CONDITION FOR ANY SIGNIFICANT PRETRIAL RESTRAINT OF LIBERTY AND THIS DETERMINATION MUST BE MADE BY A JUDICIAL OFFICER EITHER BEFORE OR SHORTLY AFTER ARREST."  
(ICAOs) STATES: "BEFORE"

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PAROLEE CONTENDS THAT THIS SHOULD HAVE BEEN A 'RETAKING' UNDER (ICAOs) AND NOT AN EXTRADITION UNDER STATE NORMS, BUT EITHER WAY THE COURT VIEWS IT, THERE'S STILL 'DUE PROCESS PROTECTIONS IN PLACE FOR EITHER PROCESS. WOLF V. COLORADO 338 U.S. 25, 27-28 69 S.Ct. 1359, 1361, 93 L. Ed. 1782 (1949) APPLIES THE 4<sup>TH</sup> AMEND. EXTRADITION CLAUSE TO THE STATES THROUGH THE FOURTEENTH AMEND. ... (CONTINUED)

STANDARD OF REVIEW AND ARGUMENT FOR ISSUE - #3  
(CONTINUED)

"WOLF"

... STATE CRIMINAL PROCEEDINGS MUST CONFORM TO THE SAME 4TH AMEND. STANDARDS THAT APPLY TO FEDERAL PROCEEDINGS. "WOLF" APPLIES THE 4TH WITH UNDIMINISHED FORCE TO THE INTRUSION THAT OCCURS IN THE PROCESS OF EXTRADITION. IV AMEND. "... BUT UPON PROBABLE CAUSE SUPPORTED BY OATH, OR AFFIRMATION." PAROLEE CONTENDS THAT THE OATH ITSELF CAN NOT BE THE PROBABLE CAUSE, BUT SHOULD SUPPORT AN ESTABLISHED, ACTUAL PROBABLE CAUSE AND HOPES THE COURTS AGREE WITH HIM, ON THIS POINT.

PEOPLE V. DORAN 401 MICH. 235

KIRKLAND V. PRESTON 385 F.2d 670

"ABSENT A GRAND JURY INDICTMENT OR JUDICIAL DETERMINATION OF PROBABLE CAUSE, THE AFFIDAVIT ACCOMPANYING THE WARRANT SHOULD CONTAIN MORE THAN CONCLUSORY STATEMENTS. AFFIDAVIT SHOULD BE IN SUCH A FORM AS WOULD SUPPORT A FINDING OF PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT UNDER THE 4TH AMENDMENT."

(ICAOs) RULE 5.108(d), (2,3)

d.) THE OFFENDER SHALL BE ENTITLED TO THE FOLLOWING RIGHTS AT A PROBABLE CAUSE HEARING:

- 2.) DISCLOSURE OF ALL NON-PRIVILEGED AND NON-CONFIDENTIAL EVIDENCE REGARDING THE ALLEGED VIOLATIONS.
- 3.) OPPORTUNITY TO BE HEARD IN PERSON AND TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE RELEVANT TO THE ALLEGED VIOLATIONS.

(ICAOs) RULES ARE IN ACCORD WITH THE DUE PROCESS PROCEDURES LAID OUT IN THE 4TH AND 14TH AMENDS. AND ARE SUPPOSED TO BE SUBJECTING AND BINDING ON THE COMPARTING STATES, WHEN THEY SIGNED THE AGREEMENT, AS STATUTORY IN EFFECT.

# STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 4

DOES THE S.C.D.P.P.S.'S REFUSAL (AT THIS TIME, 'TIL NOW) TO ISSUE A WRITTEN FINAL ORDER OR REPLY WITH A DETERMINATION ON PAROLEE'S EVIDENCE PRESENTED, MEET THE STANDARD OF A DECISION "BEING CAPABLE OF REPETITION, YET EVADING REVIEW," IN THAT THE ISSUES CONTESTED ARE DIRECTLY RESPONSIBLE FOR THE 'REPEATING' NON-REVIEWABLE "ROUTINE DENIALS" OF PAROLE?

THERE ARE 2 POINTS TO SATISFY IN THIS DOCTRINE:

1.) THE CHALLENGED ACTION WAS IN ITS DURATION, TOO SHORT TO BE FULLY LITIGATED PRIOR TO ITS CESSATION OR EXPIRATION AND, 2.) THERE WAS A REASONABLE EXPECTATION THAT THE SAME COMPLAINING PARTY WOULD BE SUBJECTED TO THE SAME ACTION AGAIN.

PAROLEE IS ATTEMPTING TO APPLY THIS EXCEPTION TO MOOTNESS DOCTRINE TO SHOW THAT THERE'S CAUSE FOR A HIGHER REVIEW IN THIS CASE BECAUSE OF THE LEGAL 'LIMBO' HE'S IN, DUE TO S.C.D.P.P.S NOT ISSUING A FINAL ORDER (WHAT HE'S TRYING TO CHALLENGE) v. THE NON-REVIEWABLE "ROUTINE DENIALS" OF PAROLE (THE 'REPEATING' ACTION).

AS TO POINT 1.) THE CHALLENGED ACTION IS BEYOND "TOO SHORT," A TIME TO BE FULLY LITIGATED BECAUSE ITS TOLLING CANT BEGIN UNTIL A WRITTEN FINAL ORDER IS ISSUED, SO, FOR THE PURPOSE OF THIS DOCTRINE, IS A 'NON-EXISTANT' TIME PERIOD "TOO SHORT" TO LITIGATE?, BEFORE THE REVIEWABLE REVOCATION PROCEEDINGS, TURN INTO THE "NON-REVIEWABLE" "ROUTINE DENIALS."

AS TO POINT 2.) THERE'S NOT ONLY "REASONABLE EXPECTATION" OF THE SAME ACTION REPEATING, IT'S ACTUALLY ALREADY HAPPENED IN THE FORM OF 3 SUBSEQUENT "ROUTINE DENIALS."

PEOPLE'S FED. SAV. & LOAN ASSOC. v GRAHAM 291 S.C. 178; 352 S.E. 2d 511

"RIGHT TO APPEAL WAS NOT PREJUDICED BY NOT HAVING BEEN SERVED THE DECREE, SINCE THE TIME TO APPEAL WOULD NOT BEGIN TO RUN UNTIL SUCH TIME AS THEY WERE GIVEN NOTICE THAT THE DECREE HAD BEEN RENDERED." (ISSUANCE OF WRITTEN FINAL ORDER OF REVOCATION IN MY CASE)

# STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 5

## DID THE ABSENCE OF COUNSEL OR HEARING JUSTICE'S FAILURE TO INFORM PAROLEE OF HIS RIGHT TO HIRE OR HAVE COUNSEL PRESENT, VIOLATE HIS DUE PROCESS RIGHTS?

THE COURTS HAVE BEEN BACK AND FORTH OVER WHETHER OR NOT A PAROLEE IS ENTITLED TO COUNSEL AT PAROLE PROCEEDINGS AND HAVE COME TO THE CONSENSUS, IT SEEMS, TO DECIDE ON A CASE BY CASE BASIS. IF EVER A CASE EXISTED THAT MEETS THE STANDARDS OF NEEDING COUNSEL, PAROLEE CONTENDS THAT THIS CASE DOES. ONE, PAROLEE IS AN INDIGENT LAYMAN AND IS OVERWHELMED BY COMPLEX WORKINGS OF AN INTER-STATE COOPERATION BETWEEN TWO DIFFERENT STATES, (ICAO) REGULATIONS, FEDERAL COMPACT RULES... SOMETIMES THE COURTS EVEN EXPRESS DIFFICULTY IN DECIPHERING CONTRADICTING STATUTES, SO ONE CAN IMAGINE A LAYMAN'S TASK IN TRYING TO DEFEND HIMSELF AGAINST THE POWERS THAT BE.

ANOTHER VERY IMPORTANT POINT IS THAT THIS REVOLUTION MAY VERY WELL LEAD TO IMPRISONMENT FOR THE REST OF PAROLEE'S LIFE, CAN THERE BE, IN SUCH A CASE, ANY REASONABLE DOUBT AS TO THE VALUE OF COUNSEL IN DEVELOPING AND PROBING A FACTUAL AND LEGAL SITUATION WHICH WILL DETERMINE ON WHICH SIDE OF THE PRISON WALLS PAROLEE WILL BE RESIDING? THIS CASE IF ANY MEETS THE STANDARD OF NEEDING REPRESENTATION BY COUNSEL.

### PEOPLE ex. rel. MEMECHINO v. WARDEN 27 N.Y. 2d. 376

"CERTAINLY A 'PAROLE COURT' OR A PAROLE BOARD PANEL MAY NOT BE PERMITTED, SIMPLY BECAUSE IT IS AN ADMINISTRATIVE BODY RATHER THAN A JUDICIAL TRIBUNAL, TO BASE ITS DETERMINATION, HAVING SO SERIOUS AN IMPACT ON THE LIVES OF THE INDIVIDUALS THAT APPEAR BEFORE IT, ON A POSSIBLY MISTAKEN VIEW OF THE FACTS OWING TO THE PAROLEE'S INABILITY TO MAKE A PROPER FACTUAL PRESENTATION. IN THIS CASE FOR INSTANCE, COUNSEL WOULD HAVE BEEN ABLE TO....

... NOT ONLY ANALYZE AND QUESTION THE ACCURACY OF THE PAROLE SUPERVISOR'S REPORT, BUT ALSO WOULD HAVE BEEN AVAILABLE TO EDUCE AND MARSHAL THE FACTS NECESSARY TO REFUTE THE TECHNICAL ALLEGATIONS AGAINST HIM AND EFFECTUATE AN ADEQUATE DEFENSE.

POWELL v. ALABAMA 287 U.S. 45, 68.69

"THE RIGHT TO BE HEARD WOULD BE OF LITTLE AVAIL IF IT DID NOT COMPREHEND THE RIGHT TO BE HEARD BY COUNSEL." EVEN THE INTELLIGENT AND EDUCATED LAYMAN HAS SMALL AND SOMETIMES NO SKILL IN THE SCIENCE OF LAW. HE LACKS BOTH THE SKILL AND KNOWLEDGE TO ADEQUATELY PREPARE HIS DEFENSE EVEN THOUGH HE HAVE A PERFECT ONE. HE REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS AGAINST HIM. WITHOUT IT, THOUGH HE BE NOT GUILTY, HE FACES THE DANGERS OF CONVICTION (OR REVOCATION IN THIS CASE) BECAUSE HE DOES NOT KNOW HOW TO ESTABLISH HIS INNOCENCE."

COMMONWEALTH V. TINSON 433 PA. 328

HON. J. ROBERTS HELD:

"ABSENCE OF COUNSEL TO REPRESENT PAROLEE AT RECOMMITMENT HEARING, WHICH RESULTED IN REVOCATION OF PAROLE AND RETURN OF PAROLEE TO PRISON, DENIED HIM HIS CONSTITUTIONAL RIGHT TO COUNSEL." "WE BELIEVE THAT IT IS IRRELEVANT WHETHER APPELLANT APPEALED FROM THE PAROLE BOARD'S DETERMINATION, FOR IT CAN NOT BE SAID THAT APPELLANT WAIVED HIS CLAIMS BY FAILING TO APPEAL, SINCE HE DID NOT HAVE COUNSEL TO ASSIST HIM."

GOLDBERG v. KELLY 397 U.S. 254, 270

"THE RIGHT TO APPEAR, PRESENT EVIDENCE, AND CONFRONT OR CROSS-EXAMINE ADVERSE WITNESSES IS A FUNDAMENTAL REQUISITE OF DUE PROCESS OF LAW TO BE HEARD."

STANDARD of REVIEW AND ARGUMENT FOR ISSUE # 5

(CONTINUED)

HEWITT v. N.C. 4<sup>TH</sup> Cir. 415 F.2d. 1316, 1322-23

"WHEN A STATE UNDERTAKES TO INSTITUTE PROCEEDINGS FOR THE DISPOSITION OF THOSE ACCUSED OF CRIME, IT MUST DO SO CONSISTENTLY WITH CONSTITUTIONAL PRIVILEGES, EVEN THOUGH THE ACTUAL INSTITUTION OF THE PROCEDURE WAS NOT CONSTITUTIONALLY REQUIRED"

PEOPLE v. HAMILTON 26 AD.2d. 134

"IN A REVOCATION HEARING PROCEEDING WHERE THE STATUTE GIVES THE ALLEGED VIOLATOR "AN OPPORTUNITY TO BE HEARD," THE COURTS HAVE HELD, "THE INDIVIDUAL IS ENTITLED TO, NOT ONLY COUNSEL, BUT ALSO TO BE INFORMED OF SUCH RIGHT."

PEOPLE v. REYNOLDS 25 AD.2d. 487

"A DEFENDANT IS ENTITLED TO BE FULLY AND CORRECTLY ADVISED OF HIS RIGHT TO COUNSEL"

PEOPLE ex. rel. COMBS v. LAVALLE 29 AD.2d 131

"WHEN ALL OF THE LEGAL NICETIES ARE LAID ASIDE, A PROCEEDING TO REVOKE PAROLE INVOLVES THE RIGHT OF AN INDIVIDUAL TO CONTINUE AT LIBERTY OR TO BE IMPRISONED "IT INVOLVES A DEPRIVATION OF LIBERTY JUST AS MUCH AS DID THE ORIGINAL CRIMINAL ACTION AND FALLS WITHIN THE PROTECTION OF THE DUE PROCESS CLAUSE."

JONES v. RIVERS 338 F.2d. 862 4<sup>TH</sup> Cir. (1962)

"APPOINTMENT OF COUNSEL IS REQUIRED WHEN PAROLEE IS INDIGENT AND DENIES VIOLATION ALLEGATIONS;" (AS IN THIS CASE.)

MEMPA v. RHAY 88 S.Ct. 254; 87 S.Ct. 849

"REVOCATION OF PAROLE IS OFTEN BASED ON ALLEGED OFFENSES FOR WHICH THE ACCUSED IS NEVER TRIED" (OR PREVIOUSLY CLEARED AS IN THIS CASE, BUT STILL THE BASIS OF A WARRANT, EXTRADITION, VIOLATION, AND REVOCATION.)

(CONTINUED)

BEARDEN v. STATE of S.C. 443 F.2d.1090

Circuit Judge Winter: Citing MEMPA v. RHAY 98 S.Ct. 254

"THE RIGHT TO CONTINUED LIBERTY, THE ULTIMATE ISSUE IN A PAROLE REVOCATION HEARING IS THE SAME SUBSTANTIAL RIGHT. WHEN THAT RIGHT DEPENDS ON DISPUTED QUESTIONS OF FACT, I HAVE NO DIFFICULTY IN CONCLUDING THAT THERE IS ALSO A RIGHT TO COUNSEL, FOR AS SAID BY THE COURTS IN "MEMPA" THE NECESSITY FOR THE AID OF COUNSEL IN MARSHALLING THE FACTS, INTRODUCING EVIDENCE OF MITIGATING CIRCUMSTANCES AND IN GENERAL AIDING AND ASSISTING THE DEFENDANT TO PRESENT HIS CASE IS APPARENT."

### ARGUMENT

THIS IS A COMPLEX CASE INVOLVING MANY FACTORS AND MANY STEPS IN THE PROCESS THAT PAROLEE DEFINATLY NEEDED ASSISTANCE OF COUNSEL, FOR HE IS A LAYMAN AND DOING THE BEST HE CAN TO FIGHT FOR HIS LIFE, NO MATTER HOW INSIGNIFICANT, CONTROLLED, DIMINISHED, OR SUPERVISED THE STATE MAY SEE IT, ITS STILL PRECIOUS TO ME.

I DID NOT KNOW, NOR WAS I CLEARLY INFORMED OF MY RIGHTS, OR WHO TO CHALLENGE OR COMPLAIN TO. FLORIDA? S.C.? (ICAOs)? COURTS? IVE BEEN TELLING ANY AND EVERYONE WHO WILL LISTEN THAT I CAN PROVE MY INNOCENCE, PROBLEM IS, NOBODYS LISTENING.

WITHOUT COUNSEL, PAROLEE DIDNT EVEN KNOW WHAT WAS DONE CORRECTLY UNTIL I READ HUNDREDS OF PAGES OF THE (ICAOs) COMPACT AND STATUTES AND CASES RELEVANT TO MY SITUATION. COME TO FIND OUT, THERE WASNT TOO MUCH DONE THAT WAS CORRECT ACCORDING TO THE (ICAOs) COMPACT AND THE CONSTITUTION.

PAROLEE JUST WANTS A FAIR CHANCE TO DEFEND HIMSELF AND IF THE COURT SEES FIT, ASSISTED BY COUNSEL DURING THAT PROCESS.

## STANDARD OF REVIEW AND ARGUMENT FOR ISSUE # 6

DID THE S.C.D.P.P.S. OR HEARING ADMIN. PROCEED ARBITRARILY OR CAPRICIOUSLY IN ABROGATING PAROLEE'S RIGHTS BY A WHOLESALE DEPARTURE FROM THE (ICAOS) REGULATIONS, NOT ALLOWING CROSS-EXAMINATION, NOT MAKING EVIDENCE AVAILABLE TO PAROLEE, NOT PROVIDING NOTICE THAT FAILURE TO PRESERVE ISSUES DURING THE HEARING RESULTS IN A WAIVER OF ISSUES, BUT REFUSED TO ENTERTAIN PAROLEE'S DEFENSES, AND DOING SO WITH A VERY DISMISSIVE DEMEANOR, UNLIKE THAT OF A FAIR, UNBIASED, DETACHED, NEUTRAL HEARING BODY AS IS REQUIRED?

AN AGENCY ACTION IS "ARBITRARY AND CAPRICIOUS" AND THUS MAY BE SET ASIDE UNDER THE ADMINISTRATIVE PROCEDURES ACT, IF AGENCY HAS:

- 1.) RELIED ON FACTORS CONGRESS HAS NOT INTENDED IT TO CONSIDER.
- 2.) ENTIRELY FAILED TO CONSIDER AN IMPORTANT ASPECT OF THE PROBLEM.
- 3.) OFFERED AN EXPLANATION FOR ITS DECISION THAT RUNS COUNTER TO EVIDENCE BEFORE THE AGENCY.
- 4.) IS SO IMPLAUSIBLE THAT IT COULD NOT BE ASCRIBED TO A DIFFERENCE IN VIEW, OR A "PRODUCT OF AGENCY EXPERTISE."

THE HEARING ADMINISTRATOR WAS VERY DISMISSIVE AND WOULDNT ENTERTAIN PAROLEE'S DEFENSES. HER ACTIONS WERE NOT INADVERTANT MISTAKES OR MERE ERRORS OF LAW, BUT DELIBERATE. SHE PROCEEDED AS IF THE REVOCATION WAS A FORGONE CONCLUSION AND THE PROBABLE CAUSE HEARING WAS JUST A FORMALITY THAT SHE HAD TO ENDURE, AND NOT A PLATFORM FOR FACT FINDING BY SOMEONE WHO IS DETACHED AND UNBIASED MAKING A LIFE ALTERING DETERMINATION, FOR HER DETERMINATION HAD ALREADY BEEN MADE BEFORE PAROLEE STEPPED IN THE DOOR, AND BASED SOLELY ON A SUMMARY OF UNFOUNDED ALLEGATIONS FROM VIOLATION REPORTS OF SOMEONE 500+ MILES AWAY THAT PAROLEE WASNT ALLOWED TO CROSS-EXAMINE OR DEFEND AGAINST BECAUSE I WAS DENIED THOSE RIGHTS.

STANDARD of REVIEW AND ARGUMENT FOR ISSUE # 6

(CONTINUED)

U.S.C.A. 1953 , 77-62-15,16

"THE RIGHT OF PAROLEE TO BE HEARD AT PAROLE REVOCATION HEARING IS INVIOATE AS IS RIGHT TO KNOW AND BE SPECIFICALLY INFORMED OF CHARGES AND NATURE OF EVIDENCE AGAINST HIM, AND TO BE FREE FROM PURE CAPRICE ON THE PART OF THE DISCRETIONARY AUTHORITY BEFORE WHOM THE PROCEEDINGS OCCUR."

WALKER V. STATE D.O.C. 2018 WL 1977108 (ALASKA 2018)

"A PRISONER DOES NOT FORFIET HIS CLAIM DUE PROCESS RIGHTS WERE VIOLATED BY STATE REVOCATION HEARING ADMIN-ISTRATORS REFUSAL TO ALLOW TESTIMONY AND EVIDENCE BY FAILING TO RAISE IT DURING THE ADMINISTRATIVE APPEALS PROLESS. THE REVOCATION HEARING ADMINISTRATOR DID NOT PROVIDE NOTICE THAT FAILURE TO RAISE ISSUES DURING THE ADMINISTRATIVE REVOCATION HEARING RESORTED IN A WAIVER OF THE ISSUES."

PAROLEE JUST WANTS A FAIR CHANCE TO HAVE HIS ISSUES HEARD. HE IS NOT TRYING TO 'DOUBLE DIP' AND ONLY NEEDS "ONE BITE AT THE APPLE" BUT DON'T KICK HIS TEETH OUT AND SNATCH THE APPLE AWAY AT THE LAST MINUTE AND CALL THAT HIS ONE CHANCE.

THE RECORD AND THIS BRIEF WILL SHOW THAT PAROLEE DIDN'T GET A FAIR CHANCE OR GET WHAT THE (ICROS) COMPACT AFFORDED ALL PAROLEES NO MATTER WHICH STATE THEY CAME FROM, DUE PROCESS OF LAW IN PROTECTING THEIR LIMITED, CONDITIONAL FREEDOM THAT'S TRYING TO BE TAKEN FROM THEM, UNJUSTLY.

## JURISDICTION

ALTHOUGH, S.C. CODE 1976 § 1-23-600(d) STATES:

"AN ADMINISTRATIVE LAW JUDGE SHALL NOT HEAR AN APPEAL FROM AN INMATE IN THE CUSTODY OF THE S.C. DEPT. OF CORRECTIONS INVOLVING THE DENIAL OF PAROLE TO A POTENTIAL PAROLE ELIGIBLE INMATE";

ARTICLE 1, SECT. 22, CONST. S.C. STATES: THE ADMINISTRATIVE LAW COURT SHALL PRESIDE OVER ALL CONTESTED CASES OF STATE AGENCIES DEFINED HEREIN. (EXECUTIVE BRANCH AGENCIES)

PAROLEE IS NOT CONTESTING THE "ROUTINE DENIALS OF PAROLE", THAT ARE PROTECTED FROM QUESTION OR FURTHER REVIEW, BUT RATHER THE REVOCATION, AND PROCEEDINGS THAT LED UP TO THAT REVOCATION, THAT CONTINUE TO NEGATIVELY IMPACT PAROLEE BY CAUSING AND PERPETUATING THESE "ROUTINE DENIALS OF PAROLE".

IN CASES OF ALLEGED IRREGULARITIES (SUCH AS THIS CASE) BEFORE THE AGENCY, NOT SHOWN IN RECORD, AND ESTABLISHED BY PROOF SATISFACTORY TO THE COURTS, THE CASE MAY BE REMANDED TO THE AGENCY FOR ACTION AS THE COURT CONSIDERS APPROPRIATE.

S.C. CODE 1976 § 1-23-380 STATES: "COURTS MAY REVERSE OR MODIFY THE AGENCY'S DECISIONS IF SUBSTANTIAL RIGHTS OF THE APPELLANT HAVE BEEN PREJUDICED BECAUSE THE ADMINISTRATIVE FINDINGS, INFERENCES, OR DECISIONS ARE:"

- A.) IN VIOLATION OF CONSTITUTIONAL OR STATUTORY PROVISIONS.
- E.) CLEARLY ERRONEOUS IN VIEW OF RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.
- F.) ARBITRARY OR CAPRICIOUS.

IT IS THE BELIEF OF THE PAROLEE THAT THE ABOVE STATUTES APPLY TO THIS CASE AND THAT THEY GRANT THE ADMINISTRATIVE LAW COURT THE JURISDICTION TO HEAR THIS CASE FOR A REVIEW, REMAND, RE-INSTATEMENT, AND/OR A REHEARING AND RESPECTFULLY REQUESTS THAT FROM THIS COURT. BUT, IN THE CASE THAT THIS COURT DOESN'T AGREE ON THIS JURISDICTION, IT WILL FIND ENCLOSED UNDER RULE 204 S.C. APP. CT. RULES (204) § 28 U.S.C.A. § 1631 (610)

A "PETITION FOR DESIGNATION OF CASE AND TRANSFER TO APPROPRIATE COURT TO CURE WANT OF JURISDICTION." AND REQUESTS THAT ACTION. (S.C. CODE 1976 § 14-8-200(b), 14-8-260)

## TIMELINESS

A QUESTION ARISES IF THIS PETITION FOR A CONTESTED CASE HEARING OF THE S.C.D.P.P.S.'S DECISION TO REVOKE AND SUBSEQUENTLY DENY PAROLE IS INTERLOCUTORY DUE TO THE FACT THAT PAROLEE HAS YET TO RECEIVE THE WRITTEN FINAL ORDER OF REVOCATION FROM S.C.D.P.P.S., ONLY THE SUBSEQUENT ORDERS OF THE "ROUTINE DENIALS OF PAROLE" WHICH ARE SHIELDED FROM REVIEW.

WHILE THE PAROLEE'S REVOCATION IS OBVIOUS DUE TO HIS RE-INCARCERATION, HIS OBVIOUS CONCLUSIONS DO NOT SATISFY THE REQUIREMENT OF THE RECEIPT OF THE WRITTEN FINAL REVOCATION ORDER TO BEGIN THE TOLLING OF THE TIMELINE TO APPEAL THE DECISION FOR FURTHER REVIEW. THE FAILURE TO DELIVER A WRITTEN FINAL REVOCATION ORDER PLACES THE PAROLEE IN A LEGAL 'LIMBO' PLEADING WHETHER THE ACTION IS FINAL ACCORDING TO THE "ROUTINE DENIAL OF PAROLE" ORDERS, OR PENDING AWAITING THE WRITTEN FINAL REVOCATION ORDER?

DUE TO THE CIRCUMSTANCES OUTLINED IN (ISSUE #1 PG. 7 LNS. 5-20) PAROLEE'S CONTESTING OF THE ALLEGED VIOLATIONS AGAINST HIM, HAVE YET TO BE PROPERLY HEARD, ADJUDICATED ON, OR EVEN REPLIED TO FOR THAT MATTER. EVEN THOUGH, (ON THE ERRONEOUS DIRECTIVE OF THE HEARING JUSTICE IN PAROLEE'S CONTESTED PRELIMINARY PROBABLE CAUSE HEARING) PAROLEE HAS SUBMITTED SEVERAL ITEMS OF EXCULPATORY EVIDENCE AGAINST THE ALLEGED VIOLATIONS AGAINST HIM. PAROLEE ARGUES: SHOULD HIS DEFENSES BE UNHEARD JUST BECAUSE THE (S.C.D.P.P.S.) CHOOSES NOT TO REPLY OR RESPOND TO THEM? SHOULD HE BE TIMELINE BARRED ON REVIEW OF THESE ISSUES FOR THE LACK OF A WRITTEN FINAL ORDER OF REVOCATION?

WHEREFORE, APPLICANT REQUESTS TO PROCEED UNDER S.C. APP. CT. RULE 203(b)(6) "IF A DECISION INDICATES THAT A MORE FULL OR COMPLETE DECISION IS TO FOLLOW, A PARTY NEED NOT APPEAL UNTIL RECEIPT OF THE MORE COMPLETE DECISION"; OR, (ANY OTHER REMEDY THE COURT SEES FIT IN THE INTEREST OF FUNDAMENTAL FAIRNESS.) ANYTHING OTHER THAN THE ISSUANCE OF THE FINAL WRITTEN ORDER OF REVOCATION BY THE S.C.D.P.P.S. OR THIS COURT'S DECLARING THE ACTION FINAL FOR THE PURPOSE OF APPEAL, IS DENYING THE PAROLEE'S RIGHT TO APPEAL. (ENCLOSED IS A "MOTION TO COMPEL ISSUANCE OF FINAL ORDER.")

## CONCLUSION

THE PAROLEE JUST WANTS THE CHANCE TO EXPLAIN HIMSELF AND DEFEND AGAINST FALSE ALLEGATIONS LODGED AGAINST HIM BY A HUMAN PAROLE AGENT COMPLETE WITH FEELINGS, BIASES, OR JUST BAD DAYS. I DON'T SUPPOSE TO KNOW WHY HE CLAIMED THOSE THINGS AGAINST ME, I JUST FEEL THAT I SHOULD HAVE A RIGHT TO DEFEND AGAINST IT, AND AS I'VE SHOWN IN THIS ACTION, RECORD, AND EVIDENCE, THE S.C.D. P.P.S.'S DOING THINGS THEIR WAY, DEPRIVED ME OF THAT RIGHT.

---

I RAN ACROSS AN OPINION OF A JUSTICE FRANKFURTER IN A CASE THAT SUMMED UP MY THOUGHTS ON MY SITUATION, BETTER THAN MY WORDS EVER COULD. IN (JOINT ANTI-FACISTS REFUGEE COMMITTEE V. McGRATH 341 U.S. 171-72)

JUSTICE FRANKFURTER SAID:

"THE VALIDITY AND MORAL AUTHORITY OF A CONCLUSION LARGELY DEPENDS ON THE MODE BY WHICH IT WAS REACHED. SECRECY IS NOT CONGENIAL TO TRUTH SEEKING AND SELF-RIGHTEOUSNESS GIVES TOO SLENDER AN ASSURANCE OF RIGHTNESS. NO BETTER INSTRUMENT HAS BEEN DEVISED FOR ARRIVING AT TRUTH THAN TO GIVE A PERSON IN JEOPARDY OF SERIOUS LOSS, NOTICE OF THE CASE AGAINST HIM AND OPPORTUNITY TO MEET IT."

---

PAROLEE FEELS BEING AWAY FROM HIS FAMILY, NOT BEING ABLE TO WORK AND PROVIDE FOR HIMSELF, NOT BEING ABLE TO WALK BARE FOOT IN THE SAND OF A BEACH, ARE ALL SERIOUS LOSSES. PLEASE GIVE ME A FAIR AND COMPLETE OPPORTUNITY TO FIGHT FOR THAT. IF AN AUTHORITY EXAMINES EVERYTHING I'VE PRESENTED OBJECTIVELY AND STILL COMES TO THE CONCLUSION THAT MY CASE WAS HANDLED CORRECTLY, I WOULD BE DUMBFOUNDED, BUT SATISFIED THAT AT LEAST SOMEONE FINALLY GAVE ME THE OPPORTUNITY TO EXPLAIN IT.



FLORIDA DEPARTMENT OF CORRECTIONS  
 PROBATION & PAROLE SERVICES  
 BEGINNING 12/01/2016 - ENDING 08/01/2017

CASE NOTES - ALBRIGHT, RONALD C

DC NUMBER: D55973  
 SUPERVISING OFFICE: KISSIMMEE  
 SUPERVISING OFFICER: 40171-ELLWOOD, NOELLE ASHLE  
 SUPERVISION LEVEL: MAX  
 SUPERVISION TYPE - PAS: PAROLE STATE  
 SUPERVISION BEGIN DATE: 05/28/15  
 TERMINATION DATE: LIFE

THE FOLLOWING ARE COMPUTER ENTRIES FROM THE FLORIDA PAROLE AGENT'S OWN RECORDS CONTRADICTING HIS CLAIMS TO SOUTH CAROLINA, THAT PAROLEE FAILED TO REPORT AN ARREST AND MISSED "ALL SUBSEQUENT REPORTS" (SIGN-IN SHEETS FROM SUBSEQUENT REPORTS ALSO ENCLOSED) CLAIMS 1 AND 2 ON THE PAROLE ARREST WARRANT.

DATE	TIME/SEQ	USERID	CONTACT TYPE	NARRATIVE
12/02/2016	10:30	P090HEJ	OFFICE PERSONAL	OFFICE PERSONAL - DELIVERED WMR. <u>SUBJ REPORTED</u> NOTHING NEW TO REPORT. M SIERSMA
12/03/2016	99:01	P090CG6	TRANSACTION REGISTER	TO NON-REPORTING
12/04/2016	99:01	P090CG6	TRANSACTION REGISTER	FROM NON-REPORTING
12/05/2016	99:01	P090CG6	TRANSACTION REGISTER	PENDING VIOLATION
12/09/2016	99:01	P090HEJ	CASE NOTE	SUBMITTED VOP THRU ICOTS. M SIERSMA
12/15/2016	09:30	P090HEJ	ATTEMPTED PERSONAL	GATE WOULDNT OPEN, SUBJS PHONE WOULDNT PICK UP. CALLED FA AND LEFT MESSAGE TO CALL ME. M SIERSMA
12/15/2016	10:05	P090HEJ	TELEPHONE COLLATERAL	CALLED FA, HE STATED THE SUBJ STAYS AT HIS GFERS SOMETIMES, BUT HE WONT ALLOW HER TO STAY AT THEIR RES SINCE THEY BOTH GOT ARRESTED. SAID HE WILL HAVE SON CALL ME. M SIERSMA
12/15/2016	12:05	P090HEJ	TELEPHONE PERSONAL	<u>SUBJ CALLED</u> , STATED HE DIDNT DO ANYTHING WRONG AND CT WILL FIND HIM INNOCENT. I ASKED WHY HE WAS STAYING AT HIS GFS W/O MY PERMISSION, HE SAID, "I KNOW, I SHOULD HAVE ASKED 1ST BUT I DIDNT". INSTD TO BE HOME BY 8PM EVERY NIGHT, TO ALWAYS AND HIS CELL, AND TO NOT BE OUT OF COUNTY IF IT DOESNT INVOLVE WORK. M SIERSMA
01/04/2017	09:30	P090HEJ	OFFICE PERSONAL	OFFICE PERSONAL - DELIVERED WMR.
01/06/2017	12:45	P090HEJ	HOME PERSONAL	<u>SUBJ REPORTED</u> INSTD TO GET ME AN EV LETTER. M SIERSMA WALK THROUGH VISUAL INSPECTION CONDUCTED SUBJ AND FA AT RES. SUBJ WAS IN OR CO TO HAVE A FRIEND WORK ON HIS CAR. TOLD HIM FOR THE 2ND TIME HE IS NOT TO LEAVE THE COUNTY W/O MY PERMISSION UNLESS IT IS FOR WORK. SAID DUE TO NEW ARREST I DO NOT WANT HIM TRAVELING. M SIERSMA
01/06/2017	99:01	P090HEJ	FIELD COLLATERAL	
02/08/2017	99:01	P090HEJ	EMPLOYMENT NOTIFICAT	EMAIL FROM LAURA POINCOT AT AIRPORT PARKING. THEY ARE STILL AWARE OF HIS SUPERVISION, AND GAVE COPY OF 7-13-16 EV LETTER M SIERSMA

Dec. 2016

Florida Department of Corrections

2

MONTH OF ARREST

OFFENDER SIGN-IN LOG

Please PRINT legibly

CLAIM #2

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
1-2	Herlofsky, Amy	D56064	9:08	Hill ✓
2-2	Ramkhalawan, Stephen		9:08	Lattimore ✓
	Amya Lopez	X92759	9:14	Alvarado ✓
2-2	Benjamin Arroyo	H37820	9:14	Bryant ✓
2-2	EDWARDS TORRES	H36634	9:16	MS DALY ✓
-2	Rivera, Manuel	D282047	9:16	Bryant ✓
-2	Luz Martinez	X93925	9:18	office WISE ✓
2-2	Chiffow, Matthews J	X91592	9:10	Campes ✓
2/2	Suarez Kelly	U52121	9:10	<del>MISSING</del> Hill ✓
2/2	Hoelzel, Charles	D24159	0928	Siersma ✓
2/2	Omar Cox	X29621	09:30	Mrs. Daily ✓
2-2	Torres, Adrianis	X93222	9:30	MS WISE ✓
2-2-16	DIAZ, OSVALDO	X44550	9:30	crespo. ✓
2-2-16	Afredo Lopez	X62652	9:30	Alvarado ✓
2-2-16	Nicholas Gellano	V94420	9:35	Officer Daly ✓
2-2-16	Stanley, Kenneth	V05930	9:47am	Mrs. Campos ✓
2-2/16	Andrew Anchoad		9:41AM	Lattimore ✓
2-2-16	Subal Bentas Sr.	X96664	9:40am	Campes ✓
2-2-16	CASSIDY JAMES	X70956	10:00am	MARK SIERSMA ✓
2-2-16	Azosto Victor	X94426	9:45AM	Campes ✓
2-2-16	MCMichael	F86332	9:45	BRYANT ✓
2-2-16	Austin Hedrick	I15486	9:45AM	Alvarado ✓
2-2-16	RODRIGUEZ, Arlene	X88634	9:45AM	ALVARADO ✓
2/2	Eldridge Joseph	G23209	9:45	Alvarado ✓
2/2/16	DARNELL JAMES	X67830	9:50	SIERSMA ✓
2/2/16	ROSADO Jimmy	D21040	9:50	WISE ✓
2/2/16	Arboleda Ruben	M44051	9:55	Campes ✓
2/2/16	Chris Rodriguez	HU3331	10:00	Alvarado ✓
2-2-16	Tresha Burnham	S23401	9:59	Wise ✓
2-2-16	RONALD ALBRIGHT	D55973	10:00	SIERSMA ✓
2-2-16	Hanel Alvarado	X93682	10:10	Torre ✓
2-2-16	Conti Fatimne	U51951	10:10	Daly ✓
2-2-16	<del>Ortiz</del>	X86106	10:10	Alvarado ✓
2/2/16	SABATER, NATASHA	X90127	10:11	ALVARADO ✓
2/2/16	Gilberto Roman	E05887	10:20	Campes ✓
2/2/16	Degeleman James	J18718	10:20	Campes ✓
2/1/16	JUAN BOLIVAR	X82684	11:25	ALVARADO ✓
2/1/16	Wade	Z03603	10:30	T L W SO ✓
2/2/16	MATTHEW HOLKINSKI	D61959	10:30	SEARSMAN ✓
2/2/16	Anumuda Julius	X87074	10:30	Alvarado ✓
2/2/16	Francisco Rivera	X03695	10:30	Hill Officer ✓
2-2-16	Brandi Diolaci	X94409	10:30	Hill ✓
2-2-16	Benedictes Andres	X92348	10:30	officer Hill ✓
2-7-16	Juanne Rivera	X80360	10:30	officer wise ✓

ATTACH (3)

Jan. 2017

Florida Department of Corrections

SUBSEQUENT REPORT

Please PRINT legibly

OFFENDER SIGN-IN LOG

CLAIM # 2

2

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
4-17	Hardrick, Reginald	358406	9:00	Crespo
4-17	Florida, Joel	DLS400	9:05	Campos
4-17	Sweet, Rennie	D44481	9:10	Hill
4-17	Hoelzel, Charles	024157	0930	Apointe
4-17	BEE, DAVE	M87102	9:05	LOVELL
4-17	James Lucas	308651	9:05	Wise
4-17	Petra Gonzalez	X88477	9:50	Campo
4-17	LUIS V COTTO	X54604	9:00	Campo
4-17	CAMBOM, ANDERSON	X90443	9:13	BRYANT
4-17	Solomon David	022321	9:20	Campo
4-17	SMITH ANTHONY	290349	9:20	OFFICER CLEGG
4-17	HUDSON KEVIN	B07459	9:20	CAMPOS
4-17	WELTER, DANIEL	X70723	9:25	CRESPO
4-17	ALBRIGHT RONALD	D55973	9:29	SIEREMA
4-17	Emmanuel Melo	X83371	9:27	CAMPOS
4-17	Tirado Alvarado	X91064	9:28	Wise
4-17	Ramon Rivera	X35728	9:30	BRYANT
4-17	Annette Linasa		9:32	Hill
4-16	Amber Soliz	X93547	9:35	DAILY
4-16	MATTHEW HOLLOWINSKI	DG1959	9:34	MARK SIEREMA
4-16	CARIDAKIS THOMAS	K08673	9:35	CAMPOS
4-17	Harvey Joshua	X2850	9:35	Bryant
4-17	Swanson Glenn	X31130	9:35	DAILY
4-17	Jordan Ruyra Job	626017	9:35	Wise
4-17	Maudia Smith		9:40	DAILY
4-17	BELAN K BEGGS	X46355	9:40	CLEGG
4-17	Greenidge Michael	060228	9:41	Campos
4-17	Kevin D. Alvarado	X25362	9:45	DAILY
4-17	CITIZEN THOMAS	X76619	9:45	Hill
4-17	Heineman Cheryl	X90333	9:47	Bryant
4-17	Teston George	202971	9:48	Mrs. Wise
4-17	Brittany Love	D59245	10:00	Apointe
4-17	BYRON VASCONEZ	X48283	9:50	SIEREMA
4-17	Roberts Amanda	110605	9:59	Daily
4-17	VELEZ, LUIS	X9425	10:00	DEBRA CRESPO P
4-17	KEVIN THOMAS	E09998	10:AM	SIEREMA
4-17	Richard Browne	J14083	10:14am	CLEGG P
4-17	Perdomo Hector	X92463	10:09	Hill
4-17	Dominic Barros	X80018	10:10	Hill
4-17	Abdullah Perdomo	X67743	10:10	DAILY
4-17	Dorothy Lopez	X68190	10:12	Peterson
4-17	HOUSER, MARK	043-949	10:10	SIEREMA
4-17	Morales Yadzia	X85920	10:10	Apointe
4-17	1655amb... ..	X49715		

DETAIL (4)

Feb. 2017

**SUBSEQUENT REPORT**

Florida Department of Corrections

**OFFENDER SIGN-IN LOG**

2

Please PRINT legibly

**CLAIM #2**

DATE	NAME (Last Name, First Name)	DC#	TIME	PERSON VISITING
2-14-17	<del>Ellis Raheen</del>	<del>80507</del>	9:00	E Goubault ✓
2-14-17	<del>RONALD ALDRICH</del>	<del>D55973</del>	9:30	Siersma ✓
2-14-17	<del>Yamil Lacaye</del>	<del>X93114</del>	9:30	Lovell ✓
2-14-17	<del>Serrano, Santos</del>	<del>Q23666</del>	9:35	Aponte ✓
2-14-17	<del>Medzander, John</del>	<del>W47050</del>	9:35	Goubault ✓
2-14-17	<del>Rodriguez, Joe</del>	<del>X65291</del>	9:40	ELLWOOD ✓
2-14-17	<del>Randle, Nichelle</del>	<del>X95781</del>	9:40 am	Elizabeth Goubault ✓
2-14-17	<del>Nelson, Gabriela</del>	<del>C10367</del>	9:41	Aponte ✓
2-14-17	<del>Drake, Jason</del>	<del>H47156</del>	9:43	LOVELL ✓
2-14-17	<del>Rajkumar, Ryan</del>	<del>X89929</del>	9:41	Laseter ✓
2-14-17	<del>Jafferson, Donta</del>	<del>X37520</del>	9:47	Grant ✓
2-14-17	<del>Rivera, Elise</del>	<del>D49846</del>	9:47	Lovell ✓
2-14-17	<del>Brice, Arnold</del>	<del>X91890</del>	9:47	Goubault ✓
2-14-17	<del>Barbosa, Camilo</del>	<del>U56213</del>	9:50	Siersma ✓
2-14-17	<del>Torres, Adrian</del>	<del>X93232</del>	9:55	LATIMORE ✓
2-14-17	<del>KAREN CASTILLO</del>	<del>X94672</del>	9:57	FRANKLIN ✓
2-14-17	<del>BEE, DAVE</del>	<del>M87102</del>	9:58	LOVELL ✓
2-14-17	<del>Cardarice, Nicholas</del>	<del>X94085</del>	9:58	LATIMORE ✓
2-14-17	<del>BYRON GUASCONER</del>	<del>X48283</del>	10:05	MARK SIERSMAN ✓
2-14-17	<del>VAZQUEZ, JORGE</del>	<del>X38206</del>	10:05	APONTE ✓
2-14-17	<del>Freeman, Catherine</del>	<del>X84222</del>	10:10	Goubault ✓
2-14-17	<del>Edwards, Willie</del>	<del>X94374</del>	10:10	Lovell ✓
2-14-17	<del>Carter, Samie</del>	<del>H46658</del>	10:10	ELLWOOD ✓
2-14-17	<del>Downing, Matthew</del>	<del>X33928</del>	10:10	ELLWOOD ✓
2-14-17	<del>Colon, Christian</del>	<del>X93536</del>	10:15	Aponte ✓
2-14-17	<del>Duffy's Serrano</del>	<del>X-72517</del>	10:16	Siersma ✓
2-14-17	<del>Peters, Cory</del>	<del>R84482</del>	10:19	Goubault ✓
2-14-17	<del>WITING, DAN</del>	<del>R76639</del>	10:28	Siersma ✓
2-14-17	<del>Palmer, Kadeem</del>	<del>X93796</del>	10:28	LOVELL ✓
2-14-17	<del>Campbell, Alesse</del>	<del>X95243</del>	10:30	Goubault ✓
2-14-17	<del>Crespo, Kimberly</del>	<del>X93947</del>	10:30	ELLWOOD ✓
2-14-17	<del>Alex, Ally</del>	<del>X90800</del>	10:32	LOVELL ✓
2-14-17	<del>Henrich, Gabe</del>	<del>X82422</del>	10:35	Lovell / Ellwood ✓
2-14-17	<del>Vertical GORDON</del>	<del>S19266</del>	10:35	Goubault ✓
2-14-17	<del>Chambers, Micah</del>	<del>V22500</del>	10:35	Franklin-Torres ✓
2-14-17	<del>CARRI OLIVEIRA</del>	<del>X89036</del>	10:41	TORRES ✓
2-14-17	<del>Trinidad, Bryan</del>	<del>X92292</del>	10:45	APONTE ✓
2-14-17	<del>Billie, Clarence</del>	<del>X95455</del>	10:45	Goubault ✓
2-14-17	<del>Addison, Brock</del>	<del>X94899</del>	10:45	Goubault ✓
2-14-17	<del>Teach, Solobow</del>	<del>X73694</del>	10:45	Laseter ✓
2-14-17	<del>Schwartz, Daniel</del>	<del>X92252</del>	10:47	Aponte ✓
2-14-17	<del>Medina, Ricardo</del>	<del>X86281</del>	10:50	Lovell ✓
2-14-17	<del>Travis, Sterling</del>	<del>X45253</del>	10:50	Goubault ✓
2-14-17	<del>Travis, Sterling</del>	<del>213770</del>	11:00	Lovell ✓

ARAH (5)

Claim #3

Allegedly changing residences without permission

To whom it may concern,

My name is Ronald M. Albright and I am the father of Ronald C. Albright. My son lives in a cottage house on my property that is his official residence for parole. He was accused of changing his residence without permission. He has lived here the entire two years that he has been out and has never moved with or without permission. As a matter of fact, his belongings are still here to this day, along with business mail addressed to him coming to his home. I hope this sworn affidavit is sufficient evidence. Thank you for your time and consideration in the matter.

Sincerely,

Ronald M. Albright

*Ronald M. Albright*

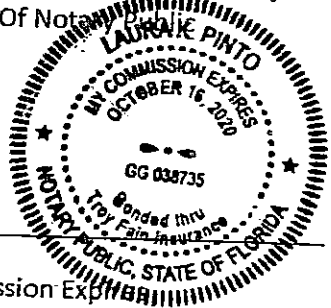
8030 Copperhead Tr.

Kissimmee Fl. 34747

(407)397-1937 507-1508

*Laura E. Pinto*

Signature Of Notary Public



10/16/20

My Commission Expires

~~ATTACH (6)~~

CAW199311017  
CAW199404001  
CAW199404002  
D610718  
D610721

PAROLE  
ARREST WARRANT

Indictment Number 1993-GS-26-1935  
Warrant Number W-48-17-0041  
State Identification No. (SID) 00882210

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF COLUMBIA, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

it appearing from the attached affidavit that there are reasonable grounds to believe that RONALD ALBRIGHT, did on the 8TH day of MARCH, 2017 violates the criminal laws of the State of South Carolina as set forth below

DESCRIPTION OF OFFENSE

Ronald Albright violation conditions 1, 2, 4, 6, 8 and 10 of his parole as ordered pursuant to the Certificate of Parole issued on May 27, 2015 by the SC Department of Probation, Parole and Pardon Services.

Now, therefore, you are empowered and directed to arrest the said defendant and bring RONALD ALBRIGHT before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Done at COLUMBIA, S. C. the 08th day of MARCH, 2017.

Victoria Jakes (L.S.)  
Signature of Probation and Parole Agent

County of \_\_\_\_\_ County of \_\_\_\_\_  
STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one VICTORIA JAKES, who, first being duly sworn, deposes and says that Defendant's Name of within this County and State on the 8th day of March, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Ronald Albright violation conditions 1, 2, 4, 6, 8, and 10 of his parole as ordered pursuant to the Certificate of Parole issued on May 27, 2015 by the SC Department of Probation, Parole and Pardon Services

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth and that such probable cause is based on the following facts: THE FOLLOWING WERE NOT "FACTS" THAT THIS WARRANT WAS BASED ON.

As evidenced by the Offender Violation Reports dated 12/05/16 and 02/21/17 submitted by the state of FL Ronald Albright failed to report upon his release from jail on 12/03/16 as required and has missed all subsequent reports; a home visit on 02/19/2017 revealed the offender is no longer living at his approved residence of 8030 Copperhead Tr., Kissimmee, FL, that he moved without permission to an unknown location, thereby, absconding supervision; that he associated with Samantha Mabry who has a criminal record from her arrest in Osceola County, FL on 12/03/16 for Grand Theft, that he failed to refrain from violating the law in that there is probable cause he committed the crime of Grand Theft in Osceola County, FL on 12/03/16 as evidenced by the Osceola County Sheriff's Office Charging Affidavit dated 12/03/16; by absconding he is out of the state of SC without authorization which is a failure to follow the instructions of his agent; and failure to abide by the conditions on the ISC application dated 03/23/15.

Sworn to and Subscribed before me this 8th day of March, 2017.

Victoria Jakes  
Affiant

Address: 2221 Devine Street  
P.O. Box 50666, Columbia, SC, 29250  
803-734-9220

My Commission Expires (L.S.)  
Signature of Notary Public

03/22/2026  
My Commission Expires

(Form Continues on Back)

ATTACH (7)

RONALD C. Albright #211533  
I.C.I. - AB-49 P.O. Box 205  
RIDGEVILLE, SC. 29472

# LETTER TO PAROLE BOARD

S.C. DEPT of P.P.P. Services  
P.O. Box 207  
Columbia, S.C. 29202

12-5-2022

## PETITION FOR CONSIDERATION

FOR CONSIDERATION IN MY PAROLE HEARING SCHEDULED IN EARLY 2023, I'D LIKE TO ONCE AGAIN RESPECTFULLY SUBMIT TO THE BOARD, CLEAR AND CONCISE EXCULPATORY EVIDENCE IN CONTEST TO THE REVOCATION OF MY PAROLE. THIS WILL BE THE THIRD TIME PRESENTING THE DOCUMENTS WITH MORE THAN 5 YEARS LOST IN THE INTERIM PRAYING THAT SOMEONE FROM YOUR AGENCY WOULD LOOK INTO THE INJUSTICE IMPOSED UPON ME AND RECTIFY IT.

I WAS PAROLED TO FLORIDA ON AN INTERSTATE COMPACT AND I'M ENCLOSING AN ORDER FROM THE FLORIDA STATES ATTORNEY, SWORN AFFIDAVITS, SIGN-IN SHEETS, AND EVEN A COPY OF AN EXCERPT OF THE FLORIDA PAROLE AGENTS OWN COMPUTER ENTRIES CONTRADICTING THE REPORTS AGAINST ME HE SENT TO S.C. THAT RESULTED IN MY REVOCATION. I CAN NOT GIVE THE BOARD A REASON HE LODGED THESE ALLEGATIONS AGAINST ME, BECAUSE AFTER 5 LONG YEARS OF THINKING OF IT EVERY DAY I STILL CAN'T COME UP WITH A REASON WHY.

WHAT I CAN SUBMIT TO THE BOARD IS 100% TRUTH AND EVIDENCE TO SUPPORT IT. I DID ABSOLUTELY NONE OF THE ALLEGATIONS LODGED AGAINST ME IN THE PAROLE VIOLATIONS WARRANT, AND FEEL MY PAROLE WAS UNFAIRLY REVOKED DUE TO: MIS-INFORMATION, THESE UNFOUNDED ALLEGATIONS, COUPLED WITH A PROCEDURALLY DEFICIENT REVOCATION PROCESS.

I AM A LAYMAN AND NOT QUITE SURE HOW TO PRESENT THIS MATTER TO THE COURTS FOR A COMPREHENSIVE REVIEW OF THE EVIDENCE WITHOUT CREATING A BIAS OR PREJUDICE AGAINST ME IN THE EYES OF THE BOARD. IN A LETTER FROM YOUR AGENCY I WAS TOLD THAT THERE IS NO REHEARING/APEALS PROCESS FOR DENIAL OF PAROLE. I DON'T KNOW WHAT ELSE TO DO???

(PETITION FOR CONSIDERATION CONT.)

I HAVE BEEN ADVISED BY LEGAL PROFESSIONALS THAT ACCORDING TO: STATE, FEDERAL, AND CONSTITUTIONAL LAW (14TH AMEND.) THAT I SHOULD HAVE BEEN ENTITLED TO: A FULL REVOCATION HEARING AS LAID OUT IN THE STATES PRECEDENTS AND PROCEDURES, ADVISED OF MY RIGHTS AND OPTIONS REGARDING SUCH HEARINGS, AND GIVEN THE OPPORTUNITY TO EXERCISE THOSE RIGHTS.

BY PROCEDURAL DEFECT, I DID NOT RECEIVE A PROPER REVOCATION HEARING IN THAT I WAS NOT ADVISED OR INFORMED ACCORDING TO LAW, PRACTICE, OR PROCEDURES SET FORTH. I WAS NOT AFFORDED THE OPPORTUNITY TO PROCURE OR PRESENT EVIDENCE IN DEFENCE OF THE ALLEGATIONS AGAINST ME THAT LED TO MY REVOCATION. I WAS NOT ADVISED OF MY RIGHT TO PROCURE COUNSEL (NOT TO BE APPOINTED COUNSEL) FOR SAID HEARING. IT WAS NOT EXPLAINED THE TIMELINE OR MEANS OF OBTAINING OR PRESENTING EVIDENCE AS A LAYMAN.

THERE WAS NO FACT FINDING DONE ON THE FLORIDA PAROLE AGENTS ALLEGATIONS, AND CONTRARY TO S.C. LAW, NO WRITTEN REPORT SUBMITTED BY SAID FACT FINDER INSTEAD THE FL. PAROLE AGENTS UNFOUNDED ALLEGATIONS STOOD AS LAW EVEN AFTER IVE SUBMITTED SEVERAL TIMES, SEVERAL PIECES OF CONCRETE EVIDENCE TO THE CONTRARY.

HOPEFULLY THIS 3<sup>RD</sup> TIME SUBMITTING THIS INFO AND THE 5+ YEARS OF ME TRYING TO GET SOMEONE TO LOOK INTO IT WILL BE ENOUGH TO RESULT IN JUSTICE. I STILL HAVE MY GREAT JOB, RESIDENCE, AND SUPPORT SYSTEM. ALTHOUGH MY GOALS OF BEING RE-ESTABLISHED AS A PRODUCTIVE, SUCCESSFUL MEMBER OF SOCIETY, HAVE BEEN SET BACK OVER 5 YEARS BECAUSE OF THESE FALSE ALLEGATIONS AND SUBSEQUENT REVOCATION I CAN NOT AND HAVEN'T GIVEN UP. WHILE AWAITING REDEMPTION FROM THIS UNFORTUNATE SET BACK IVE CONTINUED TO GROW AND HAVE COMPLETED DOZENS OF ON-LINE SELF IMPROVEMENT AND EDUCATIONAL COURSES OFFERED ON THE S.C.D.O.C. TABLETS. I CANT LET THESE EVENTS STOP ME FROM TRYING TO LET MY LIGHT SHINE. I WANT TO, AND WILL SUCCEED.

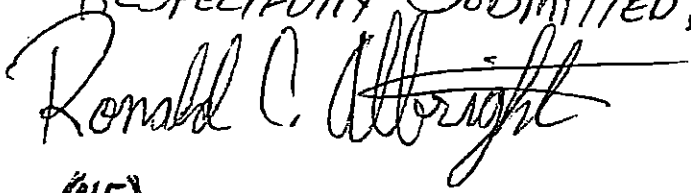
(PETITION FOR CONSIDERATION CONT.)

ONE THING THE BOARD CAN BE ASSURED OF IS THAT I AM NOT, NOR EVER HAVE BEEN A THREAT TO ANYONE. I'VE NEVER HAD A VIOLENT OR PHYSICAL ALTERCATION WITH ANYONE AND MY ORIGINAL CRIME WAS THE RESULT OF "THE HAND OF ONE IS THE HAND OF ALL" FOR MY INVOLVEMENT ONLY AND NOT BY ANY VIOLENCE ON MY PART. I'VE SERVED OVER 2 DECADES FOR MY INVOLVEMENT IN THAT TRAGEDY, AND I'M TRULY SORRY.

IN SUMMARY, I AM A NON-VIOLENT MAN THAT ONLY WANTS THE CHANCE THAT YOUR BOARD GRANTED ME IN 2015 THAT WAS UNFAIRLY TAKEN FROM ME BY FALSE ALLEGATIONS FROM THE FLORIDA PAROLE AGENT TOTALLY OUT OF MY CONTROL. I DIDN'T DO THOSE THINGS TO LOSE THE CHANCE YOU GAVE ME TO SUCCEED AND I'D SUBMIT TO ANY MONITORING, REGULATIONS, OR STIPULATIONS YOU MAY SET FORTH AND DO ANYTHING TO PROVE THAT YOU MADE THE RIGHT DECISION TO GIVE ME THE CHANCE TO SHOW YOU.

I PRAY THAT YOU JUST REVIEW THE MATERIAL THAT I'M ENCLOSING AND, WITH OBJECTIVITY, YOU'LL SEE THAT I'M TELLING THE TRUTH AND IT, AND THESE ADDITIONAL 5 YEARS I'VE SPENT IS ENOUGH TO RE-INSTATE MY PAROLE SO I CAN GET BACK TO WORK BEING A SUCCESSFUL PRODUCTIVE MEMBER OF SOCIETY INSTEAD OF ANOTHER BURDEN ON THE SYSTEM SITTING HERE FOR YEARS PRODUCING NOTHING. ALLOW ME TO CONTRIBUTE INSTEAD OF CONSUME FOR HOWEVER MUCH TIME I HAVE LEFT ON THIS EARTH. THANK YOU FOR YOUR CONSIDERATION ON THESE MATTERS.

C.C.: MULLINS LAW FIRM,  
A.L.J., FILES  
I.S.C.O.T. HEADQUARTERS

RESPECTFULLY SUBMITTED,  
  
(45)

RONALD C. ALBRIGHT  
#211533 L.C.I. - SB-38  
P.O. Box 205  
RIDGEVILLE, SC, 29472

JAN. 23, 2023

RENEE ELVIS  
HORRY COUNTY CLERK OF COURT  
1301 2<sup>ND</sup> AV.  
CONWAY, SC. 29526

FILED  
HORRY COUNTY  
2023 JAN 25 P 3:20  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

Re: REQUEST FOR INFO FOR PAROLE REVOCATION HEARING.

I AM IN DIRE NEED OF YOUR ASSISTANCE IN OBTAINING SOME INFORMATION REGARDING AN INITIAL PAROLE REVOCATION HEARING HELD IN HORRY COUNTY SHORTLY AFTER MY EXCREDITION RETURN FROM FLORIDA. I HAVE NO WAY TO FIND OUT THE NAME OR TITLE OF THE JUDGE OR ADMINISTRATOR TO ORDER A TRANSCRIPT OF THOSE PROCEEDINGS.

HOPEFULLY, WITH THE LIMITED DATES, NAMES AND INFO NUMBERS THAT I CAN PROVIDE BELOW, YOU CAN AND WOULD BE ABLE TO HELP ME IDENTIFY: WHO PRESIDED OVER THAT HEARING, HER TITLE, DATE OF PROCEEDING AND DISPOSITION OF IT. AND APPROXIMATE COST OF TRANSCRIPT IF POSSIBLE.

OK, THE HEARING WOULD HAVE BEEN ON THE ARREST WARRANT # W-48-17-0041 S.I.D.#00882210 DATED: 3/8/17 SIGNED BY VICTORIA JAKE, PAROLE AGENT SO SHORTLY AFTER MARCH OF 2017, IN HORRY COUNTY. PERHAPS BY A MAGISTRATE?? (NOT SURE) I WAS BEING HELD IN THE J. RUEBEN LONG DETENTION CENTER AT THE TIME OF THE HEARING.

(1)

HERE ARE SOME OTHER PERHAPS  
RELEVANT NUMBERS THAT WERE ON MY ARREST  
WARRANT WHICH IS ALL I RECEIVED FROM  
THIS HEARING THAT TOOK PLACE:

CAW 199311017  
CAW 199404001  
CAW 199404002

D 610 718  
D 610 721

1993-GS-26-1935

IM NOT SURE IF THOSE WILL HELP FIND  
THIS PARTICULAR INITIAL PAROLE REVOCATION  
HEARING OR NOT BUT IVE INCLUDED EVERYTHING  
THAT I HAVE ON IT.

PLEASE HELP ME AND ANY TIME  
YOU CAN SPARE FOR ME ON THIS REQUEST  
IS GREATLY APPRECIATED. LET ME KNOW  
IF THERE IS ANY MORE INFO I CAN  
PROVIDE TO PROCURE THIS PROCEDURE  
AND TRANSCRIPT THEREOF.

FILED  
HORRY COUNTY  
JUN 25 P 3:22  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

WITH MANY THANKS,

Ronald C. Albright

# CLERK OF COURT



**RENEE ELVIS**  
CLERK OF COURT  
1301 2<sup>ND</sup> AVENUE  
CONWAY, SC 29526  
(843) 915-5080 • Fax: (843) 915-6081

**February 2, 2023**

Ronald C. Albright # 211533  
L.C.I.-SB-38  
P.O. Box 205  
Ridgeville, SC 29472

Re: Parole Revocation Hearing

Dear Mr. Albright,

This is in response to your letter. This was a parole board revocation hearing so there was not a Judge there. You can contact Columbia parole board for your transcripts. South Carolina Department of Probation, Parole and Pardon Services is P.O. Box 207 Columbia, SC 29202 also there phone number is 803-734-9244.

Sincerely,

A handwritten signature in black ink that reads "Renee N. Elvis". The signature is written in a cursive style.

Renee Elvis  
Horry County Clerk of Court

Cc/AH

---

1.) Failed to report an arrest that occurred on 12/3/16.

---

This arrest stems from a then girlfriend getting caught shoplifting. I was released and immediately reported it to my Fl. Parole Agent as required. He called S.C. and was told to await the decision of the court to proceed. Fl. States Attorney declined to charge and put out an order to clear the records after reviewing the video evidence. I wasn't even in that store when her incident took place. I also am enclosing a copy of the Fl. Parole Agent's own computer entries contradicting his claims sent to S.C. that I failed to report the arrest. Actually, he failed to report the dismissal to S.C.

---

Attachments: (States Attorney's Order and Agent's Computer entries enclosed.)

2.) "(Parolee) Missed ALL subsequent reports"

---

I've NEVER missed a report or even ever been late to a report and have copies of the Sign-in sheets from the reports subsequent to, and up until I was picked up on this violation warrant.

Attachments: (Parole Office Sign-in sheets [3] from Dec. Jan. and Feb. subsequent to pick up.)

3.) Moved without permission to an unknown location.

---

I've NEVER moved and have enclosed a sworn, notarized affidavit from my father stating this. As well as I still get legal mail there and my belongings are still there to this day.

Attachment: (Sworn Affidavit)

4.) Associated with Samantha Mabry who has a criminal record.

---

Firstly, the law states "No association with felons" But to appease my parole officer, as soon as she was arrested and released, I moved her out even though she was pregnant with my child at the time. She had no record prior to this arrest and I had no contact with her afterwards.

5.) There's probable cause (Parolee) committed the crime of Grand Theft.

---

There was NO probable cause and enclosed is a notice from the Florida States Attorney's office ordering the records cleared and my release in is matter. Fl. Parole Agent conveniently left this out of his reports to South Carolina.

Attachment: (Notice from Fl. States Attorney)

6.) By consolidation of the above 5 claims, It's asserted that I failed to abide by the Interstate Compact Agreement and therefore was absconding.

---

Since NONE of the above claims were true, The ISC Agreement was never breached, nor did I abscond at any time and parole should be reinstated.

THE SOUTH CAROLINA DEPT. OF  
PROBATION, PAROLE, AND PARDON  
SERVICES ~ P.O. Box 207  
COLUMBIA, S. C. 29202

RONALD C. ALBRIGHT #211533  
L.C.I. ~ SB-38 P.O. Box 205  
RIDGEVILLE, SC. 29472

3/2/2023

PETITION FOR REHEARING  
FOR DENIAL on: 3/2/2023

PAROLEE RESPECTFULLY SUBMITS THIS PLEA FOR RECON-  
-SIDERATION AS THIS IS HIS THIRD HEARING AND THIRD TIME  
SUBMITTING NUMEROUS ITEMS OF EXCULPATORY EVIDENCE, AS  
DIRECTED BY THE HEARING JUSTICE IN MY PRELIMINARY HEARING,  
TO THE PAROLE BOARD FOR REVIEW. PAROLEE HAS FAITHFULLY  
FOLLOWED THAT DIRECTIVE EVERY TIME HE'S COME BEFORE THIS  
BOARD, WITHOUT SO MUCH AS A REPLY OR DETERMINATION RE-  
GARDING THESE ISSUES. THE CLOSEST I'VE GOTTEN TO A  
RESPONSE WAS DURING MY SECOND TIME UP FOR PAROLE  
WHEN I ASKED IF THEY HAD EVER RECEIVED MY PACKET  
SINCE THEY NEVER RESPONDED, AND ONE OF THE BOARD MEMBERS  
PICKED UP A SINGLE PIECE OF PAPER OFF OF THE TABLE AND  
WAVED IT, SAYING "YEAH WE GOT IT", EVEN THOUGH WHAT I  
SENT WAS A PACKET OF APPROX 8+ PAGES, OF DOCUMENTS.

AFTER RECEIPT OF THESE DOCUMENTS, IT'S DIFFICULT  
TO UNDERSTAND HOW THE BOARD STILL FEELS IT'S JUST AND  
FAIR THAT IT BASED IT'S PAST AND CONTINUING DECISIONS  
ON ALLEGATIONS THAT HAVE BEEN PROVEN TO BE UNTRUE.  
HOW COULD ANYONE REASONABLY OR OBJECTIVELY COME TO THE  
CONCLUSION THAT THE FLORIDA PAROLE AGENTS ALLEGATIONS  
WERE TRUE, WHEN I'VE PROVEN EVERY POINT ON THE  
"PAROLE VIOLATION WARRANT" WAS FALSE? BUT YET IT'S  
STILL BEING RELIED ON TO CONTINUE TO DENY THE  
PAROLEE THE FAIR CHANCE THAT THIS BOARD SO GRACIOUSLY  
AFFORDED HIM TO BEGIN WITH. NOT ONE OR TWO OF YOU,  
BUT UNANANAMOUSLY YOU CAME TO THIS CONCLUSION WHICH  
LEADS ME TO THE SAME QUESTION I'VE BEEN ASKING THE  
BOARD...

(H)  
(48)

(CONTINUED)

... DID ANYONE EVEN BOTHER TO LOOK AT THE EVIDENCE PRESENTED IN MY DEFENSE? NOTICE FROM THE FLORIDA STATES ATTORNEY, AFFIDAVIT, SIGN-IN SHEETS, ? I'VE SENT THEM SO MANY TIMES, I'M SURE THERE'S A PILE OF THEM SOMEWHERE BUT NOT ONE REPLY, RESPONSE, OR DETERMINATION, JUST DENIAL AFTER "ROUTINE" DENIAL, WHICH I'M TOLD IS SHIELDED FROM QUESTION OR REVIEW.

CAN THE BOARD AT LEAST TELL ME SOMETHING ON THESE ISSUES SO I CAN MOVE FORWARD AND HAVE THEM LOOKED AT BY SOMEONE? MY ENTIRE RETAKING AND REVOCATION PROCESS WAS BOTCHED ACCORDING TO THE (ICAOS) GUIDELINES I THOUGHT WE WERE BOTH SUPPOSED TO FOLLOW. I JUST WANT A CHANCE TO DEFEND MY SELF AGAINST THE FALSE ALLEGATIONS LODGED AGAINST ME. I WAS SUPPOSED TO HAVE HAD THAT RIGHT BEFORE I WAS 'RETAKEN' BUT THAT PROCESS WAS ALTERED AND THAT DEPARTURE FROM THE (ICAOS) REGULATIONS DENIED ME THAT RIGHT. THE PAROLE BOARD DON'T SEEM TO WANT TO HEAR OR ADDRESS THESE ISSUES EITHER. WHAT CAN I DO? PAROLEE IS OF THE BELIEF THAT THREE TIMES SUBMITTING THIS EVIDENCE TO THE BOARD CONSTITUTES A 'GOOD FAITH EFFORT' ON HIS PART.

PAROLEE HAS SERVED OVER 28 YEARS AND IN ALL OF THAT TIME, NEVER HAD ONE VIOLENT INCIDENT, OUTBURST, OR DISCIPLINARY... WHY? BECAUSE I'M NON-VIOLENT AND NOT A THREAT TO ANYONE AS THE BOARD CORRECTLY AND UNANIMOUSLY 7/0 AGREED TO IN 2015 TO GRANT MY PAROLE. NOTHING HAS CHANGED, I'M STILL NOT A THREAT TO SOCIETY OR ANYONE. MY CRIME WAS THE RESULT OF "THE HAND OF ONE IS THE HAND OF ALL" AND I'M DEEPLY REMORSEFUL AND ASHAMED OF MY PARTICIPATION IN IT, BUT I HAVE SERVED A RIGOROUS LENGTHY PUNISHMENT FOR THAT AND HAVE REGRETTED IT EVERY 10,250 DAYS SINCE

WHEREFORE PAROLEE PRAYS FOR CONSIDERATION OF THE EVIDENCE PRESENTED AND RECONSIDERATION OF YOUR REJECTION AND PLEASE RE-INSTATE MY PAROLE WITH THE STRICTEST STIPULATIONS AS YOU SEE FIT.

RESPECTFULLY SUBM,

Ronald A. Allwright

(2x(49))

NETTIE C. JACOBS  
BOARD SUPPORT SERVICES  
S.C.D.P.P.S. P.O. Box 207  
COLUMBIA, SC 29202

RONALD C. ALBRIGHT #211533  
L.C.I.-SB38 P.O. Box 205  
RIDGEVILLE, SC. 29472

2/13/2023

DEAR MRS. JACOBS,

I WAS DIRECTED TO YOU BY THE Horry Co.  
CLERK OF COURT REGARDING SOME INFO ABOUT MY PRELIMINARY  
PROBABLE CAUSE HEARING ON A PAROLE VIOLATION  
REVOCATION, HELD (I BELIEVE), IN Horry COUNTY IN MARCH.

I'M ENCLOSING MY LETTER TO THE CLERK  
TO GIVE YOU THE RELEVANT CASE NUMBERS I HAVE.  
I'M REQUESTING THE FOLLOWING INFORMATION ON IT:

- \* 1.) NAME OF THE LADY HEARING ADMINISTRATOR OVER  
THE PRELIMINARY/PROBABLE CAUSE HEARING.
- 2.) THE LOCATION AND DATE OF PRELIMINARY/PROBABLE  
CAUSE HEARING.
- 3.) THE FINAL REVOCATION ORDER
- 4.) THE TRANSCRIPT OF THE PRELIMINARY/PROBABLE  
CAUSE HEARING, OR HOW TO ORDER IT AND THE  
COSTS THEREOF.

THANK YOU FOR YOUR  
ASSISTANCE,

Ronald C. Albright

\*(I'M TOLD BY THE CLERK OF COURT THAT THE LADY HEARING  
ADMINISTRATOR WASN'T A JUDGE. CAN I PLEASE GET  
HER NAME AND TITLE, AS WELL?)

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

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

January 14, 2021

293 Greystone Boulevard  
Post Office Box 207  
Columbia, South Carolina 29202  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

Mr. Ronald Albright #00211533  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

RE: NOTICE OF REJECTION

Dear Mr. Albright:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Criminal Record Indicates Poor Community Adjustment  
Failure To Successfully Complete A Community Supervision Program  
Institutional Record Is Unfavorable  
Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in cursive script, appearing to read "Nettie C. Jacobs".

Nettie C. Jacobs  
Board Support Services

(51)

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

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dnpps.sc.gov

November 15, 2018

Mr. Ronald Albright #00211533  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

RE: NOTICE OF REJECTION

Dear Mr. Albright:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following **CONCLUSION OF LAW**:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

- 1 Nature And Seriousness Of Current Offense
  - 2 Indication Of Violence In This Or Previous Offense
  - 3 Criminal Record Indicates Poor Community Adjustment
  - 1 Failure To Successfully Complete A Community Supervision Program
- Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in cursive script that reads "Nettie C. Jacobs".

Nettie C. Jacobs  
Board Support Services

(52)

11/14/2018

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

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440

December 5, 2018

Mr. Ronald Albright #00211533  
Lieber Correctional Institution  
AB - 16  
P.O. Box 205  
Ridgeville, SC 29472

Dear Mr. Albright:

I am in receipt of your request for rehearing dated November 20, 2018, concerning your parole case heard on November 14, 2018. Please be advised that there is no rehearing/appeal process for the routine denial of parole; therefore, no action will be taken on your request.

Sincerely,

A handwritten signature in cursive script that reads "Nettie C. Jacobs".

Nettie C. Jacobs  
Parole Board Support Services

(53)