

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court  
Honorable Robert L. Reibold, Administrative Law Judge  
Case No.24-ALJ-15-0023-AP

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Appellant Case No.2024-002022

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Thomas Thompson #80681

Appellant

v.

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondent

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APPELLANT'S FINAL BRIEF

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Thomas Thompson #80681  
Pro Se Litigant  
Tyger River CI 10-103  
200 Prison Road  
Enoree, South Carolina 29335

February 17, 2025

**RECEIVED**

FEB 20 2025

SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

- 1- Did Appellant make a "good faith" effort to file the Notice of Appeal in a timely manner?
- 2- Is Appellant, a pro se litigant, being held to a higher standard than he should be?

## HISTORY

Thomas Thompson, Appellant, is an inmate sentenced to a life sentence for murder in 1975. On March 6, 2024 he appeared before the Parole Board for the 21<sup>st</sup> time. Appellant was allowed to view a copy of the parole file (case summary report) assembled for the Board's use in its decision making process for the first time. The four member board denied parole by a vote of three against and one for parole. Upon receiving the letter of denial from the Parole Board, Appellant immediately filed a Notice of Appeal in the Administrative Law Court. This notice listed Appellant's name and number, Respondent (SCDPPPS), the date of the letter of denial, the date Appellant received the letter of denial, and a general statement of the grounds for appeal;

- 1- The Case Summary Report prepared by the Department was replete with errors, mis-statements, and omissions to such an extent as to render the decision of the Board arbitrary and capricious.
- 2- S.C. statute law requires the Parole Board to establish factors and criteria to determine if an inmate meets the conditions for parole stated in Section 24-21-640. The letter of denial lists 24-21-640 as one of the factors.
- 3- The hearing before a four member board violates Appellant's liberty interest in a hearing Before the full seven member board for parole. This violate due process.
- 4- The Parole Board continues to enforce statutes passed into law after Appellant was Sentenced and had become eligible for parole against Appellant in violation of the Ex-post-facto clause.
- 5- Appellant, a juvenile when he committed the crime, has been subjected to a much harsher punishment than similarly situate adult offenders.

This Notice of Appeal dated March 13, 2024 was accompanied by a certificate of service on Respondent. The Clerk's Office of the ALC returned this notice stating that it was not on the proper form. While the form used to return the notice clearly stated that the proper form was attached for convenience, no such form was attached. Appellant immediately filed a second Notice of Appeal on the only "Notice of Appeal in the ALC" form available at his institution, a form used for appealing grievances. Appellant enclosed a letter stating that this was the only form available and that a proper form had not been attached. Consequently the Clerk's Office returned this Notice of Appeal with the proper form. Appellant immediately filed a Notice of Appeal on the proper form which was dated May 14, 2024 due to the preceding events.

Appellant received a form from the ALC Clerk's Office dated 5/22/24 which listed the date of assignment as 5/23/24 to Judge Reibold. Appellant then received a copy of the Record submitted

to the Court from the SCDPPPS. At that time Appellant filed a Motion to have the parole file (Case Summary Report) included in the record.

On 8/28/24 Judge Reibold issued an Order of Dismissal stating that the Court lacked jurisdiction due to the Notice being untimely. Appellant then sent a letter on 9/11/24 to the ALC Clerk's Office requesting to be informed whether Judge Reibold was aware of the above circumstances prior to his ruling and if not could he be made aware of them. Subsequently Appellant received from the ALC a copy of a letter dated 9/23/24 sent to counsel for Respondent stating that the above letter was being deemed a Motion to Reinstate pursuant to SCACR Rule 260 and SCALC Rule 68. Appellant sent a copy of the 9/11/24 letter to Respondent and a Certificate of Service of this letter on Respondent to Judge Reibold. The Respondent filed a response to the Motion to Reinstate and Appellant responded to this.

Judge Reibold then issued an Order on 10/22/24 denying the Motion to Reinstate. At this time Appellant filed a Notice of Appeal in the Court of Appeals.


ARGUMENT

Appellant made every good faith effort to file a proper Notice of Appeal. As an inmate filing pro se Appellant had no control over the availability of proper forms. The original Notice of Appeal had all the relevant information contained on the proper form. Appellant was assigned a Judge and case number, the Respondent filed the Record, and Appellant filed a Motion to compel Respondent to file the whole record. Appellant clearly had reason to believe that he had properly initiated the appeal. Appellant has requested the ALC Clerk's Office to submit records as to correspondence between Appellant and their office during the period, 3/13/24 to 5/14/24, when these events occurred. Appellant has also requested Respondent submit copies of all Notices of Appeal received in regard to this matter. Appellant will swear by an affidavit that the events described above are true.

## CONCLUSION

Appellant has demonstrated "good cause" for the reinstatement of his appeal. As an inmate Appellant has no control over the availability of legal forms nor can he be held responsible for the ALC Clerk's failure to attach the proper form to the first letter rejecting his original Notice of Appeal. Appellant is being held to a higher standard than he should be expected to meet. The case should be judged on its merits.

Respectfully submitted,



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Thomas Thompson #80681  
Tyger River CI 10-103  
200 Prison Road  
Enoree, South Carolina 29335

February 17, 2025

\*-Appellant has not addressed the issue of his appeal regarding the parole hearing as they  
Have not been ruled upon by the ALC.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court  
Honorable Robert L.Reibold, Administrative Law Judge  
Case N.24-ALJ-15-0023-AP

Appellant Case No.2024-002022

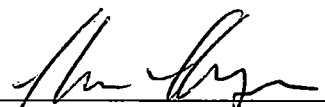
Thomas Thompson #80681	)	
	)	
Appellant,	)	
Vs.	)	AFFIDAVIT
S.C. Department of Probation, Parole,	)	
And Pardon Services	)	
	)	
Respondent.	)	

I, Thomas Thompson, do hereby swear to the following events under oath. I did on March 13, 2024 mail the attached Notice of Appeal and Certificate of Service (A1and A2) to the Administrative Law Court (ALC) and also sent the Notice of Appeal to the General Counsel for the S.C. Department of Probation, Parole, and Pardon Services (SCDPPPS) at the addresses listed below. On or about April 12, 2024 I received notice from the ALC that my Notice of Appeal was not on the proper form. The letter stated that a proper form was attached but this was not the case. I mailed another Notice of Appeal on the only form available (B) along with the notice received from the ALC and a letter informing the ALC that the proper form was not attached and this was the only form available to the ALC and also sent the Notice of Appeal to the SCDPPPS. On or about May 14, 2024 I again received notice from the ALC that my Notice of Appeal was not on the proper form. A proper form (C) was attached. I then mailed this Notice of Appeal to the ALC and the SCDPPPS on May 14, 2024.

General Counsel, SCDPPPS  
293 Greystone Boulevard  
Post Office Box 207  
Columbia, S.C. 29202

S.C. Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 224  
Columbia, S.C. 29201

January 22, 2025

  
\_\_\_\_\_  
Thomas Thompson #80681

A1

STATE OF SOUTH CAROLINA  
In The Administrative Law Court

Thomas Thompson #80681 )  
 )  
 Appellant, )  
 )  
 vs )  
 )  
 S.C. Department of Probation, )  
 Parole, and Pardon Services )  
 )  
 Respondent. )

NOTICE OF APPEAL

Notice is hereby given that Thomas Thompson #80681 does hereby appeal the final decision of the South Carolina Department of Probation, Parole, and Pardon Services dated March 8, 2024 and received on March 13, 2024, a copy of which is attached. A general statement of the grounds for appeal is:

- 1-The Case Summary Report prepared by the Department was replete with factual errors, mis-statements, and omissions to such an extent as to render the decision of the Board arbitrary and capricious.
- 2-S.C. statute law requires the Parole Board to establish factors and criteria to determine if an inmate meets the conditions for parole stated in Section 24-21-640. The letter of denial lists 24-21-640 as one of the factors or criteria.
- 3-The hearing before a four member board violates Appellant's liberty interest in a hearing before the full seven member board for parole. This violates due process.
- 4-The parole Board continues to enforce statutes passed into law after Appellant was sentenced and had become eligible for parole against Appellant in violation of the ex-post-facto clause.
- 5-Appellant, a juvenile when he committed the crime, has been subjected to a much harsher punishment than similarly situated adult offenders.

Thomas Thompson #80681  
Tyger River CI U8-216  
200 Prison Road  
Enoree, S.C. 29335

  
\_\_\_\_\_

March 13, 2024

A2


STATE OF SOUTH CAROLINA  
In The Administrative Law Court

Thomas Thompson #80681 )  
Appellant, )  
vs )  
S.C. Department of Probation, )  
Parole, and Pardon services )  
Respondent. )

CERTIFICATE OF SERVICE

I, Thomas Thompson #80681, do hereby certify that I served a copy of the Notice of Appeal on Respondent by depositing a copy of same in the US Mail, postage prepaid, on this date addressed as follows;

General Counsel, SCDPPPS  
Post Office Box 207  
Columbia, S.C. 29202

  
\_\_\_\_\_  
Thomas Thompson #80681  
TyRCI 10-103  
200 Prison Road  
Enoree, S.C. 29335

March 13, 2024

8

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

\_\_\_\_\_, )  
Appellant, )  
vs. )  
South Carolina Department of Corrections. )  
Respondent. )

DOCKET NO. \_\_\_\_-ALJ-04-\_\_\_\_-\_\_\_\_

GRIEVANCE NO: \_\_\_\_\_

**NOTICE OF APPEAL**

Notice is hereby given that \_\_\_\_\_ appeals the final decision of the South Carolina Department of Corrections dated \_\_\_\_\_ and received on \_\_\_\_\_, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

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Appellant's Name \_\_\_\_\_

Signed \_\_\_\_\_

Mailing Address \_\_\_\_\_

Dated \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that I, \_\_\_\_\_ (your name), on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_ (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Print your name  
(See reverse side for instructions)

Sign your name \_\_\_\_\_

C

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

\_\_\_\_\_)  
)  
Appellant, )  
)  
v. )  
)  
South Carolina Department of Probation, )  
Parole and Pardon Services, )  
)  
Respondent. )  
\_\_\_\_\_)

Docket No. \_\_\_\_-ALJ-15-\_\_\_\_-AP

NOTICE OF APPEAL

Notice is hereby given that \_\_\_\_\_ appeals the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated and received on \_\_\_\_\_, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

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Appellant's Name \_\_\_\_\_

Signed \_\_\_\_\_

Mailing Address \_\_\_\_\_

Dated \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that I, \_\_\_\_\_ (your name), on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Print your name  
(See reverse side for instructions)

Sign your name \_\_\_\_\_

STATE OF SOUTH CAROLINA  
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Appellant Case No.2024-002022

Thomas Thompson #80681

Appellant

v.

South Carolina Department of Probation,  
Parole, and Pardon Services

Respondent

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(B), SCACR.



Thomas Thompson #80681  
Pro Se Litigant  
Tyger River CI 10-103  
200 Prison Road  
Enoree, South Carolina 29335

February 17, 2025