

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Administrative Law Court

Judge D. B. Durden, Administrative Law Judge

Case # 2013-002712

Thomas Thompson #80681 - Appellant

v.

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

Appellant's Initial Brief

Thomas Thompson
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4848 Goldmine Hwy
Kershaw S.C. 29067

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JAN 24 2014

SC Court of Appeals

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TABLE OF CASES AND STATUTES

CASE

Cooper v. S.C. Dept. of Probations, Parole, and Pardon Services,
377 S.C. 489, 66 S.E. 2nd 106(2008)

Statute

S.C. Code Ann. § 24-21-640(1976)

INITIAL BRIEF OF APPELLANT

Statement of Issues

1. Appellant contends that the Parole Board has not properly rendered its decision according to section 24-21-640 of S.C. Statute law.
2. Appellant proposes that the Parole Board's continued "rubber-stamp" denial of parole infringes on his right to Equal Justice and could be considered Cruel and Unusual Punishment in light of recent U.S. Supreme Court ruling concerning the sentencing of juveniles in adult court.

Statement of Case

On October 3, 2013 The S.C. Department of Probation, Parole, and Pardon Services notified appellant it had denied his parole. Appellant filed an appeal to the administrative law court on November 12, 2013 stating that the Parole Board had failed to adhere to the statue laws of the state of South Carolina and therefore infringed on his due process. Appellant further proposed that the Parole Board's actions were depriving him of Equal Justice and subjecting him to Cruel and Unusual Punishment. On November 26, 2013 Administrative Law Judge D.B. Durden issued an Order of Dismissal citing the S.C. Supreme Court ruling in Cooper v. S.C. Dept of P.P.P.S. which ruled that the Parole Board could render a routine denial of parole by stating it's consideration of the factors outlined in section 24-21-640 and the fifteen factors published in its parole form. Appellant filed a Notice of Appeal of this action with the S.C. Court of Appeals on December 18, 2013.

Argument

1. Appellant was a 16 year old High School student at the time he committed his crime. This was a mitigating circumstance stated when he signed the plea agreement at his sentencing. After being sentenced he was committed to the Department of Juvenile Justice until he reached his 17th birthday. When the Appellant appeared before the parole board on October 2, 2013 he was asked if he had secured employment. Appellant had signed up for the Parole Employment Program (PEP) at his pre-parole interview on April 30, 2013. Appellant was then asked what employment he had prior to incarceration. After stating that he attended High School, Appellant was asked "How long did you work at the High School?"

Clearly anyone having considered Appellant's record before and after incarceration would not demonstrate such egregious lack of knowledge as this.

2. The overwhelming majority of inmates sentenced to life sentences with ten year parole eligibility, as the appellant was, have been granted parole. These were offenders who committed their crimes as adults, some of whom committed multiple homicides, had previous adult criminal records, and were sentenced to multiple life sentences. Their average length of time served was around 15 years. The Parole Board has denied Appellant's parole for 28 years. The United States Supreme Court has ruled against "lock them up and throw away the key" treatment of juvenile offenders such as the Appellant.

Conclusion

The questions asked by the Parole Board clearly demonstrate its lack of proper consideration as required by law and therefore render its decision arbitrary and capricious. The Parole Board's continued "rubber-stamp" denial of parole brings into question whether it has denied Appellant Equal Justice and subjected him to Cruel and Unusual Punishment.

s/ 
Thomas Thompson

January 21, 2014

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Administrative Law Court

Judge D. B. Durden, Administrative Law Judge

Case # 2013-002712

Thomas Thompson #80681 - Appellant

v.


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

Proof of Service

I, Thomas Thompson, certify that I have served this Initial Brief of Appellant on the S.C. Department of Probations, Parole, and Pardon Services by depositing a copy of it in the inter-agency mail at the Kershaw Correctional Institution mailroom on January 21, 2014 addressed to:

S.C. Department of Probation, Parole, and Pardon Services
2221 Devine Street, Suite 600
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January 21, 2014

s/ 
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SC Court of Appeals

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