

January 28, 2015

Please may I have  
a stamp copy in return  
showing that motion  
has been filed?

Thank you very much...!

"Amen"

CH

**RECEIVED**

FEB 02 2015

**SCSOPREMECOURT**

2011-203246

STATE OF SOUTH CAROLINA  
SUPREME COURT

Jimmy Duncan  
Petitioner

- VS -

Donna Farris,  
S.C. Probation, Colleton  
Respondent

NO. DD-LS-15-DD726

Motion To Compel

Or

Enforce Judgment Seeking For  
A Pardon And For The Custody  
Of Release Supported By Affidavit  
And Exhibit A Revocation Order.  
Also With S.C. Code Of Law Provisions  
17-25-322(E) And 17-25-322(E)4.

Respectfully Petitioner "With Out doubt." wishes to move before thee  
to compel respondent to be in compliance with the revocation order  
exhibit(A) signature by Honorable Perry M. Buckner Dn May 19, 2014.  
Sentence of 1yr. and after services of time. It indicating by the finding  
of number 4 that (Petitioner) Defendant should not be continued  
in the community supervision program under its current terms or  
under other terms and conditions. Being that respondent have failed  
to do so..!

" Respectfully Submitted "

~~(Rev.) Jimmy Lee Duncan Jr.~~

(Rev.) Jimmy Lee Duncan Jr.

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Colleton County Detention Center  
27 Klein St. Walterboro, S.C. 29488

FEB 02 2015

S.C. SUPREME COURT

# Affidavit Of Statement

Here in December 31, 2014 Petitioner Was Offered by the S.D. Department Of Corrections & Pardon, Parole, And Probation Services to be release in Community Supervision Program 30 Days before max out date January 31, 2015, as early release for good behavior.

Petitioner had refused the early release and the Community Supervision Program; "Due to the following reasons" #1

It goes against the revocation order. #2 Back on July 10, 2008 Judge Perry M. Buckner had order by revocation that defendant has satisfied Community supervision by completed Maximum Sentence that is required by state law and should be release in accordance to McGrier vs. state. It would be Highly Unconstitutional For a person to be subjected to an exceeding sentence after the completion of Maximum time sentence. #3 That he didn't have any Place to stay or current residential address. #4 That once you have been discharged from supervision & Prison you are entitle to a Pardon accordance to 17-25-322(E) A & B. #5 That All his rights shall be fully restored under 17-25-322(E) 4.

Therefore being Petitioner had refuse their offer. S.D. Department had him transfered in to the Custody of Pardon, Parole, and Probation Services on December 31, 2014, in which they lock him up in the County ~~Detention~~ Detention Center on a bogus warrant, for failing to provide a place of residence & for failing to agree to terms of Community supervision. Still yet it is past January 31, 2015. Petitioner have included exhibit (B) a CHL application when he was in prison, Proving his max out date Jan 31, 2015

And that Once again he has satisfied Community supervision by completing the Maximum Sentence "100%" that is required by State and should be release in accordance to McBrier vs. State It would be highly unconstitutional for a person to be subjected to an exceeding sentence after the completion of Maximum time Sentence.

(Conclusion Of Affidavit)

The law is the law, Justice, is not injustice and Peace is not discrimination, or hate, but of Justice and equal liberty unto all people. Therefore upon all that has been submitted, that Petitioner shall be set free, "Amen!!"

Under the Penalties of Perjury or Subornation of Perjury 18 U.S.C. §§ 1621 and 1622 that the foregoing facts stated with in this affidavit, exhibits (A) & (B), and in motion to compel are true and correct on this day, month, and year signed by Affiant here below.

(Rev.) Jimmy Lee Duncan Jr.  
Signature of Affiant

January 28, 2015  
Date of Signature

Daniel 6:7, Hosea 6:2, And Matthew 16:13-28 Amen...!

(Exhibit A)

STATE OF SOUTH CAROLINA  
COUNTY OF Walterboro

IN THE COURT OF GENERAL SESSIONS  
No. 00-GS-15-0026  
Count

Community Supervision  
REVOCATION ORDER

STATE

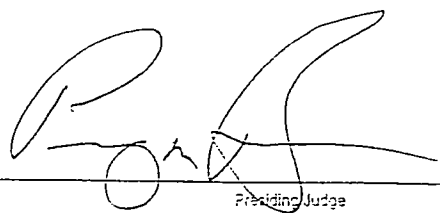
Timothy Duncan  
-vs-  
Defendant  
01339793  
SID #  
8/25/00  
SCCC# or DOB

This matter was brought before me on the 19 day of May, 2014, pursuant to a [warrant or citation] charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of \_\_\_\_\_ days \_\_\_\_\_ months 1 year (total may not exceed one (1) year).

This 19 day of May, 2014

  
Presiding Judge

Walterboro

S. C.

14th

Judicial Circuit

This is to certify that I have received this order.

Offender's Signature Refused

Witnessed by [Signature]

Signed this 19 day of May, 2014 at Walterboro, SC

(Exhibit B)

# CHARACTER HOUSING UNIT (CHU) APPLICATION

## CRITERIA

1. You must have been satisfactory employed for at least three (3) months.
2. You must have at least one (1) year remaining to serve on your sentence.
3. You must have been assigned to the ACI yard for at least six (6) months (see exception below).
4. You must be disciplinary free of a MAJOR charge for one (1) year, if you have received a major charge during the past year you will have to attend the Behavioral Modification Program (to be approved by Associate Warden).
5. You cannot be ME custody.
6. You must not have had more than three (3) ADMINISTRATIVE disciplinary convictions within the last year.
7. You must actively participate in programs (AA/NA/EA, Jump Start, CAP, OBB, IRC, religious programs, etc.).
8. If you have been convicted of a FIRST time offense of Exhibitionism and Public Masturbation, you will become eligible after two (2) years from the date of your release from SMU, successful completion of the ACI Sexual Misconduct Program and meet the other criteria listed above.
9. If you have been convicted of multiple offenses of Exhibitionism and Public Masturbation, you will become eligible after five (5) years from the date of your last release from SMU, successful completion of the ACI Sexual Misconduct Program and meet the other criteria listed above.

Inmate Name: Jimmy Duncan SCDC # 290546 Housing Unit: F2 B34

Date Arrived To ACI: 7.17.14 Max-Out Date: 1.31.15

Inmate administratively transferred from other institutions may have the six (6) months waiting period waived to three (3) months provided they are employed and are approved for admittance to the CHU by the CHU Committee.

### REVIEW COMMITTEE INFORMATION

Last MAJOR Disciplinary Conviction: Refusing / failing Date: 7.27.13

Last ADMINISTRATIVE Conviction: Refusing / failing Date: 5.8.13

Job Assignment: Sr. Dining Rm. Op. Date Assigned: 7.25.14 Supervisor: \_\_\_\_\_

you do not meet the criteria due to highlighted area.

\_\_\_\_\_ CBuehler

PLACE COMPLETED FORM IN THE MAIL BOX OR GRIEVANCE BOX

(EXHIBIT C)

(ELIGIBILITY FOR A PARDON UNDER SOUTH CAROLINA  
LAW)

(S.C. Code of Law Provisions) 24-21-950(A) And 24-21-950(B)

Although the Board's decision to grant or deny in any given case is entirely discretionary, the Board may only consider for a pardon those offenders who are eligible to receive pardons under S.C. Code 24-21-950. The Board Support Services Director is responsible for determining which applicants are eligible to be considered for pardon, with the exception of those applicants whose eligibility is based on the assertion of extraordinary circumstances. Pursuant to (S.C. Code of Law Provisions) 17-25-322(E), the Board may not grant a pardon to an applicant until the restitution and collection fees required by the restitution order have been paid in full.

\* (A) Persons Discharged from Supervision: Probationers and Parolees are eligible to be considered for a pardon upon request at any time after their discharge from supervision.

\* (B) Persons Discharged from Prison: Offenders who are discharged from their sentence without benefit of parole are eligible to be considered for a pardon at any time after their discharge.

\* Under (S.C. ~~Code~~ Code of Law Provisions) 17-25-322(E) 4  
A pardon fully restores all civil rights that the pardoned person lost as a result of the conviction and sentence. These rights

include:

- The right to serve on a jury
- The right to ~~hold~~ hold public office, except in the case where the crime was embezzlement of public funds;
- The right to testify at a trial with out having the fact of conviction introduced for impeachment purposes, unless the crime indicates a lack of veracity;
- The right to ~~have~~ have one's testimony included in a legal proceeding if the crime was perjury;
- The right to be licensed for any occupation requiring a license.
- The right to own and possess fire arms.

under (SL Code of Law Provisions) 17-25-322(E) 4.4  
Once the Certificate of Pardon is issued to the Pardoned Person, it can not be revoked or rescinded, unless it was obtained through fraud. Pardons obtained through fraud are void.

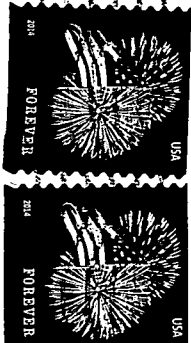
NAME AND CELL #  
Jimmy DEACAN  
22 KLEIN STREET  
WALTERBORO, SC 29488

CHARLESTON, SC 29411

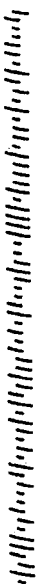
JAN 21 2015 PM 2:11

Clerk of Court

The Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, South Carolina 29211



29211+1330



The Colleton County Detention Center has  
neither censored nor inspected this item:  
therefore, this facility does not assume  
responsibility for its contents

\* Legal Mail \*