

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Shirley C. Robinson

Case No. # 14-ALJ-15-0052-AP

Jimmy Long # 197708

Appellant

vs

South Carolina Department of Probation
Parole & Pardon Services

Respondent

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MAY 12 2015

INITIAL BRIEF OF APPELLANT SC Court of Appeals

Other counsel of record
Attn: Counsel
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MR. Jimmy Long
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STATEMENT OF THE CASE

Appellant is presently confined in S.C.D.C./McCormick Corr Inst. pursuant to order of commitment of the County Clerk of Court. The Appellant was indicted for Murder and assault with intent to commit first degree criminal sexual conduct by the Grand Jury for the court of General sessions of Florence County. Judge Ralph King Anderson, Jr. sentenced Appellant to life imprisonment for murder and a concurrent 10 years for first (assault w/ intent) degree criminal sexual conduct.

On Nov 6, 2014 the South Carolina Department of Probation, Parole and Pardon Services (S.C.DPPPS) notified Appellant that the Board denied him parole. Appellant appealed this denial to the Administrative Law Court. On April 30, 2015 the A.L.C. denied Appellant's appeal. On May 6, 2015 the Appellant filed his appeal. Appellant now seeks review of the ALC's decision.

STATEMENT OF THE ISSUES ON APPEAL

- (1) WHETHER THE A.L.C. ERRORED IN RULING THAT BRADFORD v WEINSTEIN DOES NOT APPLY TO APPELLANT'S CASE

- (2) WHETHER THE A.L.C. ERRORED IN ADDRESSING THE EX-POST FACTO, INSTEAD OF THE NUMBERS OF THE AFFIRMATIVE AND NONE AFFIRMATIVE MEMBERS VOTES IN HIS CASE

ARGUMENT (1)

The Appellant argues that the A.L.C. erred in ruling that Bradford v Weinstein 519 F.2d 728 (4th Cir.) does not apply to his case. Here, the Appellant argues that the Cooper case SEE: Cooper v S.C.D.P.P.S 661 S.E.2d 106 and S.C. Code Ann. § 21-24-640 the fifteen (15) Dept. criteria does not satisfy the Bradford criteria. When the S.C.D.P.P.S and the fifteen (15) Dept. criteria does not nor do they inform Appellant of what changes in attitude, habits and the requirements to be successful in obtaining parole SEE: Bradford at 732

ARGUMENT (2)

The Appellant argues that the A.L.C. erred in addressing the ex-post facts instead of the numbers of the affirmative and none affirmative members votes upon his case.

Here, the A.L.C. addressed Barton SEE: Barton v S.C. DPP'S, 745 SE2d 110. Appellant argues that his case is unlike Barton, which allows a two-thirds affirmative vote to be released on parole. In the case at bar Appellant is being denied to know the number(s) of the affirmative and none affirmative members votes upon his case.

Thus, based upon the foregoing, the decision(s) of the A.L.C. should be reversed.

Date 5/6/15

Respectfully submitted
5/ Jimmy Long

(4)

AFFIDAVIT OF SERVICE

I Jimmy Long hereby certify that I have served my initial brief upon the below persons. By placing the above said into the Mc C.I. mail room on this 06 day of May 2015 to be placed in the U.S. mail with postage prepaid

The Ct. of Appeals
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