

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law Court
Deborah Durden, Administrative Law Judge
15-ALC-15-0009
Appellate Case No. 2015-000689

Thomas Lowery, #83240,

Appellant,

v.

S.C. Department of Probation, Parole,
and Pardon Services,

Respondent.

RETURN TO MOTION ~~OBJECTING TO~~'S
APPELLANT'S DESIGNATION OF MATTER

The Appellant, Thomas Lowery make his return opposing Respondent's Motion Objecting to Appellant's Designation of Matter with no date, in which he received on April 23, 2015. Appellant asserts that the information requested is public records for disclosure, specifically, the Board's vote during his parole hearing on 1/14/15. SCDPPPS Record Retention/Disposition Schedule number 7680A, require whether or not parole was granted or rejected and the reason, and any special cases that were discussed. This includes the vote of the Board Members as well. In *Thalma Barton v. S.C. Dept. of Prob. Parole and Pard. Servs.*, Appellate Case No. 2012-213234, Opinion No. 27281 (7/3/2013), whereas, SCDPPPS misled the Court that inmates can receive the vote outcome from their hearings via request a recording of their hearing which is false. The recording does not provide the votes, nor the members who are in attendance of the hearing, thus, a lack of support in the record. In addition, the notice of rejection letter issued to Appellant makes no mention of the number of votes he received at his hearing. The Appellant is not informed of the vote outcome from his 1/14/15 hearing. As a result, this is an arbitrary act by the Board for failure to disclose such matters. The matter was made in the regular course of business, and the material is relevant to the determination of the merits of the brief.

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SC Court of Appeals

Respectfully submitted,

s/ *Thomas Lowery*
Thomas Lowery, 83240
KER.CI/HD235
4848 Goldmine Hwy.
Kershaw, SC 29067

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Respondent.

CERTIFICATE OF SERVICE

I, Thomas Lowery, the Appellant, certify that I have served the Return to Motion Objecting to Appellant's Designation of Matter, dated April 27, 2015, on Respondent this 27th day of April, 2015, by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to:

Tommy Evans, Jr.,
Assistant General Counsel,
SCDPPPS
P.O. Box 50666
Columbia, SC 29250

s/ *Thomas Lowery*
Thomas Lowery, #83240
KER.CI/HD235
4848 Goldmine Hwy.
Kershaw, SC 29067

April 27, 2015

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THOMAS LOWERY 083240
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4848 Goldmine Hwy
KERSHAW S.C. 29067

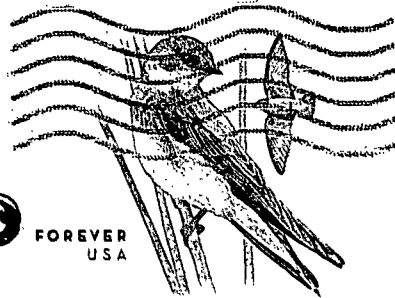
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SC Court of Appeals
THE Honorable Jenny Kitchings
Clerk of The S.C. Court of Appeals
P.O. BOX 11629
Columbia, South Carolina 29211

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