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JUN 12 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
Honorable Deborah Durden, Administrative Law Judge

Case No. 15-ALC-15-0009-AP

Appellate Case No. 2015-000689

Thomas Lowery, #083240,

Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

RECORD ON APPEAL

Thomas Lowery, #083240
HD235/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

pro se

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

Respondent

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Pages:

1. Parole Case Summary, Case No. 58, date 6/23/10
2. House of Representative, District No. 50, Grady A. Brown Letter dated June 9, 2010
3. Excerpt for Trial Transcript, pages 13, and 14

NOTE: Certificate of Counsel, Proof of Service, and Designation of Matter are attached.



House of Representatives

State of South Carolina

Grady A. Brown

District No. 50 - Lee-Sumter Counties
106 East Cedar Lane
Bishopville, SC 29010

304-B Blatt Building
Columbia, SC 29211

Tel. (803) 734-2934

Committees:

June 9, 2010

Labor, Commerce and Industry
Rules

**The Honorable Samuel Glover, Director
SC Department of Probation, Parole
and Pardon Services
Post Office Box 50666
Columbia, SC 29250**

Dear Mr. Glover:

This correspondence is written on behalf of the family of Mrs. Evelyn Lane Truluck, who lived, until her untimely death, in the Lynchburg section of Lee County. For many years, Mrs. Truluck's husband, until his death, asked me to correspond with your agency regarding the pending probation hearings of two inmates who were convicted for murder in the death of his wife. Through the years, I have written letters to you and your agency regarding the pending parole hearings for these inmates. Since Mr. Truluck's death, his son, the Reverend Gerald Truluck, has taken up where his father left off for the family to continue to ask the Probation, Parole and Pardon Services, to not consider giving these two inmates parole status.

The inmates we are speaking of are: Inmate Thomas Lowery, SCDC Number 83240 and Inmate Marion Gettys, SCDC Number 83238. Please consider this request on behalf of my office that these inmates not be considered for parole at this time. The Truluck Family still finds it hard to conceive how two individuals who knew Mrs. Truluck for so many years could do such an awful deed and murder their loved one.

If I can provide any further information pertaining to this correspondence on behalf of the Truluck Family, please feel free to contact me at your convenience. Thanking you in advance for your assistance in this matter, I remain

Sincerely yours,

Grady A. Brown

GAB/afc/2010jun9-3

cc: Probation, Pardon and Parole Services Board Members

The Reverend Gerald Truluck, Post Office Box 338, Lynchburg, SC 29080

1 that on the morning before the incident occurred that someone
2 game into their community and offered them cigarettes,
3 marijuana cigarettes and some type of pill, and that they
4 took these pills and had them and had smoked some of the
5 marijuana, that they feel that they were somewhat under the
6 influence of marijuana. They felt that the influence of
7 the marijuana probably had some--diminished their inhibitions
8 to some extent. I have gone over it time and time again
9 with them. They still have no reason that they would go
10 and commit a crime of this nature that they can give as any
11 acceptable facts. I don't think that they could today. If
12 you'd ask them why they did it today, I think they would
13 have to say that they really don't know. The punishment
14 which they'll receive, of course, your Honor, we all know,
15 and we would just ask that the Court be as merciful in
16 dealing with them as possible.

17 MR. McLEOD: I might state for the Court that a case
18 of this type reaffirms my faith in the capital punishment,
19 death by electrocution. If I ever saw a case where the
20 defendants were eligible for the electric chair, this is
21 indeed one of them. [However, the Supreme Courts in their
22 wisdom, if you want to call it wisdom --

23 THE COURT: United States Supreme Court.

24 MR. McLEOD: Pardon me, United States Supreme Court
25 and what somepeople call wisdom, abolished it, and we, of

① course, have the maximum punishment of life imprisonment
② for murder, and I would like to state at this time for the
③ record that when and if these defendants become eligible
④ for parole, I wish the record to show that I oppose parole
⑤ at any time, especially if I'm not here among us, God forbid,
⑥ but if I'm alive, I will still oppose it, and I'd like the
⑦ record to reflect it. If I am not here, I still oppose it.

⑧ THE COURT: All right, sir. Marion Geddis, do you
9 have anything you wish to say to the Court before I pass
10 sentence?

11 DEFENDANT GEDDIS: No, sir.

12 THE COURT: Do you have anyone here that you would like
13 to speak on your behalf other than Mr. Jennings?

14 DEFENDANT GEDDIS: (Indicating negatively.)

15 THE COURT: All right. Marion--Thomas Lowery, do you
16 have anything that you wish to say to the Court?

17 DEFENDANT LOWERY: No.

18 THE COURT: Before the Court passes sentence?

19 DEFENDANT LOWERY: No.

20 THE COURT: Do you have anyone here that would like to
21 speak on your behalf other than Mr. Jennings?

22 DEFENDANT LOWERY: No, sir.

23 THE COURT: Did either of you know the victim in this
24 case personally?

25 DEFENDANTS: Yes, sir.

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DESIGNATION OF MATTER

In addition to the matter designated by the Respondent, the Appellant proposes the following to be included in the Record of Appeal:

1. Parole Case Summary, Case No. 58, date 6/23/10;
2. House of Representative, District No. 50, Grady A Brown, letter dated June 9, 2010; and
3. Excerpt for Trial Transcript, pages 13 and 14.

The undersigned hereby certifies this Record on Appeal contains no matter which is irrelevant to this appeal.


Thomas Lowery, #083240
HD235/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

June 1, 2015

pro se

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Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Appellant Record on Appeal and Designation of Matter contains all material proposed to be included by the parties.

s/ *Thomas Lowery*
Thomas Lowery, 083240
Hd235/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

June 1, 2015

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Thomas Lowery, 803240,

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South Carolina Department of Probation,
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Respondent.

PROOF OF SERVICES

I, Thomas Lowery, the Appellant certify that I have served the within Record on Appeal, Certificate of Counsel, Designation of Matter dated June 1, 2015, on Respondent this 1st day of June, 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, 083240
HD235/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

June 1, 2015

DMAS LOWERY 083240
R. C. I. HD 235
48 Gold mine Hwy
R SHAW S.C. 29067



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SOUTH CAROLINA COURT OF APPEALS
Jenny ABBOTT KITCHINGS, CLERK
1220 Senate Street,
Columbia, S.C. 29201.