

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM ADMINISTRATIVE LAW COURT AUG 03 2015  
Honorable Deborah Durden, Administrative Law Judge

Case No. 15-ALC-15-0009-AR SC Court of Appeals

APPELLATE CASE No. 2015-000689

Thomas Lowery, #083240,

Appellant,

v.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.

APPELLANT FINAL REPLY BRIEF

Thomas Lowery, #083240  
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pro se

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Respondent

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## RESPONDENT STATEMENT OF CASE

1. Respondent's Brief does not entail the guilty plea induced by advice that Appellant would not be eligible for parole in ten (10) years. I does'nt contain the fact that Appellant at the time could not read or write nor had the comprehensive skill to articulate constitutional protections. It does not contain the capricious acts of 1976 proceedings or those now used arbitrarily and capriciously in his parole hearings.

2. The other factors considered by the Board in particular cases are the factors so far-reaching they can be hidden in number 11; 13; 14; and cloaked in the number "15" clause of discretionary powers (emphasis added). It is not the State that avoids race claim, it is the agents of the State that avoid a sensitive, authentic issue due a fair redress and disposition.

3. The ALC, respecting Judge Durden, avoided an issue(s) made present long before Judge Durden tenure. Discrimination can be address at any level of jurisprudence if "chosen" by the Court its before. It is when polictics enter the Courts, justice find it difficult to prevail.

## SUPPORTING ARGUMENTS BY RESPONDENT

The ALC correctly acted lawful by taking a hands off approach to a matter politics limited its authority to interpret, but remedy with the flexibility of the Cooper decision pointed to in Appellant's Initial Appeal. The Parole Board still offer no concrete factual explanations for its decisions, nor indicate a desire to do so. If more transparency of item "15" was made available through fair disclosure, a Lowery decision could be a paramount resolve, and the other "14" items modified to remove the ambiguities that dilute a good concept of law and order..

The Criteria established by General assembly and the Department:

The criteria quoted by Respondent says, the Board must carefully consider the record of the prisoner before, during and after imprisonment etc..., I submit:

1. The Board in its brief did not mention my educational or vocational growth.
2. My behavior adjustment the last thirty (30) years or other programs achievements.
3. It did not mention that earlier in my sentence prior to Director Moore, I

was a trustee in construction that help built now existing institutions. That I went about these tasks absent armed supervision and never escaped. They did not mention the money I contributed to Victim Witness the years of work in Prison Private Industry Program. They did'nt mention my spiritual growth or involvement in Faith Base Programs. They did'nt mention my 80 plus year old mother who tried to meet with the victim in search of forgiveness and closure. They did'nt mention my supportive family.

All the Respondent relied on was a crime of 1976 to support its continuous denial of my potential chance to prove myself worthy of the grace.

The nature and seriousness will never change and remorse felt can't be forced on the victims to accept.

Items 13; 14; and particular 15, are items of the agency criteria that hinder me and race is the core issue, which item "15" is the platform for the arbitrary and capricious doings.

#### CONCLUSION

I submit that: If this Court affirm the ALC decision, again, politics will prevail the halls of justice. I implore this Court to love mercy, apply prudence and affirm justice conceived by the founding Fathers. This opposition I humbly submit in respect of all.

s/ *Thomas Lowery*  
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July 24. 2015

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Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Appellant Final Reply Brief complies with  
SCACR.

s/ *Thomas Lowery*  
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PROOF OF SERVICES

I, Thomas Lowery, the Appellant certify that I have served the within Appellant Final Reply Brief, and Certificate of Counsel dated July 24, 2015, on Respondent this 24th day of July, 2015, by depositing a copy of the same in the U.S. mail, postage prepaid, addressed to: Tommy Evans, Jr.

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July 24, 2015

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