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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Appellate Case No: 2015-000196

James Tinsley, # 171943, Appellant,

-vs-

South Carolina Department of Probation, Parole,
and Pardon Services, Respondents.

RECORD ON APPEAL

General Counsels Office
for the SCDPPPS,
Tommy Evans, Jr.,
P.O. Box 50666
Columbia, S.C. 29250

James Tinsley, #171943,
Allendale C.I. F2B6
P.O. Box 1151
Fairfax, S.C. 29827
Appellant Pro se

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

James Tinsley 171943,

The Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 14-ALJ-15-0028-AP

ORDER

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (“ALC” or “court”) pursuant to the appeal of James Tinsley (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. On April 9, 2014, the South Carolina Department of Probation, Parole and Pardon Services (“Department”) notified the Appellant that the South Carolina Parole Board (“Board”) rejected him for parole. On April 29, 2014 the Appellant sent a letter requesting reconsideration to the Board. The Board denied his request for reconsideration in a letter dated May 29, 2014. On June 13, 2014 the Appellant filed a Notice of Appeal with the ALC seeking review of the Board’s denial of parole. As grounds for the appeal, the Appellant contends that the Board’s sole basis for denial of parole, failure to successfully complete a community supervision program, was based on incorrect information and that he has never failed to complete a community supervision program.

DISCUSSION

An individual has a right to ALC review of a final decision of the Board only when that decision affects a liberty interest for which due process is required. See Furtick v. S.C. Dep’t of Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E.2d 146, 149, 150 (2003); see also Sullivan v. South Carolina Dep’t of Corrections, 355 S.C. 437, 586 S.E.2d 124, 127 (2003) (explaining the nature of the right to ALC review). In Furtick, the South Carolina Supreme Court held that although an inmate has a liberty interest in parole eligibility pursuant to S.C. Code Ann. § 24-21-620, the statute creates no such liberty interest in the granting of parole itself.

FILED

JAN 14 2015 (ROA Pg. 1)

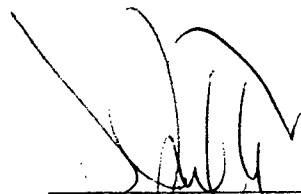
Furtick, 352 S.C. at 598, 576 S.E.2d at 149 n.4. Therefore, claims arising from the Board's decision denying parole are not appealable to the ALC, only claims that the Board failed to consider the appropriate criteria so as to be tantamount to an abrogation of parole eligibility. Cooper v. S.C. Dep't. of Probation, 377 S.C. 489, 661 S.E.2d 106 (2008).

The Appellant challenges the sufficiency of the Board's order based on the fact that the basis for rejection, failure to complete a prior community supervision program, was based on inaccurate information. The Appellant claims that, although he once had probation revoked many years ago, the probation revocation had been expunged or declared a nullity and should not be considered by the Board. The Appellant argues that the Board violated his due process rights by relying on false, incorrect or incomplete information as a sole ground for denying his parole. Although the court is sympathetic to the Appellant's plight if the Board is, indeed, considering information that has been or should have been expunged from the Appellant's record, the court cannot review the factual criteria on which the Board based its decision. If the Board considers all of the appropriate criteria in determining whether to grant or deny parole, the decision constitutes a routine denial of parole and this court has limited authority to review the decision only to determine whether the Board followed proper procedure. Cooper, 377 S.C. 489, 661 S.E.2d 106 (2008). In this case, the Board considered all of the appropriate criteria when determining whether to grant or deny the Appellant's parole. Therefore, the Board's decision is not tantamount to a permanent denial of parole and the court does not have jurisdiction to review the factual basis for the Board's decision.

ORDER

For the foregoing reasons, the Department's decision denying the Appellant parole is **AFFIRMED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

January 14, 2015
Columbia, South Carolina

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, South Carolina 29250
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

April 9, 2014

Mr. James Tinsley #00171943
Livesay Pre-Release Center
P.O. Box 580
Una, SC 29378

RE: NOTICE OF REJECTION

Dear Mr. Tinsley:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Failure To Successfully Complete A Community Supervision Program

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

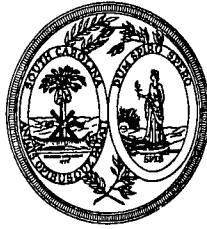
Larry Ray Patton, Jr.
Director of Parole Board Support Services

(ROA pg. 3)

4/9/2014 B

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

May 29, 2014

Mr. James Tinsley(171943)
Livesay Correctional Institution
P.O. Box 580
Una, SC 39378

Dear Mr. Tinsley:

I am writing this letter on behalf of the SC Board of Probation, Parole and Pardon.

The Parole Board heard your request for a rehearing on May 28, 2014. After thorough consideration, and after having reexamined the parole file, the Parole Board decided that the reasons stated in your request did not affect the decision of the Parole Board, and would not affect the decision of the Parole Board if they were to rehear your case. Your request for a rehearing was denied by the Parole Board. The Board's decision is final.

Sincerely,

Larry Ray Patton, Jr.
Director of Parole Board Support

LRP/eaw

(ROA pg. 4)

**South Carolina Department of Probation, Parole and Pardon Services
Criteria For Parole Consideration**

SC Board of Probation, Parole and Pardon Services
P. O. Box 50666
Columbia, SC 29250

Inmate Name James Tinsley	SCDC # 171943
-------------------------------------	-------------------------

Set 49 B

Criteria For Parole Consideration

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release, nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. These files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some error or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating upon the reasonable probability that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems, such as seeking treatment for substance abuse, enrolling in academic and vocational education courses and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with, the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the community into which the inmate will be released to receive the inmate.
12. The willingness of the inmate's family to allow him/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate;
15. Other factors considered relevant in a particular case by the Board.

Reservation of Discretionary Power of the Parole Board

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainers or pending charges.

If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-80 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

I certify that the above material has been explained to me, and I have received a copy.

Inmate's Signature <i>James Tinsley</i>	Date 1-7-2014	Witness <i>[Signature]</i>	Date 1-7-14
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Form 1212 Revision A - March 18, 2002 (Stock) #171943

Distribution: White Copy - Parole Services, Pink Copy - Inmate

5

(ROA pg. 5)

APRIL 24, 2014

pg 4/4

SOUTH CAROLINA Department
OF Probation, Parole and
PARDON SERVICES
% Larry Ray Patton, JR.
2221 Devine Street, Suite 600
P.O. Box 50666
Columbia, S.C. 29250

James Tinsley #171943
Livesay C.I. A-15
P.O. Box 580
Una, S.C. 29378

RECEIVED
APR 29 2014

RE: REQUEST For Appeal or Rehearing of
Parole Boards decision denying parole.

Mr. Patton:

I have previously sent you a letter dated April 20, 2014 with an attached copy of the Parole Boards decision dated April 9, 2014, complaining OF the FACT that the Board utilized expunged records to deny me parole and/or made False Findings OF FACT Regarding a PAST Failure to complete a supervisory program. However, in that letter, I did NOT specifically use the language that I want an interagency appeal or Rehearing so that I can proceed to the Administrative Law Judge. Please incorporate this letter into my prior letter and note that I am asking for Reconsideration OF the boards Findings and a Final decision that can be appealed.

May 4, 2014

APPENDIX PAGE 21

LARRY RAY PATTON, JR.
% South Carolina Department
OF PROBATION, PAROLE and PARDON
SERVICES
2221 Devine Street, suite 600
P.O. Box 50666
Columbia, S.C. 29250

James Tinsley, #1719A3
LIVESAY C-I. A-15
P.O. Box 580
Una, S.C. 29378

RE: Denial of Parole

MR. Patton:

My Father spoke with the Attorney for the SCOPPS who maintained that the Board's decision to deny Parole was based upon a belief that I had failed to complete a supervision program connected to my current sentences for which I am incarcerated.

Apparently, the board believed that I had been convicted in Oconee and received probation and then committed another crime in Spartanburg which caused my probation to be revoked. However, this did not happen. While I do have probation in Oconee upon my release, I have never been released to start any probation.

Moreover, I was arrested for the Oconee and Spartanburg offenses at around the same time. I simply went to COURT FIRST in Oconee and while already in prison, I

went to court in Spartanburg, even had I been on probation at the time of the Spartanburg conviction, it would not have caused the revocation of my supervision because the alleged offenses did not occur after I was convicted of the Aconee offenses.

This seemed like an easy way out for the SCOPPS because it simply means that the board misunderstood my existing record, rather than unconstitutionally failing to keep accurate records or utilizing expunged records. In which case there would be no reason to bring a lawsuit or seek anyone's arrest if the matter were quickly fixed.

But then my dad tells me that he talked to you by phone on Thursday and that you were suggesting that the board based its decision on an entirely different - Passed - Failure to complete supervision - one that is based on SCOPPS's failure to keep accurate records and the board's use of expunged records. This puts SCOPPS on dangerous grounds because under this theory, my constitutional rights have been violated and record keepers are subject to arrest and incarceration. That said, I don't want people arrested and I don't want to have to sue anyone. I just want this error corrected and to be given parole. But if this problem can't be corrected quickly and I have to wait months on end and file appeals to force the SCOPPS to do the right thing, then I will feel justified in taking further actions in Federal Court.

My Father told me that he had told you that he has the expungement orders for the two 90A and probation supervisions that you referenced, I had a great deal more documentation than he had which I have sent to him in case anyone needs a copy. Not only did I have the expungement orders but I also had my Greenville County Conviction Record from before the expungement orders took effect, and it lists each of the offenses and the warrant numbers and the dates. It also lists the sentences given (Two 90A sentences and Probation). The warrant numbers on the expungement orders match the warrant numbers for these sentences.

It does not show any warrant numbers or charges for any Probation violations, etc... with regard to any of my convictions. This is because I did not have to complete any supervision because the convictions were all overturned and expunged.

I also have the PCF Judges decision wherein he overturned all these convictions and he specifically mentions that if there were any Probation violations with regards to these offenses, they would be moot because he was overturning the original conviction which resulted in the probation and parole. To utilize any of these convictions as a basis for denying me parole is a violation of state law and my Federal Constitutional Rights.

This is why I said in my past letters to you and on the record before the board, that I do not have any prior felony convictions or failures to complete supervision programs. I do not understand why everyone keeps looking for answers in my past record when there is none and to look there amounts to crossing dangerous waters. The answer is simple. The board misunderstood my record and believed that I had violated probation on my current offenses by being convicted in Spartanburg. This can be corrected quickly and there would be no grounds for any arrest or lawsuit.

As one final thought I would like to say that some might feel that it is my responsibility to make sure that the SCPPPS have accurate records, but you must keep in mind that the board has a policy, custom or practice which prevents prisoners or even their attorney, from obtaining a copy of the records the board utilizes without providing notice to the prisoner of what the board will consider in making its decision, the prisoner has no reason to believe that the board might consider something inappropriate.

Moreover, both the Constitution and the state exonerated statute specifically places the duty to keep accurate records on the agency itself. In fact there is a responsibility on the agency to periodically go through the records and make any corrections every 6 months or 1 year. And no agency should ever rely on any record that is over 30 days old.

It is my understanding that the board is supposed to get its records from SCDC, SCDC records do not indicate any probation or parole violations either in the past or on my current convictions. In other words, ^{had} my records been utilized from SCDC the way they are supposed to have been used, this error would not have been made.

Thanking You Best,
John J. [Signature]

May 26, 20014

South Carolina Parole Board
Members
2221 Devine Street, Suite 600
P.O. Box 50666
Columbia, S.C. 29250

James Tinsley, # 171943
Livesay C.I. A-15
P.O. Box 580
Una, S.C. 29378

Re: Legal Notice

Gentleman:

On April 9, 2014 I appeared before the board for consideration for parole. You denied my parole on the single belief that I had failed to successfully complete a prior supervision program. The information you relied upon in making this finding was incorrect, false, the result of overturned, dismissed and expunged records and a finding that the prior probation revocation was a "nullity".

Upon information and belief, it appears that others are responsible for gathering and providing information to the board. I do not believe that the board members would go through the time consuming task of verifying the information provided to them prior to conducting the parole hearing. We have sought a rehearing of the boards decision and have notified Larry Ray Patton, Jr., Director of the Parole Board Support Services and Octavia Wright, Chief Legal Counsel for the DPPPS, of the error and violation of State law and my Constitutional due process rights.

We doubt however, that the DPPPS policy makers would inform the board members of their mistakes or the possible risks of arrest for contempt of court or possible civil damages that they have placed each of you in. This letter then should be treated as a "legal notice" of the error and the damage that has been caused to me as a result.

Ms. Wright is of the opinion that the South Carolina expungment statute applies only to arrest, booking records, charges or convictions and do not apply to subsequent events such as probation revocations. I too, recognize that S.C. Code §17-1-40(A) does not apply to historical events or facts precipitating a charge. See: e.g. Comton v. SCDC, 392 S.C. 361, 369, 709 S.E.2d 639, 643. (2011). However, counsels position is fatally flawed for two reasons.

(ROA pg. 12)

Counsel seems to have been mesmerized by my references to expunged records of prior convictions and has somehow been guided off-point. Whether or not prior convictions have been expunged is really irrelevant here, because the board did not deny parole on a false belief that I had been convicted previously. I am claiming that the boards theory that I had failed to complete a prior supervision program is false because that revocation of probation was held to be a "nullity" after it was proven that the probation agent had provided false information to obtain the revocation. In other words, the courts have previously determined that I did not fail to comply with the terms of my probation.

Secondly, counsel fails to realize that even if §17-1-40(A) does not prohibit the use of these supervision records because they are not considered arrests or convictions, the information must nevertheless be expunged from this agencies records because they are false. Paine v. Baker, 595 F.2d 197, 202-03 (4th Cir. 1979) (Prisoners have the right to seek the expungment of false information contained in their records). This is true because the use of false information as grounds for denying parole constitutes a due process violation when it interferes with the prisoners conditional liberty interests. Id. at 202.

As a youth I was sentenced as a Y.O.A. on two sentences and given probation on another to run concurrently. (The dates on your agencies files reflect the arrest dates not the conviction date). My probation officer and I did not get along because she mistreated my Grandfather who was in poor health. (requiring him to walk back to the parking lot and move his vehicle even though he had handicap tags). As a result of her nastiness, I always took someone along to my probation meetings as a witness as to what she said to me and what I said to her. Most often it was my Grandmother or Grandfather. My agent took offense to this tactic and as a result we always had feelings of hostility toward each other.

On one occasion I went to my meeting and she was on vacation. They substituted another probation officer for that meeting. (This happened many times). During that meeting my Girlfriend and I informed the agent that I was moving to a new address and provided a hand-drawn map to the new address. When my agent returned from vacation she sought an arrest warrant to revoke my probation and parole because she claimed I had moved without notifying anyone. I requested a copy of my probation records to show that this allegation was false, but was told I could not have a copy of my records because they were protected under privacy laws.

On the day of my revocation hearing this agent gave perjured testimony to the court that I had violated the conditions of my parole by moving without notifying the probation office. I maintained that I had obtained permission, but without access to my records, it was my word against hers. My probation was revoked.

At my PCR hearing challenging these actions I still maintained she had lied to obtain the warrant. We subpoenaed my records from the probation office. An agent Fowler was sent from Columbia with my records. Judge Kittredge asked to see the records to determine whether I had indeed obtained permission to move. Agent Fowler attempted to stall the proceedings by claiming that he needed permission from a supervisor before allowing anyone to view my probation records. Judge Kittredge became very upset and ordered agent Fowler to produce the records. When the file was opened the map to my new residence that I had drawn was found therein along with the notes of the substitute agent who had taken my information on that day.

As a result of the probation agents dishonesty, Judge Kittredge overturned all of the convictions - including the original charges which resulted in the supervision - and noted that the probation revocation was a "nullity". (According to Blacks Law Dictionary, this legal term means that it must be treated as if it never occurred). For this reason, Greenville County and SCDC have removed all mention of any probation violation but DPPPS are failing to treat this information as if it never occurred.

Without the false information contained in the affidavit in support of the warrant for violation of probation, there was no probable cause that I had committed any crimes nor failed to meet the conditions of my probation and parole. As a result, the charges were all dismissed, I also had them overturned, dismissed, and then expunged.

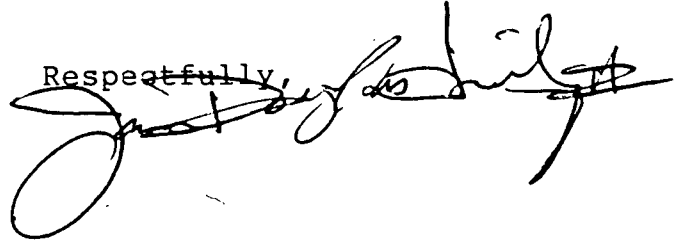
Under the South Carolina expungment statute, once something has been expunged, it is a criminal offense subject to arrest, to retain or use the expunged information in any manner whatsoever. (See: S.C. Code, §17-1-40(A)).

Moreover, it is a due process violation of the most basic sort, to use any criminal record which is untrue, whether caused by carelessness or design. Townsend v. Burke, 334 U.S. 736 (1948).

In the case sub-judice, it was untrue for you to find that I had failed to successfully complete a prior supervision program because that allegation was based upon lies given by one of your agents and as the judge stated in overturning the convictions, must be treated as if it never occurred. Moreover, I could not have had those Y.O.A. sentences expunged if I had not successfully completed supervision and remained conviction free for five (5) years. The fact that they expunged is prima facia evidence that I did successfully complete my supervision program.

In other words, even if DPPPS were somehow justified in "retaining" some sort of record of what transpired in this case, they violated State law and the Federal Constitution by "using" and relying upon this false information to a constitutionally significant degree as grounds for denying me parole.

Respectfully,

A handwritten signature in black ink, appearing to read "Justice S. Williams". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

cc: Larry Ray Patton, Jr.
Octavia Wright
Sen. Mike Fair



County of Greenville

"... At Your Service"

James Dorriety
Assistant County Administrator
Department of Public Safety
Detention, Forensics and
Record Management Services
Phone: (864) 467-5082

TO WHOM IT MAY CONCERN:

This is to certify that a search of local law enforcement records was conducted by the Department of Public Safety, Criminal Justice Support Division, of Greenville, South Carolina. This search covers the past ten years and reveals there is a record of convictions or pending charges against:*

NAME: James Douglas Tinsley, II

Page 1 of 2

DATE OF BIRTH: 06/26/1970

**CONVICTION
GREENVILLE COUNTY
CRIMINAL JUSTICE SUPPORT**

DATE OF ARREST	CHARGE	DISPOSITION
07/14/1989	Receiving Stolen Goods C440143	Guilty/30 Days or \$200.00 (Satisfied with Time Served)
11/11/1991	Fraud Check (per charge x 2) D250533/D250534	Guilty/\$248.00 or 30 days with credit For time served (per charge x 2)
11/15/1991	Fraud Check (per charge x 2) D181654/D181655	Guilty/30 days suspended on Restitution Court Cost plus \$100.00 fine (per charge x 2)
12/06/1991	Fraud Check D182110	Guilty/30 days suspended on Restitution Plus Court Costs
01/22/1992	Fraud Check C305272	Guilty/Paid \$79.25
01/22/1992	Fraud Check D203149	Guilty/\$248.00 or 30 days Time to run consecutively with any Other charge.

An additional request must be made for a records search beyond the ten year period. Our records consist of information compiled by both the Greenville County Sheriff's Office and the Greenville Police Department. This records check does not cover traffic offenses.

This is certified to be a true document only if the raised seal of the Criminal Justice Support Division of Greenville is affixed. Please feel free to call our Records Section for verbal verification of this letter.

Very truly yours,

Captain Jinny Moran

Records check completed by: Ketra King Date: June 3, 2014

Ketra King

Purpose for records check: Research/Complete/Beyond 10 years

***Warning: Anyone who alters this document from its original form will be subject to criminal charges.**

(R.O.A. pg. 16)

01/22/1992	Fraud Check (per charge x 3) D250823/D250074/D251365	Guilty/\$248.00 or 30 days/ Credit For time served (per charge x 3)
01/22/1992	Fraud Check D181795	Guilty/30 days or Restitution
01/22/1992	Fraud Check (per charge x 2) D182033/D182884	Guilty/30 days (per charge x 2)
01/22/1992	Fraud Check (per charge x 6) D183346/D180741/D180887 D181795/D182033/D182884	Guilty/30 days suspended on Restitution
03/06/1992	Fraud Check D389601	Guilty/\$248.00 or 30 days with credit for Time served
08/17/1992	Fraud Check D180765	Guilty/Paid Fine \$159.19
06/11/1993	Petit Larceny D895443	Guilty/\$248.00 or 20 days

**CONVICTION
GREENVILLE COUNTY
CRIMINAL JUSTICE SUPPORT**

END OF CHARGES.....

***Warning: Anyone who alters this document from its original form will be subject to criminal charges.**

(ROA Pg. 17)

THE STATE OF SOUTH CAROLINA

Race W Sex M Age 40
DOB 6/26/1970 SSN 217619091
SID # SC00699967

vs.

Handwritten initials

JAMES DOUGLAS TINSLEY II

Defendant

Charges were disposed of in the court indicated below:

Magistrate Municipal General Sessions

AKA

IT APPEARS that the defendant is entitled to have all records relating to this offense expunged and destroyed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/GS No	Warrant/GS No	Date of Arrest	Place of Arrest	County
#3	04739MO	12/30/1988	GREENVILLE	S.C.
#2	C495306	1/29/1990		
#1	C432335	2/10/1990		
	C325140			

2011 SEP 7 P 1:51

Arrest Charge UNLAWFUL RACING, FINAN TRANS FRAUD, GRAND LARCENY, FAIL TO APPEAR

- § 17-1-40. The charge was dismissed, nolle prossed or the defendant was found not guilty on _____
- § 17-22-150(a). The charge was nolle prossed on _____ by the Solicitor because the defendant successfully completed the Pre-Trial Intervention Program. (PTI Director must attest to eligibility for expungement).
- § 17-22-530(a). The charge was nolle prossed on _____ by the Solicitor because the defendant successfully completed the Alcohol Education Program. (AEP Director must attest to eligibility for expungement).
- § 34-11-90(e). The defendant was convicted of a first offense misdemeanor under the Fraudulent Check Law on _____ and no additional criminal conviction as defined by § 34-11-90(e) has taken place in one year from date of conviction.
- § 44-53-450(b). The defendant was charged with first offense simple possession of marijuana or hashish on _____, received a conditional discharge and has successfully complied with the terms as set forth by the court.
- § 22-5-910. The defendant was convicted of a first offense for a crime carrying a penalty of not more than 30 days on _____, that offense did not involve the exceptions enumerated in § 22-5-910, and no additional criminal conviction as defined by § 22-5-910 has taken place within three years from date of conviction or five years from the date of conviction for criminal domestic violence. (Summary Court Judge must attest to eligibility).
- § 22-5-920. The defendant was convicted of a first offense as a youthful offender on 4/17/1990, that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by § 22-5-920 has taken place during a five year period following the first offense conviction as a youthful offender.
- § 56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle on _____ and no additional criminal conviction has taken place for three years after completion of the sentence.

SLED verifies the offense listed above is eligible for expungement: Yes No SLED DM Date 9/14/10

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained on each person accepted for Pre-Trial Intervention pursuant to § 17-22-130, nonpublic information retained by SC Law Enforcement Division (SLED) pursuant to § 34-11-90(e), nonpublic information retained by the Department of Narcotic and Dangerous Drugs Under SLED pursuant to § 44-53-450, nonpublic information retained by SLED pursuant to § 22-5-910 and § 22-5-920, and nonpublic information retained by SLED and Department of Public Safety pursuant to § 56-5-750 (F).

Solicitor: Consents
 Declines to Consent
 Determined ineligible for expungement

Handwritten signature: K. Holloway
Circuit Solicitor

Signed this _____ day of _____

Handwritten signature: G. W. ...
Circuit Court Judge

I attest that the defendant is eligible for expungement pursuant to S.C. Code § 17-22-150(a) (successful completion of PTI), § 22-5-910 (summary court conviction) or § 44-53-450(b) (conditional discharge).

Handwritten signature: James Tinsley
Defendant / Attorney for Defendant (circle one)

Director Pre-Trial Intervention / Director AEP / Summary Ct. Judge (circle one)

Expunged by SLED by _____ Date _____ For SLED internal use only

Handwritten initials: KDS, KDS

Handwritten initials: KDS

(ROA Pg. 18)

THE STATE OF SOUTH CAROLINA

Race W Sex M Age _____
DOB 6-25-1970 SSN 247-61-9091
SID # _____ SC00699967

vs

JAMES DOUGLAS TINSLEY II

Defendant

Charges were disposed of in the court indicated below:

Magistrate Municipal General Sessions

AKA

IT APPEARS that the defendant is entitled to have all records relating to this offense expunged and destroyed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/VGS No. (15) C912837 C889616 D251290 D251373 D182892 D250709 D251229 D251374 D251228 C889617 D093836 D250833
Date of Arrest 9/28/1991 01/22/1992 11/10/1991 01/29/1992 11/20/1991 01/30/1992 12/2/1991
Place of Arrest GREENVILLE County, S.C.
#4 D181799 D251291 C495889

Arrest Charge Impersonating x2; Defraud Hotel; Obt. Signature by false pretense x 4; Forgery x3; Banking Fraud x2; Fraud. Check x 2
Filing False Report

- § 17-1-40. The charge was dismissed, nolle prossed or the defendant was found not guilty on 10/15/2009
- § 17-22-150(a) The charge was nolle prossed on _____ by the Solicitor because the defendant successfully completed the Pre-Trial Intervention Program (PTI Director must attest to eligibility for expungement).
- § 17-22-530(a) The charge was nolle prossed on _____ by the Solicitor because the defendant successfully completed the Alcohol Education Program. (AEP Director must attest to eligibility for expungement).
- § 34-11-90(e). The defendant was convicted of a first offense misdemeanor under the Fraudulent Check Law on _____ and no additional criminal conviction as defined by § 34-11-90(e) has taken place in one year from date of conviction.
- § 44-53-450(b) The defendant was charged with first offense simple possession of marijuana or hashish on _____, received a conditional discharge and has successfully complied with the terms as set forth by the court.
- § 22-5-910. The defendant was convicted of a first offense for a crime carrying a penalty of not more than 30 days on _____, that offense did not involve the exceptions enumerated in § 22-5-910, and no additional criminal conviction as defined by § 22-5-910 has taken place within three years from date of conviction or five years from the date of conviction for criminal domestic violence. (Summary Court Judge must attest to eligibility).
- § 22-5-920. The defendant was convicted of a first offense as a youthful offender on _____, that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by § 22-5-920 has taken place during a five year period following the first offense conviction as a youthful offender.
- § 56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle on _____ and no additional criminal conviction has taken place for three years after completion of the sentence.

SLED verifies the offense listed above is eligible for expungement: Yes No SLED _____ Date _____

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained on each person accepted for Pre-Trial Intervention pursuant to § 17-22-130, nonpublic information retained by SC Law Enforcement Division (SLED) pursuant to § 34-11-90(e), nonpublic information retained by the Department of Narcotic and Dangerous Drugs Under SLED pursuant to § 44-53-450, nonpublic information retained by SLED pursuant to § 22-5-910 and § 22-5-920, and nonpublic information retained by SLED and Department of Public Safety pursuant to § 56-5-750 (F).

Solicitor: Consents
 Declines to Consent
 Determined ineligible for expungement

[Signature]
Circuit Solicitor

Signed this 7th day of January, 2010
30th day of December 2009

I attest that the defendant is eligible for expungement pursuant to S.C. Code § 17-22-150(a) (successful completion of PTI), § 22-5-910 (summary court conviction) or § 44-53-450(b) (conditional discharge)

[Signature]
Circuit Court Judge

[Signature]
Defendant's Attorney for Defendant (Circle One)

Director Pre-Trial Intervention: _____
Expunged by SLED: _____
SLED Internal Use Only: _____

(ROA Pg. 19)

I certify that this is a true copy of criminal arrest and judicial information as reflected from the South Carolina Law Enforcement Division File.

[Signature]
Criminal Records

TO: REC09B-07544 Fri Aug 08, 2014 10:12:39 OPHY4WYWJHWE
FROM: SCCH-00123 Fri Aug 08, 2014 10:12:39

ICHR REQUEST FOR RAP SHEET
ORI-SCLED0000 SID-SC00699967 PUR-E
ATN-TINSLEY, JAMES

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

ARREST RECORD
NAME SEARCH ONLY
SC LAW ENFORCEMENT DIVISION
Since fingerprints did not accompany your request, SLED cannot guarantee that this information concerns the individual in whom you are interested.

PAGE-01 DATE-08/08/2014 TIME-10:12:39
REQ ORI-SCLED0000 S C LAW ENF DIV
SID-SC00699967 FBI-
NAME-TINSLEY, JAMES DOUGLAS II SEX-M RACE-W
HEIGHT-510 WEIGHT-160 EYES-BRO HAIR-BRO SKIN- BORN-SC
FPC- HENRY-
PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY.
* DNA - TAKEN
DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--07/24/2014

ADDITIONAL IDENTIFIERS BIRTH

NAME DATES MARKS SOC SEC MISC NUM
TINSLEY, JAMES DOUGLAS 06261970 SC R WRIST
TINSLEY, JAMES
TINSLEY, JAMES DOUGLAS T
TINSLEY, JIM
TINSLEY, JAMES DOUGLAS JR

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

TINSLEY, JAMES DOUGLAS II 07/14/1989
SC0230000 GREENVILLE CNTY SO
CASE-96490
WARR-C440143

ARREST CHARGE 01-AUTO BREAKIN

PHOTOGRAPH AVAILABLE

WARR-C440143

ARREST CHARGE 02-GRAND LARCEN

(ROA Pg. 20)

COURT CHARGE 01-RECEIVING
STOLEN GOODS
COURT DISP-CONVICTED;30D
CONFINE; \$200 FINE;CONFINE

Appendix Page 32

MENT OR FINE

TINSLEY, JAMES DOUGLAS II
SCO230000 GREENVILLE CNTY SO
CASE-96490
WARR-D250533

11/11/1991

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE

WARR-D250534

ARREST CHARGE 02-FRAUDULENT
CHECK

CIT-34-11-60-MISDEMEANOR
DOC-R84
WARR-D250533

COURT CHARGE 01-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-CONVICTED;\$248 OR
30DYS;W/CTS
COURT DATE-07/14/1992

CIT-34-11-60-MISDEMEANOR
DOC-R84
WARR-D250534

COURT CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-CONVICTED;\$248 OR
30 DYS;W/CTS

COURT DATE-07/14/1992

TINSLEY, JAMES DOUGLAS II
SCO230200 GREENVILLE PD
CASE-96490
WARR-D181654

11/24/1991

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE

WARR-D181655

ARREST CHARGE 02-FRAUDULENT
CHECK

WARR-D181655

COURT CHARGE 01-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D SUS
ON RESTITUTION COURT COST
AND \$100 FINE

WARR-D181654

COURT CHARGE 02-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D SUS
ON RESTITUTION COURT COST
AND \$100 FINE

TINSLEY, JAMES DOUGLAS II
SCO230200 GREENVILLE PD
CASE-96490
WARR-D182033

01/22/1992

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE

WARR-D181795

ARREST CHARGE 02-FRAUDULENT
CHECK

WARR-D182884

ARREST CHARGE 03-FRAUDULENT
CHECK
COURT CHARGE 01-FRAUDULENT

WARR-D181795

(ROA pg. 21)

WARR-D182033

COURT DISP-CONVICTED;30D ON
RESTITUTION
COURT CHARGE 02-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D
SUSP ON REST
COURT CHARGE 03-FRAUDULENT
CHECK

WARR-D182884

WARR-D181795

COURT DISP-CONVICTED;30D
SUSP ON REST
COURT CHARGE 04-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D
SUSP ON REST
COURT CHARGE 05-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D
SUSP ON REST
COURT CHARGE 06-FRAUDULENT
CHECK
COURT DISP-CONVICTED;30D
SUSP ON REST

WARR-D183346

WARR-D180741

TINSLEY, JAMES DOUGLAS II
SC0230000 GREENVILLE CNTY SO
CASE-96490
WARR-C305272

A01/22/1992

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE

WARR-D250823

@

ARREST CHARGE 02-FRAUDULENT
CHECK

WARR-D251074

ARREST CHARGE 03-FRAUDULENT
CHECK

WARR-D203149

ARREST CHARGE 04-FRAUDULENT
CHECK

WARR-D251365

ARREST CHARGE 05-FRAUDULENT
CHECK

WARR-D203149

COURT CHARGE 01-FRAUDULENT
CHECK
COURT DISP-CONVICTED;\$248 OR
30D, CONCURRENT
COURT DATE-06/22/1992

CIT-34-11-60-MISDEMEANOR

WARR-C305272

COURT CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-CONVICTED; SENTENCE
UNKNONW
COURT DATE-09/30/1992

SC004015C PERRY RECPT & EVAL
CASE-171943
SC004015C PERRY RECPT & EVAL

02/13/1992 CUSTODY STATUS-RECEIVED
START DATE-02/13/1992
COURT CHARGE 01-FRAUD CHECKS
6 COUNTS
COURT DISP-CONVICTED;30D
EACH CONSECUTIVE

TINSLEY, JAMES DOUGLAS II
SC0230000 GREENVILLE CNTY SO
CASE-96490

03/06/1992

WARR-D389601

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-FRAUDULENT
CHECK
COURT DISP-CONVICTED;\$248 OR
30 DAYS CREDIT TIME SERVED

Appendix Page 34

TINSLEY, JAMES DOUGLAS II 07/30/1992
SC0230000 GREENVILLE CNTY SO
CASE-96490
WARR-D288667

ARREST CHARGE 01-FRAUDULENT
CHECK
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-FRAUDULENT
CHECK
COURT DISP-CONVICTED;\$248 OR
JOD SS \$68;CRT CST
COURT DATE-09/21/1992

SC024073J
DOC-92093610093
WARR-D288667

TINSLEY, JAMES DOUGLAS JR 06/18/2007
SC0420000 SPARTANBURG CNTY SO
CASE-2006110657
ATN-422100122089
WARR-K261598
CIT-16-13-180 (3)-FELONY

ARREST CHARGE 01-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
OFFENSE DATE-06/18/2007
PALM PRINTS AVAILABLE

TINSLEY, JAMES DOUGLAS 01/29/2008
SC0370000 OCONEE CNTY SO

CASE-080318
ATN-990000370814
WARR-K226473
CIT-16-21-80 (3)-FELONY

ARREST CHARGE 01-POSS, SELL, DI
SPOSE OF STOLEN VEHICLE>\$5
,000
OFFENSE DATE-01/13/2008
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-K226489
CIT-16-13-180 (3)-FELONY

ARREST CHARGE 02-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
OFFENSE DATE-01/13/2008

WARR-K226492
CIT-16-13-180 (3)-FELONY

ARREST CHARGE 03-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
OFFENSE DATE-01/13/2008

WARR-K226493

CIT-16-13-180 (3)-FELONY

ARREST CHARGE 04-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
OFFENSE DATE-01/13/2008

END. OF PAGE

.01.- PAGE 02 TO FOLLOW

(ROA pg. 23)

TO: RECO9B-07545 Fri Aug 08, 2014 10:12:40 OPHY4WYWJHWX
FROM: SCCH-00124 Fri Aug 08, 2014 10:12:40

PAGE-02 DATE-08/08/2014 TIME-10:12:39
REQ ORI-SCLED0000 S C LAW ENF DIV
SID-SC00699967 FBI-

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
CIT-16-13-180(2)-FELONY DOC-08GS3700881 WARR-K226473	COURT CHARGE 01-RECEIVING STOLEN GOODS, >\$1,000 BUT <\$5,000 COURT DISP-CONVICTED;7/31/08- 10 YRS SUS 7 YRS & 5YR PAY REST;TOLL PROB WHILE IN JAIL;GO TO REST CENTER COURT DATE-07/31/2008 ATN-990000370814

TINSLEY, JAMES DOUGLAS SC0370000 OCONEE CNTY SO	A01/29/2008
--	-------------

CASE-080318
ATN-990000379403
WARR-K226540
CIT-16-13-180(3) FELONY

ARREST CHARGE 01-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
OFFENSE DATE-01/29/2008
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-16-13-180(3)-FELONY
DOC-08GS3700885
WARR-K226540

COURT CHARGE 01-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
COURT DISP-CONVICTED;7/31/08-
5 YRS SUS 5 YRS PROB PAY
REST;GO TO REST CENTER;
TOLL PROBATION
COURT DATE-07/31/2008
ATN-990000379403

SC040015C SC DEPT CORRECTIONS 08/20/2008 CUSTODY STATUS-RECEIVED
CASE-082020 START DATE-08/20/2008

CIT-16-13-180(2)-FELONY

COURT CHARGE 01-RECEIVING
STOLEN GOODS, >\$1,000 BUT
<\$5,000
COURT DISP-CONVICTED;10 YRS
SS 7 YRS 5 YRS PROB
COURT DATE-08/20/2008
ATN-500200059190

CIT-16-13-180(3)-FELONY

COURT CHARGE 02-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
COURT DISP-CONVICTED;10 YRS
SS 7 YRS 5 YRS PROB CS
COURT DATE-08/20/2008

CIT-16-13-180(3)-FELONY

COURT CHARGE 03-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
COURT DISP-CONVICTED;5 YRS
SS 5 YRS PROB CC
COURT DATE-08/20/2008

Appendix Page 36

CIT-16-13-180(3)-FELONY

WARR-K261598

COURT CHARGE 04-RECEIVING
STOLEN GOODS, \$5,000 OR
MORE
COURT DISP-CONVICTED;3 YEARS
COURT DATE-11/05/2010

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00699967
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION

PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN

CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

IN Fri Aug 08, 2014 10:12:40

000214166251/482

OUT Fri Aug 08, 2014 10:12:40

REC09B MSG# 07545

SAN: OPHY4WYWJHWX

(ROA Pg. 25)

State of South Carolina)

) Affidavit of James D. Tinsley Sr.

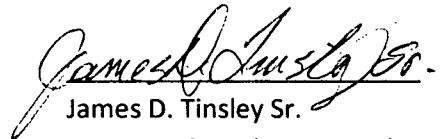
County of Greenville)

Personally appeared before me, James D. Tinsley Sr., who is being first duly sworn, states the following under oath:

1. In 1993 I was present at the Probation Revocation hearing for James D. Tinsley II (James) at the Greenville County Law Enforcement Center.
2. The stated cause for the proposed revocation was that Tinsley had moved without permission.
3. That this charge was brought by Cavita Linehan, James' probation officer; and that Ms. Linehan suggested that James be given 30 years for his alleged violation.
4. That James maintained his innocence claiming he had gotten permission and drawn a map for the parole officer. James further stated that "the map should be in my file."
5. That James' was subsequently found guilty and returned to prison with a sentence of 29 years.
6. That I did speak with James' girlfriend who told me that she was present when permission to move was given and the map was drawn.
7. That I then did go to the parole office in Greenville and asked Cavita Linehan "did James come in and get permission to move or not?"
8. That Cavita Linehan then answered "he did not"
9. That a few days later I did return to the parole office in Greenville and spoke with Mr. Fowler, an agent supervisor.
10. That I did ask Mr. Fowler to produce James' records from that office to see whether the map drawn by James and his girlfriend was actually therein.
11. That Mr. Fowler told me "That file has been destroyed"
12. That I was present in the Court of Judge John W. Kittridge in Greenville County in Aug. 1999 for James' PCR hearing.
13. That James did again state that he had not moved without permission and that Mr. Fowler had been subpoenaed along with the file of James' parole supervision, in question.
14. That when asked by Judge Kittridge to produce James' Probation File Mr. Fowler balked claiming to need permission from his supervisor in Columbia.
15. That Judge Kittridge did in no uncertain terms and in a loud voice tell Mr. Fowler that he wanted to see the file now.
16. That Mr. Fowler did then provide the probation file in question to the court.
17. That contained in said file was the map with directions to James' new residence as James had claimed for the past 6 years.
18. That Judge Kittridge did rule in James' favor by overturning James' convictions relevant to the case and by declaring any alleged Probation Violation a Nullity.

19. That I do have in my possession 2 court orders issued by Judge Kittridge depicting the events as cited in #18 above.
20. That James was subsequently release from prison on May 1, 2002.
21. That due to the previous problems with the parole office in Greenville I did go with James to his parole meetings.
22. That everything went well with James' parole supervision and that I was present when James' was released early from any further parole supervision, for successfully completing everything that was required of him.
23. That we were never contacted by the parole office in Greenville for any reason since James' early release from his 2002 probation
24. That about 4 years ago I began working on any charges against James' that were eligible for expungement and have in my files all expungement papers and court documents relating to these expungements.
25. That after James' denial of parole in April 2014 for "failing to complete community supervision program" I inquired of Mr. Patton and Ms. Wright at PPP as to what this denial was based on.
26. That I was told by Patton & Wright several different versions for justification of parole denial. None of which were in agreement with expungement orders and court documents in my possession.
27. That I along with James attempted to notify PPP officials that inaccurate information had been used against James at his parole hearing.
28. That this inaccurate and untrue information originated within PPP and was not supported by records kept by S.C.D.C Greenville County or S.L.E.D.
29. That I did go to the Greenville Office of Parole in April 2014 and asked for a copy of James' previous Parole Supervision.
30. That I was denied access to any parole supervision records based on Privacy laws even though I have Power of Attorney for James.
31. That I then asked if James need to make a request for his parole supervision records himself and was then told by the probation officer that "he can't have them either," because of the privacy laws previously mentioned.
32. That I then obtained the names of the 3 parole board members that decided James' case on April 9, 2014 along with a common mailing address for all 3.
33. That I then forwarded a "legal notice" to these 3 board members from James notifying them that they had relied on false and inaccurate information in deciding James' parole case.
34. That the parole board members Baxter, Stevenson, and Elridge did receive this "legal notice" on June 10, 2014 by certified mail.
35. That Mr. Patton and Ms. Wright did receive the same "legal notice" on June 10, 2014 by certified mail, which return receipts are in my possession.

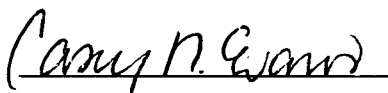
36. That after more than 4 years of tirelessly combing through James' criminal records and with the help of professionals charged by the state with the maintenance or expungement of such records I am unaware of any instance where James failed to complete a Community Supervision Program.
37. That no one from P.P.P. has provided any documentation to support the boards "reason for denial" of James' Parole.
38. That when I asked Mr. Patton at PPP for specific details such as warrant # or indictment information to support the alleged "failure" he admitted he didn't have it "because our records don't go back that far."
39. I am willing to testify in open court, under oath, to the facts contained in this affidavit.



James D. Tinsley Sr.
1004 South Welcome Road
Greenville, S.C. 29611

Sworn and subscribed to before me

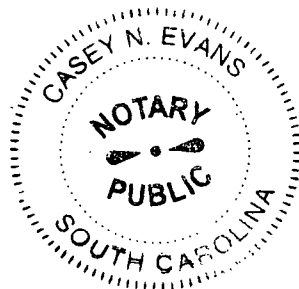
this 7 day of August 2014



Notary Public for South Carolina

2/19/2018

My Commission Expires



Casey N. Evans
Notary Public
State of South Carolina, County of Anderson
Commission Expires Feb. 19, 2018

State of South Carolina

County of Greenville

Affidavit of

Frances T. Tinsley

Personally Appeared before Me, Frances T. Tinsley, who being first duly sworn, states the following under oath:

1. I am the grandmother of James D. Tinsley II with whom James lived during the time of his probation under Cavita Jo Linehan.
2. From the first contact we had with Ms. Linehan I found her to be the most hateful, disrespectful and overbearing person I ever met, nothing seemed to please her.
3. My husband Leroy, now deceased, and I went most times to James' probation meetings with him because we were fearful of what Ms. Linehan might do.
4. On one visit Ms. Linehan made my husband go outside and move our car even though we had handicapped I.D. At that time my husband was dying with Brownlung disease carrying an oxygen tank everywhere he went.
5. James was on home detention and was a smoker at that time. I asked Ms. Linehan if James could go out on our enclosed front porch to smoke, because

of my husband's medical condition. She said 'NO!' in house means in the house.

6. I was present at James's probation revocation hearing. I heard Ms. Linahan say James moved without permission and heard her say he should get 30 years.
7. I heard James say he had not moved without permission that he had gone to the probation office with his girlfriend (who lived 1/2 miles away) gotten permission and had drawn a map for the probation officer.
8. I know that James's probation was revoked and that he was sent back to prison with a sentence of 29 years. This occurred in June 1993.
9. I was present in court in Greenville in August 1999 for James's PCR hearing. I saw a Mr. Fowler of the Greenville Probation Office get yelled at by Judge Kittredge because he didn't want to show James's probation records to the court. When he did show them the map that James had said he drew for the agent in 1993 was there.
10. I heard Judge Kittredge overturn the cases that

James was in his court about.

11. James was released from prison in May 2002, he came to live with me. He got a job right away, worked everyday and paid his dues at the probation office.

12. It seems like just a few months later James and his dad (my son) came home from his probation office visit with good news that James had been released early from probation.

13. I never saw or heard anything from the probation office from that day until now, 2014.

14. I am willing to testify in open court, under oath, to the facts contained in this affidavit.

Sworn and Subscribed to Me

this 7 of August 2014

Casey N. Evans

Notary Public for South Carolina

02/19/2018

My Commission Expires

x Frances T. Tinsley

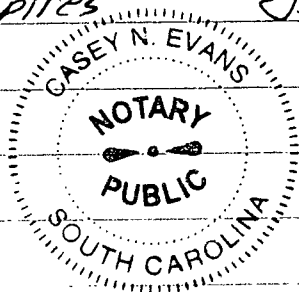
Frances T. Tinsley

1006 South Welcome Road

Greenville, S.C 29611

: Dictated to my son

James D. Tinsley Sr.



Casey N. Evans
Notary Public
State of South Carolina, County of Anderson
Commission Expires Feb. 19, 2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
)
)
)

**AFFADIVIT
OF
KIMBERLY SPRAYBERRY**

This document is my sworn testimony regarding the expungement process of some of Mr. James Tinsley's criminal charges. While employed as the Expungement Coordinator with Greenville County, it was my responsibility to review criminal records and determine which charges are eligible for expungement within the South Carolina Expungement Laws.

After reviewing Mr. James Tinsley's (Tinsley) criminal record, there were numerous charges eligible for expungement. I began the process on all of the charges that were eligible once I received payment from Mr. Doug Tinsley (James Tinsley's father).

Tinsley had a conviction under the Youthful Offender's Act which met the guidelines for expungement. When this expungement order was sent to the South Carolina Law Enforcement Division (SLED) for their review and signature, it was returned to me as denied. I consulted Mr. Ryan Holloway, the attorney assigned to assist me with expungement questions during that time. He took the file and consulted with other co-counsel. They all agreed that I was interpreting the law correctly and that Tinsley was eligible for the expungement under law section 22-5-920. Mr. Holloway signed the expungement for he was in agreement to the expungement and it was submitted to the circuit judge who also agreed with the expungement.

After numerous calls to Captain Jinny Moran at the Greenville County Law Enforcement Center, she corrected her records and only the charges that are not eligible for expungement at this time remain on Tinsley's record in their department.

After numerous calls to Barbara Davis at SLED, she corrected her records and only the charges that are not eligible for expungement at this time remain on Tinsley's record in their department. The process took longer than normal because SLED was without an attorney to help them interpret the law at that time but to the best of my knowledge all charges that were eligible for expungement have been removed from Tinsley's SLED record.


Upon information and belief it appears that all agencies have corrected their records regarding Tinsley except for the South Carolina Department of Probation, Parole and Pardon (DPPP) Due to their refusal to comply with the court orders to remove charges that have been expunged from a record, they have not only violated the court's orders but are also interfering with Tinsley's civil rights. Tinsley has appeared before the DPPP only to be denied due to erroneous and false information on their records, which was used against him.

Based upon my knowledge of the expungement process in South Carolina and of the laws governing it, I am forced to conclude that DPPP's refusal to correct their records, after receiving lawful court orders to do so, is a violation of the law and the proximate cause of Tinsley's denial of parole. I base this conclusion, in part, on the parole board's stated reason for denying Tinsley's parole "Failure to Successfully Complete Community Supervision Program".

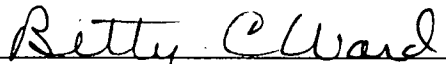
Upon information and belief the DPPP's denied parole on the premise that Tinsley failed to successfully complete his Youthful Offender Act (YOA) supervision. This is incorrect. Mr. Tinsley did successfully complete his supervision on these offenses and remained conviction free for five (5) years which made him eligible for their expungement.

In addition, the Post-Conviction Relief (PCR) judge, Judge Kittridge, nullified the alleged probation violation thereby relieving Tinsley from any further participation in the Probation and Parole program.

PERSONALLY appeared before me KIMBERLY SPRAYBERRY who, being duly sworn, deposes and states that she was an employee with Greenville County as the Expungement Coordinator.


KIMBERLY SPRAYBERRY
Former Expungement Coordinator
For Greenville County

SWORN to before me this
6th day of August, 2014

 (SEAL)
Notary Public for South Carolina
My commission expires: 8/11/2020

750

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 05/01/14

C0511

TINSLEY, JAMES - FBI # 715393KA6 SID# SC00699967 SCDC # 171943
OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE
INSTITUTION ... LIVESAY CORRECTIONAL INST
SECURITY/CUST.: 1A MINIMUM OUT
CURR INCARC SENT...: 17 YRS 0 MOS 0 DYS
CENTRAL MONITORING.: YES
SOCIAL SECURITY #...: [REDACTED]

DORM.....: A0015B
RACE.....: W SEX...: M
PROJ MAXOUT DATE: 10/28/2016
PROJ PAROLE DATE: 04/09/2015
EWC JOB...: LABOR CREW/WORK PROG
EDUC PGM.: WORKKEYS
EWC LEVEL: 2F5 EEC LEVEL:
ASSIGNMENT...: GREENVILLE PARKS AN

CURRENT PROGRAM...: NO CURRENT PROGRAM
AGE...: 43 DATE OF BIRTH...: [REDACTED]

PREVIOUS NUMBERS:
Y00171943

CURRENT OFFENSES	SENTENCE				SENTENCE		
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY
RECEIVE STOLEN PROPERTY	0	0	0	OCONEE	7/31/20	8 N	2
RECEIVE STOLEN PROPERTY	3	0	0	SPARTANBUR	1/29/20	8 N	2
RECEIVE STOLEN PROPERTY	7	0	0	OCONEE	1/29/20	8 N	2
POSSESS STOLEN VEHICLE	7	0	0	OCONEE	1/29/20	8 N	2

PREVIOUS SCDC OFFENSES (COMPLETE)	SENTENCE				SENTENCE		
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY
PETIT LARCENY	0	0	20	GREENVILLE	10/16/1995	N	1
CONTEMPT OF COURT	0	0	30	GREENVILLE	4/12/1994	N	1

PRIOR COMMITMENTS OVER 90 DAYS:
NO PRIOR COMMITMENTS OVER 90 DAYS

DETAINERS (HOLD, WANTED, NOTIFY):
RECEIVE STOLEN PROPERTY HOLD JUDGE NICHOLSON CATEG: 2
NO DETAINEES

ESCAPES:
1/23/90 OTHER ESCAPE RELATED CODE NOT IN TABLE

*Never had an escape
wasnt in prison in 1990*

CRIMINAL CHARGES:
NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:
9/ 4/99 FIGHTING WITHOUT A WEAPO NOT GUILTY MINOR
8/12/98 FIGHTING WITHOUT A WEAPO CONVICTED MAJOR

NON-ASSAULTIVE DISCIPLINARIES:
10/12/12 VIOLATIONS WRITE/POST IN OTHER
1/ 5/12 POSSESSION OF CONTRABAND OTHER
9/ 7/ 1 VIOLATIONS WRITE/POST IN CONVICTED MINOR
4/20/ 1 VIOLATIONS WRITE/POST IN OTHER
6/28/ 0 DAMAGE, DESTROY, PROP. VALU CONVICTED MAJOR
11/29/99 REFUSING OR FAILING OBEY CONVICTED MINOR
11/18/99 REFUSING OR FAILING OBEY CONVICTED MINOR
10/26/99 POSSESSION OF CONTRABAND NOT GUILTY MINOR
10/ 9/99 REFUSING OR FAILING OBEY CONVICTED MINOR
4/28/99 VIOLATIONS WRITE/POST IN CONVICTED MINOR
9/24/98 VIOLATIONS WRITE/POST IN CONVICTED MINOR
8/23/98 REFUSING OR FAILING OBEY CONVICTED MINOR
8/12/98 THREATENING TO INFLECT H CONVICTED MAJOR
5/ 7/98 VIOLATIONS WRITE/POST IN CONVICTED MINOR
11/ 4/97 REFUSING TO WORK CONVICTED MINOR
7/26/97 POSSESSION OF CONTRABAND CONVICTED MAJOR
9/11/94 FALSE STATEMENT TO HARM CONVICTED MAJOR
3/29/94 POSSESSION OF CONTRABAND CONVICTED MAJOR

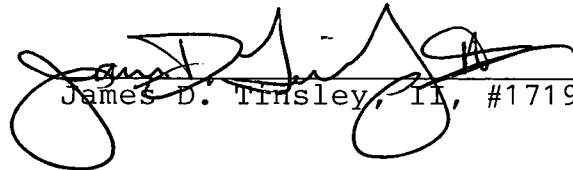
HISTORY OF MOVEMENTS:
4/ 9/14 LIVESAY INCARCERATED LABOR CREW
4/ 9/14 PERRY INCARCERATED COURT/PAROLE HEARING VIA

TINSLEY, JAMES		FBI # 715393KA6	SID# SC00699967	SCDC # 171943 (CONTINUED)
3/ 7/13	LIVESAY	INCARCERATED	ADMINISTRATIVE	
3/ 7/13	SPARTANBURG CO	AUTH ABSENCE (AWL)	MEDICAL	
5/18/12	LIVESAY	INCARCERATED	ADMINISTRATIVE	
5/18/12	PERRY	INCARCERATED	MEDICAL	
3/ 1/12	LIVESAY	INCARCERATED	RETURN FROM COURT	
3/ 1/12	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT	
2/ 1/12	LIVESAY	INCARCERATED	ADMINISTRATIVE	
1/27/12	LIVESAY	INCARCERATED	LABOR CREW	
1/27/12	TYGER RIVER	INCARCERATED	LAW LIBRARY	
1/ 5/12	LIVESAY	INCARCERATED	LABOR CREW	
8/19/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
8/19/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
8/12/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
8/12/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
7/22/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
7/22/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
7/15/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
7/15/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
7/ 1/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
7/ 1/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
6/24/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
6/24/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
6/10/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
6/10/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
5/27/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
5/27/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
5/ 6/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
5/ 6/11	TYGER RIVER	INCARCERATED	LAW LIBRARY	
4/21/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
4/21/11	TYGER RIVER	INCARCERATED	MEDICAL	
4/14/11	LIVESAY	INCARCERATED	ADMINISTRATIVE	
2/15/11	TRENTON	INCARCERATED	RETURN FROM COURT	
2/ 7/11	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
11/12/10	TRENTON	INCARCERATED	RETURN FROM COURT	
11/ 5/10	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
9/16/10	TRENTON	INCARCERATED	RETURN FROM COURT	
9/13/10	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
8/10/10	TRENTON	INCARCERATED	RETURN FROM COURT	
8/10/10	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT	
6/25/10	TRENTON	INCARCERATED	ADMINISTRATIVE	
6/25/10	KIRKLAND	INCARCERATED	MEDICAL	
6/10/10	TRENTON	INCARCERATED	ADMINISTRATIVE	
6/ 7/10	KIRKLAND	INCARCERATED	RETURN FROM COURT	
6/ 1/10	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
4/16/10	KIRKLAND	INCARCERATED	RETURN FROM COURT	
4/ 9/10	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
2/22/10	KIRKLAND	INCARCERATED	RETURN FROM COURT	
8/28/ 9	NORTH CAROLINA	AUTH ABSENCE (AWL)	TO COURT	
3/ 3/ 9	TURBEVILLE	INCARCERATED	RETURN FROM COURT	
2/23/ 9	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT	
11/12/ 8	TURBEVILLE	INCARCERATED	ADMINISTRATIVE	
8/20/ 8	KIRKLAND	INCARCERATED	R&E PROCESSING	
8/20/ 8	PERRY	INCARCERATED	NEW ADMISSION	
2/28/ 3	UNK	RELEASE	PAROLE SATISFIED	
5/ 1/ 2	GREENVILLE CO	PAROLE	PAROLE BOARD ACTION	
8/ 4/99	PERRY	INCARCERATED	RETURN FROM COURT	
8/ 4/99	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT	
7/29/99	PERRY	INCARCERATED	ADMINISTRATIVE	

(ROA Page 36)

CERTIFICATE OF COUNSEL

Appellant hereby certifies that this Record on Appeal contains all material proposed to be included by all parties and no other material.


James D. Tinsley, II, #171943

(R.O.A. pg. 37)

RECEIVED

APR 20 2015

STATE OF SOUTH CAROLINA SC Court of Appeals
In the COURT OF Appeals

Appeal From the Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Appellate Case No: 2015-000196

James Tinsley, # 171943, . . . , Appellant,

- VS -

South Carolina Department of
Probation, Parole, and Pardon Services, . . . , Respondent,

CERTIFICATE OF SERVICE

I, James Douglas Tinsley, SR., hereby certify that I did cause the foregoing "FINAL BRIEF OF APPELLANT" and "RECORD ON APPEAL", to be served upon Counsel of Record this 16th day of April, 2015, by placing a true and correct copy in the U.S. mail with proper postage affixed thereto, and addressed as follows:

Tommy Evans, Jr.
Legal Counsel for SCDPPS
P.O. Box 50666
Columbia, S.C. 29250
(803) 734-9220

S. James Douglas Tinsley, Sr.
JAMES DOUGLAS TINSLEY, SR.