

IN THE SOUTH CAROLINA COURT OF APPEALS  
FOR THE STATE OF SOUTH CAROLINA

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
FOR THE STATE OF SOUTH CAROLINA  
CASE NO.: 15-ALJ-15-00

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MAR 21 2016

CASE NO.: 2016-000473 SC Court of Appeals

JESSE M. JAMES, Appellant

v.  
SC DEPT. OF PROBATION, PAROLE,  
AND PARDON SERVICES Respondent

APPELLANT'S RESPONSE TO THE FINAL  
ORDER OF THE RESPONDENT WITH  
CHALLENGING ARGUMENTS.

DATE: March 16, 2016

Respectfully  
Submitted by,  
/s/ Jesse M. James  
JESSE M. JAMES, 346605

IN THE South Carolina Court of Appeals  
FOR THE STATE OF South Carolina

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
FOR THE STATE OF South Carolina

CASE NO.: 15-ALJ-15-00187P

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CASE NO.: 2016-000473

SC Court of Appeals

APPELLANT'S RESPONSE TO THE FINAL  
ORDER OF THE RESPONDENT  
WITH CHALLENGING ARGUMENTS

In these matters of getting PAROLE IT the APPELLANT AM CHALLENGING the second (2<sup>nd</sup>) paragraph of the final order which comes UNDER THE HEADING "FACTS" AND THIS MATTER IS IN THE FIRST SENTENCE, WHICH SAYS THE FOLLOWING: "APPELLANT WAS SENTENCED TO A ten-year PERIOD OF INCARCERATION for two counts of burglary in the second degree, each classified as violent, on March 13, 2013;" the little number 1 which at the bottom of the PAGE STATES, "Appellant is to serve his sentence for burglary in the second degree concurrently with his probation violation". Well, "how CAN the Appellant serve A concurrent sentence of probation, when the probation WAS TERMINATED?" Please explain!

In the (second (or) paragraph) third paragraph which STATES AND FALLS UNDER THE HEADING, "LAW/ANALYSIS" AND IN THIS MATTER THE APPELLANT CHALLENGES THE first sentence SAYS, "AN INDIVIDUAL HAS A RIGHT TO ALL  
Pg 1 of 5

REVIEW OF A FINAL DECISION OF THE BOARD ONLY WHEN THAT DECISION AFFECTS A LIBERTY INTEREST FOR WHICH DUE PROCESS IS REQUIRED." WELL DUE PROCESS MEANS A CONSTITUTIONAL RIGHT THAT GUARANTEES EVERYONE IN THE UNITED STATES A CERTAIN AMOUNT OF PROTECTION FOR THEIR LIFE, LIBERTY, AND PROPERTY.

YOU SEE THE BOARD DENIES ME FROM RECEIVING PAROLE DUE TO SECTION 24-21-640 BUT THE CIRCUMSTANCES WARRANTING PAROLE; CRITERIA, REPORTS OF PAROLEES, RECORDS SUBJECT TO FREEDOM OF INFORMATION ACT WHICH SAYS, THE BOARD MUST CAREFULLY CONSIDER THE RECORD OF THE PRISONER BEFORE, DURING, AND AFTER IMPRISONMENT, AND NO SUCH PRISONER (BEFORE I MAY BE PAROLED UNTIL IT APPEARS TO THE SATISFACTION OF THE BOARD; THAT THE PRISONER HAS SHOWN A DISPOSITION TO REFORM; THAT IN THE FUTURE HE WILL PROBABLY OBEY THE LAW AND LEAD A CORRECT LIFE; THAT BY HIS CONDUCT HE WAS MERITED A LESSENING OF THE RIGORS OF HIS IMPRISONMENT, THAT THE INTEREST OF SOCIETY WILL NOT BE IMPAIRED THEREBY; AND THAT SUITABLE EMPLOYMENT HAS BEEN SECURED FOR HIM. THE BOARD MUST ESTABLISH WRITTEN, SPECIFIC CRITERIA FOR THE GRANTING OF PAROLE AND PROVISIONAL PAROLE. THIS CRITERIA MUST REFLECT ALL OF THE ASPECTS OF THIS SECTION AND INCLUDE A REVIEW OF A PRISONER'S DISCIPLINARY AND OTHER RECORDS.

NOW WHEN WE LOOK AT THE ATTORNEY GENERAL OPINIONS THERE IS SO MUCH CONTRADICTION TO UNDERMINE THE BOARD'S PROVISIONS IN WHICH THE VIOLENT OFFENDER IS SAID NOT TO BE ELIGIBLE BUT THEN SAYS AFTER COMPLETION OF SERVING ONE-THIRD OF THEIR SENTENCE. QUOTE, "UNDER THE PROVISIONS OF § 24-21-610, ALL BURGLARY IN THE SECOND DEGREE CONVICTIONS WOULD NOT BE ELIGIBLE FOR PAROLE UNTIL THEY HAVE SERVED AT LEAST ONE-THIRD OF THEIR SENTENCE."

IN SECTIONS OF § 24-21-610, AND § 24-21-645, AND § 24-21-650, IN THE ATTORNEY GENERAL'S OPINIONS ALL STATE THIS, "PRISONERS CONVICTED OF ANY VIOLENT CRIMES, AS DEFINED IN SECTION 16-1-60, FOR A CRIMINAL EVENT THAT OCCURRED AFTER JUNE 3, 1986, AND WHO HAVE A PRIOR CONVICTION AT ANY TIME BEFORE OR AFTER JUNE 3, 1986, FOR ONE OF THE SPECIFIED CRIMES, WOULD NOT BE ELIGIBLE FOR PAROLE CONSIDERATION ON THE RECENT CONVICTION AND MUST COMPLETE SERVICE OF THEIR ENTIRE SENTENCES.

UNDER THE PROVISIONS OF §§ 24-21-645 AND 24-21-650 THE REVIEW IN TWO YEARS UPON REJECTION, OF PRISONERS IN CONFINEMENT FOR A VIOLENT CRIME, IS APPLICABLE TO THE ENTIRE VIOLENT OFFENDER POPULATION. UNDER THE PROVISIONS OF § 24-21-610, ALL BURGLARY IN THE SECOND DEGREE CONVICTIONS WOULD NOT BE ELIGIBLE FOR PAROLE UNTIL THEY HAVE SERVED AT LEAST ONE-THIRD OF THEIR SENTENCE.

ANY AND ALL OFFENSES OF BURGLARY IN THE FIRST DEGREE AND BURGLARY IN THE SECOND DEGREE UNDER SECTION 16-11-312 (b) CARRY ALL CONSEQUENCES OF A "VIOLENT CRIME" REGARDLESS OF THE STATUTORY AGGRAVATING CIRCUMSTANCES SHOWN. 1986 OP. ATT. GEN. NO. 86-102, P. 309."

THIS EXPLAINS THE CONTRADICTION AND THAT THIS SUBJECT MATTER SHALL BE AN ARGUMENT FOR ANYONE UNDER THESE TERMS TO BE GRANTED TO GO TO THE "PAROLE BOARD."

### CONCLUSION

REFORM: MEANS TO IMPROVE BY CORRECTING ERRORS OR REMAINING DEFECTS.

IN COOPER V. SE. DEP'T OF PROB., PAROLE AND PARDON SERVS., 377 S.C. 489, 661 S.E. 2d 106 (2008), UNDER [489], "PAROLE IS A PRIVILEGE AND COOPER HAS NO RIGHT TO BE PAROLED; HOWEVER, COOPER DOES HAVE A

RIGHT TO REQUIRE THE [Parole Board] to adhere to STATUTORY REQUIREMENTS IN RENDERING A DECISION."  
[Alteration Added].

I, the Appellant AM ASKING TO BE PUT IN FRONT OF THE PAROLE BOARD IN ACCORDANCE WITH THE FOURTEENTH (14) AMENDMENT UNDER SECTION ONE(1) THIS IS STATED; "ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION thereof, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABIDGE THE PRIVILEGE OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

YES AS WE GET ON "Parole" which is used in CONTRA DISTINCTION TO SUSPENDED SENTENCE AND MEANS LEAVE OF ABSENCE FROM PRISON DURING WHICH THE PRISONER REMAINS IN LEGAL CUSTODY UNTIL THE EXPIRATION OF HIS SENTENCE. SANDERS V. MAC DOUGALL (S.C. 1964) 244 S.C. 160, 135 S.E. 2d 836. PARDON AND PAROLE.

UNDER THE SAME CASE IT SAYS THIS, "A PRISONER UPON RELEASE ON PAROLE CONTINUES TO SERVE HIS SENTENCE OUTSIDE THE PRISON WALLS."

AS YOU SEE WE ARE STILL BEING REFORMED DAILY BY EXERCISING THE FAITH OF WHAT GOD HAS CHOSE US TO DO FOR HIM AND NOT OURSELVES.

PART OF MY REHABILITATION IN BEING PAROLE IS TO TAKE CARE OF MY MOTHER WHO IS ON DIALYSIS AND IS TRULY IN NEED OF MY SUPPORT AS SHE IS ON HER OWN SINCE MY GRANDMOTHER DIED AT THE AGE OF NINETY-THREE (93) LAST YEAR. PLEASE CONSIDER THIS AS WELL AS THE TRANSITION MINISTRY WE ARE IN PROCESS OF BUILDING IN LANCASTER

COURTY, CALLED "REVELATION MINISTRY."

OUR MOTTO IS TO ~~REBUILD~~, REFORM, RECONCILE, REVEAL AND RETRIEVE WHAT ALL IS LOST AND THEN REGAIN WHAT I LET THE DEVIL STEAL FROM ME.

TO CONCLUDE, ONCE AGAIN, I, THE APPELLANT AM ASKING THE OPPORTUNITY TO GO IN FRONT OF THE PAROLE BOARD TO RECEIVE PROPER CONSIDERATION FOR EQUAL JUSTICE AND NOT TO BE TURNED DOWN BY PAPERWORK IN WHICH THE PAROLE BOARD NEVER RECEIVED THE CHANCE TO LISTEN TO ME IN PERSON.

REFORM BEGINS FROM WITHIN AND THIS IS WHAT PAUL SAYS IN THE HOLY BIBLE IN SECOND (2<sup>ND</sup>) CORINTHIANS 4:16-18 SAYS; <sup>16</sup> FOR WHICH CAUSE WE FAINT NOT; BUT THOUGH OUR OUTWARD MAN PERISH, YET THE INWARD MAN IS RENEWED DAY BY DAY.

<sup>17</sup> FOR OUR LIGHT AFFLICTION, WHICH IS BUT FOR A MOMENT, WORKETH FOR US A FAR MORE EXCELLENT AND ETERNAL WEIGHT OF GLORY;

<sup>18</sup> WHILE WE LOOK NOT AT THE THINGS WHICH ARE SEEN, BUT AT THE THINGS WHICH ARE NOT SEEN; FOR THE THINGS WHICH ARE SEEN ARE TEMPORAL, BUT THE THINGS WHICH ARE NOT SEEN ARE ETERNAL. "

DATED: MARCH 16, 2018

RESPECTFULLY SUBMITTED BY

1st JESSE M. JAMES  
JESSE M. JAMES, 346605

IN THE SOUTH CAROLINA COURT OF APPEALS  
FROM THE STATE OF SOUTH CAROLINA

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
FOR THE STATE OF SOUTH CAROLINA  
CASE NO.: 15-ALJ-15-0018

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CASE No. 2016 - 000473

MAR 21 2016

SC Court of Appeals

JESSE M. JAMES, . . . . . APPELLANT

v.

SC. DEPT OF PROBATION, PAROLE  
AND PARDON SERVICES . . . . . RESPONDENT

Proof of Service

I CERTIFY THAT I HAVE SERVED THE Proof of Service on ONE, Dawn Nichols, EXECUTIVE ADMINISTRATIVE ASSISTANT, AND TOMMY EVANS, JR., ASSISTANT GENERAL COUNSEL, AND ANY REQUIRED PARTIES BY DEPOSITING IN THE U.S. MAIL POSTAGE PREPAID ON S.C. DEPT. OF PPS, AND S.C. COURT OF APPEALS AND THE ADMINISTRATIVE LAW COURTS, HONORABLE JOHN D. MCLEOD.

DATE: MARCH 16, 2016

15/ Jesse M James

JESSE M. JAMES 346605  
GA-10 RCI  
PO BOX 2039  
RIDGELAND, SL. 29136-  
2039

IN THE South Carolina Court of Appeals  
FOR THE STATE OF South Carolina

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
FOR THE STATE OF SOUTH CAROLINA  
CASE NO.: 15-ALJ-15-0018-AP

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CASE NO.: 2016 - 000473 SC Court of Appeals

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JESSE M. JAMES ..... APPELLANT

v.

SC DEPT. OF PROBATION, PAROLE,  
AND PARDON SERVICES ..... RESPONDENT

---

MOTION TO PROCEED IN FORMA PAUPERIS

NOW COMES, JESSE M. JAMES, 346605, the Plaintiff/  
APPELLANT IN THE ABOVE ENTITLED CASE. IN SUPPORT  
OF MY MOTION TO PROCEED IN FORMA PAUPERIS, I ASK THE  
THE COURTS TO GRANT THIS DUE TO ME BEING AN  
INDIGENT INMATE HERE IN THE SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS, RESIDING AT RIDGELAND, CI, IN RIDGELAND,  
S.C.

I, the APPELLANT, AM UNABLE TO PAY THE COSTS  
OF SAID PROCEEDING OR TO GIVE SECURITY THEREFOR, AND  
WHAT I BELIEVE I AM ENTITLED TO REDRESS.

RESPECTFULLY SUBMITTED  
by Jesse M. James

JESSE M. JAMES, 346605

DATE: MARCH 16, 2016

JESSE M. JAMES, 346605  
WA-10 REC  
PO Box 2039  
RIDGELAND, SC. 29936-2039

Legal Mail

RIDGELAND CORRECTIONAL  
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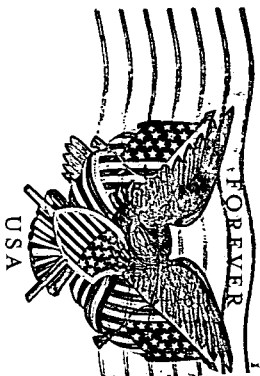
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MRS. JENNY ABBOTT ~~PERKINS~~

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