

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

RECEIVED

JUL 27 2016

SC Court of Appeals

NOTICE OF APPEAL

DEXTER Tyrone Scott )

SCOC No. 286443 )

Appellant, )

vs. )

SC Probation, Parole, & Pardon )

South Carolina Department of Corrections, )

and S.C. Probation, Parole and Pardons, )

Respondent. )

DOCKET NO. -ALJ-04-  
GRIEVANCE NO.: See Attached Letter

Notice is hereby given that Dexter Tyrone Scott 286443 does hereby appeal the final decision of the South Carolina Department of Corrections dated 6-14-16 and received on 6-20-16, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

The Agency is misinterpreting the statute under which I was sentenced. SC Code Ann. § 23-03-470. The S.C. Probation, Parole & Pardon Services withdraw Appellants parole eligibility by letter dated June 14, 2016. This action is arbitrary and capricious. Contrary to the agency's opinion § 23-03-470 is not a "non-parolable" offense, nor is the statute lawfully interpreted as different than any other non-violent, non-85% straight term sentence. The law only requires a mandatory (5) year term which cannot be suspended, however no where does the statute prohibit "parole" eligibility as being interpreted by the Probation, Parole & Pardons services.

Dexter Tyrone Scott  
Appellant's Name

x Dexter Scott  
Signed

990 Wisacky Hwy.  
Mailing Address

July 15, 2016  
Dated

Bishopville, SC 29010  
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, D.T.S. (your name), on the 15<sup>th</sup> day of July, 2016, in Bishopville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served:  
Address: SC Dept of Probation, Parole, & Pardon Services  
P.O. Box 50666  
City, State, Zip Code: Columbia, SC 29250

**Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:**

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

July 15, 2016

Dexter Tyrone Scott  
#286443  
Lee Corr. Inst.  
~~1204~~ 990 Wisacky Hwy.  
Bishopville, SC 29010

Administrative Law Court  
1205 Pendleton Street  
Suite 224  
Columbia, SC 29201

RECEIVED

JUL 27 2016

SC Court of Appeals

Re: Notice of Appeal

Dear Clerk:

Please find for filing my notice of appeal relates  
to SC Probation, Parole and Pardon services action  
regarding my parole eligibility.

Thank you for your time and concern  
in this matter.

Respectfully,

/s/ Dexter Scott  
Dexter Tyrone Scott

Enclosures

cc: SC PPS  
Retained

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

NIKKI R. HALEY  
Governor



JERRY B. ADGER  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

June 14, 2016

Mr. Dexter Tyrone Scott #286443  
Lee Correctional Inst.  
1204 East Church Street  
Bishopville, SC 29010

Hearing Date: June 29, 2016

Dear Mr. Scott:

Please disregard our "Notice of Hearing" letter dated with the above hearing date. You are not eligible for parole at this time. When you become eligible for parole, you will be notified.

Sorry for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry R. Patton, Jr.", written in dark ink.

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

LRP: rh

COUNTY OF CHARLESTON

STATE VS.

DEXTER TYRONE SCOTT

AKA: Dexter Tyrone Scott, Dexter Scott

Race: Black Sex: M Age: 43

DOB: 10/06/1966 SS#: 248-23-6499

Address: 1122 Lemontree Lane

City, State, Zip Charleston, SC 29412

DL# 009466419 SID# SC00428177

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO: Violation Of Sex Offender Registry- Fail To Register, 3rd Offense

In violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2435

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury (def's initials)

The plea is  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST

Benjamin Chad Simpson, Assistant Solicitor SC Bar # 71257 Defendant Dexter Scott Pat A. Hernandez Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State, Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP days/hours Public Service Employment

Total \$ plus 20% fee: \$

Payment Terms

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1) (Conv. Surcharge) \$100, §14-1-211 (A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$1130.

Clerk of Court/Deputy Clerk: Arnela Curran Court Reporter: Arnela Curran

INDICTMENT/CASE#: 2015-GS-10-04072 A/W: 2015A1010900122 Date of Offense: 02/01/2015 S.C. Code #: 23-03-0470(B)(3) CDR Code #: 2435

SENTENCE SHEET

CONVICTED OF or  PLEADS

Mandatory GPS  §17-25-45 (CSC w/minor 1st or Lewd Act)

Defendant Waives Presentment to Grand Jury (def's initials)

Negotiated Sentence,  Recommendation by the State

County Detention Center,

or  under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment

of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

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SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP days/hours Public Service Employment

Total \$ plus 20% fee: \$

Obtain GED

Attend Voc. Rehab. Or Job Corp

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

mnts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel,

§47-12 requires \$500 be paid to Clerk

during probation

Presiding Judge:

Judge Code: 2134

Sentence Date: 9/8/2015