

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 30 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
ADMINISTRATION LAW COURT

HON: JOHN D. McLEOD, JUDGE

CASE NO. 16-ALJ-15-0020-AP

JEFF DUNSIL, #115968,, PETITIONER,

vs.

S.C. DEPT. OF PPPS,, RESPONDENT.

NOTICE OF APPEAL

JEFF DUNSIL APPEALS THE ORDER OF DISMISSAL ISSUED BY THE
HONORABLE JOHN D. McLEOD, DATED SEPTEMBER 15, 2016.
PETITIONER RECEIVED WRITTEN NOTICE OF ENTRY OF THIS ORDER ON THE
21st. DAY OF SEPTEMBER 2016, BY WAY OF SIGNING FOR LEGAL MAIL,
etc.

SEPTEMBER 28, 2016

s/ Jeff Dunsil

JEFF DUNSIL, 115968
LEE C.I./F4B1213
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

OTHER COUNSEL OF RECORD:
TOMMY EVANS, Jr., Esq.
GENERAL COUNSEL OFFICE
SC DEPT. OF PPPS
PO BOX 50666
COLUMBIA, S.C. 29250
RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO RICHLAND COUNTY
JOHN D. McLEOD, ADMIN. LAW JUDGE

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SC Court of Appeals

JEFF DUNSIL, 115968,

PETITIONER,

Vs.

S.C. PFP SERVICES,

RESPONDENT.

PETITION FOR CERTIORARI

JEFF DUNSIL, 115968
LEE CORR. INST.
990 WISACKY HWY.
BISHOPVILLE, S.C 29010
PETITIONER

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ISSUES PRESENTED

1. DID THE ALC ERRED WHEN IT DISMISSED THE APPEAL AS THE COURT DID NOT GIVE A RULING OF LAW TO THE APPELLANT'S ISSUES (PRESENTED) AS THEY WAS CLEARLY STATED THAT APPELLANT DID NOT RECEIVED A FAIR PAROLE HEARING FROM THE RECORD EVIDENCE THAT SHOULD HAVE BEEN AVAILABLE AND CONSIDERED BY THE BOARD MEMBERS FOR THE HEARING AND BEING THAT THE PIVOTAL INFORMATION WAS NOT IN THE POSSESSION OF THE BOARD MEMBERS AT THE TIME OF THE (APPELLANT) PAROLE HEARING THE APPELLANT WAS DEPRIVED OF A FAIR HEARING AND THE PAROLE BOARD VIOLATED THE COURT ORDER ISSUED IN THE COOPER AND COMPTON COURTS, etc., THE FIFTEEN FACTORS AND THE REQUIREMENTS OF HAVING ALL RECORDS PURSUANT TO THE FREEDOM OF INFORMATION ACT. ?

STATEMENT

THE PETITIONER IS CURRENTLY INCARCERATED AT THE LEE CORRECTIONAL INSTITUTION BY ORDER OF THE GENERAL SESSION COURT, THE PETITIONER IS SERVING A LIFE SENTENCE FOR MURDER AND HAVE BEEN INCARCERATED SINCE MARCH 03, 1983. INDCT. 82-GS-18-395, etc., PETITIONER JEFF DUNSIL, 115968, APPEARED BEFORE THE PAROLE BOARD MAY 18, 2016, AND ON MAY 19, 2016, THE PETITIONER RECEIVED A NOTICE OF REJECTION AS THE RESULTS FROM THE PAROLE HEARING HELD ON MAY 18, 2016, THIS NOTICE LISTED THE FOLLOWING FACTORS AS TO WHY THE PAROLE BOARD DENIED THE PETITIONER PAROLE, SEE FACTORS (1), (2), (3), AND (4). per se S.C. CODE OF LAW § 24-21-640 AND § 24-21-10, THEREFORE AFTER THE PETITIONER APPEALED THIS PAROLE DENIAL TO THE ADMINISTRATION LAW COURT JUDGE SEE APPEAL DATED 6/14/2016, FILED, DATED ASSIGNED 6/22/2016, HON: J.D. McLEOD, Judge, THE ALC DISMISSED THE APPEAL ON SEPTEMBER 15, 2016, WITH ISSUED ORDER AS ATTACHED, SEE ENCLOSURES, AS TITLED ALC ORDER, etc.

PETITIONER NOW COMMENCES HIS APPEAL AND PETITION FOR CERTIORARI TO THE ADMINISTRATION LAW COURT IN THE S.C. COURT OF APPEALS AS FOLLOWS:

ARGUMENT

PETITIONER DUNSIL, MAKES CONTENTIONS SOLELY BASED UPON THE FOLLOWING FACTORS AS IS NOW STATED BY THE PROPERLY PRESENTED APPEAL ISSUES AND THE ALC ORDER OF DISMISSAL IN REGARDS TO THE COURT FINDINGS AND CONCLUSION FROM THE COOPER AND COMPTON COURTS, ie al.

THE PETITIONER CERTIORARI THE ALC TO THE APPELLATE COURT AT THE ADDITIONAL ISSUES FOR THE REASONS THAT THE COURT HAS BASED IT FINDINGS TO DENY THE PETITIONER'S APPEAL ON SUBSTANCE OF LAW QUESTIONS THAT WAS NEVER RULED UPON BY THE APPELLATE COURT AND BASED IT RULINGS ON UNSUPPORTED STATINGS BY THE S.C. PPP SERVS. OFFICIALS IN THE LETTER OF REJECTION, NOTICE, AND NO EVIDENCE OF THE SHOWING THAT ALL AVAILABLE RECORDS REQUIRED BY THE FOIA THAT CLEAR STATES THAT THE SCPPPS BOARD MEMBERS MUST HAVE IN POSSESSION TO GIVE A REQUIRED AND FAIR HEARING TO THE PETITIONER DURING A HEARING TO BE CONSIDERED FOR PAROLE RELEASE, etc.

THE ALC OVERLOOKED THE PLAIN AUTHORITY OF THE CASES THAT HE LISTED FOR MAKING IT DECISIONS TO DISMISS THE PETITIONER APPEAL, THIS WAS ERRONEOUS DUE TO THE FACT THAT THE ALC COURT PLAINLY STATED THAT THE COURT REQUIRES FOR THE SCPPPS TO FOLLOW IT OWN PROCEDURES AS TO COMPLYING WITH THE PAROLE BOARD GUIDELINE IT SET FOR FUTURE PAROLE REVIEWS, etc. AND IN THE PETITIONER'S CASE MATTERS FOR THE PAROLE HEARING AND THE REVIEW IT RENDERED TO HIM FOR THE PAROLE CONSIDERATION, FOR PAROLE RELEASE, THE PETITONER PROVIDED RECORD EVIDENCE THAT THE PAROLE BOARD NOT HAVING THE PETITIONER'S RECORDS OF CRUX SIGNIFICANT INFORMATION PERTAINING TO THE PETITIONER PERFORMING SELF-IMPROVEMENTS, MEDICAL ISSUES AND THE APPLICATION FOR MEDICAL FURLOUGH APPLIED FOR TO THE SCPPPS, THE PETITIONER CITED THAT THIS WAS A OVERLOOKINGS OF THE RESPONDENT FROM THE VERY BEGIN WITH IN HIS APPEAL, AND THE DOCUMENTS THAT THE PETITIONER PROVIDED TO THE COURT PROFFERED THIS MATTER WITH MERITS. THE COURT OVERLOOKED THE FOLLOWING POINTS THAT WARRANTED THE ALC TO CONSIDER AND RESOLVE THAT WOULD

WARRANT FOR THE COURT TO GRANT RELIEF TO THE PETITIONER IN HIS FAVOR DUE TO THE FACT THAT THE PAROLE BOARD MEMBERS DID NOT GIVE THE PETITIONER A FAIR PAROLE HEARING AS IT WAS DONE WITHOUT VITAL RECORDS (PRISONER RECORDS) THAT THE PAROLE DPET. REQUIRES FOR THE BOARD MEMBERS TO HAVE IN POSSESSION WHEN THE HEARING ARE HELD. THE PETITIONER SHOWED THE ALC THAT THE PAROLE BOARD MADE A ERRONEOUS CONCLUSION OF LAW AND AN ERRONEOUS FINDING OF FACTS IN DETERMINING THE PETITIONER BEING DENIED PAROLE. THE PETITIONER SHOWED THE COURT THAT THE PAROLE BOARD DID NOT HAVE THE SUFFICIENT PRISON RECORDS AND ALL OTHER AVAILABLE RECORDS TO AID THE BOARD MEMBERS TO MAKE A FINDING OF FACTS AND A CONCLUSION OF LAW TO DETERMINE WHETHER THE PETITIONER SHOULD OR SHOULDN'T BE GRANTED A PAROLE RELEASEMENT. THE PETITIONER FURTHER SHOWED THE COURT THAT THE ALC USED CASES OF COOPER AND COMPTON TO DENY THE PETITIONER APPEAL AND DISMISS IT AS IT IS SHOWN CLEARLY THAT THE CASE LAW OF COMPTON IS NOT RESOLVED AND STANDING AS A CASE TO ALLOW THE INAPPROPRIATE ACTIONS OF THE PAROLE AGENCY TO ACCEPTED AND GIVING THE AGENCY AUTHORITY TO DENY PAROLE TO PRISONERS WITHOUT GIVING A FAIR HEARING THAT IS REQUIRED BY THE GUIDELINES THAT ARE ESTABLISHED BY THE LAWS CREATED BY THE U.S. CONSTITUTION AND THE S.C. CONSTITUTION THAT GUARANTEES THE PETITIONER TO A FAIR HEARING BASED UPON THE CORRECT REVIEWINGS AND CONSIDERATION TO HIS PAROLE ELIGIALBILITY AS TO MEET THE CRITERIAS OF THE SECT.s § 24-21-10 THRU 640, etc., THE PETITIONER MAKE FACTUAL CONTENTIONS THAT THE ALC COURT MADE ERRORS WHEN IT DISMISSED THE APPEAL BASED UPON UNSETTLED LAWS AND CASES THAT THE LAW IS NOT FINAL IN AND EVENMORESO THAT THE S.C. SUPREME COURT HAVE NOT FIXED THE LAWS IN AND GIVEN CLARITY TO.

THE PETITIONER IS NOT GIVING ANY PROTEST TO A METHOD THAT IS PRACTICED BY THE BOARD BUT IS CONTESTING THE ALC COURT NOT GIVING HIM A REVIEW TO HIS CLEAR DOCUMENTED ISSUES THAT ARE WITH MERITS AND SHOWN BY THE PROFFERED EVIDENCE THAT GIVES THE COURT THE AUTHORITY TO CORRECT. AS IT DID OVERLOOKED AND DISMISSED.

CONCLUSION

THE ALC DISMISSAL OF THE PETITIONER'S APPEAL SHOULD BE REVERSED AND REMANDED BACK TO THE COURT FOR A LEGAL REVIEWS TO THE PROPER SUBMITTED ISSUES STATED IN THE APPEAL THAT ARE WITH THE MERITS AND SHOWN BY THE RECORDS THAT ARE REVIEWABLE BY THE COURT. THE PETITIONER DOES NOT WAIVE HIS RIGHTS TO A REVIEW TO HE DISMISSAL TO HIS PAROLE HEARING THAT WAS NOT GIVEN TO HIM THROUGH THE DUE PROCESS RIGHTS PROCESS AS IS AND MUST BE AFFORDED BY THE S.C. PROBATION AND PAROLE AND PARDON SERVICES.

RESPECTFULLY SUBMITTED,

s/ Jeff Dunsil

JEFF DUNSIL, 115968

LEE C.I.

990 WISACKY HWY.

BISHOPVILLE, S C. 29010

ATTORNEY FOR PETITIONER

THIS 28 DAY OF SEPTEMBER 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
ADMINISTRATIVE LAW COURT

HON: JOHN D. McLEOD, JUDGE

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SC Court of Appeals

CASE NO.
16-AJ-15-0020-AP

JEFF DUNSIL, 115968....., PETITIONER,

vs.

SCDPPPS,....., RESPONDENT.

PROOF OF SERVICE

I HEREBY CERTIFY THAT I, JEFF DUNSIL SERVED THE NOTICE OF APPEAL TO THE RESPONDENT ON THIS 28 DAY OF SEPTEMBER 2016, BY WAY OF U.S. MAIL, POSTAL PREPAID, ADDRESSED TO THE RESPONDENT'S OFFICE AS: S.C. DEPARTMENT OF PROBATION, PARDON, AND PAROLE SERVICES ON THIS 28 DAY OF SEPTEMBER 2016, BY PERSONALLY DELIVERING IT TO THE PRISON MAIL ROOM FOR VERIFICATION OF MAILING, AS IS VERIFIED BY THE STATED STAMPED DATE OF THE LEE C.I. RECEIVED MAIL STAMPED.

SEPTEMBER 28, 2016

s/ Jeff Dunsil
JEFF DUNSIL
990 WISACKY HWY.
BISHOPVILLE, S.C 29010
PETITIONER

TOMMY EVANS, Jr. Esq,
SCDPPPS GEN. COUNSEL
PO BOX 50666
COLUMBIA, S.C 29250
RESPONDENT

JEFF DUNSIL, 115968
LEE C.I./F4B-WING
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SEPTEMBER 28, 2016

RECEIVED

SEP 30 2016
SC Court of Appeals

HON: CLERK OF COURT
SC COURT OF APPEALS
PO BOX 11629
COLUMBIA, S.C. 29211

RE: JEFF DUNSIL V. SCDPPPS, ie al. ENCLOSURES, NOTICE OF APPEAL
CERTIFICATE OF SERVICE AND THE ALC ORDER OF DISMISSAL, etc.

Dear Hon: Clerk of Court:

PLEASE FIND ENCLOSED THE NOTICE OF APPEAL AND THE CERTIFICATE OF SERVICE AND TO INCLUDE THE PETITION FOR CERTIORARI ENCLOSED FOR YOUR RESPECTFUL FILING IN MY CASE MATTERS TO BE APPEALED TO THE HONORABLE COURT. I ALSO REQUEST THAT YOU PROVIDE TO ME A COPY OF THE PLEADINGS ENCLOSED FOR YOUR FILING TO BE RETURNED ME WITH YOU OFFICE DATE STAMP AND OFFICE SEALS PLACED ON THEM FOR MY RECORDS.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND HELP GIVEN TO ME IN THIS CRUX MATTER, AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.

Note: PLEASE BE ADVISED THAT THIS APPEAL IS FROM THE CRIMINAL CONVICTION AND BY THE RELEVANCE OF THE MATTERS OF PAROLE. I AM INFORMING YOU OFFICE OF THE FACT THAT I AM INDIGENT AND *pro se* STATUS AND ON MY OWN PROSECUTING MY LITIGATION TO THE COURT AND IF ANY UNFORESEEN MATTERS NEED TO BE MOVED IN THE HONORABLE COURT PROCEEDING BEFOREHAND TO HAVE THIS APPEAL PROPERLY FILED PLEASE HAVE THE COURT TO CONSTRUE MY FORMAL CORRESPONDENCE TO BE AS TIHSSERVED FOR THESE PURPOSES.

AGAIN THANK YOU!!!

ENCLOSURES:

cc: SCALC CLERK
SCDPPPS GEN. COUNSEL
FILES/dj

RESPECTFULLY SUBMITTED,

s/ Jeff Dunsil

JEFF DUNSIL
990 WISACKY HWY.
BISHOPVILLE, S.C 29010

Jeff Dunsil #15968

Lee Corr - INST

F-4-B-1213

990 Wisacky, Hwy

Bishopville S.C.

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SEP 30 2016
SC Court of Appeals

Hon: Clerk of Court
S.C. Court of Appeals
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