

IN THE STATE of South Carolina Court
of Appeals
(IN THE Supreme Court)

APPEAL FROM ADMINISTRATIVE LAW COURT
The Honorable John McLeod

RECEIVED

DOCKET NUMBER 15-ALT-15-0018

NOV 08 2016

SC Court of Appeals

Appellate Case No.: 2016-000473

JESSE M. JAMES, 346605 — — — — Appellant,

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

— — — — Respondent.

INITIAL BRIEF OF APPELLANT

JESSE M. JAMES,
346605

PO BOX 2039

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RIDGELAND, SC. 29936-
2039

Appellant (Pro Se)
(843)

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1. The Respondent states that the Appellant is not Parole eligible but HAS NOT ALLOWED Appellant to hear this from the Parole Board BY confrontation and only through A PALERMAN:	
2. The Respondent states that the Appellant cannot be GRANTED Parole by the ALC but the Respondent states according to South Carolina Law, the only entity that make a Parole determination, is the Parole Board, "no such prisoner may be Paroled until it appears to the satisfaction of the board."	
CONCLUSION	

TABLE OF AUTHORITIES

CASES

Furtick v. S.C. DEPT. of Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E. 2d 146 (2002)

Sullivan v. STATE 335 S.C. at 443 N. 4, 586 S.E. at 124 N. 4

Cooper v. S.C. DEPT. of Probation, Parole and Pardon Services, 377 S.C. 489, 661 S.E. 2d 106 (SC 2008)

Steel v. Benjamin, 362 S.C. 66, 72 606 S.E. 2d 499, 502 (Ct. App 2004)

WEAVER v. Graham 450 U.S. 24 (1981)

STATE OF South Carolina
IN THE ADMINISTRATIVE LAW COURT
DOCKET NUMBER 15-ALJ-15-0018

JESSE M. JAMES,
Appellant

Briefing

v.
S.C. Department of
Probation, Parole AND
Pardon Services,
Respondent

(1) STATEMENTS OF THE
ISSUES ON APPEAL

The Honorable Judge McLeod, I, Jesse M. JAMES, the Appellant, who is incarcerated at RIDGELAND C.I., in RIDGELAND, S.C., inmate number 346605, residing the Georgetown A wing, cell # 10 would like to bring the matters of what the South Carolina law prohibits the BOARD of Probation, Parole, AND Pardon Services from granting me parole on the sentence(s) identified as Violent crime: Burglary, 2nd (16-11-0312), Indictment Number: 13-GS-29-497, 73, 72, Parolable: NO; AND Sentence: 03/13/13; but I AM Appearing on the basis of the letter which is enclosed from my Attorney, whose name is William P. Frick dated June 11, 2013, in which Paragraph 2, & 3, state what He

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he told me AND what he Assumed. You see I ASKED Mr. Frick to call SCDC AND ASK would I be eligible for work Release AND parole before I took the plea. Pg 1A & 1B

Q(1) Why didn't my Attorney who is a Public Defender recite the statute or better yet shouldn't he have recited the statute of Section 24-21-640 to me?

Q(2) Section 24-21-610 states Eligibility for Parole AND the question I have is, "Why does paragraph (2) state that A prisoner who is sentenced for A violent crime as defined in § 16-1-60, has served At least one third of the term or the mandatory minimum portion of sentence, whichever is longer is Eligible for parole but under the provisions stated of § 24-21-610, all burglary in the second degree convictions are eligible upon serving At least one-third but S.C. Department of Probation, Parole AND Pardon Services challenge this as inoperable?

Q(3) AM I not subjected to Go to the Parole Board even though the law states one thing AND How can one determine from just what crimes that I, the appellant, committed three years AGO that I am not reformed to go back to society no matter what my victims say because of my disciplinary and other records will prove difference?

Q(4) Does IT not matter that my mother who is on Dialysis needs my ultimate support and help especially after the death of her mother AND

my grandmother?

The Holy Bible states A scripture in the Gospel of Matthew 16:26 which says this, "For what is A man profited, if he shall gain the whole world, AND lose his own soul? or what shall a man give in exchange for his soul? soul ie. life

Q (5) When I speak life over my mother's health it is in A positive manner AND By Faith, GOD HAS opened the door AND showed me the way to overcome this hurdle and even though this parole is A privilege, will you all reconsider the matters due to my mother illness, please? Please understand that I am tired of being A client of recipivism AND need to show myself with the help of GOD AND others that will make sure Jesse Michael is progressing, increasing with love and not uncommitted to the goals which I have set before to make accomplishments for the better.

(2) STATEMENT OF THE CASE

On March 5 2015 I the appellant, Jesse M. James, received A 'legal' letter from the Department of Probation, Parole, and Pardon Services informing me, ~~that~~ that South Carolina law prohibits the Board of Probation, Parole, and Pardon Services from granting me parole due to Section 24-21-640.

When you have did most of the time, how can you seek to be free to the society AND having proof that you are ready for the streets.

As you will see enclosed with this Briefing is All the certificate of completions from such vocation. All training such As Carpentry, spiritual training substance classes, ANGER MANAGEMENT, AND other resources to better myself in which ALL has been voluntarily rendered by myself AND NOT MANDATED BY THE courts or Any other superiority.

According to section § 24-21-640. 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 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 has 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 or 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." This will be further stated in the Argument.

(3) Argument

(A) Contradict: means to assert the opposite of AND to deny the statement of.

In sections of § 24-21-610, § 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. Atty 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 the "Parole Board".

(B) Reform: means To improve by correcting errors or removing defects.

In the Fourteenth (14) AMENDMENT under section 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 abridge 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 contradistinction 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. MacDougall* (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.

You see, I have been voluntary myself to help others but knowing that in order for me to be true to God, I must obey AND take care of Jesse. As you will see the reform package that is put together to show what I AM doing while incarcerated AND I will be seeking to build A Transition home upon my release which will be called "Revelation Ministry".

For the Motto is to Rebuild, Reform, Reconcile, Reveal and Retrieve what All is lost AND then regain what I let the devil steal from me.

My mother whose name is Irene James Carr is also a part of my reformation because she needs me after the loss of my Grandmother Carrie Lee Walters who was ninety-three (93) At her death on May 1, 2015. She is under the care of dialysis in which she needs my support to take care of physical needs, to help her prosper in her spiritual blessings AND to restore the mental strains from which she has occurred while both my father and I are behind the walls.

Reform begins from within AND this what Paul says in the Holy Bible in 2 Corinthians 4:16-18 says; "For which cause we faint not; but though our outward man perish, yet the inward man is renewed day by day.
17 For our light affliction, which is but for a moment, worketh for us A FAR MORE EXCEEDING AND

eternal weight of glory.

18 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."

Also every man in the Bible went to prison for believing in the name of Jesus doing his will but the only AND one of the great prophets, kings, what God said he was, "a man after God's own heart" did not go to prison but committed big crimes but WAS forgiven.

(A) Forgiveness from Victims: Forgive means to excuse for a fault or offense; pardon:

Please understand that we all are victims of some nature but I have asked my victims to forgive me AND knowing that whatever damages that I were put to their places can be replaced AND after learning about mental anguish in Victim Impact class. All that I can do is asked for forgiveness AND show them that I am not the same person whom they knew of three years ago. Please forgive me AND know that it is not the outward man that God looks at as man does but the inward man, "the heart". I need your forgiveness AND your help to get out to be a son, Father, husband, brother, friend, Mentor and Impact on others who have struggled as I have in the past from addictions AND did not keep the faith to succeed. But today we (I) must walk in the light AND know that darkness is always near but only surrender to the light in whom God is, the light.

(4) Conclusion

I am ASKING the help of you, Judge McLean to give me the opportunity too be Paroled through the Department of Probation, Parole, and Prison Services to show that I have been reformed AND will continue to rehabilitate through whatever means necessary to prevent ANYMORE recidivism (AND) in my life.

to be the caretaker to my mother who is Irene James-Carr who is on DIALYSIS in which I will help her by transporting her there AND back, becoming AN inspiration to help those behind bars with the accomplishment of the transition Home, "Revelation Ministries" AND to give back to All who have been struck by some type of imprisonment know matter what the cause.

The relief is to be paroled to 4818 Winters Circle, Heath Springs, SC. 29058, (803) 286-5374, under the employment of "HELP ME Holy Ghost Ministries AND Revelation Ministries" AS well AS to farm the land of the three hundred acres our family has in Lancaster, Suinty, in Lancaster, SC. Also to go out AND give A prophetic message, teaching, AND reading those who are saved and lost.

So this concludes my briefing AND I really need your help AND cooperation. THANK YOU!!

(5) Certificate of Service

Affiant declares under the penalty of perjury the facts set forth ABOVE herein are true and correct this 27th day of May, 2015

Sworn to before me this 27th day of May, 2015.

Virginia Robinson
Notary Public of South Carolina
Commission Expires:
May 20, 2021.

Jesse McJames
JESSE MCJAMES

STATE OF South Carolina
In the Administrative Law Court
Docket Number 15-ALT-15-0018

JESSE M. JAMES,
Appellant

Certificate of Service

v.
S.C. Department of
Probation, Parole AND
Pardon Services,
Respondent

I, JESSE M. JAMES, the Appellant, certify that I have served the "Briefing", dated May 21, 2015, on the Respondent, Attorney for Respondent, AND the Honorable JUDGE McLeod by depositing a copy of the same in the United States mail, postage prepaid, the 21ST day of May, 2015, Addressed to:

Dawn Nichols
Executive Administrative Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
PO. Box 50666
Columbia, South Carolina 29250

Tommy Evans, Jr.
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South Carolina Department of Probation,
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PO Box 50666
Columbia, SC. 29250

The Honorable John McLeod
JUDGE, Administrative Law Court
1205 Pennington Street, Suite 224
Columbia, SC. 29201

I further certify that all parties required
by Rule 61 to be served have been served.

DATE: May 21, 2015

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JESSE M. JAMES, 346605 — — — — — Appellant,

v.
South Carolina Department
of Probation, Parole, AND
Pardon Services

— — — — — Respondent.

Proof of Service

I certify that I have served the "Designated Matter" on the Assistant Attorney TOMMY EVANS, JR., Assistant General Counsel for South Carolina Department of Probation, Parole, and Pardon Services, by depositing a copy of it in the United States Mail, postage prepaid, on November 3, 2016, addressed to PO Box 50666, Columbia, SC, 29211.

Respectfully Submitted,

Jesse M. James
JESSE M. JAMES, 346605

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 3rd DAY OF Nov.

20 16. Virginia Robinson

NOTARY PUBLIC
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES May 29, 2021

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SC Court of Appeals

Clerk of the Court

Jeanne ABBOTT Kitchings

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**RIDGELAND CORRECTIONAL
INSTITUTION**

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