

George M. Adams[#], 181283
LEE CORRECTIONAL INSTITUTION
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

DATE: NOVEMBER 23, 2016

THE HONORABLE DANIEL E. SHEAROUSE, CLERK
SUPREME COURT OF SOUTH CAROLINA
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COLUMBIA, S.C. 29211

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S.C. SUPREME COURT

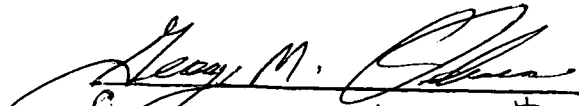
RE: GEORGE M. ADAMS[#], 181283, PRO SE VS. SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES,
CASE NO. 2013-001561

DEAR MR. SHEAROUSE:

ENCLOSED FOR FILING IS A NOTICE OF APPEAL IN THE ABOVE
CASE. ALSO ENCLOSED ARE THE FOLLOWING:

- (1) PROOF OF SERVICE OF THE NOTICE OF APPEAL IN THE ABOVE
CASE,
- (2) A COPY OF THE ORDER WHICH IS TO BE CHALLENGED ON
APPEAL,
- (3) A COPY OF THE REMITTITUR, AND
- (4) THIS APPEAL IS BEING FILED WITH THE SUPREME COURT

BECAUSE Rule 203 Apply.


GEORGE M. ADAMS #181283
LEE CORRECTIONAL INSTITUTION
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

Other Counsel of Record:

TOMMY EVANS, JR.
SCDPPPS

Post Office Box 50666
Columbia, S.C. 29250

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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

APPELLATE CASE No. 2013-001561

GEORGE M. ADAMS, #181283 APPELLANT,

VS.

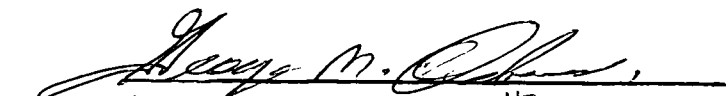
SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES RESPONDENT.

NOTICE OF APPEAL

GEORGE M. ADAMS, #181283, APPEALS THE SOUTH CAROLINA COURT
OF APPEALS UNPUBLISHED OPINION No. 2016-4p-434 SUBMITTED
SEPTEMBER 1, 2016, FILED OCTOBER 19, 2016, RECEIVED BY APPELLANT
OCTOBER 23, 2016.

OTHER COUNSEL OF RECORD:

TOMMY EVANS, JR., ESQ.



GEORGE M. ADAMS, #181283
LEE CORRECTIONAL INSTITUTION
990 WISACKY HWY.
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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

George M. Adams, #181283, Appellant,

v.

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

Appellate Case No. 2013-001561

Appeal From The Administrative Law Court
Ralph King Anderson, III, Administrative Law Judge

Unpublished Opinion No. 2016-UP-434
Submitted September 1, 2016 – Filed October 19, 2016

AFFIRMED

George M. Adams, pro se.

Tommy Evans, Jr., of the South Carolina Department of
Probation, Parole and Pardon Services, of Columbia, for
Respondent.

PER CURIAM: George M. Adams appeals the Administrative Law Court's
(ALC) order affirming a decision of the South Carolina Department of Probation,
Parole and Pardon Services (the Department) finding Adams was ineligible for

parole because of a prior violent crime conviction. Adams argues the ALC erred in ruling the Department (1) had the authority to consider his sentencing date, rather than the date he committed the offense, when determining whether a crime was classified as violent; (2) did not violate his state and federal constitutional rights concerning a pre-existing expectation of parole eligibility; and (3) did not "jurisdictionally restructure" his sentence. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. The ALC properly affirmed the Department's decision finding Adams ineligible for parole based on a prior violent crime conviction because Adams's prior offense of first-degree burglary was classified as a violent crime under section 16-1-60 of the South Carolina Code at the time he committed the offense for which he is seeking parole. *See* S.C. Code Ann. § 24-21-640 (Supp. 2015) ("The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in [s]ection 16-1-60."); *Sullivan v. State*, 331 S.C. 479, 481, 504 S.E.2d 110, 111 (1998) (finding an inmate ineligible for parole based on a prior conviction because the prior crime was classified as violent under section 16-1-60 at the time the inmate committed the offense for which he was seeking parole); S.C. Code Ann. § 16-1-60 (Supp. 1992) (classifying first-degree burglary as a violent crime).²

2. The ALC did not err in finding the Department did not violate any state or federal constitutional rights concerning Adams's alleged pre-existing expectation of parole eligibility because section 24-21-640 was in effect at the time Adams committed his current offense; therefore, Adams was never eligible for parole due to his prior violent crime conviction. *See Kurschner v. City of Camden Planning Comm'n*, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008) ("Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty or property interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment of the United States Constitution."). Furthermore, the

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

² Even if we were to use the date Adams committed first-degree burglary when determining whether it was a violent crime for the purposes of determining his parole eligibility under section 24-21-60, Adams would still be ineligible for parole because first-degree burglary was also classified as a violent crime at the time he committed that offense.

ALC properly found there was no ex post facto violation in this case. *See Jernigan v. State*, 340 S.C. 256, 261, 531 S.E.2d 507, 509 (2000) ("An ex post facto violation occurs when a change in the law retroactively alters the definition of a crime or increases the punishment for a crime.>").

3. The ALC did not err in finding parole eligibility was not included as part of Adams's sentence. *See Major v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 384 S.C. 457, 465, 682 S.E.2d 795, 799 (2009) ("[A] sentencing court is not authorized to determine parole eligibility."). Adams mistakenly argues his sentence under section 16-3-20(A) of the South Carolina Code (Supp. 1992) *granted* him parole eligibility after twenty years' imprisonment. Instead, that section *restricted* his parole eligibility for a period of twenty years. In Adams's case, after he served twenty years' imprisonment he was no longer ineligible for parole under section 16-3-20(A); however, he continued to be ineligible under section 24-21-640 because of his prior violent crime conviction.

AFFIRMED.

WILLIAMS, THOMAS, and GEATHERS, JJ., concur.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

FROM THE ADMINISTRATIVE LAW COURT RALPH KING
ANDERSON, III, ADMINISTRATIVE LAW JUDGE

APPELLATE CASE NO. 2013-601561

PROOF OF SERVICE

GEORGE M. ADAMS, #181283 APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES RESPONDENT.

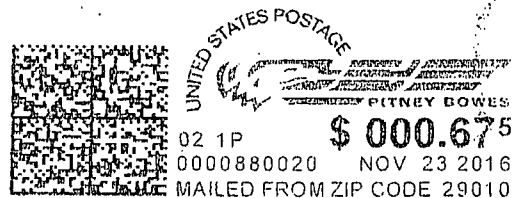
I CERTIFY THAT I HAVE SERVED THE NOTICE OF APPEAL ON
TOMMY EVANS, JR., BY DEPOSITING A COPY OF IT IN THE
UNITED STATES MAIL, POSTAGE PREPAID ON NOVEMBER, 23rd,
2016, ADDRESSED TO HIS ATTORNEY OF RECORD, P.O. BOX 50666,
COLUMBIA, S.C. 29250, ON NOVEMBER, 23rd 2016.

George M. Adams
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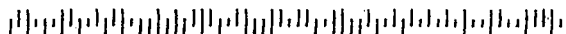
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