

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Administrative Law  
Court. Deborah B. Durden Administrative  
Law Judge

Appellate Case No. 2017-000992

Lexie James Turner # 249878

Appellant

v.

SCDppps

Respondent

INITIAL BRIEF OF Appellant

Lexie James Turner #249878  
G.C.I. 5-B-46A  
4556 Broadriver Rd.  
Columbia, S.C. 29210

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JUN 13 2017

SC Court of Appeals

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## TABLE OF AUTHORITIES

### CASE LAW

332 S.C. 551, 505 S.E. 2d 598, 603 (Ct. App. 1998) 7

305 S.C. 90, 94 (1991) 7

339 U.S. 306, 314 (1950) 7

## STATEMENT OF ISSUE ON APPEAL

1. Is Appellant entitled to Notice of Appeal following denial of parole?

## STATEMENT OF THE CASE

On April 18, 2017, The Honorable Deborah B. Duerden Administrative Law Judge, signed an Order dismissing case, stating she has no jurisdiction over case do to Appellant not filing Notice of Appeal from final decision within 30 days.

This appeal timely follows.

## STATEMENT OF THE FACTS

On Nov 18, 2017, Matthew C. Buchanan, General Counsel for SCDpps made the decision to inform Appellant that he would be ineligible for parole consideration due to review of Appellants prior record alleging prior conviction for Distribution. Appellant received final decision from Juper River Corr. mailroom on Nov 23, 2015. Appellant read decision of General Counsel, but there was no Notice of Appeal Enclosed.

## Argument

1. Is Appellant entitled to Notice of Appeal following denial of parole?

On Oct 10, 2014, Appellant was interviewed by parole examiner to be informed Appellant would be going up for parole. On Dec 12, 2014 Appellant received letter from SCDpps notifying Appellant that his parole hearing would be held on Jan 21, 2015 at Broadriver Corr.

Appellant went to parole hearing on Jan 21, 2015. Appellant had hearing by video. SCDpps parole board denied Appellant parole. On Nov 13, 2015, Appellant was informed to see parole examiner at Upper River Corr., parole examiner informed ~~about~~ Appellant that he would be going back up for parole hearing again soon.

"Due process is flexible and calls for such procedural protection as the particular situation demands" pursuant to 332 S.C. 551, 505 S.E. 2d 598, 603 (Ct. App. 1998); 305 S.C. 90, 94 (1991) "The requirement of Due process include notice, opportunity to be heard in a meaningful way, and judicial review"; See also, 339 U.S. 306, 314 (1950) ("Stating that the Due process clause demands "Notice reasonably calculated under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections")

On Nov 18, 2015, Matthew C. Buchanan, General Counsel for SCDpps made the decision to inform appellant he would be ineligible for parole consideration due to review of appellants prior convictions of Alleged Distribution. Appellant received General Counsel's decision on Nov 23, 2015. At Juffer River mailroom. Appellant read General Counsel's decision that was inside, but General Counsel for SCDpps failed to enclose Notice of Appeal to Appeal the General's Counsel's decision. Appellant found out about Notice of Appeal threw fellow inmates here at Goodman Corr. Appellant copied fellow inmates Notice of Appeal on white indigent paper and sent two copies. (1) to Administrative Law Court and (2) the other one to Legal Services Division of SCDpps on March 22, 2017

On March 27, 2017, Administrative Law Court sent Appellant his paper copy of Notice of Appeal back along with a copy of the new revised Notice of Appeal with Proof of Service attached with it. Appellant filled out new revised Notice of Appeal and Proof of Service. Confirming he sent legal Services Division of SCDppps Notice to Appeal General Counsel's decision.

Appellant sent new revised Notice of Appeal and also paper written copy by Appellant back to Administrative Law Court on March 28, 2017

## Conclusions

Respectfully, Appellant asks this Court to REVERSE GENERAL COUNSEL of SCDPPPS decision, by granting Appellant parole eligibility.

Respectfully Submitted

~~/s/ Lexie James Turner #249878~~

Lexie James Turner #249878

Goodman Corp. Just 5-B-46A

4556 Broadriver Rd.

Columbia, S.C. 29210

~~June~~ 12<sup>th</sup>, 2017

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PROOF OF SERVICE

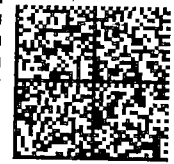
I certify that I have served the APPELLANT'S INITIAL BRIEF on Respondent by depositing a copy of it in the UNITED STATES Mail, postage prepaid, on JUNE 12<sup>th</sup>, 2017, Addressed to SCDppps Dept. of Legal Services 2221 Devine St, Suite 600, P.O. Box 50666 Columbia, S.C. 29250

Honorable Jenny A. Kitchings  
Clerk, for S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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cc: Inmate file  
1 U.S.C § 1  
28 U.S.C § 1746

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