

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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JUN 20 2017

SC Court of Appeals

Appeal from the Administrative  
Law Court. Administrative Law  
Judge. DEBORAH B. DURDEN

Appellate Case No. 2017-000992

LEXIE JAMES TURNER \*249878

Appellant

v.

SCDpps

Respondent

DESIGNATION OF MATTER

Appellant proposes that the following materials be included in  
the Record on Appeal:

1. Trial Transcript dated February 26-27, 2013 p. 281-282
2. Exhibits 1, 2, and 3

151 LEXIE JAMES TURNER \*249878  
 LEXIE JAMES TURNER \*249878  
 GOODMAN CORE TRUST 5-B-46B  
 4556 BROAD RIVER RD.  
 COLUMBIA, S.C. 29210  
 Appellant

JUNE 19<sup>th</sup>, 2017

**South Carolina Department of Probation, Parole and Pardon Services  
Criteria For Parole Consideration**

SC Board of Probation, Parole and Pardon Services  
P. O. Box 50666  
Columbia, SC 29250

Inmate Name <i>Lexie Turner</i>	SCDC # <i>249878</i>
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**Criteria For Parole Consideration**

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. These files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some error or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating upon the reasonable probability that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community; *none*
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision; *4 years old*
4. The inmate's attitude toward his/her family, the victim, and authority in general; *negative*
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself; *good*
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place; *good*
7. The inmate's physical, mental and emotional health; *good*
8. The inmate's understanding of the cause of his/her past criminal conduct; *yes*
9. The inmate's efforts to solve his/her problems, such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems; *yes*
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment; *good*
11. The willingness of the community into which the inmate will be released to receive the inmate; *good*
12. The willingness of the inmate's family to allow him/her to return to the family circle; *good*
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole; *?*
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate; *none*
15. Other factors considered relevant in a particular case by the Board. *?*

*EXAMINER*

**Reservation of Discretionary Power of the Parole Board**

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainees or pending charges.

If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

**I certify that the above material has been explained to me, and I have received a copy.**

Inmate's Signature <i>Lexie Turner</i>	Date <i>10/10/14</i>	Witness <i>[Signature]</i>	Date <i>10/10/14</i>
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State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

December 12, 2014

Mr. Lexie Turner #00249878  
Manning Correctional Institution  
502 Beckman Dr.  
P.O. Box 3173  
Columbia, SC 29203

**RE: NOTICE OF HEARING**

Hearing Date: Wednesday, January 21, 2015 Arrival Time: 7:45 AM  
Location: Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia, SC 29210

Dear Mr. Turner:

This is to inform you that your parole hearing is scheduled for the above date. Your hearing will be held at the above location. Family members or supporters should report at the above noted time. Your hearing will be by way of videoconference, which means that the Board will review your case on a television monitor.

You can have a total of three (3) visitors or family members appear with you and you may retain an attorney at your own expense. It is your responsibility to notify visitors or family members of the date and time they will need to be at your hearing. Also, you must notify your attorney if he or she has not requested in writing such notifications from this agency.

Please find enclosed parole hearing information sheet. It may be necessary to provide your family members or visitors a copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

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

# Department of

**NIKKI R. HALEY**  
Governor

January 22, 2015

Mr. Lexie Turner #00249878  
Manning Correctional Institution  
502 Beckman Dr.  
P.O. Box 3173  
Columbia, SC 29203

RE: NOTICE OF REJECTION

Dear Mr. Turner:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following **CONCLUSION OF LAW**:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

**FINDINGS OF FACT:**

Prior Criminal Record Indicates Poor Community Adjustment  
Failure To Successfully Complete A Community Supervision Program

Sincerely,



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

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LEXIE JAMES TURNER #249878

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PROOF OF SERVICE

I, LEXIE JAMES TURNER #249878, certify that I have served the Designation of Matter on Respondent by depositing two copies of the same in the United States Mail postage prepaid, addressed to SCDPPPS Legal Service Division, 2221 DENVINE St. Suite 600, P.O. Box 50666, Columbia, S.C. 29250 and Honorable Clerk, JENNY A. KITCHINGS S.C. Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211

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

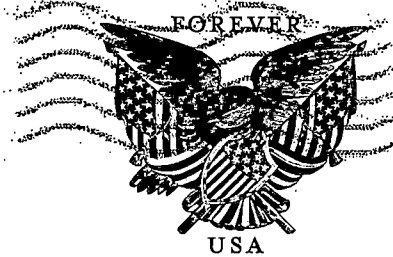
JUNE 19<sup>th</sup>, 2017

151 LEXIE JAMES TURNER #249878  
LEXIE JAMES TURNER #249878  
Appellant  
Goodman Corr. Inst. 5-B-46B  
4556 Broad River Rd.  
Columbia, S.C. 29210

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

LEWIS JAMES TURNER # 249878  
Goodman Core Trust 5-B-46B  
4556 Broad River Rd.  
Columbia, S.C. 29210

COLUMBIA SC 2920  
29 JUN 2017 PM 11



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Honorable Clerk, Jennifer A. Kitchings  
S.C. Courts of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

Legal Mail

29211-162929

