

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

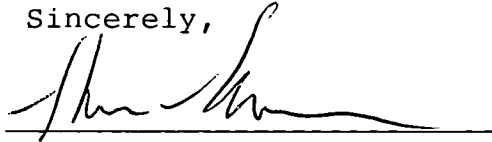
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JUL 17 2017
SC Court of Appeals

RE: Thompson v SCDPPPS
Case No. 2016-000781

Dear Ms. Kitchings,

Please find enclosed for filing a Petition for Rehearing in the above case. Also enclosed is a copy of the Decision of the Court and Proof of Service of the Petition on Respondent. Please note also that I have submitted a SCDC 15-1 form requesting a \$25 check be issued from my Trust account to pay the filing fee. Thank you.

Sincerely,



Thomas Thompson #80681
TyRCI 10-204A
200 Prison Road
Enoree, S.C. 29335

July 13, 2017

eligibility from one year to two years between hearings is a violation of ex-post-facto as Appellant alleges in issue #2. This Court has not made any ruling regarding issues # 3 & 4. These issues concern the denial of Constitutional rights and the validity of the plea agreement and therefore the sentence of Appellant.

Appellant argues that it is the obligation and duty of this and all other Courts to ensure that justice is served and to protect the rights of those appearing before it that are provided by the U.S. Constitution.

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Thomas Thompson #80681
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July 13, 2017

**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**

Thomas Thompson, Appellant,

v.

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

Appellate Case No. 2016-000781

Appeal From The Administrative Law Court
John D. McLeod, Administrative Law Judge

Unpublished Opinion No. 2017-UP-274
Submitted June 1, 2017 – Filed July 5, 2017

AFFIRMED

Thomas Thompson, pro se.

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

PER CURIAM: Thomas Thompson appeals the Administrative Law Court's (ALC), summary dismissal of his appeal. Thompson argues the South Carolina Department of Probation, Parole and Pardon Services (1) erred by basing its decision on an incomplete and inaccurate record, which rendered its decision

arbitrary and capricious; (2) erred by continuing to apply the 1986 Omnibus Criminal Justice Improvement Act in violation of the ex post facto law; (3) violated his right to equal protection by denying him parole for a longer period of time than other persons similarly situated; and (4) erred by negating the sentencing authority of the plea court by denying him parole in light of the fact the plea sentence contemplated the possibility of parole based on his behavior while incarcerated. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 1-23-600(D) (Supp. 2016) (providing the ALC "shall not hear . . . an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services"); *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003) ("[T]he permanent denial of parole *eligibility* implicates a liberty interest sufficient to require at least minimal due process, and, therefore, review by the AL[C]."); *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 498, 661 S.E.2d 106, 111 (2008) ("[A] sufficient liberty interest may be implicated to trigger due process requirements even though the [Board's] decision did not constitute a permanent denial of parole eligibility."); *id.* at 496, 661 S.E.2d at 110 ("Parole is a privilege, not a right."); *Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009) (stating if the parole board "clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 [of the South Carolina Code] and the fifteen factors published in [its parole form] . . . the decision will constitute a routine denial of parole and the ALC will have limited authority to review the decision to determine whether the Board followed proper procedure"); *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."); *id.* ("Regarding the issue of increase of punishment, the relevant inquiry is whether the legislative amendment 'produces a sufficient risk of increasing the measure of punishment attached to the covered crimes.'" (quoting *Cal. Dep't of Corr. v. Morales*, 514 U.S. 499, 509 (1995))); *id.* ("If the amendment produces only a 'speculative and attenuated possibility' of increasing an inmate's punishment, then there is no ex post facto violation." (quoting *Morales*, 514 U.S. at 509)).

AFFIRMED.

GEATHERS, MCDONALD, and HILL, JJ., concur.

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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Judge John D. McLeod, Administrative Law Court

Thomas Thompson #80681
Appellant

v

Proof of Service

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S.C. Dept. of Probation,
Parole and Pardon Services
Respondent

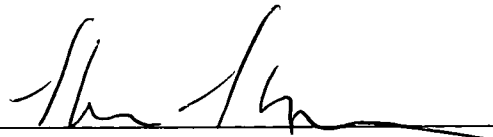
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Appellate Case No. 2016-000781

I, Thomas Thompson hereby certify that I have served a copy of the Petition for Rehearing in the above case on Respondent by depositing a copy in the US Mail postage prepaid, addressed to the Attorney of record Tony Evans, Jr
Assistant General Counsel
S.C. DPPPS
P.O. Box 50666
Columbia, S.C. 29250

Thank you.

s/ 
Thomas Thompson #80681

July 13. 2017

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