

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from the Administrative Law  
Court. Deborah B. Durdenu, Administrative  
LAW JUDGE

Appellate Case No: 2017-000992

LEXIE JAMES TURNER #249878

Appellant

v.

SCDppps

Respondent

REPLY BRIEF

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

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JUL 21 2017

SC Court of Appeals

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## TABLE OF AUTHORITIES

### CASES:

Furtick v. SCDPPPS 352 S.C. 594 (2003) 3.

Memorandum SEE Exhibit(A) 3.

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## STATEMENT OF ISSUE ON APPEAL

1. Did SCDPPPS denied DUE PROCESS to NOTICE when they ~~did~~ did not provide form NOTICE of APPEAL inside envelope with its written final decision denial of parole?

2. Do I have a right to NOTICE after denial of PAROLE?

3. Is it mandatory for SCDPPPS to provide Appellant with NOTICE of APPEAL with its written final decision denial of PAROLE?

## STATEMENT OF THE CASE

During its August, 2012 term, the York County Grand Jury returned a true billed indictment charging Appellant with Possession with intent to distribute crack cocaine (2012-GS-46-02872) and Distribution of crack cocaine (2012-GS-46-04278). On February 26, 2013, Appellant, represented by Melissa Inzerillo, Esquire, proceeded to a trial by jury before the Honorable Steven H. John. On February 27, 2013, the jury found Appellant guilty of Possession with Intent to Distribute crack cocaine 3<sup>rd</sup> and not guilty of Distribution of crack cocaine; whereupon, Judge John sentenced Appellant to eleven years imprisonment.

Memorandum

To: APPELLANT

From: Clerk's Office

Date: 3-28-17

The information you filed with the Administrative Law Court is being returned to you for the following reason(s):

We have no jurisdiction over this matter, however if you would like to proceed with filling a grievance, follow the steps below.

File your appeal on the appropriate form (see attached Notice of Appeal form and Special Appeals Rules).

Attached is a copy of the Notice of Appeal form you must use to file an appeal from a final decision of the South Carolina Department of Probation, Parole and Pardon Services.

Attached is a copy of the Rules of Procedure for the Administrative Law Court in matters on appeal from the South Carolina Department of Corrections.

Furtick vs. State, held that an inmate may file an appeal with the Court from final decisions of the Department of Probation, Parole and Pardon Services regarding the permanent denial of parole eligibility. If you wish to proceed with an appeal then you must receive a written final decision from the appropriate official at PPPS. Attached to the decision will be a form Notice of Appeal with instructions on how to file the appeal with the Court. This form must be used before your case will be filed and processed with Administrative Law Court.

In order for your case to be processed by the ALC, a copy of the final decision from the Department of Probation, Parole and Pardon Services must be attached to the Notice of Appeal.

## ARGUMENT

1. Did SCDppps denied due process to notice when they did not provide form Notice of Appeal inside envelope with its written final decision denial of parole?
  2. Do I have a right to Notice after denial of Parole?
  3. Is it mandatory for SCDppps to provide Appellant with Notice of Appeal with its written final decision denial of parole?
- 

On March 28, 2017 the Administrative Law Clerk's office sent a Memorandum telling me to do my appeal on the right form and sent me the form Notice of Appeal with proof of service. On the Memorandum it states: The SCDppps must provide a written final decision with a form Notice of Appeal attached pursuant to Furtick v. State see Exhibit (A) 352 S.C. 594 (2003)

## CONCLUSION

BASED ON THE FOREGOING REASONS, THE APPELLANT RESPECTFULLY REQUESTS THE S.C. COURT OF APPEALS GRANT APPELLANT PAROLE ELIGIBILITY.

Respectfully submitted,

LEXIE JAMES TURNER #249878

LEXIE JAMES TURNER #249878

Goodman Corr. Inst. 5-B-46B

4556 BROAD RIVER Rd.

Columbia, S.C. 29210

Appellant

Columbia, S.C.

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

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW  
COURT, DEBORAH B. DURDEN, ADMINISTRATIVE  
LAW JUDGE

APPELLATE CASE No: 2017-000992

LEXIE JAMES TURNER #249878

Appellant

v.

SCDPPPS

Respondent

PROOF OF SERVICE

I certify that I have served a Reply Brief on Respondent  
Tommy Evans, Jr. Esquire, for SCDPPPS on July 19, 2017, by depositing  
a copy of the same in the United States Mail, postage prepaid, addressed  
to:

Tommy Evans, Jr. Esquire  
SCDPPPS  
P.O. Box 50666  
Columbia, S.C. 29250  
Respondent

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

cc: JIMATE file  
11 U.S.C. § 1  
28 U.S.C. § 1746

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

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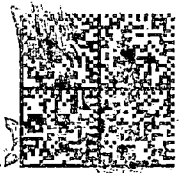
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SC Court of Appeals

LENE JAMES TURNER #249878  
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4556 Broad River Rd.  
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