

ORIGINAL

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law
Court, Deborah B. Durdani, Administrative
Law Judge

Appellate Case No: 2017-000992

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JUL 28 2017

SC Court of Appeals

Appellant

LEXIE JAMES TURNER #249878

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES

Respondent

FINAL BRIEF OF APPELLANT

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

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Statement of Issue on Appeal

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

Statement of the Case

On April 18, 2017, the Honorable Judge, Deborah B. Durdens Administrative Law Judge, signed an Order of Dismissal dismissing case stating she has no jurisdiction over case do to Appellant not filling Notice of Appeal from final decision within 30 days of final decision. (SEE R. p. 3) This Appeal timely follows.

STATEMENT OF THE FACTS

On Nov 18, 2015, General Counsel, Matthew C. Buchanan for SCDPPPS made the decision to inform Appellant that he would be ineligible for parole consideration do to review of Appellants prior record Alleging prior conviction for Distribution. Appellant received decision from Jeger River mailroom on Nov 23, 2015, Appellant read decision of General Counsel, but there was no Notice of Appeal enclosed. (DEE R. p.4) and (DEE R. p.1 Trial transcript, February 26-27 pp. 281-282)

Argument

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

On Oct 10, 2014, Appellant was interviewed by Parole Examiner (See R. p.2, Exhibit *1) to be informed Appellant would be going up for parole. On Dec 18, 2014, Appellant received letter from SCDPPPS informing Appellant that his parole hearing would be held on Jan 21, 2015 (See R. p.2, Exhibit *2)

Appellant went to parole hearing on Jan 21, 2015 at Broad River Corr. Appellant had parole hearing by video SCDPPPS denied Appellant parole (See R. p.2, Exhibit *3) On Nov 13, 2015, Appellant was notified to see Ms. Anna Fathman Parole Examiner for SCDPPPS at Jeger River Corr, Ms. Anna Fathman informed Appellant he would be going back up for parole hearing again soon.

On Nov 18, 2015, General Counsel, Matthew C. Buchanan for SCDPPPS made the decision to inform Appellant he would be ineligible for parole consideration due to review of Appellants prior convictions Alleged Distribution (See R. p.1, Trial transcript, February 26-27, 2013, pp. 281-282) Appellant received General Counsel's decision on Nov 23, 2015, at Jeger River Mailroom. Appellant read General Counsel's decision that was inside, but General Counsel failed to enclose Notice of Appeal to Appeal, General Counsel's decision. (See R. p.4)

Appellant found out about Notice of Appeal thru fellow inmates here at G.C.I. Appellant copied fellow inmates Notice of Appeal on white indigent paper and sent 2 copies, 1. to Administrative Law Court and 2. to Dept of Legal Division for SCDPPPS on March 22, 2017. Administrative Law Court sent Appellant 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 with Proof of Service confirming he sent legal Service Division for 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.

Conclusion

Respectfully, Appellant asks this Court to grant Appellant parole eligibility.

Respectfully Submitted,

July 27, 2017
Columbia, S.C.

151 LEXIE JAMES TURNER #249878
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Goodman Corr. Inst. 5-B-46B
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Certificate of Counsel

The undersigned certified that this Final Brief complies with
Rule 211(B), SCACR.

July 27, 2017

/s/ Lexie James Turner #249878

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PROOF OF SERVICE

I certify that I have served the Final Brief of Appellant on
Tommy Evans, Jr. Esquire and the Honorable Clerk, Jenny A. Kitchings
by depositing 2 copies of it in the United States Mail, postage prepaid
on July 27, 2017, Addressed to:

Tommy EVANS, Jr. Esquire
SCDPPPS
P.O. Box 50666
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Respondent

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

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

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