

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Shirley C. Robinson, Administrative Law Judge

Appellate Case No.: 2015-oo1028

JIMMY LONG, #197708 PETITIONER,

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND

PARDON SERVICES RESPONDENT.

PETITION FOR REHEARING

RECEIVED
AUG 11 2017
SC Court of Appeals

OTHER COUNSEL OF RECORD

Tommy Evans, Jr., Esquire
Post Office Box 50666
Columbia, SC 29250

Jimmy Long, #197708
McCI F-4 B-side
386 Redemption Way
McCormick, SC 29899
Petitioner, pro-se

STATEMENT OF THE CASE

The Petitioner is charged with the attempted sexual assault of the alleged victim in this case, the victim was stabbed with a stick, she later died from her injuries, which caused the Petitioner to be charged with murder and assault with assault with intent to commit criminal sexual conduct in the first degree.

On April 29, 1993, the Petitioner appeared before the Honorable Ralph King Anderson, Jr. for the stated offenses. Judge Anderson sentenced the Petitioner to a period of incarceration for the remainder of his natural life for murder, and ten years for attempted criminal sexual conduct. The sentence imposed by the court allowed the Petitioner to be eligible for parole after the service of twenty years.

The Petitioner made his initial appearance before the parole board on November 14, 2012. The Board concluded at the end of the hearing that the Petitioner should be denied parole. The Petitioner again appeared before the Board on November 5, 2014. He was again denied parole due to: 1) the nature of the offense and its seriousness; 2) an indication of violence in this or a previous offense; and, 3) the use of a deadly weapon in this or a previous offense. When the Petitioner was advised of the Board's denial of parole, the Petitioner filed a notice of appeal before the Administrative Law Court (ALC). The Petitioner alleges on appeal that his parole was denied unlawfully in violation of due process, and ex post facto.

This Court "Affirmed" the decision of the Administrative Law Court in an order filed July 26, 2017, the Petitioner received written notice of entry of this Court's decision on July 31, 2017.

ARGUMENT

The Petitioner argues that this Court overlooked important issues raised in his brief that was filed with this Court during the course of his appeal.

This Court did not address the issue as to whether the Petitioner has rehabilitated himself during all the years he has been in prison. The Parole Board never took any of this in consideration of whether or not to grant the Petitioner parole.

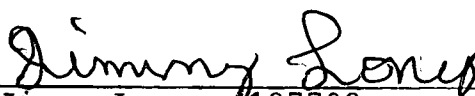
Therefore, in light of all that has taken place during the appeal process, the Petitioner should have been entitled to review of his conduct and accomplishments while in prison.

Therefore, this Court should rehear this case and change its ruling that the Parole Board did not violate the Petitioner's due process right and that there was no ex post facto violations.

CONCLUSION

The Petitioner ask that this Court rehear this case and reconsider its prior decision not to grant the Petitioner any relief in this matter.

Respectfully submitted,



Jimmy Long #197708
McCI F-4 B-side
386 Redemption Way
McCormick, SC 29899

Petitioner, pro-se

This 8 day of AUGUST, 2017

THE STATE OF SOUTH CAROLINA

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In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT SC Court of Appeals

The Honorable Shirley C. Robinson, Administrative Law Judge

Appellate Case No.: 2015-001028

Jimmy Long, #197708 PETITIONER,

v.

S.C. Department of Probation, Parole and Pardon Service RESPONDENT.

AFFIDAVIT OF SERVICE

I certify that I have served the Petition for Rehearing on Tommy Evans, Jr. Esquire, by delivering a copy of same to the McCormick Correctional Institution mail room, postage prepaid, on August 9, 2017, addressed to the attorney of record, Tommy Evans, Jr., Post Office Box 50666, Columbia, South Carolina 29250.

SWORN to and subscribed before me this

9th day of August, 2017

[Signature] Notary Public of South Carolina

My Commission Expires 8/5/2024

s/ [Signature] Jimmy Long #197708 MCCI F-4 B-side 386 Redemption Way McCormick, SC 29899 Petitioner, pro-se

JIMMY LONG, #197708

McCI F-4 B-side
386 Redemption Way
McCormick, South Carolina 29899

August 8, 2017

The Honorable Jenny Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, South Carolina 29201

RE: Petition for Rehearing
Jimmy Long v. S.C. Probation, Parole and Pardon Service
Appellate Case No.: 2015-001028

Dear Clerk:

Please find enclosed for filing the Petition for Rehearing and the Affidavit of Service, both in reference to the above entitled matter.

Please return to me a clock-stamped copy of the enclosed documents at your earliest convenience.

Thank you for your attention and assistance in this very important matter.

Sincerely, *Jimmy Long*

cc: Tommy Evans, Jr., attorney for Respondent
Personal file

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