

Vincent Rice #316178

Appellant

v.s

S.C Dept Corrections

Respondent

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AUG 11 2017

SC Court of Appeals

Expedited or Emergency Motion

C/A #: 2017-001444

Appellant is compelled to file this motion under Rule(240) of the S.C Court of Appeals. Appellant request a favorable ruling on this motion because he was scheduled to be released from the Dept of corrections on September 1, 2016.

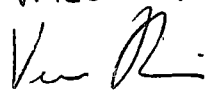
The Appellant's release was forfeited (11) day prior to his release due to an arbitrary decision, and misinterpretation of the prison term of his conviction. Appellant asserts the Dept severely neglected his 5<sup>th</sup> and 14<sup>th</sup> amendment rights, by informing Appellant on Aug 21, 2016 would not be going home. Furthermore, the Dept held a "due process" hearing (two weeks) after his release date, when in fact the APA ACT states that "contested" matters should be afforded (30) day notice. Therefore, Appellant should have received "notice" that his release would be contested on or about July 31, 2016.

Appellant suffers harm because he has been detain (300+) days beyond his Sept 1, 2016 release, and now has a illness that requires surgery. Appellant must also inform the court that other 2nd offenders convicted of 44-57-370(b)(2), were "prematurely" released and have not been reapprehended by any state agency, while Appellant is unlawfully detained, and pursuing justice in this appeal.

Appellant prays this court will take notice that Appellant is suffering harm, and thus request the quickest relief that justice can offer

Respectfully Submitted

Vincent Rice #316178



2338

Exhibit  
A

Received on  
Aug 31, 2016

Audrey Crum (CrumAud)

From: Christina Bigelow (C057846)  
Sent: Tuesday, August 30, 2016 8:44 AM  
To: Audrey Crum (CrumAud)  
Subject: RE: scdc#316178 Vincent Rice

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Here the Dept made a decision before my hearing  
I agree he needs to be converted to 85% for his 3rd drug offenses after having a due process hearing.

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections Post Office Box 21787  
4444 Broad River Road  
Columbia, South Carolina 29210  
Phone: (803) 896-1738  
Fax: (803) 896-1766

Message #1

Message #2

-----Original Message-----

From: All, Britton [mailto:BALL@RCSO.NET] - No longer a solicitor when she gave this opinion  
Sent: Monday, August 29, 2016 8:48 PM  
To: Audrey Crum (CrumAud) <Crum.Audrey@doc.sc.gov>  
Cc: msawyer@sinklaw.com; Wanda Blanding (BlandWa) <Blanding.Wanda@doc.sc.gov>; Joette Scarborough (Scarbor) <Scarborough.Joette@doc.sc.gov>; Christina Bigelow (C057846) <Bigelow.Christina@doc.sc.gov>  
Subject: RE: scdc#316178 Vincent Rice

I reviewed Mr. Rice's RAP sheet. There is a 2008 conviction for PWID/MDP Cocaine 1st [44-53-370(b)(1)]. He got 2 years suspended to 1 year probation. To answer your question, in my legal opinion based on his RAP, his prior record contains at least one conviction more serious than a simple possession, and thus, based on the information you're providing to me, he should be classified as an 85% offender.

repeated in Bolin

I cannot speak to the Court's intent. According to my reading of the law, he should be sentenced under 24-13-150 for 85%, and does not meet the exception under Bolin/Fowler vs. SCDC. That being said, I am not offering an official legal opinion, nor should you rely on this. I would advise you independently run a RAP and have your general counsel review it. I don't know what kind of access you all have to RAPs, but if you need me to run it for you and send it, just have your general counsel let me know and I'll send it over.

Britton All

-----Original Message-----

From: Audrey Crum (CrumAud) [mailto:Crum.Audrey@doc.sc.gov]  
Sent: Thursday, August 25, 2016 10:57 AM  
To: All, Britton  
Cc: msawyer@sinklaw.com; Wanda Blanding (BlandWa); Joette Scarborough (Scarbor); Christina Bigelow (C057846)  
Subject: FW: scdc#316178 Vincent Rice

Asst. Solicitor: All

Ref: I/M Vincent Jermaine Rice, SCDC# 316178

This office is seeking clarification in referencing to statute 44-53-0370(b)(2), Drug/Manuf. poss. Of other sub. In Sch. I,II,III or flunitrazepam w.i.t.d - 3rd or sub. Offense (0188), Per the Judicial System CDR 0188 is reflecting a Felony C. which requires the inmate to satisfy 85% of his sentence, but Per Bolin/Fowler vs SCDC this offense may not require 85%. Per General Counsel the interpretation and statute deems inmate ineligible for Bolin/Fowler vs SCDC based on a prior Manuf/Dist of any drug offense. What we are looking for is information concerning the

SCDC admits Appellant is no longer 85% here

Agency forcing language  
M 44-53-378 (b) (2)

offender's prior record. If the inmate prior record contains things more serious than simple possession (i.e., distribution, PWID, manufacturing, conspiracy, etc.) then he must be classified as an 85% offender who is not eligible for parole. If his prior drug record contains ONLY simple possession, he would not be an 85% offender. Please inform this office of the court intent of this charge. This inmate is SCHEDULE to be release on September 01, 2016 to SUPERVISED RE-ENTRY. I will be awaiting your response. Please feel free to contact me if you have any question or concerns.

why not  
ask the court

Audrey Crum 2 - message 1  
Inmate Records Office  
Record Processing Supervisor  
Crum.Audrey@doc.sc.gov  
(803)896-1994

-----Original Message-----

From: DONOTREPLY  
Sent: Thursday, August 25, 2016 10:24 AM  
To: Audrey Crum (CrumAud) <Crum.Audrey@doc.sc.gov>  
Subject: Scan from a Xerox WorkCentre

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SC Court of Appeals

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: Inmate Records Upstairs (DC000124) 896-8531

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

STATE OF SOUTH CAROLINA

Vincent Rice #316178

Appellant

vs.

S.C. Dept of Corrections

Respondents

In The S.C. Court of Appeals

C/A: 2017-001484

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Affidavit

I Appellant, Vincent Rice #316178, do state and affirm that my release from the Dept on September 1, 2016, was arbitrarily forfeited on Aug 31, 2016, which was the day I was informed I would not be going home. The Dept held a Agency hearing on September 14, 2016 (two weeks) after my release where I could not even talk, nor did the institutional staff explain anything. As a result, I have discovered evidence that the Dept's entire decision and decision making process in this case were ~~un~~ constitutionally invalid. Upon information and facts, the Dept has deliberated withheld the record because it will prove they've actions to be unconstitutional. They Dept reviewing authority and the ALC, did not have a opportunity to review the true record because the Dept has refused to disclose them, even though they will prove I should be a free citizen. The Dept is defying the constitution and just this state and country stands on.

Respectfully,

*Vincent Rice*

# Certificate of Service

I Vincent Rice did forward a Expedited motion to the following address on this day of Aug 7, 2017 by postal mail to:

General Counsel  
4444 Broad River Rd  
Columbia, S.C 29212

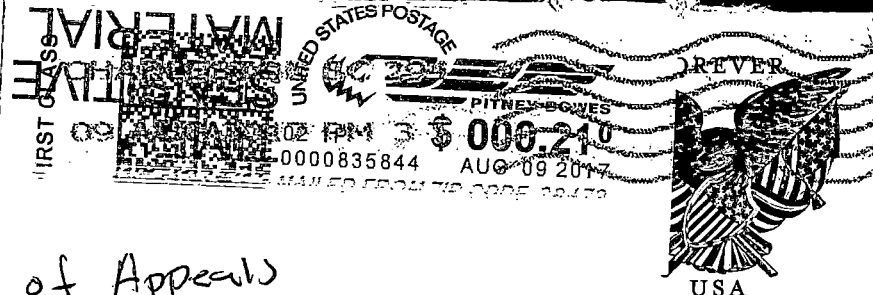
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SC Court of Appeals

August 7, 2017  
Ridgeville, S.C

Vincent Rice # 014178  
L.C.I  
P.O. Box 205 EA-25  
Ridgeville, S.C. 29472



S.C. Court of Appeals  
1220 Senate St  
Columbia, S.C. 29201

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AUG 07 2017

SCDC  
Christmas  
Packet

MAILROOM  
LIEBER CI

25201+3763

