

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law Court
Judge D. Druden, Administrative Law Judge

Case # 2017-001484

Vincent Rice, Appellant

V.

South Carolina Department of Corrections, Respondent

Final Brief of Appellant

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FEB 07 2018

SC Court of Appeals

Vincent Rice

L.C.1

P.O. Box 205

Ridgeway, SC 294172

sh 

February 2, 2018

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ISSUE #1

- 1.1 Is the Appellant eligible for early release per 44-53-370 (b)(2)?
- 2.1 Did the respondents properly determine Appellant's term, and/or afford due process?

The employees Audrey Crum (SCDC inmate records), Christina Bigelow (General Counsel) and Briton All (former solicitor), willfully used personal bias to extend my prison term and forfeit my earn-credits under provision 44-53-370(b)(2). They've arbitrarily replaced the terms and conditions of the legislators 2010 amended intent to this statute. They avoided contact with authorized officials and state policy on this question of intent, causing severe constitutional damage.

The following language of 44-53-370(b)(2) was misconstrued by Bayluts to enforce their own words of law. The actual subpart states
"In all other cases the sentence may not be suspended nor probation granted"

The above language isn't ambiguous in anyway. The language is plain and ordinary enough that a layman can interpret the intent of the legislators. A "suspended sentence" and "probation" are sentencing alternatives available to a Defendant in a "pre-sentencing" hearing. The language makes no statement of 85% or "non-parole" which is a post-conviction alternative after conviction. To the contrary the Dept staff has determined the language means we must serve 85% of our terms for marijuana and are ineligible for early release. When read the language does not state this and was "omitted" because the legislators did not intend this penalty for marijuana offenders. The Dept staff added and expanded language that is in conflict of state law and intent. (SCPPPs also terminated my parole date shortly after, without notice. I went up twice)

This determination by Briton All was absurd, personal, vindictive, and also contradictory of the collective wisdom of state law makers. Briton All's opinion will be found as error. Furthermore, the staff failed to consult the voluminous state policy publications of registered documents that reflect the legislators intended penalty for provision 44-53-370(b)(2) of 2010 Final Report of the Sentence Reform Commission to the General Assembly, the 2010 Crime Reduction Act, the 2016 Balin Ruling. These state registered publications comply and express the intent, which is to allow low-risk, non-violent offenders early release alternatives, while reserving prison bedspace for more violent serious offenders. cf. 2009 SCDC Presentation to Reform Commission. My issue offense involves one bag of marijuana, weighing 10.4 grams.

The legislators enacted laws and procedures for each state Dept to comply with and ensure the Dept does not disregard constitutional rights in the day to day governance of its citizens. The Assaults within this complaint neglected every state law in Title 7 - S.C. Administration of Gov't. Not one of these codes authorized Briton All, Audrey Crum or Christina Bigelow to deprive an inmates freedom on personal opinion of the law.

To reinstate, I was scheduled to be released on Sept 1, 2016, was stopped on my last day. The Dept granted me a "informal agency hearing", in the hearing, I was not allowed to talk, ask questions, nor have any counsel present, though this was "legal action". No legal matters were explained or any conclusions of law given. The entire action, was in defiance of constitutional Due process rights

1.) S.C. code 1-23-320 - SCDC did not afford me (30) day notice according to this statute. They contested my release the day of. Dept staff is under the impression a (30) day notice was not required because it is an "Internal Agency"

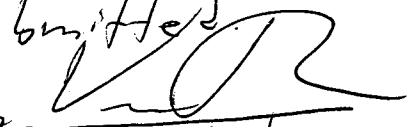
References on Record

The following records will show the Respondents served the Appellant with invalid legal documents at. S.C. 1-22-60

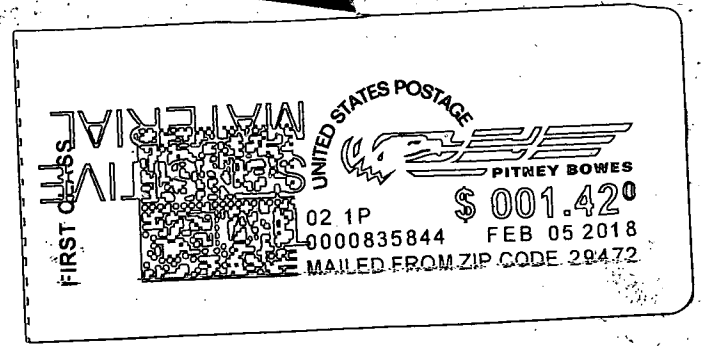
- 1.) Record of Hearing (pg 1 Record of Appeal)
- 2.) Sentencing sheet - does not state I must serve a 45% term.
(pg 5 Record on Appeal)
- 3.) Respondents initial notice/contest - (pg 6 Record on Appeal)
- 4.) Email produced as legally valid/under (pg 8-9)
- 5.) Exhibit 4 - (pg 10 Record on Appeal)
- 6.) Exhibit 5 - (pg 11 Record on Appeal)

Conclusion

In conclusion, I must draw attention that I have submitted a preponderance of evidence to support my statements as facts. The Respondent, Annie Runler, has failed to timely, and properly answer to the various facts of how my personal freedom was unlawfully deprived; thus my stated facts and evidence must stand in law as undisputed fact. The Court must make a default judgement against the Respondents for these reasons. I request an immediate ruling, reversing Respondents decision, being that I'm suffering irreparable harm.

Submitted
s/ 
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February 2, 2018

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