

RECEIVED

AUG 14 2018

S.C. SUPREME COURT

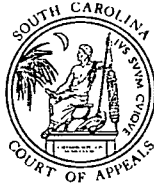
Dear Clerk,

I wrote you in another letter expressing the fact that I was represented by the Law Office of Kendall and Leonard for a number of years. However, I was transferred from Tyler Texas where I had a minimum wage job in which I was able to retain counsel for Petitions and Appeals. I received this order in June and I told my counsel that I wanted to appeal any and all final decisions. I have not heard from Counsel or the court stating that my case is on appeal for certiorari to the Supreme Court.

I am entitled and have a right to appeal the final decision of a lower Court's decision, and I did not knowingly nor voluntarily waive my right to appeal, nor can counsel waive that right for me or on my behalf. I am asking to have a Excusable neglect issue on my behalf whereas I told counsel that I want to appeal all final decisions by a lower court's decision. Because I am not able to retain counsel's services for appeal, he still had an obligation to file the Petition and then withdraw from my case in which he never did.

Respectfully,

Tony Moore Sr.



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 13, 2018

Mr. Joshua Snow Kendrick, Esquire  
PO Box 6938  
Greenville SC 29606

Mr. Tommy Evans, Jr., Esquire  
PO Box 50666  
Columbia SC 29250

Mr. Christopher Shannon Leonard, Esquire  
PO Box 886  
Columbia SC 29202

Re: Tony Moore v. SCDPPPS  
Appellate Case No. 2016-000261

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: The Honorable S. Phillip Lenski

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Tony Moore, Jr., #188313, Appellant,

v.

South Carolina Department of Probation, Parole and  
Pardon Services, Respondent.

Appellate Case No. 2016-000261

---

Appeal From The Administrative Law Court  
S. Phillip Lenski, Administrative Law Judge

---

Unpublished Opinion No. 2018-UP-257  
Submitted April 2, 2018 – Filed June 13, 2018

---

**AFFIRMED**

---

Joshua Snow Kendrick, of Greenville, and Christopher  
Shannon Leonard, of Columbia, both of Kendrick &  
Leonard, P.C., for Appellant.

Tommy Evans, Jr., of Columbia, of South Carolina  
Department of Probation, Parole and Pardon Services, for  
Respondent.

---

**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *See* S.C. Code Ann. § 24-21-640 (Supp. 2017) (The department "must

not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in Section 16-1-60."); *Furtick v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 352 S.C. 594, 598, 576 S.E.2d 146, 149 (2003) ("[T]he *permanent* denial of parole *eligibility* implicates a liberty interest sufficient to require at least minimal due process."); *State v. Green*, 412 S.C. 65, 84, 770 S.E.2d 424, 434 (Ct. App. 2015) (finding life imprisonment without parole for a second armed robbery conviction pursuant to a recidivist statute was not cruel and unusual punishment for a defendant who was an adult when he committed the second offense but a juvenile when he committed the first); *id.* at 87, 770 S.E.2d at 436 ("Miller's holding was based, in part, on the 'recklessness, impulsivity, and heedless risk-taking' of children; however, because Green was not a juvenile at the ~~time he committed the current armed robbery, the policy considerations from~~ *Miller* are inapplicable." (quoting *Miller v. Alabama*, 567 U.S. 460, 471 (2012))).

**AFFIRMED.<sup>1</sup>**

**HUFF, GEATHERS, and MCDONALD, JJ., concur.**

---

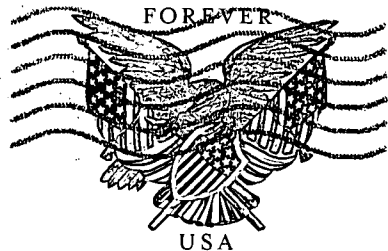
<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

Tony Moore #188513  
Kershaw Coll. Inst.  
Hsc-C-127  
4848 Goldmine Hwy  
Kershaw, SC 29067

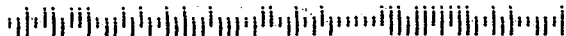
S.C. Supreme Court  
Clerk of Court  
Post Office Box 11330  
Columbia, SC 29211

COLUMBIA SC 290

13 AUG 2018 PM 2 L



29211-133030



THE DEPARTMENT OF CORRECTIONS HAS REVIEWED  
SENSORED MAIL INSPECTED THIS ITEM. THEREFORE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS

WARDEN  
KERSHAW CORRECTIONAL INSTITUTION  
B.C. DEPARTMENT OF CORRECTIONS

**RECEIVED**

AUG 13 2018

Kerol  
MAIL ROOM

