

Carl J. Chisolm,
#185789 Appellant,

Vs.

SC Dept. of Prob., Prob.,
and Pardon Services.
Respondent

Case No. 2018-001500

Appeal pursuant to
Rule 204(a)

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OCT 30 2018

SC Court of Appeals

I, Carl J. Chisolm request that this honorable Court hear patiently and accurately the acts and arguments that I, as an individual am presenting before you for judicial discernment. No person nor entity is above the governing laws of the land. By the Grace and Mercy of God, I'm seeking relief from my long term confinement. My refuge is with God and the law of this land.

Please review enclosed statements of facts set forth within, for judicial Review.

Respectfully,
Carl J. Chisolm
Carl J. Chisolm #185789

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OCT 30 2018

SC Court of Appeals

(1)

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South Carolina Code of Law §24-21-265
And Noted Section §16-1-60 (1)

South Carolina Code of Law §24-22-30
And SCDE Policy PS-10.15 *Amended (2)

South Carolina Code of Law §24-21-640... (3)

South Carolina Code of Law §24-21-10(F)(1)... (4)

Sandin vs. Conner, 115 S. Ct. 2293, 132 L. Ed
..... (5)

Certificates of Progress; Father's
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Argument (2)^A.

South Carolina Code of Law § 24-22-30, along
with SCDC Policy PS-10.15/Modified 2018

On Jun 17, 2018 the Dept. of Parole, Probation
and Pardon Service denied Appellant parole based upon
"Failure To Successfully Complete A Community Supervision
Program". In which is a factless/bias introduction into
the Review Process that prejudiced this Appellant's chance
of receiving a fair and unbiased review for parole. Appellant
hasn't been before no Court of law to have Parole, Probation
or whatever revoked prior to my current incarceration. Nor
was I on Parole or Probation. So, how could that be used
as a reason to deny this Appellant parole when it is
an untrue statement? No facts or record of such exists for
this Appellant. Appellant now humbly request this honorable
Court to please investigate this false allegation. Moreover, in
order to participate in an Offender Management System within
SCDC, one must exist in its operative form. Kieber Corr. Inst.
has no such system in place functioning at this time nor doing
the time when Appellant appeared before the parole board on 1/17/98.
Counsel for Respondent did inform Appellant and Court that the
Offender Management System within SCDC isn't even a consideration
in Appellant's case. Therefore, the Court must as the Respondent
to be clear and transparent in its usage of citing "Failure To
Successfully Complete A Community Supervision Program" as one
of its findings of fact is indeed a discrediting finding
that doesn't exist for this petitioner. This insignificant finding
did indeed prejudice this Appellant's chance of parole, and
usage thereof did indeed cause mental stress, hardship and
mental anguish compared to other parole eligible prisoner's
who are not experiencing such mistakes and double jeopardy.

Argument (2)^b

South Carolina Code of Law §24-22-30, along
with SCDC policy PS-10.15 / modified 2018

— Appellant further contends that he has met the standards set forth in §24-22-30(e) by his pursuing rehabilitative services on his own. This Appellant has taken various available classes, Vocational Classes, Completed Work Keys and is currently less than 4 months away from receiving his degree from the IOU Distant Learning Prison Initiative. Appellant is a licensed Barber (Hospice Certified, Tutor, Carpentry Completion; all of which evidences that Appellant does satisfy SC Code of Law §24-22-30(e) of the Law of South Carolina. How could this have been overlooked by Parole Board when Reviewing this Appellant?

South Carolina Code of Law
§ 24-21-640 And Section § 24-21-10(F)(1)

Argument (3)^A

Petitioner contends that the attached evidence of steady progress and spiritual commitment does substantiate that petitioner (Carl G. Chisolm #185789) does meet the goal criteria of PS-10.15 section 3.1 of SCDC policy and is diligently working at erasing the gnawing distress that is arising from petitioner's sense of guilt, for his past wrong doings.

Nevertheless, in order to rewrite any narrative in life, one must first be given the fair non judgemental judgement afforded all sharing similar plights, in order to be allowed to prove or show his or her change. It's clear that this petitioner wasn't reviewed objectively, nor was S. Carolina Code of Law § 24-21-640 taken under consideration concerning petitioner. Within Petitioner's parole folder when viewed in its unbiased light, in accordance with the above cited S.C. Code of Law this court will find that petitioner not only has accomplished various aspects of Rehabilitative tools; but, key support side in his adjustment upon re-entry into society. During previous hearing Jan 17, 2018 a letter from Richland County Sheriff Dept, along with an attachment letter from Ms. Anne Anna concerning residence (Petitioner now will reside with sister Letisha J. Hernandez in the Charleston County area, thus making his adjustment more smoother amongst family) A letter from L O U Distant Learning

South Carolina Code of Law
§ 24-21-640 And § 24-21-10(F)(1)

Argument (3)^b

Prison Initiative Univ. Instead of an unbiased review, it's clear from petitioner's recent Parole hearing Jan. 17, 2018 that this petitioner has been placed on trial again. Petitioner stood before the S.C. Parole board under the impression that he was being evaluated to determine if he (petitioner) was ready to be released back into society. Instead this petitioner was asked questions that the Solicitor would ask during a trial or the judge would ask should this petitioner had agreed to a plea agreement. (*Review Parole hearing tape for Confirmation) This petitioner has been in state custody for the past 27 plus years paying dearly through confinement for his past bad act. It's clear that "Due Process" with Amend was violated because petitioner was goaded into reliving and rehashing past mistake thus invoking the anger of those in attendance from the victim Impact. Petitioner hearing was a trial instead of a Parole hearing. Petitioner was even asked if he would plea to a lesser offense. (See Parole hearing tape) Parole Board member Christopher gives whispering in the ears of board members does suggest that an unfair hearing took place concerning this petitioner. (*See Parole hearing video Jan. 17, 2018)

Petitioner contends that if S.C. Code of Law § 24-21-640 And § 24-21-10(F)(1) was addressed properly then noted classes like - Coping with Violent

South Carolina Code of Law
§ 24-21-640 And § 24-21-10(F)(1)

Argument(3)^c

Crime, Spiritual Response to Victim Impact, Voc.
Hospice Certification, Educ. Advancement, Workkeys,
etc. All of which does show change and the ability
to overcome.

These factors and incidents when
viewed in it's clear light of the Law of the
State of S. Carolina does show that petitioner does
deserve to have his parole hearing modified and granted.
These insignificant hardships (Sandin vs. Conner) when
compared to other prisoners appearing before the
Parole Board does suggest petitioner has underwent an
extreme process not afforded or applied to other prisoners.
Thus denying petitioner equal "Due Process" under the
governing laws.

Sandin vs. Conner 115 S.Ct. 2293 (6/19/95)
And Sullivan vs. S.C. Dept. Corr., 586 S.E. 2d 124
(S.C. 2003)

Argument (A)

Petitioner contends that the language in the above forementioned cases does suggest a "Due Process" issue has arisen, from this petitioner's parole hearing on Jan. 17, 2018. Whereas this petitioner was subjected to specific questions that petitioner addressed in a court of law some 27 plus years ago. "Due Process" came into play at the outset of petitioner's parole hearing on Jan. 17, 2018. (See Parole hearing tape dated 1/17/2018). Petitioner was asked, "You are aware that you are before the Parole Board for a serious offense? Was it crime of passion Mr. Chisolm? Why did you do it? What happened? Those and similar questions regarding petitioner's arrest was addressed in a court of law some 27 plus yrs. ago. No prisoner has ever stood before the Parole board and been re-tried again, for same offense. This atypical and insignificant hardship not only erased the remorse expressed by petitioner at outset of hearing; but it does raise a question of law. Petitioner's hearing on Jan. 17, 2018 was beyond the standard 2 yr. period set forth in S.C. Code of Law and outside the normal standard of hearings that prisoner's face at their respective parole hearings. Moreover, with respect to the S.C. S. Ct. ruling in Sullivan, this petitioner's claim of "Due Process" cannot be overlooked nor the blatant disregard to adhere to a more planned method of review concerning petitioner.

Sandin vs Conner 115 S.Ct. 2293

6/19/95, along Sullivan vs. Dept. of Corr. 586 S.E.2d
124 (S.C. 2003)

Argument (4)^b

Appellant does meet every criteria set forth in 1212 form of Parole Criteria except for employment. Petitioner has also met the eligibility requirement defined in S.C. Code of Law § 16-1-60. As evidenced through factual evidence within the body of my brief before this honorable Court; it's clear that I'm being held to a different standard as opposed to other prisoners experiencing the same fate. I've been incarcerated for over 27 yrs. and have never seen nor heard of such tactics when appearing before the parole board. Please help me to understand as to why the law of S.C. is being altered concerning me?

Appellant now rests upon the judicial review of this honorable Court and the laws of the State of S.C.

Summary of Facts

Appellant now moves before this honorable Court with a last reminder: 1) Please take note that the law of the state of S.C. requires or suggest that Parole Eligible Prisoners appear before the Parole Board every 2 yrs. This Appellant (Myself) parole eligibility began April 7, 2011 and has gone beyond the two yrs, as set forth since. Parole dates - 4/7/11, 8/7/13, 8/7/15, then 9/18/2017 ~ all of which has been altered beyond their fixed times, as evidenced by the actual hearings themselves before this honorable Court. 2) The finding of facts given for denial is very questionable and unsupported 3) The questions asked this Appellant at hearing does suggest a "Due Process" violation and Constitutional violation 4) The Whispering of parole board member Christopher Gibbs does suggest a form of Conspiracy against Appellant 5) Petitioner has met every criteria set forth in 1212 of Parole Criteria.

Nonetheless, I now rest before this honorable Court with praying hands. I'd also like to take this closing moment, to inform this honorable Court that I fully understand that an unfortunate mistake took place during the early unjoyful yrs. of my life. A mistake that affected two families and will remain within my subconscious for the remainder of my natural lifetime. On Mar. 16-17, 1992 I stood before the Court of law of this state and land; and was given a 20yr. life sentence. In which, I've served 27 plus yrs. of stonement. My

Summary of Facts

regret is ever present and I'm constantly on my knees seeking God's forgiveness. I know I cannot erase the emptiness and hurt that I've caused the victim's family or my own; but, I'll stand before God on the Day of Judgement to be held accountable for my misdeeds. That is a certainty with me through faith/God's promise to mankind.

Nevertheless, I am here before this honorable court seeking equality under the law of the state of SC, and the land of America. The evidence of facts has been laid bare and clear before this honorable court, of the noted "Due Process" violations and mismanagement of the governing laws of the SC Codes of law. I humbly ^{am} ~~is~~ ^{before} this honorable court to make my path straight. My only objective left in life for however long God give me breath is to do whatever good I can. I have two kids that I must make amends with before I leave this life as we know it. Amiin.

Respectfully,

Carl Christman



IOU Islamic Online University

Office of the Director of U.S. Operations
P.O. Box 210162
Columbia, SC 29221-0162
803-556-9500

23 January 2018 C.E./7 Jumada Al-Awwal 1439 A.H.

Greetings of Peace,
Dear Ms. Anna R. Amma,

This letter comes to your attention on behalf of your incarcerated family member, Mr. Carl Chisolm, who is currently enrolled in the Islamic Online University Distance Learning Program. It is with great honor and distinction for us to inform you that your family member has been given certificate of completion for the course on "Foundations of Islamic Studies 1."

We hereby present to you the laminated certificate for your safekeeping. We have provided a paper copy of the certificate to him as well. Thank you very much for your acceptance of this mark of achievement on his behalf, and for your continued support and encouragement of your family member's rehabilitation and reformation during the period of incarceration. May you and your loved ones be blessed and guided by the Almighty Creator, as I leave you with peace.

With Our Sincere Regards,

Chaplain Mutahhir Sabree
IOU Director of Operations/USA
Director.usa@iou.edu.gm



IOU Islamic Online University

Office of the Director of U.S. Operations
P.O. Box 210162
Columbia, SC 29221-0162
803-556-9500

13 October 2018 C.E./2 Safar 1440 A.H.

As-salaamu 'alaikum wa rahmatullahi wa barakatuhu,
Dear Brother Carl Chisolm,

May you receive this letter with the ni'matillaahi ta'aalaa. Here are your quiz scores for the Level 1 courses: "Contemporary Issues." Congratulations on your passing the quizzes. I am enclosing the Final Exam for the course here. A score of 60% or better constitutes a passing grade for each module quiz and the final exam. Upon your passing of the exam, I will order your certificate of completion for the course inshaa-Allah.

I am also enclosing the text and syllabus for the first level 2 course "Aqeedah/Creed of Tawheed." Let me know when you are ready for the quizzes for this course. Also, we are still awaiting the quizzes for the course "Moral Foundations of Islamic Culture," which were sent to you in August. Please submit them for grading as soon as possible. **May Allah bless your efforts to acquire sound 'ilmuddeen/knowledge of the Deen, and may He, subhaanahu wa ta'aalaa/highly glorified and exalted is He, always accept your good deeds, your 'ibaadah/acts of worship, and keep your intentions, pure, ameen!**

Your brother fee-d-deen,

Chaplain Mutahir Sabree
Islamic Online University
Director.usa@iou.edu

Contemporary Issues	Facility	M 1	M 2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11,12,13	FINAL
Carl J. Chisolm	Lieber	100	100	100	100	100	80	100	80	100	80	100	

Certificate of Attendance

This Certifies that

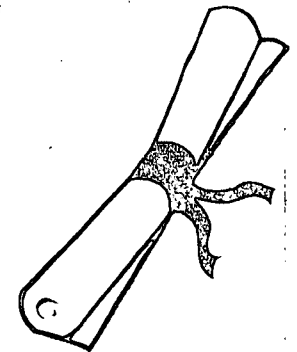
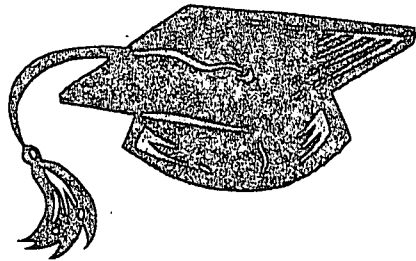
Carl Chisolm

Has Completed 13-Weeks

Spiritual Responce to Victim

at

McCormick Correctional Institution



Awarded December, 2014

Reverend N. Barber

Reverend N. Barber
Senior Clinical Chaplain III

James Parker

James Parker
Associate Warden, Programs

Leroy Cartledge

Leroy Cartledge
Warden



CERTIFICATE OF COMPLETION

is hereby granted to

Carl Chisolm

for successful completion of the subject

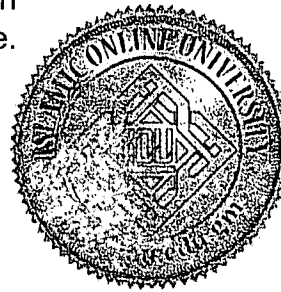
Foundations of Islaamic Studies Part 1 (IIS 011)

On condition that the knowledge acquired therein
be internalized and applied throughout one's life.

As prescribed by **Islamic Online University**

Date : April 19, 2017

www.iou.edu.gm



Dr. Abu Ameenah Bilal Philips

Chancellor of the Islamic Online University

Fathima Zohara

Head Facilitator, Diploma Section

◦ ALERTNESS ◦ ATTENTIVENESS ◦ AVAILABILITY ◦ BENEVOLENCE ◦ BOLDNESS ◦ CAUTIOUSNESS ◦ COMPASSION ◦
◦ HONOR ◦ HOSPITALITY ◦ HUMILITY ◦ INITIATIVE ◦ JOYFULNESS ◦ JUSTICE ◦ LOYALTY ◦ MEEKNESS ◦

FLEXIBILITY ◦ FORGIVENESS ◦ GENEROSITY ◦ GENTLENESS ◦ GRATEFULNESS
THRIFTINESS ◦ TOLERANCE ◦ THRUPTHFULNESS ◦ VIRTUE ◦ WISDOM

CONTENTMENT ◦ CREATIVITY ◦ DECISIVENESS ◦ DEFERENCE ◦ DEPENDABILITY
OBEDIENCE ◦ ORDERLINESS ◦ PATIENCE ◦ PERSUASIVENESS ◦ PUNCTUALITY

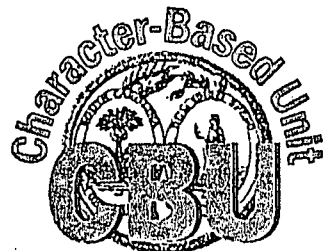
Perry Correctional Institution Character-Based Unit Above & Beyond

is presented to

Carl Chisolm

for

feeding all of the Education Initiative
students and tutors at the end of the
2017-1 quarter.



Rehabilitation Program
Perry Correctional Institution

April 20, 2017

Date

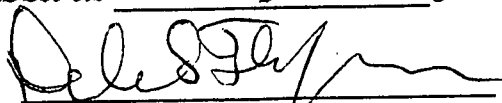
◦ THOROUGHNESS ◦ SINCERITY ◦ SENSITIVITY ◦ SELF-CONTROL ◦ SECURITY ◦ RESPONSIBILITY ◦ RESOURCEFULNESS ◦
◦ FAITH ◦ ENTHUSIASM ◦ ENDURANCE ◦ DISCRETION ◦ DISCERNMENT ◦ DILIGENCE ◦ DETERMINATION ◦

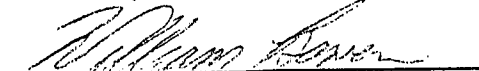
Palmetto Unified School District
Presents

This Vocational Certificate

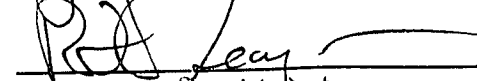
Be It Known that Carl Chisolm has satisfactorily
completed a 300 hour course of instruction in Vocational Carpentry I
and on the recommendation of the Principal and Faculty the Palmetto Unified School
District awards this certificate

Given at Ridgeville South Carolina, this 5th day of November 20 13


Vocational Instructor


Principal/Lead Teacher


Vocational Director


Superintendent

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, South Carolina 29250
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

January 17, 2018

Mr. Carl Chisolm #00185789
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

RE: NOTICE OF REJECTION

Dear Mr. Chisolm:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense
Indication Of Violence In This Or Previous Offense
Criminal Record Indicates Poor Community Adjustment
Failure To Successfully Complete A Community Supervision Program
Institutional Record Is Unfavorable
Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.
Director of Parole Board Support Services

1/17/2018

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Carl Chisolm

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services.

NOTICE OF APPEAL

DOCKET NO. ___-ALJ-15-___-___

Notice is hereby given that Carl Chisolm does hereby appeal the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated Jan 17, 2018 and received on Jan 24, 2018, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Petitioner appeals under the sound principles of the South Carolina Codes of Law § 24-21-645 noting section § 16-1-60; § 24-22-30 S.C. Code of Law S.C.D.C. PS-10.15 policy, as well as, the unmentioned merits met in § 24-21-640 § 24-21-10(F)(1) of the S.C. Code of Law, along with the criterias in Dept. Form 1212 of (Criteria for Parole Consideration) and Sardin vs. Conner.

Carl Chisolm
Appellant's Name Nickie Conner, Esq.
P.O. Box 205 S.B. 17
Mailing Address
Ridgerville, S.C. 29472
City, State, Zip Code

Carl Chisolm
Signed
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, _____ (your name), on the ____ day of _____, 20____, in _____ (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States

Mail, postage paid, and addressed as follows:

Name of person/Agency served: _____

Address: _____

City, State, Zip Code: _____

Print your name
(See reverse side for instructions)

Sign your name

4

The Supreme Court of South Carolina

Carl J. Chisolm, Appellant,

v.

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

Appellate Case No. 2018-001500

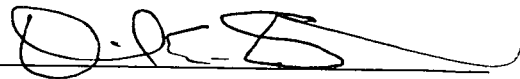
The Honorable Ralph King Anderson, III
Administrative Law Court
Case No. 18-ALJ-15-00006-AP

ORDER

Pursuant to Rule 204(a) of the South Carolina Appellate Court Rules, the appeal in the above entitled matter is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

August 16, 2018



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

October 17, 2018

Carl J. Chisolm, 185789
Lieber Correctional Institution
P. O. Box 205
Ridgeville SC 29472

Re: Carl Chisolm #185789 v. SCDPPPS
Appellate Case No. 2018-001500

Dear Mr. Chisolm:

Upon reviewing your correspondence filed on September 28, 2018, which this Court construes as a motion to reinstate the appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and this deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tommy Evans, Jr., Esquire

Appellate Case No. 2018-001500

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SC Court of Appeals

cc:

Mr. Carl J. Chisolm

Tommy Evans, Jr., Esquire

The Honorable Jenny Abbott Kitchings


The above listed individuals have been served a copy of the above stated case appeal brief on 10/26/18 deposited in the U.S. Postal mailroom of the Lieber Con. Inst. This brief was sent to the following addresses:

The Honorable Jenny A. Kitchings
Clerk for S.C. Court Appeals
P.O. Box 11629
Columbia, S.C. 29211

Mr. Tommy Evans, Jr., Esq.
2221 Devine Str., Ste. 600
P.O. Box 5046
Columbia, S.C. 29250

Carl J. Chisolm
L.C.T. AA62
P.O. Box 205
Ridgeville, S.C.
29472

Sincerely,


Carl J. Chisolm
#185789 AA62

22
LARA, Rhonda, 185789
Lieber Coer. Inst. AA 62
P.O. Box 205
Ridgeville, S.C.
10/24/18 29472

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SC Court of Appeals

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LIEBER C.I.

Honorable Jenny A. Kitchings
South Carolina Court of Appeals
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Columbia, South Carolina

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