



The Supreme Court of South Carolina

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August 22, 2018

Mr. Dennis Davis, #288558
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

RECEIVED

AUG 24 2018

SC Court of Appeals

RE: Dennis Davis, #288558 v. SCDPPPS
Appellate Case No. 2017-000663

Dear Mr. Davis:

This responds to your letter to Chief Justice Beatty dated August 15, 2018. Please be advised that the Chief Justice cannot consider this ex parte communication about the above case that is pending before the South Carolina Court of Appeals or provide you with any legal advice.

Sincerely,

Daniel E. Shearouse

cc: Tommy Evans, Jr., Esquire (with copy of letter)
The Honorable Jenny Kitchings (with copy of letter)

RECEIVED

AUG 22 2018

Dear Chief Justice Donald W. ~~Beatty~~, **S.C. SUPREME COURT** 8-15-18

Justice Beatty the purpose of my Correspondence is to inform you of a problem I'm having and perhaps get some help. In 2014 I was sentenced to serve 125 months for a third offense distribution of marijuana which is a non-violent crime. South Carolina Dept. of Corrections has taken it upon themselves to change my sentence or resentence me. How they are attempting to do this through statute 24-13-100 which has been preempted and deemed unconstitutional by Bolin v. S.C. Dept. of Corrections, 475 S.C. 276, 781 S.E. 2d 914 (2015), (which they are saying doesn't apply to me.) In 2017 SCDC resented me to serve a violent or no parole sentence using statute 24-13-100. I have appealed to the Administrative Law Court (ALC) and got no justice and is currently in appeals court now. (ALC Case No.: 2016-AIJ-15-0034- Ap. Appeal Case No.: 2017-000663.) I don't know the full extent of these cases Holt v. S.C. Dept. of Probation, Parole, and Pardon Services, 2018 WL 2727944, Jeter v. S.C. Dept. of Probation, Parole, and Pardon Services, 2018 WL 3301888, and Patterson v. S.C. Dept. of Probation, Parole, and Pardon Services, 2018 WL 2727928 and they too cited Bolin. Well, Based of the rules of statutory construction the court affirmed the ALC's ruling. Basically they didn't rule on it saying that the law is clear and unambiguous they can't say what the law means. These judges Short, Thomas, Hill, JJ., Huff

Geathers and McDonald was the affirming Judges. Justice Beatty how can you get a clear understanding of the Law if the Judicial branch who's Job it is to interpret the laws won't interpret them? Statute 44-53-370(b)(2) is Clear that a person who does not fit the (c) and (d) Clause (all prior's are for Possession) may not have the Sentence suspended nor probation granted. This means a person who's prior's are for Charges other than Possession cannot escape a prison sentence. What SCDC is attempting to do to myself and others is say the law doesn't say we can have the other rights included in the law which it does not say! It says what I can't have and also what I'm entitled too! I'm awaiting copies of some paperwork from the ~~South Carolina~~ Criminal law of South Carolina both Edition that confirms a 1st, 2nd, and 3rd or subsequent offense is non-violent or paroleable. This lets me know that this is no mistake! If I have seen these documents I know SCDC and it's Legal team has seen them as well! Your Honor I'm not asking for any favors or handouts only Justice. I have 3 graduations to attend in May and June of next year. I'm almost complete in serving this non-violent sentence the Courts gave me and now SCDC has usurped their powers and resentenced me, which is another violation of my rights and the laws of this state and Constitution. Your Honor these people are trained professionals. I know they know their breaking the law and violating my rights! Chief Justice Beatty what can I do? I don't have money to hire an attorney

and not sure if I did they would go up against the State! I made it here off a laymen understanding of the law, but I know, 44-53-370 (b) (2) says I'm Paroleable or Non-violent and 24-13-100 was deemed UnConstitutional! This is a very common practice in this state and also in America as I'm sure you see it daily in the news. The Laws are misinterpreted purposely! I'm sure you know where to look but The Criminal Law of South Carolina 6th edition (Scholar.Com) and read the following pages 53, 54, 55, 56, 57, 499, 500, 501, 502, 503, 504, 505, and 506. I'm absolutely Positive that you'd ask the same questions I'm asking and would be wondering why SCDC as well as the Administrative Law Court is clogging up the Courts and not following law, but blatantly disregarding it! I'm sorry for taking up your time Chief Justice Beatty, I know your very busy, but as you can see I need all the help I can get. Thank you your Honor for your time, Patience, and help with this matter. Thank you Peace and blessings Chief Justice Beatty!

Sincerely, Dennis Davis #288558