

The South Carolina Court of Appeals

Jerome Scott#153381
Appellant

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JAN 13 2020
SC Court of Appeals

-Vs-

SC Board of Probation, Parole and Pardon Services

Respondent

Final Appeal Brief of Docket No.:19-ALJ-15-0033-AP

The South Carolina
Court of Appeals

Jerome Scott }

Petitioner

-VS- }

S.C. Department of Probation, Parole }
and Pardon Services
Respondent

Appeal Brief
Pursuant to Rule
204(a)

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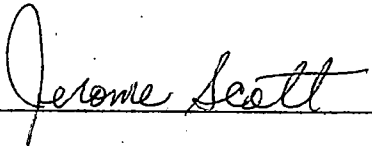
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SC Court of Appeals

On December 04, 2019, a "Final Order" in reference to case no.: 19-ALJ-15-0033-AP signed by the Honorable Phillip Lenski of the Administrative Law Court.

However, due to the ALC's discussion and limited review concerning routine denials of parole; I am seeking a "**Broader**" scope of **Review**, as a matter law. Enclosed please find a copy of my "Appeal" that is my "Final Appeal" resting before this court for full Judicial Review and a copy has been served on all parties concerned with Certificate of Service.

Respectfully submitted,



Jerome Scott#153381
Allendale Correctional Institution
P.O. Box 1151/F3-B25
Fairfax, SC 29827

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SCDC Policy PS -10.15.....

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Al-Shabaaz vs. S.C. Dept. of Corr.

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Criteria Considered for Parole.....

South Carolina Court of Appeals

Argument 1

Does a prisoner have the ability to change the Nature and Seriousness of his or her conviction prior to a parole hearing?

The Petitioner seeks **Reasonableness** and good ole fashion common sense from this honorable court, in regards to the above stated question. No prisoner having been convicted of a crime and serving the term there of can change his or her conviction. Only through the on-going rebuilding of his character, spiritual commitment, decision-making skills and remorse has this Petitioner corrected his **Decision-making skills.**

Therefore, the Petitioner humbly inquires as to how any convicted prisoner can sincerely change his or her conviction? If I could change the past; I wouldn't hesitate to do so.

South Carolina Court of Appeals

Argument 2

Did the Parole Board apply adequate “Procedural Review” concerning this petitioner?

Nonetheless, the Petitioner further contends that the Parole Board has a sworn duty to fairly evaluate each individual accordingly, based upon its own criteria. Because the Parole Board is basically the final entity granting a Liberty Interest (freedom) falling under *Al-Shabaaz vs. The State*. This clear due process violation is clear when viewed in its full light under the law. The Petitioner only rejection for the parole was “Seriousness and Nature” of Offense. Thus, making it clear that the Petitioner **Indeed** did meet **every standard** set forth by the governing bodies for parole. How then can the Petitioner continue to be turned down or denied parole? (See *Sandin vs. Conner*). The Due Process Violation is clear enough being that the Petitioner addressed every statement 1-15 of the Parole Criteria form 1212; yet has continued to be denied parole. Therefore, the Petitioner is seeking Rehearing or the granting of parole.

South Carolina Court of Appeals

Argument 2

Did the Parole Board apply adequate “Procedural Review” concerning this petitioner?

This particular section of S.C. Codes of Law §24-22-30(b) requires that the state prisoners maintain at least a clear disciplinary record for 6 months prior to placement in an Offender Management System. The Petitioner has been in such placement (Offender Management System) for over five years. Thus, meeting the expectations set forth in section (g) as well. The Petitioner now requests that this honorable court take note of section §24-22-30(e) and the noted classes completion that proves (evidence) a factual pursuit of rehabilitation by this Petitioner. (*See CRT for Certificates*) Parole Board S.C. Dept. of Corr. and S.C. Codes of Law has placed these guidelines for prisoners to Re-define their lives, character, decision-making skills, awareness, and spiritual guidance; in their ability to fairly judge and decide the granting of parole. Why did the Parole Board ignore its own guidelines, as well as the Established Laws of the State of S.C.?

South Carolina Court of Appeals

Argument 2

Did the Parole Board apply adequate “Procedural Review” concerning this petitioner?

In the instant case of Jerome Scott vs SCDPPPS If I could change the past; I wouldn't hesitate to do so., when viewed in its **Totality**; it will be clear before this honorable court that Merit Issues does exist as a matter of S.C. Law, which requires Judicial Review. The Petitioner does understand that parole isn't a sworn right for prisoners; **BUT!** It is a Guide-Post for Re-Entry back into society. The Petitioner recognizes the “Foundation Criteria” set forth in the S.C. Codes of Law §24-22-30(f) (g) (b), Parole Criteria form 1212, and SCDC Policy PS-10.15 (Abrogated) in the Evaluation Process, when deciding the granting of parole. The Petitioner requests that this honorable Court Review in full, the Procedural Process applied in his case, as it applies to the aforementioned Laws of the Land and State of South Carolina. The **Eligibility** Requirements set forth in S.C. Codes of Law §24-22-30 (f) possessing an acceptable risk score. The fact that the Petitioner has been housed at the Allendale Correctional Institution (Level II Prison) for over the past five years, is Evidence that the Petitioner poses no threat to the community nor any other individual;§24-22-30(b).

South Carolina Court of Appeals

Jerome Scott#153381
Appellant

}

Case No.: 2020-000004

-vs-

}

Final Appeal Brief

South Carolina Department of Probation,
Parole and Pardon Services
Respondent

}

Statement of the Case

On December 04, 2019 Judge S. Phillip Lenski of the Administrative Law Court signed an order concerning docket no.: 19-ALJ-15-033-AP that affirmed the S.C. Department of Probation, Parole and Pardon Services (SCDPPPS) decision. However, Judge Lenski did indeed acknowledge the Admin. Law Court limited review of the matter due to merits surrounding the S.C. Codes of Law of the State of South Carolina. It was also duly noted that the Parole Board must make amendments to its review process to avoid future contention. This Petitioner prays that this honorable court will hold the SCDPPPS accountable, for violating its own criteria, as well as, the purpose of §S.C. Codes of Law 24-21-640, §24-22-30, Dept. policy PS-10.15.....

The Petitioner rests upon this honorable court, on his Final Appeal based upon the following arguments:

South Carolina Court of Appeals

Argument on Appeal

- 1.) Does a prisoner have the ability to change the “Nature and Seriousness” of (his or her) conviction prior to a parole hearing?

- 2.) Did the Parole Board apply adequate “Procedural Review” concerning this petitioner?

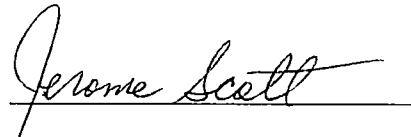
South Carolina Court of Appeals

Closing Statement of Case

The Petitioner rests before this honorable court with respect to the South Carolina Codes of Law §24-21-645 as the “Light Post” that maintains the integrity and maintenance of the Established Laws of the Land and this court’s oversight thereof.

The Petitioner closes with praying hands that this honorable court will evaluate this matter with the Honest Scales of Justice; this is all that I ask. The Petitioner humbly rests awaiting this court’s decision.

Respectfully,

A handwritten signature in cursive script that reads "Jerome Scott". The signature is written in black ink and is positioned above a horizontal line.

Jerome Scott#153381
Allendale Correctional Institution
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Fairfax, S.C. 29827

South Carolina Dept. of Probation, Parole and Pardon Services

Jerome Scott#153381
Appellant

-vs-

South Carolina Department of Probation,
Parole and Pardon Services
Respondent

} Certificate of
Service
(Final Brief of Appeal)

} Case No.: 2020-000004

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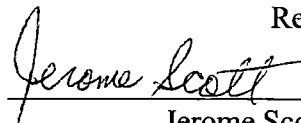
On the 10th day of January 2020 I, Jerome Scott#153381 did indeed place within the U.S. Postal Service available for prisoners my "Final Brief" of appeal concerning case no.: 19-ALJ-15-033-AP. A copy of which was distributed to the following parties concerned:

SC Admin. Law Court
Honorable S. Phillip Lenski

Jenny Abbott Kitchings,
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

S.C. Dept. of Probation, Parole
And Pardon Services
P.O. Box 50666
Columbia, S.C. 29250

Respectfully,



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The South Carolina Administrative Law Court

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Appellant

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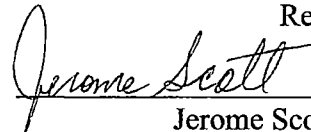
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Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

SC Dept. of Probation, Parole and Pardon
Services
P.O. Box 50666
Columbia, S.C. 29250

State S.C. Admin.Law Court
Honorable S. Phillip Lenski

Respectfully,



Jerome Scott#153381
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South Carolina Court of Appeals

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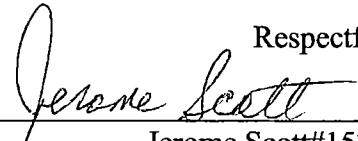
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Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, S.C. 29211

State S.C. Admin. Law Court
Honorable S. Phillip Lenski

SC Dept. of Probation, Parole and Pardon Services
P.O. Box 50666
Columbia, S.C. 29250

Respectfully,


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Ms. Jenny Abbott Kitchings
Honorable Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

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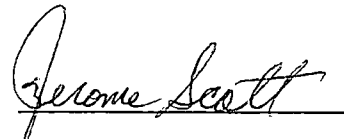
RE: Docket No. 19-AJ-15-0033-AP
Date: January 05, 2020

Ms. Kitchings,

Please duly note as a matter of record and service upon all parties concerned; that I am appealing the above mentioned reference case "Final Order". In which was dated and signed on Dec. 04, 2019 by the honorable S. Phillip Lenski of the Administrative Law Court.

The enclosed "Appeal Brief" shall also serve as my final brief resting before this honorable court, for full Judicial Review. The "Appeal Brief" has been served upon all parties concerned in this matter. Certificate of Service upon each party is also attached for confirmation requirements.

With Sincere Regards,



Jerome Scott #153381
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JAN 18 2020
SC Court of Appeals



Ms. Jenny Abbott Kitchings
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