

The South Carolina Court of Appeals

Jerome Scott#153381

Appellant
Pro-Se

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JAN 30 2020
SC Court of Appeals

-vs-

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

Appellate Case No.:2020-000004

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South Carolina Court of Appeals

Jerome Scott#153381
pro-se
Appellant

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Appellate Case No.:2020-000004

-vs-

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Appeal Brief

Pursuant 204(a)

South Carolina Department of Probation,
Parole and Pardon Services
Respondent

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Statement of Case

During the month of November 2019, the Petitioner appeared before the South Carolina Dept. of Parole, Probation, and Pardon Services for a "Review" to determine whether or not if he'd be released back into society (Freedom/Liberty). After serving thirty plus years the Petitioner was denied parole specifically for "*Seriousness and Nature of Offense*". The Petitioner immediately appealed the decision through the **Administrative Law Court**. Judge Phillip Lenski affirmed Parole Board's decision, for case no.: 19-ALJ-15-033-AP; but Judge Lenski commentary clearly evidences that further "Review" should be granted, in order to grant "**Equal Protection**" under the law of the land, as well as, State of South Carolina.

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

Argument 1

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

This Petitioner will provide this court with a "Reasonable" and good ole common sense two prong address regarding this argument.

First of all, as I reflect back to that day of the event that was to my conviction; I pray to God for forgiveness **EVERYDAY**. It is a pain that I must live with for my natural lifetime. Not just my inner pain that grieves me, but the pain that I have caused others. Two families became victims that day and I can only pray that hearts will allow them to forgive me. If only I had the ability to change the past, I most certainly would do so. However God did grant me the "Will" to change what was inside of me. I did so by utilizing the Self-Help Rehabilitation tools provided by the S.C. Prison System.

South Carolina Court of Appeals

Argument 1

Offers prisoners who seeks the betterment of themselves. I have managed through God's grace and mercy to extract the worst of myself and Reform into a man that's capable of making better life decisions. This on-going daily evaluation of my own self-rebuilding through spiritual commitment, character classes, self-help classes, mentoring leadership have I been able to change the Nature of Seriousness of Myself. So, I must ask: Did the Parole Board Review process clearly considered the man that I've become over the years? A man that is better able to handle life's obstacles, whether **physical** or **emotional**. Yes, I have changed the Nature and Seriousness of the Offense that lived inside of me over 30 plus years ago.

South Carolina Court of Appeals

Argument 2

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

The Petitioner contends that the members of the Parole Board have a sworn duty to fairly evaluate each individual accordingly. It should be clear that the honorable Admin. Law Judge Phillip Lenski hinted to such in his comments, as well as “Recommendation” to the Parole Board within the body of his “Final Order” pertaining to case no.: 19-ALJ-15-0033-AP. When considering a “Due Process” violation from the View of Parole Consideration, the Administrative Judge Phillip Lenski made it clear that a “Broader” Scope of “Review” was needed in order to give a more defining conclusion of law. Equal Law that readily addresses the Liberty Interest (freedom) falling under *Al-Shabaaz vs. The State* and *Sandin vs. Conner*. The S.C. Parole Board’s clear violation of this process cannot be overlooked, when viewed in it’s fall light. This Petitioner only objection (rejection) for parole was “Seriousness and Nature of Offense”. Thus making it clear that this Petitioner did meet every criteria set forth in the Offender Management System, and Parole Criteria form 1212. How then can this Petitioner continue to be turned down? (See *K. Cooper vs. SCDPPPS*). The “Due Process” violation is clear enough being that the Petitioner did indeed address **Every** statement 1-15 of the Parole Criteria form 1212 through **thirty plus** years of Redefining of himself through the various classes, workshops, education opportunities, etc. provided prisoners “Who Embrace Change”. Yet, the Petitioner has continued to be denied parole. A rehearing or Grant of parole should be afforded this Petitioner based upon the sound merits therein. When viewed in its

Totality, it should be clear that **Merit Issues** does exist as a matter of S.C. Law; in which requires "**Full Judicial Review**". The Petitioner does in fact 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 form 1212, and SCDC Policy PS-10.15 (Abridged) 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 Petitioner would particularly point this court's attention to 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 five years is evidence that the Petitioner has been prejudiced within the "Due Process" Overview. None of the Petitioner's accomplishments; critical-thinking skills, ability to handle tough-times, conflict resolution, Victim Impact Awareness, etc. were taken into consideration. It is very clear that this Petitioner poses no threat to the community nor any other individual; §24-22-30(b).

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 six months prior to placement in an Offender Management System. This Petitioner has been in such placement (Offender Management System) for over five years. Thus meeting the requirements set forth in section (g) as well. The Petitioner would humbly request that this honorable court take note of section §24-22-30(e) and the noted classes that he's completed over 30 plus years, in which is a factual proof of the Petitioner pursuit of True Rehabilitation (See CRT for certificates). The Parole Board, S.C. Dept. of Corrections and S.C. Codes of Law has placed these guidelines or criterias, for prisoners to re-define their lives, character, decision-making skills, awareness, and spiritual guidance; to help in their ability to fairly judge and decide truthfully for the granting of parole. The question that lingers for this honorable court to decide and weigh is: Why did the Parole Board ignored its own guidelines, as well as the established laws of the State of South Carolina?

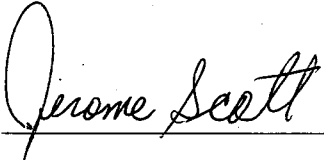
South Carolina Court of Appeals

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,



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

ALLENDALE CORRECTIONAL INSTITUTION
CHARACTER-BASED UNIT

Certificate of Accomplishment

Presented to

Jerome Scott

for his devotion to the Character program at Allendale Correctional Institution. Mr. Scott has voluntarily enrolled into a regimen of programs in a respect-based, pro-social environment. HE has been a contributing member of this Character-Based Program from January 12, 2012 through September 20, 2019 with 2478.5 hours of attendance. This devotion to the program is evidence that he is determined to improve his life.

Mckendley Newton, Warden

Preston Ellison, Program Coordinator



Participant Summary For Jerome Scott, #153381

Jerome Scott has participated in the Character-Based Unit (CBU) at Allendale Correctional Institution since 1/12/2012. As part of this Program, residents voluntarily enter into a respect-based Social Contract and are held accountable in a peer-to-peer, pro-social environment. Residents also commit to bettering themselves through mandatory and elective programs as the attendance of the below-listed activities indicates.

Total Hours of Participation: 2478.5

Class Name	Hours	Class Name	Hours	Class Name	Hours
Self-Worth Class	31.5	Violence Prevention	14		
Mentor Development Class	40.5	Mission Advance	152		
Joy of Science Class	82	Pro-Social Communication	32		
Self-Control Class	3	Buddhist Study Class	22.5		
Life Skills	82	CHU-101 Focus Class	7		
AA/NA/EA Class	2	Authentic Manhood	120		
Buddhist Instruction	64	Effective Communication	168		
Thinking For A Change	2	Art Of Critical Decision Making	103		
Buddhism Intro. Class	168	Understanding The Mysteries Of Hu	192		
Life Skills And Personal Awareness 10	6	Character Traits, Understanding	179		
Parenting Class	64	History Class	1		
Spanish 100 Class	9	Anger Management-Chip Ingram	40		
Brain Fitness	4	Character Development 101	9		
Leadership Development Class	64	Authentic Manhood II	19		
Buddhist Worship	38				
AA/NA/EA Class (Mike Znachko)	2				
Video Workout Class	682				
Orientation, CHU	1				
Peaceful Solutions	26				
Computer Class-Basics	10				
Thinking About Your Thinking	39				

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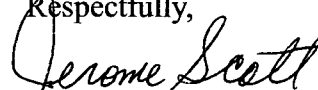
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On the 28th day of January 2020, I Jerome Scott#153381 did indeed place within the U.S. Postal Service a copy of my " Brief" concerning case no.: 19-ALJ-15-0033-AP. A copy of which was distributed to the following parties as required by law.

Ms. V. Claire Allen
Chief Deputy Clerk
P.O. Box 11629
Columbia, SC 29211

Tommy Evans Jr. Esq
SC Dept. of Probation, Parole and Pardon Services
P.O. Box 50666
Columbia, SC 29250

Respectfully,



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Allendale Correctional Institution
P.O. Box 1151

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Respectfully,

Jerome Scott

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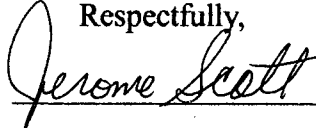
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RE: Appellant Case No.: 2020-000004

Ms. Allen,

Enclosed please find a copy of my corrected brief as requested by this honorable court.

Thank you for your time and attention in this matter.

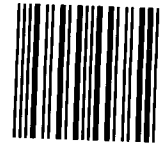
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