STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court
The Honorable H. W. Funderburk, Jr., Administrative Law Judge
Docket No. 19-ALJ-15-0023-AP

Case No. 2019-002123

Jaquese Neely, #308317,..APPELLANT

v

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

INITIAL BRIEF OF APPELLANT

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SC Court of Appeals

JAQUESE NEELY, #308317

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335
APPELLANT

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STATEMENT OF ISSUES ON APPEAL

I The ALC did err in deeming and classifying Appellant's prior conviction for possession with intent to distribute marijuana within proximity of a school, a prior "drug" conviction when the actual marijuana charge was dropped.

II The ALC did err in affirming the decision of the Department of Probation , Parole and Pardon Services which deemed and classified Appellant as ineligible for parole due to a prior conviction of possession with intent to distribute marijuana within proximity of a public school where the marijuana offense was nolle prossed.

STATEMENT OF THE CASE

Appellant was indicted for two counts of Distribution of Crack Cocaine, 3rd Offense, under S.C. Code Ann §44-53-375(B)(3) (2010); (Indictment Number 14-GS-46-03426, for an incident that occurred on November 1, 2013, and Indictment Number 14-GS-46-03428 corresponds to an incident date of January 22, 2014) (ALC ROA pgs 2-7).

Appellant pled guilty pursuant to a negotiated plea agreement to both charges on April 2, 2015, and was sentenced to a ten (10) year concurrent sentence and thereby committed to the custody of the South Carolina Department of Corrections, (SCDC). (ALC ROA pgs. 2,5).

Upon being housed at SCDC, Appellant was initially classified as eligible for parole and was assigned a parole hearing date whereby he would appear before the Parole Board for review and consideration to be released on parole. However, Appellant was never afforded this hearing, but was rather informed by a letter dated March 21, 2017, which he received from the South Carolina Department of Probation, Parole and Pardon Services, (Department), that the Department deemed him ineligible for parole consideration. Specifically, this letter stated, " A review of your prior record reveals a prior drug conviction, therefore, your current offense is ineligible for parole... You will not be considered for parole..." (ALC ROA pg 1).

After taking some time to inquire concerning this determination and perform necessary research in these regards, Appellant then contacted the Department by letter providing a thorough explaination of the unique irregularities of his conviction and asked that the Department would reconsider its determination and provide him a parole eligibility date by changing his classification to parole or, in the alternative, provide notice and clarification of the prior convictions used to classify the distributions as third offenses as opposed to second drug offenses, which would qualify him as parole eligible under the statute. The Department replied by sending a copy of its previous March 21, 2017, letter of determination wherein, although it was not made clear what offense the Department relied on to reach its determination, it was demonstrated to Appellant that the Department maintains its reason for deeming Appellant ineligible for parole. Appellant also regarded this as the final decision of the Department and subsequently and consequently appealed this decision to the South Carolina Administrative Law Court. (ALC).

After review of briefs which were submitted to the ALC by Appellant and the Department, the Honorable H. W. Funderburk, Jr., Administrative Law Judge, issued his Order on December 3, 2019, whereby the decision of the Department was affirmed.

This appeal follows.

STANDARD OF REVIEW

See S.C. Dep't of Corr. v Mitchell, 377 S.C> 256, 258, 659 SE2d 233, 234 (Ct. App. 2008) ("section 1-23-610 of the South Carolina Code sets forth the standard of review when the court of appeals is sitting in review of a decision by the [Administrative Law Court (ALC)] on appeal from an administrative agency."); S.C. Code Ann. §1-23-610(B) ("[This] court may not substitute its judgment for the judgment of the [ALC] as to the weight of the evidence on questions of fact."); id. (providing when reviewing an ALC decision, "[the] court of appeals may reverse or modify the decision if the substantive rights of the Appellant have been prejudiced because the finding, conclusion or decision is: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion").

ARGUMENTS

I The ALC did err in deeming and classifying Appellant's prior conviction for possession with intent to distribute marijuana within proximity of a school, a prior "drug" conviction when the actual marijuana charge was dropped.

At the time of Appellant's sentencing at the York County Court on April 2, 2015, wherein he pled guilty to two counts of Distribution of Crack Cocaine, 3rd Offense, Appellant also had a prior 2005 conviction or Possession With Intent to Distribute Marijuana Within Proximity of a School (PWID Marijuana Proximity). (ALC ROA pg 8).

S.C. Code Ann. §44-53-445 (1995) states that:

> It is a separate criminal offense for a person to distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute a controlled substance while in, on, or within a one-half mile radius of the grounds of a school.

The ALC erred in deeming and classifying this prior PWID Proximity conviction a "drug" conviction. Although this conviction was in relation to a drug (marijuana), the actual marijuana conviction was nolle prossed as part of the 2005 plea agreement. The marijuana offense was nolle prossed and Appellant was not convicted for the actual controlled substance offense. It is repugnant to legislative intent that this prior conviction, which is a proximity conviction, which specifically resulted from a marijuana offense ab initio and which was ultimately dismissed; would now be used as a means to enhance or affect Appellant's current conviction of a controlled substance offense that is not in relation to marijuana. The language which exists within the proximity statute, S.C. Code Ann. §44-53-445, states: "It is a separate *criminal* offense".

S.C. Code Ann. §44-53-445(C) further reveals that the proximity conviction should be considered a criminal offense and not a controlled substance ("drug") offense, as it states as follows:

> "A person must not be convicted of *an offense* pursuant to subsection (A) if the person is stopped by a law enforcement officer within a one-half mile radius of the grounds of a public [school], etc,... but did not actually commit the ***controlled substance offense*** within a one-half mile radius of the grounds of a public [school], etc,..."

Appellant was not convicted of the actual controlled substance offense. The actual controlled substance offense, which was the actual marijuana offense and "drug",

was dismissed by the sentencing court. The proximity conviction is a *criminal offense* and should not be treated as a *controlled substance offense* standing alone.

This decision and determination of the Department and ALC must be reversed.

II <u>The ALC did err in affirming the decision of the Department of Probation, Parole and Pardon Services which deemed and classified Appellant as ineligible for parole due to a prior conviction of Possession With Intent to Distribute Marijuana within proximity of a public school when the marijuana offense was nolle prossed.</u>

Appellant pled guilty to two (2) counts of distribution of cocaine base (crack) on the same day and both charges were labeled as 3rd offense. Respondent basis its determination that Appellant is ineligible for parole consideration due to a prior conviction of possession of marijuana with intent to distribute (PWID) within proximity of a public school in which Appellant pled guilty on March 23, 2005, and was sentenced to serve a five (5) year sentence in the SCDC. However, the underlying marijuana offense which was the foundational controlled substance offense for this conviction was nolle prossed.

Appellant was sentenced on April 2, 2015, for the convictions in which he is presently confined to the SCDC. These were two (2) counts of distribution of cocaine base (crack), and both were labeled as 3rd offense. Therefore, Applicant's current convictions are governed by S.C. Code Ann. 44-53-375(B0(3) as was amended by way of 2010 Act No. 273 and the Omnibus Sentencing Reform Act of 2010, (2010 Supplement), which provided at the time:

> "for a third or subsequent offense or if the offender has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned for not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both. Possession of one or more grams of methamphetamine or cocaine base is prima facie evidence of a violation of this subsection. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsection (A), may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted."

S.C. Code Ann. 44-53-375(B)(3) (2010 Supplement)

Respondent relies on the language which existed in this statute which stated, "*two or more time in the aggregate of any violation*". This is evident as Respondent's determination letter states, "Pursuant to South Carolina Law a person convicted of this offense with two or more aggregate violations of the law relating to drugs is not eligible for parole." ROA pg. 1.

Appellant would show the Court that this portion of the statute conflicts with legislative intent as shown by the inconsistency with South Carolina's enhancement statute, S.C. Code Ann. 44-53-470 (2010 Supp.). Feldman v South Carolina Tax Commission, 203 S.C. 49, 26 SE2d 22 (1943) - Under the principle that the last expression of the legislative will is the law, where conflicting provisions are found in the same statute, or in different statutes, the last in point of time or order of arrangement prevails.

The enhancement statute serves the purpose as it demonstrates legislative intent and, as Appellant will show the Court, that violations of marijuana offense provisions would not have the ability to enhance or affect any conviction for any other controlled substance violations relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

The legislature revealed this intent when it enacted S.C. Code Ann. 44-53-470 (2010 Supp.) as it stated and used the following language within the statute in order to demonstrate its intent; it states in relevant portion as follows:

> S. C. Code Ann. 44-53-470(1) - for an offense involving marijuana;
> S. C. Code Ann. 44-53-470(2) - for an offense involving marijuana
> S. C. Code Ann. 44-53-470(3) - for an offense involving a controlled substance other than marijuana
> S. C. Code Ann. 44-53-470(4) - for an offense involving a controlled substance other than marijuana

S.C. Code Ann 44-53-470 (2010 Supp.)

This distinction is very important to not as the Respondent uses the language which existed in S.C. 44-53-375(B)(3) (2010 Supp.), "if the offender has been convicted two or more times in the aggregate of any violation".

The language which existed in S.C. Code Ann. 44-53-375(B)(3) (2010 Supp.) stated specifically, "for a third or subsequent offense ***or** if the offender has been convicted two or more times in the aggregate of any violation...*"

According to the language in the statute, for example, a person who has two (2) prior convictions for marijuana related offenses and then gets convicted of an offense other than a marijuana related offense such as a methamphetamine or cocaine base offense would then be subject to a 3rd offense conviction and sentencing scheme. As Appellant shows the Court, there existed a conflict in the statutes 44-53-375(B)(3) (2010 Supp.) and 44-53-470 (2010 Supp.). It is found that the language which existed in 44-53-375(B)(3) (2010 Supp.) was repugnant and contradictory to the true legislative intent and overall purpose in amending the statues by way of the 2010 Act No. 273 (The Omnibus Sentencing Reform Act of 2010). This is evident as it can now be found that the Legislature discovered this conflict which was repugnant and not in harmony with true legislative intent and has amended this statute by way of Act No. 154 in its 2016 legislative session by removing this contradictory language from the statute. See S.C. Code Ann. 44-53-375(B)(3) (2016 Supp.) as amended and which now states:

"for a third or subsequent offense, the offender must be imprisoned for not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both"

44-53-375(B)(3) (2016 Supp.)

S.C. Code Ann. 44-53-470 was also amended by way of 2016 Act No. 154 which became active on April 21, 2016. Section 44-53-470(B) was amended by specifying the following:

> "In addition to the above provisions, a conviction of trafficking in marijuana or trafficking in any other controlled substance in violation of this article or of another state or federal statute relating to trafficking in controlled substances must be considered a prior offense for purposes of any prosecution pursuant to this article."

S.C. Code Ann 44-53-470(B) (2016 Supp.)

Kennedy v South Carolina Retirement System, 345 S.C. 339, 549 SE2d 243 (2001) - Where the language of an act gives rise to doubt or uncertainty as to legislative intent, the construing court may search for that intent beyond the borders of the act itself.

State v Sweat, 379 S.C. 367, 665 SE2d 645 (2008) - The legislature is presumed to intend that its statutes accomplish something.

State v Sweat, 379 S.C. 367, 665 SE2d 645 (2008) - when interpreting a law, courts must presume a futile act was not intended and that the law intends to accomplish something.

This amendment is very significant as it illuminates even more true legislative intent as it specifies that, "a conviction of trafficking in marijuana or any other controlled substance... **must be considered a prior offense.**" Before this amendment, the language existing in the statute would not allow a prior conviction for trafficking in marijuana to enhance a future marijuana conviction if the prior marijuana trafficking conviction had not occurred within the previous five years. See 44-53-470(1), (2), (3), (4).

Greenville Baseball v Bearden, 200 S.C. 363, 20 SE2d 813 (1942) - The history of the period in which a statute was passed may be considered in interpreting the statute. Marshall v Dodds, 417 S.C. 196, 789 SE2d 88 (2016) - the construing court may additionally look to the legislative history when determining legislative intent. Timmons v S.C. Tricentennial Comm'n, 254 S.C. 378, 402, 175 SE2d 805, 817 (1970) (noting that in determining the legislative intent, the Court may properly look at the legislative history of the statute).

Prior to this amendment, this statute prevented a trafficking marijuana offense to enhance a violation of a controlled substance offense other than a marijuana offense. This amendment now allows a marijuana trafficking conviction to enhance any other controlled substance offense.

It is unreasonable to infer that the legislative intent would be that a PWID Marijuana proximity offense alone would enhance any other controlled substance offense when prior to this amendment a trafficking offense would not do the same. Greenville Baseball v Bearden, 200 S.C. 363, 20 SE2d 813 (1942) - A statute as a whole must receive a practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of the lawmakers.

However, it is important to know that this pursuant to this 2016 amendment to the statute a prior trafficking offense is the only conviction that would have this effect even now. Appellant does not have a prior trafficking offense, but rather the prior conviction was for a violation of S.C. Code 44-53-445, distribution of a controlled substance within proximity of a public school. The specific controlled substance related to this conviction was a marijuana offense as evidenced by the sentence sheet which clearly states, "Possession of Marijuana With Intent to Distribute Within Proximity of School". ROA pg. 8.

The Appellant would also emphasize that the marijuana offense was nolle prossed and he was not convicted for the actual controlled substance offense. It is repugnant to legislative intent that this prior conviction, which is a proximity conviction, which specifically resulted from a marijuana offense at genesis and which was ultimately dismissed would now be used as a means to enhance or affect Appellant's current conviction of a controlled substance offense that is not in relation to marijuana.

The Appellant *will* also show the Court and emphasize as well that the proximity conviction would not be considered a controlled substance offense. The language which exists within the proximity statute, S.C. Code Ann. 44-53-445, states: "It is a separate criminal offense".

S.C. Code Ann 44-53-445(C) further reveals that the proximity should be considered a criminal offense and not a controlled substance offense as it states, " A person must not be convicted of an offense pursuant to subsection (A) if the person is stopped by a law enforcement officer within a one-half mile radius of the grounds of a public [school], etc,.. but did not **actually commit the controlled substance offense** within a one-half mile radius of the grounds of a public [school], etc,..."

Appellant was not convicted of the actual controlled substance offense as it was dismissed by the sentencing court. The proximity conviction is a criminal offense and should not be treated as a controlled substance offense standing alone and used as an enhancer or a means to affect a controlled substance offense. Only the actual controlled substance offense violation could be enhanced and in this case, this was a marijuana offense which as dismissed by the sentencing court.

Appellant would also show the Court that it is unreasonable that the Respondent would determine that a proximity conviction which relates to a marijuana offense and was ultimately dismissed by the sentencing court could be used as an enhancer when a proximity conviction relating to an offense involving any controlled substance other than marijuana would not. See 44-53-470(3), which provides that an offense, other than a marijuana conviction, could be enhanced if the offender has been convicted within the previous ten years of a first violation of a controlled substance offense provision. This statute states specifically as follows:

"for an offense involving a controlled substance other than marijuana pursuant to this article, the offender has been convicted within the previous ten years of a first violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs".

S.C. 44-53-470(3) (2010 Supp.)

See Hodges v Rainey, 341 S.C. 79, 86, 533 SE2d 578, 582 (2000) - the canon of construction "expression unius est exclusion alterius" or "inclusion unius est exlusion alterius" holds that "to express or include one thing implies the exclusion of another or of the alternative". Applying the canon of construction, "expression unius est exclusion alterius" or "inclusion unius est exlusion alterius" to S.C. Code Ann. 44-53-470(B) (2016 Supp.) as amended, the legislative intent is clearly revealed in this matter. If the legislative intent was that a prior proximity conviction which

resulted from a marijuana offense which was ultimately dismissed would be intended to serve as an enhancer or to affect a future controlled substance offense other than a marijuana offense, the Legislature certainly would have expressed and stated so by including this specifically in the statute along with amendment. <u>Bell v S.C. Highway Dept.</u>, 204 S.C. 462, 30 SE2d 65 (1944) - We must presume that the Legislature was familiar with prior legislation dealing with the same subject matter when it enacted an amendment.

Appellant also submits that this novel question of law should be resolved in favor of the Appellant as S.C. Code Ann. 44-53-375(B)(3) and S.C. Code Ann. 44-53-470 is ambiguous in regards of the irregularities existing in this case. *See* <u>Bryant v State</u>, 384 S.C. 525, 683 SE2d 280 (2009) - When a genuine ambiguity exists as a result of the proposed application of a penal statute to a given situation, the Rule of Lenity requires that the doubt must be resolved in the defendant's favor. See <u>Berry v State</u>, 381 S.C. 630, 675 SE2d 425 (2009) - In construing a criminal statute, courts are guided by the Rule of Lenity - the principle that any ambiguity must be resolved in favor of the accused. See <u>State v Miles</u>, 421 S.C. 154, 805 SE2d 204 (2017) - The Rule of Lenity applies when a criminal statute is ambiguous and requires any doubt about a statute's scope be resolved in the Petitioner's favor.

Appellant would also emphasize that construing this statute any other way frustrates both the March 23, 2005 and April 2, 2015 guilty pleas entered by the Appellant. See <u>State v Thompson</u>, 278 S.C. 1, 5, 292 SE2d 581 (1982) - *(overruled on other grounds)* - When the accused pleads guilty upon the promise of a prosecutor, the agreement must be fulfilled; <u>Bailey v MacDougall</u>, 247 S.C. 1, 145 SE2d 425 (1965) - Plea of guilty must be freely and understandingly made, and if it is induced by promises with deprive it of the character of a voluntary act, plea of guilty is void and should be set aside. <u>United States v Tate</u>, 845 F.3d 571, 575 (4th Cir. 2017) - Plea agreements are grounded in contract law, and both parties to a plea agreement should receive the benefit of their bargain. <u>U.S. v Ringling</u>, 988 F.2d 504 (4th Cir. 1993) - Plea bargains rest on contractual principles, and each party should receive benefit of its bargain, but plea agreement must be analyzed at more stringent level than a commercial contract since rights involved are generally fundamental and constitutionally based.

Construing this statute any other way also violates Appellant's Fourteenth Amendment Due Process rights guaranteed by the United States Constitution, as both S.C. Code Ann. 44-53-375(B)(3) and S.C. Code Ann. 44-53-470 would be unconstitutionally void for vagueness do to its failure to unambiguously provide the fair notice required by the Fourteenth Amendment of the United States Constitution. Neither statute doesn't unambiguously and sufficiently forewarn and provide sufficient fair notice that a proximity conviction which results from a marijuana offense which has been dismissed can be used as an enhancer or to affect future convictions of other controlled substance convictions. S.C. Code Ann. 44-53-

445 states that it is a separate "criminal offense", not a separate controlled substance offense. *See* State v Johnson, 287 S.C. 171, 172, 337 SE2d 204, 205 (1985) (holding a solicitor has broad discretion in choosing the offenses with which a defendant will be charged and in plea negotiations leading up to trial.).

See State v Neuman, 384 S.C. 395, 683 SE2d 268 (2009) - The void-for-vagueness doctrine rests on the constitutional principle that procedural due process requires fair notice and proper standards for adjudication. State v Sullivan, 362 S.C. 373, 608 SE2d 422 (2005) - Regarding a claim that a statute is unconstitutionally vague, the due process standard is whether a statute either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. U.S. v Castleman, 134 Sct 1405 (2014) - A court's construction of a criminal statute must be guided by the need for fair warning; but the Rule of Lenity only applies if, after considering text, structure, history, and purpose, there remains a grievous ambiguity or uncertainty in the statute, such that the court must simply guess as to what [Legislature] intended. U.S. v Harriss, 347 U.S. 612, 74 S.ct 808 (1954) - The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. See. U.S. v Cassiagnol, 420 F2d 868 (4th Cir. 1970). Lanzetta v State of N.J, 306 U.S. 451, 59 S.ct 618 (1939) - Penal statute creating new offense must be sufficiently explicit to inform those subject to it what conduct will render them liable for its penalties, and statute so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates due process clause and is also repugnant to due process clause. See U.S. v Cassiagnol, 420 F2d 868 (4th Cir. 1970).

The application and reasoning in this case should be ruled in favor of Appellant as this is would be also in favor of constitutionality. State v Michau, 355 S.C. 73, 583 SE2d 756 (2003) - Statutes are to be construed in favor of constitutionality. The decision of the Department should be reversed and Appellant should be afforded meaningful opportunity for parole eligibility.

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CONCLUSION

Based on the foregoing reasons, the ALC's decision must be reversed. The Appellant respectfully request the determinations of the South Carolina Department of Probation, Parole and Pardon Services and the ALC be reversed.

Respectfully submitted,

Jaquese Neely
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 18th day of February, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
Honorable H. W. Funderburk, Jr., Administrative Law Judge
Docket No. 19-ALJ-15-0023-AP

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Case No. 2019-002123

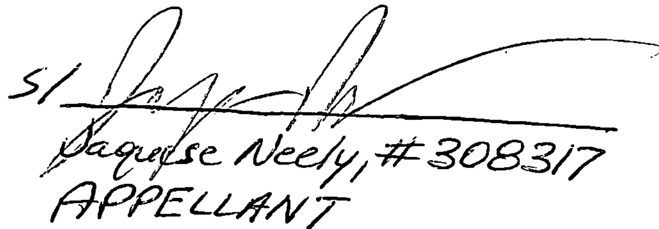
Jaquese Neely, #308317, ... APPELLANT,

v

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

CERTIFICATE OF COMPLIANCE

I, Jaquese Neely, Appellant, hereby certify the Initial Brief of Appellant is filed in compliance with Rule 211(6), SCACR.



s/ Jaquese Neely, #308317
APPELLANT

This 18th day of February, 2020.

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STATE OF SOUTH CAROLINA
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Case No. 2019-002123

Jaquese Neely, #308317, ... APPELLANT,

v

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

CERTIFICATE OF SERVICE

I, Jaquese Neely, hereby certify that I have served the Initial Brief of Appellant, Certificate of Compliance, Designation of Matter; upon Respondent by depositing a copy of the same in the United States Mail, postage prepaid, by and through the interagency mailroom at Tyger River Correctional Institution on this 18 day of february, 2020, addressed as follows: Tommy Evans, Jr., Esquire, S.C. Dept. of Probation, Parole and Pardon Services, 2221 Devine Street, Suite 600, Post Office Box 50666, Columbia, South Carolina 29250.

I certify that all parties required by Rule to be served has been served.

SWORN and Subscribed before me
this 18 day of Feb 2020
[signature]
Notary Public for South Carolina
My Commission Expires: Dec. 10, 202X

s/ [signature]
Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

February 18, 2020

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Jaquese Neely, #308317 v SCDPPPS
Appellate Case No. 2019-002123

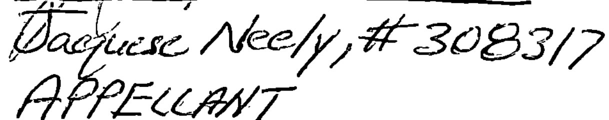
Dear Honorable Clerk:

Enclosed, please find for filing, the Initial Brief of Appellant, Certificate of Compliance, Designation of Matter, and Certificate of Service for the same.

Please also find enclosed, one (1) additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,



Jaquese Neely, #308317
APPELLANT

CC: Tommy Evans, Jr., Esquire
FILE

Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

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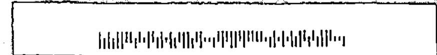
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211



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