

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Judge Ralph K. Anderson, III
Case No. 18-ALJ-15-0008-AP

Thomas Thompson #80681 - - - - - Appellant

v.

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

Appellate Case No. 2018-001557

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SC Court of Appeals

APPELLANT'S REPLY BRIEF

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January 14, 2019

TABLE OF CONTENTS

Statement of Issue on Appeal -	- Page 1
Facts and Evidence in this Case -	- Page 1 thru 2
Conclusion -	- Page 2

STATEMENT OF ISSUE ON APPEAL

- 1.- Has the Parole Board violated the Appellant's right to Equal Protection of the Law by using it's discretion to impose an extremely harsher punishment on him than other similarly situated persons.

FACTS AND EVIDENCE IN THIS CASE

Appellant (Thompson) has put forth that he is part of the class of persons sentenced for the offense of murder to a term of life imprisonment with parole eligibility upon service of ten years. Thompson has put forth that the reasons the Board has used to deny his parole 18 times apply to all these individuals.¹ Thompson would here put forth that these facts are eternally applicable to all these persons and therefore neither parole nor death itself can erase them. Thompson has put forth that the Board has granted parole to the overwhelming majority of these persons after a considerably lesser amount of time served than himself. Thompson cites an article in the Greenville News paper circa January 1991 which stated that approximately 400 inmates serving life sentences for murder had been paroled after an average of twelve years. As of Thompson's last parole hearing he had served over 42 years in prison. The entire justice system uses the amount of time a person is sentenced to be incarcerated as a measure of the harshness of punishment given. Thompson has clearly suffered an extremely harsher punishment than these other persons. The Board has never put forth any other reasons for denial of parole to Thompson.

The Board states in it's brief that it is required to notify certain individuals of Thompsons impending parole hearings.² Thompson here puts forth that these are the very people who participated in the negotiations which preceded his plea agreement and also would have been contacted by the SCDC when it conducted Community Response screening prior to placing

- 1.-Appellant's Initial Brief COA
- 2.-Respondent's Initial Brief COA

him on a Work Release program two years before his initial parole hearing. Surely having among them Judges, Lawyers and Solicitors the knowledge of the laws giving sole authority for parole to the Board, these honorable public servants would not have made this plea agreement with it's stated intentions unless they had a reasonable expectation it would be carried out. The fact that he was approved to go on overnight pass and weekend furlough in the same community reinforces this fact.

CONCLUSION

The Board has abused it's discretion and subjected Thompson to a harsher punishment than the majority of persons situated as him without due cause and against the stated intentions of the sentencing Court and the feelings in the community regarding his punishment. This renders the Board's decision arbitrary and capricious. Thompson asks this Court to remedy this situation.

Respectfully submitted,



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CERTIFICATE OF COUNSEL

The undersigned certifies that the Reply Brief complies with
Rule 211(B), SCACR.

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