

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Honorable S. Phillip Lenski

Appellate Case No.: 2020-000004

Docket No.: 19-ALJ-15-0033-AP

Jerome Scott #153381

Appellant,

vs.

South Carolina Department of
Probation,
Parole and Pardon Services

Respondent

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SC Court of Appeals

INITIAL BRIEF

Jerome Scott, 153381
Allendale Correctional Institution
P.O. Box 1151, Hwy 47
Fairfax, SC 29827

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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-150033-AP. Judge Lenski commentary is evident 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.

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?

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 will provide this court with a **Reasonable** and good old common sense two prong addresses 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.

Argument 1

The Self-Help Rehabilitation tool offers prisoners who seek 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. I am constantly evaluating my own self, by rebuilding through spiritual commitment, character classes, self-help classes, and mentoring leadership. Through these daily evaluations I've been able to change the Nature and Seriousness of myself. So, I must ask: ***Did the Parole Board Review process clearly consider 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.

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 Administrative 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 its full 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 30 plus years of redefining of himself through the various classes, workshops, educations opportunities, etc., provided prisoners ‘Who Embrace Change’. Yet, the Petitioner has been denied parole continuously. A rehearing or Grant of parole should be afforded this Petitioner based upon the sound merits therein. When views in its Totality, it should be clear that Merit Issues does exist as a matter of S.C. Law, 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 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 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 the past 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 or 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 criteria's, 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 in: Why did the Parole Board ignored its own guidelines, as well as the established laws of the State of South Carolina?

State of South Carolina
Court of Appeals

Jerome Scott#153381

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Appellant
SC Court of Appeals

-vs-

South Carolina Department of Probation,
Parole and Pardon Services

Respondent

Certificate of Service
Case No.: 2020-000004

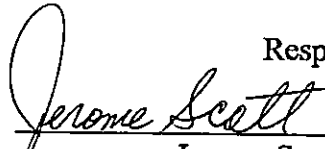
On the 10th day of April 2020, I Jerome Scott#153381 did indeed place within the U.S. Postal Service a copy of my "Initial Brief" of appeal concerning case no.: 19-ALJ-15-033-AP. A copy of which was distributed to the following parties concerned:

State of South Carolina
Tommy Evans Jr. Esq.
South Carolina Dept. of Probation
Parole and Pardon Services
P.O. Box 50666
Columbia, S.C. 29250

South Carolina Administrative Law Court
Honorable S. Phillip Lenski
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC 29201

Ms. V. Claire Allen
Chief Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Respectfully,


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

April 10, 2020

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

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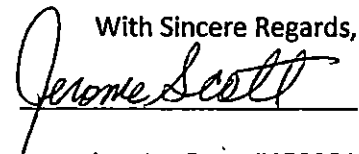
RE: Appellate Case No: 2020-000004

Dear Ms. Allen:

Enclosed please find a copy of my corrected Certificate of Service, and the Initial Brief, dated December 30, 2019; as requested by this Honorable Court.

Thank you for your time and attention in this matter.

With Sincere Regards,



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

Attendale Corr. Inst.
P.O. Box 1151/F3-B25
Fairfax, S.C. 29827

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(424) 29211

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

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