

Cavanaugh Alvin, #141090,
Appellant,

South Carolina Court of
Appeals, PO Box 11629 Columbia,
SC 29211

VS.

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MOTION

SC Department of Probation,
Parole and Pardon Services

JUL 10 2020

appeal the Final Order
on June 19th, 2020

Respondent+ **SC Court of Appeals**

Docket No.: 19-ALJ-15-0056-AP
Final Order on June 19th, 2020

More Supporting Facts

7/6/20

Facts Of The Case

1. In Appellant's August 23rd, 2017 Parole Hearing, then ~~Board Member~~, Ms. Kim Frederick made an implicit agreement to grant Appellant parole at his next hearing if he continued to keep his four year disciplinary record clean. However, Ms. Frederick did not keep the legally binding verbal contract (which was made on record) when she denied him parole at his following hearing on Nov. 13th, 2019 despite Appellant's continued good behavior. The last institutional infraction the Appellant had was in 2013 (which was a non-violent cell phone charge). And since then, not only has Appellant remained disciplinary free but has also completed numerous character development classes in preparation for his success upon release. Had Ms. Frederick (who was and now is the Chair Person at the time of the Appellant's 2019 hearing) satisfied the terms of the verbal contract she made at his 2017 parole hearing, her tie-breaking vote would have guaranteed his parole release.

Supporting Facts

2. Due to a computer glitch on Nov. 13, 2019 the Appellant was not given the adequate time needed to respond to the Parole Board's second question concerning his remorse for the victims family in his case. Had Appellant been given the proper time necessary to respond to this most crucial question, the outcome of his Parole Hearing would have more likely resulted in the granting of his release.

DISCUSSIONS

Out of all due respect, I'm asking this court for a fair review in this matter (or dismissal). Therefore, based on the above, the Board's decision should be reversed and the matter remanded back to the Board with instructions to provide Appellant with a "full and fair" parole hearing in this matter.

MORE SUPPORTING FACTS

Letter dated Aug. 24, 2017

Letter dated Nov. 15, 2019

cc: SC Dept. of P.P.

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X *Cavanaugh Alvin* JUL 07 2020

Cavanaugh Alvin, #141090

Appellant, **PCJ MAILROOM**

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

HENRY McMASTER
Governor



JERRY B. ADGER
Director

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JUL 10 2020
SC Court of Appeals

2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, South Carolina 29250
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Fax: (803) 734-9440
www.dppps.sc.gov

August 24, 2017

Mr. Cavanaugh Alvin #00141090
Lieber Correctional Institution
P.O. Box 205

RE: NOTICE OF REJECTION

Dear Mr. Alvin:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense
Indication Of Violence In This Or Previous Offense
Use Of Deadly Weapon In This Or Previous Offense
Vote Count: 3 Rejected - 3 Parole

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.
Director of Parole Board Support Services

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P.C.I. MAILROOM

8/23/2017

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

HENRY McMASTER
Governor

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SC Court of Appeals



JERRY B. ADGER
Director

November 15, 2019

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Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

Mr. Cavanaugh Alvin #00141090
Perry Correctional Institution
430 Oaklawn Rd.
Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Alvin:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense
Vote Count: 3 Rejected - 2 Parole

Sincerely,

A handwritten signature in cursive script, appearing to read "Nettie C. Jacobs".

Nettie C. Jacobs
Board Support Services

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JUL 07 2020

P.C.I. MAILROOM

11/13/2019

Alvin Cavanaugh #141090
Perry C.I. (Q2A10T)
430 Oaklawn Rd.
Pelzer, SC 29669

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FOREVER
USA



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JUL 07 2020

P.C.I. MAILROOM

SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

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