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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge

Unpublished Opinion No. 2020-UP-157
S.C. Ct. App. filed May 27, 2020

Thomas Thompson #80681, Appellant,

v.

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

Appellate Case No. 2018-001557

PETITION FOR A WRIT OF CERTIORARI

Thomas Thompson #80681
Pro Se Litigant
Tyger River CI 1-225B
200 Prison Road
Enoree, S.C. 29335

October 1, 2020

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CERTIFICATE OF COUNSEL

Counsel for Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on August 31, 2020.

QUESTIONS PRESENTED

- 1.- Did the Administrative Law Judge and the Court of Appeals overlook the clear and undisputed evidence that the Parole Board has denied Appellant the Equal Protection of the Law as provided for by the US constitution?

STATEMENT OF THE CASE

On February 19, 2018 Thomas Thompson #80681 brought this action after appearing before the Parole Board and being denied parole for the 18th consecutive time. As in all previous times parole was denied because he had committed the crime of murder. Thompson argued that having served some 43 years he was being denied Equal protection because the overwhelming majority of those sentenced to a life sentence with ten year parole eligibility for murder such as himself had been granted parole after a far less severe punishment. Thompson cited a front page, Sunday edition article (circa January 1991) in the Greenville News which stated that some 400 inmates serving that sentence had been granted parole after serving an average of 12 years. Respondent did not offer any denial or opposition of these facts. Judge Anderson ruled that Thompson had failed to present evidence that he was treated differently than other similarly situated persons. The Court of Appeals affirmed that ruling

ARGUMENT

The Parole Board operates under statute law with sole authority over the granting of parole.

§24-21-640 The Parole Board shall carefully consider the record of the prisoner before and after imprisonment and no such prisoner may be paroled until it shall appear to the satisfaction of the Board; that the prisoner has shown a disposition to reform; that in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interests of society will not be impaired thereby; and that suitable employment has been secured for him....

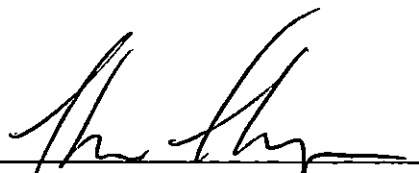
All persons similarly situated as Thompson have committed the crime of murder; a serious offense of a violent nature generally involving a deadly weapon. While the overwhelming majority have been granted parole regardless of this fact it has been the one determining reason or legal factor for his parole being denied. Respondent uses the argument that one person making parole and another not does not constitute a violation. In this case it is not one person but a majority of the whole class of persons. The Board has looked past the actual crime and given parole based on the other factors (§24-21-640) in all those persons cases yet steadfastly refused to do so in Thompson's case. Thompson argues that this violates his Equal Protection rights.

CONCLUSION

Thompson acknowledges the seriousness of his offense and that a harsh punishment was justified. However, the great disparity between a little more than a decade incarcerated for a crime under the same sentence and what is now fast approaching a half century of incarceration is unjustified. Thompson was a juvenile at the time of sentencing; sentenced under a plea agreement which included the victims and their families as well as Law Enforcement, Prosecutors, etc which stated in Court a possibility

to earn a chance to start a new life based on his conduct while incarcerated. These same victims and families, Prosecutors And Law Enforcement consented to his participation in a Work Release Program where he was allowed to go on passes and furloughs in the same community. While incarcerated Thompson has educated himself and acquired numerous work skills and habits. Though his disciplinary record is not perfect it has no incidents of violence or possession of weapons.

When everything is taken into account and placed in comparison to these other similarly situated persons there is no cause for this great disparity in punishment. Appellant respectfully requests that the Court acknowledge this evidence and rule in his favor.



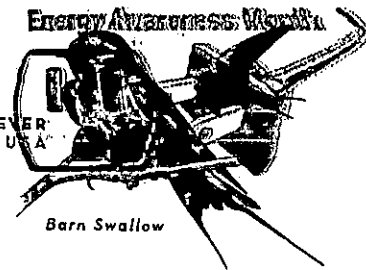
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