

STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUN 21 2021

Appeal from the Administrative Law Court, Final Decision
From the Honorable Judge Phillip Lenski

SC Court of Appeals

Appellate Case No. 2021-000447

CHUCK McCULLOUGH, # 311608
Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE, PARDON SERVICES
RESPONDENT.

DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Letters from Family that was not in Attendance at Parole Hearing.
2. Hearing protocol that was issued after Appellants Hearing.
3. Plea transcript page 12 relevant to Appeal
4. Motion for Complete Record Dated July 9, 2020 (Denied) July 21, 2020
5. Motion to object Dated 23, 2020

I, Chuck McCullough certify that this designation contains no matter which is irrelevant to this appeal.

on this 17 day of June 2021

St. Chuck McCullough
Chuck McCullough # 311608
Appellant

Dear Honorable Judge Lenski,

I was gonna support my Daddy on the parole hearing March 25th 2020. Due to the coronavirus me and my aunt (Donna Hind) couldn't attend the parole hearing. SCDC also denied us/our entry to be present. I had a few things that I wanted to say to possibly help my Daddy finally get out of jail. But the parole board held the hearing without us. I think they should give him another hearing. Please and thank you! I need my Daddy in my life more than ever!

Sincerely,

Chasity McCullough

5/1/2020

Dear Honorable Judge Forsberg,

I'm writing in regards to Chuck McCullough's parole hearing. We were not able to attend due to the coronavirus effect on each and everyone's health. There was so much I wanted to say in regards to the decision of parole. I am Donna Stanton King, his Aunt by marriage. I have had his daughter since she was fourteen months old, and she is eleven years old. She has been to see her daddy since he is now at a prison where he can work and not violent ^{place}. She is very active in school, academics, attend Church and loves to read. She has made many comments that she wants her daddy home, she loves him. I knew Chuck when he first married my niece and he was a hard worker. He didn't do those bad drugs. He seems to have changed and loves Charity his daughter. He sends her money twice a month from the top of his check since he's been working. He sends more if she needs something special for school etc. I've been praying about this issue. Both of my husband and niece children went to college. Daughter is a teacher with her

Master's degree. Our son attended college
and works in the business office of
Waldrop A/c. I ask you honorable Judge Senki,
if Mr. McCullough hearing was rescheduled
he may have got parole, after hearing
our statements, his family. There were
others that their hearing were rescheduled.
Thank you very much for your attention
and consideration to this issue for another
hearing so we could be there.

Sincerely,
Dorine Thornton Bond
8674 705-5196

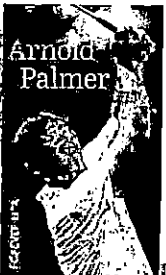
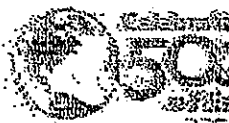
Ex. 1

D. Kindal
113 North Avenue
Duncan S.C. 29334

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MAY 15 2020
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Chuck E. McCallough # 311608
Livesay C.I. 6-3A-B
P.O. Box 580
LMA S.C. 29378

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UNTIL FURTHER NOTICE

In an effort to protect the inmate population, during the current global pandemic surrounding Coronavirus-19, the state is taking measures to prevent the spread of disease to the residents of correctional facilities. The SC Department of Corrections has limited access to their correctional institutions by suspending all visitation at their facilities until further notice. No supporters or family members will be allowed to attend parole hearings until such time as this ban has been lifted:

Note: At this time, there is no change regarding attorney attendance. Attorneys will be allowed to attend the hearings, per the normal procedure.

In an effort to ensure that every inmate has the right to present witnesses/evidence on his/her own behalf, the SC Department of Probation, Parole and Pardon Services is creating a **Hearing Witness Portal** that will allow supporters or family members who would have attended the parole hearing along with the inmate to submit a written statement of support via e-mail or US Postal Service at the addresses listed below. Please be reminded that the instructions received from SCDC limit the number of attendees to five. See below.

The inmate who is being considered for parole by the Parole Board may have up to five (5) total persons appear with him/her. Of the five, one (1) can be a minister/spiritual adviser, one (1) can be an attorney, and no more than three (3) can be family, friends, employers, etc.

Due to this normal restriction, only five statements per inmate from the **Hearing Witness Portal** will be presented to the Board. Any other statements received will be listed as Supporters, per the normal procedure.

In order to submit written Witness Testimony, use the link

HearingWitnessPortal@ppp.sc.gov

OR submit your statement in writing to

SCPPPS Hearing Witness Portal
PO Box 207
Columbia, SC 29202

Statements must be received at least 48 hours prior to the actual hearing date.

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pseudoephedrine in the months leading up to the date of the incident.

Your Honor, I do want to point out to you that -- that the toxicology report -- there was a toxicology report done on the -- the child, as well as an autopsy. And both of those are -- the autopsy is inconclusive as to how the baby died.

They -- they did note that there was vomit and -- or what appeared to be vomit and that the baby had probably asphyxiated on that.

~~The toxicology did come back negative for any drugs. And they did not find any of the caustic substances that you would expect to be found in the -- in the baby's tissue if it had inhaled the meth lab. So I do think that's important to -- to be fair to -- to everyone that we're clear on that fact.~~

Your Honor, as part of the -- the record, I -- many of the items which I told you about; the phone calls, a photo of the -- of the -- the box in which the body was placed, a copy of the meth lab search warrant return, and the items and where they were found, I would like to enter that into evidence.

There is a -- the meth check records, which showed the pseudoephedrine logs, there is a copy of that I would like to enter which shows their purchases leading up to the incident date.

And, Your Honor, there's Carissa McCullough's statement, which was given after *Miranda* warnings, and the statement of her sister, Amanda Padgett.

Your Honor, also a copy of the DSS notes from the interview which he gave in jail, we want to enter all of those in as exhibits so that the record could appropriately reflect what I've summarized.

MR. WHELCHER: I have reviewed those, Judge.

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 20-ALJ-15-0020

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

CHUCK McCULLOUGH, # 311608 APPELLANT

S.C. DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES RESPONDENT

CERTIFICATE OF SERVICE

I, Chuck McCullough, hereby certifies that I have served a "Motion for complete RECORD on APPEAL dated July 9, 2020 on all parties in this appeal pursuant to Rule 54, by depositing a copy of the same in the United States Mail, postage prepaid, on the 9 day of July 2020 to the following addresses:

The Honorable Judge Lenski
S.C. Administrative Law Court
1205 Pendleton St. Suite 224
Columbia, S.C. 29201

Director Jerry B. Adger / Counsel Matthew Buchanan
S.C. Dept. Probation, Parole, Pardon Services
293 Greystone Blvd.
P.O. Box 207
Columbia, S.C. 29202

5/ Chuck McCullough

Subscribed and Sworn before me
this 9 day of July, 2020
Audrey Alicia Webster Hunt

Notary Public for South Carolina
County of Spartanburg
My Commission Expires 02/07/2024

Chuck Edward McCullough # 311608
Appellant Pro SE

Livesay C.I. 6-34-B
P.O. Box 580
UNA, S.C. 29378

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 20-ALJ-15-0020

DENIED

7-21-2020

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

Date

CHUCK MCCULLOUGH, # 311608 APPELLANT

V.

S.C. DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES RESPONDENT

MOTION for complete RECORD ON APPEAL
Pursuant to Rule 58, Rule 61

This issue comes to this court by way of "Motion for complete RECORD on Appeal. Appellant received the Record on Appeal from (DPPS) on July 7, 2020. After review, Appellant noticed that none of the documents that were filed with his brief and sent on May 15, 2020 to (DPPS) was in the RECORD ON APPEAL.

Rule 61. The record on appeal shall consist of the transcript of the proceedings before the agency, if any, and the record of the contested case as described by Rule 58.

Rule 58.(A) " All documents filed . . .

Therefore, the request is made that all documents filed to include Appellants Brief and all supporting documents (pages 1-27 of initial Brief) become part of (DPPS's) Record on appeal, or explanation why (DPPS) did not include those documents and failed to comply with 58, 61. These documents Must be preserved for future appeals.

on this 9 day of July 2020

Respectfully Submitted,
Chuck McCullough

Chuck McCullough #311608
PPO SE Appellant

FILED

JUL 21 2020

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the respondent by the undersigned on this 9th day of July 2020.

John Doe

STATE OF SOUTH CAROLINA
In the Administrative Law Court
Docket Number 20-ALJ-15-0020
APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

CHUCK McCULLOUGH #311608 APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES RESPONDENT

CERTIFICATE OF SERVICES

I, Chuck McCullough #311608, hereby certify that I have served the "Motion to OBJECT" dated July 23, 2020 on all parties in this appeal pursuant to Rule 54, by depositing a copy of the same in the United States Mail, postage prepaid, on the 23 day of July 2020 to the following addresses:

The Honorable Judge Lenski
S.C. Administrative Law Court
1205 Pendleton St. Suite 224
Columbia, S.C. 29201

Director Jerry B. Adger / Counsel Janell B. Gengory
S.C. Dept. Probation, Parole, Pardon Services
293 Graystone Blvd.
P.O. Box 207
Columbia, S.C. 29202

Sl. Chuck McCullough

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 23 DAY OF July, 2020
AUDREY ALEEN WEBSTER HORTON
Audrey Aileen Webster Horton
NOTARY PUBLIC, STATE OF SOUTH CAROLINA
My Commission Expires 02/07/2024

Chuck McCullough #311608
Appellant (PRO SE)
Livesay C.I. 6-34-B
P.O. Box 580
LWA, S.C. 29378

STATE OF SOUTH CAROLINA
In the Administrative Law Court
Docket NO. 20-ALJ-15-0020

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

CHUCK McCULLOUGH, # 311608 APPELLANT

v.

S.C. Department of PROBATION, PAROLE AND PARDON SERVICES. RESPONDENT

MOTION TO OBJECT to MOTION to Dismiss

Comes now, Chuck McCullough (Appellant), respectfully states his objections to the motion to Dismiss filed by (SCDPPPS) to dismiss motion to Amend the Departments record on Appeal. The Department claims on page 3 last paragraph that "The remaining exhibits Appellant seeks to include are letters of rejection from 2017 and 2019, two letters from his family members, and and excerpt from his plea transcript, and that they are irrelevant

OBJECTION:

The documents (Exhibits) are directly relevant. First the rejection letters from 2017 and 2019 are Appellants evidence to support ISSUE # 3 of his brief. It shows how (SCDPPPS) continues to take away and new reasons to deny parole. Reason that are inconsistent and incorrect, violating Compton v. SCDPPPS

Secondly, letters from Family members are also directly relevant. They go to the Issue # 1 as evidence that due process was violated by not allowing Family members to be at the hearing, and not following all 15 points of criteria on 1212 Form.

These documents are relevant to Appellants appeal and shall be included as part of the record on Appeal, and they were not considered by the Parole Board, and was the reason for a reconsideration, because of failure to reschedule hearing due to Covid-19

Therefore, Appellant request that his objection be considered and the Motion to Dismiss be Dismissed and Motion to Amend Granted.

This 23 day of July 2020

Respectfully Submitted,
5/ Chuck E. McCullough
Chuck E. McCullough

Chuck McCullough #311608 2021-000447
Livesay Correctional Inst.
P.O. Box 580
UNA, S.C. 29378



LEGAL

RECEIVED
JUN 21 2021
SC Court of Appeals

The South Carolina Court of Appeals
Mrs. Jenny Kitchens / Clerk
P.O. Box 11629
Columbia, S.C. 29211