

State of South Carolina Administrative
Law Court : Case No: 21P002

Judge R. Anderson

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JUN 28 2021

SC Court of Appeals

Richard Sampson
Appellant

- vs -

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

Appeal Brief

Al-Shabazz vs. State 338 S.C.
354 S.E. 2d (2000)

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Summary of Facts

On Jan. 14, 2021 I, Richard Sampson Agency No. 196319 received a Notice of Rejection from Nettie C. Jacobs of the Board Support Services that did indeed harm me through the Constitutional violation of their own criteria that did show a "Liberty Interest" violation given the facts.

Although an inmate has no Constitutional right to be conditionally released before the expiration of a valid sentence, a State Statute may create a "Liberty Interest" in parole that is protected by the "Due Process Clause" of the Fourteenth Amendment. Based upon the factors published in the dept. form 1212, Section 24-21-640 of the S.C. Codes of Law, the actual risk and need assessment factors pursuant to Section 24-21-10 (F)(1) of the S.C. Codes of Law and the Parole Board's own acknowledgement of the usage thereof; the "Liberty Interest" violation cannot be ignored by this honorable Court.

Requesting Release based upon
Facts _____

South Carolina Administrative Law Court

Docket No: 21-ALJ-15-0002

Argument On Appeal

Appellant further contends that the Criterie Form 1212 does coincide with the S.C. State Statute § 24-22-30(F)(G)(b) and (c) and the standards set forth in Parole Policy § 2.20 (b)(c), all of which falls under the Classification Offender Management System in the Dept. of Corr. The expectation written within the embodiment of the enclosed listed State law and Statutes does give rise to an expectancy of Parole, if they are met by the prisoner.

Moreover, this is not a matter of guilt or innocence; but, clearly a matter of application of governing policy and State mandated Rules of law. The Offender Management System that is utilized by SCDC requires a prisoner to maintain an acceptable "Risk Score" in order to advance in custody status. By participating in various classes, vocational trades, etc. etc. all of which helps to build character, stem recidivism, and correct problematic behavior

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Argument on Appeal

in prisoner's, does aide in the Parole Review process. Appellant's release plan, family statement, work history during incarceration, whether or not he could live a law abiding life, living up to the mutual interest of society, as well as the gained impression by the parole examiner does shed light on the fact the matters listed within does give a Colorable Showing of a "Liberty Interest" established by the S.C. Codes of Law §24-22-30(A)(G)(b)(e), SCDC policy 10.15, Parole Criteria Form 1212, Parole Policy Guideline §2.20(b)(c); all of which did in fact harm Appellant during his parole review in that the Parole Board has failed to live up to it's own established Policy and Guidelines. Moving under the wording in Swarthout 131 S. Ct. 859 (2011), Appellant wishes to protect his "Liberty Interest" (created under the banner of S.C. § 220(b)(c), SCDC policy-10.15, S.C. Codes of Law §24-22-30 and the Department of

Moreover, this is not a matter of guilt or innocence; but, clearly a matter of application of law and the process thereof. The Offender Management System requires that prisoner's maintain an acceptable "Risk Score" by participating in various program based Classes, both of which is formulated to stem recidivism and correct certain problematic behavior in prisoners, (See Enclosed Annual Review Assessment Form) does side the Parole Board Review when assessing Appellant's institutional adjustments, family statements, Release Plan, Personal History, whether or not he could live a law abiding life and live up to the mutual interest of society, as well as, the impression gained by the parole examiner. These factors, along with job skills, disciplinary modification, and Critical Thinking Skills helps to build Character and protect the liberty interest established by the S.C. Codes of law §24-22-30(4)(a)(b)(c) and SCDC Policy-10.15, Parole Criteria Form 1212, as well as, § 2.20 of the Parole policy guideline (b)(c). (See Franklin vs. Shields). Standing upon his Constitutional Rights and the 8th Circuit ruling in Houston vs. Dowd 960 F. 2d; Appellant wishes to protect his "Liberty Interest's" created by the enclosed State Statutes,

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Regulatory Guidelines, Parole Criteria, Management System set forth by the State of South Carolina in the Decision Making Process in the granting of parole.

Appellant moves under the wording of

Swarthout vs - Cooke 131 S.Ct. 859 (2011) Seeking to protect his "Liberty Interest" under the Created banner of S.C. § 2-20 Parole Policy Guideline, SCDC P3-16.15, S.C. Codes of Law § 24-22-30 Offender Management System, Parole Criteria form 1212, all of which is formulated, if met by a prisoner the granting of parole. If these guidelines are not being used as the Guidepost to granting Parole to prisoner's that has served three-fourth of their sentence and have met the criteria's therein through hard work and good faith — Then please inform Appellant what is the Standard for Parole?

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Corrections Classification Management System.

All of which falls under the Courts ruling in *Al-Shabazz vs The State*, Due Process, as well as the Fourteenth Amendment.

In *Shields v. Franklin*, the Constitutional protection is clear, once established by Appellant that a Liberty Interest exists. If these very governing guidelines aren't being adhered to by the very people whom have created them for governing purposes, then please inform Appellant, as well as all Prisoner's ~ what is the real standard for Parole?

Based upon the enclosed facts, this Appellant does seek Conditional release or Rehearing based upon the facts therein.

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Certificate of Service

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I, Richard Sampson agency # 196319 do hereby state that I placed within the Perry Corr. Mailroom Service a copy of my Appeal Brief to the following parties as required by Rule 5(b)(1):

Deputy Dir. Legal Service
Dept. PPPS, P.O. Box 50666
Columbia, S.C. 292501

Clerk of Court
Admin. Law Court
1205 Pendleton St. Ste. 224
Columbia, S.C. 29201

Sworn to and signed
on the ___ day of Feb.
___ 2021.

My Commission Expires:


Richard Sampson #196319
Perry Corr. Inst. Q3A120
430 Oaklawn Rd.
Pelzer, S.C. 29669

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JUN 23 2021

PCI MAILROOM

South Carolina Court of Appeals

Ms. Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina
29211

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SC Court of Appeals

RE: Richard Sampson v. SCDPPPS
Case No. 2021-000477

Date: June 23, 2021

Ms. Kitchings,

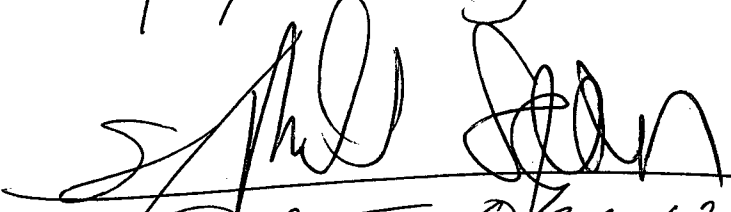
Please find enclosed a copy of the Original Appeal that I filed with the Admin. Law Court (residing judge Anderson III) and I recently sent forth a letter to your office confirming all filings pertaining to the above reference case. I also spoke with the Perry Core Inst. Mailroom Supervisor to ensure that all of my legal documents were sent forth.

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Simply because I paid postage to ensure prompt forwarding.

Moreover, I did indeed address all parties concerned and as always ~
Thank you for your time and assistance in this most important matter.

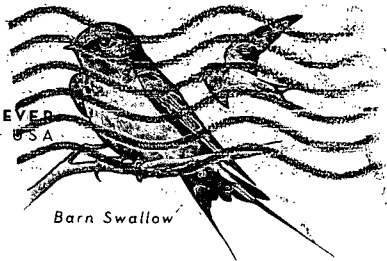
Respectfully,


P.C.I. QBA 120
430 Oaklawn Rd
Petzer, S.C. 29669

Richard Sampson 196319
Perry Corr. Inst. Q3A120
430 Oaklawn Rd
Pelzer, S.C. 29669
6/23/21

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