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Dec 21 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal From The Administrative Law Court
Honorable H.W. Funderburk, Jr., III, Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, # 217218.....APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICESRESPONDENT.

Motion for Certification

Appellant Joseph Kelsey, pursuant to Rule 204(b) of the South Carolina Appellate Court Rules (SCACR), and S.C. Code Ann. § 14-8-210(b), and in accordance with Rule 240, SCACR, hereby moves for certification of the above-captioned appeal for review by this Court. In support of this Motion, Appellant submits:

1. Appellant and Respondent South Carolina Department of Probation, Parole and Pardon Services have submitted their final briefs and the record on appeal, and this matter is currently awaiting consideration before the South Carolina Court of Appeals.
2. Under Rule 204(b), SCACR, and S.C. Code Ann. § 14-8-210(b), this Court may certify cases that that it deems appropriate. Certification of this case is appropriate under the Court’s standard for the following reasons:

- a. Twenty-five years ago, Appellant, then sixteen-years-old, was convicted of murder and sentenced to life imprisonment with the possibility of parole. His codefendants, Geoffrey Payne and Jamie Lee, were sentenced to life imprisonment with the possibility of parole and ten years, respectively. Of the three codefendants, Appellant is the only one still incarcerated.
- b. The underlying facts are horrific and Appellant fully acknowledges their nature and the fact that “[i]f just one of [the codefendants] had spoken up, if I said one word, she would have lived.” Parole Package Submitted on Behalf of Joseph Kelsey at 2 (Nov. 10, 2021) (**Exhibit 8**).
- c. Evidence of the murder, including the submission of this Court’s opinions finding Payne to be the most culpable, was submitted to the Board. *See Payne v. State*, 355 S.C. 642 586 S.E.2d 857 (2003) (discussing the codefendants’ relative culpabilities); *State v. Kelsey*, 331 S.C. 50, 502 S.E.2d 63 (1998) (discussing the nature of the crime). Additionally, Appellant submitted examples of his employment throughout incarceration, extensive educational experiences and achievements, and his work with hospice and the Crisis Stabilization Unit, along with the JumpStart Training program.
- d. The ALC found Appellant’s continued incarceration to be the product of a decision-making process that is “logically and legally absurd” and infected with the “untrue assertions of fact and argument” that produced a “decision that is arbitrary and capricious.” Final Order at 13, *Kelsey v. S.C. Dep’t of Probation, Parole & Pardon Servs.*, No. 19-ALJ-15-0061-AP (S.C. Admin. Ct. Oct. 7, 2020) (**Exhibit 1**).

- e. Despite finding serious error in Respondent’s process and the outcome, the ALC “reluctantly” concluded that it could not reverse the Board’s parole denial because “the Board has the sole authority to grant or deny parole and does so in [sic] a case by case basis.” **Exhibit 1** at 13.
- f. While the ALC’s factual findings at this stage of review are entitled to great deference, its legal conclusion—that it lacks the power to remedy serious statutory and constitutional violations by the Board—requires reversal. The ALC’s order, as the final agency decision, prejudiced Appellant’s substantial rights and was made in violation of constitutional provisions. Further, this decision was in excess of the agency’s authority, was made upon unlawful procedure, and was erroneous in view of reliable, probative, and substantial evidence of the whole record, and was arbitrary and capricious. *See* S.C. Code Ann. § 1-23-610(B) (outlining the reasons an appellate court may reverse or modify a decision by the ALC).
- g. As it stands, the ALC’s order more broadly cements the following for parolees and our jurisprudence: (1) the Board has license to act arbitrarily and capriciously, without any oversight and without offering “any rationale to [the Board’s] reasons or reasoning for the denial; (2) without judicial oversight, the Board will continue to violate the rights of putative parolees and the ALC will continue to greenlight the Board’s decisions based on misapprehension of the scope of the ALC’s jurisdiction; and (3) absent judicial intervention by this Court, Respondent and the ALC will further erode the judicial branch by making findings in direct contradiction to this Court because, in the words of Respondent, “[t]he Supreme Court’s findings are not relevant.” “[t]he Supreme Court’s findings are not relevant

to the Board’s decision-making process.” Br. of Resp’t at 5, *Kelsey*, No. 19-ALJ-15-0061 (Apr. 6, 2020) (**Exhibit 2**).

- h. Given the importance of the issues and the likely impact on the parole system, any opinion of the Court of Appeals would almost certainly be appealed to this Court regardless of the outcome, which will further delay a final resolution of this case and other cases currently in the system.

For the reasons discussed above and set forth in his accompanying motion, Appellant respectfully requests that this Court exercise its discretion under Rule 204(b), SCACR and S.C. Code Ann. § 14-8-210(b) and certify this appeal.

RESPECTFULLY SUBMITTED,

s/Whitney B. Harirson

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In the Supreme Court

Appeal From The Administrative Law Court
Honorable H.W. Funderburk, Jr., III, Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, # 217218.....APPELLANT,

V.

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

**Memorandum in Support of
Certification**

Appellant Joseph Kelsey, pursuant to Rule 204(b) and Rule 240 of the South Carolina Appellate Court Rules (SCACR), and S.C. Code Ann. § 14-8-210(b), submits this memorandum in support of his motion for certification of the above-captioned appeal for review. This case involves Appellant’s hearings before the South Carolina Board of Pardons and Paroles (the Board) and the Administrative Law Court (ALC)’s finding that the Board has repeatedly denied Appellant parole because the agency in which the Board sits, the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS), employs a decision-making process that is “logically and legally absurd.” Final Order at 13, *Kelsey v. S.C. Dep’t of Probation, Parole & Pardon Servs.*, No. 19-ALJ-15-0061-AP (S.C. Admin. Ct. Oct. 7, 2020) (**Exhibit 1**). As discussed herein, the ALC found that SCDPPPS’s process is infected with “untrue assertions of fact and argument” that produced a “decision that is arbitrary and capricious”—namely, that Appellant remains

incarcerated, despite a nearly perfect prison record, while his older, more culpable codefendant was released on parole six months before the Board decision at issue in this appeal. **Exhibit 1** at 8. Despite finding that the Board acted unlawfully—in direct violation of the Constitution and the South Carolina Administrative Procedures Act, S.C. Code Ann. § 1-23-310 *et seq.*—the ALC held that it lacked the power to provide any relief. By condoning erroneous rulings, the ALC’s decision serves as a permission slip to the Board to ignore the rule of law under the belief there is no consequence. While this alone is concerning for this case, in practice, it also gives the Board license to operate with no accountability, confirming SCDPPPS’s view that “[t]he Supreme Court’s findings are not relevant to the Board’s decision-making process.” Br. of Resp’t at 5, *Kelsey*, No. 19-ALJ-15-0061 (Apr. 6, 2020) (**Exhibit 2**). Such an outcome ignores the very essence of judicial review and warrants this Court’s expedited consideration.

Factual/Procedural History

The underlying crime involves the murder and rape of Melanie Richey, who was fifteen at the time of her death. Appellant and two codefendants, Jamie Lynn Lee and Geoffrey Payne, were charged with Melanie’s murder. In this Court’s words, “the testimony overwhelmingly proves that Payne murdered her,” whether by strangulation or by exploding her unconscious body. *Payne v. State*, 355 S.C. 642, 646, 586 S.E.2d 857, 859 (2003). Nevertheless, Appellant and Payne were both convicted of Melanie’s murder and sentenced to life imprisonment with the possibility of parole; Lee accepted a guilty plea in exchange for his testimony against Appellant and Payne and was sentenced to ten years’ imprisonment. Evidence of the murder, including the submission of this Court’s opinions finding Payne to be the most culpable, was submitted to the Board. *See Payne*, 355 S.C. 642, 586 S.E.2d 857 (discussing the codefendants’ relative culpabilities); *State v. Kelsey*, 331 S.C. 50, 502 S.E.2d 63 (1998) (discussing the nature of the crime).

Additionally, Appellant submitted examples of his employment throughout incarceration, extensive educational experiences and achievements, and his work with hospice and the Crisis Stabilization Unit, along with the JumpStart Training program. The account set forth below is derived *only* from materials that were submitted to the ALC—including materials submitted to Board and the transcripts of Payne’s final parole hearing.

Turning to facts of the underlying crime, Payne and Lee were at a house party where Appellant was temporarily staying when they decided to go to a nearby Texaco station around midnight. **Exhibit 1** at 2. There they found Melanie, alone and limping from a wound on her foot. *Kelsey*, 331 S.C. at 58-59, 502 S.E.2d at 67. They struck up a conversation—offering to help her address her wound—and in turn, Melanie returned to the party with them. *Id.* at 59, 502 S.E.2d at 67. At the party, Payne attempted to coax Melanie into having sex with him. *Id.* Frustrated by her refusals, Payne stated “he could kill her” and he subsequently laced her drink with ecstasy with Lee’s assistance. *Id.* During all of this, Appellant was listening to music by himself. *Id.*

Around 3:30 AM, Melanie asked for a ride home. *Id.* Payne and Lee invited Appellant to go along, and Payne instructed Appellant to bring some explosives the boys had made earlier that day in the backyard. Appellant “assumed Payne wanted to [use to] blow up mail boxes.” *Id.* at 59 n.1, 502 S.E.2d at 67. Unbeknownst to Appellant, Payne also told Lee to bring “something to knock [Melanie] out with.” *Id.* at 59, 502 S.E.2d at 67.

Lee drove the group with music blaring—Appellant next to him in the passenger’s seat and Payne and Melanie in the back. *Id.* After some time, Lee turned to see Payne strangling Melanie and then heard two thud sounds. *Id.* at 60, 502 S.E.2d at 68 (“[a] few minutes later, Lee heard “two quick, empty thud type sounds”); *Payne*, 355 S.C. at 645, 586 S.E.2d at 859 (noting that Payne hit Melanie twice on the head with a wrench). Melanie was not breathing. Tr. at 9, *In the Interest of*

Joseph G. Kelsey, No. 94-JU-35-14 (Dec. 5, 1994) (**Exhibit 3**) (detailing that Payne announced that Melanie was knocked out and stated “she’s not breathing. I think I’ve killed her”). According to Lee, Appellant was “curled into a ball[] up in the front seat of the car.” *Id.* at 20.

Payne told Lee to pull over. *Payne*, 355 S.C. at 645-46, 586 S.E.2d at 859; *Kelsey*, 331 S.C. at 59, 502 S.E.2d at 67. Appellant, who had CPR training, checked her pulse as soon as they got out of the car and was confident she was dead. *Kelsey*, 331 S.C. at 60, 502 S.E.2d at 68; **Exhibit 3** at 9. Payne “had sexual intercourse” with her body. *Payne*, 355 S.C. at 645-46, 586 S.E.2d at 859. Afterwards, the boys carried Melanie’s body into the woods and Payne “instructed Appellant to place a pipe bomb into [her] mouth.” *Kelsey*, 331 S.C. at 60, 502 S.E.2d at 68. Appellant, afraid of Payne after watching him rape and kill Melanie, complied with Payne’s demand. “Payne then lit the fuse, and the two ran.” *See id.* When police recovered Melanie’s body, enough time had passed that it was impossible for the coroner to conclusively identify how Payne killed her. **Exhibit 3** at 6.

Appellant was subsequently arrested and tried as an adult, given the seriousness of the crime. Lee testified against Payne and Appellant, in which he stated that Payne murdered Melanie.¹ *Id.* at 60, 502 S.E.2d at 68; *Payne*, 355 S.C. at 646, 586 S.E.2d at 859. While Appellant was present for Melanie’s death and participated in the destruction of her body—facts he admitted at trial and for which he has accepted full responsibility, *see* Parole Package Submitted on Behalf of Joseph Kelsey at 2 (Nov. 10, 2021) (**Exhibit 8**)—this was Payne’s crime. This Court has previously found

¹ Lee testified in exchange for a ten-year sentence. Notably, the only discrepancy between Appellant’s testimony and Lee’s testimony was the precise timing of Melanie’s death. Appellant testified, consistent with his statements to law enforcement, that Melanie was dead when Payne took her out of the car, whereas Lee testified that although Melanie was unconscious he thought he still felt a pulse. *Compare Payne*, 355 S.C. at 646, 586 S.E.2d at 859 (“After Payne strangled the victim, . . . [Appellant] testified that the victim was dead.”) *with id.* (“After Payne strangled the victim, Lee testified that the victim was still alive.”).

that the evidence “*overwhelmingly proves that Payne murdered [Melanie].*” *Payne*, 355 S.C. at 646, 586 S.E.2d at 859 (emphasis added).

Lee has been free for nearly twenty years, and on March 20, 2019, the Board paroled Payne, leaving Appellant—the youngest of the three—the only codefendant still incarcerated.

Before Appellant’s November 2019 parole hearing, he submitted written materials to the Board. He also appeared before the Board with two attorneys, a clinical psychologist with expertise in risk assessments, and four supporters who were prepared to discuss his release plans. Appellant also presented evidence of his efforts to better himself and readiness to resume his place in society.

This includes presenting his work history since 1994 and his graduation from the highly selective faith-based Columbia International University (CIU) Prison Initiative Program with 100% attendance, a 4.0 GPA, and an Associate’s Degree in Biblical Studies; and graduating in December 2019 from CIU with a Bachelor’s of Science Degree in General Studies and a concentration in Business Administration,² Psychological Evaluation for Parole at 2 (Oct. 24, 2019) (**Exhibit 4**) (listing certificates of education and accomplishments). He is one of only five

² Within a year of his incarceration, Appellant earned his GED, scoring so high that (top five percent of test-takers that year) he received a letter of commendation from the State Superintendent of Education. Certificate and Letter from State Superintendent (Mar. 1, 1995) (**Exhibit 5**). He went on to earn his diploma from CIU. In the words of Professor Stephen Baarendse, who taught Appellant at CIU, Appellant is “a fine example of rehabilitation in prison . . . who during his time in prison lived with integrity and served his fellow prisoners and supervisors well.” Letters from CIU program at 3 (**Exhibit 6**). Grace Dye, the Assistant Director of the CIU program who, at the time of Appellant’s parole hearing in 2019, had known Appellant for six years, wrote a letter on her own behalf urging the Board to grant Appellant parole:

[Appellant] is by far one of the gentlest and most determined men I’ve ever met. . . . Mr. Joseph Kelsey would be an excellent candidate for parole based on the maturity and character I’ve seen consistently displayed in his life over the years that I have known him. Mr. Kelsey is the kind of man I would want for a neighbor and believe our community would be better for having him as part of it.

Id. at 6.

CIU graduates ever to have obtained a bachelor's degree while incarcerated.³ *Id.* at 2-3. Appellant is also a spiritual and service leader in the SCDC community, with too many certificates and awards to list. *Id.* at 2. After serving as a Chaplain's Assistant and finishing JumpStart's rehabilitation program with its highest level of certification, he is now part of JumpStart's Leadership Training Program.

However, perhaps the best testament to Appellant's rehabilitation is his work with hospice and the Crisis Stabilization Unit (CSU). At Lee and Kirkland Correctional Institutions, Appellant volunteered with hospice service, providing terminally ill inmates with physical and emotional support at the ends of their lives. **Exhibit 4** at 2. When he was transferred to Broad River in 2016, he was eligible to serve as an Inmate Mental Health Companion in the CSU, where he is "responsible for observing crisis inmates with the directive of providing emotional support, modeling positive behaviors, and alerting relevant staff if medical care is needed or behavioral concerns are noted." As of October 2019, Appellant had provided emergency counsel to 243 inmates over the course of more than 1500 hours.⁴

³ Even after Appellant was denied parole in 2019, he did not stop seeking to better himself. In early 2020, he enrolled in a Master's Degree program at Adams State University in Denver, Colorado, and is currently pursuing his Master's in Business Administration. Since the abolition of post-secondary education funding for inmates, Appellant is one of only a few inmates in South Carolina to ever seek an advanced degree while incarcerated.

⁴ As a volunteer with the CSU, Appellant was selected as one of three spokespeople for the program during the filming of a television report on the CSU's successes, demonstrating the trust and confidence SCDC leadership places in Appellant. The CSU's success has been widely praised in the local media. *E.g.*, Crisis Stabilization Materials at 1 (**Exhibit 7**). Appellant has received multiple commendations, including one from Director of SCDC Bryan Stirling, "for his devoted and enthusiastic service to the program." *Id.* at 2-3. The manager of the CSU, Paul Dennis, described Appellant as displaying "exemplary patience, understanding, and compassion." *Id.* at 4. Another supervisor and mental health professional at the CSU, C. Austin Edmundson, has noted that Appellant, if released, "would be successful" because he "has all of the characteristics to be a positive and impactful member of the community." *Id.* at 5. And Ann-Marie Elwood, RN, who also works with Appellant at the CSU, wrote that she has "witnessed first-hand Mr. Kelsey give up his personal time to assist and pray with inmates in their time of great need." Ms. Elwood

Appellant also presented the Board with a viable release plan based on the full support of his father, step-mother, mother, siblings, and fiancée. He had four outstanding offers of employment and multiple reliable housing plans.⁵ **Exhibit 4.** Moreover, the undisputed evidence before the Board established that Appellant is a very low risk for reoffending. He has no violent disciplinary convictions during his entire incarceration, which is difficult to do when entering the system as a teenager, and he has not had a single infraction of any kind in over fifteen years.⁶ He has maintained this nearly perfect institutional record by a deliberate process of educating himself, growing his Christian faith, and serving his community. Dr. Susan Knight, a board-certified forensic psychologist, performed a full psychological evaluation of Appellant to assess his “developmental and psychosocial functioning prior to his incarceration; functioning over his incarceration; risk for future violence; and transition needs.” **Exhibit 3.** Dr. Knight’s evaluation confirms what Appellant’s actions indicate: he is rehabilitated and extremely unlikely to reoffend.⁷

opined that “Mr. Kelsey should be given the chance to re-enter society and be a productive member of the community.” *Id.* at 6.

Appellant has continued his work with the CSU since his 2019 parole hearing. As of mid-December 2020, he has provided emergency counsel to 269 inmates spanning more 1900 hours. And with the onset of the COVID-19 pandemic and rapid spread of the disease at Broad River, institutional staff have relied on Appellant more than ever. Since the CSU went into quarantine in July, Appellant is one of only two inmates trusted to continue constant monitoring of inmates in the CSU under strict safety conditions that include bi-weekly nasal swab tests. Appellant has also been tasked with cleaning and sanitizing the entire CSU and with distributing meals. In November 2020, Appellant was appointed by the Unit Manager to serve on the Inmate Representative Committee (IRC), a panel that serves as a liaison between prison administration, including the warden, and the inmate population.

⁵ Appellant has employment and housing available through JumpStart. He also has offers to live with his father in South Dakota, with his mother in Texas, or with his fiancée, Jennifer Montgomery. Jennifer is the Dean of Students at a public military college in Augusta, Georgia, and she owns a three-bedroom home. Jennifer and her mother remain prepared to support Appellant with unconditional love, transportation, and financial assistance. **Exhibit 4** at 9-10.

⁶ Appellant’s only major disciplinary violation in more than twenty-five years of incarceration was for using marijuana in 2003.

⁷ Dr. Knight’s evaluation was more comprehensive than the standard psychological evaluation

In sum, Dr. Knight concluded, Appellant “exhibits the requisite clinical stability for successful community reintegration, with a low risk of future violence, and a secure transition plan.” *Id.* at 18.

In reviewing this evidence, along with transcripts of Payne’s final parole hearing, the ALC found that Appellant—“a sixteen-year-old, whose sense of future consequences ha[d] not been fully developed”—had proven his rehabilitation through evidence of his “devotion to education and self-improvement and his volunteering to assist other inmates experiencing emotional crises.” **Exhibit 1** at 12. In sum, the ALC found Appellant’s rehabilitation combined with the Board’s decision to deny him parole “based exclusively on facts that cannot change” constituted “a denial of [Appellant’s] eligibility for parole,” which in turn triggered procedural due process protections. *Id.* While this finding should have conferred jurisdiction on the ALC to remedy substantive legal violations, the ALC found that it lacked the requisite authority to take any corrective action because “the Board has the sole authority to grant or deny parole and does so in a case by case basis.” Practically speaking, the if ALC’s reasoning is left to stand, decisions of the parole board are unreviewable—even when they are demonstrably random; based on impermissible considerations like race or religion; or where the process involved violates constitutional or statutory rights.

administered to individuals post-parole but pre-release. Specifically, Dr. Knight performed three clinical interviews with Appellant totaling 10 hours, plus telephone interviews with many members of his family. **Exhibit 3** at 2-3. She gave Appellant the Minnesota Multiphasic Personality Inventory, 2nd Edition (MMPI-2), a tool designed to assess personality and affective functioning, and the HCR-20^{V3}, a tool designed to assess an individual’s future risk of violence. *Id.* at 11-15. She also evaluated Appellant for any mental conditions or diagnoses detailed in the Diagnostic and Statistical Manual for Mental Disorders, Fifth Edition (DSM-V). *Id.* at 11. With respect to the MMPI-2, Dr. Knight reported that Appellant’s results “were indicative of someone with high self-confidence, minimal emotional distress, regrets regarding life decisions, good sociality, and well-controlled anger and frustration tolerance.” *Id.* With respect to the HCR-20^{V3}, Dr. Knight reported that Appellant “represents a low risk for future violent acts.” *Id.* at 15. And with respect to her clinical evaluation for DSM-V diagnoses or mental conditions, Dr. Knight found that Appellant has no mental disorders or any other DSM-V diagnosis. *Id.* at 11.

Compare **Exhibit 1** at 13 and **Exhibit 2** at 5 (“[Appellant’s] repeated and protracted arguments that the Board acted arbitrarily and capriciously . . . cannot stand against this axiomatic rule: The ALC may not substitute its judgment for that of the Board.”) with *Cooper v. S.C. Dept. of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 498-500, 502, 661 S.E.2d 106, 111-13 (2008) (reversing a decision by the ALC affirming a parole denial and remanding “for disposition in accordance with this opinion”).

This appeal followed. All final briefs and record on appeal have been submitted to the South Carolina Court of Appeals and the case is awaiting consideration.⁸

Standard of Review

This Court may, in its discretion, certify for its review any case pending before the Court of Appeals prior to its determination. Rule 204(b), SCACR; S.C. Code Ann. § 14-8-210(b). Certification of an appeal for review by the Court is appropriate where a case involves an issue of significant public interest or a legal principle of major importance. *Id.* The Court may also certify a case where it otherwise considers certification to be appropriate. *Id.*

⁸ Since the filing of this appeal, Appellant has again been denied parole, highlighting the necessity for this Court’s immediate intervention. *Cf. In re Vincent J.*, 333 S.C. 233, 509 S.E.2d 261 (1998) (in a challenge to a statute that provided for a maximum sentence of 90 days’ imprisonment, reviewing the merits of the challenge because the case was capable of repetition yet evading review). Nothing in Appellant’s prison record has changed except that he has continued to pursue his Master’s Degree in business administration and to collect commendations and accreditations, including a certificate that would permit him to work as a mental health specialist and bill Medicaid and Medicare if he were released. He remains a prime example of rehabilitation. Appellant’s most recent parole hearing took place November 10, 2021, and as of the time of filing, formal notification—through letter—has not been filed by the Board, although the audio recording of the hearing is available and indicates that Appellant was denied by a vote of six against parole versus one in favor. Appellant intends to file a motion to supplement the record to formally notify the appellate courts of this development as soon as he has received the formal denial letter confirming the vote count. Appellant does not believe further briefing would be required in the present appeal.

Argument

Appellant respectfully submits that this appeal presents appropriate circumstances for the Court to exercise its discretion to certify the case for review.

Appellant is in a unique and unenviable position: a court with jurisdiction to hear his case agreed that the Board acted unlawfully in denying him parole but proceeded to deny him relief because, it concluded, it “does not have the authority to grant parole or, unfortunately, the authority to rescind the Board’s grant of parole.” **Exhibit 1** at 13. But Appellant never asked the court to grant him parole; instead, Appellant asked for a new parole hearing that is conducted within the parameters of the law. The fact that the only non-arbitrary outcome at such a hearing would be a parole grant is a problem of the Board’s own making.

The ALC’s order greenlighting SCDPPP’s erroneous decisions prejudiced Appellant’s substantial rights and was made in violation of constitutional provisions; was in excess of the agency’s authority; was made upon unlawful procedure; and was erroneous in view of reliable, probative, and substantial evidence of the whole record; and was arbitrary and capricious. *See* S.C. Code Ann. § 1-23-610(B) (outlining the reasons an appellate court may reverse or modify a decision by the ALC). Unless this Court intervenes, the Board has made it clear that Appellant will die in prison while the person at whose hands Melanie Richey died will live out his life as a free man.

Moreover, the impact of the decision below is not limited to Appellant’s case. The ALC’s legal assessment of its own authority broadly cements three things: (1) the Board has license to act arbitrarily and capriciously, without any oversight and without offering “any rationale to [the Board’s] reasons or reasoning for the denial”; (2) without judicial oversight, the Board will continue to violate the rights of putative parolees and the ALC will continue to greenlight the Board’s decisions based on misapprehension of the scope of the ALC’s jurisdiction; and (3) absent

judicial intervention by this Court, Respondent and the ALC will further erode the judicial branch by making findings in direct contradiction to this Court because, in the words of Respondent, “[t]he Supreme Court’s findings are not relevant.” **Exhibit 2** at 5.

Given the importance of the issues and the likely impact on the parole system, any opinion of the Court of Appeals would likely be appealed to this Court regardless of the outcome, which will further delay a final resolution of this case and will impact all forthcoming parole cases.

CONCLUSION

For the reasons discussed above and set forth in his accompanying motion, Appellant respectfully requests that this Court exercise its discretion under Rule 204(b), SCACR and S.C. Code Ann. § 14-8-210(b) and certify this appeal.

RESPECTFULLY SUBMITTED,

s/Whitney B. Harrison

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December 21, 2021
Columbia, SC

Exhibit 1

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Joseph G. Kelsey, #217218,)	Docket No. 19-ALJ-15-0061-AP
)	
Appellant,)	
)	
vs.)	FINAL ORDER
)	
South Carolina Department of Probation,)	
Parole and Pardon Services,)	
)	
Respondent.)	
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This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an Appeal by Joseph G. Kelsey (Appellant) seeking review of a decision of the South Carolina Board of Pardons and Paroles (Board) of the South Carolina Department of Probation, Parole and Pardon Services (Department or Respondent) which denied him parole on a three to two vote in favor of parole.¹

STATEMENT OF THE CASE

Appellant was sentenced to life imprisonment for murder with the possibility of parole. Appellant was previously denied parole on November 18, 2015, and November 15, 2017. On November 13, 2019, Appellant appeared before five members of the Board. Three members voted in favor of parole. Two members voted against parole. The decision identified the only finding of fact as the “Nature and Seriousness of the Current Offense.” (R. p. 1.)

Appellant filed a Notice of Appeal on December 10, 2019. The Record on Appeal, consisting of two pages, a certificate of counsel, and a certificate of service (and a title page) was filed on February 12, 2020. Also, on February 12, 2020, Appellant moved for permission to exceed the page limit on briefs imposed by SCALC Rule 60(A). The Court granted the motion by order issued February 24, 2020.

¹ S.C. Code Ann. § 24-21-645 (Supp. 2019) requires a two-thirds vote to authorize parole for a person “convicted of a violent crime as defined in section 16-1-60 of the South Carolina Code.” *Barton v. S.C. Dept. of Probation, Parole and Pardon Services*, 404 S.C. 395 at 415, 745 S.E.2d 110 at 121 (2013).

FILED

OCT 07 2020

SC ADMIN. LAW COURT

On March 3, 2020, Appellant filed a Motion to Supplement the Record on Appeal so as to include documents received by the Department and the Board prior to the hearing, prior Board denials, letters from Appellant, the transcript of a codefendant's parole hearing (held November 4, 2020), the transcript of Appellant's parole hearing and reconsideration requests, and selections from Appellant's trial and waiver hearing. The Supplemental Record on Appeal (SROA) was filed on March 3, 2020. Department's counsel stated in an email that he did not object to Appellant's supplementing the record. Nevertheless, on March 5, 2020, Department's counsel filed a response to the motion arguing that the material offered was "immaterial to the matter at issue and [was] outside the scope of the limited authority of the ALC." Appellant responded to the Department's memorandum in opposition on March 10, 2020, to which the email referenced above was attached. On March 13, 2020, the Court granted the Motion to Supplement the Record on Appeal on the ground that counsel's consent, once given, must stand.

Appellant's brief was filed March 9, 2020. Respondent filed its brief on April 6, 2020, and also filed a motion seeking permission to exceed the page limit on briefs imposed by SCALC Rule 60(A). No reply to that motion was filed. The Court granted the motion to exceed the page limit.

BACKGROUND²

On July 11, 1994, Appellant (sixteen years old at the time) and two seventeen-year-old friends (Payne and Lee) were left by another seventeen-year-old friend (Kirchner) at his house when he went to work. The remaining three youths began experimenting, making three pipe bombs from galvanized pipe and shotgun shells. One was detonated in the back yard of Kirchner's house and made a foot-wide hole about four inches deep. Appellant put the other two pipe bombs into his travel bag in the house.

Appellant, Payne, Lee, and four others gathered at the house for a party. All were drinking beer. Around midnight, Payne and Lee went to a nearby Texaco gas station where they encountered Melanie Richey. Richey had cut her foot while sneaking out of her house to meet a friend. Payne and Lee offered to take Richey to Kirchner's house where they could bandage her foot.

² The account of the crime for which Appellant is incarcerated is taken from the Supreme Court's narratives in *Payne v. State*, 355, S.C. 642, 586 S.E.2d 857 (2003) and *State v. Kelsey*, 331 S.C. 50, 502 S.E.2d 63 (1998).

Payne, Lee, and Richey returned to Kirchner's house around 1:30 a.m. when Payne and Lee helped Richey bandage her foot. The three joined the party. Payne attempted unsuccessfully to persuade Richey to have sex with him. Frustrated by her refusal, Payne expressed his anger to Richey and, allegedly, told Lee that he was so angry he could kill Richey.

Around 3:30 in the morning, Lee, Kelsey, and Payne decided to take Richey home. Payne asked Lee to get something with which he could knock Richey out. Lee found a wrench in Kirchner's garage. Payne also asked Kelsey to bring the unexploded pipe bombs.

Instead of taking Richey home, Lee drove in the opposite direction ultimately driving from Georgia into South Carolina. Payne and Richey were in the back seat where, as Lee observed, Payne had a strangle hold on Richey. Within minutes, Lee testified that he heard "two quick, empty thud type sounds." (*Kelsey*, 331 S.C. at 60, 502 S.E.2d at 68.) Lee again observed that Payne had a choke hold on Richey and was holding the wrench. Kelsey testified that Richey was limp and pale and her lips were blue.

Subsequently, Payne directed Lee to drive to a bridge on the boundary between Edgefield and McCormick counties where Payne told Lee and Kelsey "that he was going to have sex with Richey." (*Id.*) An approaching vehicle interrupted Payne, and Lee drove away but returned to the bridge when the other vehicle had passed. Lee testified that Richey was unconscious but alive. Kelsey testified that he checked her pulse and concluded that she was dead.³

Lee drove about 100 feet away from the bridge where the three removed Richey from the vehicle "and carried her into the woods and up an embankment." (*Id.*) Lee returned to the car, and Payne and Kelsey remained. Payne directed Kelsey to place one of the pipe bombs into Richey's mouth. "Payne then lit the fuse, and the two ran." (*Id.* 60-61.)⁴ The bomb exploded some seconds later. The three then returned to Kirchner's home.

Eventually, Payne and Kelsey were tried as adults. Kelsey was convicted of murder, criminal conspiracy, and possessing a pipe bomb. Payne was convicted of murder and criminal conspiracy.⁵

³ Appellant's attorney represented that Kelsey had CPR training, thus, augmenting Kelsey's reliability on this point. (Appellant's Brief, p. 4.)

⁴ Kelsey testified that Payne used a lighter to ignite the fuse. "Lee testified that Payne threw the lighter on the dashboard of his car." *Payne*, 355 S.C. at 646, 586 S.E.2d at 859.

⁵ Lee testified for the prosecution at Kelsey and Payne's trial in exchange for a reduced sentence of ten years.

By the time the body was found, it was impossible to tell whether Richey was choked to death, killed by a blow to the head, or killed by the pipe bomb. The Supreme Court concluded that in any event, “the testimony overwhelmingly proves that Payne murdered her.” (*Payne*, 355 S.C. at 646, 586 S.E.2d at 859.)

AUTHORITY AND SCOPE OF REVIEW

The jurisdiction and authority of the ALC to hear appeals from the Department is limited. The Court is governed by the South Carolina Constitution, the South Carolina Administrative Procedures Act (which created the Court), and decisions by the South Carolina Supreme Court (Supreme Court) delineating the ALC’s jurisdiction to hear and decide issues arising from certain State agencies. The Constitution provides as follows:

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review.

S.C. Const. art. I, 22.

However, S.C. Code Ann. § 1-23-600(D) (Supp. 2019) provides that an “administrative law judge shall not hear . . . an appeal involving the denial of parole to a potentially eligible inmate.” In *Furtick v. S.C. Dep’t of Prob., Parole and Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003), the Supreme Court identified exceptions to this restriction for issues that implicate a liberty interest requiring “at least minimal due process.” *Id.* at 598, 576 S.E.2d at 149.

Therefore, the Supreme Court held that the ALC has jurisdiction to review the Department’s final decisions. *See Furtick*, at 597, 576 S.E.2d at 148. This review is confined to errors in method and procedure. For example, if a Board decision, because of the procedures employed, effectively renders an individual ineligible for parole, then there has been a deprivation “of a state-created liberty interest” triggering “the due process requirements of judicial review” by the ALC. *Cooper v. S.C. Dep’t of Prob., Parole and Pardon Servs.*, 377 S.C. 489 at 495-96, 661 S.E.2d 106 at 110

(2008).⁶ Further, the Supreme Court held that the Board's failure to follow statutory procedure was reviewable:

If a Parole Board deviates from or renders its decision without consideration of the appropriate criteria, . . . it essentially abrogates an inmate's right to parole eligibility and, thus, infringes on a state-created liberty interest.

Undoubtedly, the Parole Board is the sole authority with respect to decisions [granting or denying] parole. However, the Legislature created this Board to operate within certain parameters. We do not believe the Legislature established the Board and intended for it to render decisions without any means of accountability.

Id. at 499, 661 S.E.2d at 111.

The Supreme Court subsequently clarified *Cooper*, emphasizing that in a routine denial of parole, the Board need only to state clearly that it considered the appropriate factors. While not precisely defining "routine," the Supreme Court provided a contextual understanding of the term:

. . . if the Parole Board clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the fifteen factors published in Form 1212, and that if the Parole Board complies with this procedure, the decision will constitute a *routine* denial of parole and the ALC will have limited authority to review the decision [emphasis added].⁷

Compton v. S.C. Dep't of Prob., Parole and Pardon Servs., 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009).

Thus, the ALC's jurisdiction, conferred by *Furtick*, is limited by *Cooper* and *Compton*.

Respondent contends that an appeal of a **routine** denial of parole should be dismissed because the ALC has limited authority to review a Board decision. The problem, of course, is determining of what the ALC's limited authority consists and how it is to be exercised. A further complication arises when the Board provides a minimal record from which the ALC cannot ascertain that the Board's action is supported by the evidence it considered and that its decision is, in fact, a routine denial of parole.

⁶ It is not necessary that the Board use the term "permanent" in its denial to implicate a sufficient liberty interest. In *Cooper*, the Supreme Court went on to say, "a sufficient liberty interest may be implicated to trigger due process requirements even though the Parole Board's decision did not constitute a permanent denial of parole eligibility. *Id.* at 498, 661 S.E.2d at 111 (Citation omitted).

⁷ Form 1212 has either 15 or 16 factors depending on when the crime occurred. *See* 2010 Act No. 273, § 66, providing that Part II of the act takes "effect on January 1, 2011, for offenses taking place on or after that date."

STATEMENT OF ISSUES ON APPEAL⁸

1. Was the Board's decision to deny parole to Appellant, based solely on the "nature of the offense," arbitrary and capricious in light of the Board's decision to grant parole to Payne for the same offense?
2. Did the Board err when it determined that Appellant's role in the underlying criminal act was more severe than Payne's role as characterized by the Supreme Court?
3. Did the Board violate due process in determining that all aspects of parole memoranda prepared by an agency official are exempt from disclosure under the public records law thereby denying a parole applicant the opportunity to see or challenge potentially inaccurate information about the nature and circumstances of the offense upon which the parole decision is based?
4. Did the Board's decision in this case violate due process and the agency's rules by requiring Appellant to receive more than two-thirds of the votes when only five of the seven members voted?
5. Considering the evolution in the law applicable to juvenile sentencing, does due process require the Board to adopt specific procedures for those who committed crimes as juveniles to protect their right to live "some years of life outside prison walls" (*Montgomery v. Louisiana*, 136 S.Ct. 718, 737 (2016))?⁹
6. Was the Board arbitrary and capricious when it denied the Appellant parole based upon the nature and seriousness of the offense? (This question is Respondent's version of the first issue above.)

DISCUSSION

1 & 6. Is the Nature and Seriousness of the Offense, alone, a sufficient ground on which to deny parole?

⁸ In view of the disjunction of the issues identified by Appellant and Respondent, all issues are listed here although the Discussion will combine 1 and 6.

⁹ No U.S. cite as yet. Respondent presents only two issues; its second issue presents this question without case law citation.

a. Is the exclusive reliance on the nature and seriousness of the offense a factual finding that effectively makes the applicant ineligible for parole. On November 15, 2019, the Board, over the stamped signature of a person providing Board Support Services, rejected Appellant’s application for parole by a vote of three in favor of parole and two against parole. According to this Notice of Rejection, the Board reviewed (1) the characteristics of the current offense, prior offenses, prior supervision history and/or prior criminal record; (2) the factors in Department Form 1212; (3) the factors outlined in S.C. Code Ann. § 24-21-640, and (4) actuarial risk and needs assessment as required by S.C. Code Ann. § 24-21-10(F). However, the only fact found from this review was that the “Nature and Seriousness Of [sic] Current Offense” warranted denying Appellant’s parole. (R. p. 1.)

The Board, therefore, based its decision on the original crime, consequently solely on facts that can never change.¹⁰ Grounding its decision on this single event, without supplemental findings, effectively denies Appellant’s eligibility for parole. As the Supreme Court observed, “a sufficient liberty interest may be implicated to trigger due process requirements even though the Parole Board’s decision did not constitute a permanent denial of parole eligibility.” *Cooper*, at 498, 661 S.E.2d at 111. Furthermore, as the Supreme Court held in *Cooper*, a challenge to “the method and procedure” employed in reaching a parole decision could raise

a sufficient liberty interest to trigger due process requirements of judicial review. If a Parole Board fails to consider **and apply** the statutorily-created parole criteria, it has the effect of rendering an inmate parole ineligible In the instant case, the Parole Board apparently failed to consider the requisite factors and, instead, based its decision on certain fixed factors that are unaffected by any rehabilitation efforts on the part of [the inmate].

Cooper, at 502, 661 S.E.2d at 113 (emphasis added).

The Court acknowledges that a crime could be so egregious and so shocking to social norms that a perpetrator could and should be denied parole indefinitely. However, it is difficult to believe that a sixteen-year-old, whose sense of future consequences has not been fully developed, could be so hardened and morally corrupt as to be forever beyond rehabilitation. Appellant’s devotion to education and self-improvement and his volunteering to assist other inmates experiencing emotional crises support the claimed success of his rehabilitation.

¹⁰ The Record provided by Respondent contained no evidence from which those “facts” could be found.

b. Given the claimed success of rehabilitation reported for both Appellant and his co-defendant Payne, do inconsistent Board decisions demonstrate arbitrary and capricious decision making? The Supplement the Record on Appeal includes transcripts of Appellant's parole hearing (November 13, 2019) and the parole hearing of Appellant's co-defendant, Geoffrey Payne (March 20, 2019). Appellant was denied parole; Payne was unanimously (6–0) granted parole.

Appellant argues that the Board's denying his parole application and granting Payne's based on their participation in the same crime demonstrates an arbitrary and capricious decision.

Both inmates have compiled extraordinary records as model prisoners. Payne, who was 17 when the crime occurred, has been involved in character-based programs such as Operation Behind Bars, Turning Leaf, and Jumpstart. He obtained a GED, a journeyman certificate, and a gold work keys certificate. He is pursuing an associate degree via correspondence from Ohio University. He participated in programs to assist other inmates. Payne has plans for work and has arranged for a place to live.

Appellant, who was 16 at the time of the crime, earned his GED and an associate degree from CIU (Columbia International University). He worked with Operation Behind Bars and Jumpstart. He has also worked in crisis intervention to help other inmates. He plans to continue his education and has options for job offers and residential arrangements.

The only significant differences between Payne and Appellant derive from their respective roles in the crime. Appellant made pipe bombs and placed one of them in the mouth of the victim, whom he thought to be deceased. Payne choked and struck the victim with a wrench, raped her or had sex with her corpse, and lit the fuse that detonated the pipe bomb.

Distinguishing between these two for purposes of granting parole can be nothing but arbitrary and capricious decision making. It would be barely justifiable to parole both, but completely understandable to deny parole to both. To treat one differently from the other can be based on nothing but arbitrary caprice.

2. Did the Board deny Appellant parole on an erroneous belief that he was the “trigger man” in the victim’s murder? Payne’s attorneys argued that the Board could satisfy the victim’s family by paroling Payne and denying parole to Appellant. In addition, Payne’s attorneys

characterized Appellant as the perpetrator and stated that the victim's family could "still express their ire against parole with respect to the man who actually took their daughter's life." (SROA, p. 81.) This statement is contrary to the facts, recognized by the South Carolina Supreme Court, that Payne choked the victim, struck her in the head with a wrench, and ignited the pipe bomb's fuse. (See Background *supra* and *Payne*, 355 S.C. at 646, 586 S.E.2d at 859.)

The argument by Payne's attorneys and the subsequent Board decision was based on misinformation and an improper argument bargaining Payne's parole against keeping Appellant in custody.¹¹

3. Did the Board err in determining that information prepared by an agency official is exempt from disclosure thereby denying a parole applicant the opportunity to challenge potentially inaccurate information? Respondent contends that there is no right of confrontation in parole hearings. That is true. S.C. Code Ann. § 42-31-50 (2007). The Board rightfully segregates the inmate from victim witnesses. Documents, subject to redaction, are a different matter.

Respondent also contends that S.C. Code Ann. 24-21-290 (2007) classifies information and data obtained by a probation agent as privileged and confidential. For this reason, the Board mistakenly believes that a parole applicant has no right to review his parole file.¹² Yet, the Department's "Criteria for Parole Consideration" (Form 1212) includes the following:

The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. The files . . . are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching: inmates themselves have no right to inspect the contents of their files. **If the inmate thinks his/her file is somehow incomplete or contains some errors or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy.** (Emphasis added.)

That the inmate must notify the Board of an error in a file he has no right to see is logically and legally absurd.

¹¹ Respondent represents that the Board considers parole applications on a "case by case" basis. The argument allowed in Payne's parole hearing (SROA, p. 081) runs directly counter to Respondent's assertion.

¹² Respondent cites S.C. Code Ann. § 24-21-40 (2007), which requires the Board to keep a record of its proceeds and maintain those records subject to the order of the Governor or the General Assembly (a document retention rule), as a basis for denying access to the records of a public body. Apparently, the Department can choose when to ignore this rule. See *Rose v. S.C. Dep't of Prob., Parole and Pardon Servs.*, 429 S.C. 136, 141, 838 S.E.2d 505, 508 (2020).

ALC rules require that documents be redacted. Information and data can and should be provided while the privacy and identifying information of sources must be redacted or the documents must be submitted under seal. SCALC Rule 6. Therefore, evidence that formed the basis for a finding of fact could be furnished to the ALC for its review.

In this case, the Supplemental Record on Appeal provided to the Court provides ample material for review. Accordingly, no error has been shown.

4. Did the Board's decision in this case violate due process and the agency's rules by requiring Appellant to receive more than two-thirds of the votes when only five of the seven members voted? In this case, an absent member and an unfilled vacancy left the Board with only five voting members present. The two-thirds vote required for parole could be met if Appellant received four votes in favor of parole. Even if all six sitting members had been present, that would have been the case. Here, Appellant received three votes but could have been paroled only if the absent member had been present and voted in his favor.

Appellant argues that the absent vote was effectively counted as a "no" vote contrary to *Barton v. S.C. Dep't of Prob., Parole, & Pardon Servs.*, 404 S.C. 395, 418, 745 S.E.2d 110, 123 (2013):

[the Department's] "interpretation treats nonparticipating members of the Parole Board as 'no' votes. [The Department] fails to present any authority for what is the illogical position that the General Assembly intended for non-participating [sic] Parole Board members to arbitrarily count against inmates convicted of a violent crime Put another way, [the Department] fails to bring forward any rationale as to why absent Parole Board members could not be just as well treated as 'yes' votes.

Respondent agrees that the essential holding of *Barton* is that the two-thirds requirement must be applied to the Board members present and not to the full membership. *Id.* at 419, 745 S.E.2d at 123.

Appellant also argues that he should have been notified that a member would be absent so that he could have made an informed choice to proceed or not when only five members would be present. Appellant contends that this lack of notice deprived him of constitutionally adequate notice.

Constitutionally adequate notice "turns, to a considerable extent, on the knowledge which the circumstances show such party may be taken to have of the consequences of his own conduct." *Link v. Wabash R. Co.*, 370 U.S. 626 632, 82 S.Ct., 1386, 1390 (1962) (This case was dismissed

when an attorney failed to attend a scheduled pretrial conference.). According to Appellant, when “a party risks the forfeiture of an important right, he must be on notice of what will happen if he does or does not act.” (App. Brief, p. 17.) Notice, in cases under the Administrative Procedures Act, includes (1) the time, place, and nature of the hearing, (2) the authority and jurisdiction applicable to the hearing, (3) reference to the statutory sections and rules which apply, and (4) a short and plain statement of the matters asserted or a statement of the issues involved. S.C. Code Ann. § 1-23-320(B) (Supp. 2019); *Ross v. Med. U. of S.C.*, 328 S.C. 51, 63, 492 S.E.2d 62,69 (1997).

In addition, S.C. Code Ann. § 24-21-645 does not require a specific number of Board members “that must review the parole suitability of an inmate convicted of a violent crime but also does not expressly exclude the common law quorum principle.” *Barton*, at 417, 745 S.E.2d at 122. As long as a quorum is present, the unexpected absence of a Board member cannot justify rescheduling a hearing. Moreover, Appellant made no objection to the composition of the Board upon his discovery the day prior to the hearing that only five members would be present. An issue not raised at the hearing below cannot be raised now on appeal. *Herron v. Cent. BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) (citations omitted) (“At a minimum, issue preservation requires that an issue be raised to and ruled upon by the trial judge. It is ‘axiomatic that an issue cannot be raised for the first time on appeal.’”)

Appellant’s argument that the composition of the Board at his hearing prejudiced him because he did not get adequate notice of that fact is without merit. For this reason, Respondent’s position on this issue is upheld.

5. Does due process require the Board to adopt specific procedures for those who committed crimes as juveniles to protect their right to live “some years of life outside prison walls”? Appellant relies on *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016) for the principle that the Board should adopt special procedures for those who committed crimes as juveniles. The United States Supreme Court announced that,

children are constitutionally different from adults in their level of culpability . . . prisoners like Montgomery [who committed murder when he was 17 years old] must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored

Id. at 736-37.

Appellant availed himself of that opportunity in his parole hearing. The ALC has no authority to make policy for the Department or to modify its governing law. Therefore, the Court declines to rule on this issue. Ultimately, the General Assembly must determine whether and how to address this situation.

CONCLUSION

The Board denied Appellant's application for parole solely on the basis of the "nature and seriousness of the offense." Although that is a required factor to be considered in an appeal, S.C. Code Ann. § 24-21-640 provides clear instructions for the Board's evaluation process:

The board must carefully consider the record of the prisoner before, during, and after imprisonment, and no such prisoner may be paroled until it appears 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 interest of society will not be impaired thereby; and that suitable employment has been secured for him.

By focusing on the crime alone, the Board fails to consider the inmate's record before and during his imprisonment and whether he has exhibited a "disposition to reform" and is likely to behave in accord with the law and social norms.

This section also requires the Board to "establish written, specific criteria for the granting of parole [which] reflect all of the aspects of this section and include a review of a prisoner's disciplinary and other records." The Board's consideration of these criteria is not reflected in its single factual finding. In actuality, a finding, based exclusively on facts that cannot change, is effectively a denial of the inmate's eligibility for parole.

In addition, the account of the crime leading to the convictions of both Appellant and his codefendant (Payne) suggests that both or neither should be paroled. Although the Board has the sole authority to grant or deny parole, its decision to parole the individual who beat the victim with a wrench, choked the victim, raped her, and set off the pipe bomb in her mouth appears to be arbitrary and capricious in light of its decision to deny parole to another participant in the crime who did not beat, choke, or rape the victim but did construct the pipe bomb and place it in the victim's mouth.

Finally, if the Board did indeed review the facts of the crime and both Payne's and Appellant's records while incarcerated, it could not have believed the statements made in Payne's parole hearing that Appellant, not Payne, had set off the pipe bomb. Likewise, it should not have allowed an argument that suggested that it could parole Payne and satisfy the victim's family by keeping Appellant in custody. An argument that appeals to that kind of bargaining taints the process, the members of the Board, and the attorneys who made it.

Appellant's remaining arguments are without merit or are beyond the authority of the ALC to address.

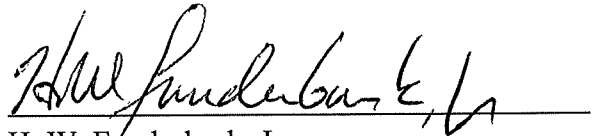
Although the Court has identified one decision that is arbitrary and capricious and another that was based on untrue assertions of fact and improper argument, the Board has the sole authority to grant or deny parole and does so in a case by case basis. This Court does not have the authority to grant parole or, unfortunately, the authority to rescind the Board's grant of parole.

It is, reluctantly, therefore,

ORDERED that that Appellant's Appeal is **DENIED**.

AND IT IS SO ORDERED.

Columbia, South Carolina
October 7, 2020



H. W. Funderburk, Jr.
Administrative Law Judge

Docket No. 19-ALJ-15-0061-AP

CERTIFICATE OF SERVICE

I, Elizabeth A. Perkins, hereby certify that I have this date served the enclosed **Final Order** upon all parties to this case by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the parties' attorneys.

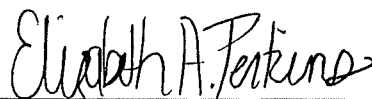
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FILED

OCT 07 2020

SC ADMIN. LAW COURT

Exhibit 2

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 19-ALJ-15-0061

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

JOSEPH KELSEY, #217218.....APPELLANT

v.

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

BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

1. Was the Parole Board arbitrary or capricious when it denied the Appellant parole based upon the nature and seriousness of the offense?
2. Does due process require the Parole Board to adopt a set of procedures specific to inmates who committed their offenses as juveniles?

STATEMENT OF THE CASE

In early July 1994, sixteen-year-old Joseph Kelsey was staying with his friend in Martinez, Georgia while his friend's father was away from home on business. On Monday, July 11, 1994, the friend left to go to work, leaving Kelsey, seventeen-year-old Geoffrey Payne, and seventeen-year-old Jamie Lynn Lee ("Defendants") alone in the house. Defendants decided to manufacture homemade pipe bombs. They constructed a number of bombs, two of which they detonated in the backyard.

Later that evening, Defendants and four others gathered at the house for a party. At around midnight, Lee and Payne left the party to go to a nearby Texaco station. When Lee and Payne arrived at the station, they spotted the victim standing near a telephone booth. She had snuck out of her house to meet with a friend and had severely cut her foot. Lee and Payne offered to take her to the house in order to clean and bandage her injuries.

The victim accepted. Lee, Payne, and the victim returned to the house at around 1:30 a.m. Lee and Payne helped the victim bandage her foot and then all three rejoined the party. Payne repeatedly tried to coax the victim into having sexual intercourse with him, who refused his advances. At several points during the night, Payne expressed to Lee his frustration.

Payne instructed Lee to crush up a tablet of "Ecstasy," a mild hallucinogen. Payne poured the powder into a mixture of tea and water in order to hide the taste of the drug. Payne gave the drink to the victim and told her it would help calm a stomach-ache she had been complaining about earlier in the evening. Payne did not tell her that the drink was laced with Ecstasy. Kelsey testified that while this was going on, he was resting on the floor by the stereo and occasionally changing the music selection. At around 3:30 a.m., Defendants decided to take the victim home.

Defendants and the victim then got into Lee's car, ostensibly to take her home. Lee was driving, Kelsey was in the passenger seat, and Payne and the victim were in the backseat.

Lee eventually drove across the Georgia border and into South Carolina. Lee testified that the music was "obscenely" loud in the car, and he was going about 90 m.p.h. Soon after entering South Carolina, Lee noticed his tachometer go from 4200 to 6000 r.p.m. Lee looked down at the gear shift and discovered the victim's foot had knocked the gear into neutral. Lee turned around and saw that Payne had the victim in a "strangle hold type position." Lee continued to drive. A few minutes later, Lee "heard two quick, empty thud type sounds." He again turned around and saw that Payne still had the victim in a strangle hold. Lee further testified that Payne had a wrench in his hand. Kelsey testified that he had also turned around and saw that the victim's body was limp, her face was pale, and her lips were blue.

A few moments later, Payne leaned forward to tell Lee to turn the music down. According to Lee's testimony, Payne stated, "I'm pretty sure she's knocked out, guys." Payne then instructed Lee to go to a bridge between Edgefield and McCormick counties. Lee drove to the bridge where he parked the car. Defendants got out of the car, leaving the victim in the backseat. Payne informed Lee and Kelsey that he was going to have sex with her. Payne took off his clothes and the victim's shorts. A few moments later, Lee warned Payne that a car was coming. Defendants quickly got back into Lee's car and began driving. After the approaching vehicle passed, Lee turned the car around and went back to the bridge. Lee testified that the victim was unconscious the entire time, and "she was definitely alive." Kelsey, on the other hand, testified that he had checked her pulse, and he believed she was dead.

Lee once again drove away from the bridge. He got approximately 100 feet down the road when Payne told him to stop the car. Defendants pulled the victim out of the car and carried her

into the woods and up an embankment where they placed her on the ground. Lee returned to the car. Payne and Kelsey remained by the body. Kelsey testified that while he was standing over the victim's body, Payne instructed him to place a pipe bomb into her mouth. Kelsey complied. Payne then lit the fuse, and the two ran. A few seconds later, the bomb exploded. Defendants returned to the house where they fell asleep.

Defendants were eventually arrested and charged with murder.¹ Kelsey was arrested in Maryland and brought back to South Carolina to stand trial. Kelsey's case was transferred from family court to the Court of General Sessions where Kelsey and Payne were tried together as adults. Payne was found guilty of murder and criminal conspiracy. Kelsey was found guilty of murder, possession of a pipe bomb, and criminal conspiracy. Kelsey was sentenced to life imprisonment for murder and consecutive sentences of five years for possession of a pipe bomb and criminal conspiracy.

The Appellant first appeared before the Board on November 18, 2015 and was denied. He was denied again at his second appearance before the Board on November 15, 2017. The Appellant's most recent hearing occurred on November 13, 2019, where parole was denied due to the nature and seriousness of the current offense. After this denial, the Appellant filed a notice of appeal before the Administrative Law Court (ALC).

The Respondent's brief follows.

¹ It should be noted that although at trial Lee and the Appellant (Kelsey) both testified that Payne was the principal actor, Lee had initially made statements that the most responsible individual was the Appellant. "Kelsey testified, and admitted his guilt of the charges other than conspiracy and murder; petitioner [Payne] did not testify. A third youth [Lee] involved in the crimes testified for the State; he had initially identified Kelsey as the perpetrator, but in later statements and in his trial testimony he identified [Payne] as the responsible individual." *Payne v. State*, 355 S.C. 642, 648, 586 S.E.2d 857, 860 (2003) (Pleicones, concurring).

ARGUMENTS

1. The Appellant is appealing the routine denial of parole so therefore this appeal should be dismissed.

The Appellant argues that the Board acted arbitrarily and capriciously when it denied parole and based its grounds on the nature and seriousness of the offense. However, the nature of the offense and its seriousness is one of the published factors that the Board must consider when it decides whether to grant or deny parole.

The Department respectfully submits that this Court has limited authority to review the matter. *Cooper v. South Carolina Dept. of Probation, Parole and Pardon Services*, 377 S.C. 489, 500, 661 S.E.2d 106, 112 (2008), states, “We emphasize that ... if [the Parole Board] clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the fifteen factors published in its parole form... the decision will constitute a routine denial of parole and the ALC would have limited authority to review the decision to determine whether the Board followed proper procedure.”

In this case, the order denying parole includes the statement that the Board considered the factors in *Cooper*. It stated that, “[a]fter 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.” R.*

The Board does not have to provide further rationale as to its reasons or reasoning for the denial of parole. At no point does *Cooper* require the Board to explain its reasoning, and even if the Board did provide a detailed analysis of its decision-making process, the court cannot substitute

its judgment for that of the Board. S.C. Code §1-23-380(5) (2008). “The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact.”

The Appellant’s repeated and protracted arguments that the Board acted arbitrarily and capriciously because of its granting of parole to his co-defendant simply cannot stand against this axiomatic rule: The ALC may not substitute its judgment for that of the Board. Whatever the Board saw in the co-defendant that was deserving of parole and not for the Appellant is left in the sole discretion of the Board. Respectfully, this Court may not overturn that decision for any reason. As the Court in *Cooper* emphasized, the Court can only review this case to determine if the Board followed proper procedure. *Id.* at 500, 112.

2. The Supreme Court’s findings are not relevant to the Board’s decision-making process.

The Appellant claims that the Board exceeded its authority by denying parole when it used the nature and seriousness of the offense as its grounds for denial. This is an incredible claim, because the Parole Board is the *sole* body vested with the authority to grant or deny parole.

The Appellant places great weight on the fact that the Supreme Court determined in a pair of cases² that the Appellant’s co-defendant was the primary actor. The Appellant overreaches, however, when he tries to use the fact that the Supreme Court, when considering a *Strickland* analysis³ in a PCR appeal⁴, somehow restricts the Parole Board to only granting parole.

“The board must carefully consider the record of the prisoner before, during, and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board: that the prisoner has shown a disposition to reform; that in the future he will probably obey the

² *Payne v. State*, 355 S.C. 642, 586 S.E.2d 857 (2003) and *State v. Kelsey*, 331 S.C. 50, 502 S.E.2d 63 (1998).

³ *Strickland v. Washington*, 466 U.S. 668 (1984).

⁴ *Payne v. State*, 355 S.C. at 645, 586 S.E.2d at 859.

law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and that suitable employment has been secured for him.” S.C. Code §24-21-640. It is solely the Board’s authority to grant or deny parole. At no point in the opinions in *Kelsey* and *Payne* did the Court speak on when and if the Appellant should be awarded parole. And if the Court had, the Supreme Court would be guilty of violating the separation of powers doctrine that the Appellant claims the Board did.

Furthermore, as pointed out in Justice Pleicones’ concurrence in *Payne*, “In the present case petitioner and his codefendant (Kelsey) presented antagonistic defenses in which each blamed the other for killing the victim.” *Id.* at 647, 860. Consequently, the facts are not as set in stone as the Appellant would like to believe.

As stated above, the Board’s decision to deny parole is not reviewable by this Court. The Administrative Law Court’s limited authority to review a Board’s decision is only to determine if it followed proper procedure. *Cooper* at 500, 112. The ALC should summarily dismiss this appeal.

3. There is no right of confrontation at parole hearings, and therefore no right to view the parole files.

The Appellant asserts a due process right to review and challenge the material that is provided to the Parole Board. This is incorrect, because parole hearings are not contested hearings. His due process rights are limited solely to receiving parole hearings, and not to parole. Parole is a privilege, not a right. *Sullivan v. S.C. Dept’ of Corrections*, 355 S.C. 437, 443 n. 4, 586 S.E.2d 124, 127 n. 4 (2003).

The Appellant laments that he cannot challenge the Board’s decision to deny him parole. This is true. When the Board declines to grant parole, the inmate has no rights to appeal that

decision, but may only look ahead to the next parole hearing. *Furtick v. S.C. Dep't. of Probation, Parole and Pardon Services*, 352 S.C. 594, 598 n. 4, 576 S.E.2d 146, 149 n. 4 (2003).

This is also supported by the fact that no inmate has the right to confrontation at parole hearings. S.C. Code §24-21-50 (1976). Furthermore, the information and data received by probation agents in the course of their duties (in this context, creating the parole file) is privileged and confidential. S.C. Code §24-21-290. This privilege does not belong to the offender or the inmate, as only the director or the court may order the release of those documents. *Id.* Lastly, the Board's records of its proceedings are held "subject to the order of the Governor or the General Assembly." S.C. Code §24-21-40. Again, inmates are not entitled to review their parole file.

The Appellant's reliance on the Freedom of Information Act is also misplaced. The FOIA explicitly creates an exception for "[m]atters specifically exempted from disclosure by statute or law." S.C. Code §30-4-40(4).

None of these laws were overruled by the decision in *Rose v. S.C. Dep't of Probation, Parole and Pardon Services*, No. 27940, 2020 WL 465696 (2020), as the Appellant seems to imply by arguing that without the full record to support its decision, the inmate must be granted parole. The events and circumstances of *Rose* were wholly unique regarding a contested vote count. There is no question of how many votes the Appellant received, so *Rose* does not apply in this case.

4. There was no due process violation when there was one Board member absent.

The Appellant argues that he should have been notified when one Board member was absent and allowed to request his hearing be rescheduled for another time when the full Board was in attendance. This is untenable.

The Appellant cites *Barton v. S.C. Dep't. of Probation, Parole and Pardon Services*, 404 S.C. 395, 745 S.E.2d 110 (2013), but argues the exact opposite of its holding. He argues that the Board's current practice of determining the number of votes necessary to determine if parole has been granted by the number of Board members present is arbitrary and capricious. The ratio of votes needed for parole changes based on the number of Board members present, which becomes "impermissively arbitrary" he argues, completely counter to the holding of *Barton*. (Appellant's Br., p. 16).

Thalma Barton appealed the vote count when she received four yes votes in favor of parole out of six members present. The Board's practices at the time was to require the necessary votes from the Board's *membership*, rather than the Board members *present*. *Id.* at 400, 113. This meant that regardless of the Board members present at a particular hearing, the same number of votes were required for a favorable outcome – four votes in favor for non-violent offenses and five votes for violent offenses.

The Supreme Court disagreed with that practice, and ruled that the Board should calculate its votes based on the Board members present.⁵ This holding created the fluctuating number of votes required that the Appellant rails against.

The Appellant is required to receive a two-thirds majority of votes in favor of parole. "[A]t least two-thirds of the members of the board must authorize and sign orders authorizing parole for persons convicted of a violent crime as defined in Section 16-1-60." S.C. Code §24-21-645 (2010). This would require five votes when seven Board members are present, and four votes when six or

⁵ The *Barton* case actually had two holdings. The Department had also considered the two-thirds majority requirement for violent offenses retroactive, and thus determined that Barton needed five votes. The Supreme Court corrected both practices, holding that the two-thirds majority was not retroactive and that the votes should be calculated based on members present. Although either holding would have worked to grant Ms. Barton parole, the Court applied both.

five Board members are present. The *Barton* court acknowledged this fluctuation of votes required, yet ruled that that was to be the correct way votes were to be counted. “[T]he terms ‘majority’ and ‘two-thirds’ as utilized by section 24-21-645 are not static terms, and their meaning changes depending on their application.” *Id.* at 416, 121.

The Appellant argues that appearing before five Board members instead of the full Board is a circumstance for which he should have been given notice and an opportunity to postpone his hearing for when more Board members are present. However, at the time of his hearing, the Board only had six members.

The Board of Pardons and Paroles is a seven-member body whose members are appointed by the Governor with approval by the Senate. S.C. Code §24-21-10(B). However, whenever the Senate does not confirm the appointee, that appointment is considered rejected. S.C. Code §24-21-10(C). “If the failure of the Senate to confirm an appointee would result in the lack of a quorum of board membership, the seat for which confirmation is denied or rejected *shall not be considered when determining if a quorum of board membership exists.*” *Id.* (emphasis added).

Consequently, the issues the Appellant raise are already addressed by the Code. Even if the Appellant were to argue that he did not receive a quorum by having five out of seven Board members present, the Code clearly states that the vacant seat is not to be considered.

Thus, only one Board member was not present for the Appellant’s hearing. This is not an unusual circumstance, and health issues or other emergencies can cause a Board member to miss a hearing unexpectedly. To rule that every inmate has the right to demand that his hearing be moved to another date when the full Board will be present is an unworkable solution, especially

when a quorum was present. None of the cases the Appellant cites grants a party to a hearing the right to postpone a hearing when there is a quorum present in the deciding body.⁶

5. The Parole Board is not required to change its processes to give special consideration to inmates who committed their offenses as juveniles.

The Appellant argues that there has been a shift in the Constitutional Law as it relates to the sentencing of defendants who committed their crimes as juveniles. This is absolutely true when it comes to the sentencing of juveniles. However, there is no similar shift when it comes to parole hearings.

Defendants who commit their crimes as juveniles may not be sentenced to death.⁷ *Roper v. Simmons*, 543 U.S. 551 (2005). They may not be sentenced to life in prison without the possibility of parole for non-homicide offenses.⁸ *Graham v. Florida*, 560 U.S. 48 (2010). And they may not be sentenced to life without the possibility of parole for homicide under a mandatory sentencing scheme.⁹ *Miller v. Alabama*, 567 U.S. 460 (2012). Furthermore, the *Miller* decision was held to be a substantive rule of constitutional law, and was therefore to be applied retroactively. *Montgomery v. Louisiana*, 136 S.Ct. 718, 736 (2016). These U.S. Supreme Court cases in the last fifteen years have admittedly changed the way juvenile defendants may be sentenced in this country.

⁶ The Appellant's arguments that the counting of the votes being fundamentally unfair also beg the question about how he may feel if there had been a full panel of seven Board members, which would have required five votes in favor of parole. Should he be allowed to postpone that hearing as well and hope that only six Board members would be present at his next hearing so that he would only have to get four out of six?

⁷ "The Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed." *Roper*, 534 U.S. at 578.

⁸ "This Court now holds that for a juvenile offender who did not commit homicide the Eighth Amendment forbids the sentence of life without parole." *Graham*, 560 U.S. at 74.

⁹ "We therefore hold that the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders." *Miller*, 567 U.S. at 479.

Although the *Miller* decision limited its holding to mandatory sentencing schemes that required life without the possibility of parole, the South Carolina Supreme Court ordered resentencing of all juveniles who received a life without parole sentence. *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). The offense of murder without aggravating circumstances committed after January 1, 1996, carries a possible penalty of thirty years to life without the possibility of parole (LWOP). S.C. Code §16-3-20(A). Even if the sentence was not LWOP but a term of years, the defendant is not eligible for parole. S.C. Code §24-13-100.

The Court in *Aiken* extended resentencing hearings to those inmates who committed their offenses as a juvenile and received a sentence of LWOP. Basing its ruling on *Miller*, the Court ordered that sentencing court must consider:

(1) the chronological age of the offender and the hallmark features of youth, including “immaturity, impetuosity, and failure to appreciate the risks and consequence”; (2) the “family and home environment” that surrounded the offender; (3) the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him; (4) the “incompetencies associated with youth—for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys”; and (5) the “possibility of rehabilitation.”

Aiken, 410 S.C. at 544, 765 S.E.2d at 577.

After considering these factors, the court may still sentence the defendant to LWOP. However, LWOP may only be the sentence after the court has considered an individualized hearing exploring the “hallmark features of youth.” *Id.* at 545, 578.

The *Miller v. Alabama* opinion and its progeny do not contemplate or address South Carolina law as it existed prior to January 1, 1996. The current law gives a sentencing judge discretion over the sentence for murder, from thirty years up to life in prison without the possibility of parole. Prior to January 1, 1996, however, South Carolina's murder statute provided for a different punishment. The court could only sentence the defendant – juvenile or adult – to life, but

with the possibility of parole. At the time of the Appellant's offense, South Carolina law provided parole eligibility after the service of twenty years. S.C. Code Ann. §16-3-20 (1986).

The Appellant received at sentencing the very solution that *Montgomery v. Alabama* prescribed for LWOP sentences. "A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them." 136 S.Ct. at 736. The U.S. Supreme Court could have suggested that the *Miller* factors be used by the authorities deciding parole, but declined to do so.

In the absence of such a mandate, there is no requirement that the South Carolina Parole Board change its practices and apply the *Miller-Aiken* factors to parole consideration. The South Carolina Supreme Court mandated those five factors be considered by the *sentencing* court. "*Miller* requires the sentencing authority "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison." *Id.* at 544, 765 S.E.2d at 577 (quoting *Miller*, 132 S.Ct. at 2469).

A more closely aligned case to the Appellant's is found in *State v. Finley*, 427 S.C. 419, 831 S.E.2d 158 (Ct. App. 2019). This inmate, who like the Appellant, committed his murder when he was a juvenile and received a parole-eligible life sentence. However, his parole eligibility was to commence after thirty years of incarceration due to the law at the time of his offense in 1992. *Id.* at 422, n. 2.

Finley argued unsuccessfully that his life sentence with the possibility of parole after thirty years constituted a de facto life sentence and entitled him to a resentencing under *Aiken*. The Court of Appeals, citing the remedy in *Montgomery*, held that his parole eligibility cured any Eighth Amendment violations. Furthermore, the court did not prescribe any special considerations for the Parole Board when Finley receives his parole hearings.

Much of the Appellant's arguments advocating for a new and revised parole hearing factoring in his status as an inmate who committed his crimes as a juvenile stem from a belief that he is entitled to receive parole. This, of course, is not correct. Inmates do not have the right to parole. *Sullivan*, 355 S.C. at 443 n. 4, 586 S.E.2d at 127 n. 4.

Furthermore, the U.S. Supreme Court has specifically declined to state that the juvenile offender *must* receive parole. "A State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime." *Graham*, 560 U.S. at 75. If the Supreme Court specifically allowed for a non-homicide juvenile offender to conceivably never be granted parole, then clearly a juvenile offender who committed homicide may indeed never be granted parole.

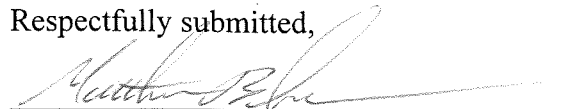
The U.S. Supreme Court has not held that inmates who committed their crimes as juveniles must be eventually paroled. The Court in *Montgomery* stated that, "prisoners like Montgomery must be given the opportunity to show their crime did not reflect irreparable corruption; and if it did not, their hope for some years of life outside prison walls must be restored." *Id.* at 736-737. The Court extended hope for release, but not a guarantee of release.

CONCLUSION

Because the Appellant is appealing the routine denial of parole, the Department respectfully requests this appeal be dismissed or the final decision of the Board be affirmed. Parole is a privilege, not a right. Although the laws regarding juveniles being sentenced to life without parole has changed over the last fifteen years, parole *eligibility* is the proscribed solution for juveniles otherwise sentenced to life without parole. Because the Appellant was sentenced to life with the possibility of parole, his sentence is already constitutional. He therefore is asking for what

this Court cannot give him: the guarantee or right to parole, or the usurping of the Board's authority by this Court granting him parole.

Respectfully submitted,



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Columbia, South Carolina
April 6, 2020

Exhibit 3

STATE OF SOUTH CAROLINA)
COUNTY OF MCCORMICK)
IN THE INTEREST OF:)
JOSEPH G. KELSEY)
A MINOR UNDER THE AGE OF)
SEVENTEEN)

IN THE FAMILY COURT
TRANSCRIPT
OF RECORD
94 JU 35-14
DECEMBER 5, 1994

B E F O R E:

THE HONORABLE C. DAVID SAWYER, JR.

A P P E A R A N C E S:

LISA BERNARDIN, ESQUIRE
ASSISTANT SOLICITOR
DONALD V. MYERS, ESQUIRE
SOLICITOR, ELEVENTH JUDICIAL CIRCUIT
MICHAEL MEDLOCK, ESQUIRE
ASSISTANT SOLICITOR, ELEVENTH JUDICIAL CIRCUIT
ATTORNEYS FOR THE STATE

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COLUMBIA, SOUTH CAROLINA
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COURT REPORTER:

CAROLYN L. MINICK

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DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 THEY WENT ABOUT TWO HUNDRED YARDS FROM THE COUNTY LINE OF
2 MCCORMICK INTO MCCORMICK AND I WOULD SAY NO MORE THAN THIRTY
3 OR FORTY FEET INTO THE WOODS WHERE THE SKELETAL REMAINS
4 BELIEVED TO MELANIE RITCHIE. AT THIS TIME WE CALLED A
5 FORENSIC TEAM TO COME OUT AND A BOMB TEAM TO COME OUT, OUR
6 ARSON/BOMB TEAM WITH SLED.

7 Q WHY DID YOU CALL THE ARSON/BOMB TEAM IN?

8 A IT HAD BEEN ALLEGED AFTER MS. RITCHIE HAD BEEN PUT IN
9 THE WOODS THERE WAS A PIPE BOMB IGNITED SOMEWHERE AROUND THE
10 BODY OF MS. RITCHIE.

11 Q WHERE WAS THE SKULL IN RELATIONSHIP TO THE OTHER
12 REMAINS?

13 A APPROXIMATELY TEN FEET AND I THINK TWO INCHES FROM THE
14 REST OF THE SKELETAL REMAINS.

15 Q ALL RIGHT. WHO PERFORMED THE AUTOPSY?

16 A DR. SEXTON OUT OF NEWBERRY.

17 Q WHAT DID HE STATE AS THE CAUSE OF DEATH?

18 A BLUNT TRAUMA TO THE HEAD DUE TO SOME TYPE OF BOMB.

19 Q NOW THE FBI HAD ALSO INVESTIGATED THIS CASE?

20 A YES.

21 Q ALONG WITH OFFICIALS FROM COLUMBIA COUNTY?

22 A THAT'S CORRECT.

23 Q AND SLED?

24 A THAT'S RIGHT.

25 Q FROM THE RESULTS OF THOSE INVESTIGATIONS, WHAT COULD YOU

DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 DETERMINE HAPPENED IMMEDIATELY PROCEEDING THE DEATH OF
2 MELANIE RITCHIE IN GEORGIA?

3 A LET ME REFER TO MY NOTES, PLEASE. (PAUSE) THE FBI WAS
4 BROUGHT IN. THEY WERE DOING A PRELIMINARY INVESTIGATION ON
5 KIDNAPPING. IT WAS VERY APPARENT FROM WHAT THEY REVIEWED WITH
6 ME THAT IT WAS MORE THAN JUST A MISSING PERSON. HER
7 POCKETBOOK WITH A LARGE AMOUNT OF MONEY WAS LEFT IN IT. SHE
8 WAS PREPARING TO HAVE HER SIXTEENTH BIRTHDAY AND WAS GOING TO
9 GET A CAR. SO IT WAS VERY EVIDENT THAT THIS WAS A LITTLE BIT
10 MORE THAN A MISSING PERSON. IT SHOWED THAT JULY 11, 1994, AT
11 THE KERCHER RESIDENCE AT 4031 OREGON TRAIL ROAD, MARTINEZ,
12 THERE WAS A PARTY GOING ON WITH MIKE KERCHER, JOEY INGRAM,
13 TOMMY SPEIGLE, TOMMY WARZINGLE, APRIL REECE, JOE KELSEY,
14 JEFFREY PAYNE, AND JAMIE LEE IN ATTENDANCE. MOSTLY THEY WERE
15 JUST DRINKING BEER ALL NIGHT LONG. SOMETIME AROUND MIDNIGHT
16 MR. LEE AND MR. PAYNE LEFT THE RESIDENCE TO GO TO A
17 CONVENIENCE STORE LOCATED ON EVANS-TO-LOCK ROAD. THERE THEY
18 SAW A YOUNG LADY USING THE TELEPHONE. IT APPEARED THAT SHE
19 HAD HURT HER FOOT. MR. PAYNE STATED THAT HE KNEW HER BY
20 SIGHT BUT DIDN'T ACTUALLY KNOW HER. MR. LEE HAD NEVER SEEN
21 HER BEFORE. AT THIS TIME THEY WERE TALKING TO THE YOUNG LADY
22 ABOUT A HURT FOOT AND HOW SHE HAD HURT HER FOOT. SHE TOLD
23 THEM THAT SHE HAD SLIPPED OUT OF HER HOUSE, WENT TO TRY TO
24 FIND HER BOYFRIEND'S RESIDENCE, COULD NOT, AND IN THE PROCESS
25 SHE HAD CUT HER FOOT. AND THEY ASKED HER TO COME BACK TO THE

DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 RESIDENCE -- WELL, PRIOR TO THAT, THEY WANTED TO TAKE HER TO
2 THE HOSPITAL BUT SHE SAID SHE DIDN'T WANT TO GO BECAUSE HER
3 MOTHER WORKED AT THE HOSPITAL AND SHE WAS SCARED SHE MIGHT
4 FIND OUT SHE SLIPPED OUT OF THE HOUSE. AT THAT TIME THEY
5 TOOK HER BACK TO THE PARTY WHERE MR. PAYNE TOOK HER UPSTAIRS
6 AND ADMINISTERED FIRST AID TO HER FOOT WITH AN ACE BANDAGE
7 AND THEN WENT DOWNSTAIRS AND STARTED DRINKING BEER.

8 Q FROM STATEMENTS AND THE INVESTIGATION WHO LEAVES WITH
9 MELANIE RITCHIE?

10 A OKAY. AT SOME TIME IN THE EARLY MORNING HOURS ON THE
11 TWELFTH ---

12 Q THIS IS JULY 12?

13 A YES, MA'AM. IN THE EARLY HOURS, GUESTIMATING SOMEWHERE
14 BETWEEN FOUR AND FOUR-THIRTY IN THE A.M. MR. KELSEY, MS.
15 RITCHIE, MR. PAYNE, AND MR. LEE EXITED THE RESIDENCE IN MR.
16 LEE'S VEHICLE, A WHITE FOUR DOOR HONDA, AND HEAD SUPPOSEDLY
17 TO TAKE MS. RITCHIE HOME. THAT'S WHAT THEY HAD TOLD MS.
18 RITCHIE THEY WERE GOING TO TAKE HER BACK TO HER RESIDENCE.

19 Q WHO WAS SITTING WHERE IN THE CAR?

20 A OKAY. THE SEATING ARRANGEMENT WAS JOE KELSEY IN THE
21 FRONT SEAT. MR. LEE DRIVING HIS VEHICLE AND MR. PAYNE AND
22 MS. RITCHIE IN THE BACK SEAT.

23 Q DO THEY TAKE HER HOME?

24 A NO. THEY GO DOWN FURIES FERRY ROAD WHICH IS HIGHWAY 28
25 INTO SOUTH CAROLINA.

DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 Q WHAT HAPPENS IN THE CAR ONCE THEY GET INTO SOUTH
2 CAROLINA?

3 A OKAY. SOMETIME RIGHT AFTER ENTERING THE STATE OF SOUTH
4 CAROLINA MS. RITCHIE'S FOOT HITS THE GEAR SHIFT LEVER IN THE
5 CONSOLE THERE KNOCKING IT INTO NEUTRAL, CAUSING MR. LEE TO
6 LOOK BACK TO SEE WHAT'S GOING ON. AND MR. KELSEY ALSO. AND
7 THEY SEE MR. PAYNE STRANGLING MELANIE RITCHIE, IN A STRANGLE
8 HOLD.

9 Q WHAT HAPPENS NEXT? WHAT DO THEY DO AFTER THEY SEE THAT?

10 A THEY ASK WHAT'S GOING ON. AND HE SAYS, "I THINK SHE'S
11 NOT BREATHING. I THINK I'VE KILLED HER."

12 Q DID THEY THEN STOP THE CAR?

13 A NO, AT THIS TIME THEY PROCEED ON DOWN. MR. PAYNE
14 ADVISES MR. LEE TO GO TO A PLACE CALLED THE OLD GHOST BRIDGE
15 WHICH IS A BRIDGE ON THE MCCORMICK COUNTY/EDGEFIELD COUNTY
16 LINE. THE ROAD IS CALLED GARRETT ROAD.

17 Q WHAT DO THEY DO WHEN THEY REACH THAT POINT?

18 A OKAY. PRIOR TO REACHING -- I MIGHT WANT TO ADD AND MR.
19 LEE ALSO ADDS THAT HE HEARS MR. PAYNE HITTING MS. RITCHIE
20 WITH A -- SOME TYPE OF WRENCH OR SOMETHING. OKAY. AT THIS
21 TIME THEY ARRIVE AT THE BRIDGE, PARK ON THE BRIDGE. MR.
22 KELSEY GETS OUT AND CHECKS MS. RITCHIE'S PULSE AND SAYS,
23 "SHE'S DEAD. I CAN'T FIND A PULSE. SHE DOESN'T SEEM TO BE
24 BREATHING."

25 Q WHAT HAPPENS NEXT?

DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 A MR. PAYNE ADVISES MR. KELSEY AND MR. LEE THAT HE IS
2 GOING TO HAVE SEX WITH HER. THAT'S WHAT HE WANTED FROM THE
3 GET-GO AND HE COMMENCES TO HAVE SEX WITH MS. RITCHIE.

4 Q EARLIER IN THE KERCHER RESIDENCE SHE REFUSES TO HAVE SEX
5 WITH HIM, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q DID THEY GIVE HER ANYTHING WHILE THEY WERE AT THE
8 KERCHER RESIDENCE?

9 A YES. MR. PAYNE AT SOME POINT CAME TO MR. LEE AND TOLD
10 HIM TO GET THE ECSTACY HE HAD OUT OF HIS VEHICLE.

11 Q WHAT IS ECSTACY?

12 A IT IS A DRUG THAT SUPPOSEDLY THAT THE TEENAGE YOUNG
13 PEOPLE THINK THAT IT MAKES A LADY WANT TO HAVE SEX, AROUSES
14 THEM SEXUALLY. AND THEY GOT THIS DRUG. MR. LEE -- IT WAS IN
15 A TABLET FORM. HE DICES IT UP INTO A POWDER FORM WHICH HE
16 STATED HE THEN SNIFFED ONE LINE OF IT HIMSELF. AND THEN HIM
17 AND MR. PAYNE PUT IT IN SOME ICE TEA AND ADVISED MS. RITCHIE
18 THAT IT WAS ASPIRIN IN THE TEA TO HELP HER STOMACH BECAUSE
19 THE AMOUNT OF BEER SHE HAD DRANK PRIOR TO THAT HAD MADE HER
20 STOMACH TO BE UPSET.

21 Q SO SHE DIDN'T KNOW SHE WAS CONSUMING THE ECSTACY?

22 A NO, MA'AM, SHE HAD NO IDEA THERE WAS ECSTACY IN THE ICED
23 TEA.

24 Q ALL RIGHT. WHERE ARE MR. LEE AND MR. KELSEY WHILE MR.
25 PAYNE IS HAVING SEX WITH AN UNCONSCIOUS MELANIE?

DANNY CHOATE - DIRECT BY MS. BERNARDIN

1 A THEY'RE IN THE DEN OF THE KERCHER RESIDENCE LISTENING

2 ---

3 Q WHILE THEY WERE IN SOUTH CAROLINA.

4 A OH, EXCUSE ME. YOU'RE BACK AT THE BRIDGE. THEY'RE AT
5 THE REAR OF THE VEHICLE. THEY BOTH WENT TO THE REAR OF THE
6 VEHICLE WHILE MR. PAYNE WAS HAVING SEX WITH MS. RITCHIE.

7 Q ALL RIGHT. WHAT DID THEY DO WHEN MR. PAYNE FINISHES?

8 A OKAY. MR. PAYNE DID NOT FINISH. AN UNKNOWN VEHICLE
9 CAME ABOUT TEN MINUTES AFTER MR. PAYNE STARTED HAVING SEX
10 WITH MS. RITCHIE AND CAUSED THEM TO JUMP INTO THE VEHICLE AND
11 GO INTO EDGEFIELD COUNTY. AND THE VEHICLE PASSED THEM BY.
12 AND WHEN THE VEHICLE GOT OUT OF SIGHT, THEY TURNED BACK
13 AROUND AND CAME BACK TO THE BRIDGE TO GET MR. PAYNE'S CLOTHES
14 THAT HE HAD LEFT ON THE BRIDGE. MR. PAYNE GOT DRESSED AND
15 THEN MR. PAYNE DRESSED MS. RITCHIE.

16 Q WHAT DID THEY DO THEN?

17 A THEY DROVE FURTHER INTO MCCORMICK COUNTY, UP A HILL ON
18 THE RIGHT SO THEY COULD DISPOSE OF THE BODY.

19 Q HOW DID THEY DO THAT?

20 A OKAY. AT THAT POINT MR. KELSEY AND MR. PAYNE ATTEMPT TO
21 GET MS. RITCHIE UP AN INCLINE. THEY HAVE TROUBLE. MR. LEE
22 ASSISTS THEM IN GETTING UP THE INCLINE, AND THEN HE GOES BACK
23 TO THE VEHICLE WHILE MR. KELSEY AND MR. PAYNE DRAG THE BODY
24 APPROXIMATELY TWENTY TO TWENTY-FIVE MORE FEET -- YARDS INTO
25 THE WOODS.

DANNY CHOATE - CROSS BY MR. STRICKLER

1 Q OKAY. HOW DID MR. KELSEY GET INVOLVED IN LEAVING THE
2 PARTY WITH MR. LEE AND MR. PAYNE? DO YOU KNOW HOW THAT CAME
3 ABOUT?

4 A PAYNE AND LEE TOLD HIM THEY WERE GOING TO TAKE HER HOME
5 AND TO GET ONE OF HIS PIPE BOMBS AND THEY WOULD BLOW UP A
6 MAILBOX ON THE WAY BACK IS WHAT IT SHOWS.

7 Q JUST A FEW MORE QUESTIONS. THE ORIGINAL STATEMENTS THAT
8 PAYNE AND LEE HAD GIVEN YOU PUT JOE KELSEY IN THE BACK SEAT
9 WITH MS. RITCHIE?

10 A THAT IS CORRECT.

11 Q PAYNE AND LEE, WOULD IT BE FAIR TO CHARACTERIZE THEM AS
12 FRIENDS OF FAIRLY LONG STANDING?

13 A YES, SIR, THAT COULD BE -- YES, SIR.

14 Q A NUMBER OF YEARS AS FRIENDS?

15 A YES, SIR.

16 Q AS IT TURNS OUT, ACCORDING TO LEE IN THE SECOND
17 STATEMENT, JOE WAS IN THE FRONT SEAT, FRONT SIDE PASSENGER?

18 A YES, SIR, THAT IS CORRECT.

19 Q DOES MR. LEE IN HIS SECOND STATEMENT INDICATE THAT JOE
20 KELSEY TOOK ANY PART IN STRANGLING MS. RITCHIE?

21 A NO.

22 Q DOES MR. LEE IN HIS SECOND STATEMENT INDICATE THAT JOE
23 KELSEY TOOK ANY PART IN STRIKING MS. RITCHIE ON THE HEAD WITH

24 A I BELIEVE IT'S A WRENCH?

25 A YES, SIR, A BOX END TOP WRENCH IS WHAT HE DESCRIBED.

DANNY CHOATE - CROSS BY MR. STRICKLER

1 Q DOES MR. LEE INDICATE THAT MR. KELSEY PARTICIPATED IN
2 HITTING HER IN THE HEAD WITH THE WRENCH?

3 A NO, SIR, HE DOES NOT.

4 Q LET ME ASK YOU THIS. HOW DID YOU FIND OUT THAT THERE
5 MIGHT HAVE BEEN A WRENCH IN THE CAR?

6 A MR. KELSEY ADVISED US OF THAT UPON INTERVIEWING HIM.

7 Q AND THEN LATER WHEN YOU SPOKE WITH MR. LEE, HE CONFIRMED
8 IT?

9 A HE SAID THE SAME THING, RIGHT, CONFIRMED IT.

10 Q IT'S A FACT -- IT COMES ABOUT MR. PAYNE ASKING MR. LEE
11 TO GET THE WRENCH AND MR. LEE BRINGING IT TO THE CAR?

12 A EXACTLY.

13 Q MR. KELSEY WAS NOT INVOLVED IN BRINGING THE WRENCH TO
14 THE CAR?

15 A NO, SIR.

16 Q HOW DOES MR. LEE DESCRIBE JOE KELSEY'S REACTION AT THE
17 TIME THEY TURN AROUND AND SEE -- WHEN THE FOOT COMES UP AND
18 KNOCKS THE CAR OUT OF GEAR AND THEY BOTH EVIDENTLY TURN TO
19 SEE WHAT'S GOING ON IN THE BACK SEAT? DOES MR. LEE DESCRIBE
20 ANY REACTION ON THE PART OF JOE KELSEY?

21 A YES, SIR. HE SAID HE KIND OF BALLS UP IN A FETAL
22 POSITION.

23 Q OKAY. I KNOW JOE DESCRIBED THEM PLAYING LOUD MUSIC
24 IN THE CAR WHILE THEY WERE RIDING AROUND. DID YOU ASK MR.
25 LEE ABOUT THAT?

Exhibit 4

PSYCHOLOGICAL EVALUATION FOR PAROLE

Examinee: KELSEY, Joseph Glen

Date of Birth / SCDC#: July 20, 1977 / #217218

Dates of Evaluation: March 21, 2019; April 19, 2019; and June 27, 2019

Examiner: Susan C. Knight, Ph.D., ABPP

IDENTIFYING DATA: Mr. Joseph Glen Kelsey is a 42-year-old, single, Caucasian male, currently incarcerated in the South Carolina Department of Corrections [SCDC] for convictions of Murder, Arson NEC, and Criminal Conspiracy. His convictions originated from McCormick County, with an offense date of July 12, 1994. On September 22, 1995, after a jury trial, he was sentenced to life, with parole eligibility after twenty years. Thus, since his life sentence was imposed, he has been incarcerated for over 24 years. Mr. Kelsey's attorneys, Mr. John Blume, Esq., and Mr. John Ozmint, Esq., requested a forensic psychological evaluation to evaluate Mr. Kelsey in preparation for his parole hearing in November 2019. Pursuant to this request, the examiner assessed his developmental and psychosocial functioning prior to his incarceration; functioning over his incarceration; risk for future violence; and transition needs.

SUMMARY OPINION: Based on evaluation data, which includes clinical interviews and psychological testing with Mr. Kelsey; interviews with his parents, siblings, fiancé, fiancé's mother, former marriage and guidance counselors, and SCDC staff; and review of psychosocial, legal and correctional records; and letters of support, the following was found as summarized.

Parole Eligible Offense: At the time of the offense, Mr. Kelsey was 16, having just finished his 11th grade school year. He was living without adult supervision, as his family had recently moved out of state. The incident occurred with slightly older male peers, also charged in the incident. Both codefendants have been released. Mr. Kelsey has taken full responsibility for his actions over 25 years ago, with insight, remorse, and empathy for the crime and those affected.

Course of Incarceration: Mr. Kelsey earned his high school diploma in 1995; an Associate of Arts Degree in Biblical Studies from Columbia International University in 2015; and will graduate with a Bachelor of Science from Ashworth College in December 2019. He has completed many trainings, and programs, including JumpStart. He presently works in the CSU as an inmate companion. He has very few disciplinaries, with only 6 infractions over 24 years.

Violence Risk Assessment: Using an empirically validated risk assessment, Mr. Kelsey's risk of future violence is low. He has had no altercations or violent infractions in prison. He is well past the age of peak violence, and is clinically stable, with no history of substance use disorder, personality pathology or psychopathology. His incarceration reflects diligent and conscientious commitment to academic, vocational and prosocial pursuits. SCDC staff described him as "very dependable;" "has integrity;" "is calm, mild-mannered;" "trustworthy;" and a "model inmate." They expressed no concerns with Mr. Kelsey making parole.

Transition Plan: If paroled, Mr. Kelsey will reside in Augusta, Georgia, with his fiancé, in her home. She is employed as the Dean of Students at Georgia Military College, and he has been offered employment at a logistics company. He has very strong familial ties, who have all pledged their financial, emotional, and social support post-release.

SOURCES OF INFORMATION: The following sources of information were reviewed in forming the opinions found in this report:

Legal and Psychosocial Records

1. Academic records from North East Independent School District, Jefferson County Public Schools, and Columbia County School District, dated from August 1989 to June 1994;
2. Discovery documents, including police reports, crime scene investigation documents, SLED and FBI reports, witness and defendant statements, polygraph reports, and autopsy report, dated July 1994 to September 1995;
3. Trial Transcript, Vol. I through IV, dated from September 18 to 22, 1995;
4. South Carolina Department of Corrections Records for J. Kelsey, including Warden's Jacket, Central Record, and Medical records, dated from November 1994 to June 2019;
5. Supreme Court of South Carolina, *State v. Joseph Kelsey*, 331 S.C. 50 (1998);
6. Supreme Court of South Carolina, *Geoffrey R. Payne v. State*, 355 S.C. 642 (2003);
7. J. Kelsey Apology Letter to the Richie Family, dated September 1, 2016;
8. News Article, '*SC Prisoners train to help prevent suicides by fellow inmates*,' by T. Michael Boddie, Post & Courier, dated June 14, 2019;
9. News Story, '*It's national suicide awareness week. These inmates are looking out for those who feel hopeless*,' by Caroline Hecker, WISTV.com, September 9, 2019;
10. SCDC Inmate Search Detail Report, last accessed October 12, 2019;
11. Affidavit from forensic pathologist, Joel M. Sexton, MD, dated October 23, 2019;

Certificates of Education and Accomplishments

12. S.C. High School Equivalency Diploma, dated March 1, 1995;
13. SC Dept. of Education Certificate of Award for Superior GED Examination Scores, and congratulatory letter from the State Superintendent of Education, dated March 1, 1995;
14. SCDC Certificate of Appreciation for 'Service and Leadership to the Lee CI Education Department,' dated August 28, 1997;
15. S.C. High School Diploma from Summerville High School, dated June 9, 1998;
16. SCDC Certificate of Achievement for GED Teaching Assistant, dated June 29, 1998;
17. Pre-Q Rubber Company, Certificate of Completion, dated March 3, 2005;
18. SCDC Training Certificate from Lieber CI – Prison Industries, dated April 6, 2010;
19. SCDC Certificate of Appreciation for '12 Years of Dedicated Service to Prison Industries,' and Support Memorandum, dated April 19 and 29, 2010;
20. SCDC Certificate of Appreciation for Volunteering in Library Services over the past five years, dated March 25, 2011;
21. Work Keys Summary, dated November 9, 2012;
22. CIU Transcript of Courses and Grades, dated from 2013 to 2016;
23. SCDC Certificate of Appreciation 'In Recognition of Outstanding Hospice Volunteer Services,' dated August 2, 2013;
24. PASS Diploma for Successful Completion of all Ten PASS Modules, with attached Letter from C. Carbone, Esq., dated December 19, 2013;
25. PASS Certificates of Completion for Modules, Victim Awareness; Gang Diversion; Domestic Violence; Anger Management; Addiction; Parenting; Nonviolent Communication; Conflict Resolution; Living with Purpose; and Re-entry Into Society, dated from April 8, 2013 to December 19, 2013;
26. Kirkland CI Certificate of Achievement Pre-Release Program, dated September 20, 2015;

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27. CIU Prison Initiative Certificate of Completion for 25 Hours of Training in Comparative Religion, dated November 16, 2015;
28. Men's Fraternity Certificate 'Quest for Authentic Manhood,' dated November 20, 2015;
29. SC Pathways Certificate of Recognition for Volunteer Hospice Service at Kirkland R&E Infirmary, dated December 10, 2015;
30. CIU Certificate of Achievement in Recognition of IT Training from Columbia International University, dated December 11, 2015;
31. Columbia International University Associate of Arts Degree, dated December 2015;
32. SCDC Certificate of Excellence 'In Recognition of Your Personal Commitment, Dedication and Performance' on the CSU Unit, dated June 30, 2016;
33. BRCI CSU Certificate of Achievement for 'Contributing to the Operation and Success of the Crisis Stabilization Unit,' dated March 24, 2017;
34. JumpStart Certificate of Completion "In the Category of Blue,' dated June 12, 2017;
35. SCDC Certificate of Completion of 'Review of Psychiatric Emergencies' for 10 Hours of Training Credit, dated July 18, 2017;
36. Columbia International University Letter, from Bryan Beyer, PhD., Dean of College of Arts and Sciences, dated August 15, 2017;
37. Pure Life Ministries Graduation Certificate, dated August 8, 2018;
38. Men's Fraternity Certificate, 'Winning at Home and Work,' dated November 29, 2018;
39. Curriculum vitae of Mr. Joseph Kelsey, dated March 27, 2019;
40. SCDC CSU Certificate of Completion for 'Boundaries' training, dated June 4, 2019;

Letters of Support and Offered Employment

41. Mr. Bill Gray, Administrative Coordinator / Prison Industries, on April 19, 2010;
42. Ms. Janine Keene, Examinee's twin sister, dated July 6, 2015;
43. Ms. Sarah Jagoditsch, Examinee's Fiancé's grandmother, dated July 8, 2015;
44. Mr. Rex M. Divine, Former SCDC Employee, dated August 1, 2015;
45. Mr. Stephen Baarendse, Associate Professor, CIU, dated August 7, 2015;
46. Ms. Ashlea Kelsey, Examinee's niece, dated August 9, 2015;
47. Ms. Amanda Chaney, Examinee's Cousin, dated August 13, 2015;
48. Ms. Keely Burwinkel, Examinee's high school acquaintance, dated August 20, 2015;
49. Ms. Cindy Reid, RN, Mother of fellow CSU worker, dated August 22, 2015;
50. Ms. Tonya Kelsey, Examinee's Sister, dated September 1, 2015;
51. Ms. Henri E. Baskins, Community Relations Council, September 13, 2015;
52. Mr. Thomas Speigal, Examinee's high school friend, dated September 15, 2015;
53. Mae K. Guinn, Ed.S. Former Highschool Guidance Counselor, September 19, 2015;
54. Ms. Amanda Kelsey, Examinee's half-sister, dated September 20, 2015;
55. Mr. Wayne Novotny, Examinee's uncle, dated July 20, 2015;
56. Pastor Mike Thompson / Christian Family Chapel, dated September 22, 2015;
57. Mr. Benjamin Kelsey, Examinee's brother, dated September 24, 2015;
58. Ms. Frances Jagoditsch, Examinee's fiancé's mother, dated October 2, 2015;
59. Mr. Charles T. Kelsey, Examinee's brother, on October 5, 2015;
60. David Cashin, PhD., CIU Prison Initiative Program, dated October 12, 2015;
61. Mr. Aparna Desal, SCDC Employee, dated October 13, 2015;
62. Ms. Bethany Wilks, Examinee's fiancé's sister, dated October 19, 2015;
63. Senior Pastor Nate Wilks, Calvary Presbyterian church, dated October 19, 2015;
64. Dr. John K. Hill, LMFT, Center for Care and Counseling, dated October 20, 2015;

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65. Rev. William R. Pauling, Pastor / Mount Ebal Baptist Church, dated October 21, 2015;
66. Mr. Richard Hernandez, RH Electrical and Maintenance, Inc., dated September 25, 2017;
67. Ms. Donna Kelsey, Examinee's mother, dated September 25, 2017;
68. Mr. Charles Kelsey, Examinee's father, dated October 17, 2017;
69. Ms. Lynn Westberg, Examinee's stepmother, dated October 17, 2017;
70. Mr. Henry Flint, MHT, with the CSU Unit in SCDC, dated October 24, 2017;
71. Mr. J. Gudvangen, BSN, RN, SCDC Employee, dated October 26, 2017;
72. Ms. Jennifer Montgomery, Examinee's fiancé, dated October 31, 2017;
73. Mr. Paul Dennis, Program Manager / CSU Unit at SCDC, dated November 18, 2017;
74. Mr. C. Austin Edmondson, MA, with the CSU Unit in SCDC, dated April 26, 2019;
75. Mr. Gary Minion, volunteer minister with JUMPSTART, dated June 26, 2019;
76. Mr. Mac Ogburn volunteer and mentor with JUMPSTART, dated September 25, 2019;
77. Mr. Paul Dennis, Program Manager / CSU Unit at SCDC, dated October 1, 2019;
78. Mr. Richard Hernandez, RH Electrical and Maintenance, Inc., dated October 4, 2019;
79. Nurse Ann-Marie Elwood, RN, CSU Unit at BRICI, dated October 5, 2019;
80. Ms. Donna Kelsey, Examinee's mother, dated October 6, 2019;
81. Mr. Thomas Speigal, Examinee's high school friend, dated October 7, 2019;
82. Ms. Grace Dye, Assistant Director / CIU Prison Initiative, October 8, 2019;
83. Mr. Charles T. Kelsey, Examinee's brother, on October 11, 2019;
84. Ms. Jennifer Montgomery, Examinee's fiancé, dated October 11, 2019;
85. Painted Clouds Farm, Inc. [offer of employment] dated October 12, 2019;
86. Ms. Lynn Westberg, Examinee's stepmother, dated October 12, 2019;
87. Mr. Michael Fiorello, PhD., Pastoral Counselor, dated October 12, 2019;
88. Mr. Walter Westberg, Examinee's Half-Brother, October 12, 2019;
89. Mr. Phil and Vicky Wetzal, Wooly's LLC [offer of employment] October 13, 2019;
90. Mr. Charles Kelsey, Examinee's father, dated October 13, 2019;
91. Mr. Benjamin Kelsey, Examinee's brother, dated October 14, 2019;
92. Nurse Courtney Olds-Williams, CSU Interim Head Nurse, dated October 15, 2019;
93. Senior Pastor Nate Wilks, Calvary Presbyterian church, dated October 14, 2019;
94. Ms. Tonya Kelsey, Examinee's Sister, dated October 18, 2019;
95. Ms. Ashlea Kelsey, Examinee's niece, dated October 19, 2019;
96. Ms. Amanda Kelsey, Examinee's half-sister, dated October 19, 2019;
97. Ms. Frances Jagoditsch, Examinee's fiancé's mother, dated October 20, 2015;
98. Ms. Bethany Wilks, Fiancé's sister, dated October 20, 2019;
99. Ms. Janine Keene, Examinee's twin sister, dated October 20, 2019;
100. Bryan Beyer, PhD., Dean of Columbia International University, dated October 23, 2019;
101. Mr. Casey Lambert, Lambert Logistics, Inc, [offer of employment] undated;

Interviews/Testing

102. Clinical Interview with Mr. Joseph Kelsey, two hours, on March 21, 2019;
103. Clinical Interview with Mr. Joseph Kelsey, three and one half hours, on April 19, 2019;
104. Interview (by telephone) with Ms. Janine Keene [sister], on June 27, 2019;
105. Interview (by telephone) with Ms. Jennifer Montgomery [fiancé], on June 28, 2019;
106. Interview (by telephone) with Ms. Fran Jagoditsch [fiancé's mother], on July 2, 2019;
107. Clinical Interview and Psychological Testing with Mr. Joseph Kelsey, four and one half hours, on June 27, 2019;
108. Interview (by telephone) with Ms. Donna Kelsey [mother], on June 24, 2019;

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109. Interview (by telephone) with Mr. Charles Kelsey [father], on July 16, 2019;
110. Interview (by telephone) with Mr. Ted Kelsey [brother], on July 13, 2019;
111. Interview (by telephone) with Mr. Tonya Kelsey [sister], on July 11, 2019;
112. Interview (by telephone) with Mr. Ben Kelsey [brother], on September 23, 2019;
113. Interview (by telephone) with Ms. Lynn Westberg [stepmother], on September 24, 2019;
114. Interview (by telephone) with Mr. Paul Dennis, Program Manager in SCDC's Crisis Stabilization Unit [CSU] at BRCI, on September 26, 2019;
115. Interview (by telephone) with Nurse Courtney Olds-Williams, SCDC Nursing staff in CSU at BRCI, on October 3, 2019;
116. Interview (by telephone) with Mae Guinn, Ed.S., former school guidance counselor, on October 17, 2019;
117. Interview (by telephone) with Dr. John K. Hill, marriage counselor, on October 18, 2019.

DISCLOSURE OF NON-CONFIDENTIALITY: Prior to the evaluation, Mr. Kelsey was provided information regarding the purpose and non-confidential nature of the evaluation. He was informed that any provided information would not be confidential and, at his attorneys' discretion, may be distributed to the parole board. Mr. Kelsey endorsed an understanding of the parameters of the evaluation and provided his consent to proceed.

Pertinent Social History [Pre-Offense]: As a young child, Mr. Kelsey was raised within an intact family, with his twin sister and three older siblings. He moved frequently due to family dynamics. His father served in the military (U.S. Army) and earned a degree in nuclear engineering, and his mother was a teacher and a homemaker. At age 8, his parents divorced, which was sudden and acrimonious, due to his father's affair. His father left the country shortly thereafter, due to being stationed in Germany. He remarried and had two additional children. Mr. Kelsey was subsequently raised by his mother, who remarried when he was 12. At age 15, he left his mother's home in Colorado to live with his father in Augusta, Georgia. He reported no abuse of any kind during his upbringing, citing his parents' divorce as his only childhood trauma.

Parole-Eligible Offense: The homicide offense took place on July 12, 1994, in McCormick County, South Carolina. *[Note: SCDC records indicate Marlboro County, which is incorrect].* Mr. Kelsey had been residing with his father and stepmother in Augusta since January 1993. His mother and her husband remained in Colorado. In June 1994, Mr. Kelsey completed his 11th grade year at Lakeside High School in Evans, Georgia. Several weeks after the school year ended, in late June 1994, his father, stepmother and their children moved to Maryland. He had no additional family in the state, and was left without adult supervision, to stay here and there with teenage friends. During this time, he worked at a "cricket farm," frequented parties and socialized with other teenagers. He was "really worried about friends, girlfriends and being accepted" and his "self-esteem was not good."

At one point, he and his peers began to make pipe bombs, in order to see them explode. As a kid, he had seen his older brother make such a device, and as children they had "strung fireworks together" for a similar effect. Mr. Kelsey, his two codefendants, Geoff Payne and Jamie Lee, and additional peers experimented with these items. For example, they "blew up one in the backyard...just to watch stuff go boom, like adrenaline, being teenagers."

On the evening of the offense, he described a party, where he and his friends were “hanging out” and consuming alcohol, with no adult supervision. His codefendants arrived at the party with the victim (15-year old female), who was in need of first aid due to a recent cut on her foot. Most of the evening, Mr. Kelsey was on the phone with his girlfriend, who was not at the party. He reported drinking “three beers over the whole evening” and denied any drug use. He stated his two codefendants gave the victim beer, and eventually crushed up an ecstasy tablet in her drink. He was not involved in these activities. He reported Mr. Payne attempted to have sex with the victim. Eventually, Mr. Payne and Mr. Lee, decided to take the victim home, and Mr. Kelsey came along as he thought they might “blow up a pipe bomb” along the way.

During the ride, Mr. Lee was driving. Mr. Kelsey was sitting in the front seat, with Mr. Payne and the victim in the back seat. At some point, he “looked back and saw Geoff [Payne] choking the victim.” He felt “horrified, shocked” and “curled into a ball.” His other codefendant “stopped the car” at which point, Mr. Kelsey “checked her pulse and there was no pulse.” Immediately afterwards, “Geoff [Payne] tried to have sex with her” as they were stopped on the side of the road. He stated all three took the victim’s body into the woods, and Mr. Payne asked Mr. Kelsey for the pipe bomb. He instructed Mr. Kelsey to put it in her mouth, which he did, and then Mr. Payne lit the pipe bomb. Mr. Kelsey felt very scared, and cried all night when they returned home. He “didn’t tell anybody because I didn’t want anything to do with it, I didn’t want to be associated with it...” Thus, he did not tell the victim’s family what happened or her whereabouts.

[Mr. Kelsey’s account is consistent with the S.C. Supreme Court’s ruling in Payne v. State (2003), in which the Court stated, “whether the victim died by Payne strangling her to death, or by Payne lighting the fuse of the pipe bomb that exploded in her mouth, the testimony overwhelming proves that Payne murdered her.” It is also consistent with the opinion of the trial’s forensic pathologist, who affirmed in a 2019 affidavit that, “There is nothing in the evidence to prove that Melanie Richey was alive or dead at the time of the bomb blast... Whether she died of the alleged drugs she was administered or alleged strangulation could not clearly be established because of the skeletonization of the body... Therefore... all three (bomb, drugs, strangulation) had to be considered and listed as the probable cause(s) of death.”

In discussing the offense, Mr. Kelsey stated, “the pain caused the victim’s family is something that can never be made up for.” He specifically discussed his decision to not inform them of what happened, thus, prolonging their pain and suffering. Even though he did not commit the homicide, he “feels responsible and guilty, I did everything wrong, every step of the way, I should have made sure she got home safely.” He was very tearful when describing the incident.

COURSE OF INCARCERATION: Mr. Kelsey began his sentence in SCDC on **November 22, 1994**, for charges unrelated to his life sentence. He has since maxed out his sentence on those charges, as they only carried one to two years. In September 1995, his ‘life eligible’ sentence began. In 2015, Mr. Kelsey first became eligible for parole, with prior parole hearings on November 18, 2015 and November 15, 2017.

Given the length of his incarceration, he has been housed at numerous institutions. More recently, in 2014, he was placed at Kirkland CI, to complete his Associate of Arts degree for the Crisis Stabilization Unit, and then eventually to Broad River CI in order to work fulltime in the Crisis Stabilization Unit, where he presently resides.

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Academic: On March 1, 1995, Mr. Kelsey earned his South Carolina High School Equivalency [GED], with very high percentiles on all subjects tested, placing him “in the top five percent of South Carolina GED graduates.” In June 1998, he was awarded his High School Diploma through Summerville High School. In 2012, he earned his WorkKeys Certification at the ‘Gold’ Level; and in 2013, completed all training modules for graduation from the PASS [Prisoner Assistance Scholastic Service] program. In December 2015, he graduated with an Associate of Arts Degree in Biblical Studies from Columbia International University [CIU]; and in December 2019, will graduate from Ashworth College with a Bachelor of Science in General Studies, with a concentration in Business Administration from CIU. Per the Dean of CIU, Mr. Kelsey was one of 15 inmates selected to participate in the CIU program, and “one of only five Prison Initiative graduates who has gone on to complete their bachelor’s degree after completing our program.”

Vocational: Mr. Kelsey has worked consistently in SCDC, since 1995. From 1995 to 1997, he worked as a Clerk in the Education/Guidance counselor’s office at Lee CI; in 1998, as a Teacher’s Assistant in GED Education at Lieber CI; from 1998 to 2012, as an Administrative Clerk in PI, at Lieber CI, during which time he was certified in tire retread and repair, and as a forklift operator; from 2012 to 2014, as an Administrative Clerk in Education at Lee CI; from 2014 to 2015, as a Student in the CIU Prison Initiative at Kirkland CI; in 2016, as a Chaplain Assistant at Evans CI; and from 2016 to present, he has worked as a para-professional counselor, in the Crisis Stabilization Unit at BRCI. With his current position, he works with suicidal inmates, “talks to them, it’s a great opportunity to help people.” He teared up speaking of a recent suicide, and appeared very empathic with regard to the patients’ conditions. He resides on the upstairs floor of the unit, with the other inmate companions.

Activities/Accomplishments: Mr. Kelsey has also been involved in numerous prosocial pursuits over his incarceration, in an attempt to rehabilitate his life, and to help others. In 1997, and again 2011, he was involved in ‘Operation Behind Bars’ to prevent youth from involvement in crime. From 2006 to 2011, he volunteered in the library to assist in the creation and maintenance of library databases for staff and inmates to use. In 2012 and 2013, he served as a Charter Resident of the Character Based Units at Lieber CI and Lee CI, assisting to further CBU’s goals of recidivism reduction and prosocial character building. In 2012 and 2013, he served on the Student Advisory Council at Lee CI in order to bring academic issues to the attention of staff. In 2013 and 2015, he worked as a hospice volunteer at Lee CI and Kirkland CI. Although too numerous to mention, he has continued to participate in trainings to enhance his skills, as he is motivated perform to the best of his ability. Of particular note, in 2019, he completed JumpStart Leadership Training, which is reserved for “blue folder JumpStart graduates, who have been unanimously approved by the existing leadership.”

Throughout these activities, and as listed above, he has been awarded many ‘Certificates’ of ‘Excellence,’ ‘Achievement,’ ‘Participation’ and ‘Completion.’

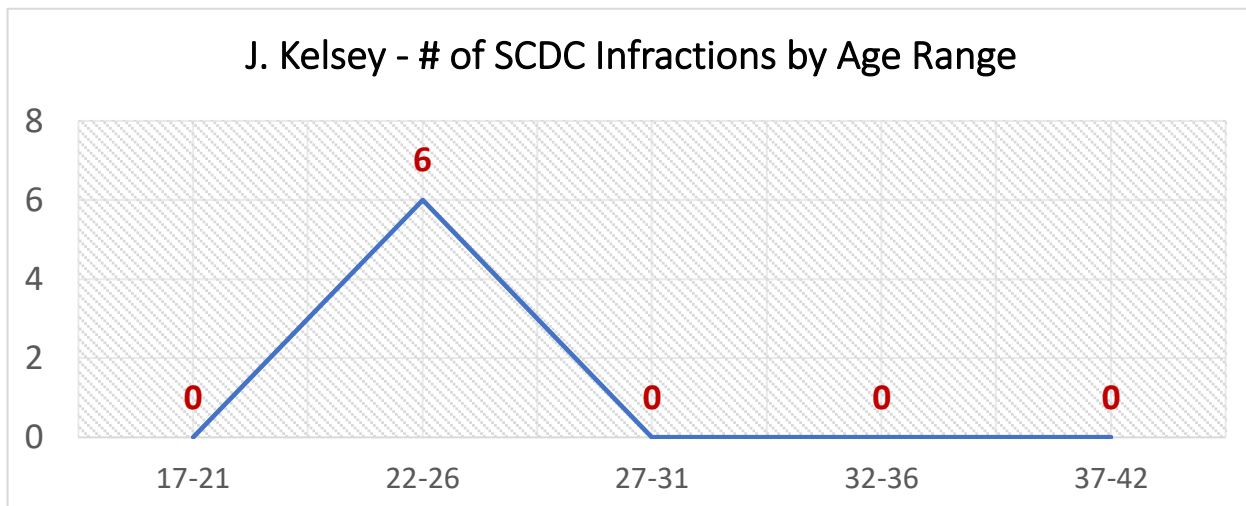
Faith-Based Programming: He has also been involved in faith-based programming, to include Kiaros in 1996; Men’s Fraternity ‘Quest for Authentic Manhood’ in 2015; earned a ‘Blue Folder’ from JumpStart in 2017; and in 2018, completed ‘Men’s Fraternity: Winning at Work and at Home.’ Additionally, in 2016, he worked as a Chaplain’s Assistant at Evans CI during which he facilitated Bible studies and life-skills classes, among other duties.

Interpersonal Functioning: Mr. Kelsey is presently engaged to Jennifer Montgomery, whom he originally knew from Lakeside High School. They rekindled a relationship around 2007, when she wrote to him. They wrote letters, and spoke on the phone frequently, until she came to see him at the end of 2013. Since that time, she has visited “twice a weekend, every weekend” and they talk frequently. They have immediate plans to marry if he is released on parole. Her mother visits him with regularity, and they have established a close relationship.

Medical/Mental Health: Mr. Kelsey has remained essentially healthy over his incarceration. No medical conditions have been identified, and he does not take any type of medication. In 2017, he incurred a nasal fracture from an injury playing basketball, and required surgery at Palmetto Health Richland. He has no history of additional surgeries in SCDC. He reported his only mental health encounter as during his September 1995 trial, when he experienced anxiety surrounding the legal proceedings. SCDC records note he was treated with Vistaril, 50 mg, for several days due to “situational anxiety.” He has no history of any additional mental health evaluation or treatment during his incarceration.

Substance Use: Regarding substances, he reported consuming “homemade wine” during his early years of incarceration. He reported no alcohol in at least “ten years.” He also reported marijuana use during his earlier years, with his last use “16 years ago.” He presently views any substance use as “counter-productive” to his goals and has no urges or desire to use. Per SCDC records, in September 2003, at age 26, he tested positive for “THC/Marijuana.” This is his only substance-related infraction and only ‘Major’ conviction/infraction on his record.

Disciplinary: Mr. Kelsey’s ‘**Record Summary Sheet**’ from SCDC dated June 24, 2019, indicates he has had “no escape history;” “no criminal charges while in custody;” “no priors;” and “no detainers.” Regarding disciplinary infractions, he has no convictions for ‘Assaultive Disciplinarys.’ He has incurred six ‘Non-Assaultive Disciplinarys,’ only one of which was classified as ‘Major.’ These charges include Damage, Destroy Property [March 2002, Other]; Out of Place [February 2003, Minor]; Refusing or Failing to Obey [April 2003, Minor]; Use or Possession of Marijuana [September 2003, Major]; Out of Place [March 2004, Other]; and Out of Place [May 2004, Other]. His last infraction occurred at age 26.



*Only 1 of the 6 infractions was classified as ‘Major.’ All others were ‘Minor’ or ‘Other.’

SCDC Collateral Interview Data: In addition to reviewing his entire SCDC file, the examiner interviewed SCDC staff members familiar with Mr. Kelsey.

Paul Dennis [CSU Program Manager]: Mr. Dennis has worked with Mr. Kelsey for the past three and a half years in CSU, where he is the Program Manager. He stated Mr. Kelsey is responsible for “managing the guys on crisis, watching them one to one, when guys are in need, or a danger to themselves or others, he assists with peer support. He does well, he’s soft-spoken, he gives them his story...” Mr. Dennis further described him as “mild-mannered, follows the rules and regulations, no issues with discipline.” He stated Mr. Kelsey is “my assistant, with the supplies, and with putting everything in order, does all the things that keep the program running...he’s trustworthy, no issues, gets along with fellow inmates well, and works well with the staff back here.” Mr. Kelsey resides upstairs of the CSU unit with the other inmate companions and “they’re like a family up there, he’s one of 32 when we’re fully staffed.”

Mr. Dennis was asked if Mr. Kelsey had any sort of leadership role on the CSU unit. He stated, “yes, he’s my assistant, so he stands out from the rest of the inmate companions.” Mr. Dennis chose him for his assistant as he is “a hard worker, dependable, and he has integrity.” When asked if he would have any concerns with Mr. Kelsey granted parole, he stated “I don’t see anything, from the temperament he has in here, from how he is doing, no issues, I haven’t seen anything that would caution me.”

Nurse Courtney Olds-William [CSU Nurse]: Nurse Olds-Williams has worked at SCDC for the past six years, and works in the CSU unit with Mr. Kelsey. She works with Ms. Kelsey “eight hours a day, sometimes ten hours a day.” He “keeps track of all of our supplies, he is so well-organized, so professional, and it can get chaotic.” He “keeps everything accurate, keeps the inventory accurate, he is very dependable.” She further described him as a “model inmate, well-spoken, calm, all the inmates love him...” She also noted he has very good relationships with all of the staff, and that she has never seen any disciplinary issues from Mr. Kelsey. When asked if she would have any concerns with Mr. Kelsey being granted parole, she stated “none whatsoever, no concerns.” She stated, “I can trust him, I can be in a room alone with him, and trust him, and you can’t say that about many inmates.”

TRANSITION PLAN: If granted parole, Mr. Kelsey has multiple options of where to reside and work, given his very strong support system. The preferred option is to reside with his fiancé, Ms. Jennifer Montgomery, in Augusta, Georgia, living in a recently purchased home, with immediate plans to marry. She has very strong ties to the Augusta community, with regard to her family and career, where she works as the Dean of Students and Assistant Executive Director at Georgia Military College. Her mother resides within several miles, and has pledged her strong support of Mr. Kelsey’s release, as her son-in-law. She and her family will provide financial, emotional, and social support, upon his release. Regarding employment, Mr. Kelsey has been offered a job by Lambert Logistics, Inc., out of Martinez, Georgia, working for Casey Lambert.

Mr. Kelsey also has the option of residing in South Dakota, where his father and stepmother reside; or in Corpus Christi, Texas, where his mother resides. His fiancé would relocate with him to either of these locations. If the latter two options are exercised, then his parole would be transferred via the Interstate Compact for Adult Offender Supervision (ICAOS).

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In order to confirm his proposed plans, and to ‘vet’ his relationship with Ms. Montgomery, the examiner spoke with Ms. Montgomery, her mother, their marriage counselor, and a professional educator and counselor who has known them both since teenagers. Mr. Kelsey’s family was also contacted to confirm the proposed plans, and to assess their role and support in his transition.

Collateral Interviews [Fiancé and Fiancé’s Mother]: His fiancé is 41 years old, and resides in Augusta, Georgia, in a recently purchased home. She has resided in the Augusta area for 33 years, with present employment at Georgia Military College. Her family resides within several miles of her residence. She described first meeting Mr. Kelsey in high school, during which time they were acquaintances. More recently, she began building a relationship with Mr. Kelsey around 2007, and they became engaged in 2013. She described their relationship as “completely committed” and she sees him eight times month, “the maximum.” She verified his release plan, noting plans to “get married the right way” in a local church once he is released.

In an interview with his fiancé’s mother, she stated she has met Mr. Kelsey many times and has met his family. Her mother described the relationship between her daughter and Mr. Kelsey as “genuine and reciprocal” and that she “approves of their plan to get married.” Her mother stated she “cares about” Mr. Kelsey and is “happy to support him in any capacity.”

Collateral Interview [Former Marriage Counselor]: Dr. John K. Hill, DMin, LMFT, is a licensed marriage and family counselor in the North Augusta area, with a counseling degree from Yale University and a Doctor of Ministry degree from Columbia Theological Seminary. Ms. Montgomery and Mr. Kelsey sought pre-marital counseling from Dr. Hill after their engagement. Ms. Montgomery was present in his office, with Mr. Kelsey on the phone, during sessions. Dr. Hill believed they had at least six sessions focusing on their relationship and Mr. Kelsey’s rehabilitation efforts. In his experience and opinion, the relationship “seemed very real, solid” and genuine. He found Mr. Kelsey to be “very reasonable, intelligent, very remorseful...” and believed they would have the makings of a “good marriage.” He also emphasized that Ms. Montgomery knew Mr. Kelsey from high school, and thus, had a basis to reach out and begin a friendship when she did, versus someone without such history. He has known Ms. Montgomery “for years” in the Augusta area, and believed her to be a sincere, stable, and authentic individual.

Collateral Interview [Former School Guidance Counselor]: Ms. Mae Guinn, Ed.S. has worked in the field of education for over 27 years, and is now retired. In the 1990’s, she served as the high school guidance counselor at Lakeside High School, where both Mr. Kelsey and Ms. Montgomery were students. She recalled both as “good kids” and “normal and well-liked.” She has also known Ms. Montgomery for years, as both reside in the Augusta area. She described Ms. Montgomery as “a very solid person, level-headed.” She believes their relationship is real and “not a pseudo-relationship.” If Mr. Kelsey is paroled, she offered counseling sessions as part of their “re-integration plan.”

Collateral Interviews [Examinee’s Family]: Mr. Kelsey’s family members, including his mother, father, stepmother, twin sister, older sister, and two older brothers were interviewed regarding support post-incarceration. His mother stated “we will do anything we can to help, everybody’s on the same page,” with all members expressing “total” and “absolute” support. His family has also met his fiancé, Jennifer, and stated “her family has accepted Joe.” All family members are financially stable, with successful careers, or have retired.

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CLINICAL PRESENTATION: For each interview, Mr. Kelsey presented as neatly dressed in prison-issued attire, with very good attention to grooming and hygiene. He was polite, respectful, and cooperative. He presented as mild-mannered, and forthcoming with all information asked. His mood was pleasant and stable, with appropriate, full range of affect. He was soft-spoken, with normal rate and prosody of speech. He was thoughtful and deliberate with his responses, and at times, exhibited emotional responses (e.g., sadness, tearfulness) when discussing sensitive topics regarding his background and the offense. There were no abnormalities observed in his psychomotor functioning. His thought process was linear and organized, with no bizarre content. Judgment and insight appeared good. There were no overt indicators of major mental disorder, personality disorder or cognitive deficits.

Clinical Functioning: Mr. Kelsey reported no symptoms consistent with a mental disorder, including major mood instability related to depression, mania, hypomania, or anger dyscontrol; psychotic symptomatology; self-injurious conduct, suicide attempts, or suicidal or homicidal ideation; traumatic stress; chronic elevated anxiety, panic attacks, intrusive worry or phobias; or obsessive-compulsive symptoms. With regard to current functioning, he reported no dysregulation in mood, affect, appetite, sleep, energy level, concentration, memory or cognition.

Psychological Testing: On June 27, 2019, Mr. Kelsey was administered the **Minnesota Multiphasic Personality Inventory®, 2nd Edition (MMPI®-2)**, which is the preferred test of SCDC for use in conditional parole evaluations. The MMPI®-2 is an assessment measure designed to assess personality and affective functioning. Validity indicators are included measuring a test-taker’s overall approach and response style.

Validity scales indicated Mr. Kelsey responded to all items, responded consistently and without exaggeration or minimization of symptomatology; and without significant defensiveness: F-Scale [T = 45]; L-Scale [T = 52]; K-Scale [T = 66]; and S-Scale [T = 59]. In his case, the slight elevation on the K-scale is reflective of a well-functioning individual, who sees his life as well-managed and with good emotional control, self-sufficiency and the ability to cope, rather than defensiveness. This result is found more often in individuals of higher education and SES status, and is consistent with his scores on the additional validity indices.

Clinical findings were indicative of someone with high self-confidence, minimal emotional distress, regrets regarding life decisions, good sociality, and well-controlled anger and frustration tolerance. Findings were also significant for a history of antisocial conduct and authority issues, during adolescence, of which Mr. Kelsey was very open in reporting. Items on the elevated subscales have a ‘historical bias’ and tap into ‘admissions of delinquencies in the past.’ Thus, such results are in line with his history, and to be expected given his legal situation. They do not reflect current antisocial pathology, and his record reflects no such behaviors in many years. In addition, one substance subscale was slightly elevated, [Scale AAS, T = 65], however, all other substance measures were within normal limits. In reviewing the critical items with Mr. Kelsey, this reflected his openness in reporting prior substance use, and does not reflect current use. As with all psychological assessment measures, interpretation of results must take into consideration the totality of evaluation data, to include all records and collateral data, in determining diagnostic and personality findings. Overall, Mr. Kelsey’s MMPI-2 profile does not support clinical instability, mental disorder or personality psychopathology.

DIAGNOSTIC FORMULATION: The following diagnoses are rendered according to the *Diagnostic and Statistical Manual for Mental Disorders, 5th Edition, (DSM-5)*.

- **Diagnosis:** No Diagnosis
(Previously Axis I & Axis II)
- **Medical Conditions:** None Known
(Previously Axis III)

Mr. Kelsey has no history of mental disorder; and he does not presently meet criteria for a personality disorder, cognitive disorder, adjustment disorder, substance disorder or other psychopathology. Thus, no diagnosis is offered.

VIOLENCE RISK ASSESSMENT: A violence risk assessment measure was utilized to supplement the above data and more formally evaluate the issue of future violence risk.

HCR-20^{V3}: The HCR-20^{V3} is an interview and assessment tool designed to assess an individual's risk of future violence. This tool has been subject to rigorous empirical validation, and is used routinely in parole evaluations for those serving life sentences.^{1, 2} The HCR-20^{V3} is comprised of twenty items in *Historical*, *Clinical* and *Risk Management* domains that combine to assess an individual's overall level of violent recidivism risk. Thus, the measure captures past, present, and future risk variables. These variables have been demonstrated via research to correlate with an individual's risk of violence. Items are assessed for the *presence* of the risk factor, and the *relevancy* (*low, moderate or high*) of the item to address future violence for that individual. Information on these variables was obtained through in-depth clinical interviews with Mr. Kelsey, collateral interviews and by review of collateral data.

- **Historical** variables are considered over an individual's lifetime and include history of: 1) *violence*; 2) *violent attitudes*; 3) *antisocial behaviors*; 4) *instability of relationships*; 5) *instability of employment*; 6) *substance use*; 7) *major mental illness*; 8) *personality disorders*; 9) *traumatic experiences*; and 10) *problems with treatment response*.

With regard to history of violence, Mr. Kelsey has had no known violent behavior prior to the offense, or during his present incarceration. With regard to the homicide offense at age 16, prior court decisions are clear that his codefendant gave the victim illicit drugs, strangled her, and lit the fuse of the pipe bomb. Mr. Kelsey's role was limited to a failure to act in an effort to prevent harm to the victim, and of placing the pipe bomb in her mouth. This latter action would be considered the 'violent act,' however, he believed she was already dead, and his codefendant lit the fuse. Nevertheless, since the pathologist cannot definitely determine the cause of death (e.g., drugs, strangulation, and/or explosion), his action would be considered violent, given that he aided his codefendant in this endeavor, and was present when the fuse was lit. This seems to be his only 'act of violence' over his 42 years. Thus, this factor is historically *present*, but of *low relevance* when considering the circumstances and current risk management strategies.

¹ Laura S. Guy et al., *Influence of the HCR-20, LS/CMI, and PCL-R on Decisions About Parole Suitability Among Lifers*, 39 LAW HUMAN BEHAV 232 (2015).

² David R. Shaw, Office of the Inspector General, Special Report: *The Board of Parole Hearings: Psychological Evaluations and Mandatory Training Requirements* [July 2010] <https://www.oig.ca.gov>.

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Regarding a related factor, data did not indicate that Mr. Kelsey has a history of entrenched **violent attitudes**; therefore, this factor is *not present*.

Considering a pattern of **antisocial behaviors** (criminal activity other than violence), Mr. Kelsey has no history of juvenile offenses. At age 17, he incurred charges related to stealing a car for the purpose of “joyriding” and did not stop for police. His SCDC disciplinary record indicates very few infractions given the length of his incarceration, with six infractions in over 24 years. All but one was classified as ‘Minor’ or ‘Other’ by SCDC. Further, most of his infractions would not be considered ‘antisocial’ conduct, as they would not be illegal if he were in the community (e.g., Refusing to Obey; ‘Out of Place’ etc.). Therefore, he has no established ‘pattern’ of antisocial conduct, and thus, this factor is *not present*.

In consideration of **instability in relationships**, Mr. Kelsey was first incarcerated at age 17, and thus, had no truly serious relationships prior to his incarceration. Since 2013, he has been in a committed relationship, with his now fiancé. All available sources, including her family, cite their stability, love and mutual companionship, as a very positive development. Further, he has maintained positive relationships with his family, over his incarceration, which remain strong and committed. Thus, he has no pattern of relationship instability, (defined as multiple short-term, turbulent or conflictual relationships). As such, this factor is *not present*.

Regarding **instability of employment**, Mr. Kelsey was a teenager at the time of his arrest, and had no sustained work history of any length. During his incarceration, he has held multiples types of jobs, with most of significant length, spanning years. For example, he worked for two years as a clerk in education; and for 12 years as an administrative clerk in PI. He is currently employed in the CSU unit, working as a para-professional counselor, with suicidal inmates, where he has worked for over three years. Of note, his history is not reflective of periods of unemployment, firings, poor performance reviews, conflicts with supervisors or coworkers, or other chronic problems. On the contrary, he has received many positive accolades for his work performance. Therefore, this factor is *not present*.

Regarding **history of substance abuse**, Mr. Kelsey drank alcohol frequently as a 16 year-old, however, he did not experience negative consequences from use. In prison, he has not consumed alcohol in over 10 years, and has no alcohol-related infractions. He has never met criteria for an alcohol-related disorder. He socially experimented with substances as a teenager, with his use in line with adolescent experimentation. He did not use more than five times, with no negative consequences from use. In SCDC, he used marijuana during his earlier years, and has one substance-related infraction when he tested positive for THC. His use did not rise to the level of a substance-disorder, and he has not used in 16 years. Additionally, substances were not a contributing factor in the offense conduct. Therefore, this factor is considered *not present*.

For the risk factor of **major mental disorder**, Mr. Kelsey has no history of major mental disorder. Therefore, this risk factor is *not present*. Additionally, he does not meet criteria for a **personality disorder** of any kind. SCDC records do not indicate diagnoses of personality disorders, and he did not meet criteria for a personality disorder upon current clinical evaluation. Therefore, this factor is *not present*.

Regarding history of **traumatic experiences**, Mr. Kelsey did not endorse a history of trauma, and collateral sources do not indicate such history. He has never experienced symptoms of traumatic stress (e.g., PTSD). Therefore, this risk factor is *not present*.

Mr. Kelsey has no **history of problems with treatment response**. He has no history of requiring any type of treatment, thus, this is not directly applicable. Additionally, he has complied with various programs, trainings, educational endeavors and other rehabilitation efforts, with excellent response. Therefore, this factor is *not present*.

▪ **Clinical** risk factors are considered over the past six months and include recent problems with: 1) *degree of insight*; 2) *violent ideation or intent*; 3) *symptoms of major mental disorder*; 4) *instability of functioning*; and 5) *treatment or supervision response*.

Mr. Kelsey's **degree of insight** into his offense, and current functioning is very good due to intact cognitive abilities, committed self-reflection over many years, and openness regarding his life choices. He speaks openly about the offense, and demonstrates in-depth insight into his role, insight regarding victim impact, and insight regarding how he has grown and evolved over his incarceration. Therefore, this factor is *not present*.

There is no indication that Mr. Kelsey has had any recent problems with **violent ideation or intent**, therefore this risk factor is *not present*. He does not have a major mental illness; therefore, he has no **recent symptoms of major mental disorder**, including affective, behavioral or cognitive instability. As such, this risk factor is *not present*. He is clinically stable at the present time, and thus his **stability of functioning** is good; therefore, this risk factor is *not present*. He has had no issues with **recent treatment or supervision response**, as he is not required to undergo any treatment, or supervision at the present time. He is compliant with all supervisors on the CSU unit. Therefore, this factor is *not present*.

▪ **Risk Management** factors represent an assessment of variables (out of custody) over the next six months and include future issues or problems with: 1) *professional services and plans*; 2) *living situation*; 3) *level of personal support*; 4) *treatment or supervision response*; and 5) *level of stress and coping*.

Regarding **professional services and plans**, Mr. Kelsey has been offered a full-time job which he can start immediately upon release. He is not in need of other types of professional services (e.g., medical or mental health), and thus this factor is *not present*.

Relatedly, his **living situation** is very secure, as he will move in with his fiancé, who has just purchased a home. He is also welcome to reside with any number of family members, who are all financially stable. Therefore, this risk factor is *not present*. With regard to **level of personal support**, Mr. Kelsey will have strong family and extrafamilial support. He has the unwavering support of his fiancé, with whom he will live, as well as her family which resides in very close proximity. Although they do not reside locally, he has the very strong support of all of his family members. His many letters of support provide additional evidence on this factor. Therefore, this risk factor is *not present*.

Regarding the factor of future treatment or supervision response, Mr. Kelsey has no known needs for medical or mental health treatment at the present time; and has no history of compliance issues with supervision during his incarceration. Of note, he was chosen out of the 32 inmate workers in CSU to be the personal assistant of the program director, indicating strong qualities of compliance and dutifulness. Additionally, he has no interpersonal or clinical impediments that would hinder a positive response to parole supervision. Therefore, evidence supports a future positive treatment and supervision response. As such, this factor is not present.

Finally, the risk factor of future problems with level of stress or coping was considered. If released on parole, Mr. Kelsey would be faced with the challenges of adjusting to a very different ‘outside world,’ which may be stressful for anyone in his situation. However, as outlined above, he will have very strong personal support. He has also coped well in the stressful environment of the CSU, with his supervisors referring to him as “calm” and an asset to the program. Therefore, this risk factor is considered present, as with any transition of this magnitude, but of low relevance, given his support system and individual strengths.

In sum, based on the evaluation and application of the HCR-20^{v3} risk factors to Mr. Kelsey’s specific history and situation, it is opined that only 2 out of 20 risk factors are present, but both are of low relevance. This factor includes *History of Violence* regarding the homicide offense over 25 years ago. Factors contributing to this offense are no longer present, and risk management strategies have evolved to reduce risk, to include: maturity past adolescence; longstanding prosocial lifestyle; education and viable job skills; clinical stability; insightfulness; and strong psychosocial support. The factor, *Stress and Coping*, was present, given potential release after many years. However, this is effectively addressed through his proven coping skills, and strong psychosocial support; and is thus, of low relevance.

Table 1. [Summary of HCR-20^{v3} Risk Factors, Presence and Relevance].

HCR-20^{v3} Risk Factor	Presence	Relevance to Risk Management
History of Violence	<i>Historically Present</i> (No serious violence prior to homicide or in 24+ years)	<i>Low</i> – Well Managed via age; maturity; longstanding prosocial lifestyle; job skills; education; clinical stability; insight & psychosocial support
Future Stress and Coping	<i>Present</i> (Related to transition after lengthy incarceration)	<i>Low</i> – Strong Coping Resources and Support Upon Release to Mitigate Stress

Taken together, in consideration of his individual, case-specific details, and available risk management strategies, data from the HCR-20^{v3} indicates Mr. Kelsey represents a low risk for future violent acts.

SUMMARY: Based on evaluation data, which includes clinical interviews and psychological testing with Mr. Kelsey; interviews with his parents, siblings, fiancé, fiancé's mother, former marriage and guidance counselors, and SCDC staff; and review of psychosocial, legal and correctional records; and letters of support, the following was found.

Prior Criminal Record and Supervision: Per 'parole criteria' set forth by the SC Board of Pardons and Paroles,² "*The offender's prior criminal record and adjustment under any previous programs of supervision,*" was considered as part of his pre-offense history. Prior to the parole-eligible offense, Mr. Kelsey had no juvenile or adult charges. In the weeks after the offense, he incurred several minor charges, for which he maxed out his time in 1996. He has had no previous programs of supervision (e.g., parole or probation).

Parole-Eligible Offense: Per the Board's criteria, "*The nature and seriousness of the offender's offense, the circumstances surrounding that offense, and the prisoner's attitude toward it;*" as well as the, "*the offender's understanding of the causes of his past criminal conduct*" were assessed. At the time of the homicide, Mr. Kelsey was 16 years old, in mid-adolescence, with neurobiological maturity far from complete. Weeks before the homicide, his family had moved out of state, leaving him without any adult supervision, with no structure, and in the company of teenage peers. The homicide was committed with adolescent codefendants, one of whom also received a life sentence. Although his peers were charged as adults, Mr. Kelsey was waived to General Sessions via a transfer hearing, as he was still a juvenile.

Data from the trial testimony, and post-conviction holdings from the S.C. Supreme Court, are clear that the victim was murdered by his codefendant Geoff Payne by either drugs, strangulation or explosion; with the forensic pathologist unable to determine the cause of death. Thus, Mr. Kelsey's role was minimal as compared to his co-defendants, with regard to physical harm to the victim. However, Mr. Kelsey withheld information about the homicide, and did not disclose any information to her family. This needlessly prolonged their pain and suffering. Mr. Kelsey recognizes this decision as one that was very painful to the victim's family, and expresses much regret and guilt over his inaction in this regard. Further, he has accepted full responsibility for all of his actions and decisions surrounding the offense. His 'attitude' is one of great remorse, shame, and sadness for the victim's family and their loss.

Due to years of introspective reflection, he demonstrates very good 'understanding of the causes' of his criminal conduct, including lack of adult supervision; adolescent susceptibility to peer influence; poor decision-making due to desire for peer acceptance; and adolescent immaturity.

In consideration of the Board's parole criteria regarding, "*The offender's attitude toward family members, the victim, and authority in general,*" Mr. Kelsey has expressed significant remorse and empathy for the victim's family, and for the victim. He has written a letter of apology to the family in which he expressed, "Each day, I comprehend more fully, and regret more deeply, the devastation I brought on your family...[and] realize that there is nothing I can say or do to diminish the pain I have caused you..." He "cannot apologize enough" and "I am truly sorry for taking Melanie out of your life." He expressed similar sentiments during the present evaluation, with much tearfulness and emotion.

² <https://www.dppps.sc.gov/content/download/120663/2749351/file/Parole+Board+Manual+June+7+2017.pdf>.

Regarding 'attitude' towards authority, he has maintained compliance towards authority figures as evidenced by very few infractions over his incarceration, and by the many favorable letters of support from SCDC staff and supervisors. His direct supervisor also lauded his compliance and responsibility to this examiner regarding his current job.

Course of Incarceration: In consideration of the Board's parole criteria: *"The offender's adjustment while in confinement, including his progress in counseling, therapy, and other similar programs designed to encourage the prisoner to improve himself;" "The offender's employment history, including his job training and skills and his stability in the workplace;" and "The offender's efforts to solve his problems;"* the following was found.

Mr. Kelsey's efforts at self-improvement have been committed, sustained, and sincere. He has availed himself of a multitude of educational endeavors, social programs, and work opportunities in order to 'solve his own problems,' to include earning multiple degrees; and accumulating hundreds of hours of vocational training. As a result, he has gained ready skills for the community, to include a college education; forklift and tire work certifications; computer and library skills; hospice experience; and ministry.

Additionally, in reviewing his many letters of support, those *professionals* who have worked with Mr. Kelsey during the course of his incarceration described him as: "an asset...to society;" "sincere, empathic, caring;" "remorseful;" "passionate in his commitment to God;" "volunteers for countless tasks;" "does an exceptional job;" "expresses deep regret and remorse for his actions;" "dependable, honest, courteous, and responsible;" "accepts responsibility for all the pain he has caused;" "is known to go above and beyond his assigned duties;" "quiet humble demeanor...consistently respectful, cheerful and hardworking;" "respectful, kind and gracious;" "served with humility and faithfulness;" "the kind of man I would want for a neighbor;" "an outstanding leader;" "selfless;" "very reliable and trustworthy;" "hardworking, self-motivated and quiet;" "expressed to me great remorse;" "has certainly rehabilitated himself;" "has displayed exemplary patience, understanding and compassion;" "I would hire him again;" "I can honestly say he was remorseful;" "superlative student;" "shown excellent character;" "respectful and helpful attitude;" "humble learner;" "gentle and unassuming;" "valued employee;" and "a fine example of rehabilitation in prison."

Furthermore, SCDC correctional staff interviewed indicate he has made a very positive adjustment, and they reported no hesitation regarding his potential release on parole.

Risk Assessment: In consideration of the Board's parole criteria of, *"the risk that the offender poses to the community,"* Mr. Kelsey was assessed using an empirically validated risk assessment measure (HCR-20^{v3}). This measure consists of 20 risk variables, within Historical, Clinical and Risk Management domains. Results indicate Mr. Kelsey is at low risk for future violent recidivism. Primary contributing factors to the homicide offense are no longer valid or present, which primarily involved his immaturity, youthfulness, and attendant characteristics of impulsivity, recklessness, and poor future orientation. Additionally, his age of 42 further reduces his risk, as youthful offenders account for the majority of violent crime. Mr. Kelsey also has a very strong transition plan in place, with a ready place to live, employment, financial support and strong social support. Such stability is a powerful mitigator against future violence, and further supports a finding of 'low' risk.

The Board's parole criteria of, "***The offender's physical, mental, and emotional health***" was also considered in assessing his risk. Mr. Kelsey is clinically stable, and without symptoms of mental disorder. He has no history of mental health treatment during his incarceration. Records indicate he is in good medical health, with no treatment indicated at the present time.

Transition Plan: The Board's parole criteria: "***The adequacy of the offender's overall parole plan, including his proposed residence and employment,***" was considered. Mr. Kelsey has proposed to reside with his fiancé, in her home, in Augusta, Georgia. She is well-established, having lived in the area for 33 years, and is employed as the Assistant Executive Director and Dean of Students at a local military college. Her family resides within several miles, which would provide more structure and support.

[Note: Given that their relationship primarily developed during Mr. Kelsey's incarceration, it was initially approached with skepticism. Information from collateral sources was sought to better understand the dynamic. Her mother was contacted, who had also been initially skeptical. She has since visited Mr. Kelsey many times over the years, and has observed their relationship develop. She believes from her close observations that it is a real, and genuine commitment. Their marriage counselor was also contacted, as they have engaged in premarital counseling sessions. He vouched for the genuine nature of the relationship, and for Ms. Montgomery's sincerity and stability, whom he has known for years. He further noted that Mr. Kelsey and Ms. Montgomery knew each other prior to the offense, which provided additional evidence of a genuine relationship. Additionally, their high school guidance counselor, who knew both as teenagers, and has known Ms. Montgomery for many subsequent years, vouched for the sincerity, stability and authentic nature of Ms. Montgomery and their commitment. Finally, Mr. Kelsey's entire family has met Ms. Montgomery at least once, and in some cases, multiple times. They too vouched for the sincerity and stability of their relationship, citing enthusiastic approval for their proposed marriage plans.]

For work, Mr. Kelsey has been offered full-time employment at Lambert Logistics, Inc., which is akin to a courier/delivery company, and which he can start immediately. He and his fiancé plan to marry shortly upon his release, and find a church community in the local area, which would provide additional support.

Family Circle: Finally, in consideration of the Board's criteria: "***The willingness of the offender's family to allow the offender, if he is paroled, to return to the family circle,***" the examiner spoke with Mr. Kelsey's mother, father, stepmother, two older brothers, older sister, twin sister, fiancé and fiancé's mother. They would all welcome Mr. Kelsey back into the 'family circle,' providing him psychosocial, financial, emotional and spiritual support. His fiancé and her mother are also excited to welcome him into their extended family. It should be noted that he has been offered multiple residences in several states, given his family's commitment to his release.

In sum, Mr. Kelsey exhibits the requisite clinical stability for successful community reintegration, with a low risk of future violence, and a secure transition plan.

Respectfully Submitted



Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist

October 24, 2019

Date Signed

Exhibit 5



SOUTH CAROLINA DEPARTMENT OF EDUCATION

Certificate of Award

To

JOSEPH GLENN KELSEY

SUPERIOR GED EXAMINATION SCORES

For Achieving a Score of 345

Mick Fais

State Superintendent of Education

MARCH 1, 1995

Date

David B. Stott

GED Administrator

GED Testing Office ■ 1429 Senate Street ■ Columbia, SC 29201



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

Dear GED Graduate:

Congratulations on earning a score on your GED exam that places you in the top 5 percent of South Carolina's GED graduates. This is a significant accomplishment that undoubtedly required dedication and hard work. We salute you for your achievement and want you to know that we are proud of you. Enclosed is a certificate, which is suitable for framing, commending you for your accomplishment.

A GED diploma opens doors for many graduates—to new jobs, to post-secondary educational opportunities, to increased self-esteem. We hope that you are already reaping the rewards of your accomplishment, and we wish you continued success in pursuing your educational and career goals.

Sincerely,

A handwritten signature in cursive script that reads "Mick Zais".

Mick Zais
State Superintendent of Education

MZ/ds
Enclosure

Exhibit 6



CIU | PRISON INITIATIVE

October 23, 2019

To Whom it May Concern,

We are writing on behalf of Mr. Joseph Kelsey (SCDC #217218) who is a graduate of our Columbia International University Prison Initiative Program. The Prison Initiative is a 24 month, 60 credit Associate of Arts degree program within the South Carolina Department of Corrections. This program is designed for inmates with significant sentences who have demonstrated a potential to make a difference within the walls of SCDC. The selection process is rigorous and competitive and only 15 inmates are chosen to participate each year. Students focus all of their time and energy on academics during their two years in the program and graduate with an accredited Associate of Arts Degree upon completion.

The general expectation by SCDC and the University is that each graduate of the CIU Prison Initiative program would be assigned to a SCDC facility (ideally in groups of twos and threes) with the goal of serving as model prisoners as well as peace-makers within the general population. Many of our graduates go on to teach classes, serve hospice patients, and lead Character-Based Dorm units. As with other faith-based programs of similar design, such as the program at Angola Prison in Louisiana, the impact of the critical thinking skills, peace-making skills, and religious faith linked to sound education should provide a positive impact on the prison population.

Mr. Kelsey was selected to participate in this program in Kirkland's Cohort #7 and graduated in December 2015. Following graduation, he volunteered to serve in the Crisis Stabilization Unit at Broad River Correctional Institution in order to care for and encourage fellow inmates during a vulnerable season in their lives. While serving these men he has also relentlessly continued his education and is on track to graduate this December 13, 2019 with a Bachelor of Science Degree from Columbia International University. Not only will he graduate with a 4.0 grade point average but he will also graduate with honors as Summa Cum Laude.

We are incredibly proud of Mr. Kelsey's accomplishments. He is one of only five Prison Initiative graduates who has gone on to complete their bachelor's degree after completing our program and look forward to celebrating this milestone with him in a few weeks.

The University does not make any formal recommendation for any of our graduates because of our potential lack of objectivity and/or conflict of interest due to our

A Ministry of Columbia International University

7435 Monticello Road | Columbia, SC 29203 | (803) 807-5020 | prisoninitiative@ciu.edu

ciu.edu/pi

relationship with the individual as volunteers within the SCDC system but the university believes it is appropriate to provide you with standardized data regarding participants within our program which you may or may not wish to review based on the request of our graduate. Because of federal regulations regarding access to student information, the University has gained written permission from Mr. Kelsey to release this information for your review:

Academic Information based on his completion of the two year A.A. program in 2015:

Number of Semester Credits Completed: 68

Cumulative Grade Point Average for the above Credits: 4.0 (on a 4.0 scale)

Attendance Pattern: on time, prepared, consistent & faithful attendance (100%)

General Demeanor as a Student: humble, respectful, persistent, seeks to learn

Attitude towards Learning: teachable, engaged, submitted quality work, motivated, ambitious

Interaction within the Cohort: stable, respected, gentle

Disciplinary Issues: none

I hope this information may be beneficial to you as you review Mr. Kelsey's case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bryan Beyer".

Bryan Beyer, Ph.D.

Dean of College of Arts and Sciences

COPY: Andre T. Melvin, M.Div., CIU Prison Initiative Director

August 7, 2015

Honorable Members of the Parole Board
c/o Mr. Jon Ozmint
P. O. Box 6814
Columbia, SC 29260

Letter on behalf of Joseph Kelsey, Kirkland CI

Dear members of the Parole Board,

Joseph Kelsey, resident of Kirkland Correctional Institute, has asked me to write a letter on behalf of his request for parole. It is a joyful privilege for me to do so.

I am a professor in CIU's Prison Initiative degree program who was privileged to teach Joseph and his fellow students in Cohort 7 their introduction to English literature course in July 2014. I will always look back on this course as the highlight of my 15 years of teaching at CIU. I had never before taught this semester-long course in a three-week intensive span, and I knew that the reading and writing assignments would challenge the students. The entire cohort responded wonderfully to the academic challenge, and in all of this, I noted the leadership Joseph took in his humble and quiet way among his peers. He was consistently respectful, cheerful, and hard-working in class, and from his first writing sample I could see his considerable academic gifts. It was clear to me too that his fellow prisoners esteemed him. He earned the highest percentage grade in the course, but you would never know it from his quiet, humble demeanor. Though he excelled in academic ability, he also stood out to me for his eagerness to learn. He was the only student from his group to send me a personal card expressing his appreciation for the course—an unusually thoughtful gesture I will always remember with gratitude.

Obviously, I have not had the privilege of knowing Joseph during the years of his incarceration to compare his maturity now with his character when he first entered prison. My assumption would be that there has been a profound change in him for the better. The person before me now impresses me with strength, quietness, and maturity—evidences that I take as the fruit of a true and lasting spiritual renewal. I have returned several times in the past year to speak in chapel, and have found Joseph's posture always to be quiet, humble, and teachable. There is an evident consistency and maturity about his person—a lack of showiness, a quiet stability, a spirit of rest.

I believe Joseph will make a very positive contribution to society. He seems to me to be a fine example of rehabilitation in prison, and when I think of him, I can't help but think of his biblical namesake, who during his time in prison lived with integrity and served his fellow prisoners and supervisors well (see Genesis 39:21-23). Joseph Kelsey seems to me such a man. Based on the maturity I have seen in his person during the (admittedly limited) time I have had to observe him in class and chapel settings, I would add my recommendation to his parole request.

Sincerely,



Stephen Baarendse
Associate Professor, English and Humanities
Columbia International University
(803) 807-5421
sbaarendse@ciu.edu



CHRISTIAN FAMILY CHAPEL

September 22, 2015

Dear Members of the Parole Board,

It is with great pleasure that I write to you on behalf of Joseph Kelsey. I have had the privilege over the past two years to get to know Joseph through the Columbia International University Prison Initiative Program.

As a professor in this initiative since its inception in January 2007, I have seen how the program gives hope and changes the lives of the student-inmates. Many of the students that come to us have had little educational or life success. Through a rigorous program of academic study, our students are challenged to grow spiritually, intellectually and emotionally.

Those of us who are blessed to teach in the program have the opportunity to mold and shape hungry students into disciples of Jesus Christ. We challenge these students to not simply get good grades, but to grow into the people that God wants them to be – men and women who are wholly committed to God.

Since I've taught at Kirkland from the beginning of the program, I've had the opportunity to teach every male student who has come through the program. If my math is correct, that is about 120 students. While each of those students are memorable to me even after 8 ½ years, a few stand out for various reasons. Joseph Kelsey is one of those students.

Joseph has one of the brightest minds that I've encountered in my 20 plus years of teaching. His intellectual capacity is so great, it was no easy task to provide adequate challenge in his course work. However, as intelligent as Joseph is, he has never gloated in his intelligence but has always responded with humility and a genuine hunger to learn more. While he has the capacity to teach the courses I led, Joseph always kept the posture of a humble learner. He has been a professor's dream student.

Joseph is one of the most gentle and unassuming people I've ever met. I credit that to a deep and abiding faith in Jesus and the time he has spent in prison, daily dealing with the consequences of his crime. If the purpose of prison is to provoke in someone a sorrow for their crime and to see them rehabilitated for the purpose of becoming a productive member of society, then I think that goal has been achieved in Joseph's life.

I don't take lightly the crime Joseph has committed, but I do not believe who he was as a minor is the man I have known over the past two years. I have great confidence that if given the chance to reenter society and become an asset to the community, the Parole Board will have no regrets about their decision to accept Joseph as a candidate for parole.

I would gladly welcome Joseph Kelsey back into society and look forward to seeing how he continues to grow as a Christ follower, whether in the custody of SCDC or as a free man outside. I regret that I am unable to give live testimony to you, but thank you for your thoughtful consideration as I speak on behalf of Joseph. I pray that you will have great wisdom as you make hard decisions that affect inmates, their families, the families of the victims and society at large.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Thompson". The signature is fluid and cursive, with the first name "Mike" and the last name "Thompson" clearly distinguishable.

Mike Thompson
Pastor to College and Senior High Students
Christian Family Chapel / Jacksonville, Florida

October 8, 2019

Dear Parole Board Members,

I am writing on behalf of Joseph Kelsey (#217218). I work on staff at Columbia International University. Our institution has provided a letter stating Mr. Kelsey's involvement in our program but has a policy not to recommend alumni based on its unbiased position. I am writing, however, from my own experience which should in no way be reflected as a recommendation from CIU itself.

This coming January will mark six years since I initially met Joe. I had the privilege of getting to know him during his two years as a CIU student and have seen him and interacted with him on numerous occasions since his graduation in December of 2015. He has always been respectful, kind, and gracious. I've had the opportunity to interact with hundreds of inmates over the last six and a half years and Joe is by far one of the gentlest and most determined men I've ever met.

Joe has spent the last three and a half years working in the Crisis Stabilization Unit at Broad River Correctional Institution –sitting with and listening to men who are in a severe life crisis and are often a threat to themselves. The responsibility is not an easy one and yet he has served these men with humility and faithfulness; offering them hope in the middle of their despair.

If given the opportunity, I believe Mr. Joseph Kelsey would be an excellent candidate for parole based on the maturity and character I've seen consistently displayed in his life over the years that I have known him. He has refused to waste his years of incarceration and has, instead, chosen to serve others and to continue to challenge himself to grow through on-going education. He has a strong support system, a solid education, and a clear vision for life. Mr. Kelsey is the kind of man I would want for a neighbor and believe our community would be better for having him as part of it.

Sincerely,



Grace Dye
Assistant Director
CIU Prison Initiative

Exhibit 7

Inmates learn to give listening ear to each other

Bible-based program offers training, degree as SC prison suicide rate rises

BY T. MICHAEL BODDIE
tmboddie@postandcourier.com

COLUMBIA — For the past three years, the S.C. Department of Corrections has tried using inmates to help fellow prisoners who are feeling suicidal.

"We are basically on the front line of suicide prevention," said one inmate who keeps watch over his peers at Broad River Correctional Institute in Columbia. (The Post and Courier was asked by corrections officials not to identify the inmates by name.)

Even with the program, South Caro-

lina's inmate suicide rate reached an all-time high last year, at 11, almost double what it was in 2017.

SCDC director and state prisons chief Bryan Stirling said the department is the state's largest provider of mental health care. About one fourth of all state inmates are mental health patients, and many need treatment.

Despite the setbacks, corrections spokesperson Chrysti Shain said staff and inmates hope the program will prevent deaths by suicide.

Please see **INMATES**, Page A4



T. MICHAEL BODDIE/STAFF

A prisoner at Broad River Correctional Institute in Columbia acts as an "Inmate Health Companion," listening and talking to another prisoner who has contemplated death by suicide.

Prisons teach inmates to assist in bringing down suicide rates

INMATES, from A1

"You have administrative staff, you have security, you have nursing staff, you have mental health staff," said another inmate. "And then you have us."

A report from the National Center on Institutions and Alternatives says while inmate companions have become popular in parts of the country, national correctional standards say they should only supplement, not substitute, for professional staff monitoring.

"When folks initially come here, they've shut down. We try to build a rapport with them, we try to get them to communicate," one inmate said. "I try to tell them, 'If you don't tell the counselor everything, then they don't know how to treat you.' If you try

to bake a cake and leave out one of the ingredients, the cake is not quite a cake."

South Carolina inmates who have shown warning signs for suicide live on the first two floors of a dorm set aside for them at the Broad River complex. Above them are men who are trained to be a listening ear.

Assistant deputy director of behavioral health services Kenneth Dubose said some reasons people are admitted to the dorm can be episodes of drug-induced psychosis or receiving bad news from court or from home. The behavioral health services administrator also said a typical stay is 10 to 15 days but can vary, depending on the situation.

A group of about 30 prisoners, dubbed the Inmate Health Companions, routinely check on their

"There's fruit that takes place from investing in people and being willing to recognize them as a human."

Inmate companion

peers who are on suicide watch. They are prepped with both hospice training and a degree in Biblical studies from the Columbia International University (CIU) seminary.

Though the program training is Bible based, the inmates are taught to listen and find commonalities to talk about.

"We'll talk to them for half an hour to four hours about the world, about sports, about anything to find something that we have in common," an inmate companion said.

The Broad River housing unit was designed with a calm light blue tone, with art covering the walls both inside and outside of

the TV room. Unit manager Paul Dennis said, it's supposed to give the place a therapeutic feel.

"We want them to feel their worth," Dennis said.

The training, formally called the CIU Prison Initiative, does not provide specific counseling training. "They're trained to listen," said Grace Dye, a CIU administrator for the program.

Inmate Health Companions say they've seen more than 1,000 patients in three years.

But not every day is successful. The suicide numbers are still high as three South Carolina inmates have killed themselves so far this year.

One inmate companion was 16 when he received a life sentence for murder. He said he's been able to relate to young people serving long sentences, and he often sees inmates come into the housing unit in a dark state of mind, then leave with newfound hope.

One day, a patient asked him, "Can those people get me in here?" believing that someone from his previous institution might somehow find him and

hurthim.

The inmate stayed with him, talked and listened for about four hours. Days later, the patient was sent back to his institution. He soon was back at Broad River, in need of help.

"I passed out books that night, and he spent 10 or 15 minutes picking out books," the inmate companion said. He eventually picked one book and went back to his cell. The patient committed suicide later that night.

"That was probably the most impactful thing that I've had to go through, and it's why I'm not about to say that somebody is fine."

The inmates still do what they can for each other.

"And then, in six months time, we get a letter from them, from their parents, from their wife, from their kids, and they're in society being productive and being responsible," another inmate companion said. "There's fruit that takes place from investing in people and being willing to recognize them as a human."

Broad River Correctional Institution
Greenwood Crisis Stabilization Unit

Certificate Of Achievement Certifies That

Joseph Kelsey

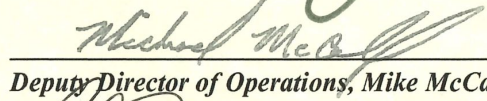
Is Awarded This Certificate For

Contributing to the Operation & Success of the Crisis Stabilization Unit

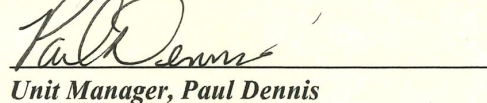
Given at Broad River Correctional Institution, this 24th day of March, 2017



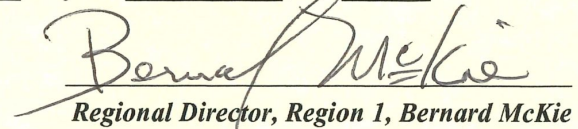
Director, Bryan Stirling



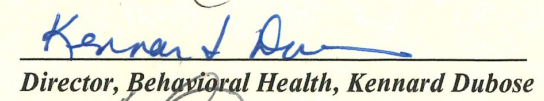
Deputy Director of Operations, Mike McCall



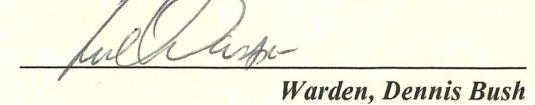
Unit Manager, Paul Dennis



Regional Director, Region 1, Bernard McKie



Director, Behavioral Health, Kennard Dubose



Warden, Dennis Bush

BROAD RIVER CORRECTIONAL INSTITUTION
~ GREENWOOD CRISIS STABILIZATION UNIT ~

Inmate Observer Duties

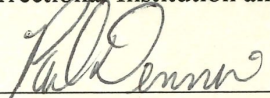
The Crisis Stabilization Unit (CSU) is a unique mental health program created by the South Carolina Department of Corrections in order to address and provide therapeutic treatment to inmates identified as being in a state of critical mental instability by way of medical attention for self-inflicted injuries, psychological counseling to encourage coping skills and address thinking patterns that incite destructive behavior and 24-hour observation to address and prevent destructive actions while in the care of the Crisis Stabilization Unit.

In support of the CSU is a team of inmate observers who volunteered to assist the crisis inmate client's progress toward mental stability. Inmate volunteers qualify to assist CSU staff by way of completing a two-year accredited Associate of Arts Degree in Spiritual Guidance, Counseling and Psychology. Further qualifications comes through the volunteer's record of exemplary behavior and consistent participation in programs designed to progress the inmate population into changing destructive thinking and behaviors while promoting productive and positive re-integration into society.

Inmate observer duties and functions consist of:

- *Providing assistance to security utilizing the developed rapport to de-escalate potential hostile situations.*
- *Providing visual confirmation of client's well-being during a five (5) hour cycle.*
- *Document client's behavior at 15-minute intervals.*
- *Assist mental health counselors when requested in group therapy by sharing experiences relatable to client's circumstance that may guide client to positive participation.*
- *Assist medical personnel through immediate notification of emergency situations (i.e. self-mutilation, physical illness and/or discomfoting side-effects of medications).*
- *Providing an affirming presence to discourage self-destructive behaviors.*
- *Providing encouragement and positive support through listening.*
- *At the request of the client, provide spiritual guidance and or counseling through prayer, scripture reading, singing, etc.*
- *Providing grooming assistance (showering, shaving, haircuts, laundry and food distribution).*
- *Daily cleaning of client cells and emergency cleaning of body waste and blood spills.*
- *Providing daily maintenance and upkeep of the CSU building.*
- *Managing and distributing reading materials for clients.*

I/M Joseph Kelsey has been an exceptional volunteer that has assisted during our first year with the CSU Program at Broad River Correctional Institution and has been awarded a Certificate of Excellence for his devoted and enthusiastic service to the program.


Unit Manager, Paul Dennis

3-24-17
Date

CRISIS STABILIZATION UNIT
- MEMORANDUM -

TO: Whom it may concern
From: Mr. Paul Dennis, Program Manager
Subject: I/M Joseph Kelsey 217218
Date: October 1, 2019

Joseph has been a volunteer worker here in the CSU since its creation in March of 2016. The CSU is a unique program in which mental health, medical, security and administrative personnel, team with trained inmate volunteers to provide treatment to inmates suffering mental health crises.

Over the past three and a half years, Joseph's main role as an Inmate Mental Health Companion has afforded him the opportunity to spend 1,584 hours in prescribed, one-on-one situations with 243 troubled inmates, helping to safeguard, counsel, and encourage them. In doing so, he has displayed exemplary patience, understanding, and compassion.

Additionally, all inmate volunteers dutifully perform certain custodial tasks. Above and beyond these expected roles, Joseph serves in an office clerk capacity, making reports and filing records. He assists the medical staff by inventorying, preparing orders for, and stocking the medical treatment room. He is entrusted to issue and collect shaving razors for his fellow inmate workers. Joseph has also volunteered to operate a client library, issuing donated books and Bibles to inmates during their stay here.

Joseph has been a constant benefit to the CSU. He has promoted the program and suicide prevention here at the institution and in newspaper and television interviews. On and off the job, he is a caring, respectful, and dependable example to his fellow inmates. These, and the other qualities he exhibits, make me confident that he will be successful in whatever his future holds.

SI 

TO: Honorable Members of the Parole Board
From: C. Austin Edmundson, M.A., LPC-A, NCC, CCMHC
Subject: Joseph Kelsey (217218)
Date: 4/26/2019

Since June 4th, 2018, I have worked as a Qualified Mental Health Professional for the South Carolina Department of Correction's Crisis Stabilization Unit. The South Carolina Department of Correction's Crisis Stabilization Unit at Broad River Correctional Institute's Greenwood Unit has the ability to accommodate up to 32 male crisis inmates who can be admitted from any state level correctional institution. The unit is equipped with nursing, mental health technicians, and security staff 24/7. The unit also accommodates 32 specially selected inmate watchers who have obtained associates degrees from Columbia International University. These watchers are partly responsible for observing crisis inmates with the directive of providing emotional support, modeling positive behaviors, and alerting relevant staff if medical care is needed or if behavioral concerns are noted. It is in this role, of inmate watcher, that I have had the opportunity to know and work with Mr. Kelsey.

I have witnessed first-hand the compassion and dedication that Mr. Kelsey has towards his fellow inmates. He is dependable, honest, courteous, and responsible. I know Mr. Kelsey to work well under pressure and is known to go above and beyond his assigned duties to volunteer for tasks that greatly improve the efficiency of our program and contributes to the success of our mission. He is well organized, efficient, easily develops rapport with the crisis inmates as well as staff.

Aside from working with the crisis inmates, I insist on an open door policy with the inmate watchers. In conversations with Mr. Kelsey, he has discussed his crime in detail. He expressed regret and remorse when speaking about his crime. He accepts responsibility for all the pain that he caused and has worked to understand and change the attitudes that led to his behaviors. He has shown growth from his time in prison. It is my opinion that Mr. Kelsey, should he be given the opportunity to reintegrate back into society, would be successful and has all of the characteristics to be a positive and impactful member of the community.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CAE, LPC-A', written in a cursive style.

C. Austin Edmundson, M.A., LPC-A, NCC, CCMHC

To: Member of the Parole Board
From: Ann-Marie Elwood, RN
Subject: Joseph Kelsey (217218)
Date: 10/05/2019

Beginning June 2018, I have worked as a Registered Nurse in the Crisis Stabilization Unit at Broad River Correctional Institution. I have witnessed Mr. Kelsey go above and beyond executing his assigned duties and helping inmates through their crisis situations. I have witnessed first-hand Mr. Kelsey give up his personal time to assist and pray with crisis inmates in their time of great need.

Mr. Kelsey volunteers for countless tasks to assist in improving the program. He has taken on the responsibility of keeping up with medical inventory. He does an exceptional job of organizing the medical equipment, ordering supplies monthly, and maintains our inventory quarterly.

I have also been afforded the opportunity to meet his supportive family on his frequent visits. I have been able to discuss Mr. Kelsey's crime with him many times. He expresses deep regret and remorse for his actions. He acknowledges the pain he has caused by the choices he made at the delicate age of 16. In my opinion, Mr. Kelsey should be given the chance to re-enter society and be a productive member of the community.



Ann-Marie Elwood, RN

October 15, 2019

To the Honorable Members of the Parole Board,

In January of 2019, after working 5 years at Broad River Correctional Institution in main medical, I decided to take on the challenge of responsibilities and duties as the head nurse at Broad River's Crisis Stabilization Unit (CSU). It was quite overwhelming and there was so much to learn. One of the first CSU workers to extend his helping hand was Mr. Joseph Kelsey. I observed immediately that Mr. Kelsey was a respectful and caring person, he helped show me what CSU was all about. I shortly learned that Mr. Kelsey wore many hats and that along with all of his responsibilities, he always maintained a positive and respectful attitude.

When there was a time that I needed help, Mr. Kelsey was always one of the first inmates to step up and offer his knowledge and assistance. One of the many hats Mr. Kelsey voluntarily took on, was keeping track of all of our medical inventory. He maintained a very organized and accurate system to ensure our medical inventory remained up to date and fully stocked. As a new nurse to CSU, he helped me find items that I couldn't and always let me know when there were supplies that needed to be ordered.

I also observed his interactions with our patients that were be monitored on a crisis status. No matter the patient or circumstance, he always displayed a reassuring, comforting and therapeutic demeanor with each patient. His peer CSU workers have always described him as dependable and considerate. My staff, co-workers and superiors have consistently made positive remarks regarding his conduct and work ethic. I observed for myself how Mr. Kelsey continuously conducted himself as a role model for all inmates and exceeded many expectations regardless of the adversities he had to face.

As I continue to work with Mr. Kelsey daily, I have no doubt that when given the opportunity to rejoin society, he will continue to be successful and utilize the skills and trades that he has acquired during his incarceration. I believe that he will make a positive impact in our society and share his knowledge and compassion to better our communities.

My observation and testimony of Mr. Kelsey is written with honesty and from my own experience so that members of the parole board can have an accurate understanding of the type of man Mr. Kelsey has become and will continue to be regardless of the decision of the parole board.

Thank you for your time and consideration,

Courtney Williams, RN

Courtney Olds-Williams, RN, Interim Head Nurse

Broad River Correctional Institution, Crisis Stabilization Unit

(803)896-2884

CRISIS STABILIZATION UNIT

Participation details for Inmate Mental Health Companion Joseph Kelsey 217218,
as of 10/1/19,

Entered Program: March 2016 (CSU opened)

1-on-1 Constant Observation Hrs: 1584

Crisis Inmates Observed: 243

Total Number of Crisis
Inmates Treated by Program: 1628

Total Hrs. of Observer Training: 62

Training Topics: Observer Orientation/Suicide Prevention
Psychiatric Emergencies
Recognizing/Understanding Mental Illnesses
Karpman Drama Triangle
Borderline Personality Disorder
Antisocial Personality Disorder
Post-Traumatic Stress Disorder
Schizophrenia
Blood Borne Pathogens & Blood Spill Clean-up

Additional Duties: - Maintain records system for non-confidential client activity, constant observations, and observer training.
- Inventory, prepare supply orders, and stock supplies for the Medical Treatment Room.
- Issue and collect shaving razors for observers.
- Clean rails, poles, and stairs.

Previous Related Experience: - Hospice Care Provider (2 yrs.).
- Columbia International University Prison Initiative: AA in Biblical Studies, BS in General Studies, Ministry to R&E Youthful Offenders (2 yrs.).
- Personal Psychological Development Diploma from the Prisoner Assistance Scholastic Service.
- Taught "life-skills" classes on anger management, conflict resolution, non-violent communication, drug addiction, gang diversion, victim awareness, living with a purpose, and re-entry into society.
- Operation Behind Bars.
- Christian Counseling Class.

Certificate of Completion

The Chapel of Broad River Correctional Institute
and the Crisis Stabilization Unit of Greenwood Recognizes:

Joseph Kelsey

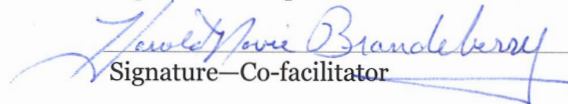
for the completion of *Boundaries*—a course designed to teach
parameters



Signature—Chaplain and Facilitator

June 4, 2019

Date



Signature—Co-facilitator

June 4, 2019

Date

Certificate of Completion

JOSEPH GLENN KELSEY

*has completed the course titled A Review of Psychiatric
Emergencies by James Trent, PhD. This course meets the
qualifications for 10 hour(s) of training credit.*

Presented by

Benjamin Watson, LMSW

Qualified Mental Health Professional
Broad River Correctional Institution
Greenwood – Crisis Stabilization Unit

July 18, 2017

Dear Honorable Members of the Parole Board:

Please accept this parole package on behalf of our client, Joseph Kelsey. The materials in the package represent more than three decades of Joe's life, during which time he has worked tirelessly to better himself and give back to the community at every possible juncture. To our knowledge, Joe is the only person in the history of the South Carolina Department of Corrections to accomplish what he has managed to do; among his most impressive accomplishments, Joe is pursuing a Master's Degree in Business Administration from Adams University; he earned a Peer Support Specialist Certification; and he has devoted thousands of hours of work to the Crisis Stabilization Unit (CSU) in his role as a para-professional counselor.

At Joe's last hearing, in November 2019, three of the five members of this Board who voted on his parole request (Secretary Taylor; Chairman Eldridge; and former member Dan Batson) saw in Joe a man deserving of parole. But because Joe needed two-thirds of the votes, he was denied parole. Joe, like his supporters and his legal team, was disappointed. But Joe is grateful for those votes and he has lived the past two years in a manner that proves his gratitude. His reaction to coming up one vote short was a reflection of the kind of man he has become. He held his head up high and reminded his family to trust in God. If Joe was denied parole, he said, then that was for a reason. He went back to his cell, got up the next day, and returned to his job at the CSU without ever complaining or expressing resentment. Within a month, Joe had enrolled in the Master's Degree program. And when COVID-19 shut down the entire SCDC system shortly after that, Joe was among the first to volunteer, putting the needs of CSU inmates above his own as one of only three people who continued to do in-person counselling for inmates in crisis.


There is nothing more Joe can do to show this Board the extent of his remorse and the degree to which he has, using the tools SCDC provided him, grown into a humble, kind, generous man who is committed to doing all he can to make his community a better place. Joe has taken advantage of every opportunity SCDC has to offer, and as the attached letter from forensic psychologist Dr. Susan Knight reflects, Joe is a very low risk to ever reoffend. He has a thoughtful release plan, a supportive military family and faith community, and a job offer waiting for him should he be released.

Moreover, no matter how much responsibility Joe might accept for his role in this offense, it is uncontroverted that his codefendant, Geoffrey Payne, sexually assaulted and killed Melanie Richey. Even Melanie's father acknowledged to this Board that Payne killed Melanie and was the "ring leader" on that terrible night. Nevertheless, this Board saw fit to parole Payne in March 2019, based on his performance in SCDC and his rehabilitation. Joe, who was only 16 at the time of the offense and the youngest of the three co-defendants, has served more time than either of the older two, including the man responsible for killing

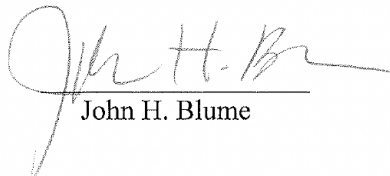


Melanie. Objectively, Joe's record of accomplishment and service in SCDC is better than Payne's. Joe was in the second class of CIU Prison Initiative graduates, earning a 4.0 GPA. He has devoted more hours to the CSU than perhaps any other inmate in the history of SCDC, literally saving lives. He has educated himself and recommitted himself to his faith. Parole is, of course, not a right, but if Joe is not deserving of an opportunity at parole, nobody is. We hope that you will take the time to review his parole materials and give him a single second chance. He will never need another. Thank you, and we look forward to speaking to you on November 10.

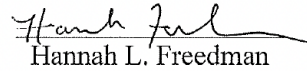
Sincerely,



Jon Ozmint



John H. Blume



Hannah L. Freedman



**Joseph Glen Kelsey – Parole Package
November 10, 2021**

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Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist
knight@apsforensic.com

Applied Psychological Services, LLC
1941 Savage Rd., Ste. 100A-606
Charleston, South Carolina, 29407
(843) 637-5729- Phone; (843) 410-2802-Fax

October 18, 2021

Hannah Freedman, Esq. / Staff Attorney
900 Elmwood Ave #200
Columbia, SC 29201

Re: KELSEY, Joe
DOB / Age: July 20, 1977 / 44 y.o.
SCDC#: #217218

Dear Ms. Freedman:

Please accept this letter in regard to your client, Mr. Joe Kelsey, for his upcoming parole hearing in November 2021. In 2019, I conducted an extensive violence risk assessment in Mr. Kelsey's case, utilizing a well-validated violence risk assessment measure, the HCR-20^{V3}, consisting of Historical, Clinical, and Risk Management items. Please see my previously submitted 19 page report generated for the prior evaluation. To update his 2019 evaluation, I conducted an interview with Mr. Kelsey, on October 15, 2021; reviewed updated SCDC infraction data for any new disciplinary events; spoke with a former SCDC nurse, Ms. Sophia Paquette, who worked closely with Mr. Kelsey in 2020 and 2021; and received information on his accomplishments and activities over the past two years. Of note, Mr. Kelsey is presently enrolled in a graduate MBA program in Business Administration through Adams University; and has earned his Peer Support Specialist Certification at Allendale CI, which is a credential accepted at community behavioral health centers, and renders him eligible to bill Medicaid for provision of peer support services.

In consideration of the Board's parole criteria of, "***the risk that the offender poses to the community,***" results from the HCR-20^{V3} remain unchanged with the updated information, in that Mr. Kelsey continues to be considered **low risk** for future violent recidivism. He has had no disciplinarys since 2004, and no history of violent disciplinarys. Primary contributing factors to the homicide offense are no longer valid or present (e.g., immaturity, youthfulness, and attendant characteristics of impulsivity, recklessness and peer influence). Additionally, his age of 44 further reduces his risk, as youthful offenders account for the majority of violent crime. Mr. Kelsey also has a very strong transition plan in place, with a ready place to live, an offer of full-time employment, financial support, and strong social and emotional support. Such stability is a powerful mitigator against future violence, and further supports a finding of 'low' risk.

Thank you for consideration of this matter,



Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist

August 12, 2021

Honorable Members of the Parole Board:

It is difficult to put into words, or even understand, how depraved I had become by the age of sixteen. The youngest of five children, my twin sister and I were eight years old when our parents divorced. As a single mother, my mom did an incredible job of making ends meet. She went back to school and began a successful career, all while raising a handful of kids who definitely did not make things any easier on her. By fifteen, my misbehavior had gotten to the point where I was given a choice between military school, or going to live with my dad, who was in the military. I chose to move across the country, from Denver, Colorado to Augusta, Georgia, and see what living with my dad was like.

My dad treated me like I was a responsible, well-adjusted young adult, which I was not. I enrolled in a new high school desperately wanting the approval of my peers, but I thought that being cool meant acting like I did not care about anything. In truth, I cared way too much, but only about myself. I was horribly selfish, and failed to recognize this as the reason behind the emptiness I felt. To prove that I mattered, that my actions had significance, I often destroyed things. I stole and damaged what people cared about with no regard for how they suffered. Though no one knew to what extent, my behavior grew progressively worse.

At the beginning of the summer of 1994, when the military was to transfer us to Maryland, I asked my dad to let me stay in Augusta until grade school started at our new post. Once he was gone, I skipped between friends' houses, wherever I could find the least parental supervision. On July 10th, sixteen year old me thought I could impress my new friends, Geoff and Jamie, by showing them how to make pipebombs. Following that irresponsible and dangerous activity with another, we each went off to find alcohol, so we could get drunk later. By the time Geoff and Jamie returned, with Melanie Richey, my frame of mind allowed me to disregard her, and not care that they apparently wanted to take advantage of her. We gave her alcohol, and I did not object. She continued to resist advances made toward her, and I watched as frustrations grew.

I realize now the terrible influence that Geoff, Jamie, and I had on one another. When we left the house we were at, supposedly to take her home, Melanie's life was in our hands. If just one of us had spoken up, if I had said one word, she would have lived. But, as I had all evening, I remained silent. Instead of seeing her safely home to her family, I saw her strangled barely more than an arm's length away from me. Even after having let things reach the point of violence, had I reacted, I could still have spared Melanie's life. I had always wanted to think of myself as someone so cool, in control, and strong, even invincible, but I learned that in reality I was weak and pathetic, and worse. I did not lift a finger to save another human being, an innocent girl fighting for her life while being brutally murdered. I had allowed this to happen, instigated it even, and I stood by as her lifeless body was molested. Then, as if it were not enough to hide her body, we used my pipebomb to attempt to destroy evidence. Melanie never did a thing to deserve anything but our compassion, and had one of us shown her the least bit she would have lived.

My lack of compassion did not end there. In the weeks following, I did not see Geoff and Jamie again, but I continued to do everything wrong. I kept moving between friends' houses, my family unaware of my activities, and I drank more and more. Worse, I continued to think of myself and how I never wanted anyone to know what I had done. This was my selfish priority even when confronted by Melanie's parents' grief. I kept from them the answers they so desperately sought and deserved. For six unimaginably long weeks, I let them agonize over her whereabouts and worry about her safety, when I knew all along that she was gone forever. Even their tearful pleas were not enough to move me to share what I knew and confess my crimes.

Instead of facing what I had done, I tried to run away. I stole someone's vehicle, ran from the police when they tried to pull me over for driving erratically, and then tried to steal another vehicle. When I was arrested for these separate crimes, I was still not ready to explain what I was really running from. It was not until I stood accused of murder that I finally began to talk. But, even as I shared what happened to Melanie, I did so without accepting responsibility. I went to trial blaming Geoff and Jamie, and tried to let my age as the youngest of these killers be used as an excuse. I no longer think that way.

I regret that I needed a jury to help me recognize my guilt, and I apologize to the Richey family, and everyone else, for putting them through the ordeal of a trial. I am ashamed that I did not accept responsibility for the terrible consequences of my actions at that time, and that I did not give Melanie's loved ones the small solace of knowing that at least one of her murderers understood what he had done. I would also apologize to Mr. and Mrs. Richey for letting their anguished cries for word of their daughter go unanswered, for giving them false hope, and for allowing them to suffer the agony and terror of not knowing her fate for those forty-two unthinkable dreadful days. Most of all, I apologize for the hole I put in their hearts which will never be filled, for the unending and unfathomable sadness I brought to their lives. I am so sorry for the suffering we inflicted on Melanie in her last moments, for cutting her life so short, and for destroying her, and her family's, dreams for her life.

I will never fully understand how I had managed to become that devoid of humanity. I do not believe that I understood what compassion was until after I felt so completely undeserving of it. From the moment of my arrest, the investigators, the jailers, and the many people attached to the juvenile and adult court systems, all treated me with an overwhelming decency and pity that I felt totally unworthy of, but that I also desperately needed. I even saw compassion in the eyes of the jury that convicted me, and I knew that their verdict was just, that I was indeed guilty and deserved to go to prison.

Recognizing that I had become someone who belonged in prison was the first step toward changing who I was. Unraveling my selfish way of existence did not happen overnight, and I definitely did not do it on my own. Many people helped me to meet the challenges I would face becoming a responsible, compassionate adult in prison. However, it was my initial decision not to

waste everyone's time seeking post-conviction relief that I knew I did not deserve, which allowed me to focus on trying to comprehend the unimaginable pain my lack of compassion had caused others.

From the beginning of my incarceration, I have been able to appreciate the connection between education and rehabilitation. After getting a GED, I was allowed to stay involved in education at Lee CI. I worked for three years as a teacher's aide, helping other inmates earn their GEDs, and hopefully put their lives on a successful path. During that time, I completed the rest of the classes necessary to receive an actual high school diploma. I also had the opportunity to speak to groups of other teens, from schools on the outside, through the Operation Behind Bars program. These kids appeared genuinely impacted by my account of the terrible choices I made to put myself in prison, when I could have been in class with them.

To gain something closer to "real world" experience, I left the Education Department for what would turn into a thirteen year career as a clerk in Prison Industries (PI). I acquired many skills during my time in PI, including becoming proficient with computers. But even more importantly, I learned the significance of qualities such as integrity and responsibility, as well as the importance of things like safety, following directions, and cooperation. I tried to serve as a good example, and trained other inmates to value similar principles.

When access to new SCDC classes and programs became limited, I used wages I earned at PI to enroll in college correspondence courses and a nationally offered personal psychological development curriculum. Outside of work, I again participated in Operation Behind Bars, and helped start a new character-based living unit at Lieber CI. I also volunteered my time and computer skills to create a database for the institution's library, and trained a succession of clerks in its use.

Later, when I decided to redouble my efforts toward education, I went back to work in the Education Department. There, I used many of the skills that I had learned in PI to successfully perform my duties as an administrative clerk. I helped to start another new character-based living unit, this time at Lee CI, and served as the liaison between it and the Education Department. I also studied for and obtained WorkKeys® certification.

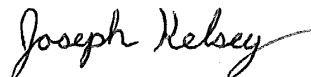
It was during this period that I was afforded the opportunity to participate in the most moving and rewarding experience of my incarceration. Four hours, four nights a week, I was allowed to train and serve as a hospice volunteer. Prior to that, I had found that those suffering around me could usually be comforted by listening to them and offering encouragement, but the needs of those dying in the prison infirmary required a new level of compassion and commitment. The two years I spent caring for terminally ill inmates was an incredible blessing to me, and something I hope to be involved in the future. One particular patient, even through the agony of stomach cancer, would always want to know how I was doing, and would ask to pray with and for me. In another patient's face I witnessed terrible fear, and felt so inadequately equipped to even comfort him, much less provide him with a reason for hope. That is what led me to apply to the Columbia International University (CIU) Prison Initiative at Kirkland CI.

The CIU program did so much more for me than simply allow me to earn an Associate of Arts degree in Biblical Studies. The professors poured into us a wealth of knowledge concerning how to witness to those in need, and they did so with an awesome spirit of love and respect. I grew immensely through this process. It helped to further nullify the negative, out-for-oneself mentality that too often prevails in prison, and helped me more fully appreciate why it is so important that we care for one another. During those two years, I took the opportunity to minister weekly in the youthful offender unit and the infirmary, encouraging and comforting others, while sharing my testimony. Upon graduation, I was assigned to Evans CI, where I served as a Chaplain's Assistant, facilitating Bible studies and teaching life-skills classes on subjects such as anger management, conflict resolution, and addiction.

I applied and was selected to be part of forming SCDC's Crisis Stabilization Unit (CSU) at Broad River CI. The CSU is a unique program that seeks to address concerns regarding care of the Department's growing mental health population. In my role as a para-professional counselor, my main responsibility is to sit one-on-one with inmates suffering serious mental health crises, and immediately report to staff any attempts they make to harm themselves. Beyond this, I am a caring presence, listening to them and offering encouragement based on my own experiences. While serving in the CSU, I have earned a Bachelor of Science Degree from Columbia International University, and I am now enrolled in an MBA program through an accredited state university. I also graduated from the JumpStart program and now serve on the leadership team. Whatever the future holds, I plan to continue sharing with others the lessons I have learned, in hopes that I can prevent them from causing the kind of pain I have.

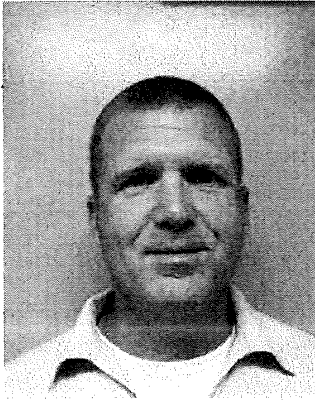
It is difficult for me to speak of deserving anything, let alone parole. I know that Melanie deserved my compassion and a chance at life. I understand that it was largely my self-centered concern for what I felt I deserved that had consumed me to the point where I lacked empathy. Much of my life since has been devoted to learning how to unfailingly consider others before myself. Throughout my incarceration, I have sought to gain skills that will not only help to ensure that I am never again a burden to others, but that will enable me to contribute to my community in a positive way. Beyond simply trying to encourage my fellow inmates and set an example, I have eagerly shared the skills and learning I have been blessed with. I have learned how to act on the compassion that is now a part of who I am. Most importantly, I believe I have grown into someone who, day after day, whether in prison or on parole, will continuously become more and more aware of what the Richey family, and the world, lost because of me.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Kelsey". The signature is written in black ink and is positioned below the typed name "Joseph Kelsey".

INMATE SEARCH DETAIL REPORT

KELSEY, JOSEPH GLEN (00217218)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SCDC ID:	00217218
RACE:	WHITE	SID:	SC00975539
HEIGHT:	6' 01"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	202 lbs.	ADMISSION DATE:	11/22/1994
AGE:	44	LOCATION:	BROAD RIVER
CITIZENSHIP:	CITIZEN - NATIVE BORN	DORM-ROOM-BUNK:	GRB-2094-B
BUILD:	MEDIUM	SECURITY / CUSTODY:	2 / GENERAL POPULATION
COMPLEXION:	FAIR	EWC LEVEL:	2F7
HAIR COLOR:	BROWN	EEC LEVEL:	
EYE COLOR:	BLUE	PROJECTED RELEASE DATE:	NOT ELIGIBLE
PICTURE DATE:	06/29/2016	PROJECTED PAROLE ELIGIBILITY:	11/13/2021
SUP. RE-ENTRY DATE:	NOT ELIGIBLE	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
ARSON-NEC	ADULT-STRAIGHT SENTENCE	5	0	0	MARLBORO	09/22/1995	N	3	95GS35089	ACTIVE
CRIMINAL CONSPIRACY	ADULT-STRAIGHT SENTENCE	5	0	0	MARLBORO	09/22/1995	N	2	95GS35089	ACTIVE
MURDER	ADULT-STRAIGHT SENTENCE	LIFE SENTENCE			MARLBORO	09/22/1995	V	5	95GS35089	ACTIVE
ATTEMPTED BURGLARY	ADULT-STRAIGHT SENTENCE	1	0	0	RICHLAND	11/09/1994	N	3	94GS402233	ACTIVE
FAIL TO STOP FOR OFFICER	ADULT-STRAIGHT SENTENCE	1	0	0	RICHLAND	11/09/1994	N	2	94GS402232	ACTIVE
POSSESS STOLEN VEHICLE	ADULT-STRAIGHT SENTENCE	2	0	0	RICHLAND	11/09/1994	N	2	94GS402231	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARY SANCTIONS SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
05/28/2021	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
05/28/2021	KIRKLAND	INCARCERATED	ADMINISTRATIVE
03/09/2021	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
03/09/2021	KIRKLAND	INCARCERATED	MEDICAL
03/24/2020	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
03/11/2020	ALLENDALE	INCARCERATED	ADMINISTRATIVE
12/13/2019	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
12/13/2019	KIRKLAND	INCARCERATED	EVALUATION/INTERVIEW
10/20/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
10/20/2017	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
08/15/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
08/15/2017	OUTSIDE MEDICAL	AUTH ABSENCE (AWL)	MEDICAL
05/18/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE

INMATE SEARCH DETAIL REPORT

KELSEY, JOSEPH GLEN (00217218)

MOVEMENT			
MOVEMENT DATE	TO LOCATION	STATUS	REASON
05/18/2017	OUTSIDE MEDICAL	AUTH ABSENCE (AWL)	MEDICAL
05/01/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
05/01/2017	KIRKLAND	INCARCERATED	MEDICAL
02/21/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
02/21/2017	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
02/07/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
02/07/2017	KIRKLAND	INCARCERATED	MEDICAL
12/05/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
12/05/2016	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/03/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
05/03/2016	KIRKLAND	INCARCERATED	MEDICAL
03/14/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
12/15/2015	EVANS	INCARCERATED	ADMINISTRATIVE
11/18/2015	KIRKLAND	INCARCERATED	ADMINISTRATIVE
11/18/2015	BROAD RIVER	INCARCERATED	COURT/PAROLE HEARING VIA
01/22/2014	KIRKLAND	INCARCERATED	ADMINISTRATIVE
11/12/2013	LEE	INCARCERATED	ADMINISTRATIVE
11/12/2013	BROAD RIVER	INCARCERATED	EVALUATION/INTERVIEW
04/09/2012	LEE	INCARCERATED	ADMINISTRATIVE
08/05/2003	LIEBER	INCARCERATED	ADMINISTRATIVE
08/04/2003	KIRKLAND	INCARCERATED	MEDICAL
01/15/2003	LIEBER	INCARCERATED	ADMINISTRATIVE
01/09/2003	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
01/12/1998	LIEBER	INCARCERATED	ADMINISTRATIVE
10/03/1995	LEE	INCARCERATED	ADMINISTRATIVE
09/22/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT
09/22/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
09/21/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT
09/21/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
09/20/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT
09/20/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
09/19/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT
09/19/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
09/18/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT
09/18/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
09/15/1995	MCCORMICK	INCARCERATED	ADMINISTRATIVE
03/08/1995	LEE	INCARCERATED	ADMINISTRATIVE
12/20/1994	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
12/07/1994	BROAD RIVER R&E	INCARCERATED	ADMINISTRATIVE
12/02/1994	MCCORMICK	INCARCERATED	ADMINISTRATIVE
11/22/1994	BROAD RIVER R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS				
JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
PARA-PROF COUNS#1 SKILL	08/04/2021			2F7
PARA-PROF COUNS#1 SKILL	02/18/2020	05/28/2021	INSTIT TRANSFER	2F7
PARA-PROF COUNS#1 SKILL	03/18/2016	02/17/2020	POLICY CHANGE 2020	3F7
CHAPLAIN ASSISTANT	02/05/2016	03/14/2016	INSTIT TRANSFER	3F7
CUSTODIAL WORKER	12/30/2015	02/04/2016	LATERAL TRANSFER	3F5

INMATE SEARCH DETAIL REPORT

KELSEY, JOSEPH GLEN (00217218)

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
CIU PROGRAM	01/23/2014	12/15/2015	INSTIT TRANSFER	3F5
TEACHER AIDE	04/12/2012	01/22/2014	INSTIT TRANSFER	3F5
MECHANIC HELPER	04/01/2004	04/09/2012	INSTIT TRANSFER	3F5
LAUNDRY HELPER	09/23/2003	09/23/2003	INMATE REQUEST	3F5
MECHANIC HELPER	01/16/2003	09/22/2003	DISCIPLINARY/LOCK-UP	2F5
WARDKEEPER ASSISTANT	01/10/2003	01/15/2003	INSTIT TRANSFER	2F5
MECHANIC HELPER	09/04/1998	01/09/2003	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	05/04/1998	09/03/1998	INMATE REQUEST	2F5
TEACHER ASSISTANT	02/23/1998	04/30/1998	DISCIPLINARY/LOCK-UP	2F5
FOOD SERVICE AIDE	01/15/1998	01/20/1998	LATERAL TRANSFER	2F5
MATERIAL HANDLING EQ OP	09/02/1997	01/12/1998	INSTIT TRANSFER	2F5
SENIOR TEACHER ASST.	10/03/1995	08/28/1997	INMATE REQUEST	2F5
SENIOR TEACHER ASST.	08/17/1995	09/15/1995	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	07/06/1995	08/16/1995	PROMOTION	3F5
RECREATION ASSISTANT	04/04/1995	07/05/1995	LATERAL TRANSFER	3F7
LIBRARY HELPER	03/03/1995	03/08/1995	INSTIT TRANSFER	5F5

EARNED EDUCATION CREDITS

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	09/25/2012	12/11/2012	COMPLETED EDUC PROGRAM
BONUS 4-7 HRS/WK	11/04/1998	01/21/1999	INMATE REQUEST
BONUS 4-7 HRS/WK	03/03/1998	04/24/1998	COMPLETED EDUC PROGRAM
LVL 3 - FULL TIME(NO EWC)	01/21/1998	02/22/1998	PROMOTION
BONUS 4-7 HRS/WK	07/18/1995	08/16/1995	INMATE REQUEST
LVL 7 - FULL TIME(NO EWC)	01/10/1995	03/02/1995	INSTIT TRANSFER

South Carolina Department of Corrections

Classification Summary Reports

Date: Thursday, August 12, 2021 Logout

Classification Summary Reports	
Inmate Number <input style="width: 150px;" type="text" value="217218"/>	<input type="button" value="Submit"/>

Classification Summary Report for KELSEY, JOSEPH GLEN :

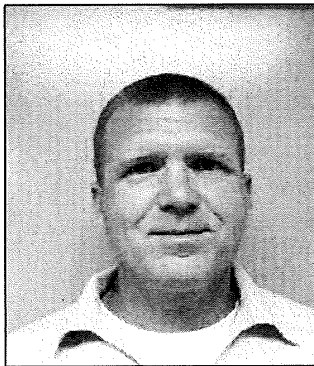
CLASSIFICATION SUMMARY REPORT DATED 08/12/2021

SCDC# 00217218

KELSEY, JOSEPH GLEN

FBI# 797919WA2

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE



RESIDENT STABILITY: UO

INSTITUTION: BROAD RIVER

DORMROOMBUNK_CODE: GRB 2094 B

SECURITY/CUST: 2 GENERAL POPULATION

PROJ MAXOUT DATE: -

NEW CUSTODY: MEDIUM

PROJ PAROLE DATE: 11/13/2021

CURR INCARC 999 YRS 0 MOS
SENT: 0 DAYS

EWC JOB: PARA-PROF COUNS#1 SKILL

VICTIM WITNESS: Y SEPREQ:Y

ASSIGNMENT: MEDICAL SERV

MED NO MED PROB/NO WORK
CLASS: RESTR

EWC LEVEL: 2F7 EEC LEVEL:

INST NO RESTRICTION
RESTRICT:

EDUC NO CURR EDUC PROGRAM
PGM:

MENTAL MH-S (MENTALLY
CLASS: STABLE)

HS / GED: N

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 44

SECURITY THREAT GROUP DESCRIPTION:
NONE

SECURITY THREAT GROUP STATUS:
NONE

PREVIOUS NUMBERS:									
NO PREVIOUS NUMBERS									
CURRENT OFFENSES									
	YRS	MOS	DYS	COUNTY	START	SENTENCE	V/NV	CAT	INDICT
ARSON-NEC	5	0	0	MARLBORO	09/22/1995	N	3	95GS35089	
CRIMINAL CONSPIRACY	5	0	0	MARLBORO	09/22/1995	N	2	95GS35089	
MURDER	999	99	999	MARLBORO	09/22/1995	V	5	95GS35089	
ATTEMPTED BURGLARY	1	0	0	RICHLAND	11/09/1994	N	3	94GS402233	
FAIL TO STOP FOR OFFICER	1	0	0	RICHLAND	11/09/1994	N	2	94GS402232	
POSSESS STOLEN VEHICLE	2	0	0	RICHLAND	11/09/1994	N	2	94GS402231	
COMPLETED OFFENSES									
NO COMPLETED OFFENSES									
PRIOR COMMITMENTS OVER 90 DAYS:									
INMATE HAS NO PRIORS									
OFFENSES UNDER PREVIOUS NUMBER:									
NO PREVIOUS OFFENSES									
DETAINERS (HOLD,WANTED,NOTIFY):									
NO DETAINERS									
ESCAPES:									
NO ESCAPE HISTORY									
CRIMINAL CHARGES:									
NO CRIMINAL CHARGES HISTORY									
ASSAULTIVE DISCIPLINARIES:									
04/25/1998	STRIKING AN EMPLOYEE WITH/WITHOUT WEAPON			DISMISSED	MAJOR DISC. HEARING		STAFF ASSAULT		N
PREVIOUS ASSAULTIVE DISCIPLINARIES:									
NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY									
NON-ASSAULTIVE DISCIPLINARIES:									
05/11/2004	OUT OF PLACE			CLOSED	OTHER ACTION TAKEN/INFORM				
03/22/2004	OUT OF PLACE			CLOSED	OTHER ACTION TAKEN/INFORM				
09/12/2003	USE,POSS NARC,MARIJ,UNAUTH DRUG,INHALANT			CONVICTED	MAJOR DISC. HEARING				
04/11/2003	REFUSING OR FAILING OBEY ORDERS			CONVICTED	MINOR DISC. HEARING				
02/28/2003	OUT OF PLACE			CONVICTED	MINOR DISC. HEARING				
03/22/2002	DAMAGE,DESTROY,PROP.VALUE AT \$100./MORE			CLOSED	OTHER ACTION TAKEN/INFORM				
PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:									
NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY									
HISTORY OF MOVEMENTS:									
05/28/2021	BROAD RIVER		INCARCERATED	ADMINISTRATIVE					
05/28/2021	KIRKLAND		INCARCERATED	ADMINISTRATIVE					
03/09/2021	BROAD RIVER		INCARCERATED	ADMINISTRATIVE					
03/09/2021	KIRKLAND		INCARCERATED	MEDICAL					
03/24/2020	BROAD RIVER		INCARCERATED	ADMINISTRATIVE					
03/11/2020	ALLENDALE		INCARCERATED	ADMINISTRATIVE					

12/13/2019	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
12/13/2019	KIRKLAND	INCARCERATED	EVALUATION/INTERVIEW	
10/20/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
10/20/2017	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL	
08/15/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
08/15/2017	PRISMA HEALTH RICHLAND	AUTH ABSENCE (AWL)	MEDICAL	
05/18/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
05/18/2017	PRISMA HEALTH RICHLAND	AUTH ABSENCE (AWL)	MEDICAL	
05/01/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
05/01/2017	KIRKLAND	INCARCERATED	MEDICAL	
02/21/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
02/21/2017	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL	
02/07/2017	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
02/07/2017	KIRKLAND	INCARCERATED	MEDICAL	
12/05/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
12/05/2016	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL	
05/03/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
05/03/2016	KIRKLAND	INCARCERATED	MEDICAL	
03/14/2016	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
12/15/2015	EVANS	INCARCERATED	ADMINISTRATIVE	
11/18/2015	KIRKLAND	INCARCERATED	ADMINISTRATIVE	
11/18/2015	BROAD RIVER	INCARCERATED	COURT/PAROLE HEARING VIA	
01/22/2014	KIRKLAND	INCARCERATED	ADMINISTRATIVE	
11/12/2013	LEE	INCARCERATED	ADMINISTRATIVE	
11/12/2013	BROAD RIVER	INCARCERATED	EVALUATION/INTERVIEW	
04/09/2012	LEE	INCARCERATED	ADMINISTRATIVE	
08/05/2003	LIEBER	INCARCERATED	ADMINISTRATIVE	
08/04/2003	KIRKLAND	INCARCERATED	MEDICAL	
01/15/2003	LIEBER	INCARCERATED	ADMINISTRATIVE	
01/09/2003	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
01/12/1998	LIEBER	INCARCERATED	ADMINISTRATIVE	
10/03/1995	LEE	INCARCERATED	ADMINISTRATIVE	
09/22/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT	
09/22/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT	
09/21/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT	
09/21/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT	
09/20/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT	
09/20/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT	
09/19/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT	
09/19/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT	
09/18/1995	MCCORMICK	INCARCERATED	RETURN FROM COURT	
09/18/1995	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT	
09/15/1995	MCCORMICK	INCARCERATED	ADMINISTRATIVE	
03/08/1995	LEE	INCARCERATED	ADMINISTRATIVE	
12/20/1994	BROAD RIVER	INCARCERATED	ADMINISTRATIVE	
12/07/1994	BROAD RIVER R&E	INCARCERATED	ADMINISTRATIVE	
12/02/1994	MCCORMICK	INCARCERATED	ADMINISTRATIVE	
11/22/1994	BROAD RIVER R&E	INCARCERATED	NEW ADMISSION	
HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:				
JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
PARA-PROF COUNS#1 SKILL	08/04/2021	-		2F7
PARA-PROF COUNS#1 SKILL	02/18/2020	05/28/2021	INSTIT TRANSFER	2F7

PARA-PROF COUNS#1 SKILL	03/18/2016	02/17/2020	POLICY CHANGE 2020	3F7
CHAPLAIN ASSISTANT	02/05/2016	03/14/2016	INSTIT TRANSFER	3F7
CUSTODIAL WORKER	12/30/2015	02/04/2016	LATERAL TRANSFER	3F5
CIU PROGRAM	01/23/2014	12/15/2015	INSTIT TRANSFER	3F5
TEACHER AIDE	04/12/2012	01/22/2014	INSTIT TRANSFER	3F5
MECHANIC HELPER	04/01/2004	04/09/2012	INSTIT TRANSFER	3F5
LAUNDRY HELPER	09/23/2003	09/23/2003	INMATE REQUEST	3F5
MECHANIC HELPER	01/16/2003	09/22/2003	DISCIPLINARY/LOCK-UP	2F5
WARDKEEPER ASSISTANT	01/10/2003	01/15/2003	INSTIT TRANSFER	2F5
MECHANIC HELPER	09/04/1998	01/09/2003	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	05/04/1998	09/03/1998	INMATE REQUEST	2F5
TEACHER ASSISTANT	02/23/1998	04/30/1998	DISCIPLINARY/LOCK-UP	2F5
FOOD SERVICE AIDE	01/15/1998	01/20/1998	LATERAL TRANSFER	2F5
MATERIAL HANDLING EQ OP	09/02/1997	01/12/1998	INSTIT TRANSFER	2F5
SENIOR TEACHER ASST.	10/03/1995	08/28/1997	INMATE REQUEST	2F5
SENIOR TEACHER ASST.	08/17/1995	09/15/1995	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	07/06/1995	08/16/1995	PROMOTION	3F5
RECREATION ASSISTANT	04/04/1995	07/05/1995	LATERAL TRANSFER	3F7
LIBRARY HELPER	03/03/1995	03/08/1995	INSTIT TRANSFER	5F5
HISTORY OF EARNED EDUCATION CREDITS:				
EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON	
BONUS 4-7 HRS/WK	09/25/2012	12/11/2012	COMPLETED EDUC PROGRAM	
BONUS 4-7 HRS/WK	11/04/1998	01/21/1999	INMATE REQUEST	
BONUS 4-7 HRS/WK	03/03/1998	04/24/1998	COMPLETED EDUC PROGRAM	
LVL 3 - FULL TIME(NO EWC)	01/21/1998	02/22/1998	PROMOTION	
BONUS 4-7 HRS/WK	07/18/1995	08/16/1995	INMATE REQUEST	
LVL 7 - FULL TIME(NO EWC)	01/10/1995	03/02/1995	INSTIT TRANSFER	
***** END OF REPORT *****				
<div style="border: 1px solid black; padding: 2px; display: inline-block;">Create PDF</div>				
Source : SummaryReport.jsp				

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 [Version: 1.4.22 Built: 01/07/2021 09:25:17 AM Time: 04:20:39 PM]

CRISIS STABILIZATION UNIT

Participation details for Inmate Mental Health Companion **Joseph Kelsey 217218**, as of 8/13/21.

Entered Program:	March 2016 (CSU opened)
1-on-1 Constant Observation Hrs:	2245
Crisis Inmates Observed:	294
Total Number of Crisis Inmates Treated by Program:	1955
Total Hrs. of Observer Training:	70
Training Topics:	Observer Orientation/Suicide Prevention Psychiatric Emergencies Recognizing/Understanding Mental Illnesses Karpman Drama Triangle Borderline Personality Disorder Antisocial Personality Disorder Post-Traumatic Stress Disorder Schizophrenia Blood Borne Pathogens & Blood Spill Clean-up
Additional Duties:	<ul style="list-style-type: none">- Maintain records system for non-confidential client activity, constant observations, and training.- Inventory, prepare supply orders, and stock supplies for the Medical Treatment Room.- Issue and collect shaving razors for observers.- Clean rails, poles, and stairs.
Previous Related Experience:	<ul style="list-style-type: none">- Hospice Care Provider (2 yrs.).- Columbia International University Prison Initiative: AA in Biblical Studies, BS in General Studies, Ministry to R&E Youthful Offenders (2 yrs.).- Personal Psychological Development Diploma from the Prisoner Assistance Scholastic Service.- Taught "life-skills" classes on anger management, conflict resolution, non-violent communication, drug addiction, gang diversion, victim awareness, living with a purpose, and re-entry into society.- Operation Behind Bars.- Christian Counseling Class.

Special Thanks

Dennis Patterson

Willie Davis

Kenneth Nelsen

Arthur Fredericks

Kenneth Greggs

Devin Carter

Dr. John Taylor

Kimberely Yon

Nathaniel Drakes

Britney Johnson

Shelisa Stokes

Lt. Teasha Fleming



Celebration Menu

Southern Fried Chicken

Savory Meatballs

Yellow Rice Pilaf

Baked Macaroni and Cheese

Spicy Green Beans

Coastal Crab Salad

Fresh Green Salad/Dressing

Fruit Salad Medley

Fluffy Rolls

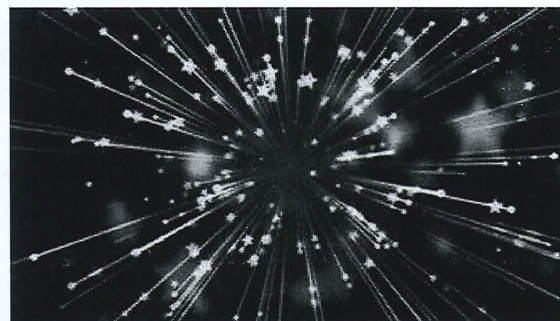
Celebration Cake and Ice Cream

Refreshing Tea, Lemonade, Water

**BROAD RIVER CORRECTIONAL INSTITUTION
PRESENTS**

Fifth Anniversary Celebration

**GREENWOOD
CRISIS STABILIZATION UNIT**



**TUESDAY, MARCH 30, 2021 . 1 PM
BROAD RIVER CORRECTIONAL INSTITUTION
GREENWOOD BUILDING**

Mission

The Crisis Stabilization Unit (CSU) was created in 2016 to provide services to inmates whose unique needs and mental health status lead to disruptive or otherwise problematic behavior that endangers their safety and security and that of the prison population and staff.

Through combined correctional, mental health and nursing care, the CSU seeks to maximize the inmates' potential to adapt to prison life, utilize rehabilitative opportunities and enhance successful general population placement.

The CSU also provides short-term placement for inmates who are chronically unable to function in the general prison environment without excessive risk to themselves or others.

The CSU operates 24 hours a day and 7 days per week. The staff comprise the CSU Treatment Team which consists of the unit manager, psychiatrists, psychologist, unit security, nursing staff, qualified mental health professionals and mental health officers. There is daily communication within the Team to promote a continuum of ongoing inmate care. The Team works closely to develop the best possible plan for each inmate and for the CSU program.

The CSU Mission is to provide a brief psychiatric intervention and stabilization service for each inmate on crisis. Services include psychotherapy, case management, group therapy and nursing care.

Inmates are admitted while on crisis intervention at their current facility for up to 60 hours. Inmates are experiencing or exhibiting symptoms of suicidal and/or homicidal ideation. Inmates may be accepted into the program if their behavior is unable to be managed at their current facility, necessitating placement in the CSU.

The CSU also accommodates 32 hand-selected Inmate Companions. Each Companion has earned an associate degree from Columbia International University. The Companions are invaluable in assisting staff by observing crisis inmates and helping with the many CSU duties.

Program

Welcome	Kenneth Nelsen, <i>BRCI Warden</i>
Prayer	Gerald Carter, <i>BRCI CSU Inmate Companion</i>
Choir Selection	<i>BRCI CSU Inmate Companion Choir</i>
Remarks	Bryan Stirling, <i>Director, SCDC</i>
	Joel Anderson, <i>Deputy Director Operations</i>
	Dennis Patterson, <i>Asst. Deputy Dir. Operations</i>
	Dr. Chris Kunkle, <i>Deputy Dir. Behavioral Health</i>
	Dr. Stephanie Skewes, <i>Asst. Dep. Dir. Beh. Health</i>
	Dr. John Taylor, <i>Chief Psychologist</i>
	Courtney Olds Williams, <i>BRCI CSU Head RN</i>
	Muma Azeh, <i>BRCI CSU QMHP</i>
	Dorothy McAllister-Dean, <i>BRCI CSU Lead MHO</i> <i>Poem</i>
	Clarence Mattress, <i>BRCI CSU MHO</i>
Joseph Kelsey, <i>BRCI CSU Inmate Companion</i> <i>Reflection</i>	
Recognition	Paul Dennis, <i>BRCI CSU Program Manager</i>
Choir Selection	<i>BRCI CSU Inmate Companion Choir</i>
Tour	Invitees
Lunch	Day Room, A-side



Crisis Stabilization Unit – Fifth Anniversary Celebration

Columbia International University

*The Trustees of
Columbia International University
upon the recommendation of the Faculty have conferred upon*

Joseph Glenn Kelsey

the degree of

Bachelor of Science

Summa Cum Laude

with all honors, rights and privileges appertaining thereto.

*Given at Columbia in the State of South Carolina, in this
month of December, in the year of our Lord
two thousand nineteen.*


Chairman of the Board of Trustees




President

Undergraduate (U)

Course Number	Title	Gra	Rpt	Att	Ernd	HGpa	Q.Pts	GPA
---------------	-------	-----	-----	-----	------	------	-------	-----

Previous : Transfer

Organization : Ohio University

ENG150	Developmental Writing	A	2.66	2.66	0.00	0.00		
HCFN128	Intro to Nutrition	A	2.66	2.66	0.00	0.00		
PHYS2001	Intro to Physics	A-	4.00	4.00	0.00	0.00		
PSCI111	The Metric System	A	0.66	0.66	0.00	0.00		
PSY2110	Statistics for Behavioral Sciences	A	4.00	4.00	0.00	0.00		

Organization : Trident Technical College

MAT101	Beg Algebra	A	3.00	3.00	0.00	0.00		
Term Totals :			16.98	16.98	0.00	0.00	0.0000	
Career Totals :			16.98	16.98	0.00	0.00	0.0000	

2013-2014 Academic Year : Spring

BIB-1120	New Testament Survey	A	3.00	3.00	3.00	12.00		
ENG-1000	Basic Writing Skills	A	1.00	1.00	1.00	4.00		
ENG-1110	Written Composition	A	3.00	3.00	3.00	12.00		
MSD-1120	Evangelism & Discipleship	A	3.00	3.00	3.00	12.00		
SOC-1112	CIU 101	A	2.00	2.00	2.00	8.00		
Term Totals :			12.00	12.00	12.00	48.00	4.0000	
Career Totals :			28.98	28.98	12.00	48.00	4.0000	

2013-2014 Academic Year : Summer 1

BIB-1114	OT Survey: Torah and History	A	3.00	3.00	3.00	12.00		
COM-2110	Public Speaking	A	3.00	3.00	3.00	12.00		
ENG-1111	Research & Literature	A	3.00	3.00	3.00	12.00		
THE-2110	Survey of Bible Doctrine	A	3.00	3.00	3.00	12.00		
Term Totals :			12.00	12.00	12.00	48.00	4.0000	
Career Totals :			40.98	40.98	24.00	96.00	4.0000	

2014-2015 Academic Year : Fall

BIB-1115	OT Survey: Poetry and Prophecy	A	3.00	3.00	3.00	12.00		
BIB-2222	Biblical Discipleship I	A	2.00	2.00	2.00	8.00		
ICS-1210	Discovering the Mission of God	A	3.00	3.00	3.00	12.00		

Undergraduate (U)

Course Number	Title	Gra	Rpt	Att	Ernd	HGpa	Q.Pts	GPA
---------------	-------	-----	-----	-----	------	------	-------	-----

2014-2015 Academic Year : Fall

MSD-2230	Communicating God's Word	A	3.00	3.00	3.00	12.00		
Term Totals :			11.00	11.00	11.00	44.00	4.0000	
Career Totals :			51.98	51.98	35.00	140.00	4.0000	

2014-2015 Academic Year : Spring

BIB-3420	Principles of Bible Interpretation	A	3.00	3.00	3.00	12.00		
HIS-1210	Hist Persp on Culture & Civil 1	A	3.00	3.00	3.00	12.00		
MAT-2310	Math Concepts & Quant Reasoning	A	3.00	3.00	3.00	12.00		
THE-4140	Ethics and Sanctification	A	3.00	3.00	3.00	12.00		
Term Totals :			12.00	12.00	12.00	48.00	4.0000	
Career Totals :			63.98	63.98	47.00	188.00	4.0000	

2014-2015 Academic Year : Summer 1

BIB-3616	Romans	A	3.00	3.00	3.00	12.00		
HIS-1211	Historical Perspectives on Cultures & Civilizations 2	A	3.00	3.00	3.00	12.00		
PHI-2110	Introduction to Philosophy	A	3.00	3.00	3.00	12.00		
PSY-2110	General Psychology	A	3.00	3.00	3.00	12.00		
Term Totals :			12.00	12.00	12.00	48.00	4.0000	
Career Totals :			75.98	75.98	59.00	236.00	4.0000	

2015-2016 Academic Year : Fall

BIB-3421	Princip of Bib Exeg & Exposition	A	3.00	3.00	3.00	12.00		
BIB-4310	Progress of Redemption	A	3.00	3.00	3.00	12.00		
ENG-2135	Creative Nonfiction	A	3.00	3.00	3.00	12.00		
Term Totals :			9.00	9.00	9.00	36.00	4.0000	
Career Totals :			84.98	84.98	68.00	272.00	4.0000	

2017-2018 Academic Year : Spring

Organization : Global University								
BIB4133	Wisdom Literature	A	3.00	3.00	0.00	0.00		
Term Totals :			3.00	3.00	0.00	0.00	0.0000	
Career Totals :			87.98	87.98	68.00	272.00	4.0000	

ISSUED TO STUDENT

Undergraduate (U)

Course Number Title Gra Rpt Att Ernd HGpa Q.Pts GPA

2018-2019 Academic Year : Transfer Work

Organization : Ashworth College

C05	Business Communication	A	3.00	3.00	0.00	0.00
C06	Business Ethics	A	3.00	3.00	0.00	0.00
C15	Principles of Management	A	3.00	3.00	0.00	0.00
CO1	Introduction to Business	A	3.00	3.00	0.00	0.00
MO1	Human Resource Management	A	3.00	3.00	0.00	0.00

Organization : Hobe Sound Bible College

BS2520	Business Economics	A	3.00	3.00	0.00	0.00
BSC2314	Environmental Science	A	3.00	3.00	0.00	0.00
MN4310	Principles of Administration	A	3.00	3.00	0.00	0.00
MN4333	Church Business	A	3.00	3.00	0.00	0.00
MU1101	Music Appreciation	A	3.00	3.00	0.00	0.00
SS3410	Conflict Management	A	3.00	3.00	0.00	0.00
SS4540	Cultural Anthropology	A	3.00	3.00	0.00	0.00

Term Totals : 36.00 36.00 0.00 0.00 0.0000

Career Totals : 123.98 123.98 68.00 272.00 4.0000

Division Career Totals : 123.98 123.98 68.00 272.00 4.0000

Degree Information :

(1) 'Associate of Arts' Date Conferred : 12/11/2015

College: College of Arts and Sciences

(2) 'Bachelor of Science' Date Conferred : 12/13/2019

College: College of Arts and Sciences

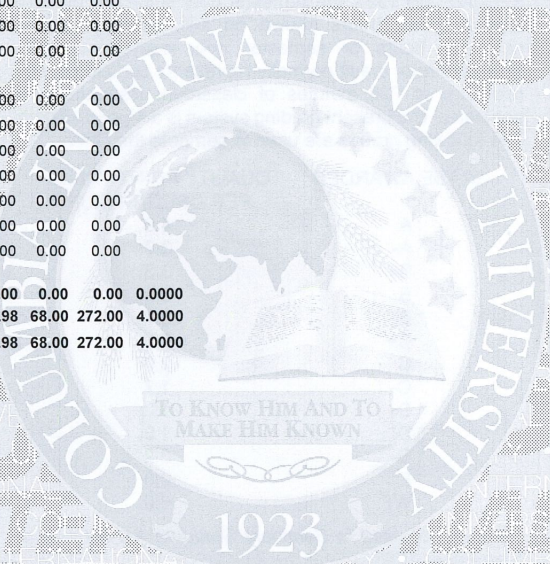
Major(s): General Studies

Honor(s): Summa Cum Laude

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COLUMBIA INTERNATIONAL UNIVERSITY

Jennifer L. Booth
Office of the Registrar
Jennifer L. Booth

01/06/2020



ADAMS STATE UNIVERSITY

COLORADO

Great Stories Begin Here

OFFICE OF THE REGISTRAR OFFICIAL ACADEMIC TRANSCRIPT

SSN ****-**-5647

Date of Birth: 20-JUL

Date Issued: 28-APR-2021

Record of: Joseph Glenn Kelsey
#217218
Brci/Greenwood B2094
4460 Broad River Road
Columbia, SC 29210

Page: 1

Issued To: Joseph Glenn Kelsey
#217218
Brci/Greenwood B2094
Columbia, SC 29210

Course Level: Graduate

Events: Graduate Degree Admission

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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INSTITUTION CREDIT:

Summer 2020

BUS 500	Leadership Skills for Managers	3.00 A	12.00
Ehrs: 3.00	GPA-Hrs: 3.00	QPts: 12.00	GPA: 4.00

Fall 2020

ECON 505	Managerial Economics	3.00 NR	0.00
Ehrs: 0.00	GPA-Hrs: 0.00	QPts: 0.00	GPA: 0.00

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	3.00	3.00	12.00	4.00

TOTAL TRANSFER	0.00	0.00	0.00	0.00
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OVERALL	3.00	3.00	12.00	4.00
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***** END OF TRANSCRIPT *****

TRANSCRIPT GUIDE PRINTED ON BACK

BROWN STAINS INDICATE UNAUTHORIZED ALTERATIONS

THE WORD COPY APPEARS IF PHOTOCOPIED

A BLACK AND WHITE TRANSCRIPT IS NOT OFFICIAL

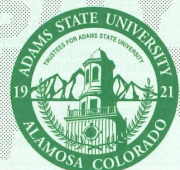
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REJECT DOCUMENT IF SIGNATURE BELOW IS DISTORTED

This officially sealed and signed transcript is printed on green SCRIP-SAFE® security paper with the name of the university printed in white type across the face of the document. A raised seal is not required. When photocopied the word COPY should appear. A BLACK ON WHITE OR A COLOR COPY SHOULD NOT BE ACCEPTED.

M. Belén García

M. Belén García, Registrar



Certificate of Completion

This certificate is awarded to

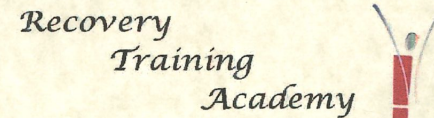
Joseph Kelsey

Who on **September 20, 2021** Successfully Completed **46** Hours of

Continuing Education Training in:

Certified Peer Support Specialist

(Including the requisite Medicaid Training)



Julie Cole, LMSW, LAC, CPSS

Julie Cole, LMSW, LAC, CPSS, CPRS

Robert E. Rice, C.A.R.E.S., CPSS, CPRS

Robert E. Rice, C.A.R.E.S., CPSS, CPRS

Ed Johnson, LPC, LAC, MAC, CCS

Ed Johnson, LPC, LAC, MAC, CCS

September 20, 2021
Happy National Addiction
Professionals Day!

ADDICTION
PROFESSIONALS
ARE AMAZING!



Dear Mr. Joseph Kelsey,

Happy National Addiction Professionals Day! This is a day on which we celebrate and commemorate all the hard work addiction professionals do on a daily basis. Welcome to our team! I appreciate your interest in the Peer Support Program. This role will pair nicely with your continued effort to increase awareness and understanding of mental health and substance use disorders while celebrating others in recovery!

As an addiction professional, you are a vital player of the health system and continuum of care. I want you to know that you are valued. You are significantly appreciated and welcomed as a part of this team. I also welcome your suggestions for the betterment of the program.

Once again, thank you for your hard work. Specialists like you are an asset! Thank you for all you do and thank you for being part of our team!

Nichole Lowder

Ms. Lowder, CPSS, NCPSS
Peer Support/MAT Supervisor
Behavioral Health Services
South Carolina Department of Corrections

CERTIFICATE *of* ACHIEVEMENT

THIS ACKNOWLEDGES THAT

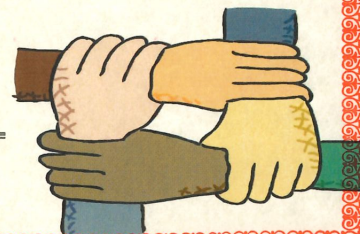
Joseph Kelsey

HAS SUCCESSFULLY COMPLETED THE

~ ~ ~ Inmate Companion Program *~ ~ ~*

FEBRUARY 4
2020

JOHN TAYLOR, Ph.D., Chief of Psychology



Certificate of Appreciation

this is to certify that

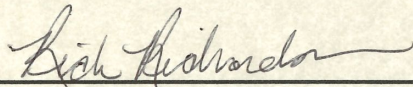
Joseph Kelsey

*is recognized for his outstanding leadership in the
JUMPSTART Program at Broad River Correctional Institution*

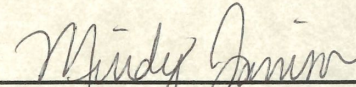
JUMPSTART[®]

Transforming the lives of prisoners from the inside out

February 11, 2020



Rich Richardson, Inside Coordinator



Mindy Jamison, Midlands Regional Representative

To: Honorable Members of the Parole Board.

From: Sophie Paquette, LMSW

Subject: Joseph Kelsey (217218)

Date: February 26, 2021

I have had the privilege of knowing Joseph Kelsey since August 2020. While it has been a short time period, I have learned a lot about him and his character. I was the Lead Qualified Mental Health Professional at the Crisis Unit where he lives and works. Since my first day in the unit, I noticed that Kelsey played a major role in supporting the crisis inmates, the staff, and his fellow inmate watchers. The inmate watchers have a difficult job of facilitating one-on-one observation for the most in need crisis inmates here at SCDC. Kelsey not only takes his job seriously, but truly tries to help everyone he comes in contact with. He goes above and beyond in this unit, and he does it with an attitude of grace and humility. I have never once witnessed him become upset or show any negative emotions to staff or peers. His positive attitude encourages brings a light in such a difficult environment.

In some of our conversations, Kelsey and I have talked about his experience here at SCDC and his life beforehand. He is a true testament to making the best of his time. He has completed many programs, including earning an associates degree from Columbia International University which allowed him to work in this unit. He did not stop his education there though and continues to pursue higher learning and degrees. When discussing his past, he is extremely reflective and has learned from choices he made when he was very young. He wants to continue to use this time and his decisions to help others.

From the bottom of my heart I believe that Kelsey has earned a chance at re-entering society. I believe that he has a bright future and that he will impact society in a positive way. He has amazing hopes and dreams and a realist path to make those hopes and dreams become a reality. He already works diligently help others both in this setting and in society with his words and experiences. I think it is worth mentioning that I asked Kelsey if I could write this recommendation letter for him because I believe in him and his future so much. Please consider giving him this chance.

Thank you for taking your time to read this letter and for the service you do for our communities.

Sincerely,



Sophie Paquette, LMSW

TO: Honorable Members of the Parole Board

From: Shenelle Hanley, M.A., LPC-A, NCC

Subject: Joseph Kelsey (217218)

Date: January 14, 2021

Dear Members of the Parole Board:

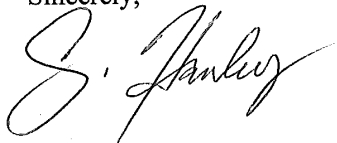
I understand Joseph Kelsey will be considered for parole release by the South Carolina Department of Probation, Parole, and Pardon Services. Since his imprisonment, Kelsey has taken advantage of various programs to improve his life and motivate other offenders to turn their lives around.

I have worked alongside Kelsey for nearly three years during my assignment to the Crisis Stabilization Program. Kelsey was responsible for the observation of crisis inmates while providing mentorship using Christian -based teachings inherited during his academic pursuits at Columbia International University. He also assisted staff with administrative duties. Kelsey exhibits dedication towards his work responsibilities. In addition, he maintains a pleasant and positive attitude towards staff members and incarcerated individuals. He has been an exceptional role model to other incarcerated offenders by imitating respectful conduct, enthusiasm, and practicing humility.

I believe that Kelsey has used his time incarcerated wisely, his accomplishments proves that. Kelsey is non-violent and he does not pose a threat to the community. I am optimistic that his efforts to reintegrate with society will go well.

Thank you for your service to the State of South Carolina and for this opportunity to provide input into this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Hanley". The signature is written in black ink and is positioned below the typed name "Sincerely,".

March 19, 2021

To: Members of the Parole Board
From: Joyce Spivey, CMA
Subject: Joseph Kelsey (217218)

In January of 2018, after working two years at Broad River Correctional Institution in Main Medical, I was transferred to the Crisis Stabilization Unit (CSU). One of my duties in the CSU is to keep the medical supplies ordered and up-to-date.

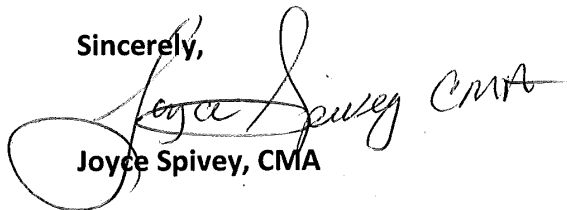
I received permission from the Unit Manager, Mr. Dennis, to allow one of the Inmate Mental Health Companions to help me. Kelsey had been assisting the medical staff for some time, and I asked him if he would continue to do so. With no hesitation, he said yes.

Kelsey's attitude toward employees and inmates is phenomenal. He has a spirit of God to help others. Even when his primary responsibility requires him to spend four hours one-on-one with a crisis inmate, he always makes himself available to do extra tasks once his shift is over.

Lastly, after my shift, I would often stay to study Math, so I could go back to nursing school. Unfortunately, I failed a key exam three times. Kelsey saw me struggling and volunteered to help. Well, I am pleased to report that, thanks in no small part to his help and encouragement, I passed!

Kelsey would make a difference in society because his spirit is real, his heart is warm, and his compassion is endless. I truly hope he is given an opportunity to live free.

Sincerely,



Joyce Spivey, CMA



Free To Be



Issue No. 4, Jul/Aug 2021

In this issue...

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The Kings Way by Pastor Jim Thomaspg 2-3
Be Prepared by Joe Kelseypg 3-6
Warrior by W. C. McCrackenpg 6-8
Closing Prayer by Kathy Velichpg 8



FREE TO BE IS DEDICATED TO FREEING ALL WITH THE GOSPEL, EMPOWERING AT-RISK TEENS WITH THEIR FREEDOM, AND INFORMING THE PUBLIC THAT OUR COMMUNITIES MAY BE STRENGTHENED.

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Seasons by Demarcus Booker, #362776

Seasons are defined as a period of the year associated with a particular activity, event, or holiday. There are many places in the Bible in which we see God setting a time or season, and this is always associated with a purpose.

I have come to realize that, in life, we too experience seasons. There are seasons when we are up, and others when we are down, but neither is permanent. It is good news that, as God's children, these seasons have purpose and are ever changing. I know this opinion may be somewhat surprising coming from a man surrounded by men with life-sentences, but bear with me.

I believe that every human being is wanted by God. He wants each person for the purpose that each become like His Son (Romans 8:29). It's vital we understand there is a purpose behind the season God has appointed for us. However, we must learn to see from God's perspective to see that purpose. Spiritually, we experience Spring, Summer, Fall and Winter as times of God-appointed opportunity to fulfill God's purpose for our life.

While it is uncomfortable to spend a season in negative circumstances, or situations or struggles, sickness, death, loneliness, or even addictions, these things will pass as we draw close to the lord. We can come through these challenges wiser and more Christ-like if we remain spiritually-minded. Most importantly, we should be thankful that as one season passes, another begins: God has kept you.

Demarcus Bocker is an inmate at Kirkland Correctional Institution. He is also a student of Columbia International University, where he is studying for his Associates Degree in Biblical Studies.

The King's Way by Pastor Jim Thomas

Psalm 109:4. "But I give myself unto prayer." This was king David's way of dealing with the enormous life issues that weighed so heavily on his heart.

No one is free of the distresses of life, and prayer is the ultimate solution to those situations. I'm not talking about just prayer, but rather taking every matter in our lives to God and seeking after Him for his resolutions.

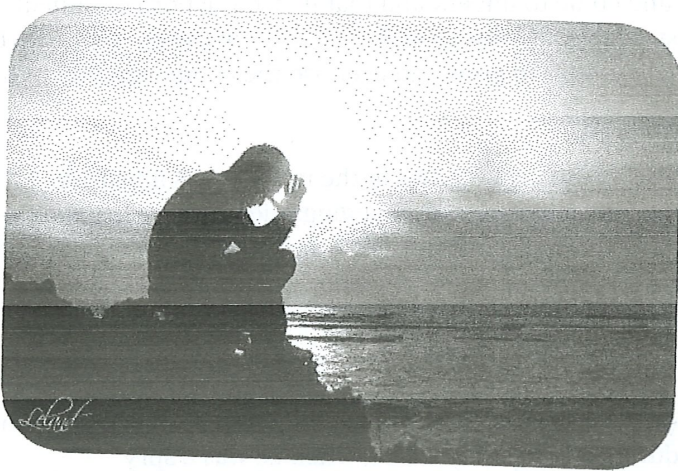
There is nothing stronger on this earth than our sincere prayers to God. That old saying is "prayer changes things" and it certainly does. You want to know why? Because prayer takes us into the presence of God. Prayer gets God involved with our problems. When we pray, we set God's eternal powers into motion. The same miracle working powers that created the universe are set into motion when we take our needs to God. Yes, the Bible does say that God knows what we need before we ask...but the key here *to unlocking the power of God to help us is us asking for His help.* Answering prayers is certainly nothing new to God. What is new, to some, is knowing that we must communicate our needs to God. What God has already been doing throughout time can be done again and again just as easily. Even things that have never been done before can be done by our God...and what He has done for others, He will do for you. And remember this...God has forever obligated Himself to those who diligently seek Him in faith believing!

You may think that God does not hear you when you pray, but nothing could be further from the truth. Someone has already said that God hears every prayer and His answer will be one of the following: "yes," "no," "wait," or "do it yourself." The most important thing to remember here, though, is that ALL PRAYER gets God's attention. That's not to say that all prayer gets the desired answer. We all must understand that we don't always get the answer we think we should...but that is no excuse for not asking.

I believe that everyone, no matter what your beliefs are, should know within their spirit that there is one God who is all powerful, all knowing, and who fills the entire universe, and we have all been created by Him. God has given us all the freedom to pray prayers of repentance...asking Him for his forgiveness of our sins. The moment one prays a prayer of repentance, God immediately answers that prayer and not only forgives those sins but also forever forgets those sins. Don't worry; nobody can take your ability to *pray away from you.* *Even a disabled man confined to his bed can still pray.* *Even those who are incarcerated can pray.* Rich and poor can pray. Healthy or handicapped can pray. Young or old can pray. Red, yellow, black, or white can pray. American, African, European, Asian, or any other can pray. If you can think, you can pray; you can pray standing up or kneeling down. You can pray anywhere, anytime. You can pray out loud. You can scream a prayer. You can whisper a prayer. You can pray in any language

- God knows them all. You can write a prayer. You can scribble a prayer in the dirt. The most important thing is that you pray! Because when you pray, you will never be the same again. Prayers never die. Your mother's and grandmother's prayers, even those who are deceased, their prayers are still ringing in God's ears. And prayers are forever changing things and forever being answered. Praying can change the minds of the judge or juror, make someone drop their case. Prayer can silence a maniac, cheer the depressed, comfort the grieving. Prayer can call down an army of angels.

Why pray? Why not? What can you do that is a better investment of your time? Prayer works all the time! Just because you prayed and didn't get exactly what you wanted as soon as you got up off of your



"Prayer is the language" by Lei4nd is licensed under CC BY 2.0

knees, don't think God isn't working. The old song says "He may not come when you want Him, but He will be there right on time!" He knows when the best time is to show up. And another thing is that God may be answering your prayer and you don't even realize it. Maybe He is working on somebody you don't even know to bring the results to you. Maybe He is healing somebody quietly and you may not know the results until later. Maybe He is turning the world upside down, but you can't see what He is doing, so you don't think he is doing it. Just wait and see!

So don't ever stop praying. The one prayer you fail to pray may be the prayer that would have turned your world around. Maybe your

prayer would have saved that loved one. Maybe your prayer would have prevented that crime or prevented that young person from taking the wrong path in their life.

You can't get results if you don't set things into motion through prayer. Your prayers set things into motion. Prayer lights the firecracker and sooner or later, it has to go off.

Be encouraged and strengthened in your spirit because there are many people whom you don't even know who are praying for you...for your healing, for your protection, and most importantly, for your SALVATION...praying that God will send someone to you who can tell you the truth about God's plan of salvation.

Pastor Jim Thomas leads The Pentecostals of Beaufort, which is part of United Pentecostal Church International, a Oneness Pentacostal denomination. Visit them [online](#) or in person at 206 Sea Island Parkway, Beaufort, SC 29907.

Be Prepared by Joe Kelsey #217218

"Be prepared." For some this is simply sound advice for life in general. Others might recognize it as the Boy Scout motto, meant to promote success in any situation. In the Bible, it is an appeal that Peter makes

to believers. He says that we should always be prepared to share the reason for the hope that we have and that we should do this with gentleness and respect. While this may not seem key to survival, it truly is, and it has eternal implications. I readily admit that I was never a Boy Scout in any sense of the term, and I have found myself in many situations for which I was unprepared. I would like to share two of these.

In 2013, shortly after a transfer to Lee CI, I volunteered to help provide hospice care for terminal inmates. I did this, in part, because my crime had taught me that regard for other human beings is not always as automatic as some would like to believe. At sixteen, I had been incredibly selfish. This flaw allowed me to exhibit a level of disregard that I am still haunted by twenty-seven years later. It did not take long in prison to learn the importance of compassion and come to understand that it is, both, born of difficult life experience and something inherently transmittable. If I was to make the most of the life sentence I earned so early in life, I would have to seek opportunities to grow and exercise the compassion that I had received from others.

So, after working my day job in education, I would spend my evenings in the institution's infirmary. My primary tasks included feeding the clients supper and checking and changing briefs, before helping them to settle in for the night. Most of my shift involved making rounds to ask if there was anything I could do to make the guys more comfortable. I tried my best to be an encouragement, while respectfully acknowledging their suffering. None of this was the sacrifice I first thought it might be. On the contrary, I cannot stress enough what a privilege it was to care for those men.

One particular individual, I will call him Mack (not his real name), had a profound impact on my life. I had briefly known him some twenty years earlier, during my first stay at Lee, when he was a spry sixty-something year old, and I was a snot-nosed teen new to prison. I remembered him as kind and wise, despite a somewhat off-putting appearance, which was mostly due to his wearing a black eye patch. Unfortunately, the Mack I found in the infirmary two decades later was frail and fearful. He had suffered a number of colds, which always progressed into pneumonia and required hospitalization. Each bout was more severe than the previous one.

I found Mack shaking one night, whether from chills or fear. He was not wearing his eye patch and from both eyes, good and bad, tears flowed down the deep wrinkles in his cheeks. He put an icy hand on my arm and said, "I'm not gonna make it this time." He then asked me to call his sister to let her know and tell her that he loved her. This was not something hospice volunteers in prison are allowed to do, and other than fix his blankets and sit with him, I did not know what to do. I wanted to tell him that everything was going to be alright, and I did, but I could tell he was far from convinced. How do you tell someone it's going to be alright if you have not experienced what they are going through and cannot explain to them how you know that things will work out?

I felt so ill-prepared when I tried to explain to Mack how I knew that everything would be alright. I wish I had been able to put into words how I knew that an eternity with Jesus held the end to all his suffering and so much more and how he could know this, too. Unfortunately, I had done very little to build a relationship with God, and my knowledge of His Word was pitiful. Like the believers Peter addressed, I

was often afraid to open up and witness to others. After that night, I began to read my Bible with purpose and prayed for God to equip me to share the hope that I found in Jesus Christ.

Since 2013, the Lord has done many amazing things in my life, both to prepare me and to make me all the more aware of His grace. Perhaps most notably, He sent me to Columbia International University's Prison Initiative at Kirkland CI. There, a biblical education and the compassion of dozens of professors and volunteers helped prepare me to be a light for God's kingdom and to spread the hope that He lovingly offers.

After graduation, the Lord led me to the Crisis Stabilization Unit (CSU) at Broad River CI. Inmates from around SCDC are sent to the CSU whenever there is an indication that they are suffering a mental health crisis and may be a danger to themselves or others. I am blessed to be one of usually around thirty other inmates that volunteer to live and serve in the CSU as Inmate Mental Health Companions (IMHCs). Our primary responsibility is to provide one-on-one constant observation of inmates suffering severe mental health crises. We do this in four-four shifts, sitting right outside their doors. If they make any attempt to harm themselves, we immediately alert the staff. We also record any unusual behaviors that might help staff in developing effective treatment plans. For the most part, though, we simply try to serve as a calming presence. We listen to those who are suffering, and, if they are open to it, we share our own experiences overcoming situations that seem hopeless.

In its first five years, the CSU saw 5,304 admissions, representing an epidemic of suffering in SCDC. One of these admissions, a twenty-two year old I will call Evan (not his real name), also had a lasting impact on me. The first words he ever spoke to me were, "They can't get to me in here, can they?" I did not know who "they" were, whether they were real or phantoms from his mind, or both, but his fear was as real as that I saw in Mack's eyes years earlier. I assured Evan that no one was going to get to him in the CSU, that he was safe. Like Mack, he was not convinced. Evan had not been placed on constant observation, but he asked me to come sit by his door. It was late and I had not eaten my supper yet, so I pointed out another IMHC sitting thirty feet away with a client and tried to reassure Evan that this individual would be right there if he needed anything. Evan was doubtful. He told me that he did not trust that guy, but that he had seen the way I tried to help other clients and he trusted me. I told him to give me ten minutes to heat up my supper, and I would be back.

When I returned, I learned that Evan came from an institution where he was being intimidated and threatened by gang members. Like many inmates who see no way out of the unbearable situations all too common in prison, Evan was desperate to have some small measure of control over his life. He said that he would rather hurt himself than have anyone else do it. I stayed with him until two in the morning, mostly just listening to him and reassuring him when I could. I learned that his family lives in the same town where I had once lived, that he was a recent convert to Islam, and that he wanted to be an artist. My hope was that he realized someone in addition to his family cared about what happened to him. In the days that followed, he became a lot less timid and seemed to be doing well in the weeks that followed. I do not know why I never got around to talking with Evan about Jesus, but I regret not doing so.

At the time, I was also in charge of passing out books to the inmates in crisis. This was a joy for me because I know what reading did for me when I came to prison. At first, books offered an escape from my

present misery. But, as I explored the world of literature, I learned that my struggles were not uncommon but shared by many through the centuries. Reading connected to my humanity at a time when I was tempted to feel that I had been discarded by society. Great authors taught me about life and death, right and wrong, triumph and tragedy, and I was eager to share their lessons with others who might benefit from them.

On Friday night, my book round ended with Evan. We spent fifteen minutes discussing his options. He rejected a couple of my suggestions, and then after being very particular in his selection, finally settled on something light and entertaining. Two hours later, Evan was found hanging in his cell. "Hanging" does not provide an accurate picture. He had wrapped string around his neck, tied it to something three feet off the floor, and just sat down. All he had to do was stand up, instead, he died.

Evan's was the only death by suicide at the CSU in its five years, and I am filled with questions to this day. Did he really intend to kill himself, or did he need attention and hope that someone would catch him before it was too late? Did I miss something? If not, what could have changed in less than two hours? Why had I not spent more time with him? Most importantly, why had I apparently not been prepared to share with him from the Book that held the key to salvation? I had spent years being prepared to make a *difference in the lives' of others, but in this instance I had fallen short. I now realize that to be prepared is about much more than education, though learning is an important part of the process. Ultimately, to be prepared means to be willing. Peter wanted early Christians to be willing to share the gospel even under the most difficult of circumstances. I pray that I will never face anything close to the persecution they endured, but until I am ready to share the gospel with everyone I meet, I will not be prepared as Christ wants me to be. He was prepared to sacrifice His very life for mine so that I might have real everlasting hope, and all He asks is that I tell others what he did for me and try to live in a way that honors his sacrifice. Because lives depend on it, I encourage everyone who reads this to always be prepared to share the reason for the hope that you have.*

Joe Kelsey (43) is an inmate at Broad River Correctional Institution. He is enrolled in a graduate correspondence program working to earn an MBA. He is engaged to his soul mate, who he went to highschool with, and hopes to be paroled soon.

WARRIOR by William C. McCracken, #130910

David, the youth confronted by the giant, Goliath, asked, "...who is this uncircumcised Philistine, that he should defy the armies of the living God?" (1 Samuel 17).

Shadrach, the captive, said to the King of Babylon when threatened, "O Nebuchanezzar, we are not careful to answer thee in this matter. If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and He will deliver us out of thine hand, O king. But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up." (Daniel 3)

Jesus said, "It is finished and He bowed his head, and gave up the ghost." (John 19) These three scenes from the Bible make the Warrior-spirit within me leap.

In the first scene, David, probably no more than a young teenager, is facing Goliath the giant. Goliath was a nine foot tall, ill-tempered, arrogant giant that enjoyed bullying smaller men. Nevertheless, David stood his ground as the warrior-spirit within rose up. Ultimately, David met Goliath's arrogance and cut off it and its owner's head. He did this through courage to trust God, and so can we.

When we see bullies doing wrong, we can count on God to help us stand our ground for what is right. Sometimes, the giant looms large before our eyes, but our confidence and conviction comes from our battles in the unseen world: the spiritual realm.

Before battling Goliath, David had battled and defeated both a lion on one occasion and a bear on another. These battles are not seen in scripture, but David testifies of them and credits them as builders of his confidence.

In the same way, we face battles as children of God. Battles against invisible foes like addictions, lies we've either been taught or taught ourselves to believe, and battles against sin. These are our lions and bears. As we learn to fight these things, we are trained as warriors. The kind of giants seen with the human eye

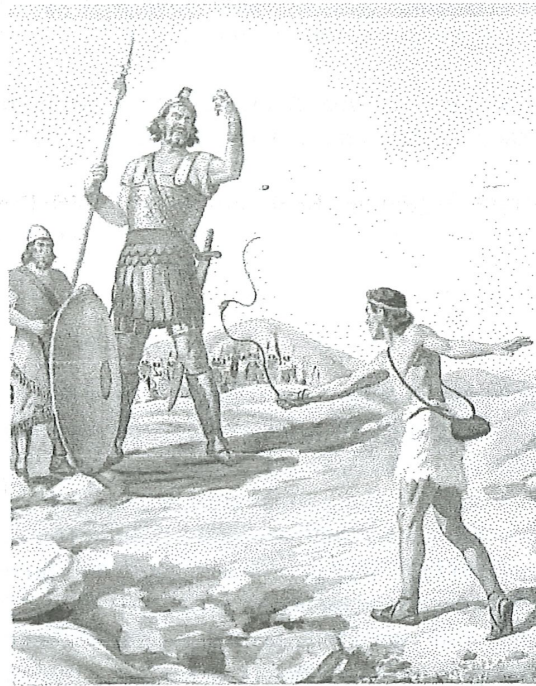
are nothing compared to the invisible kind, but they are all ours to defeat: who are they to defy the armies of the living God?

In the next scene, we see three Hebrew boys taken prisoner, facing down the King that took them and their whole nation captive. We see them answer the King plainly when threatened with death by fire. The king did indeed put them in the fiery furnace. But guess what? They came out of there because God honored their trust and determination. There is a double lesson here for us.

First, make up your mind, Warrior, and do not waiver when facing a fight. And second, you may go through some troubles, but God's got your back. Once you decide to move against a giant, seen or unseen, don't doubt, be prepared for trouble, and keep faith that God won't fail you. No matter how things appear. He will not fail you, even if he has to bring you back from death.

The final scene I love comes from Jesus while on the cross at Calvary. He stood against all the giants of His day. He took His stand with His mind made up. He willingly went to the cross, scorning the shame of it, the Bible says, knowing God would not fail Him. That's courage. That's a warrior when he spoke the words, "It is finished," He meant it. In what appeared to the world as defeat, He declared his victory: the suffering was finished. We know what happened next: "God is not the God of the dead, but of the living" (Matthew 22).

These three fought both the seen and unseen battles and were prepared when faced with what their destiny brought them. I admire them and want to be like them. I am a warrior, too, and my spirit identifies with them. What about you? Will you let Goliath bully others or yourself? Will the kings of this world force you to do things you know are wrong? Will you permit hardship to cause you to falter, or



"David and Goliath by Robert Temple Ayres" by Fried Dough is marked with CC PDM 1.0

deny the truth? As born-again children of God, we have the same spirit within that uttered these quotes from the Bible, and the answer is, "No! I will not!"

"The lord is a warrior; Yahweh is His name." (Exodus 15:3) HCSB

"Blessed be the lord my strength which teacheth my hands to war, and my fingers to fight..." (Psalms 144:1)

William C. McCracken (53) is an inmate at Kirkland Correctional Institution. He loves writing, reading, and dog training. He is working full-time as an electrician's assistant in the KCI Maintenance Department.

Closing Prayer by Kathy Velich

Dear Father, Thank you for the writers of "Free to Be." Each one of their articles give us knowledge of important things, knowledge that can be helpful to others. Thank you, too, for helping us to be warriors in our lives, to be both overcomers and helpers. Your word tells us in Matthew 7:12 to do unto others as you would have them to do unto us. Thank you father for giving us the courage to tell others about what you do for us each and every day. Help us to not miss one chance to share with others. Your word tells us in Mark 16:15, "Go ye into all the world, and preach the gospel to every creature." Thank you for Pastor Thomas' encouraging article on prayer, so that it can help us pray more for our lives and the lives of others. Your word tells us in Isaiah 65:24...that before they call, I will answer; and while they are yet speaking, I will hear. Thank you for watching over us no matter the season of our lives. We give you praise in the name of Jesus the Christ. Amen

Our writers would love to hear from you!

DeMarcus Booker #362776 Kirkland Correctional Inst. B2-9 4344 Broad River Rd. Columbia, SC 29210	Joe Kelsey #217218 BRCI/Greenwood B2094 4460 Broad River Rd. Columbia, SC 29210
William C. McCracken #130910 Kirkland Correctional Inst. B2-61 4344 Broad River Rd. Columbia, SC 29210	Pastor Jim Thomas Pentecostals of Beaufort 206 Sea Island Parkway Beaufort, SC 29907

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal From The Administrative Law Court
Honorable H.W. Funderburk, Jr., III, Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, # 217218.....APPELLANT,

V.

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

Proof of Service

The undersigned hereby certifies Appellant's Motion for Certification and supporting materials were served by email on December 21, 2021 to the following:

Matthew Buchanan: matthew.buchanan@ppp.sc.gov

s/Whitney B. Harrison

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December 21, 2021
Columbia, SC

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December 21, 2021

The Honorable Patricia Howard
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RE: *Joseph Kelsey, #217218 v. South Carolina Department of Probation, Parole & Pardon Services*
Appellate Case No. 2020-001473

Dear Ms. Howard:

Pursuant to Rules 204(b) and 240, of the South Carolina Appellate Court Rules, filing please find the Motion for Certification with Exhibits and Memorandum in Support on behalf of Appellant Joseph Kelsey in the above-captioned matter.

By copying of this letter to counsel, I am serving Respondent South Carolina Department of Probation, Parole, & Pardon Services with a copy of this Motion and enclose a proof of service to that effect. Also by copy of this letter, as well as by separate letter, I have notified the Clerk of Court of the South Carolina Court of Appeals and enclose a copy of the same for your records.

I would appreciate your acknowledging receipt of the Motion and Exhibits and Memorandum by file stamping the enclosed extra copies of same and returning them to me.

If you have any questions, or require additional information, please do not hesitate to contact me.

Letter to The Honorable Patricia Howard

December 21, 2021

Page Two

Respectfully,

s/Whitney B. Harrison

Whitney B. Harrison

RECEIVED

Dec 21 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From The Administrative Law Court
Honorable H.W. Funderburk, Jr., III, Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, # 217218.....APPELLANT,

V.

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

Proof of Service

The undersigned hereby certifies Appellant's Motion for Certification and supporting materials, along with the cover letter altering this Court, were served by email on December 21, 2021 to the following:

Matthew Buchanan: matthew.buchanan@ppp.sc.gov

s/Whitney B. Harrison

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December 21, 2021
Columbia, SC

Whitney Harrison

From: Whitney Harrison
Sent: Tuesday, December 21, 2021 12:49 PM
To: matthew.buchanan@ppp.sc.gov
Cc: John Blume; hannah@justice360sc.org; jon@ozmint.com; Gerald Malloy (gmalloy@bellsouth.net); megan_barnes@fd.org
Subject: Joseph Kelsey, #217218 v. South Carolina Department of Probation, Parole & Pardon Services (Appellate Case No. 2020-001473)
Attachments: _Kelsey- Motion for Certification-final for filing-Supreme Court.pdf; _Kelsey- Memo for Certification -final for filing-Supreme Court.pdf; _Kelsey Cover letter for Supreme Court re Certification-final for filing.pdf; Kelsey-Proof of Service- Court of Appeals-final for filing.pdf; Kelsey-Proof of Service- Supreme Court-final for filing.pdf; _Kelsey-Cover letter for COA re Certification-For Filing-Final.pdf

Good afternoon,

Attached are the materials that will be filed shortly with the South Carolina Supreme Court. Additionally attached is the cover letter notifying the Court of Appeals that the filing is being made. The link to the exhibits is below. Please let me know if you have any issue with accessing them.

<https://www.dropbox.com/s/6xk7gl01xd9ropx/Combined%20exhibits.pdf?dl=0>

In an effort to avoid two separate emails with identical materials, please allow this email to provide notice that two filings are being made to comply with the SC Appellate Court Rules. First to the Supreme Court with the motion, memo, exhibits, cover letter and proof of service (Supreme Court filing). Second, a filing to the Court of Appeals with a cover letter, the Supreme Court filing, and proof of service. Happy holidays!

Whitney

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December 21, 2021

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Dec 21 2021

SC Court of Appeals

RE: *Joseph Kelsey, #217218 v. South Carolina Department of Probation, Parole & Pardon Services*
Appellate Case No. 2020-001473

Dear Ms. Kitchings,

I am writing to inform you that Appellant Joseph Kelsey has filed a Motion for Certification of the above-captioned appeal to the Supreme Court, pursuant to Rule 204(b) of the South Carolina Appellate Court Rules (SCACR).

This appeal has been fully briefed and awaiting consideration. I wanted you to be aware of the pendency of the motion.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

s/Whitney B. Harrison

Whitney B. Harrison

Enclosures