

# News

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## *update*

### Keeping you informed

Welcome to the Fall 2012 edition of our newsletter.

As always, we hope this newsletter helps keep you informed about issues that matter to you. We strive to keep you up-to-date and dispel many of the rumors that seem to circulate so rapidly.

Please continue to let us know what we can feature here that would be helpful to you and your family.

As always, your family is welcome to contact Jackie at [jackie@paroleme.com](mailto:jackie@paroleme.com) if you have

any questions about anything in this newsletter or any other issues related to your incarceration.

Please have your family members visit our website, [www.paroleme.com](http://www.paroleme.com), for office forms and other information.

We remind you that this newsletter is not intended to be construed as legal advice.

If we can be of service to you, please contact us. We wish you and your family all the best.



### Children of Inmates

As the holiday season draws closer, we wanted to make you aware of some resources that might be important to your family.

We have not verified any services offered by these organizations, so we provide this for information only.

Silent Victims of Crime provides support for and awareness of the 1.7 million U.S. children under age 18 who have an

incarcerated parent. For details, visit [www.silentvictimsofcrime.org](http://www.silentvictimsofcrime.org).

Project Angel Tree, a program of Prison Fellowship, provides Christmas gifts to children of inmates, as well as other programs throughout the year. The organization is currently registering churches that will support the program this Christmas. Visit [www.angeltree.org](http://www.angeltree.org) for more information.

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## Case Law Update

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- \* In *The Matter of the Care and Treatment of Bobbie Manigo* (Opinion No. 27134, June 20, 2012), the S.C. Supreme Court held that the state's Sexually Violent Predator Act does not require a person to be presently confined for a sexually violent offense to be subject to the SVP evaluation process. The Court determined that the legislature's intent was to include any person who has been convicted of a sexually violent offense and who presently suffers from a mental abnormality or personality disorder that makes the person likely to reoffend.
  - \* In *State v. Hawes*, (Opinion No. 5001, July 18, 2012), the S.C. Court of Appeals held that the Circuit Court acted within its discretion under S.C. Code Section 16-25-90 (history of domestic violence) in granting early parole eligibility to Hawes (after service of one-fourth of his sentence). The S.C. Court of Appeals found evidence in the record to support the Circuit Court's factual findings and found no error of law or abuse of discretion.
  - \* In *State v. Williams*, (Opinion No. 5015, Aug. 1, 2012), the S.C. Court of Appeals held that allowing the State to comment on the Defendant's post-arrest silence was a violation of *Doyle v. Ohio*, 426 U.S. 610 (1976). The cumulative effect of the State's four comments — including the fact that the State directly tied his silence to his self-defense claim — were prejudicial error.
  - \* In *Doe v. State* (Opinion No. 27159, Aug. 15, 2012), the S.C. Supreme Court held that a juvenile adjudication is the equivalent of a conviction for the purposes of entitlement to seek a pardon from SCDPPPS. In this case, the petitioner sought removal of his name from the sex offender registry, which requires a pardon. The pardon request was denied because SCDPPPS asserted that a juvenile adjudication did not constitute a conviction. The S.C. Supreme Court held that the construction of adjudication as conviction applies only in this specific context.
  - \* In *State v. Gracely* (Opinion No. 27165, Aug. 29, 2012), the S.C. Supreme Court held that the trial court erred in refusing to allow the defense to cross-examine the State's witnesses regarding the mandatory minimum sentences they avoided by testifying against the appellant.
  - \* In *Binney v. State*, 384 S.C. 539, (Opinion No. 26723, Sept. 21, 2009), the S.C. Supreme Court held that trial counsel of post-conviction petitioner claiming ineffective assistance of counsel was justified in disclosing entire trial file to the Attorney General's Office for reviewing and copying, under statute that allows counsel alleged to have been ineffective to discuss and disclose any aspect of representation with the state for purposes of defending against allegations of ineffectiveness; applicant's allegations of ineffectiveness were extremely broad.
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## More about pardons

As we noted in our summer newsletter, having your record pardoned may prove to be extremely beneficial to you as you seek employment and in other areas of life. However, we generated some confusion.

Although incarcerated people are legally eligible to apply for a pardon in extraordinary circumstances, applications are not generally accepted from those who are still incarcerated. The procedures we outlined in the previous newsletter apply to those who have been released from SCDC and who have completed all required supervision. Then, and only then, do regular pardon procedures apply.

When you are granted a pardon, your civil rights, including the right to vote and serve on a jury, are restored. While crimes will still appear on your RAP sheet, it is noted that they have been pardoned by the State.

**Once you have been released from prison, your probation has been fully completed including the payment of restitution, or your sentence disposed of or if you have completed five years of supervision but are still under supervision,** you may be eligible to apply for a pardon. Note that your rap sheet must show a disposition on all charges before they will be considered for pardon.

If you have questions about this process, please contact our office.

## Realignment at Stevenson

The recent realignment of Stevenson continues SCDC's adjustments to be in line with current housing needs.

Stevenson will now be known as Walden Correctional Institution, Stevenson Campus. The facilities will share one warden, one operations division and a rotating staff.

The number of beds in SCDC is being reduced to 23,988, reflecting the downward trend in the overall number of inmates. The average inmate population in July 2012 was 22,317, down from 23,419 at the end of 2010.

The changes at Stevenson include

closing several wards and a Special Management Unit. A number of work detail inmates from Manning Correctional were transferred to Stevenson to save on transportation costs and to make room for more inmates to enter Manning's Pre-Release Program.

In addition, the mail room at Stevenson has been closed. All mail to Stevenson inmates will now be processed through Walden's mail room. Note that letters will be addressed to Walden, even if the inmate remains housed at Stevenson.

If any other changes are made, we will include those additional updates in our next newsletter.

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## Changes in hardship transfer

The procedures for requesting a hardship transfer have changed.

- \* Inmates can only request a hardship transfer during annual review.
- \* Inmates must sign the request at the annual review.
- \* Family members for whom the inmate requests the transfer must be on the inmate's visitation list.
- \* The transfer request will be screened for a geographic region, not a specific institution.
- \* If the hardship is family-related, immediate family is defined as including parent or parent substitute, sibling, spouse or child.

In order to be eligible for a hardship transfer, inmates must have:

- \* No major disciplinarys for the past 12 months.
- \* No more than one disciplinary handled as "informal" or administrative in the past 12 months. (A closed disciplinary is now considered to be informal or administrative. In the past, these appeared as dropped. They now appear as convictions.)
- \* Served 12 months in SCDC on the current commitment.
- \* No unsatisfactory job performance in the past 12 months.
- \* No separation cautions at the requested institution.
- \* Eligibility for the security level of the requested institution.

Documentation for hardship transfers is critically important and now the time frame for submitting it is equally so. In the past, a request for hardship transfer could be held for a short period of time pending the documentation of hardship. This is no longer the case. Now, hardship documentation must be ready in advance and submitted to the caseworker at the time of the annual review. SCDC will no longer hold the paperwork while that is completed. Therefore, it is important that you address this matter well in advance of your annual review.

Documentation required for a hardship transfer:

- \* A doctor's statement on official stationery which verifies the family member's illness that presents a hardship.
  - \* A copy of the driver's license or birth certificate of a family member age 65 or older.
  - \* In addition, a pastor may write a letter stating that it is a transportation hardship for the family to travel a long distance.
  - \* Letters from family members are not accepted.
  - \* Other letters, such as a letter from an attorney or prominent community member, may be considered in documenting hardship situations.
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## The holiday season is approaching

Holiday season plans have been announced by SCDC. Once again, there will be no holiday package ordering and visitors will not be allowed to bring food in for inmates. However, canteen limits will be increased for the holidays, Nov. 5 - Dec. 28. Canteens will include special holiday items.

If you do not have canteen privileges, you will not be eligible for the holiday limits exception. Minimum Out, Minimum Out Restricted, Minimum In, Protective Custody and Death Row inmates with full canteen privileges will have their limits increased to \$175. Medium inmates with full canteen privileges will have their limits increased to \$60.

If you have full visitation privileges, you will be allowed additional visitation as well. If your visitation privileges have been limited,

your limits will be maintained during the extended visitation time frame.

Holiday visitation days will be held Nov. 22 (Thanksgiving Day), Dec. 24 - Dec. 26, Dec. 31 and Jan. 1.

Please advise your family in advance that if visitations areas are full, visitors who have been at the institution for the longest period of time will be asked to leave so that other visitors may enter.

Remember, extended visitation applies only for those with full visitation privileges. If you have questions about your visitation eligibility, discuss them with your caseworker as soon as possible.



## Annual review

We have provided a number of reasons why maintaining a clear disciplinary record is of the utmost importance, but one additional area that can be impacted in the inmate's annual review.

If an inmate is in lock-up at the time of the annual review, the review will not be held. It will not be rescheduled for a time after the inmate has been

released from lock-up until a full year has passed. In essence, the review will be skipped for the year the inmate is in lock-up.

Please note that disciplinary records impact an inmate's daily life at SCDC, as well as the hope for parole.

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If you have been transferred to  
a different facility, please notify  
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## News and Notes

- \* Please note that we may be unable to accept your collect call if Mr. Thomas is not available. This helps keep costs down and benefits our clients in the long run. You are always free to contact us via postal mail or have your family members call or contact our office via email.
  - \* Effective Jan. 1, 2013, our fees for parole representation will be increasing. We regret the need for an increase, but ask for your understanding, since this is our first parole fee increase in more than 10 years. The current fee will be honored for cases retained prior to Jan. 1, 2013. Thank you.
  - \* We are hearing from inmates with some confusion about the Omnibus Crime Bill's application to YOA Second Degree Burglary sentences and mandatory minimums. We are currently working to clarify this.
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