

# News

**Tommy Thomas**  
**Attorney at Law**  
**PO Box 88 Irmo, SC 29063**  
**803.732.5507 or 803.732.6542**  
**[www.paroleme.com](http://www.paroleme.com)**

# *update*

## Summer brings change

Welcome to the Summer 2011 edition of our newsletter.

Many changes have been underway at both SCDC and SCDPPPS. We strive to keep you up-to-date with facts rather than the rumors that are so common whenever changes begin to be implemented. Please contact us directly if you are unsure about new information.

Feel free to have your family email [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.

As always, 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 the best.



## New decision-makers

\* Kela Thomas has been sworn in as the new director of the South Carolina Department of Probation, Parole and Pardon Services. Mrs. Thomas has served as Deputy Director for Administration for SCDPPPS and has an extensive background in administration, financial management and program

development.

\* Newly appointed SCDC director, former family court judge William R. Byars, Jr., has taken a temporary leave due to illness. Reports indicate that he will return to the position but Robert Ward has been appointed to lead the department until that time.

## Case Law Update

---

- \* In *Compton v. SCDC* (Opinion No. 26968, May 2, 2011), the S.C. Supreme Court upheld the circuit court's injunction which prohibited SCDC from forwarding notations on Compton's escape screen to SCDPPPS, pending the outcome of a declaratory judgment action seeking a declaration that SCDC had failed to comply with an order to destroy all records of a 1995 escape. The injunction did not prohibit SCDC from forwarding historical evidence of Compton's movements within SCDC.
- \* In *State v. Byers* (Opinion No. 26976, May 23, 2011), the S.C. Supreme Court reversed the Court of Appeals' denial of motion to strike witness testimony. The Court held that the objection to the testimony was both timely and specific, and it was not harmless error. Without the witness' testimony, the State would have had little else to argue that the defendant was present at the time of the commission of the offense.
- \* In *Bailey v. State* (Opinion No. 26975, May 9, 2011), the S.C. Supreme Court reversed the finding of the PCR judge and remanded the case for a new trial. The Court held that trial counsel was deficient in failing to object to supplemental jury instructions that perpetuated the jury's confusion, ultimately creating a structural due process defect that deprived Bailey of a fair trial. Counsel's deficient performance prejudiced Bailey. The issue was preserved for appellate review because it was raised and ruled on by the PCR judge.

## Compliance credits

For inmates convicted after Jan. 1, 2011, compliance credits could be an important part of reducing supervision time.

As of this writing, our information indicates that compliance credits will operate similar to "good time" credits and will directly reduce time spent under parole or probation supervision.

Adhering to stated supervision requirements, paying fees on time, etc. will earn 20 days off from the end of supervision for every 30 days served in compliance under supervision.

This provision will not apply to those sentenced under the Youthful Offender Act.

---

---

## New parole board members

Norris Ashford and Dr. Beverly Rice McAdams are the newest members of the S.C. Parole Board. Both were appointed recently by Gov. Nikki Haley.

Ashford is a former member of the S.C. Juvenile Justice Parole Board and he previously served as a volunteer with SCDJJ as well as with several schools and other organizations. He has completed Leadership South Carolina and

100 Black Men of America's National Leadership Development Institute.

McAdams is the Associate Vice President for Student Development at Anderson University. She serves on the boards of several service and community organizations.

Both members attended two days of training and orientation as required by law.

## Parole assessment



As part of the Sentencing Reform Act, the SCDPPPS will implement a Risk/Needs Assessment instrument to assess those inmates seeking parole.

No decision has been announced as to what tool will be used in South Carolina to make this assessment.

However, several states use COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) software. South Carolina may or may not adopt something similar, but we wanted to make you aware of at least one type of tool that may become commonplace for those seeking parole.

The California Department of Corrections and Rehabilitation uses COMPAS. According to CDCR, the tool is research-based and serves as an objective risk and needs assessment instrument. The program consists of questions used to determine overall risk potential and criminogenic needs (a higher pres-

ence of these needs may indicate a tendency toward criminal activity). COMPAS also includes data on the inmate's history of substance abuse, education, family background, criminal activity and social functioning. \*

The goal of this and similar programs is to help inmates with the transition as they reenter society and ultimately, to help them succeed in staying out of prison. Rehabilitation and treatment programs may be a part of that equation. Risk/Needs Assessments can help pinpoint where inmates may need assistance in becoming productive members of society.

Again, we do not know what tool will be used in South Carolina, but a decision will be forthcoming.

\*If your family would like to learn more about the California program, details are online at [www.cdcr.ca.gov](http://www.cdcr.ca.gov).

**Tommy Thomas**  
Attorney at Law  
Post Office Box 88  
Irmo, SC 29063  
803.732.5507  
803.732.6542

tommy@paroleme.com  
www.paroleme.com

**ATTENTION SCDC:** Process as general mail.  
This document does not contain attorney/  
client privileged material.

If you have been transferred to  
a different facility, please notify  
our office of your change of  
address as soon as possible.

---

## News and Notes

- \* Please note that our newsletter is distributed approximately once per quarter. It is not a monthly publication. We have received a number of questions about its frequency.
  - \* Female inmates will soon receive new uniforms. The color will be different and they will be made from a women's pattern for a better fit.
  - \* A new parole video site has been established at McCormick Correctional. Inmates from McCormick, Leath and Trenton will go to McCormick to videoconference with the parole board for the hearing.
  - \* A service was suggested for our clients and their families by a family member of an inmate. Prisoner Connect ([www.prisonerconnect.com](http://www.prisonerconnect.com)) may be a way to reduce the cost of collect calls from an inmate. Please note that we merely pass this along for information only. We have not evaluated this company and are unable to vouch for it in any way. You may also be able to secure the same savings (via local number) through your current phone service provider.
-