

News

Tommy Thomas
Attorney at Law
PO Box 88 Irmo, SC 29063
803.732.5507 or 803.732.6542
www.paroleme.com

update

Your information connection

Welcome to the Fall 2011 edition of our newsletter.

We hope this finds you well and looking forward to the change of seasons as we enter autumn.

As always, please have your family contact Jackie at 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, for office forms and other information.

It is our hope that the information provided is useful to you. If you have suggestions for future newsletter topics, please let us know.

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.



Parole eligibility

If you were sentenced after June 1, 2010, there may be some changes pursuant to the Omnibus Crime Bill that impact your parole eligibility.

It now appears that some charges are subject to the 85 percent rule but are also parole eligible.

For charges impacted by this change (manufacturing/distribution of co-

caine base, for example), those inmates will have a parole eligibility date following service of one-fourth of their sentence, if nonviolent, and following one-third of their sentence if violent.

Keep in mind that those sentenced prior to the bill are not affected by this change.

Case Law Update

- * In *Holden v. State* (Opinion No. 27012, July 25, 2011), the S.C. Supreme Court reversed the circuit court's order granting post-conviction relief as to a guilty plea. The court held that any deficiencies in the defendant's counsel were cured by the thorough plea colloquy. The defendant also signed sentencing sheets indicating that the plea was given "without negotiations or recommendation." The court held that the defendant's hopes for a lighter sentence did not equal misapprehension regarding the possible range of sentences.
 - * In *State v. Brandt* (Opinion No. 27014, July 25, 2011), the S.C. Supreme Court held that although the State presented sufficient evidence to support a forgery conviction, the forged document did not involve a dollar amount and the State did not present evidence of a dollar amount. Therefore, the court erred in sentencing the defendant as to a felony conviction.
 - * In *State v. Jacobs* (Opinion No. 27015, July 25, 2011), the S.C. Supreme Court affirmed the trial court's ruling that a sentence for first degree burglary cannot be suspended under S.C. Code section 24-21-410. The section in question does not give courts the authority to suspend sentences for crimes that are punishable by death or life imprisonment, including crimes that include lesser sentences than death or life imprisonment.
 - * In *State v. Tennant* (Opinion No. 27027, Aug. 15, 2011), the S.C. Supreme Court held that S.C. Code section 16-3-659.1 does not bar evidence of sexual conduct between the victim of a sexual crime and the accused, so long as that evidence is otherwise admissible.
 - * In *Terry v. State* (Opinion No. 27033 Aug. 29, 2011), the S.C. Supreme Court affirmed the denial of the petitioner's application for post-conviction relief. Petitioner argued that trial counsel was ineffective for failing to change his trial strategy following information put forth in opening statements. However, the Supreme Court held that, considering the evidence the State presented, the petitioner could not show that the outcome would have been different with a different strategy, and therefore, could not show that he had been prejudiced.
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New phone system is rolling out across SCDC

SCDC has a new provider for inmate telephone services. Global Tel-Link Corporation provides calling systems for inmates across the country. The new system is tentatively scheduled to be installed at all SCDC facilities by early November, with Allendale, Livesay, Perry and Tyger River completing the list. Individual facilities will continue to use the previous calling procedures until installation of the new system has been completed at that facility.

Once the new system is in place, calls will cost \$1.53 for a collect call of up to 15 minutes or \$1.29 for a pre-paid call of up to 15 minutes.

You must have a personal identification number in order to make calls, but the "Telephone Privilege Request" form is no longer required.

There are several important points of which you should be aware regarding calling our office using the new system. First, any SCDC inmate can call our office collect. However, if you are not a client of our office – and as a result, our office number has not been added to your PIN – your calls will be recorded by SCDC. Once we have been retained to represent you and our number has been added to our PIN, calls will not be recorded. However, as of the writing of this newsletter, SCDC and Global Tel-Link are experiencing a problem which causes a notice to be played on all calls saying they are being recorded. Even though that notice is to be played when our clients (who have our number on their PIN) call, in

those cases the calls are not actually being recorded – it is merely a problem with the notice being applied.

Even though any inmate can now call our office collect, please be advised that we may not be able to accept calls on days when Mr. Thomas is unavailable. He is often out of the office for court and for parole hearings and it would only serve to increase your costs if we accepted collect calls at times when he was unavailable. You may write to us at any time and we respond to all letters. Please understand that we do wish to hear from you, but this is a necessary measure to keep our costs – and ultimately, your costs – under control.

As the system is rolled out, your family members can save money as well by adding money to their account so they can receive calls at the prepaid rate. Note that this system is also designed to offer secure electronic message exchange, canteen orders by kiosk and access to the inmate banking system by kiosk. To set up a prepaid account, family members may call 1-800-483-8314.

We are aware that some phone calls are being dropped in the middle of conversations. We are working with GTI to identify the problem. Each day we email GTI, indicating which calls were dropped. GTI asks that you let us know the specifics of what you hear when a call is dropped or is not completed. (Do you hear a dial tone? Ringing or busy signal? Nothing at all?) Please let us know so we can assist further.

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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

- * Special holiday visitation for Thanksgiving is Nov. 24, with regular weekend visitation Nov. 25 - 27. Visitors may not bring in food, but canteen limits will be increased.
 - * We have been notified that if you are in lock-up, our newsletter will not be delivered to you.
 - * SCDC no longer has a holiday package program. Only two opportunities per year, spring and fall, are offered for delivery of items through Access Securepak. Be sure to let your family know that the next opportunity for gifts will come in the spring of 2012.
 - * If you have a cell phone or sexual misconduct disciplinary within the last four years, you are no longer eligible to request a transfer to a county facility. Drug, alcohol and assaultive disciplinaries remain at three years. In addition, you should remember to only apply for county facilities located near your home or family. Remember, only those individuals on your approved SCDC visit list are eligible to visit you at a county facility.
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