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Mar 15 2023

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., Administrative Law Judge

Appellate Case No. 2020-001473

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

V.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICESRESPONDENT.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, former Correctional Agency Heads, Correctional Administrators, and Prison Wardens respectfully submit this Motion for Leave to File a Brief of *Amici Curiae* for Petitioner Joseph Kelsey.

STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici are twenty current or former correctional agency heads, senior correctional administrators, and prison wardens who have firsthand knowledge of the intricacies of the parole process and its impact on prison operations. As officers who have worked on the front lines of prison services and parole administration in various states including South Carolina, *amici* are particularly sensitive to the consequences and dangers of systematic parole denial, including the behavioral and operational costs that deteriorate the quality of the prison system for inmates, employees, and administrators alike.

Amici include current and former agency heads of the Departments of Corrections of Alabama, Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin. Five *amici* served as agency heads of correctional departments in multiple states, and five have worked in corrections for fifty years or more. *Amici* represent more than six hundred years of combined correctional experience.

Accordingly, *amici* have a vested interest in promoting a parole system in South Carolina that creates a safer prison community for inmates and employees, encourages reasonable spending, and continues to serve the carceral interests of the State. The parole system as it stands is broken, and until people like Joseph Kelsey are paroled, the systematic denial of parole will continue to exacerbate the costs and dangers of incarceration.

WHEREFORE, *amici* respectfully move this Court for leave to file their *amici* brief on these issues.

/s/ Allison Elder
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Counsel for Amici Curiae

March 15, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I filed the foregoing Motion electronically with the Clerk of Court by emailing it to ctappfilings@sccourts.org, and served the Motion on all parties of record by copy on the same email.

/s/ Allison Elder
Allison Elder
Root & Rebound