

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUN 27 2013

REQUEST For CERTIORARI/APPEAL from the SC
Administrative Law Court.

RECEIVED

Honorable: John D McLeod, ALJD
Docket # 2013-ALJ-15-0010

JUN 27 2013

Mathew S. Harris, #157334
Evans Corr. Inst. F-3-B-220
610 Hwy 9 West
Bennettsville SC. 29512
Ph #843-47904181
Appellant Pro Se

Vs

The SC. P.P.P.S.B
SC. Parole, Probation, pardon
Services Board.
PO. Box 50666
Columbia SC. 29250
Ph # 803-734-9220
Mr. Tommy Evans, Jr. Esq.
Office of, General Counsel.

S.C. SUPREME COURT

I respectfully give notice to this court, of my request to File a
Petition for Certiorari, on appeal from the attached order, dated
June/7/2013, and received by me on 6/14/13, On the following ground;

WHETHER THE ORDER PURSUANT TO SC.ANN. 1-23-600(D) (SUPP.
2012), AND THIS COURTS RULING IN COOPER V SCPPPSB 377 SC 489,
500, 600 SE.2ND 106,112 (2008): EFFECTIVELY OVERTURNED THIS
COURTS DECISION IN aL-SHABAZZ v STATE 338 SC 354, 527
SE.2ND 742 (2000), PROVIDING FOR REMEDIE AND REVIEW FROM THE
ADVERSE DECISIONS BY THE STATE AGENCY.?

I submit that the sentence from 1-23-600(D) "an administrative
law judge shall not hear... an appeal involving the denial of parole
to a POTENTIALLY eligible inmate by the Department of parobation,
parole, & probation services" relied upon in the attached order:
Appears to be a tacked on exclusion of law, that dose not fit with
the scope of the remaining statute. Futher the exceptions noted in
sub sec (D) on §11-35-4410, §42-17-60, & §§24-13-210(A), 230(A),
provides other remedies.

Futher I would argue that SC Ann (Supp 2012) §1-23-600(A)(1-5),
dose not state an exception to my appeal filed in the lower ALC.

I filed a timely petition for rehearing after being denied
parole on 1/31/13. I then filed a timely Notice of appeal in the

ALC. The case was assigned on Feb/28/2013. The respondents counsel file the ROA on March/15/2013. I filed my Appellants Brief along with a Additional STATEMENT OF FACTS, and EXHIBIT, dated April/10/2013. Respondents filed there Brief dated May/22/2013. I then filed my Reply brief dated, May/27/2013. All documents were timely filed and served on parties counsel.

I filed the following grounds in my brief on appeal:

THAT THE DENIAL OF PAROLE WAS ARBITRARY AND CAPRICIOUS, AS DEFINED IN THE ORDERS DATED 1/31/13 & 3/7/13, AND IS CONTRARY TO THE FACTS AND RECORD OF THE CASE, ON THE RISK/NEEDS ASSEMENT STANDARDS OF SC ANN (2010) §24-21-10 ET SEQ , AND DENIES ME THE PRIVILEGE OF PAROLE AND ITS INTENDED PURPOSE THE BOARD WAS CREATED FOR BY ART IV §14 SC CONST. (1885) AMENDED 1949 1973]; IN VIOLATION OF THE PRIVILEGES AND IMMUNITIES CLAUSE AND EQUAL PROTECTION OF THE 14'TH §1 AMEND US CONST: AND THE CRITERIA SET FORTH UNDER §24-21-640, ON FORM 1212 REV A @ 1-15, DOSE NOT CREATE A MANDATORY DENIAL OF PAROLE, THAT WAS APPLIED TO ME.

WHETHER THE RESPONDENTS FORM 1212 REV A @ ROA P.4 "CRITERIA FOR PAROLE" 2ND PARG, IS IN VIOLATION OF THE FOIA IN DENYING ACSESS TO RECORDS USED BY STATE AGENCY, UNDER SC ANN (1976) §30-4-30 ET SEQ, AND 24-21-640: AND SUCH INVESTIGATIONS EXCLUDE LETTERS AND FAVORABLE REPORTS TO BOARD MEMBERS THEMSELVES; AND WHETHER AN INCOMPLETE ROA WAS FILED UNDER RULE 58(B)(D)(F) ALJD, SHOWINF A LACK SUFFICIENT FACTS TO SUPPORT THE DENIAL.?

I RESPECTFULLY SUBMIT THAT THE IMPORTANCE OF THE ISSUES THAT MEET the requirments of §1-23-380 & 610(5)(b,e,f) and that no administrative remedie is available, when the SCPPPSB, makes wrong finding of facts, and I am eglibile as opposed to potentially eligible, this is a matter for this court under the judicial branch of government.

This/25~~th~~/June/2013.

I Certify ~~that~~ a true copy is mailed to the;
Clerk of the ALC.
Mr. Tommy Evans of the SCPPPSB.

Sincerely,

Mathew Harris, 157334

Mathew Harris

6-25-13

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Matthew Harris, #157334,)	Docket No. 13-ALJ-15-0010-AP
)	
Appellant,)	
)	
v.)	ORDER
)	
South Carolina Department of Probation,)	
Parole and Pardon Services,)	
)	
Respondent.)	
_____)	

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (“ALC”) pursuant to the appeal of the above named Appellant (Inmate), an inmate incarcerated with the South Carolina Department of Corrections. Inmate appeals from a decision of the South Carolina Department of Probation, Parole and Pardon Services (“Department”) which denied him parole.

Appellant states as his issues on appeal, the following:¹ “Was the denial of his parole arbitrary and capricious?”, and “Whether a portion of Respondent’s Form 1212 Rev. A, violated the Freedom of Information Act?”

For the following reasons, the Department’s decision is affirmed.

The Supreme Court of South Carolina has spoken clearly upon the jurisdiction of the Administrative Law Court in cases such as this.

We emphasize that in future parole review hearings the Parole Board may avoid the result in the instant case if it 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. If the Board complies with this procedure, 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. Under that scenario, the ALC can summarily dismiss the inmate's appeal.

Cooper v. SCDPPPS, 377 S.C. 489, 500, 661 S.E.2d 106, 112 (2008).

¹ Issues on appeal are paraphrased for brevity.

FILED

JUN 07 2013

SC ADMIN. LAW COURT

I have reviewed the record on appeal and in particular the NOTICE OF REJECTION dated January 31, 2013, and find that the parole board followed proper procedure in that it did consider the fifteen factors in Department Form 1212 and the factors outlined in § 24-21-640, mentioned above, and that this is a routine denial of parole.

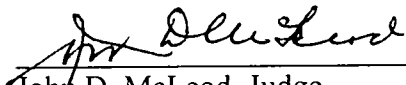
Moreover, § 1-23-600(D) provides "An administrative law judge shall not hear ... an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services."

ORDER

For the foregoing reasons, the Department's determination that Appellant should be denied parole in this instance is **AFFIRMED** and this appeal **DISMISSED**, with prejudice.

AND IT IS SO ORDERED.

June 7, 2013
Columbia, S.C.



John D. McLeod, Judge
S.C. Administrative Law Court

CERTIFICATE OF SERVICE

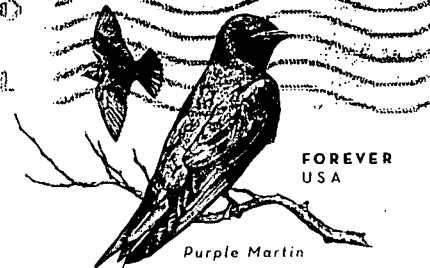
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 7 day of June, 2013
By: Anthony R. Haldeman
Judicial Law Clerk

Matthew Harris #157334
ECI F3B-220
610 Hwy 9 West
Bennettsville, SC 29512

COLUMBIA SC 290

25 JUN 2013 PM 1 1



Honorable Dainel Shearhouse
Clerk of Court
PO Box 11330
Columbia, SC 29211

29211133030



THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

EVANS CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS



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