

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Charles Williams, # 086721,

Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 23-ALJ-15-0010-AP

ORDER OF DISMISSAL

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SC Court of Appeals

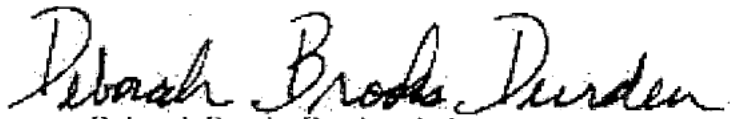
This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Charles Williams (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On March 29, 2023, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant the South Carolina Parole Board (Board) had rejected his most recent request for parole. In its Notice of Rejection, the Board stated it considered the factors outlined in S.C. Code Ann. section 24-21-640 (Supp. 2022) and the factors set forth in Department Form 1212. Appellant filed an appeal with the ALC on April 25, 2023 challenging the Board's denial of parole.

S.C. Code Ann. § 1-23-600(D) (Supp. 2022) 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." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board abrogated an inmate's right to parole eligibility and, thus, infringed on a state-created liberty interest. Cooper v. S.C. Dep't of Probation, Parole and Pardon Servs., 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008). A decision of the Board is arbitrary and capricious if it fails to indicate it considered the relevant factors in section 24-21-640 and Form 1212. Compton v. S.C. Dept. of Probation Pardon and Parole Servs., 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). If the Board states it considered the above relevant factors, the decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear. Id.

The Notice of Rejection dated March 29, 2023, states that the parole board considered the relevant factors in reaching its decision. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).



IT IS THEREFORE ORDERED that this appeal is **DISMISSED**, with prejudice.
AND IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Deborah Brooks Durden".

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

May 31, 2023
Columbia, South Carolina