

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew Harris, #157334,)
)
Appellant,)
)
v.)
)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Respondent.)
_____)

Docket No. 13-ALJ-15-0010-AP

ORDER

RECEIVED
JUN 28 2013
SC Court of Appeals

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.

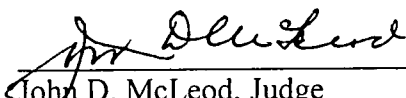
Moreover, § 1-23-600(D) provides "An administrative law judge shall not hear ... an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services."

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. Helms
Judicial Law Clerk