

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Richard Coleman, #186795,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 23-ALJ-15-0019-AP

ORDER OF DISMISSAL

RECEIVED
JAN 11 2024
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on June 1, 2023 by Richard Coleman (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC). The Appellant filed a Notice of Appeal alleging that he was denied his Sixth Amendment right to counsel and that the South Carolina Department of Probation, Parole and Pardon Services (Respondent or Department) is denying him the right to a realistic opportunity to obtain release by continuing to reject the Appellant's parole based solely on the same unchangeable fixed factors.¹

On August 2, 2023, the Respondent filed the Record on Appeal (ROA) with the court. The ROA included the Respondent's final decision dated April 26, 2023, which notified the Appellant of the South Carolina Parole Board's decision to deny him parole. However, the Rules of Procedure for the Administrative Law Court, SCALC Rule 59, provides that "[t]he notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken." In this case, the Respondent's final decision is dated April 26, 2023, however, the Appellant did not file a Notice of Appeal with this court until June 1, 2023, and further, failed to include a copy of the final decision.

In this case, the Appellant has failed to timely appeal the Respondent's final decision. Timely filing and service of a notice of appeal is a jurisdictional requirement and this court does not have the authority to extend or expand the time for filing such appeal. See *Mears v. Mears*,¹

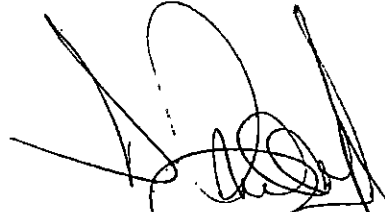
¹ The Appellant's Notice of Appeal included a Notice of Hearing from the Respondent but did not include a final decision from the Respondent.

The State of South Carolina
RECEIVED
DEC 28 2023
Administrative Law Court

287 S.C. 168, 337 S.E.2d 206 (1985); *State v. Brown*, 344 S.C. 302, 543 S.E.2d 568 (Ct. App. 2001). Therefore, because the Appellant failed to timely file his Notice of Appeal with the court, this court does not have jurisdiction to hear it. Based on the foregoing,

IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

December 28, 2023
Columbia, South Carolina

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).

On 28 day of December, 2023

By _____
Judicial Law Clerk