

# The South Carolina Court of Appeals

Robert Spigner, #65500, Appellant,

v.

South Carolina Department of Probation, Parole, and  
Pardon Services, Respondent.

Appellate Case No. 2024-000093

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## ORDER

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On January 19, 2024, Appellant filed a notice of appeal challenging an order issued by the administrative law court concerning whether the South Carolina Parole Board's refusal to use parole criteria in effect in 1971 rendered Appellant ineligible for parole. Appellant also filed a motion to proceed *in forma pauperis*. No return was filed. After careful consideration, we grant the motion. *See Ex parte Martin*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("Motions to proceed *in forma pauperis* may be granted only when authorized by statute or required by constitutional provisions."); *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 496, 661 S.E.2d 106, 110 (2008), *abrogated on other grounds by Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 886 S.E.2d 671 (2023) ("If a Parole Board deviates from or renders its decision without consideration of the appropriate criteria, we believe it essentially abrogates an inmate's right to parole eligibility and, thus, infringes on a state-created liberty interest.").

  
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FOR THE COURT

Columbia, South Carolina

cc:

Robert Spigner, 65500

Matthew C. Buchanan, Esquire

**FILED**  
**Feb 05 2024**