

The State of South Carolina  
In The Court of Appeals  
=====

TO: Honorable; Jenny A. Kitchings  
Clerk of Court  
PO. Box 11629  
Columbia SC. 29211

July/29/2013

RE: Mathew S. Harris, 157334 Vs The SC.P.P.P.S.B  
Case # 2013-ALJ-15-0010-AP

SUB: Remittance

Court,

Please find attached a check in the amount of \$100.00 to be applied to Filing Fees, on appeal in the above case. Notice of Appeal has already been forwarded to your office and served on all parties.

Respectfully  
Mr. Mathew S Harris  
*/s/ Matthew Harris*  
610 Hwy West  
Bennettsville SC. 29512  
Ph 843-479-4181  
Evans Corr. Inst. F-3-B-220

**RECEIVED**  
JUL 31 2013  
SC Court of Appeals

TO: Honorable: Jenny A. Kitchings  
Clerk: SC. Court of Appeals  
PO. Box 11629  
Columbia SC. 29211

July/27/2013

RE: Mathew S Harris, 157334 Vs. The SC.P.P.P.S.B  
Case # 2013-ALJ-15-0010-AP

Court,

Please find enclosed for filing in the above case on appeal from the Administrative Law Court, my

1. Notice of Appeal,
2. Order from the ALC on appeal,
3. Order from the SC. S.Ct, construing notice of appeal, dated 6/27/13, case # 2013-001399.
4. Proof of Service.

I received the Order from your office dated 7/11/13, from the mailroom here at evans on July/26/2013. Please except this notice of appeal, and I appoligize for the delay, that was not of my doing or control.

I have requested transfer of the \$100.00 filing fee from my E.H Cooper SCDC Account, with remmitance. I have no control over when the check will be issued, as we are a cashless system. One true copy is sent to;

Mr. Tommy Evans, Esq  
Office of General Counsel, SC.P.P.P.S.B

Ms. Jana E. Shealy  
Clerk of Court: ALC

Sincerely  
/s/ *Matthew Harris*  
Mathew Harris  
Appellant Pro Se  
610 Hwy 9 West  
Bennettsville SC. 29512

\*. Please let me know if & when the notice is excepted and filed so I can file Initial Brief.?

**RECEIVED**  
JUL 31 2013

**SC Court of Appeals**

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# The Supreme Court of South Carolina

Matthew S. Harris, Apopellant,  
v.

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

Appellate Case No. 2013-001399

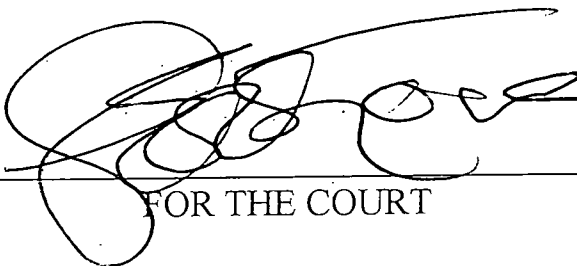
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## ORDER

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Appellant has filed a document entitled "Request for Certiorari/Appeal." To the extent that this document is requesting this Court to issue a writ of certiorari to review the decision of the Administrative Law Judge, that request is denied.

Further, the document is construed as a notice of appeal and the notice of appeal is hereby transferred to the South Carolina Court of Appeals.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

June 27, 2013

cc: Mr. Matthew S. Harris, 00157334  
Tommy Evans, Jr., Esquire  
The Honorable Jenny Abbott Kitchings

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\*\*\*\*\*

On Appeal from; The SC. Administrative Law Court,  
final order in Docket # 13-ALJ-15-0010-AP, by  
Honorable; John D Mcleod, ALJD.

=====

Mathew Harris, 157334 - - - Appellant

VS

The SC.P.P.P.S.B - - - Respondents

=====

**Proof of Service**

\*\*\*\*\*

I the undersigned appellant, dose certify, that I have on this  
day, July/30<sup>th</sup>/2013 served one true copy of;

1. Notice of Appeal ;
2. Proof of Service
3. Order from ALC, dated 6/7/13, and Order from SC. Supreme Ct.  
dated 6/27/13.
4. Filing letter,

Upon Counsel for respondents, Mr. Tommy Evans; And Clerk of Court  
for the ALC, as addressed below, by depositing same in the US Mail  
at Evans postage prepaid. Mail services are in normal operating  
conditions.

Mr. Tommy Evans, Jr  
Counsel for Respondents.  
SC. Probation, Parole, Pardon  
Services Board.  
PO. Box 50666  
Columbia SC. 29250  
Ph 803-734-9220

Mr. Mathew S. Harris, 157334  
*/s/ Matthew Harris*  
Appellant Pro Se  
Evans Corr. Inst. F-3-B-220  
610 Hwy 9 West  
Bennettsville SC. 29512  
Ph # 843-479-4181

Honorable; Jana Shealy  
Clerk of Court, ALC  
1205 Pendleton St., Suite 224  
Columbia SC. 29201  
Ph # 803-734-0550; www.scalc.net

**RECEIVED**

JUL 31 2013

**SC Court of Appeals**

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

=====

Mathew S. Harris, 157334 - - - Appellant

Vs

South Carolina Department of Parole,  
Probation & Pardon Services Board - - Respondents

\*\*\*\*\*

On Appeal from the Administrative Law Court, Final  
Order in; Docket 2013-ALJ-15-0010-AP, By  
Honorable John D Mcleod, ALJD.

\*\*\*\*\*

**Notice of Appeal**

\*\*\*\*\*

I the above named appellant, respectfully gives formal notice of appeal from the attached order of the ALC, dated June/7/2013, received by me on June/14/2013. I filed and served a request for certiorari/appeal in the SC. Supreme Court on 6/24/13, in case # 2013-001399. The court denied cert and forwarded notice of appeal to this court, dated 6/27/13. By order dated July/11/2013, this court orderd a formal notice, and that order was served upon me on July/26/2013 at Evans Mailroom. Order appealed is;

1. Order of the ALC dated 6/7/13, Attached.

The \$100.00 filing fee is being requested from the SCDC, to be transfered to this court with remittance.

Mr. Tommy Evans, Jr. Esq  
Office of General Counsel,  
for SC.P.P.P.S.B.  
PO. Box 50666  
Columbia SC. 29250  
Ph # 803-734-9220

Mathew S Harris, 157334  
Appellant Pro Se  
E.C.I, F-3-B-220  
610 hwy 9 west  
Bennettsville SC. 29512  
Ph # 843-479-4181

Ms. Jana E. Shealy: Clerk of Court; ALC.

July/27/2013

**RECEIVED**  
JUL 31 2013

**SC Court of Appeals**

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:<sup>1</sup> "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).

<sup>1</sup> 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.

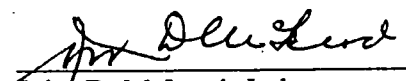
Moreover, § 1-23-600(D) provides "An administrative law judge shall not hear ... an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services."

### 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. Mellem  
Judicial Law Clerk

South Carolina Department of Corrections  
Division of Finance  
COOPER TRUST FUND WITHDRAWAL

Financial Accounting  
Branch Use Only:

Facility: EVANS

Date: 072913  
M M D D Y Y

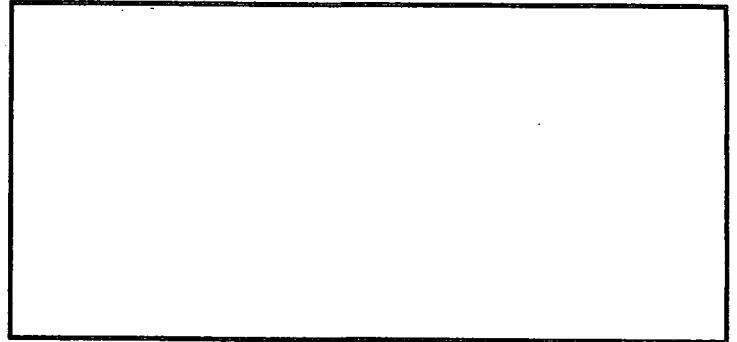
ACCOUNT INFORMATION

Account Number: 157334  
Inmate # or Employee SS#

Account Name: MATTHEW S HARRIS  
First MI Last

I request money be taken from my account to issue a check for this amount to be mailed to payee shown below.

\$ , 100.00



*Matthew Harris*  
Inmate/Accountholder Signature

*[Signature]*  
Signature of Institution Staff Making Inmate ID Verification

Inmate Thumb & Index fingerprints required.

PAYEE INFORMATION

Payee Namer: select vendor OR individual

Vendor/Business: CLERK OF COURT

Individual: JENNY A KITCHINGS  
First MI Last

PAYEE'S MAILING ADDRESS

Street/Box: Box 11629

Street/box (optional line)

COLUMBIA SC 29811  
City State Zip Code

VENDOR ATTACHMENT: Y/N  Y

If an ORDER or REMITTANCE form is attached for mailing with a check to vendor enter Y=yes; if none, enter N. NO other types of attachments (letters, cards, etc.) will be accepted.