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SC Court of Appeals

State of South Carolina

In The Court of Appeals

Appeal from The Administrative Law Judge

Honorable S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2024-000093

Robert Spigner, 065500 v S.C.D.P.P.S.

Final Reply Brief of Appellant

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM THE ADMINISTRATIVE LAW JUDGE  
HONORABLE S. PHILLIP LENSKI, ADMINISTRATIVE LAW JUDGE  
APPELLATE CASE NO. 2024-000093  
ROBERT SPIGNER 065500 V. S.C. D.P.P.S.

REPLY BRIEF

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## TABLE OF CASES

BARTON V. S.C. DEPT. OF PROBATION  
PAROLE AND PARDON SERVICE. — 5  
745 S.E.2d 110

## ARGUMENT

Did the Administrative Law Judge err when he failed to follow the rule of the Court, by not considering reliable, substantive evidence on the whole record?

Specification of the Argument: The Court's is clearly erroneous, in view of the reliable, probative and substantial evidence on the whole record. The parole board rendered its decision without consideration of the appropriate criteria. Appellant included in his brief to the A.L.C. exhibits, R. Pgs 24-27, that clearly show that there is a mandatory criteria applies to 1970 parole violators.

It is an error for the court when considering whether the correct criteria was used to

NOT USE THE EVIDENCE PRESENTED IN THE  
WHOLE RECORD. THE LAW IS CLEAR, THE LAW IN  
EFFECT AT THE TIME OF THE OFFENSE IS WHAT APPLIES  
TO THIS CASE, SEE *BARTON V. S.C.D.P.P.S.*, 745 S.E.2D 110.  
IN 1970 IT WAS MANDATORY FOR THE PAROLE BOARD TO  
USE THE "ENFORCEMENT PHASE, WHEN SOMEONE VIOLATES  
THE TERMS OF THEIR PAROLE. THE EXHIBITS EVIDENCE THAT  
WITHOUT A DOUBT. THE EVIDENCE PRESENTED  
SUPPORTS ONE FACT: THE LAW IN 1970 WAS NOT  
APPLIED TO APPELLANT'S PAROLE HEARINGS. APPELLANT  
DOES NOT SEEK TO BE TREATED IN ANY SPECIAL  
WAY, BUT ONLY AS THE LAW REQUIRES.

## CONCLUSION

FOR THE REASON STATED THIS COURT SHOULD REVERSE THE JUDGEMENT OF THE ADMINISTRATIVE LAW COURT.

IN DECEMBER OF 1970, I MADE BAD DECISIONS, HOWEVER, I TOOK FULL RESPONSIBILITY FOR MY ROLE IN THAT CRIME. I PLEAD GUILTY AND I HAVE NEVER CHALLENGED THAT PLEA IN ANYWAY, BECAUSE THE LAW IN 1970 SAID I WAS GUILTY AS MY LAWYER EXPLAINED TO ME. THE PAROLE BOARD THROUGH REPRESENTATIVE ARE DOING EVERYTHING THEY CAN TO AVOID APPLYING THAT LAW TO ME. SOMEONE SHOULD BE ASKING WHY.