

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

MAY 13 2024

Appeal From The Administrative Law Court  
Administrative Appeals Court  
Ralph K. Anderson III, Administrative Law Judge

SC Court of Appeals

CASE No.# 2024-000204

ROGER D. Curtis #143635, Pro Se

ROGER D. CURTIS # 143635.....Appellant,

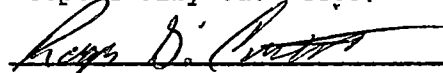
v.

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

Designation of Matter to be included In The Record on  
Appeal.

- 1) South Carolina Department of Probation,Parole and Pardon Services( SCDPPPS), Notice Of Rejection Dated May 24, 2023.
- 2) SCDPPPS;s Notice of Final Decision dated July 11, 2023
- 3) Visual and audio recording of Appellant Parole Hearing dated May 24, 2023
- 4) Initial Notice of Appeal to Administrative Law Court Dated August 7, 2023
- 5) Memorandum from Administrative Law Court dated August 25,2023 Re: Compliance with ALC Appeals Rule
- 6) Appellant's second filing of Notice of Appeal
- 7) Judge Assignment Dated September 29, 2023
- 8) Appellant's Initial Brief before the Administrative Law Court
- 9) Order of Dismissal Dated January 11,2024 by Admiinistrative Law Judge Ralpf K.Anderson III.

Respectfully Submitted,



ROGER D. CURTIS #143635

Tyger River Corr. Insti.

200 Prison Rd. U-7-205A  
enoree, S.C. 29335

State of South Carolina  
Department of Probation, Parole and Pardon Services

**HENRY McMASTER**  
Governor



**JERRY B. ADGER**  
Director

293 Greystone Boulevard  
Post Office Box 207  
Columbia, South Carolina 29202  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
[www.dppps.sc.gov](http://www.dppps.sc.gov)

May 24, 2023

Mr. Roger Curtis #00143635  
Tyger River Correctional Inst.  
200 Prison Road  
Enoree, SC 29335-9309

RE: NOTICE OF REJECTION

Dear Mr. Curtis:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

01 Nature And Seriousness Of Current Offense  
02 Indication Of Violence In This Or Previous Offense  
Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie Suber".

Valerie Suber  
Associate Deputy Director for Paroles, Pardons and Release Services

5/24/2023

my copy

State of South Carolina  
Department of Probation, Parole and Pardon Services

HENRY McMASTER  
Governor



MELVIN WARREN  
Acting Director

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MAILING ADDRESS: P.O. BOX 207  
COLUMBIA, SOUTH CAROLINA 29202

July 11, 2023

CURTIS, ROGER DALE (SCDC ID: 00143635)  
Tyger River CI  
100-200 Prison Road  
Enoree, SC 29335

This letter is in response to your correspondence which was received in our office on 7/10/2023. We have received your correspondence as an official request for reconsideration of the Board's decision handed down on 5/24/2023, which denied parole. The hearing and file have been reviewed. There is no evidence to support reconsideration of the Board's ruling in this case. This decision is final.

Please note, there is no rehearing/appeal process for the routine denial of parole. Also, please find a copy of the Criteria for Parole Consideration explained and acknowledged by you on 02/03/2023. Note, this form has been provided prior to previous hearings before the Board.

Sincerely,

Valerie Suber

Associate Deputy Director of Paroles, Pardons and Release Services  
SC Department of Probation, Parole and Pardon Services  
Office Number: (803) 734-5188  
Mobile Telephone: (803) 609-3973  
E-mail: [Valerie.Suber@ppp.sc.gov](mailto:Valerie.Suber@ppp.sc.gov)



"Nation's First Probation Agency accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA)."



PS3



# South Carolina Department of Probation, Parole and Pardon Services

## Criteria for Parole Consideration

Inmate Name CURTIS, ROGER D.	SCDC# 00143635
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SC Board of Probation, Parole and Pardon Services P.O. Box 207 Columbia, SC 29202
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### Criteria for Parole Consideration

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. The files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some errors or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the Community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow his/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate
15. The actuarial risk and needs assessment outlined in section 24-21-10 (F)(1) of the S.C. Code of laws; which evaluates based on Criminal Involvement, Relationships/Lifestyle, Personality/Attitudes, Family, Social Exclusion and Mental Health.
16. Other factors considered relevant in a particular case by the Board.

### Reservation of Discretionary Power of the Parole Board

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.


In some cases, the Board may decide that the inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate fail to complete any one of these conditions or disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainers or pending charges. If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

I certify that the above material has been explained to me, and I have received a copy.

Inmate's Signature: <b>***No signature required due to COVID-19 Pandemic***</b>	Date:
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Witness Signature: 	Date: 1/19/2021
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State of South Carolina  
Department of Probation, Parole and Pardon Services

HENRY McMASTER  
Governor



JODI D. GALLMAN  
Acting Director

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[www.dppps.sc.gov/](http://www.dppps.sc.gov/)  
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COLUMBIA, SOUTH CAROLINA 29202

1/2/2024

Mr. Roger Curtis SCDC #0143635  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, SC 29335

Dear Roger Curtis

I am responding to your correspondence that was received in our office on 12/28/2023, in which you requested a copy of your transcript as it relates to the Kelsey VS. SCDPPPS. Be advised, the referenced opinion is currently under reconsideration and as such, the ruling is not final. Therefore, the Agency is not taking any action or releasing any information.

I trust this information has been to your benefit.

Sincerely,

*R. Hunter*

Program Assistant-Parole and Pardon Services



State of South Carolina  
Department of Probation, Parole and Pardon Services

**HENRY McMASTER**  
Governor



**JERRY B. ADGER**  
Director

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COLUMBIA, SOUTH CAROLINA 29202

August 3, 2023

**Mr. Curtis Roger SCDC #0143635**  
**Tyger River Correctional Institution**  
**200 Prison Road**  
**Enoree, SC 29335**

Dear Curtis Roger:

I received your letter dated July 31, 2023 in reference to Audio Transcript. However, we do not provide video recording of the parole hearings. The \$17.50 that you supplied was for the Audio recording only.

Sincerely,

*R. Hunter*

Program Assistant- Office of Parole and Pardon Services

Enclosure



"Nation's First Probation Agency accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA)."



IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
RALPH K. Anderson III, Administrative Law Court

CASE No. 2024- 000204

RECEIVED

MAY 13 2024

ROGER D. CURTIS, # 143635, Pro Se.

ROGER D. CURTIS, #143635,.....Appellant,

SC Court of Appeals

v.

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE and PARDON SERVICES, (SCDPPPS)  
..... RESPONDENT,

PROOF OF SERVICE

I certify that I have served the following Designation of Matter to be included in the record on appeal on the following persons listed below by depositing a copy in the United States Mail, postage prepaid on the 7 DAY OF May 2024.

Date: May 7, 2024  
THOSE SERVED

S.C. COURT OF APPEALS  
CLERK'S OFFICE  
P.O. BOX 11629  
Columbia, S.C. 29211

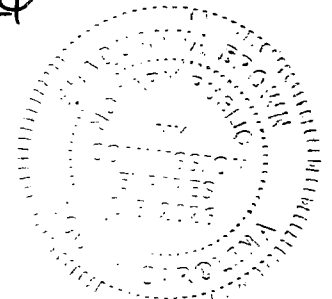
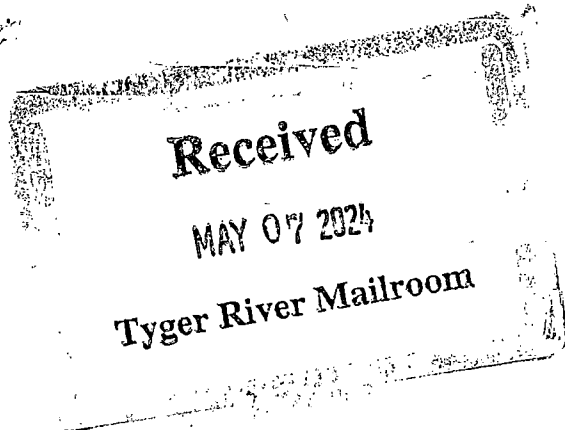
/s/ Roger D Curtis  
ROGER D. CURTIS, # 143635  
APPELLANT PRO SE  
TYGER RIVER CORR. INSTI.  
200 PRISON Rd. U-7-205A  
Enoree, S.C. 29335

Matthew C. Buchanan, Esquire  
S.C.D.C. General Counsel  
P.O.Box 21787  
Columbia S.C. 29221

Swore and Subscribed before me  
this 7th day of May, 2024

NOTARY PUBLIC

My 2/3/2024 Comm. Expires:



D. Curtis # 143635

21 0-7-205 A  
Prison Road  
e, SC 29335



S.C. Court of Appeals  
Clerk's Office  
P.O. Box 11629  
Columbia, S.C. 29211

RECEIVED  
MAY 13 2024  
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