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SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Robert Doby, #229457,

Docket No. 24-ALJ-15-0007-AP

Appellant,

v.

ORDER OF DISMISSAL

South Carolina Department of Probation
Parole and Pardon Services,

Respondent.

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Robert Doby (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On November 30, 2023, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant the South Carolina Parole Board (Board) had rejected his most recent request for parole. In its Notice of Rejection, the Board stated it considered the factors outlined in S.C. Code Ann. section 24-21-640 (Supp. 2023) and the factors set forth in Form 1212. On January 19, 2024, the Department denied Appellant's request for reconsideration of the Board's decision. Appellant challenges the Board's denial of parole on the grounds that the Board's decision failed to use the mandatory criteria in reaching its decision.

On March 19, 2024, Appellant filed his Initial Brief with this Court. On March 27, 2024, the Department filed the Record on Appeal with this Court. On April 16, 2024, the Department filed its Respondent's brief with this Court. On April 30, 2024, Appellant filed a Reply Brief with this Court. S.C. Code Ann. § 1-23-600(D) (Supp. 2023) 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." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board abrogated an inmate's right to parole eligibility and, thus, infringed on a state-created liberty interest. Cooper v. S.C. Dep't of Probation, Parole and Pardon Servs., 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008). A decision of the Board is arbitrary and capricious if it fails to indicate it considered the relevant factors in section 24-21-640 and Form 1212. Compton v. S.C. Dept. of Probation Pardon and Parole Servs., 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). If the Board states it considered the above relevant factors, the decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear. Id.

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SC Admin. Law Court

I have reviewed the record on appeal and in particular the Notice of Rejection dated November 30, 2023, and find that the Board followed proper procedure in that it did consider the relevant factors in reaching its decision, and that this is a routine denial of parole. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).

ORDER

IT IS THEREFORE ORDERED that the Board's determination that Appellant should be denied parole in this instance is **AFFIRMED** and this appeal is **DISMISSED**, with prejudice.

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

June 6, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Robin Coleman

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden

June 6, 2024
Columbia, South Carolina

