

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Administrative Law Court

The Honorable S. Phillip Leski, Administrative

Law Judge 23 ALT 15 0019

APPELLATE CASE NO. 2024-000050

RECEIVED

OCT 10 2024

SC COURT OF APPEALS

Richard L. Culeman #186795 . . . . . APPELLANT,

S.C. Dept of Probation Parole and

Pardon Service . . . . . RESPONDENT.

MOTION

Richard L. Culeman #186795

Lieber Correctional Institution

P.O. Box 205

Ridgeway S.C. 29472

## ISSUE

RESPONDENT HAS FAILED TO TAKE ACTION ON APPELLANT MOTION/ REQUEST MADE IN LIGHT OF THIS COURTS RULING IN JOSEPH KEISEY V. SC DPPPS, 2023 WL 5598698. Thereby meaning as direct result THE APPELLANT IS CONSTANTLY BEING DEPRIVED HIS RIGHT UNDER THE EIGHT AMENDMENT TO THE U.S CONSTITUTION TO A REALISTIC MEANINGFUL OPPORTUNITY TO OBTAIN RELEASE GRAHAM V. FLORIDA, 30 S.Ct 2012 AND APPELLANT IS BEING DEPRIVED OF AN ADEQUATE APPEAL.

## FACTS

1. Initially on September 24, 2023 in Devine light of this Courts ruling in Joseph Keisey v. SC DPPPS, 2023 WL 5598698, Appellant Requested the Parole Board's reports concerning his suitability for Parole, likelihood of reoffending, etc, and Appellant requested any assessment tools that applies to him and their results.

(SEE EXHIBIT # 1)

2. On September 28, 2023 the Respondent responded to Appellant Motion alleging that the Department had Petition the Court of Appeals for recansecration in Keisey and the respondents proclaimed that the Department will not take action regarding the release of the Board's file until the decision is final. (SEE EXHIBIT # 2)

3. The Respondent's Petition for reconsideration was denied and on March 5, 2024, the remittur was sent.

4. On June 24, 2024, for the second time, Appellant requested the Parole Board's reports concerning his suitability for Parole, likelihood of reoffending, etc., and Appellant requested any assessment tools that apply to him and their results. (SEE EXHIBIT #3)

### ARGUMENT

Appellant has a U.S. Constitutional right to access of the Parole Board's reports, Kelsey v. SCDPPS, 2023 WL 2846442. Under the eighth amendment to the United States Constitution, Appellant has a right to a realistic, meaningful opportunity to obtain release, Graham v. Florida, 130 S.Ct. 2011. Appellant also has a U.S. Constitutional right to an adequate appeal.

In light of Kelsey, Divine reality reflects that in this case, the Respondents have failed and continue to fail to provide Appellant with the board's reports, assessment tools, etc., depriving the Appellant. Also, the Respondents have deprived and continue to deprive the Appellant of a realistic, meaningful opportunity to obtain release and depriving Appellant of an adequate appeal, all in violation of the Appellant's U.S. Constitutional rights.

307

Judge Lenski  
S.C. Administrative Law Court  
1205 Pendleton Street  
Columbia S.C. 29201

September 24, 2023

COPY

RE: Richard L. Coleman v. P.P.P.S  
CASE: 23P0019

Dear Judge Lenski:

Please find enclosed for filing with the Court the original and one (1) copy of my REQUEST MOTION TO ACCESS OF MY PAROLE FILE in light of the Court's ruling in Joseph v. S.C. Dept of Probation and Pardon Services, 2023 WL 5598698

Please file the original with the Court and return the copy clocked stamped for my personal file.

Sincerely,  
S/ Richard Coleman  
Richard L. Coleman 186795

The State of South Carolina  
FILED  
SEP 25 2023  
Administrative Law Court

Richard L Coleman #186795  
APPELLANT,

VS.

South Carolina Department  
Of Probation, Parole and Pardon  
Services,

RESPONDENT.

STATE OF SOUTH CAROLINA  
IN ADMINISTRATIVE LAW  
COURT

CASE NO. 23P0019

MOTION

I, Richard L. Coleman Appellant in the above caption case do hereby REQUEST for the Parole Board's report's concerning my suitability for Parole likelihood of reoffending, etc and any assessment tools that applies to me and their results.

In support of my request please know that I have U.S Constitutional right to access of my Parole file. Joseph Kelsey v. S.C. Dept. of Probation, Parole and Pardon Services, 2023, WL 5598698.

s/ Richard Coleman

APPELLANT



STATE OF SOUTH CAROLINA

Richard L. Coleman 186795

APPELLANT;

vs.

South Carolina Department  
Of Probation, Parole, and Pardon  
Services,

RESPONDENT.

ADMINISTRATIVE LAW COURT

CASE NO. 23P 0019

CERTIFICATE OF SERVICE

I, Richard L. Coleman the undersigned Appellant do hereby certify that I have served the attached REQUEST TO ACCESS TO MY PAROLE FILE in the United States mail box postage prepaid with return address to the Deputy Director of Legal Services as indicated below on this 24 day of September 2023

Dept. Probation, Parole, and Pardon Services  
293 Greystone Boulevard  
Post office Box 207  
Columbia S.C. 29202

S/ Richard Coleman  
Appellant

The State of South Carolina  
FILED  
SEP 25 2023  
Administrative Law Court

EXHIBIT # 2

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

HENRY McMASTER  
Governor



MELVIN WARREN  
Acting Director

293 GREYSTONE BLVD  
POST OFFICE BOX 207  
COLUMBIA, SOUTH CAROLINA 29202  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
www.state.sc.us/ppp

September 28, 2023

The Honorable Phillip Lenski  
Judge, Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, S.C. 29201

**RE: Richard Coleman, #186795 v. S.C. Department of Probation, Parole and Pardon Services**

Dear Judge Lenski:

This letter is in response to Mr. Coleman's September 24, 2023 request to access his parole file pursuant to *Kelsey v. S.C. Dep't of Probation, Parole and Pardon Services*, Op. No. 6020 (S.C. Ct. App. Aug. 30, 2023).

Please be aware that the Department has petitioned the Court of Appeals for reconsideration in *Kelsey*. Until the decision is final, the Department is taking no action regarding the release of the Board's parole files.

Please let me know if you would like a formal response to Mr. Coleman's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan  
General Counsel

cc: Richard Coleman, #186795

Richard L. Coleman #186995

APPELLANT

STATE OF SOUTH CAROLINA

APPELLANT

307

EXHIBIT #3

The Honorable Jenny Kitching  
Clerk of Court  
South Carolina Court of Appeals

June 24, 2024

RE: Richard L. Coleman #186795 vs. SCDPPS

CASE No: 2024-000050

Dear Clerk:

Please find enclosed for filing with the court the original and one (1) copy of my second Request made to the Respondent in light of this Court ruling in Joseph Kelsey v. SCDPPS, 2023 WL 5598698. Please the original with the Court and return the copy checked stamped for my personal file.

**RECEIVED**

JUL 01 2024

SC Court of Appeals

Sincerely,

Richard Coleman

Richard L. Coleman 186795

RECEIVED  
JUL 01 2024  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Administrative Law Court  
The Honorable S. Phillip Lenski, Administrative Law Judge  
APPELLATE CASE No: 2024-000050

Richard L Coleman #186795 . . . . . APPELLANT

S.C. Department of Probation Parole and  
Pardon Services . . . . . RESPONDENT.

In the month of September day of 23, year of 2023  
in light of the South Carolina Court of Appeals ruling in  
Joseph vs. Dept of Probation Parole and Pardon Services,  
2023 wh 5598698 I Requested Access of my Parole file  
and requested the Parole Board's reports concerning my  
Suitability for Parole likelihood of reoffending, etc, and requested  
any assesment tools that applies to me and their results.

Furthermore from the date of my Request no action  
has been taken on my Request. Therefore in light of South  
Carolina Court of Appeals ruling I hereby Request again  
for action to be taken on my motion.

EXECUTED ON: June 24, 2024

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JUL 01 2024  
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Administrative Law Court

THE HONORABLE S. PHILLIP LENSKE ADMINISTRATIVE

LAW JUDGE

APPELLATE CASE NO 2024-000050

Richard h. Coleman . . . . . APPELLANT

S.C. Department of Probation Parole  
and Pardon Service . . . . . RESPONDENT.

PROFF OF SERVICE

I, Richard h. Coleman #186795 Pro Se Appellant in  
the above caption case hereby certify that I have served  
the attached MOTION/ REQUEST dated June 24 2024  
on the respondent on this 24 day of June, 2024  
by depositing copy of the same in the United States mail  
Postage Prepaid addressed to:

Dawn Nichols  
S.C. Dept of Probation, Parole, and Pardon Service  
P.O. Box 207  
Columbia S.C. 29202

S. Richard Coleman  
APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Administrative Law Court

THE Honorable Phillip Lenski Administrative

Law Judge 20-ALJ-15-0019-AP

APPELLANT CASE No 2024-000050

RECEIVED

OCT 10 2024  
SC COURT of Appeals

Richard L. Coleman #186995 . . . . . APPELLANT,

S.C. Dept of Probation, Parole, and  
Pardon Service . . . . . RESPONDENT.

CERTIFICATE OF SERVICE

I Richard L. Coleman #186995, Pro SE Appellant hereby  
certify that I have served the attached NOTICE / MOTION  
on The Respondent the 3 day of October 2024  
by depositing a copy of the same in the United States  
mail postage pre paid addressed to:

Matthew Buchanan  
S.C. Dept of Probation Parole  
and Pardon Service, P.O. Box 207  
Columbia S.C. 29202

Richard Coleman  
APPELLANT

RECEIVED

OCT 10 2024

SC Court of Appeals

The Honorable Jenny Kitchings

Clerk of Court

P.O. Box 11629

October

3

, 2024

Columbia S.C. 29211

RE: Richard L. Coleman #186795 v. SCOPPPS

Dear Clerk

2024-000050

Please find enclosed for filing with the Court the original and one copy of NOTICE and MOTION dated October 3, 2024 along with proof and service.

Please file the original with the court and return the copy checked stamped for my personal file.

Sincerely

Richard Coleman

Richard L. Coleman 186795

Richard L. Coleman #186745  
Lieber Correctional Institution  
Shons #44-A  
136 w. 16th Ave  
Ridgeville, S.C. 29942

**RECEIVED**

OCT 10 2024  
SC Court of Appeals

The Honorable Jenny Kitchings  
Clerk of Court Court of Appeals  
P.O. Box 11624  
Columbia, S.C. 29211

LEGAL MAIL

**RECEIVED**

OCT 07 2024  
MAIL ROOM  
LIEBER, C.J.