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**Oct 18 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

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Case No. 22-ALJ-15-0013-AP

Appellate Case No. 2023-000693

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Charles J. Madden, #00182326, Appellant,

v.

South Carolina Department of Probation Parole, and Pardon Services Respondent

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**MOTION TO HOLD IN ABAYENCE  
AND TO CONSOLIDATE IF  
WARRANTED**

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Appellant, Charles J. Madden, respectfully moves this court to hold this appeal in abeyance pending the resolution of a separate appeal in a related matter currently pending before the Administrative Law Court and, if warranted based upon the ALC's decision, consolidate the cases.

**I. Procedural Posture**

On April 25, 2023, Mr. Madden initiated this appeal from a final order of the Administrative Law Court affirming the Parole Board's July 13, 2022, decision to deny him parole. Briefing in this case was completed on August 1, 2023, and the case is ready for consideration by this Court. At issue in this appeal is the Parole Board's erroneous finding that Mr. Madden "failed to successfully complete a community supervision program."

## II. Argument

During the pendency of this appeal, Mr. Madden appeared before the Parole Board for his semi-annual Parole Hearing on July 24, 2024. The Parole Board voted to deny Mr. Madden parole, again based in part on an erroneous finding that Mr. Madden “failed to successfully complete a community supervision program.” Mr. Madden has appealed that decision to the ALC, and briefing is ongoing. Mr. Madden will again assert, among other arguments, that the Parole Board’s finding that he “failed to successfully complete a community supervision program” was in error. The remedy in his most recent appeal, should the ALC find in Mr. Madden’s favor, is the same as in the appeal currently before this Court; remand to the SCDPPP for Mr. Madden to be granted a new parole hearing. Because Mr. Madden’s appeal from his most recent parole hearing raises similar issues to be cured by the same remedy, it is appropriate for this appeal to be held in abeyance until there is a final determination by the ALC on the outcome of Mr. Madden’s 2024 parole hearing.

Further, should the ALC find against Mr. Madden, he will appeal that decision to this Court. In that instance, consolidation of these cases would be proper as the issues will be impossible to disentangle, there is a potential for conflicting rulings, and disposition of one case could moot the other. Likewise, should the ALC remand Mr. Madden’s case for a second hearing before SCBPP, this case will have suffered no prejudice and the issues briefed in this case remain ripe for the Court’s review.

Thus, Mr. Madden respectfully requests that this appeal be held in abeyance until the ALC makes its final determination on his 2024 parole hearing. Should Mr. Madden seek appellate review of the ALC’s decision from this Court, Mr. Madden asks that the Court consolidate the two appeals to conserve judicial resources and to mitigate the potential for duplicative litigation.

*[signature page to follow]*

Respectfully submitted,

*s/Mary S. Williams*

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