

The South Carolina Court of Appeals

Joseph Kelsey, #217218, Appellant,

v.

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

Appellate Case No. 2024-001471

ORDER

On September 6, 2024, Appellant filed a notice of appeal challenging an order issued by the administrative law court concerning whether the South Carolina Parole Board improperly denied parole. Thereafter, Appellant filed a motion to proceed *in forma pauperis*, in which he alleged the Board's decision constituted a permanent denial of parole. No return was filed. After careful consideration, we grant the motion. See *Ex parte Martin*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("Motions to proceed *in forma pauperis* may be granted only when authorized by statute or required by constitutional provisions."); *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 496, 661 S.E.2d 106, 110 (2008), *abrogated on other grounds by Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 886 S.E.2d 671 (2023) ("If a Parole Board deviates from or renders its decision without consideration of the appropriate criteria, we believe it essentially abrogates an inmate's right to parole eligibility and, thus, infringes on a state-created liberty interest.").



FOR THE COURT

Columbia, South Carolina

FILED
Oct 28 2024

cc:

Allison Franz, Esquire

Rosalind Sarah Duval Major, Esquire

Jonathan Edward Ozmint, Esquire

John H. Blume, III, Esquire

Matthew C. Buchanan, Esquire

FILED
Oct 28 2024