

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Michael Rowland, #163624,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Probation,)
 Parole and Pardon Services,)
)
 Respondent.)
)

Docket No. 24-ALJ-15-0034-AP

ORDER OF DISMISSAL

This matter is before the Administrative Law Court (ALC or Court) pursuant to an appeal filed by Michael Rowland (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. By letter dated July 25, 2024, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) denied him parole. On October 8, 2024, Appellant's Notice of Appeal was filed with the Court.¹ On November 13, 2024, the Department filed its Record on Appeal. On December 31, 2024, Appellant filed his Appellant's Brief. Thereafter, on February 5, 2025, the Department filed a Respondent's Brief. As discussed below, because the Appellant's Notice of Appeal was not timely filed and served, this Court lacks jurisdiction to hear this appeal.

This Court's limited jurisdiction to hear appeals from parole-denial decisions of the Department is derived from the Supreme Court of South Carolina's opinion in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000).² Pursuant to *Al-Shabazz*, an inmate seeking to appeal must file and serve a notice of appeal upon specified parties within thirty days of written notice of the Department's final decision. *Id.* at 377, 527 S.E.2d at 754; *see also* ALC Rule 59 (requiring filing and service upon each party within thirty days of receipt of the Department decision).³ Appeal

¹ The Notice of Appeal indicates it was signed and served on the Department on September 24, 2024. However, the Notice of Appeal was not filed with this Court until October 8, 2024.

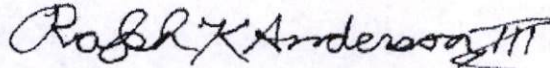
² *See, e.g., Furtick v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003); *James v. S.C. Dep't of Prob., Parole, & Pardon Servs.*, 377 S.C. 564, 660 S.E.2d 288 (Ct. App. 2008).

³ *See also* S.C. Code Ann. § 1-23-600(E) (Supp. 2024) (providing that ALC appellate review "must be in the same manner as prescribed in Section 1-23-380 for judicial review of final agency decisions with the presiding administrative law judge exercising the same authority as the court of appeals"); S.C. Code Ann. § 1-23-380(1) (Supp. 2024) ("Proceedings for review are instituted by serving and filing notice of appeal as provided in the South Carolina

deadlines are jurisdictional in nature, and thus this Court has no authority to consider an untimely appeal. *Hill v. S.C. Dep't of Health & Env't Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010).

Here, Appellant received the Department's final decision on July 31, 2024. Accordingly, Appellant was required to file Notice and Appeal upon the Department and this Court no later than August 30, 2024. Nonetheless, Appellant did not file his Notice of Appeal to this Court until October 8, 2024, over a month after the deadline. Since Appellant failed to meet the requirements to serve as Notice of Appeal, the Court has no jurisdiction to hear this appeal. *Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 886 S.E.2d 671 (2023) (ALC has jurisdiction over properly perfected appeals).⁴

IT IS THEREFORE ORDERED that this matter is **DISMISSED WITH PREJUDICE**.
AND IT IS SO ORDERED.



Ralph K. Anderson, III
Chief Administrative Law Judge

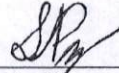
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Appellate Court Rules within thirty days after the final decision of the agency or, if a rehearing is requested, within thirty days after the decision is rendered.”)

⁴ Moreover, even if Appellant's appeal was timely, the appeal does not involve a state-created liberty or property interest. *Cooper v. S.C. Dep't of Prob. Pardon and Parole Servs.*, 377 S.C. 489, 495-96, 661 S.E.2d 106, 109-10 (holding “routine denial of parole does not constitute such a liberty interest”); *see also See Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023) (summary dismissal appropriate where the inmate's grievance does not implicate a state created liberty or property interest.). The Department's letter denying Appellant parole clearly stated that it considered the relevant statutory criteria section 24-21-640 of the South Carolina Code (2025) (the written criteria) and the actuarial risk and needs assessment. *See Cooper*, 377 S.C. at 500, 661 S.E.2d at 112 (holding requirements of due process are met if Board “clearly states in its order denying parole that it considered the factors outline in section 24-21-640 and the fifteen factors published in its parole form.”); *see also Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). Because the record reflects that the Board routinely denied the Appellant parole after complying with the necessary procedure and considering the appropriate factors, the Court shall not interfere with the Department's determination.

CERTIFICATE OF SERVICE

I, Stephanie Perez, 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).



Stephanie Perez
Judicial Law Clerk

February 19, 2025
Columbia, South Carolina