

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Administrative Law Court
Hon. Ralph King Anderson, III, Presiding
Docket No. 24-ALJ-15-0034-AP

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APR 03 2025
SC Court of Appeals

Michael Rowland #163624 -- APPELLANT,

_Vs-

South Carolina Department of Probation,
Parole and Pardon Services -- RESPONDENT,

APPELLATE CASE NO. 2025-000488

APPELLANT'S INITIAL BRIEF ON APPEAL

COMES NOW, above captioned Appellant, Michael Rowland, pro-se, an inmate housed in the South Carolina department of Corrections respectfully appealing the Administrative Law Court's Order dismissing Appellant's appeal for lack of jurisdiction.

This matter is respectfully before this Court as a result of Appellant appealing the Respondent's final order denying Appellant's appeal of the parole denial.

ISSUE ON APPEAL

WHETHER THE ADMINISTRATIVE LAW JUDGE ERRED IN DISMISSING APPELLANT'S APPEAL FOR LACK OF JURISDICTION WHEN THE TIME TO APPEAL SHOULD HAVE BEEN STAYED BY APPELLANT'S PRO-SE NOTICE OF APPEAL FILING?

ARGUMENT

Appellant is serving a 20-year life sentence with the possibility of parole. Appellant appears before the Parole Board bi-annually. By letter dated July 25, 2024, the South Carolina Department of Probation, Parole and Pardon Services (hereafter "Respondent") notified Appellant that his parole had been denied.

Here is the heart of the matter as it has been convoluted and the Administrative Law Judge (hereafter "ALJ") has erred. The ALJ's Order states that Appellant filed his Notice of Appeal on October 8, 2024 and in essence because Appellant's Notice of Appeal was not timely filed the Court lack's jurisdiction.

The ALJ has erred. When Appellant's parole was denied neither the Board nor Respondents provided Appellant with a Notice of Appeal form. So out an abundance of caution Appellant prepared his pro-se hand drafted Notice of Appeal, with a copy of the Order of denial attached. See Appellant's exhibit (A)(Pro-se Notice of Appeal, certificate of service and copy of order of denial) which was dated August 9, 2024 which by virtue and fundamental fairness should have "STOPPED the Clock" and stayed the appeal.

Immediately thereafter on August 26, 2024 the Clerk of Court for the Administrative Law Court sent Appellant a letter advising Appellant he had to use the proper form. See exhibit (B). Appellant again was not provided a form so he gained access to an appeal form from another inmate which he filled out and served the parties September 9, 2024. See exhibit (C). Thereafter on September 17, 2024 the Clerk of the ALC sent Appellant the proper form with another letter. See exhibit (D). On September 24, 2024 Appellant filled out the third (3rd) Notice of Appeal and served all parties.

On November 13, 2024 Respondent filed the Record on Appeal. On December 31, 2024 Appellant filed his Brief on Appeal and on February 5, 2024 the Respondent filed their Brief on Appeal.

Subsequently thereafter on February 19, 2024 the ALC denied relief and dismissed the appeal for lack of jurisdiction stating Appellant's Notice of Appeal was not timely filed.

The ALJ has erred. Appellant is an inmate housed in the Department of Corrections with [NO] access to Court forms and he was not provided with one by Respondents. Appellant hand drafted his pro-se Notice of Appeal on August 19, 2024 and that should have "stayed the appeal and STOPPED the Clock. (emphasis supplied and added). Appellant submits the time should have been stayed and/or tolled because of the August 19, 2024 pro-se filing. Pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000), an inmate seeking to appeal must file and served a notice of appeal upon the 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 30-days of the Department's Decision.

The Parole Board denied Appellant's parole by way of letter dated July 25, 2024 and Appellant filed his hand drafted pro-se notice of Appeal August 19, 2024 clearly within the 30-days allotted by the rules of court and as a matter of law. The August 19, 2024 pro-se filing should have stayed the time limits and STOPPED the clock. The time should have been tolled and the ALJ erred in ruling otherwise. Appellant again, is a pro-se inmate housed in the South Carolina Department of Corrections and he has NO access to court forms and when the Parole Board nor Respondents provided Appellant with an adequate Notice of Appeal form any informalities should be attributable to Respondents.

Appellant has at all times exercised due diligence in trying to comply with the Rules and the 30-day time to file should have STOPPED on August 19, 2024 when Appellant filed his pro-se Notice of Appeal and served all parties.

Conclusion

Based on the facts submitted and exhibits relief on Appellant respectfully asks the Court to remand the matter back to the ALC with instructions to address the merits of the underlying denial in the interest of justice.

Respectfully Submitted,

/s/ Michael J Rowland

Michael Rowland #163624

Appellant, pro-se

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CERTIFICATE OF SERVICE

The undersigned hereby certifies he has served a true and correct copy of the enclosed Appellant's Brief on Appeal on the persons whose names and addresses appear below by placing the aforesaid in properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this 26th day of March 2025.

Those Served:

S.C. Court of Appeals
Clerk's Office
P.O. Box 11629
Columbia, SC. 29211

Respectfully Submitted,

/s/ Michael J Rowland
Michael Rowland #163624,

Appellant, pro-se

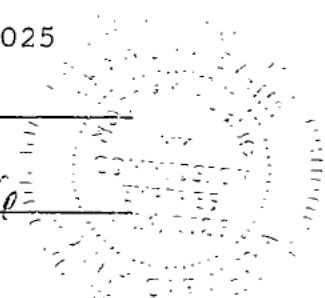
Director, SCDPPPS
293 Greystone Blvd.
P.O. Box 207
Columbia, SC. 29202

SWORN TO AND SUBSCRIBED BEFORE ME

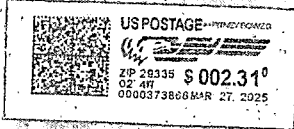
THIS 26th DAY OF March, 2025

[Signature]
NOTARY PUBLIC

MY COMM. EXPIRES 4/14/2026



Michael J. Rowland #163624
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29335



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MAR 26 2025
TYGER RIVER MAILROOM

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SC Court of Appeals
Honorable Jenny Kitchens
Clerk
S.C. Court of Appeals
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