

Appellant's

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APR 03 2025

SC Court of Appeals

Exhibit (A)

(pre-notice of Appeal,
Certificate of Service and
order of denial of parole)

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STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Michael Rowland #163624) C/A No. _____
Appellant,)
-vs-) NOTICE OF APPEAL
S.C. Dep't of Probation,)
Parole and Pardon Services)
Respondent,)
_____)

NOTICE IS HEREBY GIVEN, above captioned Appellant, appeals the Parole Board's denial dated July 25, 2024 and received by Appellant July 31, 2024. A copy of the denial is attached hereto.

Statement of the Grounds on Appeal are: the Board's denial of parole was (a) in violation of constitutional or statutory provisions in that the Board's 8-boiler-plate back-to-back denials on the same exact grounds is a denial of due process; (c) made upon unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record and (f) arbitrary and capricious and is characterized as an abuse of discretion. 1-23-380, where the Board considered impermissible factors when denying parole, in that the Board's use of (1) Nature and seriousness of the offense is a denial of due process in that the offense is the crime for which Appellant was sentenced to a 20-year life. I have been incarcerated 36-years on a 20-year life. The Board's (2) Indication of violence in this offense, is an impermissible factor which defines the crime for which I am incarcerated and can never be rectified; The Board's use of (3) use of a deadly weapon, is a APPRENDI and BLAKELY issue since I have never been charged with a weapon, the Board's use of a weapon to deny parole amounts to an ex post facto violation the Board's use of a weapon is an impermissible factor for their consideration, e.g. James v. SCDPPPS, 376 S.C. 392, 656 S.E.2d 399 ; The Board's use of (4) Criminal record indicates poor community adjustment, is a denial of due process, as I have been incarcerated 36-years, I have not been in the community and therefore the Board is considering another impermissibly factor in it's denial. The matter should be remand for further proceedings or reverse and grant parole.

Respectfully Submitted,

DATED: August 19, 2024.

/s/ Michael Rowland
Michael Rowland #163624

Appellant, pro-se

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Michael Rowland #163624) C/A No. _____
Appellant,)
-vs-) **CERTIFICATE OF SERVICE**
S.C. Dep't of Probation,)
Parole and Pardon Services)
Respondent,)
_____)

The undersigned hereby certifies he has served a true and correct copy of the enclosed Notice of Appeal and Parole Board's denial 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 19th day of August 2024.

Those Served:

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

Respectfully Submitted,

/s/ Michael J Rowland
Michael Rowland

Appellant, pro-se

S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St. Suite 224
Columbia, SC. 29201

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19th DAY OF Aug, 2024

[Signature]
NOTARY PUBLIC

MY COMM. EXPIRES 4/14/26

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

HENRY McMASTER
Governor



JODI D. GALLMAN
Acting Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

June 18, 2024

Mr. Michael Rowland #00163624
Tyger River Correctional Inst.
200 Prison Road
Enoree, SC 29335-9309

RE: NOTICE OF HEARING

Hearing Date: Wednesday, July 24, 2024 Arrival Time: 7:45 AM
Location: Tyger River Correctional Inst.
200 Prison Road
Enoree, SC 29335-9309

Dear Mr. Rowland:

This is to inform you that your parole hearing is scheduled for the above date. Your hearing will be held at the above location. Family members or supporters should report at the above noted time. Your hearing will be by way of videoconference, which means that the Board will review your case on a television monitor.

You can have a total of three (3) visitors or family members appear with you and you may retain an attorney at your own expense. It is your responsibility to notify visitors or family members of the date and time they will need to be at your hearing. Also, you must notify your attorney if he or she has not requested in writing such notifications from this agency.

Please find enclosed parole hearing information sheet. It may be necessary to provide your family members or visitors a copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie Suber".

Valerie Suber
Associate Deputy Director for Paroles, Pardons and Release Services

Exhibit
(B)

August 26, 2029
letter from ALC Clerk

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**



Memorandum

To: Appellant/Appellant's Attorney
From: Clerk's Office, Administrative Law Court
Date: August 26, 2024
Re: Compliance with ALC Rules

The Administrative Law Court (ALC) received a letter from you on August 26, 2024. According to SCALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

- You must use the Notice of Appeal form required pursuant to SCALC Rule 57 and 59. A copy of the form is attached for your convenience.
- A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to SCALC Rule 59(C).
- The Notice of Appeal form you submitted must be signed and dated.
- Filing Fee of \$25 in accordance with SCALC Rule 71 for your 4th and subsequent appeal this calendar year.
- Your documents are being returned to you. The ALC does not handle Post Conviction Relief (PCR) matters.
- Other: Your documents are being returned to you.
- Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

Exhibit (c)

Sept 9, 2024
appeal form

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Michael Rowland #163624

Appellant,

vs.

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

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-

Notice is hereby given that Michael Rowland #163624 does hereby appeal the final decision of the South Carolina Department of Corrections dated July 25, 2024 and received on July 31, 2024, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

~~The denial was (a) in violation of constitutional or statutory provisions in that the Board's repetative 8-bolier-plate back-to-back denial on the same grounds is a denial of due process; (c) made upon unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record and (f) is arbitrary and capricious and is characterized as an abuse of discretion. 1-23-380, where the Board considered impermissible factors when denying parole, in that the Board's use of (1) nature and seriousness of the offense is a denial of due process in that the Board is resentencing Appellant every two years because nature and seriousness of the offense is the very crime Appellant is incarcerated for. Appellant has been incarcerated 36-years on a 20-year life sentence. The Board's (2) Indication of violence in this offense, is an impermissible factor which defines the crime for which Appellant is incarcerated and can never be rectifies; (3) the Board's use of a deadly weapon is an Appendi and Blakely issue since Appellant was never charged with a weapon to deny parole amounts to an expost facto violation, the Board's considering use of deadly weapon is an impermissible factor. e.g. James v. SCDPPPS, 376 S.C. 392, 656 S.E.2d 399, (4) the Board's use of "criminal record indicates poor community adjustment, is a denial of due process, as Appellant has been incarcerated 36-years and has not been in the community to adjust and therefore the Board has considered yet, another impermissible factor in it's denial. The matter should be remanded for further proceeding or reverse the denial and grant parole.,~~

Appellant's Name Michael Rowland #163624
Tyger River Corr. Inst.
200 Prison Rd.
Mailing Address Enoree, SC. 29335

Signed *Michael Rowland*
Dated 9-9-24

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Michael Rowland (your name), on the 9th day of Sept., 2024, in Enoree, (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Director SCDPPPS
293 Greystone Blvd.
Address: P.O. Box 207
Columbia, SC. 29202
City, State, Zip Code: _____

Print your name Sign your name
(See reverse side for instructions)

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

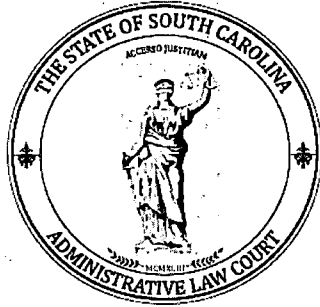
- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

Exhibit (D)

Second letter from

A/C Clerk with
proper form to
fill out

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**



Memorandum

To: Appellant/Appellant's Attorney
From: Clerk's Office, Administrative Law Court
Date: September 17, 2024
Re: Compliance with ALC Rules

The Administrative Law Court (ALC) received a letter from you on September 16, 2024.
According to SCALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

You must use the Notice of Appeal form required pursuant to SCALC Rule 57 and 59. A copy of the form is attached for your convenience.

A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to SCALC Rule 59(C).

The Notice of Appeal form you submitted must be signed and dated.

Filing Fee of \$25 in accordance with SCALC Rule 71 for your 4th and subsequent appeal this calendar year.

Your documents are being returned to you. The ALC does not handle Post Conviction Relief (PCR) matters.

Other: Your documents are being returned to you.

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

Exhibit (E)

Appellant's
3rd Notice of Appeal
filed Sept 24, 2024

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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

Docket No. -ALJ-15- -AP

NOTICE OF APPEAL

Notice is hereby given that Michael Rowland #163624 appeals the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated and received on July 31, 2024, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

~~The denial was (a) in violation of constitutional or statutory provisions; as the Board's 8 back-to-back boiler plate denials on the same grounds is a denial of due process; (c) made upon an unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; (f) is arbitrary and capricious and is characterized as an abuse of discretion. 1-23-380 where the Board has considered impermissible factors in denying parole; (1) the nature and seriousness of the offense is a denial of due process in that it allows the Board to resentence Appellant every two years. (2) the indication of violence in this offense is an impermissible factor which defines the crime itself and can never be rectified; (3) the use of a deadly weapon is an impermissible factor in that Appellant has never been charged with a weapon which results in an Apprendi and Blakely violation. see e.g. James v. SCDPPPS, 376 S.C. 392, 656 S.E.2d 399 and (4) the Board's use of a criminal record indicates poor community adjustment, is a denial of due process as Appellant has been incarcerated 36-years and has not been in the community to adjust and therefore the Board has considered another impermissible factor in it's denial. The matter should be remanded for further proceedings or reverse the denial and grant parole.~~

Michael Rowland #163624
Appellant's Name Tyger River Corr. Inst.
200 Prison Rd.
Enoree, SC. 29335

Signed

Mailing Address

Dated

9-29-25

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Michael Rowland (our name), on the 24 day of Sept., 2024 in Enoree (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: Director of SCDPPPS
Address: 293 Greystone Blvd.
P.O. Box 207
City, State, Zip Code: Columbia, SC. 29202

Print your name
(See reverse side for instructions)

Sign your name

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Probation, Parole and Pardon Services:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Division of Legal Services at the Department of Probation, Parole and Pardon Services at the following address:

**Division of Legal Services
S.C. Dept. of Probation, Parole & Pardon Services
293 Greystone Boulevard
Post Office Box 207
Columbia, SC 29202**

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Probation, Parole and Pardon Services must be attached to the Notice of Appeal.**