

The South Carolina Court of Appeals

Joseph Kelsey, #217218, Appellant,

v.

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

Appellate Case No. 2025-000646

ORDER

On April 3, 2025, Appellant filed a notice of appeal challenging an order issued by the administrative law court (ALC) concerning whether the South Carolina Parole Board improperly denied parole. The ALC determined Appellant failed to file his appeal timely because although his initial notice of appeal was filed within thirty days of the Parole Board's decision, it was deficient and his "completed" notice of appeal was not filed until eight days after the deadline.

Thereafter, Appellant filed a motion to proceed *in forma pauperis*, in which he alleged the ALC's decision to dismiss his appeal was a violation of his constitutional rights to due process and access to the courts as it was an unduly technical application of procedural rules. 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.").



FOR THE COURT

Columbia, South Carolina

cc:

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Rosalind Sarah Duval Major, Esquire

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FILED
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