

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jarvis Johnson, #216908,

Docket No. 24-ALJ-15-0041-AP

Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

ORDER OF DISMISSAL
RECEIVED
MAY 13 2025
SC Court of Appeals

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Jarvis Johnson (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On October 24, 2024, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant the South Carolina Parole Board (Board) had rejected his most recent request for parole. In its Notice of Rejection, the Board stated it considered the factors outlined in section 24-21-640 of the South Carolina Code (2025) and the factors set forth in Form 1212. Appellant challenges the Board's denial of parole on the grounds that the Board's decision was in violation of state and federal law, the Department provided Appellant inaccurate information in his parole file, and there is a lack of evidence the Board actually considered the factors it claimed to consider.

On January 6, 2025, the Department filed the Record on Appeal with this Court. On February 13, 2025, Appellant filed his initial Brief with this Court. On March 6, 2025, the Department filed its Brief with this Court. On March 20, 2025, Appellant filed a Reply Brief with this Court. Section 1-23-600(D) of the South Carolina Code (Supp. 2024) provides, "An administrative law judge shall not hear...an appeal involving the denial of parole to a potentially eligible inmate by the [Department]." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board abrogated an inmate's right to parole eligibility and, thus, infringed on a state-created liberty interest. Cooper v. S.C. Dep't of Probation, Parole and Pardon Servs., 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008). A decision of the Board is arbitrary and capricious if it fails to indicate it considered the relevant factors in section 24-21-640 and Form 1212. Compton v. S.C. Dept. of Probation, Pardon and Parole Servs., 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). If the Board states it considered the above relevant factors, the decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear. Id.

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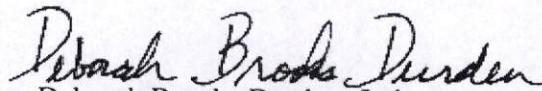
Form 1212 requires inmates to report inaccuracies in their parole file to the Board. Our courts have recognized this requirement creates an implied right of the inmate to the opportunity to review their parole file for the purpose of identifying errors and inaccuracies therein. Kelsey v. S.C. Dept. of Probation, Parole, & Pardon Servs., 441 S.C. 373, 378, 893 S.E.2d 588, 591 (Ct. App. 2023). The record shows Appellant spent approximately fifteen minutes reading his parole file and identified inaccuracies in the record. During the hearing, Appellant brought these inaccuracies to the attention of the Board and the Board chairperson thanked Appellant for “pointing out these inaccuracies.” The record shows Appellant was afforded his right to review the file and his right to notify the Board of any errors or inaccuracies therein. Therefore, the Court finds the Department did not deprive Appellant of his rights where he was allowed to review and correct inaccurate information in his parole file.

I have reviewed the record on appeal and in particular the Notice of Rejection dated October 24, 2024, and find the Board followed proper procedure in that it did consider the relevant factors in reaching its decision, and that this is a routine denial of parole. Cooper, 377 S.C. at 500, 661 S.E.2d at 112.

ORDER

IT IS THEREFORE ORDERED that the Board’s determination that Appellant should be denied parole in this instance is **AFFIRMED** and this appeal is **DISMISSED**, with prejudice.

AND IT IS SO ORDERED.


Deborah Brooks Durden, Judge
S.C. Administrative Law Court

April 7, 2025
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, 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).

Robin Coleman

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden

April 7, 2025
Columbia, South Carolina

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