

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SEP 26 2025

SC Court of Appeals

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On petition for Certiorari to the SC Court
of Appeals; From appeal to the SC Administrative
Law Court, Judge S. Phillip Lenski, ALCJ..

Docket # 24-ALJ-¹⁵~~04~~-00043-AP

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Appellate Case # 2025-000926

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Joseph H Gibbs # 185709 - - - Appellate

vs

SC. Probation, Parole, Pardon Services - - - Respondent

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PETITION FOR CERTIORARI

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Mathew C Buchanan
Office of General Counsel; SCPPPSB
PO BOX 207
Columbia SC 29202
Ph. 803-734-9220
Counsel of Record, Respondent

Joseph Hugo Gibbs
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Appellate Pro Se

CERTIFICATE OF COUNSEL/APPELLATE PRO SE

Appellate pro se certifies that the Petition for Reinstatement was made and finally ruled on by the Court of Appeals on August/ 27 /2025.

QUESTIONS PRESENTED

- 1 Did the court of appeals ERR in denying the motion to reinstate for "Failing To Establish Good Cause", And denying informa paupris motion for "Failing to Establish A Statutory or Constitutional Right"; When special circumstances and Constitutional right to judicial review was pleaded.?

2. Did the court of appeals ERR in not transferring this case to the SC Supreme Court; when Constitutional violations and The Parole Board being a Constitutional Office, and Judge Made law of "Routine" being used to deny Due Process and Protection of Priveleges by 14th Amend in violation of Seperation of Powers.? Which was pleaded in the ALC.

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1	The court of appeals did err in denying motion to reinstate for failing to establish good cause, and denying informa paupris motion for failing to establish a statutory or constitutional right; when special circumstances and constitutional right to judicial review was pleaded.!								
2	The court of appeals did err in not transferring the case to the SC Supreme Court; when constitutional violations and the parole board being a constitutional office, and judge made law of "routine" being used to deny Due Process and Protection of Priveleges by 14 th Amend in violation of Seperation of Powers. Which was pleaded in the ALC!								
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STATEMENT OF THE CASE

On May/5'th/2025 Joseph Gibbs brought forth this action in the SC Court of Appeals, by filing a timely NOA with Orders on appeal, and a Motion for Informa Pauperis, received by the clerk of court stamped May/13/2025. The clerk of court returned instructions for filing the aPPeal dated May/16/25. I filed a Motion for Extension of time to file brief on 5/27/25, UnAnswered.

I received an order from the court filed May/28/2025 denying in forma pauperis, and order to pay \$250.00 within 20 days. I filed a motion for ReConsideration of IFP, since I dont have money the order would be dispositive. The motion was returned unanswered by the clerk dated June/10/25, pursuant to Rule 240 SCACR. By order filed June/27/25 the court dismissed the appeal for failing to pay the fee. I filed a Motion to Reinstate , Rule 260 SCACR, which was dismissed by order filed Aug/27/2025.

This case stems from appeal to the ALC, on Order of SCPPPSB rejection on 10/30/24. The Order was irregular by law and fact from a constitutional agency as submitted and argued to the ALC. Evidence from parole and appellate was not allowed, contrary to motions and briefs, and ALC failed to rule on issues submitted in Rule 59(e) SCRCF to preserve issues raised for judicial review. Included in the issues is challenge to Judge Made Law, of "Routine" to deny review of StaTE Agency by the ALC and Judicial Branch of Goverement.

Honorable Paula Thomas appeals justice, on order of May/28/25.



ARGUMENT

1 The court of appeals did err in denying motion to reinstate for failing to establish good cause, and denying in forma pauperis motion for failing to establish a statutory or constitutional right; When special circumstances and constitutional right to judicial review was pleaded!

I submit and argue with all due respect, that the appeals court order 5/28/25 made an unreasonable and contrary finding of fact that I failed to establish good cause, or a statutory or constitutional right to proceed on IFP, when the IFP established special circumstances, of poverty and SC Const. Art 1. §22 dose specify a right to judicial review from the ALC "Excutive Branch Tribunal" and

this activated the 14'th §1 right to due process and protection of privileges. Futher this court in Dingle 376 SC 643,649 declared parole a privilege, and in Compton V SCPPPS 385 SC 476, and Cooper V SCPPPS 377 SC 489, did establish a right to judicial review, and this is shown in Kelsey V SCPPPS 441 SC 373.

I also submit that the courts reasoning in Ex parte Martin 321 SC 533 & James V SCPPpS 377 SC 564, is the wrong legal standard, and even the head notes pleaded rendered this standard in serious err, since poverty is the key fact that should constitute a waiver of the \$250.00 filing fee. One should not be denied due process and equal protection beforew the judicial branch of Gov. simply because of lack of money. The issues raised and those on appeal dose i beleive establish sound merit. I am not a lawyer, but am willing to argue my case best as I can.

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2 The court of appeals did err in not transfering the case to the SC Supreme Court; When Constitutional violations, and the parole board being a constitutional office, and judge made law of "Routine" being used to deny due process and protection of privileges by 14'th amend, in violation of seperation of powers, which was pleaded in ALC.!

I submit and argue with all due respect, that even if the app court was not going to waive filing fee, based on the pleadings in IFP and Reinstatement it should have transfered the matter to this court; And this court should now adopt the legal and factual issues encompassed in the records before the courts.

Since a challenge to this courts applying a "Routine" standard of review, not found in 24-21-640 or 24-21-10 replacing the ellement of "potential" from the 2010 amendments, to apply to the amended criminal statutes of Murder ect, then applied in Compton & Cooper supra, to deny ALC review of a state agency, not restricted by law, and Judicial review, under Art. 1 §22, as a right, and the ALC not allowing evidence or Striking Rule 61 ALC, I beleive this court would have to adjudicate these issues, to include The SCPPPSB being a SC Const Office ie 1895, 1868, 1790 Constitutions, and the people have not rewritten the SC Constitution to change this or the seperation of powers.

I further submit that since the ALC adopted a "False Statement as fact" from the SCPPP Counsel brief, contrary to objections, and without allowing the Kelsey Records that I objected to at hearing, and was cut off and denied a full and fair parole hearing nor order, then this court would have to make way for due process and correcting the records.¹ When I examined the parole record, it stated that; "I kicked in Marion Browns door and Shot him in the back as he fled, and he died instantly" This is a completely false statement of fact and is not supported by the trial records or court orders. Although parole is a non collateral proceeding, this is a collateral malfeasance and is highly arbitrarily and capricious.

I submit that parole is a SC Const Right when elements of statute is met, as to "eligibility" which is not an ambiguous term of art, and my case is from 1991, and the evidence based scores and risk factors were low. Parole is or should be a State Interest that is Subjective, and Rehabilitation is A State Interest that is Objective.

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CONCLUSION

I, having made my petition, request this court to reverse the appellate court orders denying in forma pauperis, and requiring filing fees as a means for judicial review; and that this court will vacate ALC orders and establish parole as a meaningful entity under law and constitution, and order the wrongful records corrected, and order a new hearing.

September/20'th/2025

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Respectfully

/s/ Joseph H. Gibbs
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Ph 803-896-2200
Appellate Pro Se

¹ At no time has a full and fair finding of fact and law been made by SC Courts or Fed Courts. In My last pleading was a petition for original juris, and complaint for habeas filed in this court in 2020-1078, which was denied on June/2/2021, and even the PCR issues in Pro Se Brief and Appendix in 94-CP-27-309 was incomplete. Now pending in 4'th Cir 23-7117.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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TO: Honorable, Clerk of Court
PO Box 11330
1231 Gervais St.
Columbia SC 29211

Sept/20/2025

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RE: Joseph Gibbs, 185709 V The SCPPPSB Case # 2025-000926

SEP 26 2025

On Certiorari to the SC Court of Appeals; From the
ALC, Honorable Phillip Lenski. 24 ALJ-15-00043-AP.

SC Court of Appeals

Court,

Please find enclosed for filing in the above case my;
Petition for certiorari
Motion to Waive filing fees
Proof of Service / Filing Letter

Thank you for your time and service in this matter.

***** Sincerely

1st Joseph W. Gibbs
Joseph Gibbs

PROOF OF SERVICE

I respectfully certify, as appellate pro se, that on September/23rd/2025
I did serve one copy of my Petition for Certiorari, Motion to Waive Filing
Fees, and proof of service on Counsel for Respondent Mr Mathew Buchanan, and
the Clerk of Court Ms jenny Kitchings, as addressed below, by depositing same
in the Mailroom at BRCI postage prepaid.

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Respectfully
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Ms Jenny A. Kitchings
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COLUMBIA SC 290

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SC Court of Appeals

HONORABLE: JENNY KITCHINGS
CLERK: SC COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211

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