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**Dec 12 2025**

**SC Court of Appeals**

# **EXHIBIT A**

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Theresa Barton Gunter,

Docket No. 25-ALJ-15-0027-AP

Appellant,

v.

ORDER

South Carolina Department of Probation,  
Parole and Pardon Services,

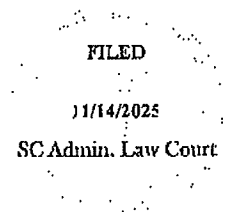
Respondent.

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed by Theresa Barton Gunter (Appellant). On July 10, 2025, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the Board of Pardons and Paroles (Board) denied Appellant’s request for a pardon. On September 15, 2025, Appellant filed a Notice of Appeal challenging this denial.<sup>1</sup> The matter was assigned to the undersigned on October 2, 2025. On October 3, 2025, the Department filed a Motion to Dismiss (Motion) alleging the ALC does not have subject matter jurisdiction or statutory authorization to review the decision of the Board relating to pardons. Appellant filed a response to the Motion on October 17, 2025.

**DISCUSSION**

The Court’s jurisdiction to review this matter is derived from the South Carolina Supreme Court decisions in *Al-Shabazz* and *Furtick*. *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (establishing an administrative review process for inmate appeals); *Furtick v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003) (incorporating final decisions of the Department into that review process). These cases do not recognize this Court’s jurisdiction to review discretionary pardon determinations. Absent some statutory or court-recognized grant of jurisdiction to this Court to review pardon determinations, this Court cannot assert jurisdiction over such matters. Even if this Court had jurisdiction to review pardon determinations, *Al-Shabazz* held that “procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment’s protection of liberty and property.” *Wicker v. S.C.*

<sup>1</sup> Appellant’s request for rehearing was denied via email on September 12, 2025.



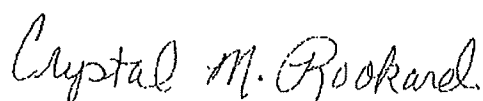
*Dep't of Corr.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Since parole is a privilege, not a right, the routine denial of parole does not constitute such a liberty interest. *See Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 495-96, 661 S.E.2d 106, 109-10 (2008). As with parole, there is no right to a pardon. Thus, in conformity with the Court's rationale in *Cooper*, the denial of a pardon request would not constitute a liberty interest. Since there is no state-created liberty interest in the granting of pardons, there is no right to appeal from decisions denying pardon applications. *See Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (holding an inmate may seek review of a Department decision which deprives the inmate of a state-created liberty interest).

Further, the granting of pardon applications is a matter within the absolute discretion of the Board. *See* S.C. Code Ann. §§ 24-21-910 to 1000 (2007 & Supp. 2025). “[A] pardon or parole is granted, not as a matter of right, but as a matter of grace bestowed by the government through its duly authorized officers or departments.” *Bearden v. State*, 223 S.C. 211, 215 74 S.E.2d 912, 913 (1953). Unlike probation, pardon and commutation decisions have not traditionally been the business of courts and as such, they are rarely, if ever, appropriate subjects for judicial review. *Conn. Bd of Pardons v. Dumschat*, 452 U.S. 458, 464, 101 S.Ct. 2460, 2464 (1981). Further, if the Court had jurisdiction, the review would be limited to violations of statutory procedure or equal protection, and not the Board's substantive decision denying Appellant a pardon. Consequently, this Court does not have jurisdiction to review the Department's denial of a pardon.

**ORDER**

**IT IS THEREFORE ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.

**AND IT IS SO ORDERED.**

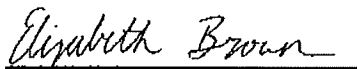


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The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

November 14, 2025  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

I, Elizabeth Brown, 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).



Elizabeth Brown  
Judicial Law Clerk

November 14, 2025  
Columbia, South Carolina