

Exhibit A

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**Jul 13 2026**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Herbert Bell, #132646,

Appellant,

v.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.

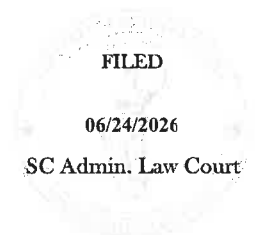
Docket No. 25-ALJ-15-0033-AP

**FINAL ORDER**

**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on December 18, 2025, by Herbert Bell (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. This case was assigned to the undersigned on January 5, 2026.

On November 19, 2025, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) rejected him for parole. This appeal followed. Appellant challenges the Board's denial of parole, contending that the method and procedure employed by the Board in reaching its decision to deny parole violates his due process rights. The Department filed the Record on Appeal (Record) on January 21, 2026. On March 17, 2026, Appellant filed a Motion to Supplement the Record, a Motion to Conduct Discovery, and a Motion to Stay. The Department filed a Motion in Opposition to Appellant's Motion to Supplement the Record on Appeal, Motion for Discovery, and Motion to Stay on March 25, 2026. Appellant filed a Motion for an Extension to File Initial Brief on March 27, 2026. The Court denied Appellant's Motion to Supplement the Record, Motion to Conduct Discovery, and Motion to Stay, but granted Appellant's Motion for an Extension to File Initial Brief on April 6, 2026. Appellant filed his initial brief on May 7, 2026. The Department filed its brief on May 20, 2026. Appellant filed a reply brief on June 1, 2026. After careful consideration of the parties' briefs, the Record, and the applicable law, the Court finds no error in the Board's decision. Accordingly, the Department's decision is affirmed.



## STANDARD OF REVIEW

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). As explained by the *Al-Shabazz* court, "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. Dep't of Corrs.*, 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). The *Cooper* court expounded that:

if ... [the Board] ... clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the fifteen factors published in its parole form. ... the decision will constitute a routine denial of parole and the ALC would have limited authority to review the decision to determine whether the Board followed proper procedure.

*Cooper v. S.C. Dept. of Prob. Pardon and Parole Services*, 377 S.C. 489, 66 S.E.2d 106 (2008).

The *Cooper* decision was underscored by *Compton v. S.C. Dep't of Prob. Pardon and Parole Services*, 385 S.C. 476, 685 S.E.2d 175 (2009), wherein the court reiterated that infringement of a state-created liberty interest could be avoided if "the Parole Board clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the fifteen factors published in Form 1212." This Court's authority to review decisions of the Board is limited to determining whether the Board followed the proper procedure and considered the relevant factors, not the Board's substantive decision to deny an appellant parole. Further, if the Court concludes the Board's action was a routine denial of parole, then the Board's decision is not reviewable for an abuse of discretion. *See S.C. Code Ann. § 1-23-600(D)* (Supp. 2025) (stating an administrative law judge shall not hear "an appeal involving the denial of parole to a potentially eligible inmate by the Department").

In reviewing such matters, the Court sits in its appellate capacity. *See Cooper*, 377 S.C. at 497, 661 S.E.2d at 110; *Al-Shabazz*, 338 S.C. at 377, 527 S.E.2d at 754. Under the Administrative

Procedures Act, the Court's review in appellate matters is confined to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2025). The Court may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2025). Substantial rights of the appellant are prejudiced when the agency's findings, inferences, conclusions, or decisions are: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (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; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.* "When appealing an agency's decision, the burden rests squarely on the appellant to prove that substantive rights were prejudiced based on one of six statutory criteria listed above." *S.C. Dep't of Corr. v. Mitchell*, 377 S.C. 256, 259-60, 659 S.E.2d 233, 235 (Ct. App. 2008); *see also Pressley v. Lancaster County*, 343 S.C. 696, 704, 542 S.E.2d 366, 370 (Ct. App. 2001) ("The party challenging a governmental body's decision bears the burden of proving the decision is arbitrary."); *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996) ("The burden is on appellants to prove convincingly that the agency's decision is unsupported by the evidence.").

### **DISCUSSION**

In this instance, the Board's November 19, 2025 denial letter reflects the Board's consideration of the factors outlined in section 24-21-640 and subsection -10(F)(1) of the South Carolina Code (2025), factors published in the Department's Form 1212 (Criteria for Parole Consideration), and it included specific findings of fact to support its findings. *Cooper*, 377 S.C. at 500, 661 S.E.2d at 112 (Board's adherence to procedure constitutes a routine denial).<sup>1</sup> Moreover, Appellant has not pointed to any specific procedural error in the Board's review. *See Mitchell*, 377 S.C. at 259-60, 659 S.E.2d at 235. Appellant argues the Board violated his due process rights by failing to consider evidence that his parole file contained erroneous information and then relying on this erroneous information to deny his parole. Appellant further contends the Department erred when it subjected him to a sex offender actuarial risk assessment tool and then relied upon those results as a criterion for denying his parole. In turn, the Department argues that the Board denied

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<sup>1</sup> These include (1) the nature and seriousness of Appellant's current offense, (2) the indication of violence in this or previous offense, (3) the failure to successfully complete a community supervision program and (4) Appellant's institutional record is unfavorable.

parole after considering all the required statutory criteria, thus Appellant's due process rights were not violated.

This Court's review is limited to whether the Board followed the proper procedure, and not its substantive decision upon finding the Board issued a routine denial of parole. Because the Board's decision is consistent with the requirements set out in *Cooper* and those reiterated in *Compton*, the Court finds that the decision constitutes a routine denial of parole. A conclusion which is further supported by the Board's Notice of Rejection which implies that Appellant has not been permanently denied parole eligibility since the Board will notify Appellant thirty days prior to his next parole hearing. Therefore, because the Record reflects that the Board denied Appellant's parole after complying with the necessary procedure and considering the appropriate factors, the Court may not interfere with the Department's determination.

**ORDER**

**IT IS THEREFORE ORDERED** that the Department's determination is **AFFIRMED**.  
**AND IT IS SO ORDERED.**



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The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

June 24, 2026  
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

June 24, 2026  
Columbia, South Carolina