

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge
Docket Number 25-ALJ-15-0034-AP

SC Court of Appeals

APPELLATE CASE NO. 2026-001402

STEPHEN BECKHAM, #236548.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

INITIAL BRIEF OF RESPONDENT

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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

Did the Administrative Law Court err as a matter of law in treating the Parole Board's denial as a "routine denial" under *Cooper* and *Compton* where the Agency assembled a parole file that was materially incomplete with respect to statutorily required parole criteria.

STATEMENT OF THE CASE

On June 12, 1994, a Newberry County sheriff's deputy responded to a single-vehicle wreck in Little Mountain with a fatality. The deputy noticed the victim possessed injuries not consistent with the traffic accident, so an investigation began. After a one-year investigation, authorities arrested Richard George Anderson, who cooperated and informed investigators that he had been hired by the victim's estranged husband, Appellant Stephen Beckham, to assist with the murder. He told them that Appellant had brought his badly beaten wife to an arranged location where they murdered her and staged the accident to cover up the murder. Based on Mr. Anderson's confession, Appellant was arrested.

After a trial, Appellant was convicted for murder, kidnapping, and conspiracy on October 4, 1996. The Honorable Henry F. Floyd sentenced him to life in prison, and because of aggravated factors Appellant would not be parole eligible for thirty years.

Appellant appeared before the Parole Board for his first opportunity on November 19, 2025. The Board unanimously denied parole to Appellant due to: 1) the nature and seriousness of the current offense, and 2) indication of violence in this or previous offense. R. *. Appellant then filed a request for reconsideration, alleging factual inaccuracies in the file and procedural errors as it relates to victim notification. R. *. On December 30, 2025, Respondent denied the request for reconsideration. R. *.

Appellant subsequently appealed to the Administrative Law Court (ALC), arguing again that the alleged factual inaccuracies violated due process and that Respondent's procedures in providing for inmate review of their parole files also violated due process. The ALC dismissed the appeal on the basis that this was an appeal from a routine denial of parole. Appellant then appealed to the Court of Appeals. Respondent's brief follows.

STANDARD OF REVIEW

The ALC has authority over decisions regarding parole eligibility arising from the Parole Board and the Department of Probation, Parole and Pardon Services. *Furtick v. S.C. Dept. of Prob., Parole & Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2004). Under the appellate standard of the Administrative Procedures Act, the ALC's review is limited to the record, absent irregularities in the procedure of the agency. S.C. Code Ann. § 1-23-380(4). Additionally, the court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but 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). However, "an administrative law judge shall not hear... an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services." S.C. Code Ann. § 1-23-600(D). For routine denials of parole, the ALC is tasked to review whether the Board followed the requirements of *Cooper v. South Carolina Dept. of Probation, Parole and Pardon Services*, 377 S.C. 489, 661 S.E.2d 106 (2008).

In an appeal from an ALC decision, the Administrative Procedures Act provides the standard of review. S.C. Code Ann. §1-23-610(B). This Court may only reverse the decision of the ALC if that decision is:

- (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.

“The [C]ourt may not substitute its judgment for the judgment of the [ALC] as to the weight of the evidence on questions of fact.” *Id.* In determining whether the ALC's decision was supported by substantial evidence, this Court need only find, looking at the entire record on appeal, evidence from which reasonable minds could reach the same conclusion that the ALC reached. *Hill v. S.C. Dep't of Health and Envtl. Control*, 389 S.C. 1, 9–10, 698 S.E.2d 612, 617 (2010).

ARGUMENTS

1. The Administrative Law Court properly dismissed the appeal.

In appeals from the Parole Board's denial of parole, the ALC has limited authority to review the decision of the Board and only looks to whether the Board followed the proper procedure. *Cooper*, 377 S.C. at 500, 661 S.E.2d at 112. In this case, the ALC properly dismissed the appeal because it correctly determined the Board followed the procedure outlined in *Cooper*.

The South Carolina Supreme Court in *Cooper* held that if the notice of rejection clearly states that the Board carefully considered the Board's own criteria of parole consideration (enumerated in Form 1212), the factors outlined in S.C. Code Ann. § 24-24-640, and the actuarial needs assessment required in S.C. Code Ann. § 24-21-10(F)(1), the ALC will have limited authority to hear the appeal. This holding was clarified in *Compton v. South Carolina Dept. of Probation, Parole and Pardon Services*, 385 S.C. 476, 685 S.E.2d 175 (2009). In *Compton*, the Supreme Court stated that if the Board follows the procedure in *Cooper*, “the decision will constitute a routine denial of parole and the ALC will have limited authority to review the decision.” *Id.*, 385 S.C. at 479, 685 S.E.2d at 177. In the instant case, the ALC determined that the procedures outlined in *Cooper* were followed thus making the Board's decision a routine denial of parole. Therefore, the ALC's dismissal was appropriate and this Court should affirm.

2. Appellant was able to address the Board and report any inaccuracies, remedying any issue regarding the completeness of the parole file.

Appellant argues that the parole file was incomplete by claiming that certain victims were not given proper notice by Respondent and that the sentencing judge was listed incorrectly in the parole file. Even though he identified those inaccuracies and had the opportunity to raise them to the Board, he argues that this Court should overturn the Board's decision and remand the case for another hearing.

Respondent would respectfully argue that the ALC is not tasked with ruling upon what makes a materially complete parole file, and that this Court should also decline to do so as well. Respondent submits that a remand to correct minor errors that could have been raised during the hearing by the inmate – or in fact were raised – is unnecessary and beyond the limited jurisdiction of the ALC in parole matters. This Court should affirm the ALC's dismissal of the appeal.

This Court decided *Kelsey v. S.C. Dept. of Probation, Parole and Pardon Services*, 441 S.C. 373, 893 S.E.2d 588 (Ct. App. 2023) (cert. denied March 5, 2024), ruling that because of the language in the Department Form 1212 indicating that inmates should raise any perceived inaccuracies to the Board, that implied the right to review their file. *Id.* at 378, 893 S.E.2d at 591. However, nowhere in the opinion did this Court say that when errors are found by the inmate, the appellate courts must remand for correction and re-investigation as Appellant demands.

Appellant first claims inconsistencies regarding victim notification, arguing that it was “selective” and cast a “distorted portrayal of victim sentiment” to the Board. Brief of Appellant p. 8. Respondent would first submit that the ALC properly dismissed this argument as going to the Board's decision-making authority. The ALC is only concerned with the question of *if* the Board considered the criteria outlined in Cooper, not *how* the Board decided. Given its limited authority over routine parole denials, the ALC should not remand a case for a new hearing just because the

inmate alleges some item in the parole file could be construed negatively. This is especially true in this case, because the victims Appellant refers to *appeared and were given time to speak*. R. * (Response to Rehearing Request).¹

Appellant also identified an inaccuracy about the sentencing judge listed in the parole file. Respondent concedes that Judge Henry Floyd was inadvertently listed as Judge Sidney Floyd in the file but would argue the ALC was not required to remand for this error. The 30-day notification requirement for parole hearings applies to victims, solicitors, and law enforcement agencies, but not judges. S.C. Code § 24-21-221. Instead, the only time the trial judge must be notified is when the Board actually awards parole. See S.C. Code § 24-21-610. “In all cases cognizable under this chapter the Board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, parole a prisoner...”

Appellant ties these inadvertent yet harmless omissions to the criteria for parole consideration and argues that the Board’s decision is invalidated, necessitating reversal and remand. The ALC correctly declined to entertain this argument. Appellant is demanding absolute perfection in a parole packet and arguing anything short of that must require a remand. This Court’s holding in *Kelsey* is limited to allowing an inmate review his or her file and to report any perceived inaccuracies to the Board. It does not hold that any error or omission alleged by the inmate must require a remand, especially when the inmate had the opportunity to report it to the Board.

Respondent respectfully submits that this Court’s intention when it ruled that inmates should have the ability to review their files and report inaccuracies based on the language of Form

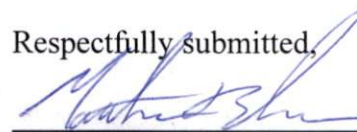
¹ Respondent would also emphasize that the rights afforded to victims under the South Carolina Constitution belong to the victims, not the defendant. Those rights can be subject of a writ of mandamus, but they cannot overturn a court’s action. See *State v. Price*, 441 S.C. 423, 446-447, 895 S.E.2d 633, 645 (2023). By the same analysis, victims’ rights should not require a remand of the Board’s decision, and even more so when asserted by the inmate and not the victim.

1212 was not to burden the ALC with a flood of appeals asking for do-overs based on perceived errors or technicalities. Even in criminal trials where defendants' due process rights are at their highest, errors do not automatically require reversal. See *State v. Rivera*, 402 S.C. 225, 246, 741 S.E.2d 694, 705 (2013) "Most trial errors, even those which violate a defendant's constitutional rights, are subject to harmless-error analysis." Parole consideration hearings, in which inmates have due process rights at their lowest ebb, should not be reversed and remanded any time an inmate discovers a technical error in his file. This Court should affirm the decision of the ALC dismissing the appeal.

CONCLUSION

The ALC correctly determined that the Parole Board followed the requirements of *Cooper* and *Compton* by clearly stating in its letter of parole denial that it considered all the requisite factors of parole consideration. Therefore, it properly dismissed the appeal when Appellant took advantage of the opportunity to review his parole file before the hearing and to report any perceived inaccuracies to the Board. Respondent respectfully requests the ALC's decision dismissing the appeal be affirmed.

Respectfully submitted,



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