

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Rodney Kyle, #177490,

Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 26-ALJ-15-0004-AP

FINAL ORDER

RECEIVED

AUG 03 2026

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to Notice of Appeal filed on February 20, 2026, by Rodney Kyle (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC). On January 22, 2026, the South Carolina Department of Probation, Parole and Pardon Services (Department or Respondent) notified the Appellant of the South Carolina Parole Board's (Parole Board) unanimous decision to deny the Appellant parole. The Appellant appeals the Parole Board's denial of parole on the basis that the Parole Board is using a static sentencing factor to permanently nullify parole eligibility.

On April 20, 2026, the Department filed the Record on Appeal (ROA) with the court. On April 27, 2026, the Appellant filed a Motion to Compel Completion of ROA and on May 1, 2026, the Department filed a Motion in Opposition to Appellant's Motion to Compel Completion of the ROA. On May 8, 2026, the Appellant filed his Reply to the Department's response and on May 22, 2026, the court denied the Appellant's motion. On May 26, 2026, the Appellant filed his brief. On June 12, 2026, the Department filed the Respondent's brief and Motion to Dismiss arguing that because the Appellant is appealing a routine denial of parole, that should end the court's inquiry and make this matter ripe for dismissal. On June 23, 2026, the Appellant filed his Reply Brief and Response to the Department's Motion to Dismiss arguing that eight (8) consecutive denials on identical grounds over fifteen (15) years is not a routine denial of parole. After careful consideration of the parties' brief and the applicable statutes, the Department's decision is affirmed.

FILED

07/02/2026

SC Admin. Law Cour

BACKGROUND

On January 31, 1991, the Appellant cut the phone and cable lines to the victims' house. He stabbed the male victim in the chest, resulting in the male victim's death. The Appellant then attacked a female victim, chasing her from the house and assaulting her in the yard. A neighbor witnessed the assault and called the police.

The Appellant was charged with murder, Burglary 1st Degree, and assault and battery of a high and aggravated nature. On May 30, 1991, the Honorable Richard Fields sentenced the Appellant to life in prison for the murder of the male victim and concurrent sentences for Burglary 1st Degree and assault and battery of a high and aggravated nature. At the time of the Appellant's offenses, South Carolina law provided for parole eligibility after twenty (20) years for murder. On April 13, 2011, the Appellant first appeared before the Parole Board and was denied parole. The Appellant has appeared seven (7) additional times before the Parole Board, with his most recent appearance on January 21, 2026. The Parole Board unanimously denied the Appellant parole based on the nature and seriousness of the offense, indication of violence in this or a previous offense; and the use of a deadly weapon.

ISSUES ON APPEAL

1. Whether the Parole Board followed the procedure outlined in *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 661 S.E.2d 106 (2008), thus making this a routine denial of parole?
2. Whether the court's role is to look behind the statement by the Parole Board that it had carefully considered all the requisite factors of parole consideration?

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*. See *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (establishing an administrative review process for inmate appeals); see also *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*, 377 S.C. at 495-96, 661 at 109-10 (2008) (citation omitted). If, however, the Board “deviates from or renders its decision without consideration of the appropriate [statutory] criteria, . . . it essentially abrogates an inmate’s right to parole eligibility and, thus, infringes on a state-created liberty interest.” *Id.* at 499, 661 S.E.2d at 111. Thus, this court may review decisions from the Department for violations of statutory procedure or procedural due process only but may not review the Parole Board’s substantive decision to deny an appellant parole.

In reviewing such matters, the court sits in its appellate capacity. *See id.* at 497, 661 S.E.2d at 110 (citation omitted); *Al-Shabazz*, 338 S.C. at 377, 527 S.E.2d at 754 (citation omitted). 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). 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). 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.*

DISCUSSION

The Appellant argues that the Parole Board’s boilerplate decision does not satisfy the requirements of *Compton v. S.C. Dep’t of Prob., Parole and Pardon Servs.*, 385 S.C. 476, 684 S.E.2d 175 (2009), and thus his appeal does not constitute a routine denial of parole. Furthermore, the Appellant asserts that the Parole Board’s exclusive reliance on his immutable offenses violates the statutory mandate of individualized assessment as is evidenced by the Parole Board’s failure to address the Appellant’s institutional conduct, programming, parole plan, or risk assessment in its decision.

The Department argues that an inmate’s parole denial appeal to this court is limited to a review of whether the Parole Board complied with procedures as outlined in *Cooper v. South Carolina Dept. of Probation, Parole and Pardon Services*, 377 S.C. 489, 661 S.E.2d 106 (2008). Further, if the Parole Board states in its letter of rejection that it carefully considered the required

factors, then pursuant to *Compton* the Parole Board's decision constitutes a routine denial of parole, and this court has limited authority to review the decision. In this case, the Appellant's notice of rejection clearly states that the Parole Board considered the factors published in Department Form 1212, the factors outlined in both S.C. Code Ann. § 24-24-640 and § 24-21-10(F)(1), and the actuarial needs assessment. Therefore, the Department asserts that pursuant to *Cooper* and *Compton*, this court must dismiss the appeal and the final decision of the Parole Board must be affirmed.

As stated *supra*, parole is not a right, but a privilege. *State v. Dingle*, 376 S.C. 643, 649, 659 S.E.2d 101, 104 (2008) (citing *Sullivan v. S.C. Dep't of Corrs.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 n.4 (2003)). The discretion to grant parole lies solely with the Parole Board. *Id.* at 649, 659 S.E.2d at 104-05 (citing *State v. McKay*, 300 S.C. 113, 115, 386 S.E.2d 623, 623-24 (1989)). If, in denying parole, the Parole Board follows proper procedure, then its decision will constitute a routine denial of parole and summary dismissal of the case would be appropriate. *See Cooper*, 377 S.C. at 500, 661 S.E.2d at 112; *see also Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). The proper procedure for the Parole Board to follow includes considering the factors outlined in Section 24-21-640 of the South Carolina Code, as well as those listed in the Department's parole form (Form 1212). *Cooper*, 377 S.C. at 500, 661 S.E.2d at 112; *Compton*, 385 S.C. at 479, 685 S.E.2d at 177; *see also* S.C. Code Ann. § 24-21-640 (Supp. 2019) (setting forth the statutory factors warranting parole). Additionally, the Parole Board must utilize an actuarial assessment tool in making its parole determinations. *See* S.C. Code Ann. § 24-21-10(F)(1) (Supp. 2019).

If the Parole Board fails to follow proper procedure, giving due consideration to the specified factors, an appellant is denied his liberty interest in parole eligibility. *Cooper*, 377 S.C. at 499, 661 S.E.2d at 111. If, however, the Parole Board adheres to procedure and considers all the requisite factors, the appellant's liberty interest is protected, and the Parole Board has the discretion to deny parole based on any of the factors found in Section 24-21-640 or its own criteria. *See id.* at 499, 661 S.E.2d at 111-12. Here, the Parole Board's order reflects that it considered all the appropriate factors – including those set forth in Section 24-21-640, the Department's own criteria for parole consideration, and an actuarial risk and needs assessment pursuant to Section 24-21-10(F)(1) – before making its decision to deny the Appellant parole. Thus, as a routine denial of parole, the court's ability to further review this matter is limited:

[T]he Parole Board may avoid [reversal of its parole determinations] if it 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. If the Board complies with this procedure, 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. Under that scenario, the ALC can summarily dismiss the inmate's appeal.

Cooper, 377 S.C. at 500, 661 S.E.2d at 112; *see Compton*, 385 S.C. at 479, 685 S.E.2d at 177. Consequently, because the record reflects that the Parole Board routinely denied the Appellant parole after complying with the necessary procedure, the court may not interfere with the Department's determination. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department's decision is **AFFIRMED**.
AND IT IS SO ORDERED.

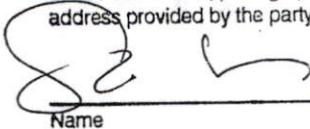


S. Phillip Lenski
Administrative Law Judge

July 2, 2026
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has served this notice/order in the above entitled-action upon all parties to this case 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).


Name

July 2, 2026
Date