THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Robert Spigner, #65500, Appellant,

v.

South Carolina Department of Probation, Parole, and Pardon Services, Respondent.

Appellate Case No. 2024-000093

Appeal From The Administrative Law Court
Phillip Lenski, Administrative Law Judge

Unpublished Opinion No. 2026-UP-433
Submitted July 1, 2026 – Filed September 2, 2026

AFFIRMED

Robert Spigner, pro se.

Matthew C. Buchanan, of Columbia, for South Carolina Department of Probation Parole and Pardon Services.

PER CURIAM: Robert Spigner appeals an order from the Administrative Law Court (the ALC) affirming the denial of his parole. On appeal, he argues the parole board (the Board) used improper criteria in denying his parole. He further argues that the ALC erred in failing to consider the "reliable, substantive evidence" in reviewing his appeal. We affirm.

In December 1970, a victim was found in an abandoned taxi with a shot to her head and her throat cut. Investigators ultimately determined Spigner was connected to this crime and brought him in for questioning. Spigner admitted he robbed the victim but stated his co-defendant shot her. He was arrested and a trial was held in September 1971. Spigner was convicted of murder and sentenced to life in prison. In 1981, Spigner was granted parole.[1] However, in September 2000, Spigner's parole was revoked for "absconding supervision, admitting to the use of cocaine and crack cocaine, fail[ing] to maintain employment[,] and testing positive for marijuana."

Spigner has appeared before the Board ten times since his revocation, and the Board has denied parole each time.[2] The denial now on appeal was heard on June 21, 2023. The Board stated it considered the (1) characteristics of Spigner's current and prior offenses, prior supervision history, prison disciplinary record, and/or criminal record; (2) factors from the "Criteria for Parole Consideration" Department Form; (3) factors from section 24-21-640 of the South Carolina Code; and (4) "actuarial risk and needs assessment factors" from section 24-21-10(F)(1) of the South Carolina Code (2025). It unanimously denied Spigner's parole based on "the nature and seriousness of the current offense, use of [a] deadly weapon in this or previous offense[, and Spigner]'s failure to successfully complete a community supervision program." Attached to the Board's order was the Department Form that was signed by Spigner, which states the criteria the Board must consider.

Spigner appealed the denial to the ALC on July 21, 2023. In the ALC's order (the Order), it stated Spigner challenged the denial of his parole because "the criteria that was in effect at the time of his parole violation in 1971 controls his parole[,]" and therefore, the Board's "use of incorrect criteria renders him ineligible to be a part of the parole program." The ALC held the Board considered all of the appropriate factors, including those found in section 24-21-640. It further held, citing to *Cooper v. S.C. Department of Probation, Parole & Pardon Services*[3], that

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[1] The law in effect at the time allowed parole eligibility upon the service of ten years. S.C. Code Ann. § 55-611(2) (Supp. 1970).

[2] In 2013, Spigner appealed an ALC order affirming the Board's decision, and in that appeal, Spigner raised the same argument he now raises regarding whether the Board considered the proper criteria. *See Spigner v. S.C. Dep't of Prob., Parole & Pardon Servs.*, Op. No. 2015-UP-204 (S.C. Ct. App. filed May 27, 2015). Our court affirmed the ALC on this issue.

[3] 377 S.C. 489, 661 S.E.2d 106 (2008) (outlining what a parole board must

because the Board "complie[d] with this procedure," it had limited authority to review the Board's decision and could "summarily" dismiss Spigner's appeal. Spigner did not file a Rule 59(e), SCRCP, motion. This appeal followed.

We hold the ALC correctly found the Board followed the proper procedure, which included consideration of the appropriate factors and required criteria. *See* S.C. Code Ann. § 1-23-610(B) (2005 & Supp. 2025) ("The court of appeals . . . may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is: . . . in violation of constitutional or statutory provisions . . . ."); *Buchanan v. S.C. Dep't of Prob., Parole, & Pardon Servs.*, 442 S.C. 393, 404, 899 S.E.2d 600, 606 (Ct. App. 2023) ("[T]he Board's procedure is proper 'if [the Board] clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the . . . factors published in its parole form.'" (quoting *Cooper*, 377 S.C. at 500, 661 S.E.2d at 112)); § 24-21-640 ("This criteria must reflect all of the aspects of this section and include a review of a prisoner's disciplinary and other records."). The Board stated in its order that it considered the (1) characteristics of Spigner's current and prior offenses, and his prison disciplinary record and criminal record; (2) factors from Department Form 1212 ("Criteria for Parole Consideration"); (3) factors from section 24-21-640; and (4) "actuarial risk and needs assessment factors" from section 24-21-10(F)(1). It unanimously denied Spigner's parole based on "the nature and seriousness of the current offense, use of [a] deadly weapon in this or previous offense[,] and for [his] failure to successfully complete a community supervision program." Further, the Board included the Department Form that outlined the criteria it used in its consideration, and the Form was signed by Spigner. Therefore, we hold the Board followed the proper procedure and addressed the required factors and criteria.

Further, we find the evidence supports the ALC's determination. *See Barton v. S.C. Dep't of Prob. Parole & Pardon Servs.*, 404 S.C. 395, 401, 745 S.E.2d 110, 113 (2013) ("In determining whether the ALC's decision was supported by substantial evidence, this [c]ourt need only find, looking at the entire record on appeal, evidence from which reasonable minds could reach the same conclusion that the ALC reached."). Spigner committed a serious and deadly crime with the use of a weapon and the killing included both a gun and a knife. *See* S.C. Code Ann. § 16-1-60 (2015 & Supp. 2025) (providing murder is included as a violent crime). Spigner also failed to complete his supervision program. Further, after being released, his parole was revoked for using drugs, absconding, and failing to

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consider when reviewing a request for parole).

maintain employment. Additionally, Spigner did not provide any evidence that he believes the ALC should have considered. As such, we hold there was substantial evidence to support the ALC's decision.

AFFIRMED.[4]

WILLIAMS, C.J., and MCDONALD and TURNER, JJ., concur.

[4] We decide this case without oral argument pursuant to Rule 215, SCACR.