

APP UNTIMELY = EXHAUSTING GRIEVANCE FIRST

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Curtis Richardson, #269166,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 25-ALJ-15-0031-AP

ORDER

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SEP 25 2026

SC Court of Appeals

This matter is before the South Carolina Administrative Law court (ALC or Court) pursuant to a Notice of Appeal filed by Appellant Curtis Richardson (Appellant), challenging a decision of the South Carolina Department of Probation, Parole, and Pardon Services (Department).

BACKGROUND AND PROCEDURAL HISTORY

Appellant is an inmate at the South Carolina Department of Corrections (SCDC). On August 7, 2025, the Department's Parole Board issued a Notice of Rejection unanimously denying parole based on the nature and seriousness of Appellant's offense, Appellant's criminal record indicating poor community adjustment, and Appellant's failure to successfully complete a community supervision program. On August 18, 2025, Appellant filed a Step 1 Grievance to SCDC stating, "I was denied parole without legal justification and I want to file an ALJ court appeal." SCDC's response to Appellant's grievance, dated August 25, 2025, stated, in pertinent part, that "the issue you have presented is outside of SCDC control."

On October 3, 2025, the ALC Clerk's Office received a submission from Appellant and, in response, issued a Memorandum to Appellant regarding the requirements of the Rules of Procedure for the ALC (SCALC Rules) related to notices of appeal. The October 3, 2025 Memorandum stated that Appellant "must use the Notice of Appeal form required pursuant to SCALC Rule 57 and 59"¹

¹ SCALC Rule 57 provides, in pertinent part, that "[t]he Court shall prescribe the content and format of forms required by these Rules. The use of required forms as prescribed is mandatory." SCALC Rule 59 provides, in pertinent part, that "[t]he notice [of appeal] shall be on a form prescribed by the Court pursuant to Rule 57...." Similarly, the Notes section of SCALC Rule 59 provides, in pertinent part, that "[t]he notice of appeal must be on the Court's prescribed form and must be filed and served within thirty (30) days of receipt of the order appealed from."

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SC Admin. Law Court

and enclosed a copy of that form. The Memorandum further informed Appellant that SCALC Rule 59(C) requires a notice of appeal to include a copy of final decision being appealed.²

On October 9, 2025, Appellant filed his Notice of Appeal, using the correct form and including the Parole Board's Notice of Rejection. Appellant's filed Notice of Appeal indicated (incorrectly) that he received the Department's parole denial decision on September 11, 2025,³ and set forth the following factual basis for his appeal:

(I demand \$100,00.00 per day.)

I was denied parole without legal justification and the Board also acknowledged me being illegally in prison by 33 page brief forward [sic] to same in support of my innocence.

On October 16, 2025, this appeal was assigned to the undersigned Administrative Law Judge. On November 19, 2025, Appellant filed a document styled as a "Motion for Release" which contended the Parole Board denied parole notwithstanding Appellant's submission of "legal documents supporting my innocence and supporting my illegal sentence and illegal incarceration." Appellant's Motion for Release argued his invalid sentence entitled him to be released by the Parole Board, and to an award of monetary damages. The Motion for Release "demands \$100,000 per day from 8/7/25 up to today's date and release today on parole...."

On December 1, 2025, the Department filed the Record on Appeal. On December 16, 2025, Appellant filed his appellant's brief. On January 8, 2026, the Department filed its respondent's brief. On January 22, 2026, Appellant filed his reply brief.

DISCUSSION

Although the Department does not challenge the Court's jurisdiction to hear this appeal, the Court has an independent obligation to ensure it has the statutory jurisdiction to determine an appeal. *See Levi v. N. Anderson Cnty. EMS*, 409 S.C. 374, 380, 762 S.E.2d 44, 47 (Ct. App. 2014) (appellate jurisdiction can be raised by court at any time); 4 C.J.S. Appeal and Error § 84 (May 2025 Update) ("An appellate court has the duty to determine the question of its ... jurisdiction on

² Pursuant to SCALC Rule 59(C), an inmate's notice of appeal "shall contain ... a copy of the final decision that is the subject of the appeal and the date of receipt."

³ As will be discussed *infra*, given that Appellant filed on August 18, 2025 a Step 1 Grievance with SCDC challenging the Parole Board's August 7, 2025 decision denying him parole, he necessarily received the Parole Board's Notice of Rejection no later than August 18, 2025.

its own motion, and dismiss an appeal if jurisdiction is lacking, even when the parties do not raise the issue.”).

As a creation of statute, this Court only has those powers statutorily granted to it. *See, e.g. S.C. Dep’t of Consumer Affs. v. Foreclosure Specialists, Inc.*, 390 S.C. 182, 186, 700 S.E.2d 468, 470 (Ct. App. 2010) (“The statutes do not grant the Department or the ALC authority to exceed their statutorily granted powers.”); *Responsible Econ. Dev. v. S.C. Dep’t of Health & Envtl. Control*, 371 S.C. 547, 553, 641 S.E.2d 425, 428 (2007) (“As a creature of statutes, regulatory bodies like DHEC have only the authority granted them by the legislature.”). To that end, subsection 1-23-600(D) of the South Carolina Code (Supp. 2025) confers jurisdiction on this Court “over all appeals from final decisions of contested cases pursuant to the Administrative Procedures Act, Article I, Section 22, Constitution of South Carolina, 1895, or another law.” Pursuant to the Supreme Court of South Carolina’s decisions in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. S.C. Department of Probation, Parole & Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2003), the ALC’s appellate jurisdiction includes inmate appeals. Inmate appeals are subject to the appellate review provisions of S.C. Code Ann. § 1-23-600(E) (Supp. 2025) and the Rules of Procedure for the ALC (SCALC Rules).

SCALC Rule 59 requires that a notice of appeal be filed with the Court within thirty days of an inmate’s receipt of the decision. SCALC Rule 59. This thirty-day deadline for filing (and service on all parties) is based on the statutory requirement found in Section 1-23-600(E) that the ALC’s appellate review “must be in the same manner as prescribed in Section 1-23-380,” which states, in relevant part, that “[p]roceedings for review are instituted by serving and filing notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency....” S.C. Code Ann. § 1-23-380(1) (Supp. 2024). Thus, failure to timely file and serve a notice of appeal deprives the Court of jurisdiction. *See Simpson v. Sanders*, 314 S.C. 413, 445 S.E.2d 93 (1994) (holding that “strict compliance” with the terms of a statute of creation “is mandatory in order to exercise the right” created by that statute); *Skinner v. Westinghouse Elec. Coop.*, 380 S.C. 91, 94, 668 S.E.2d 795, 796-97 (2008) (noting that “jurisdictional appealability issues are governed by statute[,]” and “the right of appeal arises from and is controlled by statutory law”) (citations and quotation marks omitted); *see also Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider

the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”); *Hill v. S.C. Dep’t of Health & Envtl. Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) (“The service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended...”); *Burnette v. S.C. State Highway Dep’t*, 252 S.C. 568, 167 S.E. 2d 571 (1969) (a court does not have the authority to extend the time for filing an appeal, or for serving notice of appeal, from a decision of an administrative agency).

Here, the record reflects that Appellant did not file his appeal within thirty days of receiving the Parole Board’s Notice of Rejection. The Notice of Rejection indicates it was sent to Appellant’s mailing address (Tyger River Correctional Institution, 200 Prison Road, Enoree, South Carolina, 29335-9309)⁴ on August 7, 2025. The record reflects Appellant received the Notice of Rejection, *at the latest*, by August 18, 2025, i.e., the date Appellant filed a Step 1 Grievance to SCDC. Thus, Appellant had until September 17, 2025, at the latest, to file and serve his notice of appeal. Appellant did not file a compliant Notice of Appeal, i.e., a notice of appeal set forth on the Court-required form that included the Parole Board’s final decision, until October 9, 2025, by which time the Department’s final decision was no longer appealable.⁵ Appellant therefore did not timely invoke this Court’s appellate jurisdiction. Because Appellant did not timely perfect his appeal, this Court is without jurisdiction to determine the issues therein.⁶

Moreover, even had Appellant timely filed his Notice of Appeal, this Court would be without subject matter jurisdiction to consider Appellant’s claims. Appellant’s central contention on appeal is that his sentence is invalid “due to lack of an indictment / an invalid sentence sheet.” Such issues are not in the purview of the Department or this Court. *See* S.C. Code Ann. § 17-27-20(B) (providing that the Uniform Post-Conviction Procedure Act “takes the place of *all other common law, statutory or other remedies* heretofore available for challenging the validity of the conviction or sentence [and] shall be used exclusively in place of them.”) (emphasis added).

⁴ This is the same address set forth by Appellant in his Notice of Appeal.

⁵ Indeed, even Appellant’s first attempted filing at the ALC, on October 3, 2025, was untimely, as the filing deadline, at the latest, was September 17, 2025.

⁶ While the Court has the authority to extend time limits “established [in the SCALC Rules]” pursuant to SCALC Rule 62, the Court has no authority to extend statutory timelines, such as the one for filing and serving a notice of appeal, which is at issue in this case. *See e.g., Sadisco of Greenville, Inc. v. Greenville Cnty. Bd. of Zoning Appeals*, 340 S.C. 57, 59, 530 S.E.2d 383, 384 (2000) (“This Court has consistently stated that service of the Notice of Appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the Notice of Appeal must be served.”).

Similarly, Appellant's request for monetary damages of \$100,000 per day is not within this Court's authority to consider; only a trial court in the judicial branch would have subject matter jurisdiction over a tort claim. *Sabb v. S.C. State Univ.*, 350 S.C. 416, 567 S.E.2d 231 (2002). COMMON PLEAS

Finally, although not raised by Appellant as an issue in this appeal,⁷ the Court observes that the Parole Board's decision withstands the limited review the ALC is authorized to conduct with respect to routine denials of parole. The contours of the Court's authority to review parole denials is governed by statute and by decisions interpreting and clarifying *Furtick*, *supra*, including *Cooper v. South Carolina Department of Probation, Parole & Pardon Services*, 377 S.C. 489, 499, 661 S.E.2d 106 (2008)⁸ and *Compton v. South Carolina Department of Probation, Parole & Pardon Services*, 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009). The ALC has authority to review a determination that an inmate is permanently ineligible for parole. *See Furtick*, 352 S.C. at 598, 576 S.E.2d at 149. However, the Court's authority to review routine parole decisions is statutorily limited; Section 1-23-600(D) of the South Carolina Code (Supp. 2025) provides that "[a]n 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." Thus, for parole denials that do not amount to a finding of permanent parole ineligibility, this Court's review examines only whether the Parole Board followed the proper procedure in making its decision. *Cooper*, 377 S.C. at 499, 661 S.E.2d at 111 ("If a Parole Board deviates from or renders its decision without consideration of the appropriate criteria, we believe it essentially abrogates an inmate's right to parole eligibility and, thus, infringes on a state-created liberty interest."). Where 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 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 [and] the ALC can summarily dismiss the inmate's appeal." *Id.* at 500, 661 S.E.2d at 112; *see also Compton*, 385 S.C. at 479, 685 S.E.2d at

⁷ The entirety of the Argument section of Appellant's brief is devoted to an argument that the Department's failure to respond to Appellant's November 19, 2025 Motion for Release entitles him to immediate release from incarceration and \$100,000 per day since the date of his Parole Board hearing. While Appellant is correct that failure to respond in opposition to a motion may be deemed consent to the relief requested therein pursuant to SCALC Rule 7, the rule cannot be applied here because a "Motion for Release" is not a cognizable motion in the context of this appeal, and because the Court lacks the authority to grant the requested relief.

⁸ *Cooper* was abrogated in part, on grounds unrelated to the issues in this appeal, by *Allen v. South Carolina Department of Corrections*, 439 S.C. 164, 886 S.E.2d 671 (2023) (clarifying use of the term "subject matter jurisdiction" with respect to inmate appeals).

177 (“[I]f 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 ... the decision will constitute a routine denial of parole and the ALC will have limited authority to review the decision.”). Here, Appellant does not argue that the Parole Board’s denial order failed to clearly state that the Parole Board considered the factors outlined in S.C. Code Ann. § 24-21-640 (2025) and the factors published in Form 1212, as contemplated by *Cooper* and *Compton*, and the record shows that the Parole Board’s denial order included a clear statement to that effect. For the foregoing reasons, the Court concludes that Appellant received the process to which he is entitled, and that the Parole Board followed the proper procedure in denying Appellant parole. S.C. Code Ann. § 1-23-600(D); *Cooper* at 500, 661 S.E.2d at 112; *Compton*, 385 S.C. at 479, 685 S.E.2d at 177.

ORDER

IT IS THEREFORE ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

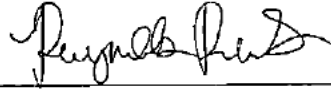


Samuel L. Johnson
Administrative Law Judge

July 27, 2026
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Reynolds C. Rawls, 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).

A handwritten signature in black ink, appearing to read "Reynolds C. Rawls", is written over a horizontal line.

Reynolds C. Rawls
Judicial Law Clerk

July 27, 2026
Columbia, South Carolina