

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal from; SC. Administrative Law Court

John D. Mcleod, ALJ case # 2013-ALJ-15-0010-AP

Mathew S. Harris, #157334 - - - Appellant

Vs

SC. Probation, Parole, Pardon Services - - - Respondent

Appellant Case 2013-001399

=====

RECORD ON APPEAL

=====

Mathew S Harris, 157334
Evans Corr. Inst. F-3-B
610 Hwy 9 West
Bennettsville SC. 29512
Ph 843-479-4181
APPELLANT PRO SE

Mr. Tommy Evans, Jr
Assistant General Counsel
SC. Department of, Probation
Parole, Pardon Services
PO. Box 50666
Columbia SC. 29250
Ph 803-734-9220
COUNSEL FOR RESPONDENT

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew Harris, #157334,	)	Docket No. 13-ALJ-15-0010-AP
	)	
Appellant,	)	
	)	
v.	)	ORDER
	)	
South Carolina Department of Probation,	)	
Parole and Pardon Services,	)	
	)	
Respondent.	)	
_____	)	

STATEMENT OF THE CASE

This matter is before the Administrative Law Court ("ALC") pursuant to the appeal of the above named Appellant (Inmate), an inmate incarcerated with the South Carolina Department of Corrections. Inmate appeals from a decision of the South Carolina Department of Probation, Parole and Pardon Services ("Department") which denied him parole.

Appellant states as his issues on appeal, the following:¹ "Was the denial of his parole arbitrary and capricious?", and "Whether a portion of Respondent's Form 1212 Rev. A, violated the Freedom of Information Act?"

For the following reasons, the Department's decision is affirmed.

The Supreme Court of South Carolina has spoken clearly upon the jurisdiction of the Administrative Law Court in cases such as this.

We emphasize that in future parole review hearings the Parole Board may avoid the result in the instant case 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 v. SCDPPPS, 377 S.C. 489, 500, 661 S.E.2d 106, 112 (2008).

¹ Issues on appeal are paraphrased for brevity.

FILED

JUN 07 2013

SC ADMIN. LAW COURT

I have reviewed the record on appeal and in particular the NOTICE OF REJECTION dated January 31, 2013, and find that the parole board followed proper procedure in that it did consider the fifteen factors in Department Form 1212 and the factors outlined in § 24-21-640, mentioned above, and that this is a routine denial of parole.

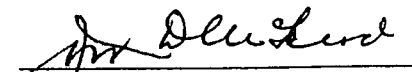
Moreover, § 1-23-600(D) provides "An administrative law judge shall not hear ... an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services."

ORDER

For the foregoing reasons, the Department's determination that Appellant should be denied parole in this instance is **AFFIRMED** and this appeal **DISMISSED**, with prejudice.

AND IT IS SO ORDERED.

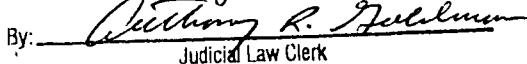
June 7, 2013
Columbia, S.C.


John D. McLeod, Judge
S.C. Administrative Law Court

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 7 day of June, 2013

By: 
Judicial Law Clerk

The Supreme Court of South Carolina

Matthew S. Harris, Appellant,
v.

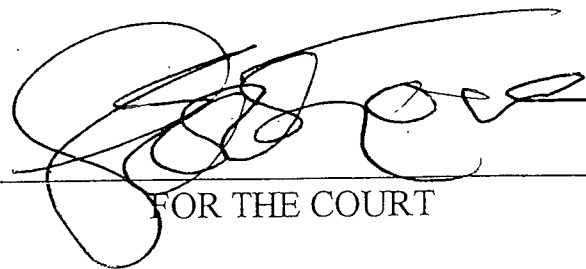
South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2013-001399

ORDER

Appellant has filed a document entitled "Request for Certiorari/Appeal." To the extent that this document is requesting this Court to issue a writ of certiorari to review the decision of the Administrative Law Judge, that request is denied.

Further, the document is construed as a notice of appeal and the notice of appeal is hereby transferred to the South Carolina Court of Appeals.



FOR THE COURT C.J.

Columbia, South Carolina

June 27, 2013

cc: Mr. Matthew S. Harris, 00157334
Tommy Evans, Jr., Esquire
The Honorable Jenny Abbott Kitchings

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

MATTHEW HARRIS, #157334..... APPELLANT

v.

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

RECORD ON APPEAL

Tommy Evans, Jr.
Assistant General Counsel

South Carolina Department of Probation,
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(803) 734-9220

ATTORNEY FOR RESPONDENT

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State of South Carolina
Department of Probation, Parole and Pardon Services

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NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, South Carolina 29250
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

January 31, 2013

Mr. Matthew Harris #00157334
Evans Correctional Institution
P.O. Box 2951202
Bennettsville, SC 295125202

RE: NOTICE OF REJECTION

Dear Mr. Harris:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense
Indication Of Violence In This Or Previous Offense

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Cooper".

Catherine Cooper
Director of Parole Board Support

1/30/2013

RECEIVED

IN THE STATE OF SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE, & PARDONS

007

TO: Ms. Kela E. Thomas; Director
and Board Members.
2221 Devine Street, Suite 600
PO. Box 50666
Columbia SC. 29250

February/ 11'th /2013

RE: Mathew S Harris, 157334
Evans Corr. Inst. F-3
Po. Box 2951202
Bennettsville SC. 29512

Sub: **Parole Reconsideration**

Dear Sir/Mame,

I am respectfully petitioning this agency/board for reconsideration and granting of parole; Or a more definitive statement on facts for denial. Order of rejection was dated 1/31/13, and received by me on Feb/7/2013.

Parole was created by statute SC Ann §24-21-10 et seq and SC Const Art IV §14 (rev 2009) <<see 1949 & 1973>>, as a means of relief and forgiveness from the judgments of the law, when actual constraint is not required, and this privilege should not be arbitrarily or comprisious denied even under the 2010 Amendments.

I believe that my prior prison and street record show that I have been rehabilitated, and I do not comprise a Risk to myself or society, and My Needs are not exceedingly burdensum to the goverment. I understand my crime and the sentence handed down by the judicial branch of goverment; and I am sorry for my actions and will naver do anything of the sort again.

I request a more definitive statement of the facts to support the conclusion of law in the order. I submit that this board has my whole record, are it should, and the reasons are Ambiguous to my case and history, and thus are being arbitrarily and comprisously used to deny me the legislative and constitutional privilege of parole. If a third party opinion, whether goverment or private is being used to sway this boards decision please make a statement of such, and let me know how to overcome this.

I pray that this board will reconsider its prior decision, and transfer my actual custody from the SCDC to the SCPPPSB, and partially restore my liberty.

Sincerely

/S/ Matthew Harris

State of South Carolina
Department of Probation, Parole and Pardon Services

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NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

2221 DEVINE STREET, SUITE 600
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COLUMBIA, SOUTH CAROLINA 29250
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www.dppps.sc.gov

March 7, 2013

Mr. Matthew Harris (#157334)
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

Dear Mr. Harris:

I am writing this letter on behalf of the S.C. Board of Probation, Parole and Pardon.

The Parole Board heard your request for a rehearing on March 6, 2013. After thorough consideration, and after having reexamined the parole file, the Parole Board decided that the reasons stated in your request did not affect the decision of the Parole Board, and would not affect the decision of the Parole Board if they were to rehear your case. Your request for a rehearing was denied by the Parole Board. The Board's decision is final.

Sincerely,

Cathy Cooper
Director of Parole Board Support

CC/eaw

South Carolina Department of Probation, Parole and Pardon Services
Criteria For Parole Consideration

SC Board of Probation, Parole and Pardon Services
P. O. Box 50666
Columbia, SC 29250

Inmate Name

Matthew Harris

SCDC #

157334

Criteria For Parole Consideration

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. These files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some error or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating upon the reasonable probability that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems, such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow him/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate;
15. Other factors considered relevant in a particular case by the Board.

Reservation of Discretionary Power of the Parole Board

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainees or pending charges.

If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

I certify that the above material has been explained to me, and I have received a copy.

Inmate's Signature

Matthew Harris

Date

10/3/12

Witness

Mayant B. Nolan

Date

10/3/12

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 13-ALJ-15-0010

010

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

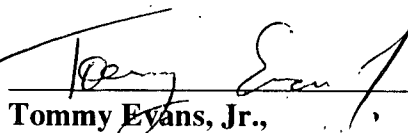
MATTHEW HARRIS, #157334..... APPELLANT

v.

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

CERTIFICATE OF COUNSEL

The undersigned certifies that this Record on Appeal complies with Rule 61 of the Rules of Procedure for the Administrative Law Court and contains all material proposed to be included in the Record on Appeal by all of the parties and not any other material.



**Tommy Evans, Jr.,
Assistant General Counsel**

South Carolina Department of
Probation, Parole and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220

March 15, 2013

011

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

On Appeal from Final Order of,
The SC. Dept. of Pardon, Parole, & Probation.

Docket #2013-ALJ-15-0010

Mathew Harris, #157334 - - - Appellant

Vs

The SC. P.P.P.S.B - - - Respondent

=====

Appellants Brief

=====

Mr. Tommy Evans, Jr
SC. Department of Probation,
Parole and Pardon Services Board.
PO. Box 50666
Columbia SC 29250
Ph # 803-734-9220

Office of General Counsel

Mathew S. Harris
Appellant Pro Se
E.C.I F-3-B-220
610 Hwy 9 West
Bennettsville SC. 29512
Ph #843-479-4181

Before Honorable: John D. Mcleod, ALJD

012

Statement of Issues on Appeal

I That the denial of parole was Arbitrary and Capricious, as defined in the orders dated 1/31/13 & 3/7/13, and is contrary to the facts and record of the case, on the Risk/Needs Assessment standards of SC. Ann. (2010) 24-21-10 et seq, and denies me the privilege of parole and its intended purpose the board was created for. Artical IV §14 SC Const (1895 Amended 1949 & 1973); In violation of the Privileges & Immunities Clause and Equal Protection of the 14'th Amend US Const: And the criteria set forth under 24-21-640 on Form 1212 Rev A 2002 at (1-15) dose not create a mandatory denial of parole, that was applied to me.?

II Whether the respondents Form 1212 Rev A, at ROA P.4 "criteria for Parole Consideration" second paragraph, is in violation of the Freedom Of Information Act (FOIA), in denying acsess to records used by state agency, under SC Ann (1976) §§30-4-30 et seq, and §24-21-640; and such investigations exclude letters and favorable reports to the board members themselvs; And whether an incomplete ROA was filed under Rule 58(B)(D)(F) ALC, showing a lack of sufficient valid facts to support denial.?

Statement of Case

I was charged with Murder by Warrant # c117311 dated 9/14/1988. The Lexington County grand jury returned a true bill indictment # 1989-GS-32-0626 on 4/10/1989. I plead not guilty "Justification" and was convicted and sentenced to life on 4/18/1989. My conviction & sentence was vacated by PCR judge, case # 92-cp-32-2316, on 10/9/1993, on legal & constitutional issues, and discrepancy in facts was noted.

I was taken back for retrial in July/1998, and was again convicted and sentenced to life. The Constitutional & Legal challenges are pending on the trial and conviction.

I became eligible for Early Release on parole in 2008, and I was denied parole in 2008 & 2010; And in the current case on Jan/31/2013. I petitioned the Parole board for reconsideration on 2/11/13, denied on 3/7/13. The nature of the boards denial of parole is based on procedure of law as mandatory. No other response or defence has yet been stated.

I filed a notice of appeal from the denial of parole dated Feb/26/2013, and properly served parties. The case was assigned to the Honorable John Mcleod on, 2/28/13, case # 13P0010. The respondents filed the Record on Appeal (ROA) dated 3/15/13.

I have attached an additional Statement of Facts (Stm.fct), along with Appellants Exhibit (App. EX), that I believe is relevant to this appeal.

I WHETHER THE DENIAL OF PAROLE WAS ARBITRARY AND CAPRICIOUS, AS DEFINED IN THE ORDERS DATED 1/31/13 & 3/7/13, AS CONTRARY TO THE FACTS AND RECORD OF THE CASE; ON THE RISK/NEEDS ASSESSMENT STANDARDS OF SC. ANN (1976, 2010) 24-21-10 ET SEQ; AND DENIES ME THE PRIVILEGE AND GRACE OF PAROLE AND ITS INTENDED PURPOSE THE BOARD WAS CREATED FOR BY LAW AND SC CONSTITUTION ARTICLE IV §14 (1895 AMENDED 1949 & 1973): IN VIOLATION OF THE PRIVILEGES AND IMMUNITIES CLAUSE, & EQUAL PROTECTION CLAUSE OF THE 14TH §1 US CONST: AND THE CRITERIA SET FORTH UNDER 24-21-640 ON FORM 1212 (ROA @ P.4) DOES NOT CREATE A MANDATORY DENIAL OF PAROLE, THAT WAS APPLIED TO ME.?

Argument

- 1: The respondents ROA at P. shows that, the final order, rested on a finding of fact, of nature and seriousness of current offence, and second, indication of violence in this or previous offence. See also appellants (Stm Fct @ 1-9). This finding of fact was made pursuant to Form 1212 id (ROA @ p.4) and 24-21-640 and held that as a result, "Parole MUST be denied".
- 2: I filed a timely request for reconsideration, and this was denied. (Roa @ p.2,3). The board concluded on 3/7/13, that after review of the "Parole File", they would not change their mind on rehearing.
- 3: The ROA filed by respondent dated 3/15/13, does not contain the "Transcripts" of the contested hearing, nor the parole file relied upon by the board, or summary from the investigation reported to the board, nor evidence to support the finding of fact and conclusion of law.
- 4: We are not allowed the Compact Disk by SCDC, nor have transcribing

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abilities and resources, and Form 1212 denies access to parole file.

5: The nature of my conviction of murder is always serious, and no aggravating circumstances are present, nor evidenced in the records, but mitigating circumstances exist, id (Stm Fct @ 7-8), and I have no prior offences or violent rules violations within SCDC, id (Stm Fct @ 1-6).

6> I submit and argue that; the finding of fact to deny parole on nature and seriousness of current offence is too ambiguous on points (1)(2)(3) at ROA p.1, and Roa P.4(2), as shown in the (Stm Fct), and state records, that should have been presented to the board by investigators, is contrary to fact, and mitigating circumstances of the case.

Here the board also found that parole MUST be denied, citing 24-21-640, when the mandatory language is unreasonable and unfair, in relation to actual facts and the law itself, since I am eligible for early release. This is an arbitrary and capricious finding on incorrect and ambiguous reasoning, that has resulted in loss of privileges of liberty granted by state legislature and constitution, id SC Jur §2 Probation, Parole & Probation, Historic Background, and SC Jur §12 Authority and power to grant or deny parole, and SC Jur §16 Summary Disqualification from parole eligibility. This further amounted to an arbitrary denial, protected by the 14th §1 amend US Const, of privileges and immunities of un-necessary continued actual custodial restraint and confinement.

7> I also submit and argue that; The finding of fact on "indication of violence in this or previous offence" is redundant, and makes an incorrect finding on the Points of law at ROA P.1 & 4, in that I do not have any priors, nor any previous violent offences either criminal or SCDC administrative, id ROA & (App Ex), nor should the parole file not presented or relied upon indicate such. This is an arbitrary and capricious finding and denial of parole by the state agency, without adequate and sound fact, that denies due process and equal protection of 24-21-10 et seq, and this court under 1-23-150 et seq should remand same for correction.

8> The form 1212 at ROA p.4, while it specifies discretionary and claims same, has used the 15 points to make a finding of fact and denial of parole as mandatory, id Cooke V Solis 606 F.3d 1206 (9th cir 2010) [state parole systems may create liberty interest in parole release that are entitled to protection under due process], and Board of pardons V Allen 482 US 369, 96 L.ED 2d 303, in

27 32

015

reverse of disclaimers; When the record itself shows that to the extent reasonably possible, that dose not involve the conjectural opinions of others, I have met, and should support the discretionary function in my favor. [If] the board has relied upon opinions, as such is indicated by victums statements in (App.Ex P.03-10). This type of denials on victums rights id Art 1 §24 SC Const, would be arbitrary and capricious in light of Ex Parte Littlefield (SC 2000) 343 SC 212, 540 SE.2d 81, as such emotions are often the result of a never ending personal vendetta to control well established state privileges, and I was even blamed for natural causes of death and mental illness not relevant. The request for Reconsideration sought to uncover reasonable correct facts, and the courts in US V McCormic 54 F.3d 214 (5'th Cir 1995), Phifer V Clark 115 F.3d 496 (7'th Cir 1997), and Furnari V Warden 218 F.3d 250 (3rd Cir 2000) all found on same principles that Parole boards must have correct factual basis for denying parole when eligibility requirments are met.

9> Although it is widely held that SC Statutes and Regulations, no longer² mandate a constitutional right itself to parole release, or create a liberty intrest; there is a constitutional and common practice right, not to just use the board and its powers to arbitrary deny release on incorrect or unreasonable and contrary facts to satisfy capricious public and private desires, when actual custody is no longer necessary to protect state and inmate intrest.

=====

² The 1985 amendments to 24-21-10 et seq along with many other rights and laws; took out the mandatory languages that created a liberty intrest, and substituted may & ect, under the OMNIBUS crime bill. Omnibus is a latin neuter word, meaning everything. This was a a violation of Art 1 §24, §27, §23 SC Const, under the auspice of Art XVI §1 (1985 Act No 6), (1989 Act No 11), which had previously been used in (1972 57 3197) and others that has resulted in the perversion of the SC Const 1895. Art. III §16, §17.

II WHETHER THE RESPONDENTS FORM 1212 REV A, AT ROA P.4 "CRITERIA FOR PAROLE CONSIDERATION" 2ND PARAGRAPH, IS IN VIOLATION OF THE (FOIA), IN DENYING ACSESS TO RECORDS USED BY STATE AGENCY, UNDER SC ANN (1976) 30-4-30 ET SEQ, AND 24-21-640; AND SUCH INVESTIGATIONS EXCLUDE LETTERS AND FAVORABLE REPORTS TO BOARD MEMBERS THEMSELVS; AND WHETHER AN INCOMPLETE ROA WAS FILED UNDER RULE 58(B)(D)(F), 61 ALC, SHOWING A LACK OF SUFFICIENT VALID FACTS TO SUPPORT DENIAL.?

2712

1: The respondents filed there ROA with certificate dated 3/15/13. The ROA contained 4 pages, 2 orders, request for reconsideration, and form 1212.

2: I filed a petition for reconsideration, id ROA p.2, that sought reasonable explanation and discovery of facts relied upon in the denial of parole, which was denied, ROA P.3.

3> I submit and argue that the disclaimer of access to parole file, at ROA P.4 or investigations material that is submitted for determination on parole, is in violation of the (FOIA) 30-4-30--140, and that letters and favorable reports, presented on behalf of parole, id (App. Ex p.11-13) may not even reach the board members, and incomplete or false information and facts may be presented without question, contrary to 24-21-640, and result in an arbitrary and capricious denial of parole.

4> I further submit and argue that the evidence and records contained in the ROA do not support the orders of denial, as shown in my (Stm Fct) and (App.Ex).

Conclusion

Wherefor having made my appeal to this ALC, I respectfully request and pray that this court will;

Remand the Case back to the respondents for a hearing for parole on correct and complete finding of facts, that exclude arbitrary and capricious public and private opinions.

Make other relief as this court deems proper within its jurisdiction.

=====

This/10'th/Day of/ April /2013

Copy too:

Mr. Tommy Evans, esq
Office of general Counsel.

Sincerely
Rule 11 SCRPC => /s/ Matthew Harris
Mathew S Harris, #157334
Appellant Pro Se

I "appellant" CERTIFY that this brief meets the requirements RULE 60 ALJD, and the attached Statement of Facts meets the requirements of Rule 60(B)(2) ALC; and the attached Appellants Exhibit meets the requirements of Rules 401, 402 SCRPC, to the best of my ability and knowledge.

Statement of Facts

Rule 60(B)(2) ALC

Harris v SC.P.P.P.S.B Docket #2013-ALJ-15-0010

1. The order denying parole on 1/31/13, ROA @ p.1, list the finding of facts as; "Nature and Seriousness of Currant Offence", and "Indication of Violence in this or Previous offence". the order declares that Parole "MUST" be denied under SC Ann. (2010) 24-21-640 which is mandatory language. see also ROA @ p. 4(2)(3)(5)(15). I do not have any prior criminal convictions, nor a history of violence. I only have minimul SCDC violations of rules, id. (App.Ex @ p.14). The state records of fact show I am not a repeat offender, and I plead justification at both trials.
2. I have taken offered SCDC programs and work in the Private Sector prison industries, earning federal minimum wage, and pay all taxes and fees, ROA @ p.4(5)(6)(9), see also (App.Ex @ p.1,14,15). Here I have worked hard to avoid becoming institutionalized, and am Rehabilitated, and actual confinement and restraint on my liberty is no longer necessary.
3. I have remorse, and have from the begining, and have expressed this to the parole board, and victums family, but this has been viewed as not enough no matter what, to the point of personal vendetta, and contrary to the complete facts and law. ROA @ 4(2)(4)(13)(14)(15), see also (App.Ex @ p3--9). There's nothing I can do or say that will change the attitudes of my victums, or goverment officials, nor the circumstances of the crime itself. The greatest damage appears to have been after the fact, when me and others panicked and tried to cover it up and hide the body, and we were never charged with this, and I carry the sole blame, and I am sorry to no end.
4. I am supported by family, and friends, and have a valid and sufficient parole plan, ROA @4(1)(7)(10)(11)(12), and am Financially able. I also will not be living in South Carolina, but will be with my sister in Indiana until, I can be independent. (App.Ex @ 11-13).
5. The denial of the petition for rehearing, without providing information sought, leaves arbitrary and capricious the only known reason to deny parole, as I am not a Risk to the Community or myself, or others named or unnamed, ROA @ p.4(1) and I have earned my GED, and additional work skills in computers and programing in the private sector, since Ive been locked up. I

018

understand the cause and nature of my crime, and will never do any such thing again.

6. The respondents filed an incomplete (ROA), dated 3/15/13. it dose not include transcripts of contested hearing, or evidence to warrant the finding of facts at ROA P.1, nor sufficient materials to deny reconsideration.

7. The facts of the Nature & Seriousness of my crime, stated in Order "Finding of Fact" ROA @ p.1:

The Gist of the circumstances be; Me and my brother and his wife was at home drinking a few beers, and just normally enjoying ourselves, when Jeffery Bass [whom we knew and had prior contact with], came over and partied with us. As he got drunk, he became belligerent and started accusing me of steeling his drill, that we had used, and this had been discussed & debated earlier that week and resolved. As he started getting irate, he admitted to having secretly pointed a rifle at me through the living room window. He was wearing a knife on his side, and was a great deal larger and more aggressive than I, and kept making threats to me, and even swatted Barbara on the butt and sneared. He was asked to leave several times, but changed his demeanor each time and remained. When he again lunged at me with a threat, I moved to the living room, and retrieved a base ball bat from under the couch, and remained on the couch for about 20 min, and he stayed in the kitchen where they kept talking to him. I then went back to the kitchen without the batt and he lunged at me again with threats to kill me. I went to the living room, picked up the bat and went out the front door, around to the back porch, and stood there waitng on him to leave. The door to the kitchen was open except screen door. He knew I was on the porch, and stated again loudly he was going to kill me, so I went in the kitchen and he grabbed his knife and I hit him in the head, and he came at me again and I hit him in the head again, and he fell. There was a lot of blood, and we tried to revive him, but he died.

There was then panick and confusion, and there was a collective effort to hide the body, so we wrapped him up, and carried him out to the neighborhood refuse container. Several days later and much debate, Barbara told her friend which was an SCDC Officer. Me and Hayne was arrested. We were not charged with desposing of a body, or the cover up, which happened after the fact of the crime itself; But this was used to sway the jury.

I have the greatest respect toward my victums family, and there lost, and authority, but believed at the time I had to act that way, and there was no

M4

malice, only self preservation. ROA @ p.4(4) and (App.Ex P.3-10, 12-13).

8. I was the only one put on trial in 1989, and I was denied a fair and impartial trial on the elements of the offence, in which the evidence was insufficient. This was overturned on jury instructions, but doubt in facts noted. I remained in prison for about five years without any conviction or pretrial procedures until July/1998.

On retrial in which my PCR attorney represented me, a deal was struck between my lawyer and the prosecutor before the judge, not to allow prior certified testimony that was exculpatory to me, and I was denied witnesses and defence. I took the stand, and my testimony was controlled by state, yet I rebutted there claims. Jury instructions of inference and presumption, by court and prosecutor was made among other acts by state and court in collusion with my counsel, that denied me a fair and impartial trial. Even a juror admitted to extra activities, and expressed reasonable doubt, but would vote with the majority no matter what. I was also denied full and fair Post trial challenges on the constitutional and legal issues, that remain un adjudicated. Pending on 28-USC-2241(d), & §1331 Original Jurisdiction habeas corpus, due to inadequate state process.

9. There is no evidence in the ROA or Respondents record that the board made a fair and reasonable finding on the actual facts of the case.

Sincerely & Respectfully

Rule 11 SCRCF =>

/s/ Matthew Harris
Mathew S Harris, #157334

Affiant deposes above under oath!

STATE OF SOUTH CAROLINA
In The Administrative Law Court

=====

Mathew Harris #157334 - - - Appellant

VS

The SC.P.P.P.S.B - - - Respondent

=====

Appeal from Final Decision.

Case #2013-ALJ-15-0010

Appellants Exhibit

Mathew S Harris
Appellant Pro Se
Evans Corr. Inst. F-3-B-220
610 Hwy 9 West
Bennettsville SC. 29512
Ph # 843-479-4181

Before Honorable; John Mcleod, ALJD

021

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022

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Mathew S. Harris, #157334

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

NOTICE OF APPEAL

DOCKET NO. 13 ALC-15010-AP

Notice is hereby given that Mathew S. Harris, 157334 does hereby appeal the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated 1/31/2013 and received on Feb/07/2013, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

I appeal the order not to grant parole: As the decision and order is ambiguous, and dose not state specific facts it relies upon: Futher because I am "By Law & Record" eligible for parole, under the (2010) amend to SC. Ann. §21-24-10 et seq (Risk / Needs Assement) standard; That I am being Arbitrarly & Capriciously denied the privilege of parole, and its intended purpose, SC. Const. Art IV §14 (1949 & 1973) Amend, and due process of this law. If a 3rd parties opinion is used as a vendetta the order should state the facts. The nature of my offence was based on justification. No prior Record.

Mathew S Harris

Appellant's Name

610 Hwy 9 West

Mailing Address

Bennettsville SC. 29512

City, State, Zip Code

Signed

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Mathew S Harris (your name), on the 26 day of Feb, 2013, in Bennettsville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Tommy Evans / SC.P.P.P.S.B / Legal Services

Address: 2221 Devine St, Suite 600 / PO Box 50666

City, State, Zip Code: Columbia SC 29250

MATTHEW HARRIS
Print your name

Matthew Harris
Sign your name

01

0231

State of South Carolina
Department of Probation, Parole and Pardon Services

MARK SANFORD
Governor



SAMUEL B. GLOVER
Director

2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, South Carolina 29250
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

September 29, 2010

Mr. Matthew Harris #00157334
Evans Correctional Institution
P.O. Box 2951202
Bennettsville, SC 295125202

RE: NOTICE OF REJECTION

Dear Mr. Harris:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following **CONCLUSION OF LAW**:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense
Indication Of Violence In This Or Previous Offense
Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

A handwritten signature in cursive script that reads "Heyward A. Hinton".

Heyward A. Hinton
Director of Hearings & Parole Board Support

02

9/29/2010

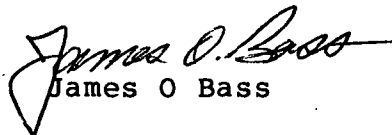
Matthew Scott Harris
Muderer of Jeffrey Neal Bass

I have received a letter from the Director, Division of Victim Services indicating that you had written a letter to me and my family expressing remorse and offering to answer any questions we may have. This comes after spending over 20 years in prison for the heinous murder of Jeffrey Neal Bass. It is obvious that your attorney (whose fees, I might add have been paid by the Bass family and other taxpayers to insure that your constitutional rights are protected-(not ours)has advised you that until such time as you express remorse, your chance for parole is nil! NOW, after putting Jeffs family through wholly hell for 20 years with your appeal, lies, and failure to stand up and take your punishment like a man, you want to express remorse! Too little - too late!!

I, personally, don't want to hear anything you have to say. I can't speak for what is left of Jeffs family, his mother and one of his brothers having passed away. Personally, I would like to see you live to 110 and be the oldest man ever to die in prison and I could attend your cremation but neither will ever happen. But as long as I breathe and am able to attend your parole hearing, I will be there and express the family's objection to your parole, in no uncertain terms.

If you wonder why I am so bitter, let me set the record straight. First of all, not only did you brutally murder my oldest son, at the tender age of 33 years old, but you dumped his lifeless body into a dumpster as though it was a piece of trash. This prevented his family and love ones having a funeral with an open casket and pay our respects. Instead, after his body lay in the dumpster for over 5 days and then dumped in the landfill, it was so deteriorated that we had to have Jeffrey cremated.

God may forgive you - I never will. May your soul rot in hell for eternity!


James O Bass

Matt Harris,

I am Jeff's sister and I have some comments and questions to ask you.

First, if you truly realized that you had done something wrong, which I think is a very mild way of putting what you did to my brother, 3 years after you were incarcerated, why do you keep appealing your sentence? When you first came up for probation, why didn't you say some of the things you have written in this letter? If what you said were true, you would have taken your sentence for the crime you committed, which was murder my brother in a very brutal way. You hit him with a baseball bat, first from behind, which in no way could be considered self-defense, to the head, then as he turned, you hit him again to the front of his head. Then as he lay there, you and your brother wrapped his body in a blanket and carried him to the dumpster and threw him in it like a piece of trash. Was he dead then, who knows? You, your brother and his wife were not medically trained, so who knows? He could have laid there, maybe he was unconscious, maybe he came to and was gasping for life wondering what had happened to him, where he was, why was he in so much pain. These were some of the thoughts that have haunted my family. He was in there for

days until the dumpster was emptied into a landfill. All the while, when you sobered up, you all knew what you had done.

You knew his family and girlfriend were searching for him, still no one came forward.

If it hadn't been for your neighbor and your brothers' wives breakdown while washing the bloody items from trying to cover up what you had done, we would have spent the rest of our lives seaching for our brother, wondering what happened, knowing he was probably dead, but maybe that he would show up one day.

Can you imagine what it was like for my poor father to have to identify his son, after days of laying with garbage, I can't? I have two children myself, and that would have been devastating to me. That image would be burned in my brain the rest of my life.

Perhaps, they should have made you three view what you had done to my brother while you were sober so you could have that image to haunt you every night, while you were paying for what you did.

I also want to let you know that you impacted all of my family's lives. Just as I am sure you have your family's. The difference being that someday you may get out and they will have you in their lives again. I am certain they are able to see you, talk to you, write to you. We have never had that

chance and never will, because of you. I have said this to you before, do you remember that? Back when you did this, victims and their family's had no rights, you had all of them. My family was taken into a room and told that WE would be thrown out of court if anything else was said to you. Can you imagine that, I saw you and your brother and sister-in-law laughing in court, I was numb and heart-broken.

And I wasn't allowed to say anything to the people that were responsible for changing our lives FOREVER! I had an infant daughter at that time and thank god for her father then, because I couldn't function from day to day. I had to go to a state mental hospital for therapy and anti-depressants to get my life back to a somewhat normal one.

My poor mother never really was the same after that, she too on anti-depressants. Then, when she lost her second son to a massive coronary, at 40, no warning, she vowed the next time she saw her children it would not be at a funeral. She left her home and her life to be near the rest of us. Then, Thanksgiving 2007 she was diagnosed with a brain tumor and told she had 3-6 months to live. Within 2 weeks of that she lost her speech and the use of the right side of her body. I moved her in with me and cared for her until she died in my arms on May 15th 2008, right after Mothers Day. But my mother was not the same mother I knew after

you killed my brother. Neither was my Dad. He also found my brother when he died, can you imagine that? Two of his three sons he had to see lifeless?

All the holidays changed for our family after you killed Jeff. The most difficult time is Jeff's birthday, August 9th, then the day you killed him, one month later, Sept 9th.

Christmas is nothing but a reminder of who will not be with us and why.

You know people say things when they are angry, but they shouldn't have to pay for it for the rest of their lives or lose their life because of it. I argued with Jeff before he died, and I have carried that with me every day, every year, I will never be able to say I am sorry, I love you, I miss you to him. You took that away from me and you took his life because he said something that made you angry. I want you to know that you have caused a family's life to be forever changed.

I want you to cry the tears we have all cried, lose all the sleep we have, feel the empty holes we all have in our hearts for the loss of our brother, son, uncle, grandson, nephew, everything that Jeff was to our family.

I feel sorry for your family and how you have affected their lives. You have changed their lives as well.

I don't feel sorry for you, you are where you need to be. I still believe you have not accepted the blame for what you have done.

I find it hard to believe that you had not been in trouble before. I was told by Jeff's girlfriend that Jeff helped your brother and sister-in-law out before and was their friend and there were no problems until you showed up.

You met my brother, three months later, drunken or not you brutally beat him with a baseball bat and wrapped his body up and threw him away like a piece of garbage, because of something he said. THAT is not normal.

I am begging God to make you feel all the pain that this family has felt for what you did, when you finish reading this letter.

That is my prayer.

I do not want to hear about another appeal from you or your lawyer.

I want to hear an acceptance of complete guilt at your next hearing and a realization of all that you took from everyone when you CHOSE to take away Jeffrey Neil Bass's life.

038

That is what I pray for.

Jeff's sister,

Jackie Hall

Jackie Hall

037

~~037~~

1 REGARDING SENTENCING. YOU KNOW, I KNOW WHAT MR. BASS, JIM
2 BASS HAS SAID ALL ALONG. HE'S SAID -- HIS QUALM WAS NEVER
3 WITH THE SENTENCE. HIS SON WAS MURDERED. HE FELT LIKE IT
4 WAS MURDER, AND THAT'S WHAT HE HOPED THE JURY WOULD DO. AS
5 RELATES TO SENTENCING, WE'VE TALKED ABOUT A NUMBER OF
6 SENTENCING OPTIONS, AND THE SENTENCE HAS NEVER BEEN A MAJOR
7 CONCERN. I GUESS MY ONLY CONCERN IS IF YOU SENTENCE MR.
8 HARRIS TO 30 YEARS AT THIS TIME, I DON'T KNOW THAT WE KNOW
9 FOR CERTAIN WHAT THE DEPARTMENT OF CORRECTIONS IS GONNA DO
10 WITH IT.

11 THE COURT: WELL, WHY DON'T YOU ALL LET---

12 MR. HUMPHRIES: THAT'S THEIR CONCERN I GUESS.

13 MS. FULLWOOD: COULD WE PERHAPS DEFER SENTENCING UNTIL
14 LATER IN THE DAY. I WOULD LIKE AN OPPORTUNITY TO MAYBE CHECK
15 WITH THE DEPARTMENT OF CORRECTIONS AND TRY TO GET SOME
16 INDICATION OF HOW THEY WOULD CONSTRUE A SENTENCE LIKE THAT.

17 THE COURT: WELL, NOW I DON'T WANT YOU ALL TO GET YOUR
18 HOPES UP.

19 MS. FULLWOOD: I UNDERSTAND, JUDGE.

20 THE COURT: I JUST---

21 MS. FULLWOOD: AND IN A WAY, IT COULD BE 6 OF ONE AND
22 HALF A DOZEN OF ANOTHER.

23 THE COURT: I DON'T SEE ANY WAY THAT THEY COULD IMPOSE
24 UPON HIM THE 85 PERCENT RULE.

25 MR. HUMPHRIES: AREN'T THEY PART AND PARCEL THOUGH?

11-13-2012

~~032~~

032

Dear Parole Board
I Am writing to you on behalf of my
nephew Matthew D. Harris.
to let you know when Mathew gets
Released on parole that he will have
a home to come to as long as he needs
to or as long as he wants he has a home
with me. I will provide him with
all his needs. whatever they might be.
he assured Mathew does have family
that will help him in any way we
can. We do love him with all our
hearts and we will help him in every
way we can. I am Mathews mother's
Sister. my name is Glenda Bonshure
Mathew's Aunt. Sincerely
Glenda Bonshure

my address is

1352 Ballater DR.
Murfreesboro TN.
37128

Matthew Harris #157334
E.C.I.F 3A-253

My cell phone NO. is
765.1215-3527

033

(0000)

P. 12

12-3-12

Dear Board,

Please allow me To Give a brief Summary of my Accomplishments during my incarceration.

During The Parole hearing, between being nervous and Trying To get in as much as possible, it's easy To forget Key Points That I may forget To say.

To start with, as well as a copy of classes taken ←

Long Term Ans
Regular →

in The Past, I'm sending a copy of my Financial statements (most current). The reason for This is

To show That besides family support That I have waiting for me, I've got an Escrow account and a Regular Cooper account That with both combined come To more Than \$20,000.00 and climbing. This would make for a very good headstart To starting a new life. I am good with working and always have worked all my life. I've learned several Job skills in here as well as ones I've already known on The street, Carpentry, Auto Mechanics, Pre-Electronics, Home and industrial wiring, Diog-Electronics (still in Progress), and The most current for The Past 15 Years, Computer Skills - I write The Test Programs for anything from Bomb sniffer Harness for The Trucks in IRAQ To The Boeing Jet Series To simple Alarm systems. Although I can do many different Types of work, I do like working with

The computer The most because of The diversity of Things it can do.

I've gotten my G.E.D. in here and am very Proud To say I am still continuously learning.

I've quit all bad habits of drinking, Smoking cigarettes, even quit drinking coffee (for my health). There is Always Temptation of These Things in here but, I decided To Take a stand and do The right Thing.

This is actually How I started saving my money, To Prove That I can get it any time I want it, but I choose Not To. And That really makes me feel good about myself.

I can not Tell my victims how Incredibly Sorry I am for what I've done To Them and Their families, I've Tried and words alone can not do it. I have myself and only myself To Blame. I realize my Wrongs and I Know There is NO way To completely Undo Them, but I would like To Prove not only To my victims, but Society as well That I am a Productive and Responsible Person. I Know This can only be done with Proof and I Plan To do Just That if Given The chance.

Again, I want To Keep This brief and Thank You So much for Your Time

Charges.txt
Matthew Harris #157334

- (1) 1989 [MAJOR] Contraband (Had wood in my room with out a Hobbycraft License)
- (2) 2002 [MAJOR] Distruction of State Property (Took the bolts out of my bed)
- (3) 2005 [Minor] Under The Influance (Had two jars of wine in my room)
- (4) 2008 [Minor] Contraband (Had extra Electronic parts (a Resistor) in my Typewriter)

035

04

SCDC # 157334

SUMMARY

HARRIS, MATTHEW SCOTT

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT SENTE

0367

PROGRAM NAME	ENROLLED	TERM DTE	TERM STATUS
SELF-ESTEEM	02/15/95	03/15/95	COMPLETE-EXC. PARTICIPA.
TRANSACTIONAL ANALYSIS	02/07/95	03/14/95	COMPLETE-EXC. PARTICIPA.
ANGER MANAGEMENT PH I	10/20/94	11/17/94	COMPLETE-EXC. PARTICIPA.
LONG TERM OFFENDERS GROUP	04/08/94		
PROB SOLV & DECISION MKG	08/26/93	09/09/93	COMPLETE-EXC. PARTICIPA.
STRESS AND ANGER MGT	08/24/93	09/07/93	COMPLETE-EXC. PARTICIPA.
SOCL WRK REFER/PROG SERV	12/02/91	02/07/92	SERV RENDERED & COMPLETED
CASE MANAGEMENT	11/07/91	02/07/92	SERV RENDERED & COMPLETED
SHORT TERM COUNSELING	08/31/91	11/13/91	SERV RENDERED & COMPLETED
PSY-SOC EVAL-GENERAL	08/31/91	08/31/91	SERV RENDERED & COMPLETED
CRISIS INTERVENTION	05/21/91	05/21/91	SERV RENDERED & COMPLETED
MENT HEALTH STATUS ASSESS	11/13/90	11/13/90	SERV RENDERED & COMPLETED
ADV INST SUBS ABUSE PROG	10/18/90	12/04/90	COMPLETE-AVG. PARTICIPA.

RESPONSE>

PAGE> 0001

SELECT AN OPTION...

PFKEY 3:ADD 4:MOD ENTER:INQ

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SCDC # 157334

SUMMARY

HARRIS, MATTHEW SCOTT

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT SENTE

PROGRAM NAME	ENROLLED	TERM DTE	TERM STATUS
CRISIS INTERVENTION	05/22/90	05/22/90	SERV RENDERED & COMPLETED

Completed victim's Impact in July, 2013

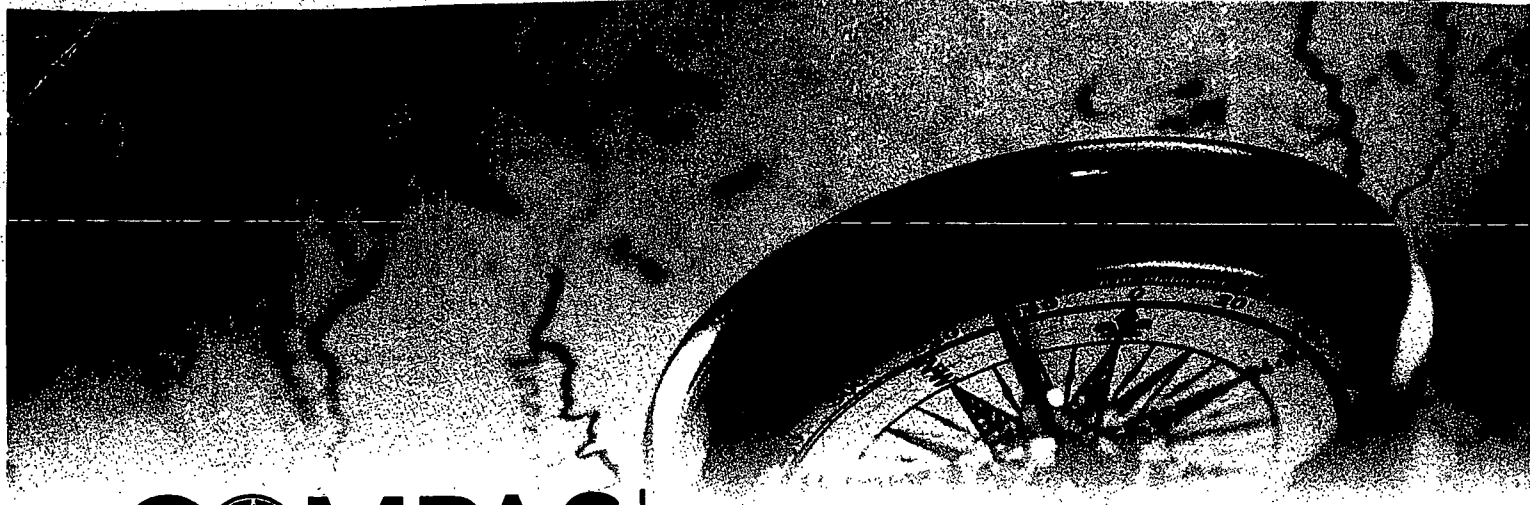
RESPONSE>

PAGE> 0002

PFKEY 3:ADD 4:MOD ENTER:INQ

4-©	1 Sess-1	167.7.50.33	SCDC1245	3/9
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P15



COMPAS | CORE

comprehensive offender assessment, classification and case management

The **COMPAS** system is an integrated computerized assessment and case management system including Core, Youth, Reentry and Women's assessment modules for criminal justice practitioners who must make decisions regarding community placement, supervision, treatment and case-management of offenders. **COMPAS** is used through pre-trial, probation, institutions, parole and community corrections across the country.

In overloaded criminal justice systems brevity, efficiency, ease of administration and the clear organization of key risk/needs data are critical. **COMPAS** optimizes these critical factors. We acknowledge the trade-off between comprehensive coverage of key risk and criminogenic need factors on the one hand, and practicality on the other. **COMPAS** deals with this trade-off by providing a comprehensive set of key risk and criminogenic needs factors that can be customized so that an agency can selectively trim down the set of risk/need scales to achieve the ease of use, practicality and focus that are critical for decision support.

COMPAS Core

Northpointe has developed a complete database called **COMPAS Core** that allows the user to track case planning, placement outcomes, offender profiles, program participation, caseload termination reasons and more. Other key features of the **COMPAS Core** are:

- * Measures Critical Risk and Need Areas
- * Integrated Case Planning and Outcomes Tracking
- * Built-in Custom Report Generator
- * Regression, Typology and Narrative Reports
- * Secondary Assessments
- * Case Supervision Review Instrument
- * Fully Automated and Scalable
- * Separate Male and Female Norms
- * Local Norming Available
- * User Configurable
- * And More....

Northpointe Institute for Public Management is a research and consulting firm, offering software products, training and implementation services to local, state and federal criminal justice systems and policy makers. Northpointe provides the tools to improve decision making for individuals, agencies and communities, and has long been a leader in decision support services for the corrections industry. Northpointe helps clients through a variety of challenges to become well-trained and professional evidence-based organizations.

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P.16

ASSESSMENT & CASE HISTORY SUMMARY SCREEN

COMPAS|CORE Offender Summary

Menu: Home, Summary, Detail, History, Reports, Settings, Help

Offender Summary

Offender: 1111111111

Case: 00-01000-1

Application: ABA

State Set: Standard ABA

Gender: Male

DOB: 01/01/1979

Current Address: 1111111111

Current Phone: 1111111111

Current Email: 1111111111

Current Status: Open

Current Date: 01/01/2008

Current Time: 11:11:11

Current User: 1111111111

Current Session: 1111111111

Current Assessment: 1111111111

Current Case Plan: 1111111111

Current Risk: 1111111111

Current Needs: 1111111111

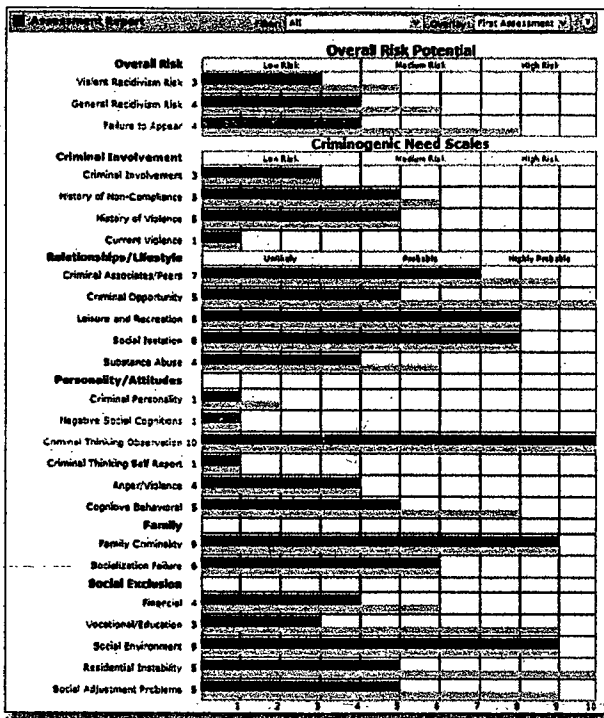
Current History: 1111111111

Current Reports: 1111111111

Current Settings: 1111111111

Current Help: 1111111111

COMPAS MAIN RISK & NEEDS REPORT WITH OVERLAY



CASE PLAN WIZARD SCREEN

COMPAS|CORE Case Plan

Menu: Home, Summary, Detail, History, Reports, Settings, Help

Case Plan

Offender: 1111111111

Case: 00-01000-1

Application: ABA

State Set: Standard ABA

Gender: Male

DOB: 01/01/1979

Current Address: 1111111111

Current Phone: 1111111111

Current Email: 1111111111

Current Status: Open

Current Date: 01/01/2008

Current Time: 11:11:11

Current User: 1111111111

Current Session: 1111111111

Current Assessment: 1111111111

Current Case Plan: 1111111111

Current Risk: 1111111111

Current Needs: 1111111111

Current History: 1111111111

Current Reports: 1111111111

Current Settings: 1111111111

Current Help: 1111111111

Make Defensible Decisions

COMPAS has many Decision Support Applications:

- Pre-Trial Release
- Pre-Sentence Investigation Recommendations
- Probation/Parole Supervision
- Prison/Jail Reentry
- Institutional Treatment and Programming
- Case Management Plans
- Work Release Screening
- Community Corrections
- Early Release Screening for Crowding Control

Fully web-based and Windows compliant **COMPAS** is applicable to offenders at all levels from non-violent misdemeanors to repeat violent felons. **COMPAS** offers separate norms for males, females, community and incarcerated populations.

OFFENDER ASSESSMENT & CASE PLAN HISTORIES

All offender assessments and case plans are stored under a master offender identifier for easy access and review of previous assessment results and case plan progress. Static data from the most recent previous assessment is carried forward in the new assessment to minimize redundant data entry and assessment administration time. View previous case plans and outcomes to build on prior progress and learn from previous failures.

FULLY SCALABLE

COMPAS allows you to easily select ANY combination of its risk and needs scales to most effectively and efficiently inform your decision support needs across the offender processing continuum. After selecting your scale combinations **COMPAS** saves them as custom "scale sets" for repeated use in the assessment wizard. The main **COMPAS** Bar Chart Report visually compares your offender against all other offenders in the norm group. **COMPAS** allows for the reassessment of the offender over time and allows the user to "overlay" the current assessment chart over any previous assessment to visually compare dynamic changes in risk and need over time.

INTEGRATED CASE PLANNING

COMPAS includes an integrated case planning module that provides a template automatically populated with the offender's assessed needs results. Easy to use drop downs of "user configured" goals, tasks and activities tied to each need allows the user to build, and update over time, a custom case plan for each offender. The case plan also allows for the tracking of individual task referral, start and termination dates, termination reasons, service providers and other case outcomes.

ON-BOARD USER GUIDES

COMPAS automatically assists the user in navigating the software with intuitive navigation wizards. Data edit checks help assure consistent question responses. **COMPAS** includes both an Inconsistent and Random Response Test to help identify questionable offender self report responses. Complete on-board help guides and user manuals provide finger tip access to question definitions, software navigation and decision support.

STATE OF SOUTH CAROLINA
In the Administrative Law Court
Docket Number 2013-ALJ-15-0010

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APPEAL OF A FINAL DECISION
Department of Probation, Parole and Pardon Service

MATTHEW HARRIS, #157334, ... APPELLANT

v.

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

BRIEF OF RESPONDENT

Tommy Evans, Jr.
Assistant General Counsel

**South Carolina Department of Probation,
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(803) 734-9220**

ATTORNEY FOR THE RESPONDENT

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APPELLANT'S ISSUE ON APPEAL

1. Was the denial of parole arbitrary and capricious as defined in the orders dated 1/31/13 and 3/7/13, and is contrary to the facts and record of the case, on the risk/needs assessment standards of S.C. Ann. §24-21-10, and denies the Appellant the privilege of parole and its intended purpose the board was created for Art. IV §14 U.S. Const. In violation of the privileges and immunities clause and equal protection of the 14th Amend. U.S. Const. and the criteria set forth under 24-21-640 on Form 1212 do not create a mandatory denial of parole that was applied for?
2. Was the Respondents Form 1212 in violation of the Freedom of Information Act, in denying access to records used by a state agency under S.C. Ann. §§30-4-30 and 24-21-640 and such investigations exclude incomplete ROA was filed under Rule 58(B)(D)(F) ALC, showing a lack of sufficient valid facts to support denial?

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STATEMENT OF THE CASE

On September 9, 1988, the Appellant assaulted the victim Mr. Jeffrey Bass about the head and body with a baseball bat, he then submerged his head under water causing his death. The Appellant threw the victim's body in a dumpster, it was recovered days later in a landfill. Upon conclusion of their investigation, the Lexington County Sheriff's Department arrested the Appellant, and charged him with the offense of murder.

On April 18, 1989, the Appellant was found guilty by a jury of his peers. He was sentenced by the Honorable Julius Baggett for a term of incarceration for the remainder of his natural life. The case was reversed on post-conviction relief, and retried before the Honorable William Keesley on July 10, 1998. He was once again convicted and received another life sentence for the offense of murder. At the time the Appellant committed this offense, South Carolina law allowed a person serving a life sentence for murder parole eligibility upon the service of twenty (20) years.

The Appellant made his initial appearance before the Parole Board on September 10, 2008. Upon conclusion of this appearance, the Parole Board decided to deny the Appellant an opportunity for parole. Since this initial denial the Appellant has appeared before the board an additional two (2) times, last appearing on January 30, 2013. Parole was denied due to: 1) the nature and seriousness of the current offense; and, 2) an indication of violence in this or a previous offense. Upon being informed of this denial the Appellant requested a reconsideration. Once the request was received the Board decided to reexamine the Appellant's file. At the conclusion of this reexamination, the Board decided that the reasons for this request did not affect the final decision of the Parole Board. The Board decided to deny the Appellant's request

for reconsideration. The Appellant was informed of this denial of reconsideration, and immediately filed a notice of appeal before the Administrative Law Court (ALC).

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Within this appeal the Appellant alleges that the denial of parole was arbitrary and capricious; and, mandatory department criteria violated the Freedom of Information Act (FOIA). The Respondent argues that the reasons for denial followed the mandatory criteria; and, the information gathered by the Department is deemed privilege and exempt from the FOIA. The initial brief of the Respondent defending their argument follows.

ARGUMENTS

- 1. The denial of parole was neither arbitrary nor capricious, and the final order followed the aspects revealed by the court in the Cooper decision.**

The Appellant argues that the decision of the Parole Board denying his parole is arbitrary and capricious, and should be reversed and remanded for another hearing. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are arbitrary or capricious, characterized by abuse or discretion, or clearly unwarranted exercise of discretion. S.C. Code Ann. §1-23-380(6)(f)(Supp. 2012). The denial of parole was lawful and followed the mandatory criteria established by the General Assembly and the Department.

The General Assembly established criteria that must be considered prior to a decision made by the Parole Board. The South Carolina Code of Laws specifically state:

The board must carefully consider the record of the prisoner before, during and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board; that the prisoner has shown a disposition to reform; that, in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and, that suitable employment has been secured for him.

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S.C. Code Ann. §24-21-640(Supp. 2012)

There also exist fifteen criteria found in department policy that the board must consider.¹ This Department criterion does not replace the above referenced criteria, but is more specific. The Appellant argues that the reasons given for the denial of parole is arbitrary and capricious and should be remanded. The reasons given were valid and followed the mandatory criteria established under South Carolina law and Department policy.

The Appellant was denied parole due to the nature and seriousness of the offense of murder; and, the indication of violence that occurred during the commission of this offense. The Appellant committed the violent act of beating and drowning a man to death. Vehement opposition against parole was voiced to the board by the victim's family; the Lexington County Sheriff's department; and, the Eleventh Circuit Solicitor. Pursuant to South Carolina law victims, law enforcement, and the prosecuting agency must be notified as to the scheduling of a parole hearing.² Notice gives them an opportunity to voice their opinion regarding an inmate's release on parole. The Board will not only use their opinion, but the opinion of any individual informing

¹ The board must establish written, specific criteria for the granting of parole and provisional parole. The criteria must be made available to all prisoners at the time of their incarceration and the general public. S.C. Code Ann. §24-21-640 (Supp. 2012).

² The director must give a thirty-day written notice of any board hearing during which the board will consider parole for a prisoner to the following persons:

- (1) Any victim of the crime who suffered damage to his person as a result thereof or if such victim is deceased, to members of his immediate family to the extent practicable;
- (2) The solicitor who prosecuted the prisoner or his successor in the jurisdiction in which the crime was prosecuted; and,
- (3) The law enforcement agency that was responsible for the arrest of the prisoner concerned. S.C. Code Ann. §24-21-221 (Supp. 2012).

them of the Appellant's good character. The reasons for denial were appropriate and followed e criteria. This denial of Parole cannot be considered arbitrary nor capricious.

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The order released followed what is considered lawful pursuant to the South Carolina Supreme Court decision of Cooper v. S.C. Dept. of Probation, Parole and Pardon Services, 377 S.C. 489, 661 S.E.2d 106 (2008). Under Cooper the Supreme Court decided that the findings of fact were included; however, the Parole Board neither "offered an explanation nor indicated that it had considered the statutory criteria of section 24-21-640 and the fifteen criteria listed on the parole form." Cooper, at 500. Within the Cooper decision the Supreme Court established what a Parole Board order should entail. It specifically states in Cooper,

We emphasize that in future parole review hearings, the Parole Board may avoid the result in the instant case 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.

Id.

The order given to the Appellant followed the Cooper decision. The criteria within the statute, and the mandatory policy were considered prior to the denial of parole. The final decision was in writing and included a findings of fact and conclusion of law separately stated. S.C. Code Ann. §1-23-350 (Supp. 2012). The findings of fact were the legitimate reasons for the denial of parole, and the conclusions of law were the statutory and Department criteria. According to the Supreme Court if this is shown no further review by the ALC is necessary. The Parole Board clearly stated in its notice of rejection that it considered the statutory criteria and the criteria set forth in Form

1212 which is sufficient under Cooper. Compton v. S.C. Dept. of Probation, Parole and Pardon Services, 385 S.C. 476, 685 S.E.2d 175 (2009).

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The Respondent argues that the reasons used were unlawful due to it being untrue. He believes that the use of an indication of violence in this of a previous offense is incorrect due to the fact he had no convictions on his record prior to this offense. The actual reason relates to past and present offenses. This is due to the fact the Board must look at the record of the Appellant before, during and after imprisonment. The nature and violence committed by the Appellant must be taken into consideration prior to deciding if the Appellant is a danger to society. The Board was well within their rights to use these reasons to deny the Appellant an opportunity to be released on parole.

Since the Appellant has failed to provide an error in law, the ALC does not have jurisdiction over this denial of parole, so this appeal should either be affirmed or dismissed. 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)(Supp. 2012).

2. The criteria used by the Board does not violate the Freedom of Information Act.

The Appellant made an FOIA request for information presented to the Board prior to his denial of parole. The Respondent cannot provide this information due to it being deemed privileged pursuant to South Carolina law. Since the information is privileged it is exempt from the FOIA.

It is the duty of a probation agent is to investigate all cases referred to him for investigation by the judges or director and report in writing. S.C. Code Ann. §24-21-280 (Supp. 2012). One of these investigations, is the completion of a pre-parole investigation. The

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information gathered during this investigation are considered privileged. The South Carolina

Code of Laws specifically state:

All information and data obtained in the discharge of his official duty by a probation agent is privileged information, is not receivable as evidence in a court, and may not be disclosed directly or indirectly to anyone other than the judge or other entitled under this chapter to receive reports unless ordered by the court or the director.

S.C. Code Ann. §24-21-290 (Supp. 2012).

The Appellant argues that he should be allowed to view records used in determining his denial of parole. As probation hearings, parole hearings are not criminal trials, so an inmate is not entitled discovery. See, State v. Hill, 368 S.C. 649, 630 S.E.2d 274 (2006)(Criminal procedure rules governing disclosure of evidence in criminal cases do not apply to probation revocation proceedings.)The information collected by probation agents for a pre-parole investigation must not be allowed to be released to the public. This is due to the sensitive information contained within those files. These files can contain the names and addresses of each victim, law enforcement personnel, the solicitor and the judge; as well as information regarding mental health counseling or drug treatment of victims or inmates. This information must remain privileged, closed to the public, and exempt from the FOIA. A public body may but is not required to exempt from disclosure matters specifically exempted from disclosure by statute or law. S.C. Code Ann. §30-4-40(a)(4). The exemption from disclosure under the FOIA does not create a duty of nondisclosure; at most these exemptions simply allow public agencies the discretion to withhold exempted materials from public disclosure. Burton v. York County Sheriff's Department, 358 S.C. 339, 594 S.E.2d 888 (2004).

The Appellant believes he is entitled information contained within his pre-parole investigation file due to Section 24-21-640 of the South Carolina Code of Laws, which state:

Any part or all of a prisoner's in-prison disciplinary records and , with the prisoner's consent, records involving all awards, honors, earned work credits and educational credits, are subject to the Freedom of Information Act as contained in Chapter 4 of Title 30.

S.C. Code Ann. §24-21-640(Supp. 2011).

This portion of the statute applies to records maintained at the Department of Corrections, not the Department of Probation, Parole and Pardons. This exists so the Parole Board can obtain the prison disciplinary records, and other mitigating evidence; matters that must be considered prior to the granting or denial of parole. The records maintained by the Respondent remains privilege and exempt from the FOIA.

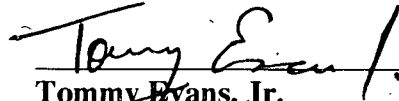
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CONCLUSION

The Appellant has not revealed an error of law in the final decision of the Parole Board.

The denial of parole was proper pursuant to South Carolina law. Due to these reasons the Respondent respectfully requests this Honorable Court to either dismiss this appeal or affirm the decision of the Parole Board.

Respectfully submitted,



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Attorneys for the Respondent

Columbia, South Carolina
May 22, 2013

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THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
Before the Honorable: John D. Mcleod, ALJD

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On appeal from: The final decision of the
SC. Department of Parole, Pardon, and Probation Board

Docket # 2013-ALJ-15-0010

=====

Mathew Harris, #157334 - - - Appellant

VS

The SC.P.P.P.S.B - - - Respondents

APPELLANTS REPLY BRIEF

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Statement of Issues

Appellant

- I: That the denial of parole was arbitrary and capricious, as defined in the orders dated 1/31/13 & 3/7/13, and is contrary to the facts and record of the case, on the risk/needs assesment standards of SC ann (2010) §24-21-10 et seq, and denies me the privilege of parole and its intended purpose the board was created for. Art IV §14 SC Const. (1885 Amend 1949 & 1973); In violation of the privileges & immunities clause, and equal protection, of the 14'th amend US Const: And the criteria set forth under §24-21-640, on form 1212 rev A @ 1-15, ~~does~~ not create a mandatory denial of parole, that was applied to me.?
- II: Whether the respondents form 1212 rev A, @ ROA P.4 "criteria for parole consideration" 2nd paragraph, is in violation of the FOIA in denying access to records used by state agency, under SC ann (1976) §30-4-30 et seq, and §24-21-640: And such investigations exclude letters and favorable reports to board members themselvs; and whether an incomplete ROA was filed under Rule 58(B)(D)(F) ALC, showing a lack of sufficient facts to support denial?

Respondent

- 1: The denial of parole was neither arbitrary nor capricious, and the final order followed the aspects revealed by the court in the Cooper decision.
- 2: The criteria used by the board ~~does~~ not violate the freedom of information act.

Statement of the Case

I, the appellant filed a timely notice of appeal, from the denial of parole on 1/31/13, (App Ex @ p.01). The case was assigned to Judge, Mcleod on 2/28/13. Request for rehearing to parole board was denied on 3/7/13. Respondents counsel filed the (ROA) on 3/15/13. I filed the Appellants Brief dated 4/10/13, and timely served parties on 4/11/13. Respondents filed there Brief dated 5/22/13, received by me on 5/24/13. I now make a Pro Se Reply, dated 5/27/13.

The nature of respondents defence is denial of arbitrary and capricious action by the board, based upon an error in the nature and seriousness of the case, and violence in other case; And claims exemption from FOIA on related evidence the final decision was based upon, and ~~does~~ not address the incomplete ROA contrary to ALJD Rules.

Argument

1: The respondent first declares in the statement of the case at P. 1 & in the Argument at p. 3; That I had beat about the head and body, and then drowned Mr Bass to death. Since making an adverse judgement on the nature and seriousness of the offence, does call into question the facts and circumstances of the offence itself; and this can be determined from the records of testimony, id Attached. Here drowning was charged in the indictment, but it was proven in factual error at trial. As shown in my (Stm Fct @ 7), and testimony, Only two immediate strikes were delivered immediately to the last threat against me in my home, and this shows at least some justification, §17-13-10 & 20 SC Code 1988), as well as self defence.

Here an incorrect finding of fact, relied upon by the board, amounts to arbitrary and capricious judgments, and this court does have jurisdiction, and an error of law is established. Excepting the opinions of lawfully registered victim witnesses is certainly lawful, BUT allowing same, and malicious interjections, that is simply contrary to the facts and circumstances of the case, to have unequivocal imput, amounts to a personal vendetta, and should be held arbitrary and capricious. The board further can issue parole, under §24-21-685 on good conduct behavior, after 10 years on a life sentence, and I meet all eligibility requirements for the privilege and grace of parole.

2: On the respondents assertion that materials required by the ALC rules, and (FOIA) are exempt, is in error of law and rule. I have not asked for personal information, not relied upon by the state agency, and The Prosecutor, and Sheriff are "Elected Officials" that are subject to disclosure, and should not oppose liberty on errors of fact or law, especially when all other eligibility for early release are met.

As to investigations by the Probation Agent, being exempt, such agents in SC have police powers, and are not exempt. Further, I parole would be to Indiana, and no investigations were done there, and I was not questioned on such personal or public matters. The ROA does not indicate whether favorable

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narratives or records were requested from SCDC classification by the board, and my consent was not requested.

Having made my reply, I submit that the issues brought in the initial brief, and relief sought should be warranted.

This 27'th/ Day of/ May / 2013

Respectfully

/s/ Matthew Harris

CC: Mr. Tommy Evans, Jr
Counsel of Record

Mathew S Harris, #157334
Appellant Pro Se

CERTIFICATE OF SERVICE

I, the undersigned appellant, do certify that I have on this, 29'th day of May 2013, served one true copy of this Reply Brief, and attachment of trial record, on the counsel for respondent, Mr. Tommy Evans, as addressed below, by depositing same in the US Mail, at evans c.i, postage prepaid.

Sincerely

Mathew S Harris, 157334

Matthew Harris
Appellant Pro Se

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APRIL 29 2013

055

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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REQUEST For CERTIORARI/APPEAL from the SC.

Administrative Law Court.

Honorable: John D McLeod, ALJD

Docket # 2013-ALJ-15-0010

=====

Mathew S. Harris, #157334

Vs

The SC. P.P.P.S.B

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Appellant Case # 2013-001399.

SC. Parole, Probation, pardon
Services Board.

PO. Box 50666

Columbia SC. 29250

Ph # 803-734-9220

Mr. Tommy Evans, Jr. Esq.

Office of, General Counsel.

=====

I respectfully give notice to this court, of my request to File a Petition for Certiorari, on appeal from the attached order, dated June/7/2013, and received by me on 6/14/13, On the following ground;

WHETHER THE ORDER PURSUANT TO SC.ANN. 1-23-600(D) (SUPP. 2012), AND THIS COURTS RULING IN COOPER V SCPSPB 377 SC 489, 500, 600 SE.2ND 106,112 (2008): EFFECTIVELY OVERTURNED THIS COURTS DECISION IN aL-SHABAZZ v STATE 338 SC 354, 527 SE.2ND 742 (2000), PROVIDING FOR REMEDIE AND REVIEW FROM THE ADVERSE DECISIONS BY THE STATE AGENCY.?

I submit that the sentence from 1-23-600(D) "an administrative law judge shall not hear... an appeal involving the denial of parole to a POTENTIALLY eligible inmate by the Department of parobation, parole, & probation services" relied upon in the attached order: Appears to be a tacked on exclusion of law, that dose not fit with the scope of the remaining statute. Futher the exceptions noted in sub sec (D) on §11-35-4410, §42-17-60, & §§24-13-210(A), 230(A), provides other remedies.

Futher I would argue that SC Ann (Supp 2012) §1-23-600(A)(1-5), dose not state an exception to my appeal filed in the lower ALC.

I filed a timely petition for rehearing after being denied parole on 1/31/13. I then filed a timely Notice of appeal in the

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ALC. The case was assigned on Feb/28/2013. The respondents counsel file the ROA on March/15/2013. I filed my Appellants Brief along with a Additional STATEMENT OF FACTS, and EXHIBIT, dated April/10/2013. Respondents filed there Brief dated May/22/2013. I then filed my Reply brief dated, May/27/2013. All documents were timely filed and served on parties counsel.

I filed the following grounds in my brief on appeal:

THAT THE DENIAL OF PAROLE WAS ARBITRARY AND CAPRICIOUS, AS DEFINED IN THE ORDERS DATED 1/31/13 & 3/7/13, AND IS CONTRARY TO THE FACTS AND RECORD OF THE CASE, ON THE RISK/NEEDS ASSESSMENT STANDARDS OF SC ANN (2010) §24-21-10 ET SEQ, AND DENIES ME THE PRIVILEGE OF PAROLE AND ITS INTENDED PURPOSE THE BOARD WAS CREATED FOR BY ART IV §14 SC CONST (1885) AMENDED 1949 1973]; IN VIOLATION OF THE PRIVILEGES AND IMMUNITIES CLAUSE AND EQUAL PROTECTION OF THE 14TH §1 AMEND US CONST: AND THE CRITERIA SET FORTH UNDER §24-21-640, ON FORM 1212 REV A @ 1-15, DOSE NOT CREATE A MANDATORY DENIAL OF PAROLE, THAT WAS APPLIED TO ME.

WHETHER THE RESPONDENTS FORM 1212 REV A @ ROA P.4 "CRITERIA FOR PAROLE" 2ND PARG, IS IN VIOLATION OF THE FOIA IN DENYING ACSESS TO RECORDS USED BY STATE AGENCY, UNDER SC ANN (1976) §30-4-30 ET SEQ, AND 24-21-640: AND SUCH INVESTIGATIONS EXCLUDE LETTERS AND FAVORABLE REPORTS TO BOARD MEMBERS THEMSELVES; AND WHETHER AN INCOMPLETE ROA WAS FILED UNDER RULE 58(B)(D)(F) ALJD, SHOWINF A LACK SUFFICIENT FACTS TO SUPPORT THE DENIAL.?

I RESPECTFULLY SUBMIT THAT THE IMPORTANCE OF THE ISSUES THAT MEET the requirments of §1-23-380 & 610(5)(b,e,f) and that no administrative remedie is avaiable, when the SCPPPSB, makes wrong finding of facts, and I am eglibile as opposed to potentially eligible, this is a matter for this court under the judicial branch of government.

This/25th/June/2013.

I Certify ~~that~~ a true copy is mailed to the;

Clerk of the ALC.

Mr. Tommy Evans of the SCPPPSB.

Sincerely,

Mathew Harris, 157334

Matther Harris

6-25-13

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal from; SC. Administrative Law Court

John D. Mcleod, ALJ case # 2013-ALJ-15-0010-AP

Mathew S. Harris, #157334 - - - Appellant

Vs

SC. Probation, Parole, Pardon Services - - - Respondent

Appellant Case 2013-001399

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Certificate of Appellant

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I the appellant pro se, certifies that this record on Appeal meets the requirments of Rule 210 SCACR, to the best of my ability and recourse. As an inmate the material requirments of Rule 267 SCACR, of certain paper types cannot be met.

This 14th oct /2013

Matthew Harris

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APPELLANT PRO SE

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal from; SC. Administrative Law Court
John D. Mcleod, ALJ case # 2013-ALJ-15-0010-AP

Mathew S. Harris, #157334 - - - Appellant

Vs

SC. Probation, Parole, Pardon Services - - - Respondent

Appellant Case 2013-001399

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PROOF OF SERVICE

=====

I, the undersigned appellant pro se, certifies that on this day, I have served one true copy of my Appellants Final Brief w/certificate of appellant, and one true copy of my Record on Appeal, W/Certificate of Appellant, pursuant to Rules 210(a) & 211(a) SCACR, along with Proof of Service and Filing Letter; on Counsel, Mr. Tommy Evans Jr, as addressed below, by depositing same in the US Mail at Evans CI, postage prepaid, and normal operations are in effect. The original & 14 copies are mailed to the clerk of court at same time.

This/ 14th / OCT /2013

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OCT 08 2013

SC Court of Appeals