

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Ronald Nixon, #163482,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Probation,)
 Parole and Pardon Services,)
)
 Respondent.)
 _____)

Docket No. 14-ALJ-15-0035-AP

ORDER

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the appeal filed by Ronald Nixon¹ (Appellant) from a decision of the South Carolina Department of Probation, Parole and Pardon Services (Department) denying him parole. Appellant filed this appeal with the Court on September 9, 2014.

BACKGROUND

Appellant is in the custody of the South Carolina Department of Corrections after being found guilty of kidnapping and criminal sexual conduct. Appellant became eligible for parole in 1997. He has appeared before the parole board every 2 years since 1997 and has been denied parole each time. Appellant was denied parole most recently on August 7, 2014. The Parole Board gave the following reasons for denying parole: (1) nature and seriousness of the current offence; (2) indication of violence in this or previous offence; and (3) use of deadly weapon in this or previous offence.

Appellant filed a Notice of Appeal of that decision on September 9, 2014, stating: (1) the facts relied upon by the Parole Board are incorrect, misstated, and not supported by the record, and therefore do not support the application of law, specifically, S.C. Code Ann. § 24-21-640; and (2) the finding of fact amounts to fixed immutable criteria, the decision of the board is arbitrary and capricious, and the decision is a personal vendetta of a third party, as he has been eligible for parole since 1997.

¹ Appellant has filed documents with his name spelled three different ways. The Court is using the name as spelled on the Notice of Appeal.

FILED

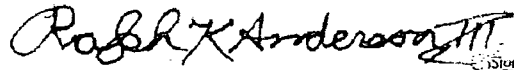
March 3, 2015

SC ADMIN. LAW COURT

In his Corrected Initial Brief and Reply Brief,² Appellant argues that the Actuarial Assessment/Risk Needs does not support the finding of the Board. It appears that Appellant is referring to the “COMPAS” (Correctional Offender Management Profiling for Alternative Sanctions) assessment. However, there is nothing in the Record on Appeal that indicates that the Department performed as assessment under S.C. Code Ann. § 24-21-10(F)(1) (Supp. 2014). Because the Court cannot find any reference to the assessment in the Record on Appeal,

IT IS THEREFORE ORDERED that the matter is **REMANDED** to the Department of Probation, Parole and Pardon Services to perform an assessment under S.C. Code Ann. § 24-21-10(F)(1) (Supp. 2014).

AND IT IS SO ORDERED.

A handwritten signature in black ink that reads "Ralph King Anderson, III". The signature is written in a cursive style. To the right of the signature, there is a small, faint logo that appears to say "eSign".

Ralph King Anderson, III
Chief Administrative Law Judge

March 3, 2015
Columbia, South Carolina

² Appellant filed his initial brief on November 7, 2014. The Record on Appeal was filed November 13, 2014. Appellant filed a “Corrected Initial Brief” on December 2, 2014. The Department filed a Motion to Extension of Time to file a brief. Appellant did not object, and the Court issued an order dated January 7, 2015, granting the extension of time until February 6, 2015 to file its brief. The Department filed its brief on February 6, 2015, and Appellant filed a Reply Brief on February 18, 2015.