



The South Carolina Court of Appeals

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July 13, 2016

The Honorable Jana E. Shealy
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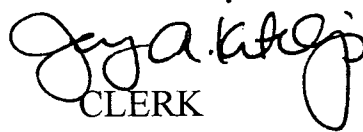
REMITTITUR

Re: George Lee Tomlin v. SCDPPPS
Lower Court Case No. 2014ALJ150037AP
Appellate Case No. 2015-000683

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: George Tomlin, 00166361
Tommy Evans, Jr., Esquire

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

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

George Lee Tomlin, Appellant,

v.

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

Appellate Case No. 2015-000683

Appeal From The Administrative Law Court
Ralph King Anderson, III, Administrative Law Judge

Unpublished Opinion No. 2016-UP-289
Submitted February 1, 2016 – Filed June 15, 2016

AFFIRMED

George Lee Tomlin, pro se.

Tommy Evans, Jr., of the South Carolina Department of
Probation, Parole and Pardon Services, of Columbia, for
Respondent.

PER CURIAM: George Lee Tomlin appeals the Administrative Law Court's (ALC) order dismissing his appeal of the South Carolina Department of Probation, Parole and Pardon Services' (the Department) decision denying him parole. Tomlin argues the ALC erred in (1) dismissing his appeal when the Department's

decision was "arbitrary and capricious" and (2) finding Rule 609(b), SCRE, does not apply to the parole board's review of an inmate's parole eligibility. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the ALC erred in dismissing Tomlin's appeal: S.C. Code Ann. § 1-23-610(B) (Supp. 2015) (providing the standard of review for appeals from an order of the ALC); S.C. Code Ann. § 1-23-600(D) (Supp. 2015) (providing the ALC "shall not hear . . . an appeal involving the denial of parole to a potentially eligible inmate by the Department"); *Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009) (holding an order denying parole and stating the parole board considered all statutory and Department criteria constitutes a routine denial of parole and allows for limited judicial review).

2. As to whether the ALC erred in finding Rule 609(b), SCRE, does not apply to parole hearings: § 1-23-610(B) (providing the standard of review for appeals from an order of the ALC); Rule 101, SCRE ("Except as otherwise provided by rule or by statute, [the South Carolina Rules of Evidence] govern *proceedings in the courts of South Carolina* to the extent and with the exceptions stated in Rule 1101[, SCRE]." (emphasis added)).

AFFIRMED.

HUFF, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.