

**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**

Derek S. Carter, Appellant,

v.

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

Appellate Case No. 2015-001162

---

Appeal From Richland County  
J. Ernest Kinard, Jr., Circuit Court Judge

---

Unpublished Opinion No. 2017-UP-024  
Submitted October 1, 2016 – Filed January 11, 2017

---

**AFFIRMED**

---

Derek S. Carter, pro se.

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

---

**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *Sea Pines Ass'n for the Prot. of Wildlife, Inc. v. S.C. Dep't of Nat. Res.*,  
345 S.C. 594, 600, 550 S.E.2d 287, 291 (2001) ("To have standing, . . . one must  
be a real party in interest."); *id.* at 601, 550 S.E.2d at 291 ("The party seeking to

establish standing carries the burden of demonstrating each of the three elements [of standing]."); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992) (explaining a party lacks standing if he has sustained no concrete, actual injury in fact).<sup>1</sup>

**AFFIRMED.**<sup>2</sup>

**LOCKEMY, C.J., and KONDUROS and MCDONALD, JJ., concur.**

---

<sup>1</sup> We note as an additional sustaining ground, the circuit court properly dismissed this case because no justiciable controversy existed. *See* Rule 220(c), SCACR ("The appellate court may affirm any ruling, order, decision or judgment upon any ground . . . appearing in the Record on Appeal."); *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000) ("[A] respondent . . . may raise on appeal any additional reasons the appellate court should affirm the [circuit] court's ruling, regardless of whether those reasons have been presented to or ruled on by the [circuit] court."); S.C. Code Ann. § 15-53-20 (2005) ("Courts of record within their respective jurisdictions shall have power to declare rights, status[,] and other legal relations whether or not further relief is or could be claimed."); *Sunset Cay, LLC v. City of Folly Beach*, 357 S.C. 414, 423, 593 S.E.2d 462, 466 (2004) ("The Declaratory Judgments Act [(the Act)] is a proper vehicle in which to bring a controversy before the court when there is an existing controversy or at least the ripening seeds of a controversy."); S.C. Code Ann. § 15-53-130 (2005) ("[The Act] is to be liberally construed and administered."); *Sunset Cay, LLC*, 357 S.C. at 423, 593 S.E.2d at 466 ("To state a cause of action under the . . . Act, a party must demonstrate a justiciable controversy."); *id.* ("A justiciable controversy is a real and substantial controversy [that] is appropriate for judicial determination, as distinguished from a dispute or difference of a contingent, hypothetical[,] or abstract character." (quoting *Power v. McNair*, 255 S.C. 150, 154, 177 S.E.2d 551, 553 (1970))).

<sup>2</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 11, 2017

Derek S. Carter, #275938  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia SC 29210

Mr. Tommy Evans, Jr., Esquire  
PO Box 50666  
Columbia SC 29250

Re: Derek S. Carter v. SC Dept. of Probation  
Appellate Case No. 2015-001162

**RECEIVED**

JAN 23 2017

**SC Court of Appeals**

Dear Counsel and Mr. Carter:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny Abbott Kitchings". Below the signature is a small circular stamp containing the initials "EAC".

CLERK

The Honorable J. Ernest Kinard, Jr.



**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA  
SC 290  
11 JAN '17  
PM 4 L

Hasler  
01/11/2017  
**US POSTAGE**

FIRST-CLASS MAIL

**\$00.46<sup>5</sup>**



ZIP 29201  
011D12602824

**RECEIVED**

JAN 23 2017

SC Court of Appeals

J. ERNEST KINARD, JR.  
1121 BROAD STREET- CNTY COURTHOUSE  
P. O. DRAWER 1707  
CAMDEN SC 29021-1707

NIXIE 296 7E 1 0001/10/17

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

UTF

EC: 29211062929 \*2017-01021-11-27

29021-1707-89

