

January 26, 2017

Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**  
FEB 01 2017  
S.C. SUPREME COURT

Re: Derek S. Carter v. S.C. Dept. of Probation,  
Parole, and Pardon Services,  
Appellate Case No. 2015-001162  
NOTICE OF APPEAL

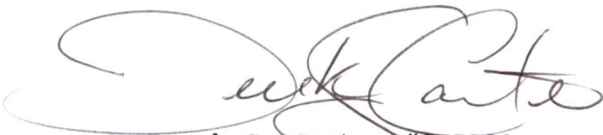
Dear Mr. Shearouse:

Enclosed for filing, please find a copy of my Notice of Appeal and the January 11, 2017 Order of the Honorable C. J. Lockemy.

Please be advised I am unaware of any current required filing fee, so please advise me of the same so that I can arrange to have the fee paid by a family member. Also, due to staff shortages, I am unable to secure a copy of the Order in the time allotted for this filing, so I request that you please fax a copy of the same to Mrs. Jenny A. Kitchings to be attached to the Notice of Appeal I submitted to her office for filing in this matter.

In closing, I will appreciate your understanding and patience as I seek to proceed in this matter under my present circumstances.

Thank you. Sincerely,



Derek S. Carter #275938  
Broad River C.I., GRN-2109  
4460 Broad River Rd.  
Columbia, SC 29210

/dsc

cc: File

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

J. Ernest Kinard, Jr., Circuit Court Judge

APPELLATE CASE NO. 2015-001162

Derek S. Carter, SCDC #275938, . . . . . Appellant,

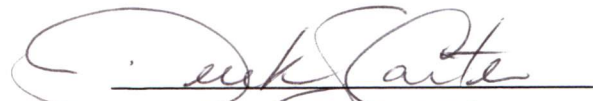
v.

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

NOTICE OF APPEAL

Derek S. Carter, SCDC #275938, appeals the order of the Honorable C. J. Lockemy dated and filed with the Clerk of the S.C Court of Appeals on January 11, 2017. Appellant received written notice of the entry of this order on January 19, 2017.

January 26, 2017



Derek S. Carter #275938  
Broad River C.I., GRN-2109  
4460 Broad River Rd.  
Columbia, SC 29210

Appellant pro se

cc: Tommy Evans, Jr.  
Assistant General Counsel  
S.C. Dept. of Probation, Parole,  
and Pardon Services  
2221 Devine St., Suite 600  
Columbia, SC 29250  
Attorney for Respondent

**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

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

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

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**AFFIRMED**

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Derek S. Carter, pro se.

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

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**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.**

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<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 STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge S.C. SUPREME COURT

APPELLATE CASE NO. 2015-001162

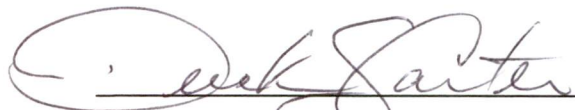
Derek S. Carter, SCDC #275938, . . . . . Appellant,

V.

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

CERTIFICATE OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, on the 26th day of January, 2017, addressed to Respondent's counsel, Tommy Evans, Jr., Assistant General Counsel, S.C. Dept. of Probation, Parole, and Pardon Services, 2221 Devine St., Suite 600, Columbia, SC 29250.



Derek S. Carter #275938  
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Appellant pro se

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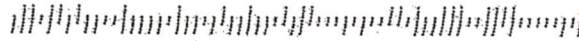
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**JAN 27 2017**

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Clerk, S.C. Supreme Court  
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Columbia, SC 29211

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THIS ITEM, THEREFORE, THE DEPARTMENT DOES NOT  
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BROAD RIVER CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS