

3/23/17

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Sincerely

MAR 31 2017

S.C. SUPREME COURT

Mr. Abdullah-Malik

//

LEGAL MAIL

IN THE ~~SOUTH~~ CAROLINA Supreme Court
FOR THE STATE OF SOUTH CAROLINA

RECEIVED

MAR 31 2017

S.C. SUPREME COURT

Appeal From THE
ADMINISTRATIVE LAW COURT
FOR THE STATE OF SOUTH CAROLINA

CASE No.

15-ALJ-15-0070-AP

Akeem Alim-Nafis Abdullah-Malik ... Appellant

v.

Director Jerry B. Adger, et al; Larry R. Patton, Jr;
Mr. Eldridge, Mr. Ashford, Mr. Stevenson, and All James
John Does + Unknown Agents of the S.C. Dep't
Probation, Parole, & Pardon Services,

NOTICE OF APPEAL

Comes Now, Akeem Alim-Nafis Abdullah-Malik
HEREMATT Appellant
PAGE 1 OF 3

LEGAL MAIL

Appellant serves NOTICE OF Appeal
IN THE South Carolina Supreme Court
From THE Administrative Law Court
IN Case Number 15-ALJ-15-0070-AP

Appellant combines NOTICE OF Appeal
and MOTIONS TO Renew Briefs of Appellant
& Any Reconsiderations & Any Responses & Replies
& Record & Transcripts Heard IN Administrative
Law Court IN This MATTER.

Appellant would in addition Motion
Hearing Held March 22nd, 2017 TO Be
Included IN THE Record Conducted
March 22nd, 2017 At Ridgeland Correctional
Institution was Consisting of Chair Person
& Its Members.

Decisions & Reasoning For Denials
by some members who Heard Parole Decision
December 2016.

Appellant Serves NOTICE IN both
THE South Carolina Supreme Court & The
Administrative Law Court & Serves NOTICE
TO THE S.C. Dep't of Probation, Parole,
& Pardon Services and all required parties . . .

This 23rd day March month
July H. Alim-Nafis year

Respectfully submitted,

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MAR 31 2017

S.C. SUPREME COURT

CERTIFICATE OF SERVICE

Alim-Nafis Abdullah-Malik
Ridgeland Correctional Inst
5 Correctional Road
Ridgeland, South Carolina 29936

I do hereby certify, I have deposited in the
U.S. Mail prepaid postage (1) Notice of Appeal (2) Motion
to Reconsider (3) Motion to Bring Forward in The South
Carolina Supreme Court & CC: The Administrative
Law Court & The S.C. Dep't of Probation, Parole,
& Pardon Svs.

This 23rd day March month
July H. Alim-Nafis year

Sincerely,

Alim-Nafis Abdullah-Malik
Ridgeland Correctional Inst
5 Correctional Road
Ridgeland, South Carolina 29936

MAR 13 2017

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Akeem Abdullah-Malik, 359150,)

Docket No.: 15-ALJ-15-0070-AP

Appellant,)

vs.)

South Carolina Department of Probation,
Parole and Pardon Services,)**ORDER OF DISMISSAL**

Respondent.)

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to the Notice of Appeal filed by Akeem Abdullah-Malik (“Appellant”), an individual incarcerated with the South Carolina Department of Corrections (“SCDC”). On December 9, 2015, the South Carolina Department of Probation, Parole and Pardon Services (“the Department”) notified Appellant that the South Carolina Parole Board (“the Board”) denied him parole. Appellant filed an appeal with the ALC on July 27, 2016. Appellant argues against the Board’s decision on several grounds. Initially, the Court notes that issues concerning SCDC will not be addressed in this order, because they fall outside the scope of an appeal of a parole decision.

Appellant seeks review of a routine parole denial. Where the denial of parole complies with the procedure set by statute, the ALC has limited authority to review the decision. Compton v. S.C. Dep’t of Prob., Parole & Pardon Servs., 385 S.C. 476, 479, 685 S.E.2d 175, 177 (2009); see also S.C. Code Ann. § 1-23-600(D) (Supp. 2016) (“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.”). Parole is a privilege administered by the Board, not a right.¹ Cooper v. S.C. Dep’t of Prob., Parole & Pardon Servs., 377 S.C. 489, 496, 661 S.E.2d 106, 110 (2008) (citing Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 443 n. 4, 586 S.E.2d 124, 127 n. 4 (2003), cert. denied, 540 U.S. 1153, 124 S.Ct. 1155, 157 L.Ed.2d 1050 (2004)). For a denial of parole to be routine, the Board must consider “the factors outlined in section 24-21-640 and the fifteen factors published in its parole form.”² Id., 377 S.C. at 500, 661 S.E.2d at 112. “[I]f the

¹ This includes special parole release to the Veterans Administration for psychiatric care, which is within the sole discretion of the Board. See S.C. Code Ann. § 24-21-700 (2007).

² The Board must also utilize the COMPAS risk assessment tool as provided for by statute. See S.C. Code Ann. § 24-21-10(F) (Supp. 2016).


Parole Board complies with this procedure, the decision will constitute a routine denial of parole and the ALC will have limited authority to review the decision.” Compton, 385 S.C. at 479, 685 S.E.2d at 177.

In this case, the Notice of Rejection states that the parole board considered the fifteen factors, South Carolina Code Section 24-21-640, and the actuarial risk and needs assessment factors pursuant to section 24-21-10(F). Thus, this is a routine denial of parole. Appellant has raised potentially valid public policy concerns about the treatment of the disabled and veterans; however, none of Appellant’s issues fall within the limited authority of the Court to review a routine parole denial.

ORDER

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

March 13th 2017
Columbia, South Carolina

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
This is to certify that a true and correct copy of the within order, as above indicated, has been filed in the office of the Administrative Law Judge.
The United States Postal Service paid for the postage of this document.
The Service addressed to the party(ies) or the attorney(s)
on 13 day of March 2017
By JH
Administrative Law Judge

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

HENRY McMASTER
Governor



JERRY B. ADGER
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

February 17, 2017

Mr. Akeem Abdullah-Malik #00359150
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland, SC 29936

RE: NOTICE OF HEARING

Hearing Date: Wednesday, March 22, 2017 Arrival Time: 7:45 AM
Location: Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland, SC 29936

Dear Mr. Abdullah-Malik:

This is to inform you that your parole hearing is scheduled for the above date. Your hearing will be held at the above location. Family members or supporters should report at the above noted time. Your hearing will be by way of videoconference, which means that the Board will review your case on a television monitor.

You can have a total of three (3) visitors or family members appear with you and you may retain an attorney at your own expense. It is your responsibility to notify visitors or family members of the date and time they will need to be at your hearing. Also, you must notify your attorney if he or she has not requested in writing such notifications from this agency.

Please find enclosed parole hearing information sheet. It may be necessary to provide your family members or visitors a copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.
Director of Parole Board Support Services

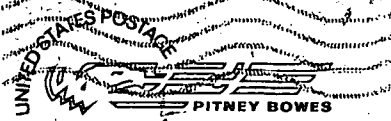
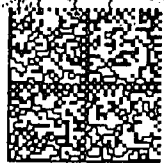
Akeem Alim-Natis Abdullah-Malik

CHARLESTON SC 294

SC DC (S) (#) 359150

29 MAR 2017 PM

Ridgeland Correctional Institution
S Correctional Road



02 1P \$ 000.670
0000879463 MAR 28 2017
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Ridgeland, South Carolina 29936

**RIDGELAND CORRECTIONAL
INSTITUTION**

MAR 28 2017

Mailroom

IN THE South Carolina Supreme Court
FOR THE STATE OF South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

#359150

LEGAL MAIL

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