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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Akeem Abdullah-Malik, 359150,)

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

Appellant,)

vs.)

ORDER OF DISMISSAL

South Carolina Department of Probation,)

Parole and Pardon Services,)

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).

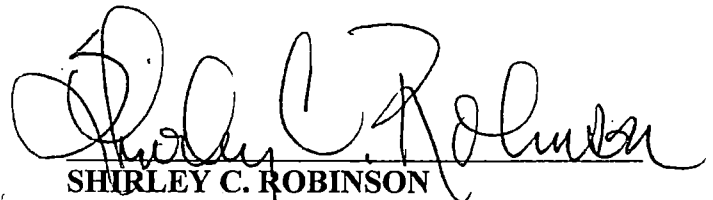
² The Board must also utilize the COMPAS risk assessment tool as provided for by statute. See S.C. Code Ann. § 24-21-10(F) (Supp. 2016).

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

DEPARTMENT OF PROBATION
This document must be filed with the court and a copy must be
submitted to the parole board in the above and filed with the court and
the parole board by depositing a copy thereof, in the United States mail postage paid, or in the Intergovernmental
Mail Service addressed to the party(ies) or their attorney(s).

This 13 day of March, 2017
By JH
Law Clerk

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

HENRY McMASTER
Governor



JERRY B. ADGER
Director

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February 17, 2017

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

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SC Court of Appeals

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