

RECEIVED

AUG 29 2017

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL from the Administrative Law SC Court of Appeals
Court, Ralph K. Anderson, III, Administrative
Law Judge, Docket No. 17-ALJ-15-0006-AP

Appellate Case No. 2017-001701

Marquis Edwards #328235

Appellant.

-vs-

S.C. Department of Probation, Parole
Pardon Services

Respondent.

Initial Brief of Appellant

Marquis Edwards #328235
GCI 5-B-42B
4556 Broad River Rd
Columbia, S.C. 29210
Appellant.

Table of Contents

Table of Authorities	ii
Statement of Issue on Appeal	iii
Statement of the Case	1.
Statement of the Facts	2.
Argument	3.
1. Is Appellant entitled to notified on Notice of Appeal that he had (30) days to file Notice?	
2. Is Appellant entitled to a copy of Motion from all parties?	3.
Conclusion	5.

CASES

TABLE OF AUTHORITIES

RULE

RULE 63 SCALC

3

STATEMENT OF ISSUE ON APPEAL

1. Is Appellant entitled to be notified on Notice of Appeal that he has 30 days to file Notice?

2. Is Appellant entitled to a Copy of Motion from all parties?

Statement of the Case

On August 7, 2017, The Honorable Ralph K. Anderson, III, Administrative Law Judge, signed an Order dismissing case stating he has no jurisdiction over case do to Appellant exceeding the 30 day time limit to file Notice of Appeal from final decision of SCDPPPS.

This Appeal timely follows.

Statement of the Facts

On September 20, 2016, General Counsel for SCDPPPS informed Appellant that he was ineligible for parole consideration due to a prior April 29, 2008, conviction for Trafficking in Cocaine. Appellant received final decision of SCDPPPS from Waterlee Core mailroom on September 21, 2016.

Argument

1. Is Appellant entitled to be notified on Notice of Appeal that he has 30 days to file Notice?
2. Is Appellant entitled to copy of Motion from all parties?

On March 27, 2017, Appellant filed Notice of Appeal that was enclosed with final decision of SCDpps. The Notice of Assignment was filed and served March 29, 2017. The Honorable Ralph K. Anderson, III, stated in his Order the SCDpps filed a Motion to Dismiss Appeal on March 30, 2017, stating Appellant failed to timely file Notice of Appeal. Pursuant to ALC Rule 63, "Any Motions filed shall be in written form and shall state the grounds for relief and the relief sought. Any response to the Motion must be filed within (10) days after receipt of the Motion." Appellant would please like to state for the Record, Appellant never seen nor received any document or Motion to Dismiss from the SCDpps nor the Honorable Judge, Ralph K. Anderson, III dated March 30, 2017.

On April 7, 2017, Appellant filed Initial Brief on the ALL and SCDPPPs. On May 17, 2017, the SCDPPPs filed the Record on Appeal. On May 27, 2017, Appellant filed another Brief on the SCDPPPs and the ALL Court. On July 17, 2017, SCDPPPs filed Brief of Respondent dated July 14, 2017. Appellant received Brief of Respondent from GCI mailroom on July 18, 2017.

On July 24, 2017, Appellant filed a response entitled "Objections". In the response, Appellant stated when SCDPPPs mailed its decision, it sent a form Notice of Appeal that was "out of Compliance" and "did not state on back". Appellant had to file Notice in (30) days of final Decision.

Conclusion

Based on the foregoing reasons the Appellant respectfully requests the final decision of the Administrative Law Court be REVERSED.

Respectfully Submitted

Columbia, S.C. 29210
8-28, 2017

151 Marquis Edwards
MARQUIS EDWARDS #328235
GCI 5-B-42B
4556 Broad River Rd.
Columbia, S.C. 29210
Appellant

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT, RALPH K. ANDERSON, III, ADMINISTRATIVE LAW JUDGE, DOCKET NO. 17-ALJ-15-0006-AP AUG 29 2017
COURT OF APPEALS

Appellate Case No. 2017-001701

MARQUIS EDWARDS #328235

Appellant.

-VS-

S.C. DEPARTMENT OF PROBATION, PAROLE
PARDON SERVICES

Respondent

PROOF OF SERVICE

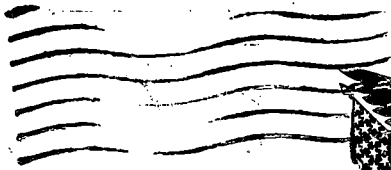
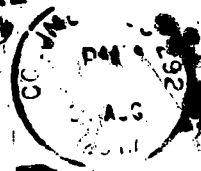
I certify that I have served the Initial Brief of Appellant and the Designation of Matter on Respondent, Tommy Edwards, Jr. Esquire, SCDPPPS, P.O. Box 50666, Columbia, S.C. 2950, and the Honorable Jenny A. Kitchings, Clerk, S.C. Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211, by depositing 2 copies in the United States Mail, postage prepaid on 8-28, 2017.

8-28 2017

M: Inmate file
1 U.S.C. § 1
28 U.S.C. § 1746

151 Marquis Edwards
MARQUIS EDWARDS #328235
GLI 5-B-42B
4556 BROAD RIVER RD
COLUMBIA, S.C. 29210
Appellant

Marque's Edwards #328235 B5B42B
Goodman CI
455 e Broad River Rd
Columbia, SC 29210

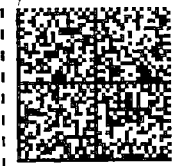



Honorable Jenny Abbott Kitchings Clerk
po Box 11629

RECEIVED
AUG 29 2017

SC Court of Appeals

SCDC Columbia, SC 29211



UNITED STATES POSTAGE

PITNEY BOWES
02 1P \$ 000.39⁰
0000880713 AUG 28 2017
MAILED FROM ZIP CODE 29210

Legal Mail

AUG 28 2017
MAIL ROOM



THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT
DOES NOT ASSUME RESPONSIBILITY FOR ITS WRITTEN
CONTENTS.

GOODMAN CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

