

ADMINISTRATIVE LAW COURT

Marquis Edwards, #328235,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Probation,)
 Parole and Pardon Services,)
)
 Respondent.)

Docket No. 17-ALJ-15-0006-AP

ORDER

RECEIVED

AUG 29 2017

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (Court or ALC) on an appeal filed by Marquis Edwards (Appellant) from a decision of the South Carolina Department of Probation, Parole and Pardon Services (Department) denying him parole eligibility.

By letter dated September 20, 2016, General Counsel for the Department informed Appellant that he was ineligible for parole because he had three drug convictions including one for trafficking in cocaine.

Appellant filed a notice of appeal on March 27, 2017.¹ The Notice of Assignment was filed and served March 29, 2017. The Department filed the Record on Appeal on May 17, 2017. Appellant filed his Initial Brief on April 7, 2017 and another brief on May 27, 2017. On March 30, 2017, the Department filed a Motion to Dismiss (Motion) the appeal because Appellant failed to timely file his notice of appeal. On July 24, 2017, Appellant filed a response in a document entitled "Objections." In that response, Appellant claimed that when the Department mailed him its decision, it sent a form notice of appeal that was "out of date" and "did not stipulate on the back that [he] had to file in 30 days." He also claimed that "[n]o instructions was [sic] given to [him] to show [him] how to file the appeal in procedures [sic]."

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. S.C. Dep't of Prob., Parole and Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003).

¹ The Department erroneously stated in its Brief (which the Court will consider to be a Motion to Dismiss, as the Department therein requests dismissal) that Appellant filed his notice of appeal on March 20, 2017. However, this error does not affect the disposition of this appeal.

FILED

August 7, 2017

SC ADMIN. LAW COURT