



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 30, 2017

Marquis Edwards, 328235
Goodman Correctional Institution 5-B-42B
4556 Broad River Rd
Columbia SC 29210

Re: Marquis Edwards #328235 v. SCDPPPS
Appellate Case No. 2017-001701

Dear Mr. Edwards:

The Court has received your designation of matter. Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), we only require that the material be listed. Therefore, we are returning the enclosed order to you.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tommy Evans, Jr., Esquire

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response, Appellant claimed that when the Department mailed him its decision, it sent a form notice of appeal that was "out of date" and "did not stipulate on the back that [he] had to file in 30 days."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