

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
HONORABLE RALPH K. ANDERSON, III, CHIEF ADMINISTRATIVE
LAW JUDGE. COURT CASE No: 17-ALJ-15-0006-AP

Appellate Case No: 2017-001701

MARQUIS EDWARDS #328235

Appellant

South Carolina Department of Probation, Parole
and Pardon Services,

Respondent

Reply Brief

MARQUIS EDWARDS #328235
GOODMAN CORRECTIONAL INST. 5-B-42B
4556 BROAD RIVER RD
COLUMBIA, S.C. 29210
Appellant

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OCT 20 2017

SC Court of Appeals

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Statement of issue on Appeal

1. When Appellant received Notice of Appeal enclosed with Final decision of SCDPPPS, is Appellant entitled to be informed that he has within (30) days to file Notice of Appeal?
2. Did the Court ~~err~~ in dismissing Appellants Appeal due to the fact SCDPPPS failed to inform Appellant he has with in (30) days to file Notice of Appeal?

Statement of the Case

On April 6, 2015, the Appellant went before the Honorable Judge De Andrea Beniamini for Possession of Cocaine 3rd, and two counts of distribution of Cocaine within proximity of a school. Appellant was sentenced to 10 years for each offense. The Court also ordered that each of the sentences be served concurrent.

Argument

1. When Appellant received Notice of Appeal enclosed with Final decisions of SCDPPPs, is Appellant entitled to be informed that he has within (30) days to file Notice of Appeal?
2. Did the Court err in dismissing Appellant's Appeal due to the fact SCDPPPs failed to inform Appellant he has within (30) days to file Notice of Appeal?

On September 20, 2016, General Counsel for Respondent, Matthew C. Buchanan, informed Appellant that due to prior drug convictions he is currently ineligible for parole.

Appellant received final decision of Respondent on September 23, 2016, enclosed with Final decision of Respondent was a Notice of Appeal. Appellant would like to state for the record that there was no information enclosed with Final decision, nor was there any information on Notice of Appeal informing Appellant that he has within (30) days to file Notice of Appeal. Appellant sent Notice of Appeal to Administrative Law Court (ALC) on March 27, 2017

Within this Appeal Appellant stated that his denial of parole eligibility goes against the Omnibus Crime Reduction Act of 2010. Appellant requested the "ALC" to grant parole eligibility. Respondent alleges in his Brief he argued to the Court, Appellant failed to file his Notice of Appeal within the time limitations pursuant to the rules of the ALC Court. Respondent also requested Appeal should be subject to dismissal. As this Court can see Respondent knew Appellant had to file Notice of Appeal within (30) days of final decision. Had Respondent properly informed Appellant with this information enclosed with final decision or on back of Notice of Appeal that he had (30) days to file. Appellant would have filed within time required by ALC rule.

On August 7, 2017, Honorable Judge, Ralph K. Anderson, III sent Order dismissing case due to Notice of Appeal filed untimely and the ALC lacked jurisdiction to consider Appeal.

Conclusion

BASED ON THE FOREGOING REASONS Appellant respectfully request this Court take in Consideration had Respondent properly informed Appellant he had within (30) days to file Notice of Appeal. Appellant also respectfully request the Final decision of the ALC and Respondent be REVERSED AND VACATED.

Columbia, S.C.

October 13, 2017

Respectfully submitted

151. Marquis Edwards
MARQUIS EDWARDS*328235
Goodman Corr. Inst. 5-B-42B
4556 BROAD RIVER Rd.
Columbia, S.C. 29210
Appellant

STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from the Administrative Law Court
Honorable Ralph K. Anderson, III, Chief Administrative
Law Judge. Court Case No. 17-ALJ-15-0006-AP

Appellate Case No: 2017-001701

Marquis Edwards *328235

Appellant

v

S.C. Department of Probation, Parole
and Pardon Services

Respondent

PROOF OF SERVICE

I certify that I have served the Appellant's final
reply brief, along with Motion requesting permission to
serve and file final reply brief outside of the filings dead
lines, by depositing a copy of it in the United States Mail,
postage prepaid, on October 18, 2017, addressed to:

October 18, 2017

Honorable Clerk Jenny A. Kitchings
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