

BLUME FRANKLIN-BEST & YOUNG, LLC

ATTORNEYS AT LAW

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April 23, 2019

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APR 24 2019
SC Court of Appeals

South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Suite 224
Columbia, SC 29201

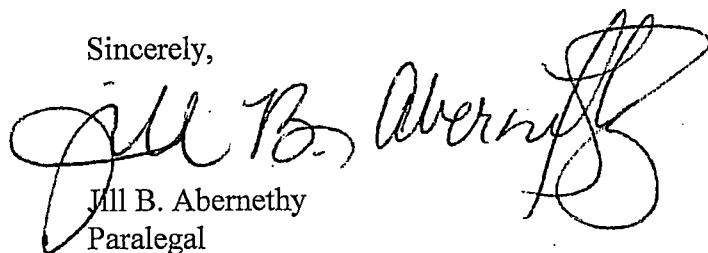
RE: *Anthony Enriquez, SCDC#215961 v. SC Department of Probation, Parole,
& Pardon Services*

Dear Clerk:

Please find enclosed a Notice of Appeal that was filed in the South Carolina Court of Appeals on April 10, 2019.

If you should have any questions, please feel free to contact our office.

Sincerely,


Jill B. Abernethy
Paralegal

Enclosure

cc: The Honorable Jenny Abbott Kitchings
Tommy Evans

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APR 10 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM
THE ADMINISTRATIVE LAW COURT
The Honorable Deborah Brooks Durden, Administrative Law Judge

ALC Docket No. 19-ALJ-15-0003-AP

ANTHONY ENRIQUEZ,

Appellant,

v.


SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES

Respondent.

NOTICE OF APPEAL

Anthony Enriquez hereby appeals from the Order of the Honorable Deborah Brooks Durden, Administrative Law Judge, dismissing Enriquez's appeal from the Parole Board's decision denying him parole. Enriquez received written notice of the order denying his appeal from the Parole Board on the day it was filed, March 12, 2019. A copy of the order on appeal is attached to this notice.

Respectfully submitted,


John Blume
Blume Franklin-Best & Young, LLC
900 Elmwood Avenue, Ste. 200
Columbia, SC 29201
(803) 765-1044

Other Counsel of Record:
Tommy Evans
Department of Probation, Parole
And Pardon Services
P.O. Box 50666
Columbia, SC 29250

Hannah Freedman
Justice 360
900 Elmwood Avenue, Ste. 200
Columbia, SC 29201
(803)765-1044

April 9, 2019

Counsel for Anthony Enriquez

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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Anthony Enriquez, #215961,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 19-ALJ-15-0003-AP

ORDER OF DISMISSAL

STATEMENT OF THE CASE

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Anthony Enriquez (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On January 24, 2019, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant of its determination that he was denied parole. Appellant filed an appeal with the ALC on February 25, 2019. Appellant argues in his appeal that the Department's Board has unconstitutionally imposed a life without parole sentence on him when it has consistently denied him parole for the past five years in spite of a highly favorable institutional record.

S.C. Code Ann. § 1-23-600(D) (Supp. 2018) provides, "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." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board followed the proper procedure and considered the relevant factors. Compton v. S.C. Dept. of Probation Pardon and Parole Services, 385 S.C. 476, 685 S.E.2d 175 (2009). If that procedure was followed, any decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear.

The Notice of Rejection dated January 24, 2019, states that the parole board considered the relevant factors in reaching its decision. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).

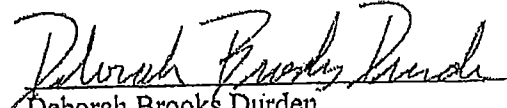
FILED

MAR 12 2019

SC ADMIN. LAW COURT

ORDER

IT IS THEREFORE ORDERED that this appeal is **DISMISSED**, with prejudice.
AND IT IS SO ORDERED.


Deborah Brooks Durden
Administrative Law Judge

March 12, 2019
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Intergraph Mail Service addressed to the party(ies) or their attorney(s).

This 12th day of March 2019

By: R. E. Col
Judicial Law Clerk

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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM
THE ADMINISTRATIVE LAW COURT
The Honorable Deborah Brooks Durden, Administrative Law Judge

ALC Docket No. 19-ALJ-15-0003-AP

ANTHONY ENRIQUEZ,

Appellant,

v.

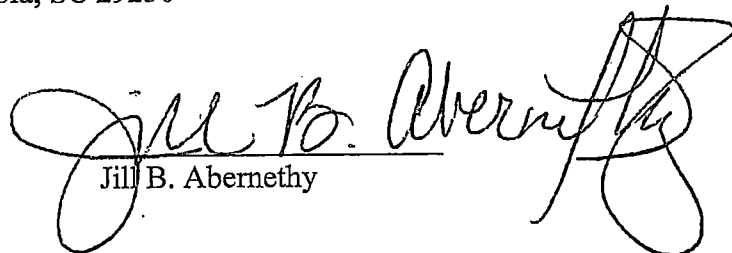
SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Appellant's Notice of Appeal was served by first class United States mail, postage prepaid, this 9th day of April 2019, upon the following:

Tommy Evans, Jr.
South Carolina Department of Probation,
Pardon, & Parole Services
P.O. Box 50666
Columbia, SC 29250


Jill B. Abernethy

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM
THE ADMINISTRATIVE LAW COURT
The Honorable Deborah Brooks Durden, Administrative Law Judge

ALC Docket No. 19-ALJ-15-0003-AP

ANTHONY ENRIQUEZ,

Appellant,

v.

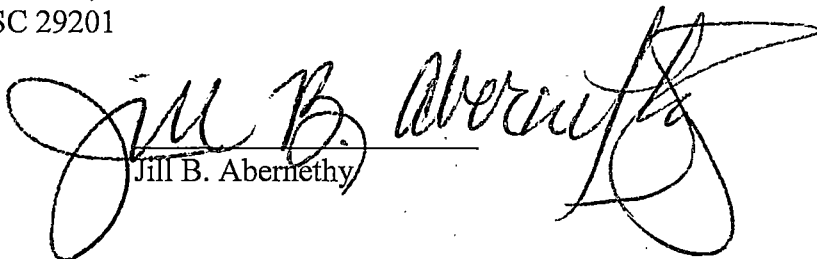
SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Appellant's Notice of Appeal was served by first class United States mail, postage prepaid, this 23rd day of April 2019, upon the following:

South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Suite 224
Columbia, SC 29201

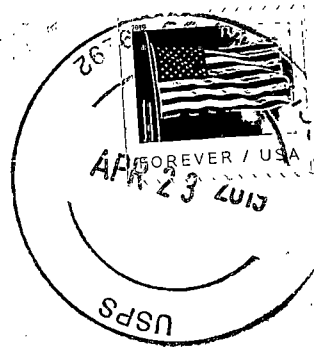

Jill B. Abernethy

BLUME FRANKLIN-BEST & YOUNG, LLC

ATTORNEYS AT LAW

900 ELMWOOD AVENUE, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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SC Court of Appeals