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DEC 06 2019

S.C. SUPREME COURT

Marcus Skeeters 199165
990 Wisack Highway
Bishopville S.C. 29010

~~November 30, 2019~~ December 2, 2019
M.S.

The South Carolina Supreme Court
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

Re: Marcus Skeeters 199165 v. State
Case No: 19 ALJ-15-0030-AP

Dear Sir or Madam;

Enclosed please find the original Notice of Appeal and Proof of Services regarding the above matter.

Could you kindly clock stamp and return a copy for my personal filings. Thank you for your time as to this matter.

Respectfully,

Marcus Skeeter 199165
Marcus Skeeter

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DEC 06 2019

S.C. SUPREME COURT

**NOTICE OF APPEAL FROM
ADMINISTRATIVE TRIBUNAL**
THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT
On Behalf of the South Carolina Department of Probation,
Parole and Pardons Services.

Ralph K. Anderson III, Administrative Law Judge
Case No; 19-ALT-15-0030-AP

Marcus Skeeters, , Appellant

v.

South Carolina Department of
Probation, Parole and Pardon Services, Respondent

NOTICE OF APPEAL

Marcus Skeeters appeals the decision of the Honorable
Ralph K. Anderson, dated November 22, 2019. Appellant
received a copy of this decision on November 25, 2019.

cc: Horry County Clerks Office
South Carolina Supreme Court
Administrative Law Court
Tommy Evans Jr.

Marcus Skeeters 199165
990 Wisack Highway
Bishopville S.C. 29010
x Marcus Skeeters

Proof of Service of Notice of Appeal

THE STATE OF SOUTH CAROLINA

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IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

On Behalf of the South Carolina Department of Probation,
Parole and Pardons Services.

Ralph K. Anderson III, Administrative Law Judge

Case No: 19-ALJ-15-0030-AP

Marcus Skeeters, Appellant

v.

South Carolina Department of
Probation, Parole and Pardon Services, Respondent

PROOF OF SERVICE

I, Marcus Skeeter, certify that I have served the Notice
of Appeal on Respondent, the Administrative Law Court and
filed Notice of Appeal with the Clerks office. All party's
required are served and filing fee is not required in this case.
All filings are served U.S. postal services.

This day ~~2nd~~ of December

Marcus Skeeters 199165

cc: Horry Clerks office
South Carolina Supreme Court
Administrative Law Court
Tommy Evans Jr.

990 Wisack Highway
Bishopville, S.C. 29010
x Marcus Skeeter

Tommy Evans Jr.

Assistant General Counsel

Post Office Box 50666 / 2221 Devine Street, Suite 600
Columbia S.C. 29250

Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, S.C. 29201

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Marcus Skeeters, #19965,)	Docket No. 19-ALJ-15-0030-AP
)	
Appellant,)	
)	
vs.)	ORDER OF DISMISSAL
)	
South Carolina Department of Probation,)	
Parole and Pardon Services,)	
)	
Respondent.)	
<hr/>		

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

By letter dated September 8, 2014, the Parole Board notified Appellant that it had denied his request for parole due to the nature and seriousness of the current offense, an indication of violence in this or a previous offense, the use of a deadly weapon in this or a previous offense and a criminal record that indicates poor community adjustment.

Appellant filed a Notice of Appeal on June 25, 2019. The Notice of Assignment was filed and served July 25, 2019. On November 7, 2019, the Department filed a Motion to Dismiss (Motion) the appeal because Appellant failed to timely file his Notice of Appeal. As of the date of this Order, Appellant has not filed a response to the Motion.

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). Accordingly, the ALC enacted the Special Appeals section of the Rules of Procedure for the ALC (SCALC Rules) to apply to appeals filed pursuant to *Al-Shabazz v. State*. See SCALC Rule 51.

SCALC Rule 59 sets forth that “[t]he notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken.” In this case, Appellant received the agency’s final decision in September 2014 and waited

over four years to file his notice of appeal in June 2019; therefore, Appellant failed to timely file his notice of appeal pursuant to SCALC Rule 59.

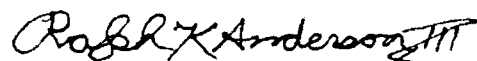
According to SCALC Rule 62, “on its own motion, an Administrative Law Judge may dismiss an appeal . . . for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section” The South Carolina Supreme Court has also set forth that a court must dismiss an appeal where the appellant fails to file an appeal or serve a party with the notice of appeal in a timely manner. *See Southbridge Props., Inc. v. Jones*, 292 S.C. 198, 355 S.E. 2d 535 (1987) (applying appellate court rules and dismissing case for failure to serve a notice of intent to appeal in a timely manner); *Mears v. Mears*, 287 S.C. 168, 337 S.E. 2d 206 (1985) (applying appellate court rules and finding lack of jurisdiction for failure to serve a notice of intent to appeal in a timely manner).

Additionally, it is well-established that because the requirement of service of the notice of appeal is jurisdictional, an appellate body may not extend the time to appeal. *See Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”); *see also Burnette v. S.C. State Highway Dep’t*, 252 S.C. 568, 167 S.E. 2d 571 (1969) (holding that a court does not have the authority to extend the time for filing an appeal, or for serving notice of appeal, from a decision of an administrative agency).

In this case, Appellant was notified that his request for parole was denied on September 8, 2014. Appellant did not file his Notice of Appeal until June 25, 2019, more than four years after the Parole Board decision. Moreover, Appellant has not responded to the assertion that his appeal was not timely filed. Consequently, Appellant’s appeal is dismissed. For good cause,

IT IS THEREFORE ORDERED that Appellant’s appeal is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

November 22, 2019
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Michelle Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

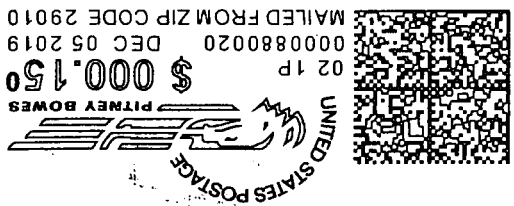
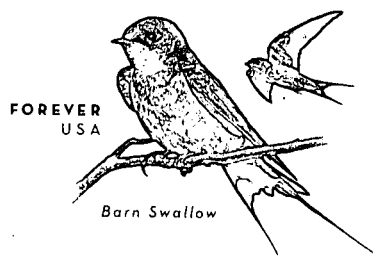


Stephanie Michelle Perez
Judicial Law Clerk

November 22, 2019
Columbia, South Carolina

Marcus Skeeters 199165
LEE C.I. F-G-A-2105
990 Wisacky Hwy
Bishopville, S.C. 29010

050801-1425391 Mail



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The South Carolina Supreme Court
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

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