STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court
The Honorable Ralph K. Anderson, III, Chief Administrative Law Judge
Docket Number 18-ALJ-15-0039-AP

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Appellant Case No.: 2019-001554

RECEIVED
FEB 24 2020
SC Court of Appeals

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STEWART BUCHANAN, #69848..........................................................APPELLANT

v.

RECEIVED
FEB 25 2020
SC Court of Appeals

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,..............................................................RESPONDENT

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**BRIEF OF RESPONDENT**

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## STATEMENT OF ISSUES ON APPEAL

1. **Does due process require the Parole Board to adopt a set of procedures specific to inmates who committed their offenses as juveniles?**

2. **Does the Appellant's continued incarceration of forty-seven years for a crime he committed as a juvenile constitute disproportionate punishment in violation of the Eighth Amendment to the United States Constitution and Article I, Section 15 of the South Carolina Constitution?**

3. **The Board is the sole authority that may grant parole in South Carolina, so the Appellant's request that this Court order parole cannot be granted.**

## STATEMENT OF THE CASE

On May 18, 1973, the Appellant entered the home of his neighbor by prying open a bedroom window and then went from the bedroom to other parts of the house. He returned to the victim's bedroom where she was awakened. Recognizing him as her neighbor, she called the Appellant by name. The Appellant started toward her, she ran and climbed out the open window. The Appellant also climbed out after her. He caught her in the front yard, drew out a pocket knife, and stabbed her several times. She broke away, and he caught her again about thirty feet away from the front porch. The Appellant then stabbed her again numerous times. After the incident the Appellant returned to his house next door. The victim's body was later discovered by a letter carrier who contacted the authorities. The Appellant was later arrested and charged with the offense of murder. After his arrest and after being given his *Miranda* warnings, the Appellant gave a full confession.

On September 25, 1973, the Appellant appeared before the Honorable Frank Eppes and pled guilty to the offense of murder. The Court sentenced the Appellant to the only sentence a court could give at the time: a period of incarceration for the remainder of his natural life. At the time the Appellant committed this offense, South Carolina law allowed an individual serving a life sentence for murder parole eligibility upon the service of ten years.

On January 12, 1983, the Appellant made his initial appearance before the Parole Board. The Board denied the Appellant parole at that time. Since this initial appearance the Appellant has appeared before the Board an additional sixteen times, each resulting in a denial of parole. The Appellant's most recent appearance occurred on November 14, 2018, parole was denied unanimously due to: 1) the nature and seriousness of the current offense; 2) an indication of violence in this or a previous offense; and, 3) the use of a deadly weapon in this or a previous

offense. Upon being informed of this denial of parole the Appellant filed a notice of appeal before the Administrative Law Court (ALC).

On August 13, 2019, the Honorable Ralph King Anderson, III, affirmed the Parole Board's denial of parole, determining that the Board complied with the minimum due process required in parole hearings. Therefore, the Appellant's denial of parole was a routine denial of parole and as such, the ALC lacked authority to conduct further review.

The Appellant has now brought this appeal alleging that the Board violated due process, Eighth Amendment of the United States Constitution, the South Carolina Constitution, and his liberty interest. The Appellant argues that there has been a "legal sea change" in the realm of juvenile sentencing that requires the Board apply special consideration to inmates who committed their crimes as a juvenile. He also argues that because he has been incarcerated for forty-seven years without being granted parole, he is being disproportionately punished in violation of the Eighth Amendment of the United States Constitution and Article I, Section 15 of the South Carolina Constitution.

The Respondent will argue that no such Constitutional or due process rule exists that requires the Parole Board to change its procedures for those inmates who committed their offenses while they were juveniles, given that the recent federal and state case law speak only to sentencing and not to parole consideration. Furthermore, Respondent will argue that pursuant to South Carolina law, department policy, and the validated risk assessment, the youth of the Appellant at the time of his crime was considered prior to his denial of parole. Lastly, the Respondent will argue that the law only provides that the inmates who committed their offenses as juveniles have the right to parole hearings, and not the right to be granted parole. The brief of the Respondent supporting the above referenced defenses follows.

## STANDARD OF REVIEW

In an appeal from an ALC decision, the Administrative Procedures Act provides the standard of review. S.C. Code Ann. §1-23-610(B). This Court may only reverse the decision of the ALC if that decision is:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

*Id.* "The [C]ourt may not substitute its judgment for the judgment of the [ALC] as to the weight of the evidence on questions of fact." *Id.* In determining whether the ALC's decision was supported by substantial evidence, this Court need only find, looking at the entire record on appeal, evidence from which reasonable minds could reach the same conclusion that the ALC reached. *Hill v. S.C. Dep't of Health and Envtl. Control*, 389 S.C. 1, 9–10, 698 S.E.2d 612, 617 (2010).

## ARGUMENTS

**1. Due process does not mandate that the Parole Board change its processes to give special consideration to inmates who committed their offenses as juveniles.**

**A. Juvenile defendants get special consideration at sentencing, not parole hearings.**

The Appellant argues that there has been a shift in the Constitutional Law as it relates to the sentencing of defendants who committed their crimes as juveniles. This is absolutely true when it comes to sentencing. However, there is no similar shift when it comes to parole hearings.

Defendants who commit their crimes as juveniles may not be sentenced to death.[1] *Roper v. Simmons*, 543 U.S. 551 (2005). They may not be sentenced to life in prison without the possibility of parole for non-homicide offenses.[2] *Graham v. Florida*, 560 U.S. 48 (2010). And they may not be sentenced to life without the possibility of parole for homicide under a mandatory sentencing scheme.[3] *Miller v. Alabama*, 567 U.S. 460 (2012). Furthermore, the *Miller* decision was held to be a substantive rule of constitutional law, and was therefore to be applied retroactively. *Montgomery v. Louisiana*, 136 S.Ct. 718, 736 (2016). These U.S. Supreme Court cases in the last fifteen years have admittedly changed the way juvenile defendants may be sentenced in this country.

Although the *Miller* decision limited its holding to mandatory sentencing schemes that required life without the possibility of parole, the South Carolina Supreme Court ordered resentencing of all juveniles who received a life without parole sentence. *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). The offense of murder without aggravating circumstances committed

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[1] "The Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed." *Roper*, 534 U.S. at 578.

[2] "This Court now holds that for a juvenile offender who did not commit homicide the Eighth Amendment forbids the sentence of life without parole." *Graham*, 560 U.S. at 74.

[3] "We therefore hold that the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders." *Miller*, 567 U.S. at 479.

after January 1, 1996, carries a possible penalty of thirty years to life without the possibility of parole (LWOP). S.C. Code §16-3-20(A). Even if the sentence was not LWOP but a term of years, the defendant is not eligible for parole. S.C. Code §24-13-100.

The Court in *Aiken* extended resentencing hearings to those inmates who committed their offenses as a juvenile and received a sentence of LWOP. Basing its ruling on *Miller*, the Court ordered that sentencing court must consider:

> (1) the chronological age of the offender and the hallmark features of youth, including "immaturity, impetuosity, and failure to appreciate the risks and consequence"; (2) the "family and home environment" that surrounded the offender; (3) the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him; (4) the "incompetencies associated with youth—for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys"; and (5) the "possibility of rehabilitation."
> *Aiken,* 410 S.C. at 544, 765 S.E.2d at 577.

After considering these factors, the court may still sentence the defendant to LWOP. However, LWOP may only be the sentence after the court has considered an individualized hearing exploring the "hallmark features of youth." *Id.* at 545, 578.

The Appellant reasons that the above-cited cases as a whole show a number of constitutional principles that change the due process requirements of parole hearings as well. He cites to a number of different states that have made such changes to their parole decisions and urges this Court to make a similar ruling. He argues that the laws have created a new liberty interest in actually receiving parole, rather than the opportunity for parole hearings.

This "sea change" is not so pervasive as the Appellant would make out, however. He did not take into consideration the cases that have blocked the "sea change" in juvenile sentencing that he claims is so pervasive throughout the country.

For example, our Supreme Court in *State v. Slocumb*, 426 S.C. 297, 827 S.E.2d 148, (2019) looked at a sentence that carried a term of years instead of a LWOP, even one that amounted to a de facto life sentence. Slocumb was sentenced to a total of 130 years of incarceration without the possibility of parole for a series of brutal non-homicide offenses. In weighing its reasoning against *Graham v. Florida* rather than *Miller v. Alabama* because of the non-homicide nature of the offenses, the Court determined that because *Graham* specifically prohibited life without parole for non-homicide cases committed by juveniles, the case was distinguishable. "[W]e decline to extend Graham's explicit holding based solely on the general rationale underlying the opinion without further input from the Supreme Court as to how the Eighth Amendment applies to situations where a juvenile nonhomicide offender commits multiple crimes against multiple victims at multiple points in time." *Id.* at 312, 827 S.E.2d at 156.

If the wave of change to the way juveniles could be sentenced was truly so inexorable as the Appellant insists, the Supreme Court would not have made such a ruling in *Slocumb*.

As another matter, the *Miller v. Alabama* opinion and its progeny do not contemplate or address South Carolina law as it existed prior to January 1, 1996. The current law gives a sentencing judge discretion over the sentence for murder, from thirty years up to life in prison without the possibility of parole.

Prior to January 1, 1996, however, South Carolina's murder statute provided for a different punishment. The court could only sentence the defendant – juvenile or adult – to life, but *with* the possibility of parole. At the time of the Appellant's offense, South Carolina law provided parole eligibility after the service of ten years. S.C. Code Ann. §16-3-20(1976).

The Appellant received at sentencing the very solution that *Montgomery v. Alabama* prescribed for LWOP sentences. "A State may remedy a *Miller* violation by permitting juvenile

homicide offenders to be considered for parole, rather than by resentencing them." 136 S.Ct. at 736. The U.S. Supreme Court could have suggested that the *Miller* factors be used in by the authorities deciding parole, but declined to do so.

In the absence of such a mandate, there is no requirement that the South Carolina Parole Board change its practices and apply the *Miller-Aiken* factors to parole consideration. The South Carolina Supreme Court mandated those five factors be considered by the *sentencing* court. "*Miller* requires the sentencing authority "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison." *Id.* at 544, 765 S.E.2d at 577 (quoting *Miller*, 132 S.Ct. at 2469).

A more closely aligned case the Court of Appeals is found in *State v. Finley*, 427 S.C. 419, 831 S.E.2d 158 (Ct. App. 2019). This inmate, who like the Appellant, committed his murder when he was a juvenile and received a parole-eligible life sentence. However, his parole eligibility was to commence after thirty years of incarceration due to the law at the time of his offense in 1992. *Id.* at 422, n. 2.

Finley argued unsuccessfully that his life sentence with the possibility of parole after thirty years constituted a de facto life sentence and entitled him to a resentencing under *Aiken*. The Court of Appeals, citing the remedy in *Montgomery*, held that his parole eligibility cured any Eighth Amendment violations. Furthermore, the court did not prescribe any special considerations for the Parole Board when Finley receives his parole hearings.

**B. The Board's reliance on the facts of the offense do not violate Due Process.**

The Appellant also argues that the Board's denial of parole for its stated reasons of 1) nature and seriousness of the offense; 2) indication of violence; and 3) use of a deadly weapon

violates due process because those factors are unchanging events in the past. He argues that because the Board denied him based on those factors, that the Board is giving him a de facto life sentence.

This is simply not the case, as the Parole Board followed the procedures outlined by the South Carolina Supreme Court in *Cooper v. S.C. Dept. of Probation, Parole and Pardon Services,* 377 S.C. 489, 661 S.E.2d 106 (2008). The order of denial in the present case clearly reveals that all of the criteria as well as the risk assessment were considered prior to denial. Once this is revealed, there are no grounds for appeal.[4] Since due process was provided, the ALC is limited in any decision that could be made regarding the final decision of the Parole Board.

Pursuant to South Carolina law and *Cooper*, all that must be revealed is a finding of fact and conclusion of law separately stated.[5] The Board is not required to describe the underlying thought process as to why the decision was made. As long as the letter of rejection states a reason or reasons for denial and that the Board considered the criteria and risk assessment, the order is valid.

The Administrative Law Court correctly affirmed the Board's decision to deny parole. Under Section 1-23-350, a finding of fact and conclusion of law need not be presented in any particular format but need only be sufficiently detailed to enable the reviewing court to determine whether the fact findings are supported by evidence and whether the law has been correctly applied. *Cloyd v. Mabry,* 295 S.C. 86, 367 S.E.2d 171 (S.C. App. 1988). The order of denial clearly

[4] The Parole Board clearly stated in its notice of rejection that it considered the statutory criteria and the criteria set forth in Form 1212 which is sufficient under *Cooper. Compton v. S.C. Dept. of Probation, Parole and Pardon Services,* 385 S.C. 476, 684 S.E.2d 175 (2009).

[5] A final decision shall include findings of fact and conclusions of law separately stated. S.C. Code Ann. §1-23-350 (2018).

stated that the mandatory criteria and risk assessment was considered which would be a conclusion of law. The reasons for denial were lawful and reasonable, which is considered a finding of fact.

The Appellant argues that because the Board has denied his request for parole based on the facts and circumstances of the offense – which is fixed in the past and cannot be changed – that the Board has therefore permanently denied him parole. He advances the theory that because the Board denied him for that reason, that they will never change their minds and that they will forever deny him parole. This, clearly, is not correct. Each time he appears before the Board, he is provided with a real opportunity for parole before the only body in the state that is authorized to grant parole The Appellant also fails to consider that the Board roster changes over time..

The Board is obviously not beholden to its previous decisions. Otherwise, an inmate would only have one meaningful chance at parole and then be forever denied until the completion of his or her sentence. The Code, also, requires that the inmate receive hearings following a denial of parole. S.C. Code § 24-21-645(D). Just because the Appellant hasn't received parole yet doesn't mean he never will.

2. **The prohibitions on cruel and unusual punishment in the Eighth Amendment and the South Carolina Constitution are not violated by repeated denials of parole, even for inmates who committed their offenses as juveniles.**

The Appellant argues that he is being punished disproportionately because as a former juvenile offender, he has served a longer period of time incarcerated than an inmate who committed his offense as an adult.

**A. The Eighth Amendment.**

This idea that juvenile offenders serve a disproportionate sentence because they presumably have a longer life with which to serve, admittedly does factor into the U.S. Supreme

Court's limitations on life *without* parole. However, the Court has specifically not concluded that the juvenile offender *must* therefore receive parole. "A State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime." *Graham*, 560 U.S. at 75.

If the Supreme Court specifically allowed for a non-homicide juvenile offender to conceivably never be granted parole, then clearly a juvenile offender who committed homicide may indeed never be granted parole.

This also follows from the Court's allowance that there may be a "rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified." *Montgomery*, 136 S.Ct. at 733.

The U.S. Supreme Court has not held that inmates who committed their crimes as juveniles must be eventually paroled. The Appellant has quoted *Montgomery* as somehow implying that conclusion, saying that he is guaranteed "some years of life outside prison walls." *Id.* at 737. However, he only quotes a part of that sentence, which reads more completely that, "prisoners like Montgomery must be given the opportunity to show their crime did not reflect irreparable corruption; and if it did not, *their hope for* some years of life outside prison walls must be restored." *Id.* at 736-737 (emphasis added). The Court extended hope for release, but not a guarantee of release.

In conclusion, despite the "legal sea change" for juvenile offenders that Appellant asserts, there is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence. *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex,* 442 U.S. 1, 99 S.Ct. 2100 (1979).

**B. The South Carolina Constitution.**

The Appellant argues that grammatically, the South Carolina Constitution is different and more expansive than the Eighth Amendment. By prohibiting "cruel *or* unusual punishment" instead of "cruel and unusual punishment," he argues, South Carolina affords a greater protection against such penalties. S.C. Const. Art. I, §15.

However, despite the argument and diligent research the Appellant has provided, he cannot say that South Carolina has ever granted inmates the right to parole. Instead, South Carolina courts have consistently held that parole is a privilege, not a right. See *Sullivan v. S.C. Dept. of Corrections*, 355 S.C. 437, 443 n. 4, 586 S.E.2d 124, 127 n. 4 (2003), citing *Furtick v. S.C. Dept. of Probation, Parole and Pardon Services*, 352 S.C. 594, 598, 576 S.E.2d 146, 149 (2003).

In the event that this Court holds that the South Carolina Constitution does provide more protection than the Eighth Amendment, the State still submits that it does not go so far as to give inmates who committed their crimes as juveniles the right to parole. Furthermore, the State submits that the Board's current parole consideration criteria factors in the youth of the inmate and the other factors found in *Aiken v. Byars*. Because the circumstances surrounding the underlying crime are always considered, the age of the Appellant is also a circumstance that existed during the commission of the offense.

In *Aiken*, the Court ruled that a juvenile cannot be sentenced to a life without parole sentence unless the Defendant receives an individualized hearing where the mitigating hallmark features of youth are fully explored. *Aiken*, at 578. A parole hearing, while not a sentencing hearing, is an individualized hearing. The age of the Appellant at the time the crime was committed is one of many factors surrounding the facts and circumstances of the crime. The General

Assembly created mandatory criteria that must be considered prior to each final decision. The South Carolina Code of Laws specifically state:

> The board must carefully consider the record of the prisoner before, during and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board: that the prisoner has shown a disposition to reform; that, in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and that suitable employment has been secured for him.

S.C. Code Ann. §24-21-640 (2018).

Within South Carolina law the Board is also responsible for creating its own criteria.[6] This criteria must reflect all of the aspects of the statutory criteria and include a review of the prisoner's disciplinary and other records. S.C. Code Ann. §24-21-640 (2018) This Board criteria is always considered and includes:

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal record and his/her adjustment under any previous programs of supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections had made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes living arrangements where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment.

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[6] The board must establish written specific criteria for the granting of parole and provisional parole. S.C. Code Ann. §24-21-640 (2018).

11. The willingness of the community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow him/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family and any witnesses to the crime about the release of the inmate;
15. The actuarial risk and needs assessment outlined in section 24-21-10(F)(1) of the S.C. Code of laws; which evaluates based on criminal involvement, relationships/lifestyle, personality/attitudes, family, social exclusion and mental health;
16. Other factors considered relevant in a particular case by the Board.

Although *Aiken* only states what the sentencing authority must carefully and thoughtfully consider, the Board's statutory and developed criteria cover many of the same factors. Clearly, the "family and home environment" that surrounded the offender; the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him; and 5) the "possibility of rehabilitation"[7] are covered in the above-referenced criteria.

While it can be argued that the hallmark features of youth including "immaturity, impetuosity, and failure to appreciate the risk and consequences" and the "incompetencies associated with youth – for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorney's"[8] are not specifically outlined, the State submits that those two considerations are far more important for the sentencing court to consider when fashioning a sentence that could result in life without the possibility of parole, rather than when the inmate is before the Parole Board. The inmate appearing before the Board is clearly no longer a juvenile when parole eligibility is set ten, twenty, or thirty years after the sentence began. Furthermore, the Board is not concerned with

[7] *Aiken,* at 544 (quoting *Miller,* at 477-78).
[8] *Id.*

plea agreements, involuntary confessions, or ineffective assistance of counsel – all of which are the province of other appellate matters. Also, nothing prevents the parole applicant from exploring these factors when addressing the Board during the hearing.

3. **The Board is the sole authority that may grant parole in South Carolina, so the Appellant's request that this Court order parole cannot be granted.**

The Appellant is his request for relief has, in addition for asking for a wildly different procedure by the Parole Board, requested that this Court order the Board to grant him parole. In his brief he includes multiple pages of descriptions of the support he has garnered and examples that he uses to support his stated rehabilitation.

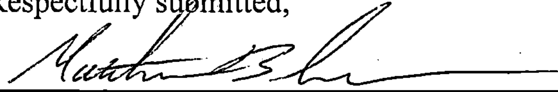
Commendable as his purported rehabilitation may be, it is simply not up to this Court to declare that he be released to parole. The court may not substitute its judgment for the judgment of the agency, or board, as to the weight of the evidence on questions of fact. S.C. Code Ann. §1-23-380 (2018). The Board has determined that the Appellant should not receive a lessening of his sentence by being released to parole. The Appellant has therefore attempted to garner sympathy or to persuade this Court that the Parole Board's decision is erroneous and should therefore be corrected by ordering the Board to reverse its decision. His suggested remedy is not permitted by law.

## CONCLUSION

The Appellant is clearly frustrated with the Board's repeated refusal to grant him parole. However, parole is a privilege, not a right. Although the laws regarding juveniles being sentenced to life without parole has changed over the last fifteen years, parole *eligibility* is the proscribed solution for juveniles otherwise sentenced to life without parole. Because the Appellant was

sentenced to life with the possibility of parole, his sentence is already constitutional. He therefore is asking for what this Court cannot give him: the guarantee or right to parole, or the usurping of the Board's authority by this Court granting him parole. Based on the forgoing reasons the Respondent respectfully requests the ALC's ruling be affirmed and the Appellant's appeal be dismissed.

Respectfully submitted,



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Columbia, South Carolina
February 24, 2020

STATE OF SOUTH CAROLINA
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Appeal from the Administrative Law Court
The Honorable Ralph K. Anderson, III, Chief Administrative Law Judge
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v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
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**CERTIFICATE OF SERVICE**

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I, Dawn K. Nichols, Executive Assistant to counsel for Respondent, certify that I have served the within Initial Brief of Respondent and Designation of Matter dated February 24, 2020, on Appellant this 24th day of February, 2020, by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Hannah Freedman, Esquire
Justice 360
900 Elmwood Avenue, Suite 200
Columbia, S.C. 29201

John Blume, Esquire
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159 Charles Evans Hughes Hall
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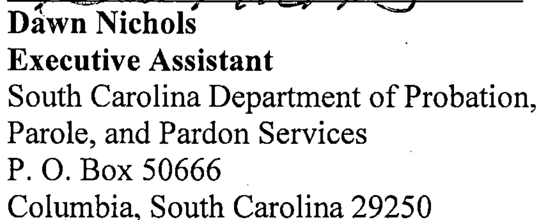
I further certify that all parties required by Rule to be served have been served.



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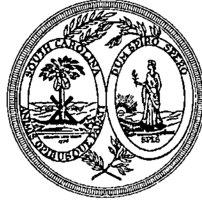
**State of South Carolina**
## Department of Probation, Parole and Pardon Services

**HENRY McMASTER**
Governor



**JERRY B. ADGER**
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February 24, 2020

The Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
P. O. Box 11629
Columbia, South Carolina 29211

**Re: Stewart Buchanan v. SCDPPPS**
**19-001554**

Dear Ms. Kitchings:

Please find enclosed the Initial Brief of Respondent and Designation of Matter dated February 24, 2020, along with proof of service in the above referenced case.

Sincerely,

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Matthew C. Buchanan
General Counsel

MCB:dn

Enclosures

cc: Hannah Freedman, Esquire
John Blume, Esquire

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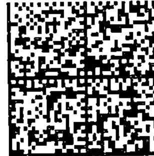

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P. O. Box 11629
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