STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jerome Long, # 151047, Appellant, vs. South Carolina Department of Probation, Parole and Pardon Services, Respondent.	Docket No. 19-ALJ-15-0038-AP **ORDER**

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the appeal of Jerome Long (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. On August 1, 2019, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Board of Paroles and Pardons (Board) had rejected him for parole. Appellant requested a rehearing, but the Department informed him that no appeal process exists in a routine denial of parole and thus his request was denied. On August 8, 2019, Appellant filed a notice of appeal before the ALC alleging that he was wrongfully denied parole due to the Board misrepresenting his prior criminal record and failing to inquire into the offense he committed.

DISCUSSION

An individual has a right to ALC review of a final decision of the Board only when that decision affects a liberty interest for which due process is required. See Furtick v. S.C. Dep't of Probation, Parole and Pardon Services, 352 S.C. 594, 598, 576 S.E.2d 146, 149 (2003); see also Sullivan v. South Carolina Dep't of Corrections, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003) (explaining the nature of the right to ALC review). In Furtick, the South Carolina Supreme Court held that although an inmate has a liberty interest in parole *eligibility* pursuant to S.C. Code Ann. § 24-21-620, the statute creates no such liberty interest in the granting of parole itself. Furtick, at 598, 576 S.E.2d at 149 n.4 (emphasis added). Therefore, claims arising from the Board's decision denying parole are not appealable to the ALC, only claims that the Board failed to consider the appropriate

criteria so as to be tantamount to an abrogation of parole eligibility. Cooper v. S.C. Dept. of Probation, 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008).

Appellant argues that the Board's order is not sufficiently detailed to allow meaningful review by this court. In Cooper, the Supreme Court gave specific guidance as to what would constitute a sufficiently detailed order by the Board:

> We emphasize that in future parole review hearings the Parole Board may avoid the result in the instant case if it clearly states in its order denying parole that it considered the factors outlined in section 24-21-640 and the fifteen factors published in its parole form. If the Board complies with this procedure, the decision will constitute a routine denial of parole and the ALC would have limited authority to review the decision to determine whether the Board followed proper procedure.

Cooper, at 500, 661 S.E.2d at 112.

I find no legal support to require that the Board render the type of unique or personally tailored order of decision in each parole hearing that Appellant requests. In its letter of decision, the Board explicitly stated that it considered all the factors published on the parole consideration form as well as the factors outlined in Section 24-21-640 of the South Carolina Code of Laws. Therefore, the Board's letter of decision is sufficiently detailed to meet the standard set forth in Cooper.

ORDER

For the foregoing reasons, the Department's decision denying Appellant parole is **AFFIRMED.**

AND IT IS SO ORDERED.

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

January 9, 2020
Columbia, South Carolina