

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT OCT 07 2020
Administrative Law Judge Shirley C. Robinson

SC Court of Appeals

ALC CASE NUMBER 20-ALJ-15-0012-AP

JAMES NEW, #214761 APPELLANT,

v.

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

NOTICE OF APPEAL

Notice is hereby given that James New, #214761, does hereby appeal the ORDER of the Administrative Law Judge (hereafter ALJ) dated September 23, 2020, and received by the Appellant on September 29, 2020, a copy of which is enclosed herewith.

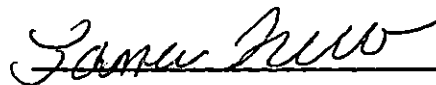
Appellant asserts that the ALJ erred in her finding concerning the statutory law issue raised in the appeal. Appellant raised a question concerning the Respondent's failure to conduct timely parole reviews in compliance with the specific time requirements set forth by statutory law.

The ALJ's decision is a "forced" interpretation which expands the scope of the statute's language. The court has applied a forced interpretation of the language "ever two years" and replaced its "clear and concise" meaning of every twenty-four months, with an ambiguous interpretation of "biannually." The rules of statutory construction have been established by well settled case precedent which does not allow the courts to impose a forced interpretation of statutory language. "A subtle or forced construction of words in a statute for

the purpose of **expanding** the operation of a statute is **prohibited.**" Goldston v. State Farm Mut. Auto. Ins. Co., 358 S.C. 157, 594 S.E.2d 511 (2004). (emphasis added).

The ALJ further erred by failing to make a finding concerning the issue of Respondent's arbitrary and capricious findings of fact articulated as their reasons for denying Appellant parole. This issue was specifically presented as one of the issues on appeal and which the ALJ has the authority to determine, but failed to do so. Therefore, based on the reasons stated herein, Appellant submits this **NOTICE OF APPEAL.**

Respectfully Submitted,



James New, #214761 Appellant pro se

Dated: October 5, 2020

C E R T I F I C A T E O F S E V I C E

I hereby certify that I, James New, have on this 5th day of October, 2020, served a copy of the foregoing **NOTICE OF APPEAL** on all parties to this matter by depositing the same in the United States Mail with proper postage affixed thereto and addressed as follows:

S.C. Dept. of Probation, Parole and Pardon Services
Division of Legal Services
Post Office Box 207
Columbia, South Carolina 29202

James New #214761
P.C.I. - Q2 B-113
430 Oaklawn Road
Pelzer, South Carolina 29669

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October 5, 2020

SC Court of Appeals

Office of the Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

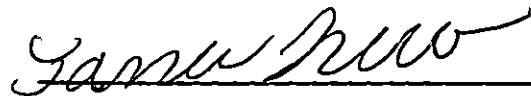
RE: James New v. S.C. Dept. of Probation, Parole and Pardon Services

Dear Clerk:

Enclosed please find my **NOTICE OF APPEAL** and incorporated **CERTIFICATE OF SERVICE**, along with a copy of the **ORDER** under appeal, issued by the Administrative Law Court. I respectfully request that you please file these documents with your office and provide me with an appellate case number and a clock stamped copy for my records.

Thank you for your time and assistance in this matter, and should you have any questions or concerns please contact me at the address listed above. With best regards and kind wishes always.

Sincerely,



James New, Appellant pro se

Mr. James New #214761
P.C.I. - Q2 B-113
430 Oaklawn Road
Pelzer, S.C. 29669

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