

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

OCT 07 2020  
SC Court of Appeals

ALC CASE NUMBER 20-ALJ-15-0011-AP

Donnie Moore, #121599 ..... APPELLANT,

- v.

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

**NOTICE OF APPEAL**

Notice is hereby given that Donnie Moore, #121599, 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" construction of Section 21-24-620 which effectively **expands the scope** of the statute's language. The court has applied a forced interpretation of the language "**ever twelve months**" and replaced its "**clear and concise**" meaning of every twelve months, with an ambiguous interpretation of "**annually**." The rules of statutory construction have been well established and settled by a history case precedent. This history regarding statutory construction does not allow the courts to impose a **forced** construction

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 Respondent has repeatedly failed to comply with the time line requirements of statutory law, and the ALJ's finding in this regard was inconsistent with the rule of law.

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

Respectfully Submitted,

Donnie Moore

Donnie Moore, #121599 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, Donnie Moore, 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

Donnie Moore, #121599  
P.C.I. - Q2 B-209  
430 Oaklawn Road  
Pelzer, South Carolina 29666

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October 5, 2020

OCT 07 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: Donnie Moore 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,

Donnie Moore

Donnie Moore, Appellant pro se

Donnie Moore #121599  
P.C.I. - Q2 B-209  
430 Oaklawn Road  
Pelzer, S.C. 29669

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OCT 05 2020

P.C.I. MAILROOM