

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kenneth Cole, #377835,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Probation,)
 Parole and Pardon Services,)
)
 Respondent.)

Docket No 20-ALJ-15-0023-AP

ORDER OF DISMISSAL

RECEIVED

NOV 08 2020

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (the Court or the ALC) on an appeal filed by Kenneth Cole (Appellant) after the South Carolina Department of Probation, Parole and Pardon Services (PPPS or the Department) denied him parole.

By letter dated April 24, 2020, the Department informed Appellant that the Parole Board denied his request for parole. On May 1, 2020, Appellant appealed the Department's determination. On May 5, 2020, the Notice of Assignment was filed. On July 9, 2020, the Department filed the Record on Appeal. On August 19, 2020, the Department filed a Motion to Dismiss (Motion) because Appellant failed to file his brief.

The Court's jurisdiction to hear this matter is derived from the South Carolina Supreme Court's decisions in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. South Carolina Department of Probation, Parole and Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2003). In light of that jurisdiction, the ALC enacted the Special Appeals section of the Rules of Procedure for the ALC (SCALC Rules) to govern those appeals. See SCALC Rule 51. Pursuant to the SCALC Rules, Appellant's brief was due ninety days after the Notice of Assignment was filed, or August 3, 2020. SCALC Rule 60(A). As of the date of this Order, Appellant has not filed a brief, a timely motion for extension of time to file a brief, or a response to the Motion.

Pursuant to SCALC Rule 62, an Administrative Law Judge may dismiss an inmate's appeal for failure to comply with the rules of procedure for appeals, including the failure to comply with any time limits set forth in the rules. Appellant's delay is well beyond the time period set forth in SCALC Rule 60(A). Because Appellant has not timely filed his brief, I conclude this matter should be dismissed pursuant to SCALC Rule 62.

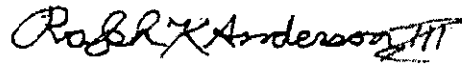
FILED

September 14, 2020

SC ADMIN. LAW COURT

IT IS THEREFORE ORDERED that the Department's Motion to Dismiss is **GRANTED**, and this appeal is therefore **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

September 14, 2020
Columbia, South Carolina