

Exhibit 1  
My copy

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Stephen Gratton, 136990, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Probation, )  
 Parole & Pardon Services, )  
 )  
 Respondent. )

Docket No.: 20-ALJ-15-0037-AP

ORDER OF DISMISSAL

**RECEIVED**

NOV 18 2020

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed by Stephen Gratton (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. Appellant appeals the South Carolina Parole Board's (Board) decision issued on August 20, 2020 denying him parole.

ALC Rule 59 states that the Notice of Appeal "shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken." SCALC Rule 59. This Court does not have the authority to extend the appeal filing or service deadline. *See, e.g., Sadisco of Greenville, Inc. v. Greenville County Bd. of Zoning Appeals*, 340 S.C. 57, 59, 530 S.E.2d 383, 384 (2000); *See also Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004). Furthermore, pursuant to *Al-Shabazz v. State*, the ALC sits in an appellate capacity when reviewing final decisions of the Department regarding inmate matters, and to perfect an appeal, "[t]he inmate *must file and serve a notice of appeal upon specified parties within thirty days of receipt of written notice of [the] Department's final decision.*" 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) (emphasis added).

In this matter, Appellant received notice of the Board's final decision on August 21, 2020, however, Appellant did not file his Notice of Appeal until October 5, 2020. Appellant's filing is clearly outside the thirty (30) day timeframe set forth in SCALC Rule 59. Therefore, this Court finds that Appellant did not file his Notice of Appeal with the Court in a timely fashion, and thus, failed to properly invoke the jurisdiction of the ALC.


**IT IS THEREFORE ORDERED** that this appeal shall be and hereby is **DISMISSED**.

**FILED**

OCT 29 2020

ADMIN. LAW COURT

AND IT IS SO ORDERED.

  
SHIRLEY C. ROBINSON  
Administrative Law Judge

October 29, 2020  
Columbia, South Carolina


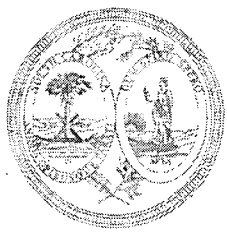
CERTIFICATE OF SERVICE  
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing same, hereon, in the United States mail, postage paid, or in the emergency by service addressed to the parties or their attorneys.  
This 29 day of October, 2020  
By:   
Judicial Law Clerk

Exhibit 2  
my copy

STATE OF SOUTH CAROLINA  
**Administrative Law Court**

**Shirley C. Robinson**  
Administrative Law Judge



PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCALC.NET

November 10, 2020

Stephen Gratton, 136990  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

RE: Stephen Gratton v. South Carolina Department of Probation, Parole and Pardon Services  
Docket No.: 20-ALJ-15-0037-AP

Dear Mr. Gratton:

The Court received your November 6, 2020 filing entitled "Relief from Order SCRCR Rule 60(a)(b)." Per Judge Robinson, this case will not be reopened. As explained in the October 29, 2020 Order of Dismissal, your appeal was dismissed because you failed to file your appeal within thirty (30) days of receipt, as required by ALC Rule 59 and *Al-Shabazz v. State*. The clerk's memorandum allowing you ten (10) days to complete your incomplete notice of appeal filing does not alleviate your obligation to timely file your appeal as required by the law.

Best Regards,

T.S.  
Judicial Law Clerk to  
The Honorable Shirley C. Robinson

CERTIFICATE OF SERVICE  
This is to certify that the undersigned has on this date served this order in the above entitled action upon all parties to this cause by depositing a true and correct copy in the United States mail, postage paid, or in the Interagency Mail System addressed to the party last or next enumerated.  
This 10 day of November, 2020  
By:   
Judicial Law Clerk

Enclosure

cc: South Carolina Department of Probation, Parole and Pardon Services Office of General Counsel

**FILED**

NOV 10 2020

ADMIN. LAW COURT

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

August 20, 2020

Mr. Stephen Gratton # 00136990  
Kirkland Reception And Evaluation Center  
4344 Broad River Road  
Columbia, SC 29210

Exhibit 3

RECEIVED

NOV 18 2020

RE: NOTICE OF REJECTION

SC Court of Appeals

Dear Mr. Gratton:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following Conclusions of Law:

After careful consideration of: (1) the characteristics of your current offense(s), prior supervision history, prior offense(s), prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws; and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F)(1) of the South Carolina Code of Laws, the Parole had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness of Current Offense  
Criminal Record Indicates Poor Community Adjustment  
Failure to Successfully Complete A Community Supervision Program  
Vote Count: UNANIMOUS to Reject

Sincerely,

Nettie C. Jacobs  
Board Support Services

See Reverse Side

## VERIFICATION

I, Stephen Roy Gratton hereby depose and say that I have subscribed to the foregoing handwritten copy of Parole Board's Rejection for Parole, that I know the contents thereof and the copy is true and correct as the letter received from the Parole Board. I certify that this is a correct handwritten copy made on the 18th day of September and that I was unable to get an original copy because of virus quarantine.

Respectfully submitted with the motion to Appeal Application as required by Rule 59.

This 18th day of September, 2020

Stephen Gratton

S/ Stephen Roy Gratton

Exhibit 4

My Copy

Dear Appellant:

10/20/2020

Page 3

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

20  
037  
↓

Case number	Inmate number	Inmate first name	Inmate last name	Grievance No	Respondent	Filing date	Date Assigned	Judge last name
20P037	136990	STEPHEN	GRATTON	KCI 2020	PPPS	10/5/2020	10/21/2020	ROBINSON

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Deputy Director of Legal Services. Dept. of PPPS, PO Box 50666, Columbia, SC 292501.

**FILED**

OCT 21 2020

SC ADMIN. LAW COURT