

RECEIVED
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SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Stephen Gratton, #136990,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 21-ALJ-15-0021-AP

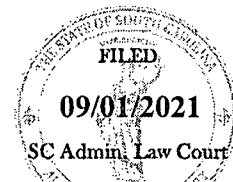
ORDER OF DISMISSAL

STATEMENT OF THE CASE

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Stephen Gratton (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On August 19, 2021, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) had rejected him for parole. Appellant filed an appeal with the ALC on August 23, 2021 challenging the Board's denial of parole.

S.C. Code Ann. § 1-23-600(D) (Supp. 2020) provides, "An administrative law judge shall not hear...an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board followed the proper procedure and considered the relevant factors. Compton v. S.C. Dept. of Probation Pardon and Parole Services, 385 S.C. 476, 685 S.E.2d 175 (2009). If that procedure was followed, any decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear.

The Notice of Rejection states that the parole board considered the relevant factors in reaching its decision and the actuarial risk and needs assessment factors pursuant to Section 24-21-10(F)(1) of the South Carolina Code of Laws. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).



ORDER

IT IS THEREFORE ORDERED that this appeal is **DISMISSED**, with prejudice.
AND IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Deborah Brooks Durden", is displayed on a rectangular, textured background.

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

September 1, 2021
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Stephen Gratton, 136990

Appellant,

vs.

PPS

South Carolina Department of ~~Corrections~~

Respondent.

NOTICE OF APPEAL

DOCKET NO. 21-ALJ-05-0021-AP
GRIEVANCE NO.: 21P021

Notice is hereby given that Stephen Gratton does hereby appeal the final decision of the South Carolina Department of Corrections dated and received on Aug 19, 2021, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

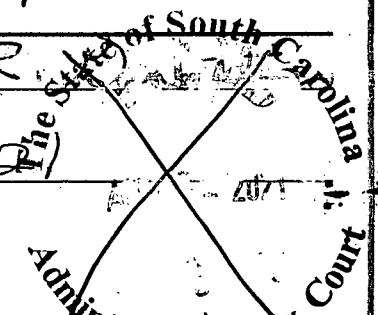
- ① The Parole Board violated Ex Post Facto laws by permanently denying parole eligibility by application of Sec. 24-21-640 (2) and 16-1-60 S.C. Code thus violating U.S. Const. Art. I § 10, S.C. Const. Art. 1, § 4, Denied benefits of Art. 100 of 1981.
- ② The Parole Board acted arbitrarily and capriciously and deprived a state created liberty interest under 24-21-640 S.C. Code
- ③ The Parole Board violated the 5th, 6th, 8th, and 14th amendments of the U.S. Const. and Art. 3 and 4 of S.C. Const. by unlawful application by using nature and seriousness of offense continually as reason for rejection.

Stephen R. Gratton

Appellant's Name
SCDC - Kirkland C.I. - B2-4
4344 Broad River Road
Mailing Address

Columbia, SC 29210
City, State, Zip Code

Stephen R. Gratton
Signed
8-30-21
Dated



CERTIFICATE OF SERVICE

I hereby certify that I, Stephen Gratton (your name), on the 30 day of Aug, 20 21, in Columbia (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: Deputy Director of Legal Services
Address: SC Dept. of PPS
P.O. Box 50666

City, State, Zip Code: Columbia, SC 29201

Stephen R. Gratton

Stephen R. Gratton

Print your name
(See reverse side for instructions)

Sign your name