

Branson J. Thompson #326685
Appellant

v.

South Carolina Department of
Corrections, Respondent

Case No: 2023-001131

Motion to Reinstatement

RECEIVED

SEP 18 2023

SC Court of Appeals

On January 12th, 2023 at 1:30 pm I went in front of the Disciplinary hearing board for two infractions, A smuggling of contraband, and a Attempt to escape. During my hearing there was a lot of institutional violations, which was the result of some of my constitutional rights being violated. During the hearing the hearing officer Mr. Williams was not fair, and impartial. Being that I am mental health and my reading level is a 5.9. I was given a counsel substitute pursuant to SCDC Policy. I had previously requested witnesses to be present on my behalf through Kiosk (12-26-2022) I requested (4) officers, that was denied at my hearing on 1-12-2023 at 1:30 pm. I requested the officers through security and who. It was forwarded to who officer on 2-16-2023 from Author: [066722] at 3:54 pm (22-02943150 security) which was at least 50 days past policy. All request suppose to be answered within 45 days. None of my witnesses were called by who hearing officer Williams or questioned on my behalf by my counsel substitute. I requested my accuser to be present. I was denied the right to question Sgt Robert. I requested the video evidence in question to use as documentary evidence on my behalf. who

JAM JAZEL
MOON JAM

hearing officer Williams kept cutting the recording on and off through my hearing. so only certain stuff to be heard on record on my behalf. Who Williams violated my due process rights during the hearing. because smuggling and attempt to escape put me at risk of losing accrued good time sentence related credits. The procedures and policy was neglected. The who hearing officer was negligent in his duty and conduct. As a result of his actions. I was placed in lock up. where I don't get required recreation, I have to be strip searched every time I come out my cell. In accordance with SCDC Policy subjecting me to a typical and significant hardship in relation to ordinary conditions of prison life. Also see Attachments on violations of Policy by reviewing the 19-69 Form. As required by policy. Any time during and after the hearing. If any documentary evidence aint presented, nor if witnesses aint called. The sections at the bottom of form 19-69 suppose to be filled out stating why inmate wasn't given the right to see evidence, and not able to call witnesses. The who hearing officer checked three (3) places indicating that I heard from "witnesses", "Admission of guilt" and officer report was heard. The who hearing officer lied, and falsified the form in question. Review record from hearing. I never heard from reporting "officer Sgt Robert", nor did I hear from witness. which is a violation of SCDC Policy. And which violated my Due process rights. The hearing officer failed to follow sections 3-14.3 of Policy. Warden Palmer was placed as the charging officer on SCDC form 19-29 A. which I told the hearing officer that was a violation of SCDC Policy section 3-3.2. The who hearing officer overlooked the deficiencies of the institutional rules, and Policy guidelines to cover up how the warden deviated from SCDC Policy. Who hearing officer was wrong in his duty. My condition is cruel and unusual punishment. The deficiencies in the form 19-29 A nullified any form I signed admitting to ~~guilt~~ / violations of Policy. The warden signed his falsified document as supervisor. Because all grievances go before him in the step-1 process. In violating the Policy to produce the correct method of filing a 19-29 A form. He hindered me from my

Due Process right. which made him bias, and negligent in my capability to
griene the issues. In my grievance process, I stated that the 19-29 A form wasn't
filled out correctly. Deficiencies was in the Form. Case # 93 was with defects, and
aint meet scdc Policy. I also stated that I wasn't able to call witnesses.
Nor see documentary evidence. A video was used against me to convict me.
I asked to see it. And was denied. See attachments... The hearing officer
seen the deficiencies in the 19-29 A form. And did not dismiss my charges for
the serious violation. I stated the issues to my counsel substitute about
the deficiencies in the 19-29 A form. She did not bring the issues to the
hearing officer to be dismissed or stated on record on my behalf. Throughout
the hore hearing. My counsel substitute never represented me by pointing
out that I requested witnesses. That I ask her to get the video ~~video~~
Footage. She never stated anything to help me in my defense.

3. Supervisor's review/responsibilities: If the supervisor on-duty cannot correct the Inmate's behavior using the corrective actions ~~list~~ listed in Paragraph 2.1 and 2.2, Above, or if the Incident is too serious to be resolved in this manner, s/he will instruct the observing employee to complete SCDC Form 19-29A. This report will be typed (if possible) and will, at a minimum, include the following information:

Reporting official's Full name

Location of Incident

Date/Time of Report

Date/Time of Incident, or Date of Discovery;

Employee(s)/witness Involved.

~~Sgt Proberts~~
~~Dec 2nd 2023~~
8:46 PM

3.1. A description of the facts of the offense(s), to include, at a minimum;

The Name and SCDC # of the inmate

The Names of all witnesses

The general location of the offense

A full statement of the facts underlying the offense, to include witnesses, evidence, and disposition of evidence, and

The reporting employee's signature, title, list of any evidence, and disposition of evidence

3.2. The supervisor will review SCDC Form 19-29A within 24 hours of the Incident or date of discovery, unless there are exceptional circumstances for delaying this review, which must be approved by the warden or Associate warden, the review may include interviewing the reporting employee, other employee witnesses, the accused Inmate, or the accused inmate's witnesses. Upon review, the supervisor will make a determination whether to refer the Inmate to the Major/Responsible Authority (Responsible Authority includes the warden or Duty warden or for Institutions with no major assigned, the captain) for disciplinary action. The supervisor will document his/her review in the space provided on SCDC Form 19-29A and will annotate the form in the proper block to indicate whether or not the Incident (STG) or drug related.

Page 5
LEGAL MAIL
MAIL ROOM

~~Mr. McCoy is in violation of constitutional safeguards, and also deprived from department's own policies, procedures on due hearings. While acting under color of law.~~

4) Major / Responsible Authority review:

4.1. Formally charging the Inmate: The major / Responsible Authority will have up to nine (9) calendar days from the date the Incident or date of discovery of the Incident to take one of the following three (3) actions:

Informally resolve the incident

Administratively resolve the incident; or

Formally charge the Inmate and refer the incident to a Disciplinary hearing.

Note: When the disciplinary offense has been received by the hearing officer, the disciplinary offense will not be rescinded for Informal / Administrative resolution without written approval by the Division of operations.

4.2. The major / Responsible Authority will review the Inmate's disciplinary history and the SCDC Form 14-29A. After this review, the major / Responsible Authority will use the space provided on the ~~SCDC~~ SCDC Form 14-29A to indicate his / her decision and then will sign and date the SCDC Form 14-29A. The inmate will be considered Formally charged on the date the disciplinary is entered into the offender management system (OMS).

11. Recording: XXX Vote on substitute

11.1. All disciplinary hearings will be recorded. The recording will not be turned off at any time during the taking of Evidence, regardless of the hearing officer's opinion concerning the relevancy of the Testimony. However, if an inmate becomes assaultive or disruptive, the hearing officer may stop the recording to regain security and control of the Inmate. When the recording is started again, the hearing officer will state the reasons for the Interruption and continue the hearing. The Inmate will be excused from the hearing room during the hearing officer's deliberation (Sanctioning Process).

11.2. The recording will be maintained after the hearing according to the Agency's Retention schedule.

13.2. Inmates may hear all evidence presented at the hearing unless hearing the Evidence will jeopardize the life or safety of persons or ~~and~~ the security and order of the Institution.

Presentation of Evidence at the hearing: section 14

~~XX~~ 14.3. The Inmate may call witnesses unless the hearing officer decides that the Testimony of such witnesses is repetitive (that is, will simply repeat the Testimony of other witnesses) is not relevant to the case, or is likely to jeopardize the life or safety of persons or the security and order of the institution. If witnesses are denied by the hearing officer, the hearing officer must write his/her reasons for this Denial on the SCDC Form 19-69. In the space provided. If an employee has been called as a witness and has information that is relevant to the case, then he/she is obligated to provide said Information.

14.4 The Inmate must request the accuser(s) presence prior to the hearing utilizing SDC Form 19-69. Inmates may request witnesses for the hearing. Inmates will be required to use SDC Form 19-11, Request to staff number or Inmate Kiosk system, listing the names of all the witnesses they wish to be made available at their hearing. The form must be addressed to the inmates counsel substitute or the hearing officer if no counsel substitute has been assigned and must be received no later than 24 hours prior to the hearing.

**LEGAL MAIL
MAIL ROOM**

DHO
MTH
ST
E014.5.9

12/3
2022

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS INCIDENT REPORT

Page 1 of 1

Institution/Center: McCormick					Date of Report: 12/3/22
Reporting Official (Full Name): Major S Terry					Time of Report: Approx 3pm
Employee ID #: 033815					Date of Incident: 12/2/22
Location of Incident: f2					Time of Incident: Approx 11:25pm
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Thompson Branson	326685		M	B	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

I Major Terry identified inmate Thompson Branson #326685 as the inmate out of his cell running down in the flood zone with a large bag at approx 11:25pm. Inmate Brunson was place back inside of his cell f2b 242 by night shift personell. The following day 12/03/2022 I Major Terry placed inmate on rhu. the flood zone area where inmate was seen running had a large hole in the ceiling I looked thru the hole where i observed a large trash bag looked as it contain contraband. Due to the contraband being out of my reach. I had to burst another hole in the ceiling as I was able to obtained the package. due to the time frame and inmate brunson being the only inmate out at the time and in the area. hes responsible for the contents inside of the package. Offical weights and measurements will be included in a follow up report.

Signature: <i>[Signature]</i>	Title: Major
Evidence:	
Disposition of Evidence:	
Supervisor's Comments: <i>[Signature]</i>	STG Related - Refer to STG Committee <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Printed Name: B Phillips	This incident is DRUG related
Signature: <i>[Signature]</i> Title: <i>[Signature]</i> Date/Time: 12.3.22 03:30 pm	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Major/Responsible Authority: 903 855	Responsible Authority Action Taken <input type="checkbox"/> Informal Resolution <input type="checkbox"/> Administrative Resolution <input checked="" type="checkbox"/> Refer to Disciplinary Hearing
Printed Name: T Robertson	Date/Time: 12:51 pm
Signature: T Robertson Title: A/W Date/Time: 12-6-22	

Warden's Area

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due: 2/27/2023

MAR 01 2023

STEP 2

RECEIVED

INMATE NAME: Branson Thompson
SCDC NUMBER: 326685
INSTITUTION: McCormick
HOUSING UNIT: RHU B-87
WORK ASSIGNMENT: NA

Office Use Only
Grievance No. MCC-0027-2
Code: General DH
Policy #92/855
Disc. Hear. #92/855
Class. _____
Date Received 3/1/2023
IGC Initials CS

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): On Feb 22th, 2023 on the above date, I, Branson Thompson is appealing the charge of 855 smuggling contraband. As stated in the first grievance, the policy on P.D. 22.14 section 3.3.1 wasn't followed on form 14-29, the form wasn't properly filled out or it was signed, dated, nor a title signed, every incident report supposed to be filled out by a warden, AW, warden or a major. And there was no solid evidence to show that I was responsible for what was found. Just as it is with all evidence presented at the hearing. There was no picture of me. Nor was there a video of me. It was only a statement wrote against me. That's not sufficient enough evidence. And section 13.2. I'm entitled to all evidence disposition of facts, witness. Also, review statement from warden Palmer for further proof that incident report wasn't properly filled out to meet SCDC O.P. 22.14 Guidelines. And because of the the policy being violated. Incident report not meeting SCDC standards. All charges was suppose to be dropped. And dismissed at hearing on Jan 12, 2023.
Grievant Signature Branson Thompson Date 2-22-23

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Smuggling/and or Conspiracy to Smuggle in Contraband (855) in case #92, conducted on January 12, 2023, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated February 2, 2015, and the sanctions imposed, which included the loss of -00- days accrued good time, were appropriate for the rules violation. There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing. You were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

INMATE RECEIVED

K. Marie Nlaen 4-28-23
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature

Date

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

JAN 19 2023

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

RECEIVED

INMATE NAME: Branson Thompson
 SCDC NUMBER: 326685
 INSTITUTION: McCormick
 HOUSING UNIT: RHU B-87
 WORK ASSIGNMENT: N/A

OFFICE USE ONLY
 Grievance No. MCC-0027-23
 Code: General DHO
 Policy _____
 Disc. Hear. CASE # 92/855
 Class. _____
 PREA _____
 Date Received 1/19/23
 IGC Initials CT

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) On Jan 12th, I Branson Thompson 326685 went to Dho and was found guilty on a 855 smuggling contraband without any physical evidence. No pictures, nor video with time or dates showing me as the person that had the contraband. That was found in the ceiling by major Terry on Dec 2nd of 2022. I was let out my cell by officer Roberts to warm up my food. He was the officer that was assigned to F2 on night shift of Dec 2nd of 2022. Back up was called to place me back in my cell. Because I would not go back up. Major Terry never said he seen me with anything. He wasn't at work Dec 2nd 2022. How could he see me if he wasn't at work. And no pictures or video was presented at my dho hearing of me. Because I was out the room. I was the blame for what was found in the ceiling. Review policy 0-p 22.14 section 2 and 3. And section 13.2. Im intitled to all evidence, disposition of facts, witness, and more by policy. Also the dho hearing officer read from two different incident reports at my hearing. And one of the incident reports didn't have signatures by title, no dates, no time, nor codes on what I was to be charged with by policy. The dho hearing officer did not follow procedure and dismiss my charge by policy. The 19-29 A form wasn't properly filled out or dated. And the counsel substitute failed to do her job on recognizing that about the incident reports. Review policy 0-p 22.14 section 3, and 3.1. Also Im intitled to a fair hearing by law and protection of SCDC policy. see both incident reports attached to grievance. The one that wasn't signed, are fillout has warden Palmer as charging officer. Employee # 050210. Also hear recording from dho hearing on 1-12-2023. See review policy 0-p 22.14 section 4.2 for further proof of policy being over looked

Branson Thompson 1-13-2023
 Grievant Signature Date

ACTION REQUESTED: Charge should be overturned due to lack of evidence. And violation of due process equal protection of law by policy. And because policy wasn't followed by 0-p 22.14 section 3, and 3.1 with report guidelines procedures. And Form 14-29 A wasn't properly filled out or dated. Review policy 0-p 22.14 section 4.2 for further proof.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

INMATE COPY

 IGC Signature Date

WARDEN'S DECISION AND REASON:

Thompson, Branson 326685

McCI-0027-23

I have reviewed your concern. You have appealed the result of your 01/12/2023 Disciplinary Hearing, where you were found guilty on the charge 855 Smuggling and/or Conspiracy to Smuggle in Contraband in case #92. In your grievance you state McCormick staff failed to provide physical evidence (pictures or video footage), proving that you were the inmate who placed contraband in the ceiling. Other shortcomings you allege are your accuser not being on shift at the time of the incident, the incident report missing information (signatures, date/time, charge code), and due to the night shift officer letting you out of your cell, you are being blamed for the contraband. Due to these errors you are requesting for the conviction to be dismissed. Pertinent documentation has been reviewed and an investigation of the hearing was conducted. No technicalities, procedural errors, or misinterpretations of evidence was noted, and the decision of the Disciplinary Hearing Officer was based on the written and/or verbal testimony of accuser/witness, and evidence presented. The sanctions imposed were within the guidelines for the offense.

Therefore, your grievance is denied.

If you disagree with the Warden's Decision (Denied), you may file an appeal by completing SCDC Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

John P. Baker 2-21-23
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Grievant Signature Date

C. Zach 2/21/2023
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DISCIPLINARY REPORT AND HEARING RECORD

Case#: 92 Inmate Name: THOMPSON BRANSON SCDC#: 326685
 Living Area: RHU-87 Job: N/A Custody: ST
 Offense Date: 12/2/2022 Offense Time: 11:25 AM AM PM Institution: McCormick Correctional Institution

Offense Description:
 855 Smuggling and/or Conspiracy to Smuggle in Contraband: Any inmate found to have conspired, aided, or acted in collusion with any person, or acting alone with the intent of introducing any form of contraband into any SCDC facility. Conspiracy, aid, or collusion may be defined as using any form of communication or providing any type of assistance with/to any person where plans are made with the intent of introducing contraband. The physical possession/receipt of the contraband by the inmate is not needed to support this charge. An inmate can be charged with this offense if his/her approved visitor is caught bringing in contraband and it is reasonable to believe that the visitor's intent was to supply the inmate with the contraband.

Charging Officer/Employee: S.TERRY Title: MAJOR

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

- I GIVE UP MY RIGHT TO 48-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- I DO NOT WANT TO BE PRESENT AT MY HEARING
- I DO WANT MY ACCUSER PRESENT AT MY HEARING
- I DO NOT WANT MY ACCUSER PRESENT AT MY HEARING
- RHU/GPH SEGREGATION ONLY**
- I WANT A COUNSEL SUBSTITUTE
- I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 12/19/22 11:30 AM By (Print): [Signature]
 Inmate Signature: Branson Thompson SCDC#: 326685 Date: 12/19/22

HEARING INFORMATION:

Hearing Date: 1/12/23 Hearing Time: 1:25 am Medclass: 4 Reading Level: 5.9 9.9 5.9

DD: Assigned Counsel Substitute: [Signature]

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING OR (7) IF HEARING WAS DELAYED.

OFFENSE CODES	<u>855</u>	
INMATE PLEA (G, NG, None)	<u>NG</u>	
FINDINGS (G, NG, DS) (NGMI) (GMI)	<u>G</u>	

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL:

SANCTIONS:

Loss of Privileges (Days): _____ Reprimand: _____ Loss of Good Time (Days): _____
 Property (Days): _____ Extra Duty (Hours): _____ Restitution: \$ _____
 Canteen (Days): 180 days Visit Suspension (Days): 180 days Cell Restriction (Days): _____
 Disciplinary Detention (Days): 45 - 40 = 5 day Phone (Days): 180 days Other: _____ (Days): _____

EXPLAIN BELOW PARTICULAR PUNISHMENT IMPOSED:

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Branson J. Thompson, #326685,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of)
 Corrections,)
)
 Respondent.)
)

Docket No. 23-ALJ-04-0191-AP

RECEIVED

ORDER OF DISMISSAL

SEP 18 2023

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed by Branson J. Thompson (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department” or “SCDC”). Appellant appeals from a Step 2 Grievance which affirmed his conviction for violating SCDC Policy-22.14, Offense 855, Smuggling and/or Conspiracy to Smuggle in Contraband. Appellant did not lose any accrued good time credits.

DISCUSSION

The Court’s jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC’s jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382, 527 S.E.2d at 757. “The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate’s] claim is if it implicates a state-created liberty interest.” *Sullivan v. S.C. Dep’t of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003). Subsequently, in *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), cert. denied, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate “where the inmate’s grievance does not implicate a state-created liberty or property interest.”

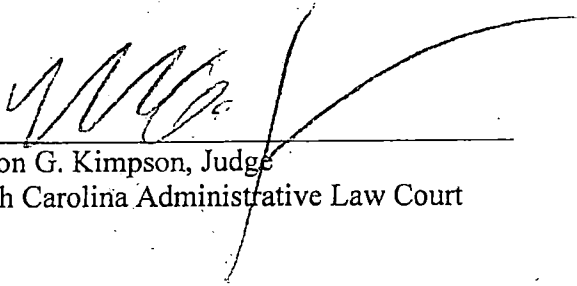
JUN 20 2023
South Carolina
Administrative Law Court

Despite Appellant's contentions, he: (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here. Without such a liberty interest, this Court cannot address any of the matters raised in Appellant's appeal. See *Slezak* 361 S.C. at 331, 605 S.E.2d at 508 ("[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest.") Therefore,

IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.

June 20, 2023
Columbia, SC


Milton G. Kimpson, Judge
South Carolina Administrative Law Court

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 the cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 20 day of June, 2023
By: A. Schum
Judicial Law Clerk

Brayson Thompson (326685) (A.H.U. B 87)

M.C.I.
386. Redemption way

Carmick, S.C. 29899

AUGUSTA GA 30901

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South Carolina Court of Appeals
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