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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

James Lynch, #244917,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)

Docket No. 24-ALJ-04-0213-AP

ORDER GRANTING
RESPONDENT'S MOTION TO
DISMISS

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by James Lynch (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, the Appellant filed a Notice of Appeal with this court on February 12, 2024. The Appellant is appealing his conviction of Sexual Assault (802) because his disciplinary hearing for the charge was held two (2) years and four (4) months after the incident date and because his accuser did not write the incident report in violation of Department policies. The Appellant did not lose any good time credit as a part of his punishment but failed to earn good time credit for the month in which the disciplinary infraction occurred. On April 22, 2024, the Department filed a Motion to Dismiss pursuant to *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2016) and S.C Code Ann. § 1-23-600(D). On April 30, 2024, the Appellant filed a response to the Department's motion requesting the court deny the Department's Motion to Dismiss because of the various demonstrated procedural violations that deprived him of a fair hearing.

DISCUSSION

This court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The court's appellate jurisdiction in inmate appeals is limited to cases involving denial of 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.¹ *Id.*

¹ The court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

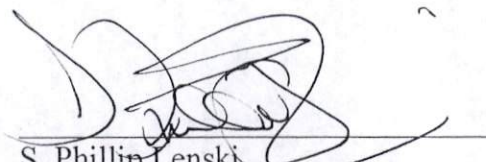
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In its motion to dismiss, the Department argues that because the Appellant is not alleging the loss of any good time credit as part of his punishment, nor that the Department erroneously calculated his sentence, sentence-related credits, or custody status, the Appellant's appeal does not trigger procedural due process guarantees, and no state-created liberty or property interest is implicated in this case. Therefore, the court should dismiss this appeal pursuant to *Howard* and subsection 1-23-600(D) of the South Carolina Code. *See Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 636, 733 S.E.2d 211, 221 (2012) (holding that "because the plain language of section 1-23-600(D) would prohibit an ALC from hearing *all* inmate appeals involving the loss of the opportunity to earn sentence-related credits...the ALC may not summarily dismiss an appeal solely on the basis that it involves the loss of the opportunity to earn sentence-related credits. Instead, the ALC must also consider whether the appeal implicates a state-created liberty or property interest") (emphasis in original).

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *SCDC v. Mitchell*, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the record before the court. In this case, the Appellant did not lose any good time credit as part of his punishment but only failed to earn good time credit for the month in which the disciplinary incident occurred, therefore his punishment does not affect a state-created liberty or property interest. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.


AND IT IS SO ORDERED.


S. Phillip Lenski
Administrative Law Judge

May 6, 2024
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 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  day of May 2024