

Angelo HAM #315014
P.C.I./Q3B #209
430 OAKLAWN ROAD
Pelzer, S.C. 29669

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JAN 23 2025
SC Court of Appeals

JANUARY 16, 2025

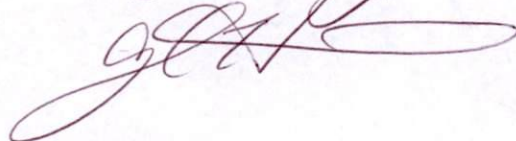
S.C. Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, S.C. 29211

Re: Angelo HAM, #315014 v. S.C.D.C.
Appellate Case No. 2025-000018

Dear Honorable Litchens:

Per this Court letter dated January 8, 2025, enclosed please find an original copy of the order dated December 17, 2024 that I am challenging in the above-cited matter. With personal kindest regards, I am

Sincerely,



cc:
S.C.D.C.

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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Angelo Ham, #315014,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 24-ALJ-04-0625-AP
Grievance No. LEECI 0627-24

ORDER

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed on September 11, 2024, by Angelo Ham (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department). The case was assigned to the undersigned on September 26, 2024. Appellant filed a Step 1 Grievance on May 30, 2024, asserting that some of his property was lost when he was transferred from his prior institution to his current one. Appellant requests to receive his property and that the SCDC staff member who packed the property be disciplined. On July 22, 2024, the Department investigated Appellant's Step 1 Grievance and considered it resolved when it found that all property belonging to Appellant had been delivered to him. Thereafter, Appellant filed a Step 2 Grievance, which was denied on August 27, 2024. The Department filed a Motion to Dismiss (Motion) on November 25, 2024, asserting that Appellant's claims do not implicate a state-created liberty or property interest. Appellant filed his initial brief on December 5, 2024, but, as of the date of this Order, has not filed a response to the Department's Motion.

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. Recently, the court further clarified that while the ALC has jurisdiction over all inmate grievance appeals, it is "not required to hold a hearing in



created liberty or property interest sufficient to trigger procedural due process guarantees.” *Allen v. S.C. Dep’t of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023). To trigger due process guarantees and judicial review, “an inmate’s complaint must encompass an infringement of a liberty interest that imposes an atypical and *significant hardship* on the inmate.” *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 274, 633 S.E.2d 910, 914 (2006) (emphasis added).

In this matter, Appellant’s appeal is based upon his assertion that his property was not transferred with him due to the improper conduct of an SCDC employee. The Department indicated that this matter was investigated at the Step 1 Grievance level. Specifically, the Department indicated that all Appellant’s property was transferred with him to his current institution. Further, a review of Appellant’s canteen purchases was conducted, which showed that he did not purchase any of the items he alleged were missing, and that upon checking with Appellant’s prior institution the records did not show missing items. The type of property loss alleged by Appellant does not implicate a state-created liberty or property interest. In *Daniels v. Williams*, the United States Supreme Court noted that “[h]istorically, [the] guarantee of due process has been applied to deliberate decisions of government officials to deprive a person of life, liberty, or property.” 474 U.S. 327, 330 (1986). Therefore, “the Due Process Clause is simply not implicated by a negligent act of an official causing unintended loss of or injury to life, liberty, or property.” *Id.* at 328; see *Pink v. Lester*, 52 F.3d 73, 75 (4th Cir. 1995) (noting “[t]he basic rationale for the *Daniels* decision is a powerful one”). Indeed, “[t]he term ‘deprive,’ as employed in the Fourteenth Amendment, suggests more than a mere failure to take reasonable care: it connotes an intentional or deliberate denial of life, liberty, or property.” *Pink*, 52 F.3d at 75. In fact, to allow claims based on theories of negligence would “trivialize the centuries-old principle of due process of law.” *Daniels*, 474 U.S. at 332. Here, there is no indication that prison officials engaged in a deliberate denial of life, liberty, or property as contemplated by the Fourteen Amendment. See *Pink*, 52 F.3d at 75.

Moreover, as asserted in the Department’s motion Appellant’s claim does not pertain to (a) erroneously calculated sentence, sentence related credits, or custody status nor; (b) any other state created liberty or property interest. Appellant’s appeal does not allege a deprivation of a state-created liberty or property interest, nor has he claimed a significant hardship which reaches constitutional dimensions. As such, the Court concludes that summary dismissal is appropriate in this case. See *Allen v. S.C. Dep’t of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023)

(summary dismissal appropriate where the inmate's grievance does not implicate a state created liberty or property interest.)

ORDER

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

AND IT IS SO ORDERED.

Crystal M. Rookard

The Honorable Crystal M. Rookard
South Carolina Administrative Law Judge

December 17, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Elizabeth Brown, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

Elizabeth Brown

Elizabeth Brown
Judicial Law Clerk

December 17, 2024
Columbia, South Carolina

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