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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Abram Braveboy, #284787,

Docket No. 25-ALJ-04-0022-AP

Appellant,

vs.

ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS

South Carolina Department of Corrections,

Respondent.

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on January 16, 2025 by Abram Braveboy (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 reviewed and denied, he filed a Notice of Appeal with this court because he was told by mailroom personnel that handwritten documents cannot be mailed to U.S. District Court. Also, the Appellant contends that the Department should use a 10-14 Debit Form to send legal mail if an inmate does not have enough money in their E H Cooper Account. The Appellant is not appealing a disciplinary hearing conviction, nor did he lose any good time credit as part of any punishment he received.

On March 21, 2025, the Department filed a Motion to Dismiss pursuant to *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E. 2d 506 (2004) and *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) requesting the court dismiss the Appellant's appeal because it does not involve a state-created liberty or property interest. On March 31, 2025 the Appellant filed a Motion to Supplement the Record for Liability/Rule 54 Demand for Judgment requesting \$ 3 million in compensatory and \$ 7 million in punitive damages.

DISCUSSION

The court's jurisdiction to hear this matter is derived entirely from the decision of the Supreme Court of South Carolina 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 the denial of a state-created liberty interest,¹ which typically arises in two ways: (1) when an inmate contends

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

↑
NO MOTIONS

The State of South Carolina
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Administrative Law Court

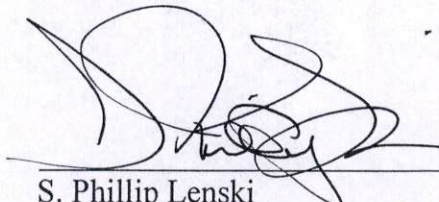
that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) when an inmate is disciplined and punishment is imposed in a major disciplinary hearing as a result of a serious rule violation. *See id.* at 369, 527 S.E.2d at 750.

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *Al-Shabazz*, at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented. Pursuant to *Slezak*, the court is to have jurisdiction over all properly perfected inmate appeals, but “[s]ummary dismissal may be appropriate where the inmate’s grievance does not implicate a state-created liberty or property interest.” *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 508. Further, in *Skipper*, the Court of Appeals of South Carolina interpreted *Slezak* as holding that a judge “should” dismiss a prisoner’s appeal where it does not implicate a state-created liberty interest. *See Skipper*, 370 S.C. at 279, 633 S.E.2d at 917.

In the case, the Department investigated and responded that per Department policy, inmates will be permitted to send an unlimited amount of legal mail regardless of their indigent status. Further, the Appellant’s mail was denied being mailed certified because it was not being sent to the Attorney General, not because it was handwritten. Department policy only permits certified legal mail for summons and complaints to the Attorney General. There is no state-created liberty or property interest implicated in this matter. As such, this is a case where the court must adhere to the traditional “hands off” doctrine regarding judicial involvement in internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980); *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied). Therefore, based on the foregoing,

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

IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

April 3, 2025
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 3 day of April 2025

Judicial Law Clerk