

The State of South Carolina
IN THE COURT OF APPEALS

APPEAL FROM S.C. ADMIN. LAW COURT

HONORABLE CRYSTAL M. TOSKARD, ADMIN. LAW JUDGE

C/A No.: 2025-000018

GRIEVANCE No.: LEE CI # 0627-24

Angelo Ham, #315014,

Appellant,

vs.

S.C. Dept of Corrections,

Respondent.

RECEIVED

APR 18 2025

Brief of Appellant SC Court of Appeals

Angelo Ham #315014
P.C.I. / Q 3B #218
430 OAKLAWN ROAD
Pelzer, S.C. 29669

INDEX

INDEX	i.
Table of Authorities	1.
Statement of Issue(s) on Appeal	2.
Statement of the Case	3.
Standard of Review	5.
Argument	6.
Conclusion	9.

Table of Authorities

Buchanan v. S.C. Dept of Pub. Safety, Parole, & Pardon
Services, 442 S.C. 393, 899 S.E.2d 600 (Ct. App. 2023)... 5

Sullivan v. S.C. D.C., 355 S.C. 437, 586 S.E.2d 124 (2003)... 6

S.C. Code Ann. § 1-23-380(s) (Supp. 2023) 6

S.C.D.C. Policy/Procedure, OP-22.03, "Authorized
Inmate Property and Disposition of Unauthorized
Property" 7

S.C.D.C. Policy/Procedure, OP-22.14, "Inmate
Disciplinary System" 8

STATEMENT OF ISSUE(S) ON APPEAL

WHETHER THE ALC ERRED BY SUMMARY DISMISSING HIS APPEAL WHERE THE APPELLANT ALLEGED A STATE-CREATED LIBERTY OR PROPERTY INTEREST?

Statement of the Case

On May 30, 2024, Appellant filed a Step One Grievance requesting his property that was not packed, inventoried, and sent to Perry Correctional Institution ("Perry") when he was transferred be returned or replaced and the SDC employee who packed his property be disciplined for not packing all of his property. This grievance was reviewed and considered resolved on July 22, 2024.

Appellant then filed a Step Two Grievance on August 6, 2024 which was reviewed and denied on August 27, 2024 without providing copies of the Appellants canteen receipts, Access Secure Pak receipts, and/or inventory forms to show proof of his property items.

Thereafter, Appellant filed a Notice of Appeal with the S.C. Administrative Law Court on September 11, 2024. On December 17, 2024, the Honorable Crystal M. Restard issued an Order summarily dismissing Appellants appeal stating that "Appellants 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."

This appeal follows.

STANDARD OF REVIEW

This Court may reverse or modify the decision of the AKC "only if substantive rights of the appellant have been prejudiced because the decision is clearly erroneous in light of the reliable and substantial evidence on the whole record, arbitrary or otherwise characterized by an abuse of discretion, or affected by other error of law." Buchanan v. S.C. Dep't of Prob., Parole, & Pardon Svcs., 442 S.C. 393, 401, 899 S.E.2d 600, 605 (Ct. App. 2023), cert. denied (Apr. 16, 2024)

Argument

The AKC erred by summarily dismissing Appellant's appeal where he alleged a state-created liberty or property interest.

Under the South Carolina Administrative Procedures Act ("APA"), an appellate court may reverse or modify the decision of the agency if substantial rights of the appealing party have been prejudiced because the administrative findings, inferences, conclusions, or decisions are affected by an error of law or are not supported by substantial evidence in the record. See S.C. Code Ann. §1-23-380 (5) (Supp. 2003) (listing various categories of errors).

The AKC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process. Sullivan v. S.C. Dept. of Corrections, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003) (discussing Al-Shabazz and holding the inmate was not entitled

to relief because his appeal of SCDC's administrative decision did not implicate due process).

In this case, Appellant contends that his property was intentionally not packed and sent to Perry with him. In his grievance, he stated that receipts and inventory forms will show that not only did he have those items but he and his family purchased those items from the SCDC canteen and/or Access SecurePak and that those items was not giving to him. Appellant also contends that he was not given adequate notice and/or opportunity to be heard that his property was being taken from him thereby depriving him of adequate due process.

The SCDC Policy/Procedure, OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property" clearly states that "inmates will be allowed to possess only those items or property authorized to be: retained at the time of their admission to the SCDC; issued or approved by the SCDC and as authorized by Agency policy while in custody; and/or purchased in or through a SCDC canteen."

This SCDC policy goes on to state that "Excessive


AND UNAUTHORIZED AMOUNTS OF PROPERTY WILL BE CONFISCATED AND THE INMATE WILL BE FACED WITH DISCIPLINARY ACTIONS IN ACCORDANCE WITH SCDC POLICY PROCEDURE, OP-22.14, "INMATE DISCIPLINARY SYSTEM."

Again, in this case, the Appellant was not charged with a disciplinary or notified as to what property was confiscated or deprived from him. This taken, therefore, amounted to an intentional and deliberate denial of his liberty or property.

Conclusion

Based on the foregoing, Appellant respectfully request that this Honorable Court REVERSE the ALC's order.

April 14, 2025

Respectfully Submitted,


The State of South Carolina
IN THE COURT OF APPEALS

RECEIVED

APR 18 2025
SC Court of Appeals

Appeal From S.C. Admin. Law

Honorable Crystal M. Roskard, Admin. Law Judge

C/A No.: 2025-000018

GRIEVANCE No.: LEECI # 0607-24

Angelo HAM, #315014,

Appellant,

vs.

S.C. Dept. of Corrections,

Respondent.

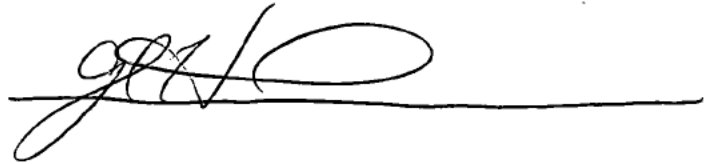
Certificate of Service

I, Angelo HAM, hereby certify that the "Brief of Appellant" and "Designation of Matter to be included in the Record of Appeal" in the above cited matter was this day served upon the Respondent by depositing a copy of the same

in the U.S. MAIL, postage prepaid, to the following
address:

S.C. Dept. of Corrections
Office of General Counsel
4444 Broad River Road
P.O. Box 21787
Columbia, S.C. 29211

April 14, 2025

A handwritten signature in black ink, consisting of a stylized, cursive name that appears to be "J. P. O." followed by a horizontal line underneath.

Angelo HAM #315014
P.C.F. / Q3B #018
430 OAKLAWN ROAD
Pelzer, S.C. 29669

RECEIVED

APR 18 2025

SC Court of Appeals

April 14, 2025

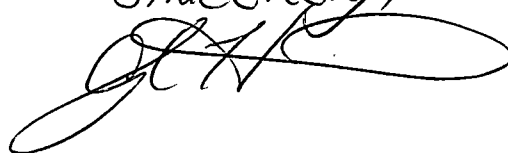
S.C. COURT OF APPEALS
P.O. Box 11629
Columbia, S.C. 29211

RE: ANGELO HAM, #315014 v. S.C. & C.
C/A No.: 2025-000018

DEAR HONORABLE KITCHINGS:

Enclosed please find original copies of the "Brief of Appellant" and "Designation of Matter to be included in the Record of Appeal", in the above-cited matter, that I wish to be filed in this Court.

With personal kindest regards, I am

Sincerely,


Angelo Ham #315014
P.C.I./Q3B#218
430 OAKLAWN ROAD
PETER, S.C. 29169



RECEIVED

APR 18 2025
SC Court of Appeals

S.C. COURT OF APPEALS

[REDACTED]

[REDACTED]

1220 Senate St.

Columbia SC 29201

RECEIVED

APR 14 2025
PCI MAILROOM

LEGAL MAIL

