

**RECEIVED**

**May 14 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Crystal M. Rookard

---

ALC Case No. 24-ALJ-04-0625-AP  
Appellate Case No. 2025-000018

---

ANGELO HAM, # 315014,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

---

**INITIAL BRIEF OF RESPONDENT**

---

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

**Christina Catoe Bigelow**  
Deputy General Counsel  
Office of General Counsel  
South Carolina Dept. of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

**ATTORNEY FOR RESPONDENT**

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES .....2

STATEMENT OF THE ISSUE ON APPEAL .....3

STATEMENT OF THE CASE ..... 4

STANDARD OF REVIEW .....5

ARGUMENT .....6

CONCLUSION.....7

**TABLE OF AUTHORITIES**

**CASES**

Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) ..... 6

Hendley v. Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996) ..5

Pink v. Lester, 52 F.3d 73 (4<sup>th</sup> Cir. 1995) ..... 6

Slezak v. S.C. Department of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004) ..... 6

**STATUTES AND RULES**

S.C. Code § 1-23-610..... 5

**STATEMENT OF ISSUE ON APPEAL**

**THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILURE TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST.**

## **STATEMENT OF THE CASE**

This matter comes before this Court pursuant to the appeal of Angelo Ham, an inmate in the custody of the South Carolina Department of Corrections (SCDC). In May 2024, Appellant submitted a Step 1 grievance complaining about certain property he alleged was lost when he transferred to another institution. In July 2024, the Step 1 grievance was investigated and marked resolved, with the Department finding that all property belonging to Appellant had been delivered to him. Appellant then submitted a Step 2 grievance in August 2024, which was investigated and denied. Appellant submitted a Notice of Appeal to the Administrative Law Court in September 2024. On December 17, 2024, the ALC issued an order of dismissal which concluded that the appeal did not implicate a state-created liberty or property interest. This appeal follows.

## STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

## ARGUMENT

### **THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILURE TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST.**

The ALC correctly concluded that Appellant's grievance did not implicate a state-created liberty or property interest. (See ALC Order). The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property. Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). The ALC may summarily dismiss inmate cases that do not involve state-created liberty or property interests. Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004). Here, Appellant's grievance was denied because the Department found that all property belonging to Appellant was transferred with him. (See Step 1 and Step 2 Grievance Responses and ALC Order, p. 2). The Department also conducted a review of Appellant's canteen purchases and found that he did not purchase any of the items he alleged were missing. (See Step 1 and 2 Greivance Responses and ALC Order, p. 2). Finally, the Department checked with Appellant's previous institution and the records did not show any missing items. (See Step 1 and 2 Greivance Responses and ALC Order, p. 2). Appellant has not shown that prison officials engaged in a deliberate denial of life, liberty, or property as contemplated by the Fourteenth Amendment. See Pink v. Lester, 52 F.3d 73, 75 (4<sup>th</sup> Cir. 1995). Therefore, Appellant's appeal did not implicate a state-created liberty or property interest, and the lower court properly dismissed it.

**CONCLUSION**

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY:



**CHRISTINA CATOE BIGELOW**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

May 14, 2025

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Crystal M. Rookard

ALC Case No. 24-ALJ-04-0625-AP  
Appellate Case No. 2025-000018

**RECEIVED**

**May 14 2025**

**SC Court of Appeals**

ANGELO HAM, # 315014,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Respondent submits that the following should be included in the Record on Appeal:

- (1) Step 1 and 2 Grievances;
- (2) ALC Order dated December 17, 2024.

The undersigned hereby certifies this Designation contains no matter that is irrelevant to this appeal.

  
**CHRISTINA CATOE BIGELOW**

Deputy General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

**ATTORNEY FOR RESPONDENT**

May 14, 2025

**RECEIVED**

**May 14 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Crystal M. Rookard

ALC Case No. 24-ALJ-04-0625-AP  
Appellate Case No. 2025-000018

ANGELO HAM, # 315014,

APPELLANT,

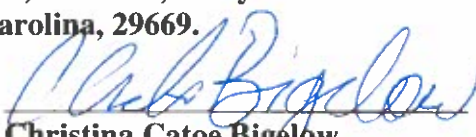
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal** to Appellant, addressed as follows: **Angelo Ham, # 315014, Perry Correctional Institution, Q3B-0120, 430 Oaklawn Road, Pelzer, South Carolina, 29669.**

  
**Christina Catoe Bigelow**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

May 14, 2025



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Division of Legal Counsel & Compliance*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

May 14, 2025

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

**May 14 2025**

**SC Court of Appeals**

**RE: Angelo Ham, # 315014 v. South Carolina Department of Corrections**  
**Appellate Case No. 2025-000018**

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent** and **Designation of Matter** in the above captioned appeal, along with **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections

cc: Angelo Ham, # 315014  
Perry Correctional Institution  
Q3B-0120  
430 Oaklawn Road  
Pelzer, South Carolina 29669