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May 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 23-ALJ-04-0534-AP
Appellate Case No. 2024-000669

JAMES T. GENTRY, JR., # 261188,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL AS MOOT

Appellant filed an appeal challenging an order of the Administrative Law Court (ALC) which dismissed his request to be paid the prevailing wage for his work in Prison Industries. The issues in Appellants brief are whether the ALC erred in relying on ADM-15.13 to dismiss his appeal for failure to exhaust administrative remedies and whether Appellant was paid properly for his work in Prison Industries. Respondent respectfully submits that these issues are moot for the reasons discussed below.

Initially, Respondent does not contest and has not contested in this case that it was error to dismiss the appeal for failure to exhaust administrative remedies under SCDC Policy ADM-

15.13. That issue is therefore moot. More importantly, it recently came to undersigned counsel's attention that Appellant settled his inmate pay/prevaling wage claims on October 22, 2024, and the settlement funds were deposited into his account in November 2024 (see attached redacted documents). Therefore, the issue of Appellant's inmate pay is also moot. Since there is nothing left to argue before this Court, Respondent respectfully requests that the case be dismissed as moot. Respondent also requests that any deadlines be held in abeyance pending the resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

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

ATTORNEY FOR RESPONDENT

May 23, 2025

FINAL SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS

I, James Gentry, # 261188, hereby voluntarily enter into this Final Release of All Claims.

James Gentry, # 261188, (hereinafter "Inmate") for and in consideration of the promise and agreement hereby made on behalf of the South Carolina Department of Corrections ("SCDC") to pay a total of [REDACTED] to Inmate, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Inmate does hereby release, acquit, and forever discharge SCDC, its agents, successors and assigns, current and former employees, current and former elected officials, or attorneys and any and all other firms, persons, associations, corporations, or entities, whether herein named or referred to or not, from any and all claims, grievances, Administrative Law Court cases, appeals, demands, causes of actions, actions or suits of any kind or nature whatsoever, including, but not limited to, all claims, known or unknown, up to and including the date of this Release relating in any way to the monies of any kind paid to Inmate, including but not limited to claims that inmate was not paid the "prevailing wage" pursuant to S.C. Code Ann. § 24-3-430 (d). This Release specifically includes any claim relating to remittances of monies, back payment of wages, and any other damages of any kind whatsoever, whether in tort or contract or any other basis, on account of or arising out of or in any way relating to Inmate's participation in the Prison Industries Program, including any Prison Industries Enhancement Program ("PIE" or "PIECP") while incarcerated at the South Carolina Department of Corrections. This Release specifically includes any matters currently pending in any South Carolina or Federal court, including any appellate court. Inmate agrees that any pending court matter shall be ended and/or dismissed with prejudice and Inmate shall sign any necessary documents to effectuate dismissal.

Inmate hereby declares that the terms of this Final Release have been completely read, fully understood, and voluntarily accepted for the purpose of making a full and final compromise and settlement of any and all claims and or losses against SCDC and any and all firms, persons, or corporations liable or who might be claimed to be liable. Inmate understands that the express purpose of this Release is to forever preclude any further or additional claims by or on behalf of Inmate arising out of or in any way related to Inmate's participation in the Prison Industries Program, including any Prison Industries Enhancement Program ("PIE" or "PIECP"), and it is further understood and agreed that this Final Release may be plead as a bar to any claim of any kind whatsoever which may be asserted by Inmate or on his behalf in connection with the aforementioned participation in the Prison Industries Program.

This Final Release of All Claims shall be interpreted and governed in accordance with the laws of the State of South Carolina.

Inmate agrees that he has not assigned, transferred, or conveyed in any manner all or any part of his legal claims or legal rights against the other in connection with the matters described above related to claims related to Prison Industries or pay.

Inmate understands that SCDC is not withholding any amount or paying any amount on behalf of Inmate for taxes. Inmate specifically agrees that, to the extent any tax liability (state,

federal or otherwise) may now or hereafter become due because of the payment of any sums pursuant to this Agreement or claims against SCDC, such liabilities shall be his sole responsibility, and he shall pay any taxes, penalties or interest which may be due and payable. Moreover, if, for any reason, at any time, a claim is made against SCDC for taxes of any kind on the payments made hereunder, Inmate agrees within thirty (30) days of being notified of such claim(s) to indemnify SCDC, its officers, directors, and/or agents and to hold them harmless against such claims, including any penalties and/or interest.

In consideration of the above payment, the undersigned also agree(s) that this settlement is the compromise of a disputed claim and that the payment made in settlement thereof is not to be construed as an admission of liability on the part of SCDC. The above stated amount represents the total settlement which will be placed in Inmate's E.H. Cooper Inmate Account. The deductions have already been subtracted (not deducted) from the total settlement amount. No additional funds will be deducted from the total settlement amount because it is being paid as a settlement. The above stated amount is the total settlement amount and no additional funds will be paid for child support or placed into long-term savings.

The undersigned further declares and represents that no promise, inducement, or agreement not herein expressed has been made to the undersigned and that this release contains the entire agreement between the parties hereto, and the terms of this release are contractual and not a mere recital.

I HAVE READ THE FOREGOING RELEASE.


James Gentry, # 261188

10-22-2024
Date:


Signature for SCDC

10-22-24
Date:

DIALOG: PACI100D SCDC INMATE FINANCIAL SYSTEM
MAP: PACI100M P I PRIVATE SECTOR ACCOUNTING
APPL: DCPACSYA ACCOUNT SUMMARY

DATE: 05/22/25
USER: C057846

SCDC #.> 261188 CURRENT LOCATION: LIVESAY
GENTRY, JR., JAMES THOMAS OFFENDER STATUS.: INCARCERATED

LEGAL NAME:

SEL	DATE	LOC	REF NUM	DEPOSIT	W/D	DESC	VOID	END BAL
--	05/13/25	0173	INTEREST	13.23		INTEREST		██████████
--	04/09/25	0173	INTEREST	14.12		INTEREST		██████████
--	03/10/25	0173	INTEREST	13.29		INTEREST		██████████
--	02/10/25	0173	INTEREST	14.48		INTEREST		██████████
--	01/13/25	0173	INTEREST	15.36		INTEREST		██████████
--	12/12/24	0173	INTEREST	15.83		INTEREST		██████████
--	11/21/24	0173	208631		██████████	CASH W/D: CLOSE-		██████████
--	11/20/24	0173	146274606	██████████		DEPOSIT		██████████
--	11/14/24	0173	INTEREST	14.64		INTEREST		██████████
--	10/11/24	0173	INTEREST	15.79		INTEREST		██████████
--	09/13/24	0173	INTEREST	15.18		INTEREST		██████████

PRESS PF7 & PF8 TO PAGE FORWARD AND BACKWARD OR SELECT & PRESS ENTER

RESPONSE:

PFKEYS: 3=PAYROLL DEPOSITS 4=OTHER DEPOSITS 5=VOID VICTIM ASST 6=CHECK REQUESTS
2=ADJUSTMENT ENTRY 10=PACACCT MENU 22=IFS MENU 23=SCDC MAIN MENU 24=SIGNOFF

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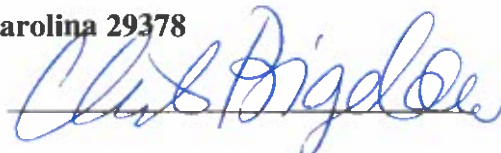
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the Respondent's **Motion to Dismiss Appeal as Moot** to Appellant, addressed as follows:

James T. Gentry, Jr., # 261188
Livesay Correctional Institution
N6-0011
Post Office Box 580
Una, South Carolina 29378



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

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SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

May 23, 2025

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

RE: James T. Gentry, Jr., # 261188 v. South Carolina Department of Corrections
Appellate Case No. 2024-000669

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Dismiss Appeal as Moot** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

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

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: James T. Gentry, Jr., # 261188
Livesay Correctional Institution
N6-0011
Post Office Box 580
Una, South Carolina 29378