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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
RALPH KING ANDERSON, III, ADMINISTRATIVE LAW JUDGE

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.

RESPONSE TO MOTION TO DISMISS
APPEAL AS MOOT

Appellant contends that the Respondent's motion should be denied for two reasons. Firstly, it wrongly avers that, "...there is nothing left to argue before this court.". And secondly, the settlement agreement has been voided by the defendant's failure to comply with the mandatory deductions of S.C.Code §24-3-40(A)(3)and (5).

While the Respondent correctly states that the Department entered into a settlement agreement with Appellant concerning his inmate pay/prevaling wage claims on October 22,2024, the Department did not honor the contract due to its failure to deposit the statutorily required Ten percent long term deductions in his long term account, or send the Thirty-Five percent child support deductions to his children's guardian.

In the settlement agreement, the Department stated that it owed Appellant \$53,867.73 in back-pay wages. That the required

statutory deductions, Twenty Percent victim witness (\$10,773.54), Thirty-Five percent Child Support (\$18,853.70) and Ten Percent Long Term Savings (\$5,386.77) would be deducted and the remainder (\$18,853.72), be placed in his E.H.Copper account.

While the Department did place the remainder in his E.H.Cooper account, it has since informed him that it would not be placing the statutorily required 10% in his long term savings account, and nor would it be sending the 35% child support to his children's guardian.

Appellant contends that the Department's failure to place the 10% deduction in his long term savings, and send the 35% to his children is a direct violation of state statute S.C.Code §24-3-40(A)(3) and (5).see Torrence v. South Carolina Department of Corrections, 433 S.C. 633, 861 S.E.2d 36 (Ct.App.2021).

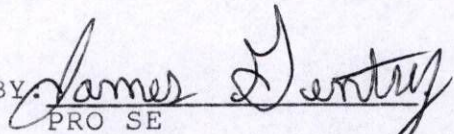
Because the Department failed to comply with the mandates of state statute, any settlement agreement or contract entered into between he and the Department is void.see McConnell v. Kitchens, 20 S.C. 430 (S.C.1884) (a contract to do an act which is prohibited by statute, or which is contrary to public policy is void, and cannot be enforced in a court of justice.).

Furthermore, there is no provision authorized in the prevailing wage statute that allows the Court, Department or Appellant to authorize, engage or agree to a settlement agreement that does not comply fully with mandates of state statute. So, to enforce any settlement agreement, in effect, suspends and creates law in violation of Articles 1§7 and 8 of the South Carolina Constitution.see Hampton v. Haley, 403 S.C. 395, 743 S.E.2d

258(S.C.2013)(The "nondelegation doctrine", which is a component of the separations of powers doctrine, prohibits the delegation of one branch's authority to another branch).

Based on the above mentioned reasons, there does remain controversies and arguments to be settled by this Court. Therefore, Respondent's motion should be denied.

This 1 day of June, 2025,

BY: 
PRO SE
POST OFFICE BOX 580
UNA, S.C. 29378

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Appellate Case No.2024-000669

James T.Gentry, Jr., #261188,

Appellant,

v.

South Carolina Department Of Corrections,

Respondent.

PROOF OF SERVICE

Appellant hereby certify that on this date, he did mail a copy of the "RESPONSE TO MOTION TO DISMISS APPEAL AS MOOT" on the Respondent, addressed as follows:

CHRISTINA CATOE BIGELOW
DEPUTY GENERAL COUNSEL
S.C.DEPARTMENT OF CORRECTIONS
POST OFFICE BOX 21787
COLUMBIA, S.C. 29221

June 1, 2025.

BY: James T. Gentry, Jr.
PRO SE
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UNA, S.C. 29378

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SC Court of Appeals

THE HONORABLE JENNY A. KITCHINGS
CLERK OF COURT, S.C. COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

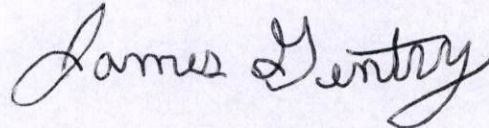
June 1, 2025

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

Dear Ms. Kitchings:

Enclosed, please find Appellant's "RESPONSE TO MOTION DISMISS
APPEAL AS MOOT" in the above referenced matter, along with Proof
of Service. A copy of the same is being mailed to Respondent
today.

Truly



cc:
Christina Catoe Bigelow

James Gentry # 261188

Livesey Corr. 6-11B

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