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**Jun 11 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

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

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JAMES T. GENTRY, JR., # 261188,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**REPLY TO APPELLANT'S RESPONSE TO THE MOTION TO DISMISS AS MOOT**

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Respondent submitted a Motion to Dismiss Appeal as Moot on May 23, 2025. Appellant submitted a Response on June 1, 2025, asserting that the Motion should be denied because he wishes to argue the matter of the validity of his settlement agreement before this Court. The issue of Appellant's settlement agreement was not before the lower court in any fashion, since Appellant did not sign the settlement agreement until October 2024, well after this appeal was commenced. Accordingly, matters pertaining to the validity of the settlement agreement are not before this Court in this appeal. The only issue before the lower court was whether it was proper to dismiss Appellant's grievance on the ground that it was not timely under SCDC Policy ADM-15.13. Therefore, that is the only issue before this Court now, and, as stated in the Motion to

Dismiss Appeal as moot, Respondent is not contesting that issue. Accordingly, there is nothing remaining to argue that is properly before this Court. Appellant may contest the validity of the settlement agreement in an appropriate court, but it is not proper for Appellant to argue that issue in this Court when the issue was never raised to or ruled upon by the lower court. See SCACR, Rule 210 (c) and (h); see *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.”) (citation omitted). Therefore, Respondent again respectfully requests that this appeal be dismissed as moot.

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**

June 11, 2025

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JAMES T. GENTRY, JR., # 261188,

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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 **Reply to Appellant's Response to Motion** 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**

June 11, 2025



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Office of General Counsel*

HENRY McMASTER, Governor  
JOEL E. ANDERSON, Interim Director

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**SC Court of Appeals**

June 11, 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 **Reply to Appellant's Response to Motion** 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