

State of South Carolina
IN THE COURT OF APPEALS

Appeal From S.C. Admin. Law Court

Crystal M. Huskard, Admin. Law Judge

RECEIVED

JUN 18 2025

SC Court of Appeals

CA No.: 2025-000018

Angelo Ham, #315014,

Appellant,

vs.

S.C. Dept of Corrections,

Respondent.

Appellant's Final Brief

Angelo Ham #315014
M.C.I. / 33 # 219
386 Redemption Way
McCormick, S.C. 29899

INDEX

Index	i.
Table of Authorities	1.
Statement of the Issue on Appeal	2.
Statement of the Case	3.
Standard of Review	4.
Argument The ALC erred by summarily dismissing Appellant's appeal where he alleged a state-created liberty or property interest.	5.
Conclusion	7.

TABLE OF AUTHORITIES

BUCHANAN v. S.C. Dept. of Prob., Parole, & Pardon Servs.
442 S.C. 393, 401, 899 S.E.2d 600, 605

4.

MARTINEZ v. Cordova, 676 F.Supp. 1068

6.

STATEMENT OF ISSUE ON APPEAL

The Administrative Law Court erred by summarily dismissing the Appellant's appeal where the Appellant alleged a state-created liberty or property interest.

STATEMENT OF THE CASE

Inmate of state prison, whose personal property that was purchased by him from the S.C.D.C. canteen or purchased by his family from the S.C.D.C. approved Access Secure Pak were not transferred with him because normal procedures were not followed, brought a grievance with the S.C.D.C. to recover his property and to discipline the official who violated the S.C.D.C. policy/procedure. Both grievances were denied and dismissed. See Record on Appeal, pp. 5-7.

Appellant then commenced an appeal in the Administrative Law Court seeking to recover his lost property. However, the ALC summarily dismissed the Appellant's appeal. See, Record on Appeal, pp. 1-4.

This appeal follows.

STANDARDS OF REVIEW

This Court may reverse or modify the decision of the ALC "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. DEPT OF PROB., PAROLE, & PARDON SERVICES, 442 S.C. 393, 401, 899 S.E.2d 600, 605 (Ct.App. 2023), cert denied (Apr. 16, 2024).

ARGUMENT

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

Appellant contends that the ALC erred by summarily dismissing his appeal where his grievance and appeal implicated a state-created liberty or property interest protected by the Fourteenth Amendment. In the Appellant's appeal before the Administrative Law Court, the ALJ did not base its findings of fact or conclusions on any evidence but instead relied solely on the allegations of the Respondent. In the Appellant's Record on Appeal, the facts confirm that he did, in fact, possess an electric shaver, brush, comb, thermal underwear, towels, washcloths, mesh bags, and bowls. See, Record on Appeal, pg. 8. The Respondent stated that the Appellant did not possess or own these items but

however, did not provide any evidence to show that these items did not belong to the Appellant.

The Court held in MARTINEZ that "while gross negligence ordinarily will not result in deprivation in constitutional sense, there may be circumstances where it implicates protections of due process clause when it contains elements of abuse of governmental power." MARTINEZ V. Cordova, 676 F.Supp. 1068 (1987).

Appellant contends that his due process rights were violated here because the S.C.D.C. officials failed to give him adequate notice or hearing and the S.C.D.C. officials failed to provide any evidence showing that these property items were not the Appellants or him being charged according to S.C.D.C. policy/procedures.

CONCLUSION

Based on the above-cited, Appellant respectfully request that this Honorable Court REVERSE and REMAND the ALC's order.

JUNE 16, 2025

Respectfully Submitted,



Angelo HAM #315014

McCI. 138#219

386 Redemption Way

McCormick, S.C. 29899