

The South Carolina Court of Appeals

James Thomas Gentry, Jr., #261188, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-000669

ORDER

On appeal, Appellant challenges an Administrative Law Court's order dismissing his appeal from a decision by Respondent that Appellant's request to be paid the prevailing wage was untimely, and as a result, Appellant had failed to exhaust his administrative remedies.

On May 23, 2025, Respondent moved to dismiss this appeal as moot, arguing Appellant settled his claims on October 22, 2024, as memorialized in a written agreement. The agreement provided that Appellant released Respondent "from any and all claims, grievances, Administrative Law Court cases, [and] appeals . . . including, but not limited to claims that [Gentry] was not paid the 'prevailing wage.'" Further, the release included "any matters currently pending in any South Carolina or [f]ederal court, including any appellate court" and provided that Gentry agreed "that any pending court matter shall be ended and/or dismissed with prejudice and [Gentry] shall sign any necessary documents to effectuate dismissal." The agreement stated the amount listed was "the total settlement" which would "be placed in [Gentry]'s E.H. Cooper Inmate Account," that "deductions [had] already been subtracted (not deducted) from the total settlement amount," and that "no additional funds [would] be paid for child support or placed into long-term savings."

Appellant filed a return, arguing the appeal was not moot because Respondent voided the settlement agreement by failing to use a percentage to pay Appellant's child support and to deposit a percentage into Appellant's long-term savings account as required by statute. *See* S.C. Code Ann. § 24-3-40 (directing the

Director of the Department of Corrections to deduct thirty-five percent to pay the prisoner's child support obligations and ten percent to be placed in an interest-bearing escrow account for the benefit of the prisoner from the gross wages of prisoners).

On June 11, 2025, Respondent filed a reply, arguing the validity of the agreement was improper for consideration in this appeal and Appellant could "contest the validity of the settlement agreement in an appropriate court." On June 20, 2025, Appellant filed a "reply brief," which we construe as surreply and accept as filed. Appellant argued he could raise the validity of the settlement agreement for the first time on appeal because it concerned subject matter jurisdiction.

After careful consideration, we grant Respondent's motion to dismiss the appeal as moot due to the parties' settlement agreement.¹ See *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for reviewing Court to grant effectual relief."); *Byrd v. Irmo High Sch.*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) ("Before any action can be maintained, there must exist a justiciable controversy."); *id.* at 431, 468 S.E.2d at 864 ("This Court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."); *Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 603, 567 S.E.2d 514, 517 (Ct. App. 2002) ("Because we find the present case was settled and the settlement is enforceable, the issue is moot."). Remittitur will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.²



FOR THE COURT

Columbia, South Carolina

¹ Whether Respondent has properly handled the settlement agreement is not a matter before this court. Should Appellant seek to challenge the validity of the settlement agreement—or otherwise question Respondent's compliance with the settlement terms or other statutory provision(s)—he must make an appropriate filing in the proper forum.

² In light of our decision to dismiss this appeal, we take no action on Appellant's to allow late filing of the record on appeal filed on April 29, 2025.

cc:
James Gentry, 261188
Christina Catoe Bigelow, Esquire

FILED
Jul 08 2025
