

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Crystal M. Rookard

ALC Case No. 24-ALJ-04-0625-AP
Appellate Case No. 2025-000018

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SC Court of Appeals

ANGELO HAM, # 315014,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

FINAL BRIEF OF RESPONDENT

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

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ATTORNEY FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILURE TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST.

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Angelo Ham, an inmate in the custody of the South Carolina Department of Corrections (SCDC). In May 2024, Appellant submitted a Step 1 grievance complaining about certain property he alleged was lost when he transferred to another institution. In July 2024, the Step 1 grievance was investigated and marked resolved, with the Department finding that all property belonging to Appellant had been delivered to him. Appellant then submitted a Step 2 grievance in August 2024, which was investigated and denied. Appellant submitted a Notice of Appeal to the Administrative Law Court in September 2024. On December 17, 2024, the ALC issued an order of dismissal which concluded that the appeal did not implicate a state-created liberty or property interest. This appeal follows.

STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

ARGUMENT

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILURE TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST.

The ALC correctly concluded that Appellant's grievance did not implicate a state-created liberty or property interest. (See R. p. 1-3). The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property. Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). The ALC may summarily dismiss inmate cases that do not involve state-created liberty or property interests. Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004). Here, Appellant's grievance was denied because the Department found that all property belonging to Appellant was transferred with him. (See R. p. 1-7). The Department also conducted a review of Appellant's canteen purchases and found that he did not purchase any of the items he alleged were missing. (See R. p. 1-7). Finally, the Department checked with Appellant's previous institution and the records did not show any missing items. (See R. p. 1-7). Appellant has not shown that prison officials engaged in a deliberate denial of life, liberty, or property as contemplated by the Fourteenth Amendment. See Pink v. Lester, 52 F.3d 73, 75 (4th Cir. 1995). Therefore, Appellant's appeal did not implicate a state-created liberty or property interest, and the lower court properly dismissed it.

CONCLUSION

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
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July 3, 2025

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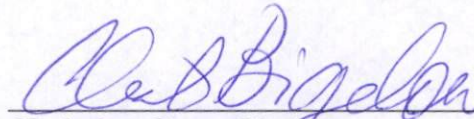
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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the **Final Brief of Respondent** complies with Rule 211(b), SCACR, and also complies with the South Carolina Supreme Court's April 15, 2014, order entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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