

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Royal Williams, #338068,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 25-ALJ-04-0035-AP

Grievance No. PCI 0852-24

**ORDER**

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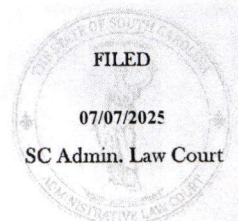
SC Court of Appeals

**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed on January 27, 2025, by Royal Williams (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department). This case was assigned to the Honorable Deborah Brooks Durden on February 13, 2025, and reassigned to the undersigned on June 20, 2025. Appellant is challenging a disciplinary determination issued by the Department. Appellant was found guilty of violating Disciplinary Offense Number 832 “Security Threat Group (STG) Affiliation” on October 22, 2024. As a result, Appellant was sanctioned with the loss of sixty (60) days of good time credits; lost canteen, phone, visitation, and tablet privileges; and received disciplinary detention. After careful consideration of the Record on Appeal (Record), arguments raised in the parties’ briefs, and the applicable law, the Court upholds the agency’s determination.

**BACKGROUND**

On October 7, 2024, Team A response was called by Officer Johnson to Leiber Correctional Institution due to multiple inmates fighting with weapons. Officer Johnson heard arguing coming from a crowd of inmates. Officer Johnson then observed Appellant along with several other inmates enter the upstairs area of the wing and enter the same corner where other inmates were congregating. Officer Johnson then initiated a lockdown. Associate Warden Brightharp indicated in his incident report that he reviewed the camera footage which revealed that Appellant was seen congregating with other inmates in a corner of the wing. Additional inmates followed the group to this corner. The inmates eventually dispersed in different ways and members of the group began fighting with weapons.



On October 16, 2024, Appellant received written notice that he was being charged with violating, among other things, SCDC Policy OP-22.14, Disciplinary Offense No. 832, “Security Threat Group Affiliation.”<sup>1</sup> The disciplinary hearing was held on October 22, 2024. Appellant participated in the disciplinary hearing, was represented by a counsel substitute, and did not want his accuser present. During the hearing, the Disciplinary Hearing Officer (DHO) informed Appellant that he could lose privileges, receive disciplinary detention, and a loss of good time as a result of this charge. Appellant pled not guilty to Disciplinary Offense No. 832. The evidence received by the DHO consisted of the SCDC Incident Report completed by Associate Warden Brightharp and an Incident Report prepared by Officer Johnson. After a brief recess, the DHO found Appellant guilty of the offense and sanctioned Appellant with sixty (60) days loss of good time credits. Appellant appealed the DHO’s determination by filing a Step 1 and Step 2 Grievance, both of which the Department denied.

This appeal followed. The Department filed the Record on April 10, 2025. Appellant filed his initial brief on March 4, 2025. The Department filed its brief on June 3, 2025. On June 4, 2025, Appellant filed a Motion to Grant Relief in Favor of Appellant.<sup>2</sup> Appellant filed a reply brief on June 9, 2025.

### **ISSUE ON APPEAL**

Does the Record contain substantial evidence to support Appellant’s conviction of violating SCDC Policy OP-22.14, Disciplinary Offense No. 832, “Security Threat Group (STG) Affiliation”?

### **STANDARD OF REVIEW**

The Court’s jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-*

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<sup>1</sup> The Court takes judicial notice of the Department’s publicly available policies. SCDC Policy OP-22.14, 832, “Security Threat Group Affiliation” prohibits:

Any participation of any inmate in any organization which has not been approved or any informal organization, association, or group of three (3) or more inmates that has a common name, and whose members or associates engage or have engaged in activities that include planning, organizing, threatening, soliciting, or committing unlawful acts of misconduct classified as serious threats or potential threats to the safety and security of the public, the Department, employees, visitors, and/or other inmates, or any other group that has been designated a Security Threat Group by the Agency Director. Possession of STG material is sufficient to warrant this charge.

<sup>2</sup> In the Motion to Grant Relief, Appellant alleges the Department failed to timely file its brief. Appellant is incorrect. The Department’s brief was timely filed on June 3, 2025. *See* SCACL Rule 60(A).

*Shabazz*, the court held that the ALC’s jurisdiction in inmate appeals is limited to non-collateral or administrative matters that typically arise in two ways: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 369, 527 S.E.2d at 750. The court further explained that procedural due process was guaranteed only when an inmate was deprived of an interest encompassed by the Fourteenth Amendment’s protection of liberty and property. *Id.*

The statutory right to sentence-related credits is a protected “liberty” interest under the Fourteenth Amendment, entitling an inmate to minimal due process to ensure the state-created right was not arbitrarily abrogated. *See Al-Shabazz*, 338 S.C. at 369–70, 527 S.E.2d at 750; *see also Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) (outlining the due process protections required in a prison disciplinary proceedings). In this case, the Department revoked sixty (60) days of Appellant’s accrued “good time” credits, thereby implicating a liberty interest for which due process is required. As such, this Court has jurisdiction over this appeal.

This Court sits in an appellate capacity when reviewing final decisions of the Department in non-collateral or administrative matters. *Al-Shabazz*, 338 S.C. at 376-77, 527 S.E.2d. at 754. When sitting in an appellate capacity, this Court’s review is limited to the Record presented. S.C. Code Ann. § 1-23-380(4) (Supp. 2024). Subsection 1-23-380(5) of the South Carolina Code (2005 & Supp. 2024) provides the standard used by appellate bodies to review agency decisions. That section states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (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.

*Id.*

The South Carolina Supreme Court has observed that “substantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency.” *Friends of the Earth v. Pub. Serv. Commission of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (citation omitted). Thus, the possibility of drawing two inconsistent conclusions from the evidence does not prevent the findings of an administrative agency from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995).

In *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 454 (1985), the U.S. Supreme Court held that “[t]he requirements of due process are satisfied if some evidence supports the decision by the prison disciplinary board to revoke good time credits.” Furthermore, “[t]he relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.” *Id.* Moreover, in *Al-Shabazz*, the court underscored that since prison officials are in the best position to decide inmate disciplinary matters, the courts, and therefore, this tribunal, adhere to a “hands off” approach to internal prison disciplinary policies and procedures when reviewing inmate appeals under the APA. *Id.* at 382, 527 S.E.2d at 757; *see also Pruitt v. State*, 274 S.C. 565, 567-68, 266 S.E.2d 779, 780 (1980) (stating the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

#### DISCUSSION

Appellant argues that his conviction is the result of insufficient evidence and a lack of due process. Specifically, Appellant contends that the incident report did not support the charge of Disciplinary Offense No. 832.<sup>3</sup> However, the Record reflects that the incident reports prepared by Officer Johnson and Associate Warden Brightharp both document the incident as STG related. Next, Appellant argues that there was insufficient evidence to support his conviction. Specifically, Appellant asserts that there was evidence considered outside of the Incident Report. As an initial matter, while due process does require the disclosure of evidence, it may be limited. *See Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). (“[t]he inmate facing disciplinary proceedings should be allowed to . . . present document evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals.”). More

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<sup>3</sup> The incident reports provided list multiple inmates that were involved in this incident. Appellant argues that the reference to him specifically does not support a charge of Disciplinary Offense No. 832.

importantly, the Department contends that Appellant admitted to the STG affiliation. At the hearing, the testimony was as follows:

DHO: So is it your testimony today that you have no affiliation with any gang?

I/M: I'm not saying I don't. I'm not saying I don't, but living in the household that ... I mean, living in the environment we ... we ... we live in, if anybody was to say that they didn't have any affiliation, it would ... it would be .. I mean, it would be complete false. It's just that, um, it's only 32 people on the side, so you know, it is kind of like you're forced to deal with people and ... and things. And then earlier this year I have been validated, um, --...

Therefore, the Court concludes that Appellant's contention that his disciplinary conviction was not supported by evidence is without merit as the DHO could reasonably construe Appellant's testimony as an admittance to his STG affiliation. Finally, Appellant argues the Department violated his due process rights in this conviction. The Department argues and the Record supports that Appellant received due process in the loss of his good time credits and was afforded the rights for which he was entitled. *See Al-Shabazz*, 338 S.C. at 369–70, 527 S.E.2d at 750; *see also Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).

Appellant further contends that the DHO was not a neutral party and that he was unable to review video footage prior to the hearing. The DHO indicated that they reviewed the video footage prior to the hearing. Appellant's counsel substitute noted that the video footage was made available to them at the beginning of the hearing, but the counsel substitute did not get an opportunity to review any of it. However, Appellant failed to challenge the ability to review the video footage and its admittance into evidence during the hearing and his failure to do so precludes him from doing so now as an issue must be preserved for review before it may be considered on appeal. *Brown v. S.C. Dep't of Health & Envtl. Control*, 348 S.C. 507, 560 S.E.2d 410 (2002) (noting that issues not raised to and ruled on by the agency are not preserved for judicial consideration); *see also Gatewood v. S.C. Dept. of Corr.*, 416 S.C. 304, 324–25, 785 S.E.2d 600, 611–12 (Ct. App. 2016) (internal citations omitted) (“[a]n issue that is not raised to an administrative agency is not preserved for appellate review by the ALC”).

This Court's standard of review gives great deference to lower tribunal findings regarding the credibility of witnesses and the weight to be given evidence. *See* S.C. Code Ann. § 1-23-380(5)

(Supp. 2024) (stating that the ALC cannot substitute its judgment for that of the agency on questions of fact absent limited exceptions); *Dixon v. Dixon*, 336 S.C. 260, 263, 519 S.E.2d 357, 358 (Ct. App. 1999) (“Because the appellate court lacks the opportunity for direct observation of witnesses, it should accord great deference to trial court findings where matters of credibility are involved.”). In this case, reasonable minds could find that the Incident Report sufficiently supports Appellant’s conviction. *Friends of the Earth v. Pub. Serv. Commission of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (finding “substantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency.”).

In conclusion, this Court has reviewed the Record and finds that Appellant has been afforded procedural and substantive rights required under *Al-Shabazz*. The Record reveals that Appellant: (1) received written notice of his charge for violating SCDC Policy OP-22.14, Disciplinary Offense No. 832, “Security Threat Group Affiliation,” on October 16, 2024, which was more than twenty-four hours in advance of his hearing on October 22, 2024; (2) Appellant participated in the hearing before a neutral and detached DHO; (3) Appellant was allowed to call witnesses and present documentary evidence at the hearing; (4) Appellant was appointed counsel substitute per his request, who participated in the hearing with Appellant; and (5) following the hearing, Appellant was informed of the DHO’s determination and the evidence relied upon to find him guilty and, substantial evidence supports the DHO’s determination. As such, the Court finds that there is substantial evidence in the Record to support Appellant’s conviction.

**ORDER**

**IT IS THEREFORE ORDERED** that the Department’s determination is **AFFIRMED**.

**IT IS FURTHER ORDERED** that Appellant’s Motion to Grant Relief is **DENIED**.

**AND IT IS SO ORDERED.**



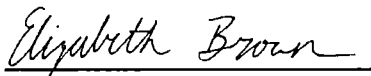
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The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

July 7, 2025  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

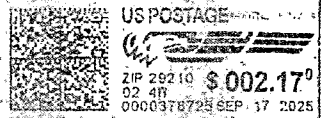
I, Elizabeth Brown, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Elizabeth Brown  
Judicial Law Clerk

July 7, 2025  
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