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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Shirley C. Robinson

ALC Case No. 25-ALJ-04-0035-AP
Appellate Case No. 2025-001934

ROYAL WILLIAMS, # 338068,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

FINAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

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STATEMENT OF ISSUE ON APPEAL

THE ADMINISTRATIVE LAW COURT PROPERLY UPHELD APPELLANT'S DISCIPLINARY CONVICTION WHERE APPELLANT RECEIVED THE PROCEDURAL DUE PROCESS TO WHICH HE WAS ENTITLED AND THE DISCIPLINARY CONVICTION WAS SUPPORTED BY SUBSTANTIAL EVIDENCE.

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Royal Williams, an inmate in the custody of the South Carolina Department of Corrections. On October 22, 2024, Appellant was found guilty of Disciplinary Offense Number 832, “Security Threat Group Affiliation” and was sanctioned with the loss of sixty (60) days of good time credit; loss of canteen, phone, visitation, and tablet privileges, and disciplinary detention. Appellant filed a Step 1 and 2 Grievance challenging the conviction, and both were denied. Appellant filed a Notice of Appeal in Administrative Law Court on January 27, 2025. On July 7, 2025, ALC Judge Crystal M. Rookard issued an order upholding Appellant’s disciplinary conviction. 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.

S.C. Code Ann. § 1-23-380(5).

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 UPHELD APPELLANT'S DISCIPLINARY CONVICTION WHERE APPELLANT RECEIVED THE PROCEDURAL DUE PROCESS TO WHICH HE WAS ENTITLED AND THE DISCIPLINARY CONVICTION WAS SUPPORTED BY SUBSTANTIAL EVIDENCE.

Appellant was Afforded Procedural Due Process

Prison disciplinary cases are not criminal trials in federal or state courts; they are administrative hearings in an institutional setting. As stated by the United States Supreme Court, “[p]rison disciplinary proceedings are not part of a criminal prosecution, and the full panoply of rights due a defendant in such proceedings does not apply.” Wolff v. McDonnell, 418 U.S. 539, 556 (1974) (citations omitted). Therefore, Due Process in prison disciplinary hearings is substantially less than in a trial before a court of law. Due Process, as the Supreme Court has noted in Wolff, requires the following in prison disciplinary cases:

- a) advance written notice of the charges at least twenty-four hours prior to the disciplinary hearing;
- b) a written statement by the factfinder as to the evidence relied on and the reasons for the disciplinary action;
- c) opportunity to call witnesses and present documentary evidence in his defense, if permitting him to do so would not be unduly hazardous to institutional safety or correctional goals;
- d) no right to confront and cross-examine witnesses due to the potential danger to institutional interests;
- e) limited right to assistance from a counsel substitute in cases where an inmate is illiterate or the issue is highly complex;
- f) a neutral and detached hearing body.

These requirements were complied with in this case. The Disciplinary Report and Hearing Record shows Appellant had appropriate advance notice of the charge. Appellant had a hearing before an impartial hearing officer on October 22, 2024, at which time he was represented by counsel substitute, had the opportunity to be heard, to present witnesses, and

to present documentary evidence. Finally, the hearing officer provided Appellant with a written statement regarding the evidence she relied upon and the reasons for the disciplinary action. Accordingly, Appellant received the procedural due process to which he was entitled.

SCDC's Final Agency Decision is Supported by Substantial Evidence

Furthermore, there was sufficient evidentiary support for the disciplinary conviction. On October 7, 2024, an A-Team response was called by Officer Johnson to Lieber 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. (See Incident Reports).¹

On October 16, 2024, Appellant received written notice that he was being charged with violating SCDC policy OP-22.14 Disciplinary Offense Number 832, "Security Threat Group Affiliation." 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 the charge. The evidence received by the DHO consisted of the SCDC incident report completed by Associate Warden Brightharp, an incident report prepared by Officer Johnson, and video footage of the incident. (See Record on Appeal, p. 19 of 22). Additionally, Appellant gave testimony during the hearing that could reasonably be construed as admitting to being STG affiliated. (See Record on Appeal, p. 17 of 22).

After hearing all of the evidence presented, the disciplinary hearing officer found Appellant guilty of offense 832.² Substantial evidence in the record supports that Appellant was guilty of the offense. See Superintendent, Massachusetts Correctional Institution, Walpole v. Hill, 472 U.S. 445, 455-56 (1985) (“The relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.”).³ Appellant cannot show that the decision of SCDC was clearly erroneous, arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record. See Porter v. Public Service Comm’n, 333 S.C. 12, 507 S.E. 2d 328 (1998).

Finally, Appellant’s argument that he was unable to view the video footage of the incident is not preserved for review. At the outset of the disciplinary hearing, Appellant’s counsel substitute told the DHO that he and Appellant were ready to proceed. (See Record on Appeal, p. 9 of 22). The DHO described the contents of the video footage during the hearing by reading from the second page of Associate Warden Brightharp’s incident reports.

¹ One inmate – apparently the same inmate Appellant was speaking with at some point during the events in question - was killed as a result of this incident. (See Record on Appeal, p. 11-16).

² Appellant was found guilty of several other offenses, but only offense 832 is involved in this appeal. (See Step 1 and 2 Grievance Forms.)

³ In Hill, the Court further elaborated, “The fundamental fairness guaranteed by the Due Process Clause does not require courts to set aside decisions of prison administrators that have some basis in fact. Revocation of good time credits is not comparable to a criminal conviction, and neither the amount of evidence necessary to support such a conviction, nor any other standard greater than some evidence applies in this context.” Id. (citations omitted).

(See Record on Appeal, p. 10-12 of 22). Near the end of the hearing, Appellant's counsel substitute stated that the video footage had been made available to him at the beginning of the hearings that morning, but that he "didn't get an opportunity to review any of it." (Record on Appeal, p. 18 of 22). However, there is no indication that he requested additional time to review the footage prior to the hearings and was denied that opportunity. He also did not indicate that the failure to review the footage was a problem. Appellant did not comment at all on the video footage. (See Record on Appeal, p. 18-20). In his Step 1 and Step 2 grievances, Appellant did not raise the issue of his failure to watch the video footage. (See Step 1 and 2 Grievances). Based on the foregoing, the ALC correctly concluded that the Appellant's new issue regarding the video footage is unreserved for review. See Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 560 S.E.2d 410 (2002) (issues not raised to and ruled upon by the agency are not preserved for judicial consideration); Gatewood v. S.C. Dep't of Corr., 416 S.C. 304, 324-25, 785 S.E.2d 600, 611-12 (Ct. App. 2016) (holding that an issue that is not raised to an administrative agency is not preserved for appellate review by the ALC).

Appellant's disciplinary hearing complied with due process requirements, and Appellant's disciplinary conviction was supported by substantial evidence contained in the record. Accordingly, the ALC properly upheld Appellant's disciplinary conviction.

CONCLUSION

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

Respectfully submitted,

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