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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 Crystal M. Rookard

ALC Case No. 25-ALJ-04-0033-AP
Appellate Case No. 2025-001625

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 803, "Riot" and was sanctioned with the loss of ninety (90) days of good time credit; loss of canteen, phone, visitation, tablet, and television privileges, as well as 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. Although Appellant claims that the hearing officer was not impartial because she watched the video of the incident, this claim is without merit because it only makes sense that the hearing officer would watch any available video. 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). Several inmates were injured and one was killed. The evidence received by the DHO consisted of the SCDC incident report completed by A/W Brightharp, an incident report prepared by Officer Johnson, video footage of the incident, and testimony from Appellant at the hearing. (See Record on Appeal, p. 10-18).

An inmate is guilty of offense 803, "Riot," when the inmate, "with two or more persons, intentionally participates in conduct that creates danger of damage or injury to

property or persons and substantially obstructs the performance of unit operations or institutional operations.” An inmate can be found guilty of offense 803 in four different ways – engaging in the prohibited behavior, attempting to engage in the prohibited behavior, conspiring to engage in the specific behavior, or aiding others in participating/attempting/conspiring regarding the prohibited behavior. (See Record on Appeal, p. 14). See also SCDC Policy OP-22.14, “Appendix,” Section 1. Finally, it is important to note that the standard of guilt for disciplinary convictions is much less than is required for criminal convictions. The hearing officer must review all of the evidence and determine “whether it is more likely that the inmate is guilty or not guilty.” See SCDC Policy OP-22.14, Section 16.

Here, the record reflects that Appellant voluntarily entered a corner (what Appellant referred to as “the hole”) to speak with other inmates who were congregating and planning a fight with weapons. The fight then ensued, and several inmates were injured and one was killed. (See Record on Appeal, p. 10-13). Appellant acknowledged at the hearing that he was gang affiliated but he gave a dubious explanation of having no knowledge of anything that was going on that afternoon. (See Record on Appeal, p. 14-18.) The hearing officer could properly discount Appellant’s explanation and find it to be not credible.

Based on the foregoing, evidence in the record supports Appellant’s guilt under the standards set forth above. 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.”).¹ Appellant cannot show that the decision of SCDC was clearly erroneous, arbitrary

¹ In Hill, the Court further elaborated, “The fundamental fairness guaranteed by the Due Process

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). Appellant was congregated with gang members who were planning a fight. This congregation led to a fight with weapons, and this fight created a danger of injury to other inmates and substantially obstructed the performance of the unit operations. The hearing officer could reasonably conclude that it was more likely than not that Appellant was guilty of the offense, and Appellant's disciplinary conviction for "Riot" is supported by substantial evidence contained in the record.

Finally, any argument that Appellant was unable to view the video footage of the incident is not preserved for review.² 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. (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

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).

² As to Appellant's argument that the ALC should have granted his motion to require the Department to turn over the video footage, the ALC was well within its discretion to deny such relief. The record before the ALC in these matters has always been limited to paper records. See generally SCALC Rule 58. Furthermore, as mentioned above, the video footage was described by the hearing officer at the disciplinary hearing when she read page two of A/W Brightharp's incident report. (See

not indicate that the failure to review the footage was a problem. Appellant did not comment at all on his inability to review the video footage. (See Record on Appeal, p. 18-20). Based on the foregoing, the ALC correctly concluded that the Appellant's issue regarding the video footage is unpreserved for review. See Brown v. S.C. Dep't of Health & Env'tl. 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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Record on Appeal, p. 11-12). The incident report was also part of the record.