

State of South Carolina
In The Court of Appeals

Appeal From The Administrative Law Court

Crystal M. Rookard
Administrative Law Judge

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

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OCT 29 2025

SC Court of Appeals

Royal Williams, # 338068

Appellant

S.C. Dept. of Corrections

v.

Respondent

Record on Appeal

Royal D. Williams III
Perry C.I. CY-12
430 Oaklawn Rd.
Petzer, SC 29669

Other Counsel of Record

Christina Catoe Bigelow
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221
"Respondent"

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

NOV 07 2024
GRIEVANCE

Office Use Only

INMATE NAME: Royal Williams
SCDC NUMBER: 338068
INSTITUTION: Perry C.I. ✓
HOUSING UNIT: DY 11
WORK ASSIGNMENT: _____

Grievance No. PCI-0852-24
Code: General _____
Policy _____
#35 Disc. Hear. 10/22/24(832)
Class _____
PREA _____
Date Received: 11/7/24
IGC Initials: KM
Date Received: 11/18/24
IGA Initials: BW

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NOV 13 2024

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): I disagree with the warden's decision to the step 1 grievance because it's my belief the warden did not actually engage into the issue I presented or review the necessary documentation to make a just decision. Instead just gave a generic response of denial. In my step 1 I outlined several details why my conviction of 832 should have been overturned & dismissed. The charge was not supported by incident report, Evidence presented nor any testimony. Nowhere in any incident report did it state how or why I was in violation of 832. Also, no evidence or testimony was provided during the disciplinary hearing at all to support this charge. The entire charge lacked evidence. Based on that had the warden actually reviewed the necessary documentation and hearing recording he would've clearly acknowledged the procedural errors & misrepresentation of evidence. Dismissed or rehearing.
Grievant Signature Royal Williams Date 11/6/24

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction of Security Threat Group (STG) Affiliation (832) in case #35 conducted on October 22, 2024, under SCDC Policy OP-22.14, Inmate Disciplinary System, dated February 2, 2015, and the sanction(s) imposed, which included the loss of -60- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing. You were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (form) and submit it as instructed on the form within thirty (30) days of receipt.

Responsible Official Signature Malie Plan Date 11-19-24

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature Royal Williams Date 1-13-25

IGC Signature [Signature] Date 1/13/25

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

OCT 30 2024

INMATE GRIEVANCE FORM

GRIEVANCE

STEP 1

| | |
|------------------------------------|---------------------------------------|
| INMATE NAME: <u>Royal Williams</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>338068</u> | Grievance No. <u>PCT-0852-24</u> |
| INSTITUTION: <u>Perry C.I.</u> | Code: General _____ |
| HOUSING UNIT: <u>DY 11</u> | Policy _____ |
| WORK ASSIGNMENT: _____ | #35 Disc. Hear. <u>10/22/24 (832)</u> |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>10/30/24</u> |
| | IGC Initials <u>KM</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

Offense Date (10-7-24) on 10-22-24 the Disciplinary hearing was held via remote camera. During which I was found guilty for 832; Affiliation with STG (amongst other charges) This is grievance #3 of 3. The other convictions have been placed on separate Step 1 grievances per your request & grievance policy. I'm grieving the Disciplinary conviction of 832; Affiliation with STG because the charge was Not supported by Incident Report, Evidence presented nor Testimony (No Evidence was presented to support the charge) Nowhere in the incident report did it state how or why I was in violation of 832. Also, no Evidence or Testimony was provided during the Disciplinary hearing at All... However, I was still found guilty. I have been denied access to the Inmate Disciplinary but it is my belief that all of the above violates SCDC policy CP 22.14.14 "Presentation of Evidence" This entire charge "Lacked Evidence". To Convict someone without presenting Any evidence At All is unjust

Royal Williams 10/28/24
Grievant Signature Date

ACTION REQUESTED: I request the charge be overturned & Dismissed I request the Audio/video of the Disciplinary hearing be made available for this process.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

PLEASE SEE REVERSE FOR RESPONSE

KM/Ky Al 10/31/24
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Williams, Royal-338068

PCI-0852-24

I have reviewed your concern. You would like to appeal your discipline hearing held on 10/22/24, where you were charged with an 832, which is Security Threat Group (STG) Affiliation: 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. You request that this charge be removed. No documentation, procedural errors, or misrepresentation of the evidence was noted, and the decision of the Disciplinary Hearing Officer was based on substantial evidence. The sanctions imposed are not excessive but proportionate to the rule violation. Based on this information, your appeal is without merit.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

[Signature] 11-1-24
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

Royal Williams 11/4/24
Grievant Signature Date

[Signature] 11/4/24
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

#32 - 811
#33 - 814
#34 - 803
#35 - 832

~~CONFIDENTIAL~~
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

| | | | | | |
|--|--------|------|------|-------|---------------------------------|
| Institution/Center: Lieber Correctional Institution | | | | | Date of Report: 10/8/2024 |
| Reporting Official (Full Name): A/W Brightharp William | | | | | Time of Report: Approx 1:00PM |
| Employee ID #: 010476 | | | | | Date of Incident: 10/7/2024 |
| Location of Incident: Ashley B Wing | | | | | Time of Incident: Approx 1:15PM |
| Inmate(s)/Resident: | SCDC # | Age: | Sex: | Race: | Employee(s)/Witnesses Involved: |
| 1. Prince Dezmon | 388017 | B/M | | | 1. Lt Rivera Daniel |
| 2. Wilson Devin | 353147 | B/M | | | 2. SGT Robinson Shonta |
| 3. Clark Brandon | 381213 | B/M | | | 3. |
| 4. Bivens Qualavivous | 360257 | B/M | | | 4. |
| 5. Reed Daniel | 370810 | B/M | | | 5. |

On the above date and approximate time:

On October 7, 2024 at approximately 1:15PM team A response was called by OFC Johnson Tanesha to Ashley B wing due to multiple inmates fighting with weapons. Team A arrived at approximately 1:15PM to Ashley Unit sally port (Lt Rivera Daniel, Lt Cragg Dustin, Sgt Boswell Cameron, Sgt Brunson Christopher, Capt Von Mutius Karl, Sgt Robinson Shonta, Capt Morgan Bruce, Lt Reed Carnisha). Approximately 1:17PM Lt Freeze Donovan arrived with the 40MM and everyone enter Ashley B wing. Approximately 1:18PM Warden Kendall Brian and A/W Brightharp William enter Ashley B. Before Team A could enter the following inmates came out: I/M Riggins Driscoll 349152 B/M had several stab wounds, and approximately 4 inmates were carrying I/M Wilson Devin 353147 B/M outside. Team A begin to give directives to all inmates to get on the floor, there main focus was to find I/M Reed Daniel 370810 B/M due to OFC Johnson stating he was fighting with a weapon. I/M Reed was located, with blood all over him Team A escorted him out of the building. Team A continue to lock all inmate inside of their cells. Approximately 15 minutes later Ashley B was completely lock down. Approximately 1:23PM LPN Bullock Kenna and RN Hall Fawn arrived on Ashley walkway and immediately render aid to I/M Wilson and Ashley B wing was announced to complete lock down. I/M Riggins was also placed in a wheelchair and was escorted to medical. Nurses gave staff a directive to place I/M Wilson on the stretcher. Nurses activated EMS. Approximately 1:26PM team A was called to Ashley A and also to Cafe due to inmates fighting. Cert Team responded to Ashley A. Ofc Cannon Andrew, OFC Mack Albert, Sgt Brunson and Sgt Robinson went to the cafe to gain control of the situations. I/M Rogers Antwon 327699 B/M was escorted out due to begin stab several times. Approximately 1:45PM Ashley A wing was completely locked down. At approximately 1:36PM Roof Top Detail was activated. (MHO Richardson Kerris and MHO Bramucci Mary). At 1:40PM the first EMS arrived and then at 1:45PM the second EMS arrived. Approximately 1:50PM I/M Wilson was pronounce deceased. At 2:00PM the three EMS arrived. The following inmates went out on EMS per medical staff. (I/M Rogers first EMS at 2:05PM. I/M Riggins second EMS at 2:09PM and I/M Reed was on the third EMS at 2:21PM.) At 2:51 the coroner enters Mrs. Lori Eadie and Mrs. Linda Walsh. At 3:15PM Lieber Institution was completely locked down. At 3:25PM rosters were sent out to all units for roll call count and ten minutes to count was announce. At 3:38PM count commence. At 3:41PM Director Scott Lewis arrived and Sled also arrived to Lieber. At 4:30PM Pressley funeral Home arrived. Count Cleared at 4:53PM.

MIN # 24-10-0421-0021

Signature: *William Brightharp* Title: A/W

Evidence:

Disposition of Evidence:

| | |
|---|---|
| Supervisor's Comments: <i>All inmates will be charged immediately and referred for disciplinary action and transported to OIG studies</i> | STG Related - Refer to STG Committee <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| Printed Name: <i>Karl Von Mutius</i> | This incident is DRUG related <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown |
| Signature: <i>[Signature]</i> Title: <i>Capt</i> Date/Time: <i>10/8/2024 11:05am</i> | Responsible Authority # 803 # 811 # 808 # 814 # 857 <input type="checkbox"/> Informal Resolution <input type="checkbox"/> Administrative Resolution <input checked="" type="checkbox"/> Refer to Disciplinary Hearing |
| Major/Responsible Authority: <i>All Inmates will be charged: I/M Prince charged with #803 811, 808, 832, 814, I/M Clark charged with #803 811, 814, 832, 808, I/M Reed charged with #803 808, 814, 811, 832, I/M Bivens</i> | |
| Printed Name: <i>C. Holmes</i> | |
| Signature: <i>C. Holmes</i> Title: <i>MAJOR</i> Date/Time: <i>10/8/24 9:50am</i> | |

SCDC Form 19-29A (Rev. January 2005) with *changed with 832; I/M Bivens charged and I/M Sherrill charged with 803, 811, 832; I/M Riggins charged with 832; Williams #338068 (25C0035832) - 8 record on 8/11/2024 Page 1 of 2 DHS.*

(M.H.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT SUPPLEMENT

| | | | | | |
|---|--------|------|-------|---------------------------------|-----------------------|
| Institution/Center: Lieber Correctional Institution | | | | Date of Report: 10/8/2024 | |
| Reporting Official: A/W Brightharp William | | | | Date of Incident: 10/7/2024 | |
| Location of Incident: Ashley B Wing | | | | Time of Incident: Approx 1:15PM | |
| Inmate(s)/Resident(s) | SCDC # | Age: | Race: | Sex: | Employee(s) Involved: |
| [REDACTED] | | | | | 1. |
| 2. Riggins Driscoll | 349152 | B/M | | | 2. |
| 3. Edwards Lamick | 314138 | B/M | | | 3. |

Details of Incident:

Intel and camera footage reveals the following:

I/M Prince Dezmon 388017 B/M had a long standing issue with I/M Bivens Quatavious 360257B/M from a previous institution. Once I/M Priuce arrived on Ashley B wing, he attempted to fight I/M Bivens and inciting other gang member with him. At approximately 1:13PM I/M Bivens is seen running [REDACTED] 11-53. You then will see [REDACTED], I/M Clark Brandon 381213 B/M, I/M Reed Daniel 370810 B/M and a couple other inmates enter the same corner. A few seconds later then you see I/M Wilson along with other inmates following him to the corner as well. I/M Bateman Tyrese 388063 B/M run into the hole with all the other inmates with a huge weapon in his hand. ~~You then will see all the inmates running on~~ I/M Reed is seen bending down picking up what appeared to be a weapon and began running toward all the inmates. I/M Reed is seen on camera swing a weapon toward the group of inmates. At approximately 1:14PM I/M Wilson collapse on the floor by cell 48. I/M Edwards Lamick 314138 B/m was seen on camera envolved with the fight, he begin collecting weapons and placed them in cell 42.

I/M Prince will be charged with 803, 811, 808, 832 and 814 .
 I/M Clark will be charge with 804, 803, 811, 814, 832 and 808.
 I/M Reed will be charge with 804, 803, 808, 832, 814 and 811, #857
 I/M Bivens will be charge with 832.
~~[REDACTED] will be charge with 811, 814, 808 and 814.~~
 I/M Riggins with be charge 832.
 I/M Edwards will be charged with 832, 811 and 814.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING PROCEDURE**

DOCKET No. 25-ALJ-04-0033-AP GRIEVANCE No.: PCI 847-24
DOCKET No. 25-ALJ-04-0034-AP GRIEVANCE No.: PCI 851-24
DOCKET No. 25-ALJ-04-0035-AP GRIEVANCE No.: PCI 852-24

INMATE NAME: Royal Williams SCDC No.: 338068

INSTITUTION: Perry Correctional Institution

DATE: October 22nd, 2024

CHARGE: 811 - Possession of a Weapon (Case 32)

814 - Inciting and Creating a Disturbance (Case 33)

803 - Riot (Case 34)

832 - STG Affiliation (Case 35).

DHO: The purpose of this hearing is to treat the matter before me with fundamental fairness and arrive at a just decision. All parties must conduct themselves properly. Failure to do so will result in your removal. State your name and your SCDC number for the record.

I/M: Royal Williams, number 338068.

DHO: You are appearing before the Perry Correctional Institution disciplinary hearing being recorded on today's date of October the 22nd, 2024, at 10:59 AM. I am disciplinary hearing Officer Ms. Hough. You are being represented by Counsel Substitute Mr. Faulk. Mr. Faulk, are you and the accused ready to proceed?

C/S: Yes.

DHO: This is Case 32, 33, 34 and 35 for Inmate Royal Williams, SCDC number 338068. The date of the offense is October the seventh, 2024. It occurred at 1:15 PM at Lieber Correctional Institution. For Case 32, the alleged offense is 811, possession of a weapon. For Case 33, the alleged offense is 814, inciting and creating a disturbance. For Case 34, the alleged offense is 803, riot. For Case 35, the alleged offense is 832, STG affiliation. Your charging official for all four charges, is A.W. Bright. You will serve notice of this hearing on October the 16th, 2024 at 10:20 AM, at which time you indicated that you did not want your accuser present. Your med

DHO: Disciplinary Hearing Officer (Ms. Hough)
I/M: Inmate (Royal Williams)
OFC: Accuser/Charging Official (A. W. Brightharp)
C/S: Counsel Substitute (Mr. Faulk)

class is notated as mental health restrictive housing, which does not require a Mental Health Statement. I do wanna notate that today it is a virtual hearing for Inmate Royal Williams, who is at Perry Correctional Institution while I, DHO Hough, am at Kershaw Correctional Institution. The evidence that I have to support this charge is SCDC form 19-29A, an Incident Report, which reads as following: On October the seventh, 2024, at approximately 1:15 PM, Team A response was called by Officer Johnson, Tanisha to Ashley B-Wing due to multiple inmates fighting with weapons. Team A arrived at approximately 1:15 PM to Ashley Unit Sally Port. Lieutenant Rivera, Daniel; Lieutenant Craig, Dustin; Sergeant Boswell, Cameron; Sergeant Brunson, Christopher; Captain Von Midas, Carl; Sergeant Robinson, Shante; Captain Morgan, Bruce; Lieutenant Reed, Cornesha. Approximately 1:17 PM Lieutenant Freeze, Donovan arrived with the 40 millimeter and everyone entered Ashley B-Wing. Approximately 1:18 PM, Warden Kendall, Brian; A/W Brightharp, William entered Ashley B. Before Team A could enter, the following inmates came out: Inmate Driscoll, Riggins, 349152, black male, had several stab wounds and approximately four inmates were carrying Inmate Devin Wilson, 353147, black male outside. Team A began to give directives to all inmates to get on the floor. Their main focus was to find Inmates Reed, Daniel, 370810, black male, due to Officer Johnson stating he was fighting with a weapon. Inmate Reed was located with blood all over him. A Team escorted him out of the building. Team A continued to lock all inmates inside of their cells. Approximately 15 minutes later, Ashley B was completely locked down. Approximately 1:23 PM, LPN Bullock, Kenner and RN Hall, Fawn arrived on Ashley walkway and immediately rendered aid to Inmate Wilson and Ashley B-Wing was announced to complete lockdown. Inmate Riggins was also placed in a wheelchair, was escorted to medical. Nurses gave staff a directive to place Inmate Wilson on a stretcher. Nurses activated EMS. Approximately 1:26 PM, Team A was called to

Ashley A and also to the cafeteria due to inmates fighting. CERT Team responded to Ashley A. Officer Cannon, Andrew; Officer Mark, Albert; Sergeant Brunson; Sergeant Robinson; went to the cafeteria to gain control of the situation. Inmate Rogers, Antoine, 327699, black male, was escorted out due to being stabbed several times. Approximately 1:45 PM, Ashley A-Wing was completely locked down and approximately 1:36 PM, rooftop detail was activated. Mental Health Officer Richardson, Carries, Mental Health Officer Bermuka, Mary. At 1:40 PM, the first EMS arrives and then at 1:45 PM the second EMS arrived. Approximately 1:50 PM, Inmate Wilson was pronounced deceased. At 2:00 PM the three EMS arrived. The following inmates went out on EMS per medical staff: Inmate Rogers first, EMS at 2:05 PM; Inmate Riggins second, EMS at 2:09 PM; Inmate Reed was on the third EMS at 2:21 PM. At 2:51, the coroner enters, Ms. Lori Edie and Ms. Linda Walsh. At 3:15 PM, Lieber Institution was completely locked down. At 3:25 PM, rosters were sent out to all units for roll call count in 10 minutes. The count was announced. At 3:38 PM, count commenced. At 3:41 PM, Director Scott Lewis arrived and SLED also arrived to Lieber. At 4:30 PM, Presley Funeral Home arrived. Count cleared at 4:53 PM. The second page 19-29 B reads: Intel camera footage reveals the following: Inmate Prince, Desmond, 388017, black male, had a longstanding issue with Inmate Bivins, Quantavious, 360257, black male, from a previous institution. Once Inmate Prince arrived on Ashley B-Wing, he attempted to fight Inmate Bivins, inciting other gang members with him. At approximately 1:13 PM, Inmate Bivins is seen running out of the hole by Cell 53. You will then see Inmate Royal Williams, 338068, black male, Inmate Clark Brandon, 381213, black male, Inmate Daniel Reed, 3701...370810, black male, and a couple of other inmates enter the same corner. A few seconds later you will see Inmate Wilson along with other inmates following him to the corner as well. Inmate Batesman, Tyrese, 388063, black male, running to the hole with all

the other inmates with their huge weapon in his hand. You then will see all the inmates running out of the hole and dispersing different ways. Inmate Reed is seen bending down, picking up what appears to be a weapon and began running toward all the inmates. Inmate Reed is seen on camera, swing a weapon toward the group of inmates at approximately 1:14 PM. Inmate Wilson collapses on the floor by Cell 48. Inmate Edwards Lamick, 314138, black male, was seen on camera involved with the fight. He began collecting weapons and placing them in Cell 42. Inmate Prince will be charged with 803, 811, 808, 832 and 814. Inmate Clark will be charged with 804, 803, 811, 814, 832, and 808. Inmate Reed will be charged with 804, 803, 808, 832, 814, 811 and 857. Inmate Bivens will be charged with 832. Inmate Williams will be charged with 811, 814, 803 and 832. Inmate Riggins will be charged with 832. Inmate Edwards will be charged with 832, 811 and 814. Inmate Williams. This Incident Report was signed off on by Captain Von Midas on October the 8th, 2024 at 1:05 PM, and it was graded by Major Holmes on October the 9th, 2024 at 9:50 AM. If you are found guilty of these charges, you will fail to earn good time for the month of October. You may lose canteen, phone, visitation privileges, receive disciplinary detention, and a loss of good time. On Case 32 for offense of 811, possession of a weapon, how would you like to plea?

I/M: Not guilty.

DHO: On Case 33, for offense of 814, inciting/creating a disturbance, how would you like to plea?

I/M: Not guilty.

DHO: On Case 34, for offense of 803, riot, how would you like to plea?

I/M: Not guilty.

DHO: On Case 35, for offense of 832, STG affiliation, how would you like to plea?

I/M: Not guilty.

DHO: Can you tell me in your own words why you feel like you're not guilty of this infraction?

Or tell me what occurred on the date of this incident?

I/M: Um, I don't know if you...if...if you have all the report...Incident Reports from, uh, other officers involved, you would see that, um, around 1:15. I just got back into the dorm from being in the chapel. I was outside the dorm since morning time. Before that, I...I didn't even come out the room. So, when I came back in the...in the dorm at 1:15, um, the officer of the unit, uh, was supposed to let me in the room, uh, for me to get my stuff to take a shower and...and things like that. So, while I'm in the room, um, she tell me to come out the room. She tell me and the guy that's...I'm giving the guy some food, she tell us to come out the room so she can, uh, secure my door and then do some other stuff. So, um, once I come out the room, it was some guy...no, uh, Mr. Reed and I can't remember the other guy name. I think his name was Clark. They called me upstairs to talk. So, I go upstairs and every...at this point in time I'm completely oblivious to anything that's been going on or has been going on throughout the day, minutes before or whatever. So, uh, I go upstairs, we're talking and we go into the hole. Now, I'm...I still don't know what's going on. You got more guys coming to the hole when they try to explain to me what's going on or see if I can help. Uh...uh...What's the right word I want to use? Help resolve any issue that it may be. But before I become aware of whatever issue it is, a group of guys come to the hole, they start arguing and they fighting. If you have seen the camera footage and if you can determine what's what on the camera footage, you will see that I immediately leave out the hole. Once the group of guys come in the hole, I immediately leave out. They start fighting and they go one way, I go a completely different way. I go downstairs and once I get to the first floor right in front of my room, probably five to six feet away from my room, that's when I notice a

inmate lying on the ground. At that time, I don't know who it is, I just see him lying on the ground. So, me and uh, I think it was two to three other people, uh, helped carry him out. And once we got him outside the dorm, we been outside the dorm until the, uh...until the wing was locked down. And then that's when they let us back in. They put us...put me in a room and that was that.

DHO: Okay. So be advised, I do wanna notate that the camera footage, and I forgot to mention this when I was presenting the evidence, um, was reviewed by myself prior to the hearing on today's date. Um, and I do wanna notate that, uh, an inmate can be charged with a violation in...within policy OP 22.14, one of four ways. He can be charged with engaging in a specific behavior, attempting to engage in a specific behavior, conspiring to engage in the specific behavior or aiding others in engaging, attempting to engage, conspire...conspiring to engage in this specific behavior. At this time, Counsel Substitute Mr. Faulk, do you have any witness statements or evidence you would like to present on behalf of Inmate, um, Williams?

C/S: Uh, yes. When I spoke with Inmate Williams, he said, uh, he gave a statement similar to what he said here, that he was just trying to go to his room. He had just arrived from a shower and, um --

I/M: From outside the dorm.

C/S: From outside the dorm to go take a shower and, um, had only been in the dorm for a couple of minutes when this occurred. Um, so, I have a statement from an Officer Johnson.

DHO: Um hmm.

C/S: It's a 19-29, Incident Report that--

DHO: Yes. Um hmm.

C/S: To an extent supports his claim. Can I read that?

DHO: Yes. Yes, sir. Um hmm.

C/S: All right. Uh, the report reads, I, Officer Johnson allowed Inmate Royal Williams, housed in Cell 29, to get his shower items upon his arrival from chapel services. Inmate Wilson then stepped inside the cell to grab some food as I stood near the doorway. While standing there, I could hear arguing coming from a crowd of inmates standing near Cell 33. I immediately had Inmate Wilson and Williams step away from the cell so that the cell could be secured. Both Wilson and Williams went up the stairs where a group of inmates stood. I immediately made an announcement that I was beginning my lockdown. Cell 17 housed by Inmate Bookman was the first door to be secured. I then traveled to the flood zone to secure cell two. At that moment, I could hear a lot of scuffling and inmates running or quickly rushing out of the hole where Cell 52 is. Inmate Reid was seen covered in blood, holding a handmade knife moving towards Inmate Edwards Lamick. At that time, Lieber control was notified of the situation. Inmate Wilson, Devon, unidentified at that time, was seen lying motionless in front of the showers between Cell 48 and 49. While trying to keep Lieber control updated of the situation, Inmate Terrace Wheeler began yelling for me to get off the wing. He then rushed both me and him towards the wing door. After removing both me and Inmate Wheeler from the wing, I attempted to put Inmate Wheeler back onto the wing, but he refused, stating, "I ain't going back over there." He continuously asked if I was okay, notifying me that I just had to make sure you were straight. Inmate Wheeler began pacing back and forth, yelling frantically. Uh, the CERT team, contraband and admin staff responded to the incident. Inmate Wheeler was frisked, searched and placed into restraints. End of report. So, in the beginning of this Incident Report, uh, he...she...the Officer Johnson states that Wilson and Williams were in their cell and were removed from the cell by her at the beginning of the incident.

DHO: Okay.

C/S: And also the, uh, charging document, uh, states several times that they see, uh, Wilson moving around, moving from place to place on camera, but at no point state that he did any particular thing other than move around and is visible on camera at the time.

DHO: Okay. Case 32, 33, 34, and 35, which was read at the beginning of the hearing, will now be used as evidence against you. Inmate Williams, so according to Officer Johnson's report, she indicates that she did let you in, that you had just arrived from the chapel. So, in the conversation that you had with Inmate Wilson, what was your conversation with Inmate Wilson? Was he your roommate?

I/M: No, he was just a, uh...a guy that lived in the unit with us.

DHO: Okay. So, since you had only been there for a short time, when...when she let you and, um, Wilson in the room. What was the conversation that Wilson had with you?

I/M: Uh, he was there to get some...get some food. He was gonna cook. That's who -

DHO: Okay.

I/M: -- uh, primarily cooks for...you know, uh...he...at that...on that shift, he's the, uh, dorm worker. So, whenever it's lock down, he gets to stay out. So, a lot of the times he cooks. So, he was...he was to come in, get some food and cook, and that was pretty much it.

DHO: So, what was the reason that both you and him went up the stairs?

I/M: Um, the reason I went up, I can't answer for him, no. I can't decide why he did what he did, but the reason I went up the stairs is because, uh, Reed and, uh, Clark called me upstairs. And at that time, I didn't know why they were calling me upstairs. But--

DHO: What was your conversation with them?

I/M: We didn't...we didn't really have a conversation because of all of the, uh, commotion going on. So that's when we tried to step in the hole so we can have a...a conversation and understand what it is so we can hear each other. But it never really developed because, uh, people was just...I don't know if they were drunk, under the influence or what, it was just a lot of commotion. So, the conversation never really developed into them telling me what was going on or...or why they really needed to talk to me so urgently.

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, --

DHO: Okay

I/M: -- STG. So --

DHO: Designated.

I/M: It's --

DHO: Designated.

I/M: Yeah. Yeah. Designated --

DHO: Um hmm.

I/M: -- STG. So, to keep.

DHO: So, are you and Wilson, were y'all designated for the same gang?

I/M: I don't know anybody else designation status --

DHO: Okay. All --

I/M: -- or transportation status.

DHO: Okay. All right. Because I know that, um, he was also designated in a gang and that, you know, when you affiliate with, you know, other gang members, that's why I wanted to know, were y'all part of the same affiliation. Um, but since you, uh, state...indicate, you don't know, 'what gang he was in,' but y'all were, uh, constituents. Y'all did confer with each other on a...on a re-...on a daily basis. Would you at least say that?

I/M: No.

DHO: Okay.

I/M: No...no, ma'am.

DHO: All right. At this time, Williams, do you have any final statements you would like to indicate on your behalf?

I/M: I mean, I...just, uh, the final thing I would like to say is that I understand that this situation it's a...it's a...it's a very, uh, traumatic exper-...uh, situation and it's...it's a...it's a very serious matter, and I just hope that...that you can see that of course, people should be held responsible. I just hope that the right people is held responsible and not the wrong people. And that's...that's pretty much all I have.

DHO: At this time Mr. Faulk, do you have any final statements to make?

C/S: Uh, yes. I just wanted to reiterate, uh, what I had said on previous cases about some of these charges, that the, uh...the evidence, uh, especially like the weapons charges, and video footage was not made available to me, uh, up until like the beginning of the hearings this morning. And I did not get an opportunity to review any of it.

DHO: Okay. I've heard the charge. Provided an opportunity for your counsel substitute to make a statement, present evidence, and call witnesses on your behalf. I will now recess this hearing to arrive at a just decision.

(Recess)

DHO: Restate your name and your SCDC number for the record.

I/M: Royal Williams, number 338068.

DHO: Inmate Williams on Case 32 for offense of 811, Case 34 for offense of 803, riot, Case 35 for offense of 832, affiliation, I have found you guilty of each disciplinary infraction. The evidence that I relied upon is the Incident Report written by your accuser, along with the supporting Incident Report written by Officer Johnson and the video from the camera system. Your sanctions imposed, on Case 32 for offense of 811, being that this is your second offense of 811, I also took into consideration that your last infraction of a 811 was in February, 2018, but I also weighed the severity of the charge. On case 34, for offense of 803, this is your first offense of a 803, but once again, I took into consideration the severity of the charge. For each infraction, your sanctions will include: 60 days of disciplinary detention, minus the 15 you've already completed, for a total 45 more days to complete a disciplinary detention; Plus 180 days of canteen, phone, visitation restriction, for a total of 225 days of canteen, phone, visitation restriction; 90 days of tab restriction; 90 days loss of good time. And on Case 35 for offense of 832, this is a level two disciplinary infraction...your first offense of a 832, but I took into consideration once again, the severity of the charge. Your sanctions will include: 45 days of disciplinary detention, minus the 15 you've already completed, for a total of 30 more days to complete in disciplinary detention; along with 180 days of canteen, phone, visitation restriction, for a total of 210 days of canteen, phone, visitation restrictions; 60 days of tab restriction; and 60

days loss of good time. You do have the right to appeal my decision by filing a grievance within five days of today's hearing. And on Case 814 for the offense of inciting/creating a disturbance, I have dismissed the charge due to the narrative indicates that it is a duplicate to the 808...803, excuse me, riot charge. You are dismissed, and this hearing is concluded.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

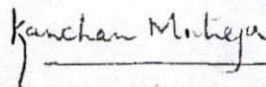
Royal Williams #338068,)
)
Appellant,)
)
-vs-)
)
Respondent.)
_____)

CERTIFIED TRANSCRIPT

Docket Number: 25-ALJ-04-0033-AP
Docket Number: 25-ALJ-04-0034-AP
Docket Number: 25-ALJ-04-0035-AP

This is to certify that the transcript of the recording of this administrative disciplinary hearing is a true, accurate and complete transcript of the proceedings and testimony hereby transcribed.

I do further certify that I was not present at the administrative disciplinary hearing that has been transcribed.



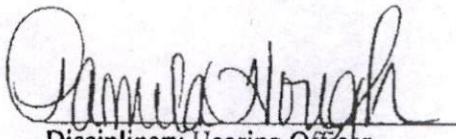
Kanchan Mutreja
Transcriptionist
Datagain, Inc.
1 Creekside Ct.
Secaucus, NJ 07094

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE COURT

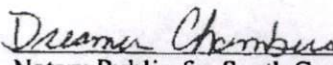
Royal Williams #338068,
Appellant,
-vs-
South Carolina Department of Corrections,
Respondent.

CERTIFICATION
) Docket Number: 25-ALJ-04-0033-AP
) Docket Number: 25-ALJ-04-0034-AP
) Docket Number: 25-ALJ-04-0035-AP

This is to certify that I am the Disciplinary Hearing Officer who presided at the administrative disciplinary hearing in this matter. I have reviewed the attached transcript of the audio recording of this hearing and hereby certify the transcript as true, accurate, complete and constitutes the entire record of the proceedings.


Disciplinary Hearing Officer
South Carolina Department of Corrections

SWORN TO before me this
4 day of April, 2025

 (L. S.)
Notary Public for South Carolina
My Commission Expires: Sept 3, 2024

Proof of Service
 State of South Carolina
 Administrative Law Court

DOC Appeal
 Case No. 25C0035
 Honorable Judge Durden

Royal Williams #338068

Appellant

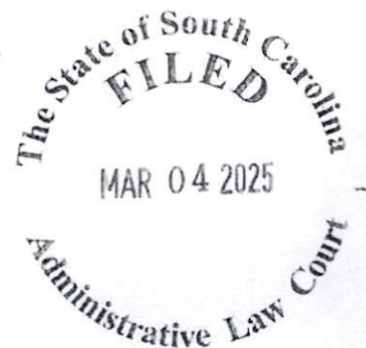
v.

SC DOC

Respondent

I hereby certify that I have served a copy of this original brief and Attachments A-D on the Administrative Law Court at 1205 Pendleton St. Suite 224, Columbia, SC 29201 via US mail and on Dept. of General Counsel, S.C. Dept. of Corrections at address provided by the ALC at P.O. Box 21787, Columbia, SC 29221. On this date March 3, 2025 via US mail.

Royal Williams #338068
 Perry C.I.
 430 Oaklawn Rd.
 Pelzer, SC 29669



Statement of Issues on Appeal

1. Whether the responsible authority made an error when officer charged appellant with (832) Affiliation with STG when charging document (incident report) did not support the charging of said offense?
2. Whether the hearing officer made an error by not dismissing the charge of (832) Affiliation with STG because there wasn't any evidence or testimony presented during hearing to support a finding of guilt?
3. Whether hearing officer violated SCDC policy when she participated in the investigation?
4. Whether the responsible authority made an error when they failed to furnish the relevant video of incident to counsel substitute or appellant to review and prepare for hearing and mount an adequate defense?
5. Whether responsible authority made an error by considering "Evidence" that was not included in the "Evidence" or "Disposition of Evidence" Section of the 19-29A incident report?
6. Whether responsible authority severely hindered appellants appeal process by taking 4 months to allow appellant to hear recording of disciplinary hearing?
7. Whether responsible authority made an error by refusing to overturn conviction on appeal?
8. Whether responsible authority violated appellants Due process rights?

Statement of the Case

Appellant Royal Williams was charged with (832) Affiliation with STG. Offense date was Oct 7, 2024. On Oct. 22, 2024 a disciplinary hearing was held at Perry C.I. before hearing Officer Hough located at Kershaw C.I. via remote video. Ms. J. Faulk acted as Counsel substitute. Appellant was found guilty and sentenced to solitary confinement, loss of good time and several other sanctions were imposed. Also on Oct. 22, 2024 I wrote to the Major to request to hear the recording of the hearing. Appellant then filed a timely Step 1 grievance (PCI-0852-24) It was denied by Associate Warden Werts on Nov. 1, 2024. Appellant then filed a Step 2 grievance. That was denied on Dec. 19, 2024 by an unknown official (cant make out name). Appellant then filed a notice of appeal with the ALC on Jan. 27, 2025 and served a copy to General Counsel at SCDC. Case assigned to Judge Deurden on Feb. 13, 2025. Appellant heard recording of disciplinary hearing on Feb. 14, 2025. This appeal timely follows... The notice of appeal was served to the General Counsel at the address provided by SCDC staff being (4444 Broad River Rd. Columbia, SC 29221)

Argument

1. Whether the responsible authority made an error when officer charged appellant with (832) Affiliation with STG when charging document (incident report) did not support the charging of said offense?

The charging officer is AW Brightthorp, the major responsible was Major C. Holmes who signed off on the charges. According to the 19-29a incident report of AW Brightthorp, the only mention of appellant was that "Royal Williams entered a corner" according to the incident report of Ofc Johnson. She states that "at 1:15 Royal Williams arrived back to the unit from the chapel. She then let me into my room to gather my shower things to wash. Afterwards, she ordered me out of my cell so she could secure my door and commence with lockdown. I came out and walked toward other people." which directly contradicts the report of AW Brightthorp. According to SCDC policy OP 22.14 section 3.1, the incident report should include at a minimum "A full statement of the facts underlying the offense." If appellant did violate the offense of (832) Affiliation with STG then his actions would be consistent with said offense. There is no mention of how or in what way did the appellant violate the offense of (832) Affiliation with STG. Appellant should never been charged.

2. Whether the hearing officer made an error by not dismissing the charge of (832) Affiliation of STG because there wasn't any evidence or testimony presented during hearing to support a finding of guilt?

According to SCDC policy OP 22.14 section 16.1 standard of guilt. It states "the hearing officer will decide the inmates guilt or innocence with respect to each charge"... "based on a preponderance of the credible evidence"... "the hearing officer must review all of the evidence presented and submitted." The incident reports that were submitted contradicted each other in regards to the time frames stated in each report. Also in regards to appellants actions, hearing officer also states she used a video as well. However, she never stated what my actions were in this "mystery video" or if she could even identify me or my whereabouts in this "video." SCDC policy OP 22.14 Appendix A section 1 states "A violation of these rules may consist of any of the following... Engaging in the specified behavior, Attempting to engage in the specified behavior, Conspiring to engage, Aiding other in engaging, attempting or conspiring to

engage in the specified behavior." According to the reports, the appellants actions were not consistent with violating any offense nor was any testimony presented to suggest such either. Entire case lacked evidence. Hearing officer should have dismissed.

3. whether hearing officer violated SCDC policy when she participated in the investigation?

According to SCDC policy OP 22.14 section 12 under "Restrictions on personnel participating in the hearing" ... "the hearing officer may not be ... An employee who participated in the investigation of the charges." the hearing officer acts as "Judge" should remain fair and impartial. Hearing officer though violated this when the responsible authority did not submit any video evidence. She stated she took it upon herself to contact a friend who contacted someone else to receive a video via 3rd party. To go out and secure evidence. It's clear and obvious this action is consistent with participating in the investigation. SCDC policy OP 22.14 section 9 covers "hearing officer duties." This action is not one of them.

4. whether the responsible authority made an error when they failed to furnish the relevant video of incident to counsel substitute or appellant to review and prepare for hearing to mount an adequate defense?

According to SCDC policy OP 22.14 section 8.2 "Counsel substitute responsibilities" Sub section 6 states "Obtain any documentary evidence relevant to the case that is not already in possession of the accused inmate" Counsel substitute J. Faulk told me prior to the hearing that the only documentary evidence he received was written incident reports. No video. During the hearing he stated he was "given this "mystery video" only minutes prior to the hearing and could not review it in time." This severely prejudice the appellant because it hindered me from challenging the authenticity of the video. It also hindered me from defending myself. Verifying my identity, whereabouts and actions which would've shown my innocence. SCDC policy OP 22.14 section 14.2 states "The accused inmate or counsel substitute may present documentary evidence" Appellant was denied the opportunity to do so in regards to this "video".

5. Whether responsible authority made an error by considering "Evidence" that was not included in the "Evidence" or "Disposition of Evidence" section of the 19-29A incident report?

SOBC policy OP22.14 section 3.1 states the 19-29A incident report must include at a minimum "A full statement of the facts underlying the offense to include witnesses, evidence and disposition of evidence." Neither incident report that was presented included any "Evidence" or "disposition of evidence" No video, pictures or anything. How could hearing officer consider evidence that was not included?

6. Whether responsible authority made an error and severely hindered appellant's appeal process by taking 4 months to allow appellant to hear recording of disciplinary hearing?

On Oct. 22, 2024 the appellant mailed a "request to staff member" to Major Bennett to listen to the recording of the hearing to prepare for this appeal. No response was received so on Oct. 29, 2024 appellant wrote a "request to staff member" to Cpl L. Pollman who is responsible for preparing such hearings. I received a response on Nov. 5, 2024 advising me "she would arrange to hear my case asap" However, for the next 3 1/2 months I still haven't heard the recording.

During this time I spoke to Cpl L. Pollman 3 times and asked "why was it taking so long" and "the wait was hurting my appeal." Each time she said she would get to it. Finally, on Feb. 14, 2025 I was able to hear the recording. 4 months after the initial request. SOBC policy OP22.14 section 23 covers "Inmate access to hearing recording" states "Inmates desiring to listen to their hearing must submit a "request to staff member" within 3 days of conviction" it goes on to say "The recording will be played for the inmate within 10 days of receiving request" I made the request on 10/22/24. It was received on 11/5/24. I heard recording on 2/14/25. This section is designed to assist in preparing for appeal.

7. Whether responsible authority made an error by refusing to overturn conviction on appeal?

SCDC policy OP 22.14 section 19.3 states "the following factors must be considered when reviewing an appeal. 1) whether hearing officer acted in substantial compliance with policies/procedures? 2) whether the decision of the hearing officer was based on any evidence? 3) whether under the circumstances, the sentence imposed was proportionate to the disciplinary offense?" In this case 2 out of 3 factors apply. On the Step 1 and Step 2 grievances, I've outlined several reasons why the hearing officer did not act in compliance with policies/procedures and how the decision was not based on sufficient evidence. As I did in the entire brief, Had the responsible authority actually reviewed this they would clearly see the errors.

8. Whether responsible authority violated appellants Due process rights?

SCDC policy OP 22.14 policy statement states "The administration and application of the inmate disciplinary system will be completed in compliance with all applicable state and federal statutes, rules and regulations and in a manner that ensures inmates are afforded adequate due process protection." Everyone is entitled to the basic protections of the US government. The policies and statutes relied upon within this brief falls within state and federal protections. As I outlined in this brief. The many procedural errors, misrepresentation of evidence and lack of evidence was clear violation of my rights. Violation that subjected me to solitary confinement, extended prison sentence and several other damaging sanctions.

Conclusion

Respectfully, this court should overturn and dismiss Royal Williams disciplinary convictions and the sanctions imposed. Also, require SCDC to implement safeguards to ensure the responsible authorities will not continue to show reckless disregard for inmates rights pertaining to the inmate disciplinary system. This action would help deter this from happening again and stop the disciplinary hearing process from being used as a rubber stamp to find inmates guilty without just cause.

Respectfully Submitted
Royal Williams

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

| | | |
|---|---|-----------------------------|
| Royal Daniel Williams, #338068, |) | Docket No.: -ALJ-04-0035-AP |
| |) | [Grievance No.: PCI 852-24] |
| Appellant, |) | |
| |) | Hon. Deborah Brooks Durden |
| v. |) | |
| |) | |
| South Carolina Department of Corrections, |) | RESPONDENT'S BRIEF |
| |) | |
| Respondent. |) | |
| _____ |) | |

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (“ALC” or “Court”) pursuant to the appeal of Royal Daniel Williams (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC”). Appellant is appealing his October 22, 2024 conviction for offense 832, “STG Affiliation”. The appeal of this disciplinary conviction was done through grievance number PCI 852-24.

On October 28, 2024, Appellant filed a Step 1 grievance seeking reversal of his conviction. On November 1, 2024, SCDC denied the Step 1 grievance. Thereafter, on November 7, 2024, Appellant filed a Step 2 grievance alleging that the charge is not supported by the incident report, evidence presented at the hearing, or any testimony. On December 19, 2024, SCDC denied the Step 2 grievance, and this appeal followed.

STANDARD OF REVIEW

The ALC’s jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). When reviewing SCDC’s decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the supreme court clarified the ALC’s appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep’t of*

Corr., 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the supreme court held the ALC's jurisdiction was limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. See *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Moreover, regarding categories (2) and (3), *supra*, the supreme court has consistently emphasized that the liberty or property interest implicated must be one that is *state created*. See *Wicker v. S.C. Dep't of Corr.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (emphasizing that the ALC's jurisdiction extends only to those cases involving the denial of "state created liberty interests" and that the Court's holding [*i.e.*, in *Wicker*] "is not to be viewed as expanding the jurisdiction of the [ALC] in any other circumstance."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (emphasis added).

Furthermore, the ALC should not disturb findings of an administrative agency if those findings are supported by substantial evidence on the record as a whole. *Pearson v. JPS Converter & Ind. Corp.*, 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). Stated differently, an Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5) (amended by 2008 Act No. 334, § 5, eff. June 16, 2008). Additionally, "an Administrative Law Judge may not reverse or modify an agency's decision unless

substantial rights of the Appellant have been prejudiced because the decision is clearly erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law.” *Matthews v. S.C. Dep’t of Corr.*, Case No.: 04-ALJ-04-00248-AP, available at <http://www.scalc.net/decisions.aspx?id=1203&q=4> (filed Dec. 21, 2004) (Anderson, A.L.J.); see S.C. Code Ann. § 1-23-380(5)(e); see also *Marietta Garage, Inc. v. S.C. Dep’t. of Pub. Safety*, 337 S.C. 133, 522 S.E.2d 605 (1999); *S.C. Dep’t. of Labor, Licensing & Regulation v. Girgis*, 332 S.C. 162, 503 S.E.2d 490 (1998).

“Substantial evidence” is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that the administrative agency reached. *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. *Heater of Seabrook, Inc. v. Pub. Svc. Comm’n of S.C.*, 332 S.C. 20, 503 S.E.2d 739 (1998).

Finally, in deciding appeals from inmate grievances, the ALC must consider that prisons officials are in the best position to decide inmate disciplinary matters. In *Al-Shabazz*, the supreme 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.” *Matthews v. S.C. Dep’t of Corr.*, *supra*, page 3 (citing *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757 (stating that “[c]ourts traditionally have adopted a ‘hands off’ doctrine regarding judicial involvement in prison disciplinary

procedures and other internal prison matters”)); *see also Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) (referring to the traditional “hands off” approach of South Carolina courts regarding internal prison discipline and policy).

ARGUMENTS

not used

I. BECAUSE SUBSTANTIAL EVIDENCE EXISTED TO SUPPORT THE 832 CHARGE AND CONVICTION, THE COURT SHOULD AFFIRM SCDC’S FINAL AGENCY ACTION.

The evidence presented at the hearing and relied upon by DHO satisfies the “substantial evidence” standard of proof to uphold Appellant’s conviction. Here are the salient facts brought forth at the disciplinary hearing and on appeal:

1. Officer Johnson heard arguing coming from a crowd of inmates standing near Cell 33. Johnson had Inmates Wilson and Williams step out of their cell. Record at Tr. 7.
2. Appellant and Inmate Wilson instead went upstairs toward the group of inmates. *Id.*
3. Officer Johnson then made an announcement that she was beginning her lockdown. *Id.*
4. The camera indicated that once Inmate Prince arrived on Ashley B-Wing, he attempted to fight Inmate Bivens, inciting other gang members with him. At approximately 1:13 PM, Inmate Bivins is seen running out of the hole by Cell 53. You will see Inmate Royal Williams, 338068, black male, Inmate Clark Brandon, 381213, black male, Inmate Daniel Reed, 370810, black male, and a couple of other inmates enter the same corner. Record at Tr. 3.
5. Inmate Reed was seen covered in blood. Tr. at 7.
6. Appellant was asked if he had any affiliation with any gang at the hearing. Appellant recognized that he could not deny that claim. Tr. at 9. He admitted that he had been designated STG and it would have been “false” to say anybody in that unit were members of a gang. *Id.*
7. SCDC policy clearly states under section 832, STG Affiliation: 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.

Appellant claims in his Step 2 that there is no evidence of STG affiliation. However, Appellant admitted in the hearing of his STG affiliation. Tr. 9. DHO Hough weighed the evidence based on the facts and testimony presented at the hearing. Appellant has failed to show to the Court that his substantial rights have been prejudiced or that DHO Hough's decision was clearly erroneous, arbitrary, or affected by a legal error. Cf. *Matthews v. S.C. Dep't of Corr.*, Case No.: 04-ALJ-04-00248-AP, available at <http://www.scalc.net/decisions.aspx?id=1203&q=4> (filed Dec. 21, 2004) (Anderson, A.L.J.). Therefore, because Appellant's conviction was supported by substantial evidence, SCDC respectfully requests the Court affirm SCDC's final agency action.

II. BECAUSE APPELLANT RECEIVED THE DUE PROCESS TO WHICH HE WAS ENTITLED, THE COURT SHOULD AFFIRM SCDC'S FINAL AGENCY ACTION.

Prison disciplinary cases are not criminal trials in federal or state courts; they are administrative hearings in an institutional setting. Therefore, due process in prison disciplinary hearings is substantially less than in a trial before a court. Due process, as the United States Supreme Court noted in *Wolff v. McDonnell*, requires the following in prison disciplinary cases:

- a) notice of charges;
- b) disclosure of evidence against defendant (may be limited);
- c) opportunity to be heard;
- d) no right to confront and cross-examine adverse witnesses;
- e) neutral and detached hearing body;
- f) aid of counsel substitute or other substitute aid where inmate is illiterate

- or complex case (not attorney);
- g) written statement by the fact-finder as to the evidence relied upon.

418 U.S. 539, 566 (1974). SCDC complied with these requirements in the administrative hearing about which Appellant has filed the present appeal.

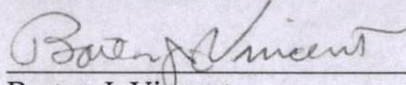
Here, Appellant received notice of the charges on October 16, 2024. On October 22, 2024, Appellant had an opportunity to be heard, an opportunity to challenge the evidence and face his accuser, the presence of a neutral and detached hearing officer (DHO Hough), the aid of counsel substitute (C/S Faulk), and received a written statement of the findings so that Appellant could make an appeal. There is nothing in the record to indicate that Appellant's due process rights were violated. Accordingly, the Departments' final agency action should be affirmed.

CONCLUSION

SCDC afforded Appellant all of the due process safeguards to which he was entitled. Moreover, DHO Hough relied on substantial evidence when making his decision to find Appellant guilty of the offense. Thus, SCDC respectfully requests that this Court affirm SCDC's final agency action.

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



 Barton J. Vincent
 General Counsel
 S.C. Department of Corrections
 4444 Broad River Road
 Columbia, South Carolina 29221
 (803) 896-1943

June 2, 2025
 Columbia, South Carolina

State of South Carolina
Administrative Law Court

| | |
|---|--|
| Royal D. Williams III # 333068 Appellant | } Docket No: 25-ALT-04-0035-AP Grievance No: PCI 852-24 |
| SC DOC v. Respondent | |
| } Honorable Detorah Brooks Darden | |
| } Reply Brief | |

Statement of the Case

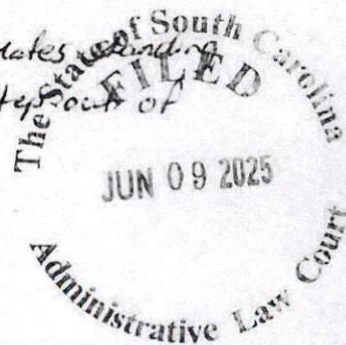
Royal D. Williams (Appellant) an inmate incarcerated within South Carolina Dept. of Corrections (SCDC). Appellant is appealing his Oct 22, 2024 Conviction for offense 832; STG Affiliation. On Oct. 29, 2024 Appellant filed a Step 1 grievance seeking reversal of his convictions (PCI 852-24) step 1 was denied on Nov. 1, 2024. On Nov. 7, 2024 appellant filed a Step 2 grievance stating the charge is not supported by incident reports, evidence presented nor any testimony. Also, video was not made available to appellant. On Dec 19, 2024 SCDC denied the Step 2. Appellant timely filed appeal with the ALLC and filed his Original Brief. Appellant received Respondents Brief June 5, 2025. The reply Brief follows...

Reply Brief Arguments

- I Because No evidence was presented to support 832 charge and conviction, this court should grant appellant relief.

The evidence presented at the hearing and relied upon by DDO did not satisfy the "substantial evidence" standard. Respondent then gives an inaccurate account of the facts, misrepresents statements and lacks context. Reply to Respondents Argument I follows

1. Ofc. Johnson heard arguing coming from a crowd of inmates near Cell 33. Johnson had Elm Wilson and Williams step out of their cell
- Appellant agrees. Appellant followed officers directive



2. Appellant and Inmate Wilson instead went upstairs toward the group of inmates.
- This is a misrepresentation by the Respondent. Nowhere in the record does it use the terms "instead" or "The" in regards to that statement, which implies that Appellant did something other than what he was allowed to do. Also, the record states he walked towards "A" group and never said it was the group of inmates that were arguing. To which the Respondent is implying (Hearing Transcript pg. 7) Appellant also testified he "went upstairs because he was called by another inmate. (Hearing transcript pg. 6)
4. The camera indicated that... other inmates enter the same corner.
- To add context, Respondent fails to mention that ~~Reed~~ arrived to the unit from chapel at 1:15 pm (Transcript pg. 5-7) (cfr Johnson report) "Appellant went upstairs because Tim Clark & Tim Reed asked to speak to him" "Appellant went into hole because it was most ideal place to hear in a loud environment. Completely oblivious to anything that transpire prior to. (Transcript pg. 5) Because he was only in the unit a couple minutes at most. Ultimately, no conversation was had because other inmates started fighting. (Transcript pg. 5)
5. Inmate Reed was seen covered in blood.
- Respondent questionably fails to mention that prior to this, the record state "A few seconds after Inmate Reed enters the hole you see Tim Wilson along with other inmates following him to the corner as well. Also, another inmate ran into the hole with all the other inmates with a large weapon in his hand. You then will see all inmates running out of the hole" (Transcript pg. 3-4) Also, According to appellants testimony, he left out the hole once inmates with weapons came. (Transcript pg. 5)
6. Respondent claims that appellant admitted to STG Affiliation.
- This is false, clear manipulation of the statement and purposely lacks context. Appellant admitted to being "designated" STG. However, being "designated" STG is a classification status not a disciplinary offense. A hearing was held in May 2024 to determine if he should be designated or not for unrelated

reasons. ultimately, he was designated, ~~STG~~ which explains why he stated he was "designated." Once designated an inmate will remain indefinitely. No sanctions.

On the other hand "STG Affiliation" is a disciplinary offense. Which means an inmate participated in unauthorized conduct as a part of an organization etc. Carries sanction if violated. This charge requires an act to be committed. Respondent purposely misrepresents appellants statement as an admission of guilt.

Appellant never said he is guilty of "STG Affiliation", a disciplinary offense. He simply stated he was "designated" STG in early 2024. Which is a classification status. (Transcript pg. 9)

Appellant also pled not guilty to the charge.

7. Respondent states the definition of 832; STG Affiliation

- As stated previously the Respondent misapplies Appellants statement as an admission of guilt. Respondent also failed to explain to this court the difference between being "Designated" STG and "STG Affiliation". One is a classification status, the other is a disciplinary offense and requires an act to be committed. SCDC failed to provide any evidence to support this and didn't meet the violation standard of SCDC policy CP 22.14 Appendix A "Rules violation defined" failed to state how and in what way did appellant violate 832.

Respondent is relying solely on this misinterpretation of Appellant's statement. Appellant has shown to the court that his rights have been prejudiced and DHO through decision was clearly erroneous. Conviction was not supported by evidence. Any reasonable mind would not agree with the agency's finding. Appellant request relief to be granted.

II Because appellant did not receive the due process to which he was entitled, the court should grant relief in favor of Appellant.

In Respondent's Brief it asserts that due process in prison hearings is substantially less than in a trial before a court. Even if true it doesn't degrade an inmates rights down to non-existing.

- There are basic fundamental due process rights still applicable.
- Respondent lists 7 prongs based on *Wolff v. McDonnell*. In this case SCDC did not satisfy prong B and E.
 - B) SCDC did not disclose the video the appellant requested in an adequate fashion as previously stated. Appellant requested access to this video 24 hours prior to hearing via Counsel Substitute. According to SCDC policy Op 22.14 witness evidence must be made at least 24 hrs prior to hearing via counsel substitute or directly to hearing officer if no counsel is appointed. This video was not played or presented at the hearing. It was only after I gave my verbal statement that the hearing officer said "she forgot to mention when presenting evidence that she review footage prior to hearing on today's date." (Transcript pg. 6) Video was never made available or an opportunity provided to review it. Preventing appellant ability to present exculpatory evidence.
Lemear v. Wilson
 - Lastly, section E "neutral and detached body"
Appellant attests that the hearing officer crossed the threshold of remaining fair & impartial when she participated in the investigation. Charging Officers did not submit video evidence. Hearing officer took it upon herself to contact a friend who contacted someone else to receive a video 3rd party. To go out and secure evidence is clear and obvious this is consistent with participating in the investigation. This was learned via Counsel Substitute. SCDC policy Op 22.14 section 9 covers "hearing officer duties" this action is not one of them. SCDC policy Op 22.14 section 12 states "Restriction on personnel participating in the hearing" "The hearing officer may not be... An employee who participated in the investigation of the charges."

Based on issues presented in Appellant's Reply and Original Brief, his adequate due process rights were violated. Appellant should be granted relief.

Conclusion

Appellants rights have been prejudiced and hearing officer decision was clearly erroneous. Conviction not supported by evidence. Respectfully, this court should grant relief in favor of appellant. Overturn & vacate Royal Williams disciplinary conviction and the sanctions that were imposed including loss of good time credits and solitary confinement (protected liberties). Also, previous relief stated in Original Brief, Relief within the courts power.

Respectfully Submitted,
 Royal D. Williams III #338065
 Royal D. Williams III #338065
 Perry C.I. D4-11
 430 Oaklawn Rd.
 Petzer, SC 29669

June 6, 2025

State of South Carolina
Administrative Law Court

Royal D. Williams III # 338068
Appellant
v.
SC DOC
Respondent

Certificate of Service
Docket # 25-AW-04-0035-AP

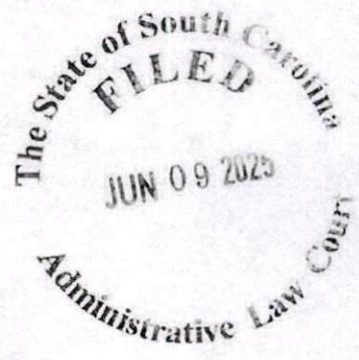
I hereby certify that a copy of the foregoing Reply Brief was, this date, served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows

Office of General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221

Honorable Deborah Brooks Durdan
Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC 29201

June 6, 2025

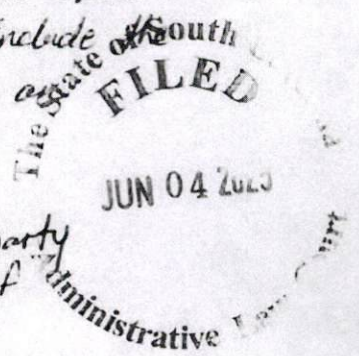
Royal D. Williams III # 338068
Royal D. Williams III # 338068
Perry C.I. D4-11
430 Oaklawn Rd.
Petzer, SC 29669



State of South Carolina) Administrative Law Court
) The Honorable Deborah Brooks Durdan
)
) Docket No. 25-ALJ-04-0035-AP
 Royal D. Williams III) Case No. 2500035
 #338068 Appellant)
 v.) Motion to Grant Relief in Favor
 SC DOC Respondent) of Appellant pursuant to Appeal
) Rules 58, 60 & 62.

Royal D. Williams III #338068 (Appellant) moves for an order of this court to grant relief in favor of Appellant for Case No. 2500035 due to Respondents failure to comply with Appeal Rules 58, 60 & 62.

1. Rule 58(B) "Record after final decision" states "where applicable, the record of the contested case shall consist of All evidence received or considered, including copies of all relevant sentencing sheets in sentence calculation matters and copies of specific policies relied upon by the Agency.
 Respondents did not comply with this rule. Video evidence is a highly contested element in this appeal. According to the disciplinary report & hearing record (see form 19-69) in the section for evidence presented and considered, the hearing officer stated she relied upon Incident Report (19-29A) from accuser, Ofc Johnson and video reviewed from camera system. The record presented to the court does include the incident reports but failed to include the video hearing officer stated she relied upon. Furthermore, the record failed to include the policies the agency relied upon. This clearly prohibits an accurate review on appeal.
2. Rule 60 "Briefs" (A) "Time for filing Briefs" states "party first retraying the appeal shall file an original brief"



within ninety (90) days after date of assignment, within one hundred ten (110) days after date of assignment, the Respondent shall file an original brief in response ..."

- Respondent has failed to comply with this rule. The date of assignment is 2-13-25. Appellant timely served & filed his original brief on all parties within (90) days after the date of assignment. However, Respondent has failed to submit their Brief in response within the one hundred ten (110) days in accordance with Rule 60. This should be taken as a forfeiture on Respondents behalf.

3. Rule 62 "Dismissal of Appeal; Sanctions" states "upon Motion of any party or on it's own Motion an Administrative Law Judge may dismiss an appeal or resolve the appeal adversely to the offending party for failure to comply with any of the Rules of Procedures for appeals including the failure to comply with any of the time limits provided by this Section (V) special appeals ..."

- As stated in the previous issues, the respondent has severely failed to comply with the Rules of Procedure for appeals including failure to comply with the time limits. Good faith should not apply to the time limit because no effort has been made to comply whatsoever.

Conclusion

Respectfully, Based on the issues presented, this Court should grant relief in favor of the Appellant. Overturn, dismiss vacate Royal Williams disciplinary convictions and the Sanctions imposed. Also, require SDC to modify / implement relevant Safeguards to ensure the responsible authorities will not continue to show reckless disregard for inmates rights pertaining to the inmate disciplinary system. Or any relevant relief within the Courts power. This action would help deter this from happening again and stop the

disciplinary hearing process from being used as a rubber stamp to find inmates guilty without just cause.

Respectfully Submitted,
Royal D. Williams III #338068

Royal D. Williams III #338068
Perry C.I. D4-11
430 Oaklawn Rd.
Petzer, SC 291669

**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

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."¹ 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.² 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-*

¹ 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.

² 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. 832.³ 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

³ 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 & Env'tl. 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.

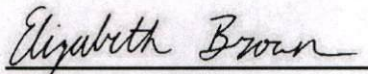
Crystal M. Rookard

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
Columbia, South Carolina

State of South Carolina
In The Court of Appeals

Appeal From The Administrative Law Court

Crystal M. Rookard
Administrative Law Judge

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

RECEIVED

OCT 29 2025

SC Court of Appeals

Royal Williams, #338068

Appellant

v.

S.C. Dept. of Corrections

Respondent

Certificate of ~~Office~~ Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Oct. 26, 2025

Royal D. Williams III

Royal D. Williams III #338068
Perry C.I. C4-12
430 Oaklawn Rd.
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