

The State of South Carolina
In the Court of Appeals

Appeal From The Administrative Law Court

Crystal M. Rookard
Administrative Law Judge

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OCT 29 2025

Appellate case No. 2025-001934 SC Court of Appeals
ALC Docket No. 25-ALJ-04-0035-AP

Royal Williams, #338068

Appellant

v.

S.C. Dept. of Corrections

Respondent

Final Brief of Appellant

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Statement of Issues on Appeal

- I. Whether the ALC erred by not vacating or remanding appellant's disciplinary conviction because the record did not contain substantial evidence to support conviction of violating SCDC policy OP 22.14, Disciplinary offense No. 832 "STG Affiliation"
- II. Whether the ALC erred when it made it's own factual findings and ~~substituted~~ substituted it's judgment for the judgment of the agency based on those findings.
- III. Whether the ALC erred by deciding appellant did not preserve issues for review.
- IV. Whether the ALC erred by not vacating or remanding appellants disciplinary conviction because appellant did not receive adequate due process to which he's entitled.
- V. Whether the ALC erred by denying appellant's Motion to Grant Relief because SCDC did not comply with SCALC Rules.

Statement of the Case

This matter is before the South Carolina Court of Appeals pursuant to an appeal filed on Aug. 10, 2025 by Royal D. Williams III (Appellant), an inmate incarcerated within the South Carolina Department of Corrections (SCDC, Agency, or Department.)

Appellant is challenging an Order issued by Administrative Law Court (ALC) judge, Honorable Crystal M. Rookard. Dated July 7, 2025. As a result of a disciplinary hearing held on Oct. 22, 2024, conducted by Disciplinary Hearing Officer (DHO) Hough. Appellant was found guilty of Disciplinary Offense No. 832 "STG Affiliation"

Appellant was sanctioned with the loss of (90) days of good time credits, Solitary Confinement, and several other sanctions.

The appeal of this disciplinary conviction was initiated through the inmate grievance process. Appellants Step 1 and Step 2 grievances were denied. Mr. Williams timely appealed to the ALC. The ALC affirmed SCDC's determination. This appeal follows....

Standard of Review

"In an appeal from an Administrative Law Court decision, the Administrative Procedures Act (APA) provides the appropriate standard of review. "Torrence v. S.C. Dept. of Corr., 433 S.C. 633, 861 S.E. 2d 36 (S.C. App. 2021) citing *Kiawah Dev. Partners, II v. S.C. Dept. of Health & Env'tl. Control*, 411 S.C. 16, 28, 766 S.E.2d 707, 715 (2014) see S.C. Code Ann. Section 1-23-610(B)

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

- A.) in violation of Constitution 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.
- F.) Arbitrary or Capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. S.C. Code Ann. Section 1-23-610 (B)

"Court of Appeals can reverse the Administrative Law Court if its findings are affected by error of law, are not supported by substantial evidence, or are characterized by abuse of or clearly unwarranted exercise of discretion." *Schwiers v. S.C. Dept. of Health & Env'tl. Control*, 429 S.C. 43, 837 S.E.2d 730 (S.C. App. 2019)

"A reviewing Court may reverse or Modify an administrative decision if the findings of fact are not supported by substantial

evidence." *Risher v. S.C. Dept. of Health & Envtl. Control*, 393 S.C. 198, 210, 712 S.E.2d 428, 434 (2011)

"Substantial evidence is evidence which considering the record as a whole, would allow reasonable minds to reach the same conclusion that the administrative agency reached." *Se. Res. Recovery, Inc. v. S.C. Dept. of Health & Envtl. Control*, 358 S.C. 402, 407, 595 S.E.2d 468, 470 (2004) (quoting *Lark v. Bi-Lo*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981)).

"Substantial evidence... is more than a mere scintilla of evidence." *Original Blue Ribbon Taxi Corp. v. S.C. Dept. of Motor Vehicles*, 380 S.C. 600, 605, 670 S.E.2d 674, 676 (Ct. App. 2008)

"Substantial evidence is not... the evidence viewed blindly from one side of the case but is evidence that, considering the record as a whole, would allow reasonable minds to reach the same conclusion reached in order to justify its action." *Fragosa v. Kade Constr., LLC*, 407 S.C. 424, 428, 755 S.E.2d 462, 465 (Ct. App. 2013) (quoting *Taylor v. S.C. Dept. of Motor Vehicles*, 368 S.C. 33, 36, 627 S.E.2d 751, 752 (Ct. App. 2006))

"Mr. Williams respectfully informs the Court that in addition to being pro se and not having any legal training, inmates in Solitary Confinement have minimal law library access, thereby preventing Mr. Williams from crafting this appeal to it's best possible standards.

As such, Mr. Williams ask this Honorable Court to hold it to a less stringent standard than one filed by an attorney. (see *McNeil v. United States*, 508 U.S. 106, 113 (1993)) while we have insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed."

Statement of Facts

On Oct. 7, 2024 Appellant returned to the dorm, Ashley B wing at approx. 1:15pm from Chapel Services. He was let into his cell (29) by the unit officer to gather his shower items. While inside his cell he gave some food to another inmate Wilson to cook. (Record p. 13 line 10; p. 15 line 3-4; p. 16 line 11-17)

Ofc. Johnson heard arguing coming from cell 33. She told appellant to come out of his cell so she could lock the door. Appellant came out and was called by another inmate, walked upstairs to the corner with the inmate to see what he wanted. (Record p. 13 line 9-13)

Before any conversation was had, more inmates came into the corner, some of which had weapons (Record p. 11, line 23-p. 12 line 1)

Once the other inmates came, appellant left the corner, going back downstairs to his cell. A fight subsequently ensued between the remaining inmates. (Record p. 13 line 21-22)

Once at his cell, appellant notices an inmate (unidentified at the time) laying on the ground unconscious (Record p. 13 line 22-p. 14 line 2) Team A response is then called for help. (Record p. 15 line 12-13) Appellant with the help of 2-3 other inmates, carried the guy outside the dorm to receive medical attention. (Record p. 14 line 2) Approx. 1:18 pm, Team A response arrives to the unit, opens door to allow inmates out. (Record p. 10 line 11-14)

Once outside the unit, appellant and others were not allowed back inside until the unit was secure (Record p. 14 line 3-4) unit was secured approx. 15 minutes later (Record p. 16 line 18-19) Appellant was then allowed to return to his cell. (Record p. 14 line 3-5)

A/w Bright Harps report list several things happening in the unit prior to appellants return from the chapel at 1:15 (Record p. 11 line 15-18) Appellant was completely unaware of anything that transpired in the unit prior to his return at 1:15 (Record p. 13 line 13-14)

Appellant was only in the unit approx. 3min from the time of his arrival from chapel at 1:15 to the time he helped carry the inmate outside to receive medical attention at 1:18 (Record p. 15 line 2-3; p. 13 line 5-7; p. 10 line 11-14)

On Oct. 16, 2024 appellant received notice that he was being charged with violating SCDC policy OP 22.14, Disciplinary Offense No. 832 "STG Affiliation" Appellant spoke with the Counsel Substitute (C/S Faulk)

2 days after receiving notice of charges. At this time appellant gave C/S Faulk his statement and also requested access to video footage to review and present as evidence at hearing. C/S Faulk acknowledged and stated he would make the request for the video. Appellant spoke to C/S Faulk a final time the day before the hearing, again requesting the video footage. C/S Faulk stated he made the request but no video was given to him, "he only received incident reports." Appellant did not see or speak to C/S Faulk again until he walked into the hearing on the following day, Oct. 22, 2024.

Mr. Williams participated in the hearing. C/S Faulk was present as well (Record p. 9 line 5-7) During presentation of evidence by the Disciplinary Hearing Officer (DHO) she only presented the incident report from A/W Brightman as evidence, she then read the entire report. (Record p. 10 line 4 - p. 12 line 13)

Mr. Williams pled not guilty to all charges then gave his verbal statement (Record p. 12 line 23 - p. 14 line 5) After giving this statement the DHO stated "the camera footage, I forgot to mention this when presenting evidence, um, was reviewed by myself prior to the hearing on today's date." (Record p. 14 line 6-8) DHO did not disclose what she observed in this video.

C/S Faulk then read the report of Ofc. Johnson. (Record p. 15 line 2-23) Also, stating "the documents doesn't state appellant did anything particular other than move around and is visible on camera at the time" (Record p. 16 line 2-4)

During direct questioning of appellant from DHO revealed "the conversation between appellant and inmate Wilson only consisted of appellant giving inmate Wilson some food. (Record p. 16 line 11-13) Also, appellant was called upstairs by another inmate, no conversation was had because of the loud noise and other inmates began fighting. (Record p. 16 line 18 - p. 17 line 6)

C/S Faulk was asked to make a final statement at the end of hearing stating, "video footage was not made available to me, until the beginning of the hearing and I did not get an opportunity to review any of it." (Record p. 18 line 19-21) Immediately after DHO then ended hearing to decide guilt. Returning with a guilty conviction on

all charges and sentenced to Solitary Confinement, loss of Good Time among other Sanctions. (Record p.19 line 7 - p.20)

Mr. Williams appealed by submitting a step 1 grievance. This grievance was denied by A/W Werts (see Step 1)

Mr. Williams filed a Step 2 grievance restated the same issues as in the Step 1. This grievance was denied by an unknown official. (see Step 2)

Mr. Williams appealed to the Administrative Law Court (ALC) restating the same issues stated in his Step 1 and Step 2 grievances with further elaboration. (see Original Brief and Reply Brief to ALC)

Mr. Williams filed a Motion to Grant Relief with the ALC. The ALC denied the Motion and affirmed SCDC's determination, denying Mr. Williams appeal.

Argument

I. Whether the ALC erred by not vacating or remanding appellant's disciplinary conviction because the record did not contain substantial evidence to support conviction of violating SCDC policy OP 22.14, Disciplinary Offense No. 832 "STG Affiliation"

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. "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)

"Substantial evidence is not... the evidence viewed blindly from one side of the case. "Fragosa v. Kade Constr., LLC, 467 S.C. 424, 428, 755 S.E. 2d 462, 465 (Ct. App. 2013) (quoting Taylor v. S.C. Dept. of Motor Vehicles, 368 S.C. 33, 36, 627 S.E. 2d 751, 752 (Ct. App. 2006)

The facts of this case as discussed did not contain such evidence. Neither did the evidence establish the elements of 832 "STG Affiliation" pertaining to Mr. Williams. SCDC policy OP 22.14 "Inmate Disciplinary System" defines 832 "STG Affiliation" as:

"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 group that has been designated a Security Threat Group by the Agency Director, possession of STG material is sufficient to warrant this charge.

The ALC stated that because the incident was documented as STG related on the incident reports and Mr. Williams Misconstrued Statement during the hearing, was substantial evidence. This is inaccurate for several reasons. (Order p. 5)

Logically speaking, the simple notation that an incident is "STG related" is not evidence in itself without providing the evidence to support why or how it is STG related. It is merely just an accusation at this point. The incident report does not document Mr. Williams participating in any of the organizational activity described within the definition of 832. The DTO stated she "reviewed camera footage prior to the hearing on the same day." (Record p. 14 line 6-8) However, she did not state what she observed, what were Mr. Williams actions, or if she could even identify Mr. Williams. Therefore, this video should not be view as evidence at all. The question still remains, what were Mr. Williams actions that caused him to violate Offense 832?

Although, DTO though did not use Mr. Williams testimony in Considering OR finding guilt (Record p. 19 line 8-10; Also Record p. 5 Disciplinary Report and Hearing Report) SCDC and ALC is relying heavily on Mr. Williams misconstrued statement during testimony and did not consider the entire line of questioning, which was:

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 --
DHO: Designated

I/M: IT's --

DHO: Designated

I/M: Yeah. Yeah. Designated --

DHO: Um hrm.

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 (Record p. 17 line 7-22)

The ALC is taking this as an admittance of guilt, when it is not. Mr. Williams pled not guilty to the charge. As explained in the Reply brief to the ALC (reply brief p. 2, #6 - p. 3 #7) Being designated is a Custody/classification status for people who is accused of being in an unauthorized organization. However, STG Affiliation is a disciplinary offense and require a person to commit an unauthorized act or active participation, as the definition states. Designation status is known to the DHO or any Staff who has access to inmate files.

As a response to the questions from the DHO, Mr. Williams was explaining that he was Designated early 2024. Approx. May 2024, a hearing was held and the Board decided to designate Mr. Williams for unrelated reasons. Also, appellant was attempting to explain how living in a small environment with only 32 people, you're forced to interact with people.

No evidence was provided or presented stating what or how Mr. Williams, on the day of Oct. 7, 2024 to violate this offense. Nothing to show any interaction violated this offense. Instead, Mr. Williams provided uncontradicted testimony in his defense.

Lastly, the DHO did not use Mr. Williams testimony in considering or finding guilt. ~~Record~~ Stating the DHO relied on and only considered the incident reports and video from Cartera system, not Mr. Williams testimony. (Record p. 19 line 8-10; also Record p. 5 Disciplinary Report and Hearing Record) The DHO understood what Mr. Williams was attempting to convey in his testimony as explained here and in the Reply brief to ALC.

Ultimately, the ALC substituted its judgment for that of the DHO. Which they cannot do when sitting in its appellate capacity and reviewing an agency decision. See S.C. Code Ann. Section 1-23-380.

Minus Mr. Williams misconstrued testimony, that only leaves the incident reports, which is insufficient, as they fail to present why and how Mr. Williams violated 832.

Respectfully, based on the reasons stated, this Court should reverse Mr. Williams convictions. Grant relief within this Court's power.

II. Whether the ALC erred when it made its own factual findings and substituted its judgment for the judgment of the agency based on those findings.

The ALC reviews final agency decisions ... in its appellate capacity as prescribed in S.C. Code Ann. Section 1-23-380; S.C. Code Ann. Section 1-23-600 (E)

Subsection 1-23-380(s) provides the ALC "may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact." id. "Accordingly, the ALC sitting in its appellate capacity, may not make its own factual findings"

Stubbs v. S.C. Dept. of Employment & Workforce, 407 S.C. 288, 292, 755 S.E. 2d 114, 116 (Ct. App. 2014) see Todd's Ice Cream, Inc. v. S.C. Emp't Sec. Comm'n, 281 S.C. 254, 258, 315 S.E. 2d 373, 375 (Ct. App. 1984) stating the standard set forth in section 1-23-380 does not allow judicial fact finding by the reviewing court.

In the "Stubbs" case, The Court of Appeals vacated an Administrative Law Judge's Order, holding that "the appellant panel's decision was, Stubbs did not act timely in mailing the appeal of the appellate tribunal's decision to the appellate panel. The appellate panel's decision, therefore appears to be based on Stubbs' untimely placement of the document in the mailbox. The ALC on the other hand, did not base its decision on the "timeliness" of Stubbs' actions, but made its own finding that Stubbs did not place the appeal in a United States Postal Service Mailbox" id. 407 S.C. 288, 755 S.E. 2d 114 (S.C. App. 2014) The ALJ affirmed based on its own finding, which was not made by the appellate panel. Court of Appeals vacated.

In this case, the Disciplinary Hearing Officer (DHO) was the fact finder in the hearing for the Agency. At the conclusion of the hearing, the DHO stated her decision was based on "incident reports and video from the camera system." (Record p. 19 line 8-10) It is also documented on the 19-69 form "Disciplinary Report and Hearing Record" (Record p. 5)

The ALC, on the other hand, did not base its decision off of those findings, but made its own finding that "the DHO could reasonably construe Mr. Williams testimony as an admittance to STG Affiliation." (Order p. 5, paragraph 2) Thus, the Agency's decision is based on incident reports and video from camera system, but the ALC affirmed based on Mr. Williams misconstrued statement. The ALC did not review the finding made by the DHO (agency), but instead affirmed based on its own finding, which was not made by the agency. This violates the ALC's standard of review when sitting

in its appellate Capacity and reviewing an agency decision.

The DHO did not construe Mr. Williams testimony as an admittance of guilt, rather she understood the context of Mr. Williams testimony. Which would explain why the DHO did not base the decision on Mr. Williams' testimony.

Respectfully, based on the reasons stated, this Court should reverse Mr. Williams conviction. Grant relief within this Court's power.

III. Whether the ALC erred by deciding appellant did not preserve issues for review.

The ALC state in its Order:

"Appellant failed to challenge the ability to review the video and its admittance into evidence during the hearing and his failure to do so precludes him from doing so now (Order p. 5 paragraph 3)

In the same paragraph the ALC briefly mentions appellant's issue that the DHO was not neutral but did not engage and is unclear if included this issue with the preservation issue. So I'll include that argument here to be safe. I don't think it was but...

The ALC cited two cases to support its view:

"Brown v. S.C. Dept. of Health & Envtl. Control, 348 S.C. 507, 560 S.E. 2d 410 (2002) (noting that issues not raised to and ruled on by the agency are not preserved for judicial consideration); see also

"Gatewood v. S.C. Dept. of Corr., 416 S.C. 304, 324-25, 785 S.E. 2d 600, 611-12 (Ct. App. 2016) (internal citation omitted)

(an issue that is not raised to an administrative agency is not preserved for appellate review by the ALC")

However, the ALC is mistaken, misapplies this standard or simply did not review the record in full. Appellant properly preserved his issues for review on several occasions:

- 1) Mr. Williams properly requested access to the video by making request with Ys Faulk on two occasions prior to the hearing (no video was given at this point to Ys Faulk or Mr. Williams. Did not see Ys again until the following day when the hearing was in progress.)
- 2) Ys Faulk brought this evidence issue to the attention of the DHO by stating "video footage was not made available to me until the beginning of the hearing this morning and I did not get an opportunity to review any of it" (Record p. 18 line 19-21) This alone contradicts the ALC decision.
- 3) Mr. Williams raised the issues to the agency in his Step 1 grievance (PCE 0847-24) stating "DHO though retrieved camera footage from a 3rd party (not the parties involved) a source of her own", "... she never verified / stated my actions or whereabouts in this said video. This video was never given to my Counsel Substitute to review and prepare for this hearing. He stated such during the hearing" (Record p. 3 line 18, 21-24)
- 4) Mr. Williams again raised the issue to the agency in his Step 2 grievances stating "The hearing officer mentioned video footage she retrieved from a 3rd party of her own (not from parties involved) she never identified my whereabouts or actions in this said video. Lastly, this video was never given to me or my Counsel Substitute to review and prepare for this hearing" (Record p. 1, line 8-10; step 2)

5.) As to it's admittance into evidence, the DHO stated "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." (Record p. 14 line 6-8)

The video was never played during the hearing and according to the DHO, she reviewed it and admitted it into evidence prior to the hearing before any challenge was possible. This was raised in appellant's Step 1 grievance "This charge were not supported by incident report, evidence presented or testimony" and "she never/verified or stated my actions or whereabouts in this said video" (line 4-5; line 21-22) Also, in his Step 2 grievance (Record p. 1 line 5, 9 respectively) repeating the same thing. Elaborating in ALC brief (original, issue 2:5) (Reply issue 2)

6.) Mr. Williams raised the issue of the DHO not being neutral to the agency in his Step 1 & Step 2 grievances stating "The hearing officer mention video footage she retrieved from a 3rd party of her own (not from parties involved)" (Record p. 1, line 8-9) step 2 (Record p. 3, line 18-19 step 1) To ALC (Original Brief issue 3) (Reply issue 2)

The ALC and SCDC is attempting to move the goal post. Both cases the ALC cite "Brown & Gatewood" state the issue must be raised to the Agency. Similarly "Gatewood" in this case which involves SCDC. He (Gatewood) did not raise his issue in the Step 1 or Step 2 grievances, which is what the Court based it's "preservation issue" decision on.

The ALC and this Court has decided several cases arising from SCDC citing "Gatewood" as the basis on "issue preservation" pertaining to raising arguments in inmate grievances.

As discussed in this case Mr. Williams properly requested access to the video via Ys Faulk twice before hearing. Ys Faulk raised evidence issue to the DHO during hearing. Mr. Williams properly filed Step 1 & Step 2 grievances to the Agency, raising the relevant issues discussed here.

Appellant did properly preserve his issues for review. Respectfully, this Court should reverse Mr. Williams conviction. Grant Relief within this Court's power.

IV. Whether the ALC erred by not vacating or reordering appellant's disciplinary conviction because appellant did not receive adequate due process to which he is entitled.

In *Wolff v. McDonnell* the Supreme Court held that due process in a prison disciplinary proceeding involving "serious misconduct" requires:

- 1) advance written notice of the charges
- 2) written statement by the fact finder of the evidence relied upon and reasons for the disciplinary action.
- 3) To call witnesses and present documentary evidence
- 4) That counsel substitute or other substitute aid should be allowed to help where the inmate is illiterate or in complex cases.
- 5) That the person hearing the matter must be neutral & impartial.

418 U.S. 539, 563-72 (1974). Mr. Williams contends his due process rights were violated when SCDC did not provide the requested video footage in an adequate time & fashion to review and prepare, and present in defense of charges. The DHO stated she relied upon this video as evidence but did not disclose the contents of the video. Also, the DHO was not a neutral & impartial party.

SCDC policy OP 22.14 section 8.2.6 covers Counsel sub. duties which state:

"Obtain any documentary evidence relevant to the case that is not already in the possession of the accused inmate."

Two days after receiving notice of the disciplinary charge, Mr. Williams spoke to his Counsel Substitute (Ms. Faulk) to discuss matters pertaining to the case. During this meeting Mr. Williams requested video footage to be made available to review & prepare for the hearing. Also,

to present in his defense. C/s Faulk stated "he would make the request." Mr. Williams met with C/s Faulk again the day before the hearing on Oct. 21, 2024. Mr. Williams again requested the video footage.

This time C/s Faulk stated he "already requested it but they haven't given him the video, he only received incident reports." C/s Faulk has to rely on SCDC handing the video over to him in an adequate fashion.

Mr. Williams did not see C/s Faulk again until the hearing was in progress the following day, Oct. 22, 2024. Still under the impression no video was provided. Only, after Mr. Williams gave his statement did the DHO insert and say:

"... 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." (Record p. 14 line 6-8)

DHO did not reveal anything she observed in the video. In effect prohibiting Mr. Williams from challenging the veracity of it, or its admittance into evidence since she stated she reviewed it prior to the hearing. An inmate is not allowed to question or interrupt the DHO, they risk being deemed disruptive and removed from the hearing.

In his closing statements C/s Faulk brought this evidence issue to the attention of the DHO stating:

C/s: "The evidence ... and video footage was not made available to me, up until like the beginning of the hearing this morning, and I did not get an opportunity to review any of it." (Record p. 18 line 18-21)

In essence prohibiting appellant from using it in his defense. At this point the DHO should have been compelled to provide the opportunity to review it, which is ~~not~~ within the DHO capabilities:

SCDC policy OP 22.14 Section 9 "Hearing Officer duties" states

Hearing officer is responsible for the following:

- 9.1 "Implementing and adhering to established guidelines as they relate to the hearing phase of the disciplinary process.
- 9.2 "Overseeing and coordinating due process hearings for inmates with disciplinary offenses to include ... but not limited to maintaining an automated disciplinary case system, and provide assistance to the institutions in setting case dockets and proper scheduling of rule violators to appear at hearings in the prescribed time limits set forth."

Continuing the hearing later the same day or the following day would've been within time limits allowed to conduct the hearing. However, the DTO then ended the hearing to decide guilt or innocence. Ultimately, returning a guilty decision and concluding the hearing.

Mr. Williams contends the DTO was not neutral and ~~detailed~~ detached by seeking out evidence on her own to use against appellant. Also, considering this evidence to decide guilt without disclosing the contents.

SCDC policy OP 22.14 section 12 "Restrictions on personnel participating in the hearing" specifically state "neither the hearing officer nor the Counsel Substitute may be:

""
"An employee who participated in the investigation of the charges."

By the DTO searching for evidence on her own and using it against appellant, is consistent with participating in the investigation. Also, crosses the threshold of neutral & impartial. The evidence in question is the video footage the DTO sought out from a 3rd party.

and stated she reviewed it prior to the hearing on her own, and considered when deciding guilt.

SCDC policy OP 22.14 section 9 "Hearing Officer duties" lists the Dto responsibilities & duties and searching for & securing evidence is not one of them.

It is the observing officer (Accuser) responsibility to provide & submit the evidence. According to SCDC policy OP 22.14 section 3

"The observing employee to complete SCDC form 19-29A (incident report) This report will be typed (if possible) and will include at a minimum the following information"

3.1) A description of the facts of the offense(s), to include at a minimum"

4) A full statement of the facts underlying the offense, to include witnesses, evidence and disposition of evidence, and

5) The reporting employee's signature, title, list of any evidence, and disposition of evidence.

There are reserved sections to document this on the incident reports titled "Evidence" and "Disposition of Evidence". (see Record p. 6 & 7) that the accuser intend to use or have to support his incident report. Neither of the incident reports documented this video footage as, submitted as evidence nor the disposition of it.

The observing employee (accuser) Alw Brightnerp was not present at the hearing nor did he submit it as evidence. Appellant did not request the accuser to be present, however, that doesn't stop him from being present. There is still an obligation to present his case or evidence to support his accusations. He's free to attend at his own will.

The DHO took it upon herself to seek out this evidence on her own and use it. Effectively taking the place of the accuser.

It's even more egregious that she never stated what she observed in the video but still documented this video as what she used to consider guilt. (Record p. 19 line 7-10) It's virtually impossible to be neutral & impartial if the DHO is the one searching and providing evidence to use against appellant, and to decide guilt or innocence. At this point it's Mr. Williams v. DHO.

Based on these reasons, Mr. Williams did not receive adequate due process. Respectfully, this Court should reverse Mr. Williams conviction. Grant relief within this Court's power.

V. Whether the ALC erred by denying appellants Motion to Grant Relief because SCDC did not comply with SCALC Rules.

June 4, 2025 Mr. Williams filed a Motion to Grant Relief stating 3 SCALC Rules and grounds for relief. Rule 58, 60 & 62. Appellant concedes issue #2, SCALC Rule 60 "Time for filing Briefs". SCDC did timely file their Respondent's brief.

However, the ALC denied the entire Motion without engaging Mr. Williams remaining issue. Which was SCDC's failure to comply with SCALC Rule 58 which states:

"Within 70 days of the date the case is assigned to an Administrative Law Judge (date of assignment), the agency shall file the record with the Court, including a statement of the contents of the record, unless the time is extended by the Administrative Law Judge assigned to the appeal. Where applicable, the record on appeal shall consist of:

...

B.) 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;

It also states . . .

Notes: In every case, copies of all policies relied upon by the agency must likewise be included in the record.

Mr. Williams argued that SCDC failed to submit the video the DHO stated she considered in the finding of guilt. Also, failed to submit the policies relied upon. Mr. Williams further argued that "the video is a highly contested element in the appeal" and failure to submit the video and policies relied upon would "prohibit an accurate review on appeal" (motion to grant relief) Record p. 45-46

As an authority Mr. Williams also stated SCALC Rule 62 "Dismissal of Appeal" in which it says:

"Upon Motion of ~~either~~ any party, or on its 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 procedure for appeals."

The date of assignment is Feb. 13, 2025. Mr. Williams filed the Motion to Grant Relief on June 4, 2025. Approx. 110 days after the date of assignment. And 41 days after the deadline to file the record on Apr. 24, 2025. The ALC judge decided the motion July 7, 2025.

Lastly, SCALC Rule 63 "Motion" states:

"Any motion filed shall be in written form and shall state the grounds for relief and the relief sought. Any response to the Motion must be filed within ten (10) days after receipt of the Motion, unless the

time is extended or shortened by the Administrative Law Judge, ..." SCDC never filed a response.

Mr. Williams contends these issues have merit and SCDC did not comply with SCAC Rule 58, as well as SCAC Rule 63. Based on the ALC's own rules Mr. Williams should have been granted relief or at a minimum forced SCDC to comply.

Respectfully, this Court should reverse Mr. Williams conviction. Grant relief with this Court's power.

Conclusion

Respectfully, based on reasons stated within, this Court should reverse Mr. Williams convictions and sanction. Grant relief within this Court's power.

Oct. 26, 2025

Respectfully Submitted,
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