

State of South Carolina
In The Court of Appeals

Appeal From The Administrative Law Court

Crystal M. Rookard
Administrative Law Judge

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

Royal Williams, #338068

Appellant

S.C. Dept. of Corrections

v.

Respondent

Final Brief of Appellant

RECEIVED

NOV 07 2025

SC Court of Appeals

Royal D. Williams III #338068
Perry C.I. CY-12
430 Oaklawn Rd,
Petzer, SC 29669

Other Counsel of Record

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

Table of Contents

Table of Authorities	ii
Statement of Issues on Appeal	1
Statement of the Case	2
Standard of Review	3
Statement of Facts	5
Argument	8
I. Whether the ALC erred by not vacating or remanding appellants conviction because the record did not contain substantial evidence to support conviction of violating SCDC policy OP 22.14, Disciplinary Offense No. 803 "Riot"	8
II. Whether the ALC erred by deciding appellants did not preserve issues for review.	11
III. Whether the ALC erred by not vacating or remanding appellants disciplinary conviction because appellants did not receive adequate due process to which he's entitled.	14
IV. Whether the ALC erred by denying appellant's Motion to Grant Relief because SCDC did not comply with SCALC Rules.	18
Conclusion	20

Table of Authorities

Cases

Brown v. S.C. Dept. of Health & Envtl. Control, 348 S.C. 507, 560 S.E.2d 410 (2002)	12, 13
Fragosa v. Kade Constr., LLC, 407 S.C. 424, 428, 755 S.E.2d 462, 465 (Ct. App. 2013)	4
Friends of the Earth Earth v. Pub. Serv. Commission of S.C., 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010)	8
Gatewood v. S.C. Dept. of Corr., 416 S.C. 304, 324-25, 785 S.E.2d 600, 611-12 (Ct. App. 2016)	12, 13
Kiawah Dev. Partners, II v. S.C. Dept. of Health & Envtl. Control, 411 S.C. 16, 28, 766 S.E.2d 707, 715 (2014)	3
Lark v. Bi-Lo, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981)	4
McNeil v. United States, 508 U.S. 106, 113 (1993)	4
Original Blue Ribbon Taxi Corp. v. SC Dept. of Motor Vehicles, 380 S.C. 600, 605, 670 S.E.2d 674, 676 (Ct. App. 2008)	4
Risher v. S.C. Dept. of Health & Envtl. Control, 393 S.C. 198, 210, 712 S.E.2d 428, 434 (2011)	3
Schwiers v. S.C. Dept. of Health & Envtl. Control, 429 S.C. 43, 837 S.E.2d 730 (S.C. App. 2019)	3
Se. Res. Recovery, Inc. v. S.C. Dept. of Health & Envtl. Control, 358 S.C. 402, 407, 595 S.E.2d 468, 470 (2004)	4
Taylor v. S.C. Dept. of Motor Vehicles, 368 S.C. 33, 36, 627 S.E.2d 751, 752 (Ct. App. 2006)	4

Table of Authorities cont.

Torrence v. S.C. Dept. of Corr., 433 S.C. 633, 861 S.E. 2d 36 (S.C. App. 2021)	3
Wolff v. McDonnell, 418 U.S. 539, 563-72 (1974)	14, 15
<u>State Statutes</u>	
S.C. Code Ann. section 1-23-610	3
<u>Constitutional Provisions</u>	
U.S. Const. Amend 14	14, 15
<u>Other Authorities</u>	
SCALC Rule 58	18, 19, 20
SCALC Rule 62	18, 19
SCALC Rule 63	18, 19, 20
SCDC policy DP 22.14 "Inmate Disciplinary System"	8, 16, 17, 18

Statement of Issues on Appeal

- I. Whether the ALC erred by not vacating or remanding appellant's conviction because the record did not contain substantial evidence to support conviction of violating SCDC policy DP 22.14, Disciplinary Offense No. 803 "Pilot"
- II. Whether the ALC erred by deciding appellant did not preserve issues for review.
- III. Whether the ALC erred by not vacating or remanding appellant's disciplinary conviction because appellant did not receive ~~only~~ adequate due process to which he's entitled.
- IV. 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 McRooker. Dated July 7, 2025. As a result of a disciplinary hearing held on Oct. 22, 2024. Conducted by Disciplinary ~~Officer No.~~ Hearing Officer (DHO) Hough. Appellant was found guilty of Disciplinary Offense No. 803 "Poot." 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 grievance number PCI 0847-24. Appellant's 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 & Envtl. 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 administrative law judge 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 proceeding; 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 & Envtl. 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"
Pusher 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 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 RITHU have minimum law library access, thereby preventing Mr. Williams from crafting this appeal to its 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 2-4 p. 16 line 11-17) (Record p. 8 line 2 Ofc. Johnson report)

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. 13 line 18-19; p. 16 line 22-p. 17 line 6) (Record p. 7 line 6-7)

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 20-23; p. 7 line 6-8)

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 1) Team A response is then called for help. (Record p. 8 line 8-9) Appellant with the help of 2-3 other inmates carried the guy outside the dorm to receive medical attention. (Record p. 13 line 1-5) (Record p. 6 line 5-6) Approx. 1:18pm Team A response arrives to the unit, opens door to allow inmates out. (Record p. 6 line 4-6) Once outside the unit, appellant and others were not allowed back inside unit until the unit was secure. (Record p. 14 line 1-5) Unit was secured approx. 15 minutes later. (Record p. 6 line 8) Appellant was then allowed to return to his cell. (Record p. 14 line 1-5)

A/w Brightstar's report list several things happening in the unit prior to appellant's return from the Chapel at 1:15 (Record p. 7 line 1-3; p. 11 line 15-18) Appellant was completely unaware of anything that transpired in the unit prior to his return at 1:15pm (Record p. 13 line 13-14; p. 13 line 4-7)

Appellant was only in the unit approx. 3min from the time of his arrival from Chapel (1:15) to the time he helped carry the inmate outside to receive medical attention (1:18) (Record p. 13 line 4-7; Record p. 6 line 4-6) respectively,

On Oct. 16, 2024 appellant received notice that he was being charged with violating SCDC policy OP 22.14, Disciplinary Offense No 803 "Priot"

Appellant spoke with the Counsel Substitute (S Faulk) 2 days after receiving notice of charges. At this time appellant gave S Faulk his statement and also requested access to video footage to review and present as evidence at hearing. S Faulk acknowledged and stated he would make the request for the video. Appellant ~~spoke~~ spoke to S Faulk a final time the day before the hearing, again requesting the video footage. 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 S Faulk again until he walked into the hearing on the following day Oct. 22, 2024.

Mr. Williams participated in the hearing. 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 Brightnarp 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 16 - p. 14 line 5) After giving this statement did the DHO say "the camera footage, I forget to mention this when presenting evidence, was reviewed by myself prior to the hearing on today's date." (Record p. 14 line 6-8) She did not disclose what she observed in this video.

S Faulk then read the report of Ofc. Johnson. (Record p. 15 line 2-20) 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 3-4)

During direct questioning of appellant from DHO revealed "the conversation between appellant and inmate Wilson only consisted of appellant giving inmate some food. (Record p. 16 line ~~10-11~~ 5-13) 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)

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 submitted a Step 1 grievance PCI-0847-24. This grievance was denied by A/W Werts (see Step 1)

Mr. Williams filed a Step 2 grievance restating the same issues as in the Step 1. This grievance was denied by an unknown official. (Record p. 1 "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. (Record p. 23-30 "Original Brief"; p. 37-42 "Reply Brief")

Mr. Williams filed a Motion to Grant Relief ~~with~~ with the ALC. The ALC denied appellants Motion ~~and~~ (Record p. 43-45 "Motion") and affirmed SCBC's determination, denying Mr. Williams' appeal (Record p. 46-52 "Order")

Argument

I. Whether the ALC erred by not vacating or remanding appellant's conviction because the record did not contain substantial evidence to support conviction of violating SCDC policy OP 22.14, Disciplinary Offense No. 803 "Riot"

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)

The facts of this case as discussed did not contain such evidence. Neither did the evidence establish the elements of 803 "Riot". SCDC policy OP 22.14 "Inmate Disciplinary System" defines 803 "Riot" as:

"When an inmate, with two or more persons, intentionally participates in conduct that creates danger of damage or injury to property or persons and substantially obstructs the performance of unit operations or institutional operations."

Appellant highlights the language in its definition. There was no mention of or evidence Mr. Williams "intentionally participated" in this act nor did his conduct create danger, damage or obstruct operations.

There were two incident reports presented during the hearing in which they scarcely mention Mr. Williams movement stating:

Ofc. Johnson's report

"At approx 1:15 I, ofc. Johnson allowed Inmate Royal Williams, housed in Cell 29 to get his shower items upon his arrival from Chapel services. I/M Wilson then stepped inside the Cell to grab some food as I stood near the doorway... I immediately had inmate Wilson and Williams step away from the cell [29]"

So that the cell could be secured. Both Wilson and Williams went up the stairs where a group of inmates stood.."

A/W Brighthearp report:

"I/M Royal Williams, I/M Clark, I/M Reed and a couple inmates enter the same corner.

There's no other mention of Mr. Williams in either report. Appellant provided undisputed & uncontradicted testimony during the hearing. During which the facts emerge that, "Appellant went upstairs because he was called by another inmate (Record p. 16 line 18-21). "Did not know why I/M Wilson went upstairs (Record p. 16 line 18-21). Appellant went into the corner to see what the inmate wanted and before he could find out, more people came into the corner. Once those people came then appellant immediately left out the corner, going back downstairs to his cell. Once downstairs, appellant noticed an inmate, unidentified at the time laying on the ground unconscious. Appellant with the help of 2-3 people carried the injured inmate outside the unit to receive medical attention. Once outside, appellant was not allowed back inside until the unit was secure. (Record p. 13 line 4 - p. 14 line 5)

Ofc. Johnson's report state Mr. Williams arrived to the unit at approx. 1:15 and the report of A/W Brighthearp state 4 inmates carrying the injured inmate outside at approx. 1:18pm. Mr. Williams was only in the unit approx. 3 mins.

It's the ALC sole basis that because the "appellant was interacting with inmates prior to incident so his substantial evidence argument is without merit." It's clear from that stance, Mr. Williams testimony was excluded from consideration and the record was viewed blindly from the side of SCDC. Appellant's testimony is the only evidence in the record to give context and shed light on the incident. Which shows the interaction with I/M Wilson only consisted of giving him food. (Record p. 13 line 9-10; p. 16 line 11-17) which is also corroborated by the report of Ofc. Johnson. (Record p. 8 line 2; p. 15 line 3-4). Secondly, Mr. Williams went to the corner then left prior to inmates fighting. (Record p. 13 line 20-22)

The report specifically mention other inmates fighting, seen with weapons, etc but never mentions Mr. Williams in that light. A total of 7 people were charged so to assume the appellant was mere seen or interacted with 2 inmates of the 7 is substantial, is baseless. Logically speaking, every inmate in the unit would be charged if that's the case. I find it troubling if all it takes is for someone to commit an offense, then anybody who spoke to them prior to, is in trouble as well. Especially, living in a closed environment such as prison, where you're forced to deal with other people. But most importantly, since nothing in the record shows that this specific interaction contributed to the incident or that the appellant "intentionally participated" as the definition of 803 "Riot" states.

Also the ALC and Department contends that video evidence supports appellants conviction as he was seen "congregating." I wouldn't use the language "congregating"

The ALC and Department is highly mistaken about this aspect. There was no video presented nor played during the hearing. This "video" was not submitted as evidence at all by the accusing party. The DHO took it upon herself to seek out this "video" to use against appellant. Only after the appellant gave his verbal statement did the DHO insert and say:

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

Notably, the DHO never stated what she observed in this video. What were appellant's actions, if they were consistent with violating SCBC policy 803 "Riot" or even if she could identify appellant in this video

This aspect is extremely important. To add context, the DHO is located at a separate institution than appellant. The hearing was held via video conference. (Record p. 10 line 2-3) Prior to this hearing, the DHO had never met appellant in any fashion. Even if DHO did review a video, there's no way to identify who or what she's looking for.

Simply stating "I reviewed camera footage prior to the hearing" is not evidence of wrongdoing in the absence of the details of what she observed in the footage. I humbly believe that to be common logic. Neither appellant or Ms Faulk viewed this video.

After review of the entire record, there is no substantial evidence to support conviction. Furthermore, SCDC did not meet their own standard. The record does not show appellant "intentionally participated" nor did his conduct create danger, damage or obstruct operations.

Respectfully, this court should reverse appellant's conviction. Grant relief within this court's power.

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

The ALC state in it's Order:

"Appellant failed to challenge the ability to review the video and it's admittance into evidence during the hearing and his failure to do so precludes him from doing so now" (Record p. 50 paragraph 3; Order)

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

The ALC cited two cases to support it's 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 preserve for judicial consideration); See also

"Gatewood v. S.C. Dept. of Cor., 416 S.C. 304, 324-25, 785 S.E. 2d 600, 611-12 (Ct. App. 2016) (internal citation omitted) (an issue that is not ~~so~~ 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 C/S Faulk on two occasions prior to the hearing. (no video was given at this point to C/S Faulk or Mr. Williams. Did not see C/S again until the following day when the hearing was in progress.)
- 2) C/S Faulk brought this evidence issue to the attention of the DHO 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 18-21) This alone contradicts SCDC and ALC decision.
- 3) Mr. Williams raised the issues to the agency in his Step 1 grievance (PCI 0847-24) stating "DHO though retrieved camera footage from a 3rd party (not from 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 grievance (PCE 0847-24) 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 8-16)

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 issue was raised in appellant's Step 1 grievance "This charge were not supported by incident report, evidence presented or testimony" (Record p. 3 line 4-5) and "she never verified/stated my actions or whereabouts in this said video" (Record p. 3 line 21-22) Also, in his Step 2 grievance (Record p. 1, line 5 and line 9 respectively) repeating the same thing. Elaborating in ALC brief (Record p. 26 issue 2 and p. 28 issue 5) Reply Brief (Record p. 38 and 40)

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)" (Step 2, Record p. 1, line 8-9) (Step 1, Record p. 3 line 18-19) To ALC (original brief, Record p. 27 issue 3) (Reply brief, Record p. 5)

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

"Gatewood" did not raise his issue in the Step 1 and Step 2 grievances which is what the Court based its "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 %s Faulk twice before hearing. %s Faulk raised evidence issue to the DHO during hearing. Mr. Williams properly filed Step 1 and Step 2 grievances to the "Agency" raising the same relevant issues as discussed here. Literally Step 1 and Step 2 grievances are the Agency's method to document any issues to bring to the Agency.

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

III: 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.

This Argument will produce many redundancies to previous arguments, but this is an effort to ensure issues are preserved for review in the correct manner. Also, relevant issues relating to due process are consolidated here for logical reasons.

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 finders of the evidence relied upon and reason 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 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, appellant spoke to his Counsel Substitute (Ms Faulk) to discuss matters pertaining to the case. During the meeting Mr. Williams requested video footage to be made available to review & prepare for the hearing. Also, to present in his defense. Ms Faulk stated "he would make the request." Mr. Williams met with Ms Faulk again the day before the hearing on Oct. 21, 2024. Appellant again requested ~~the~~ the video footage. This time Ms Faulk stated "he already requested it but they haven't given him the video, he only received incident reports." Ms Faulk has to rely on SCDC handing the video over to him in an adequate fashion.

Mr. Williams did not see Ms 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)

The DHO did not reveal anything she observed in the video. In effect prohibiting Mr. Williams from challenging the veracity of it, or it's admittance into evidence since she ~~was~~ said "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 within the DHO capabilities: SOTC 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 hearing 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 DHO then ended the hearing to decide guilt or innocence. Ultimately, returning a guilty decision and concluding the hearing.

Mr. Williams contends the DHO was not neutral and impartial 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 DHO searching for evidence on her own and using it against appellant is consistent with participating in the investigation, and crosses the threshold of neutral & impartial. The evidence in question is the video footage the DHO sought out from a 3rd party and stated she reviewed prior to the hearing on her own, and considering when deciding guilt.

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

It is the observing officer (accuser) responsibility to provide and 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 ~~and~~ 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 report titled "Evidence" and "Disposition of Evidence". (see Record p. 6~~00~~) 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. (see Record p. 6~~00~~)

The Observing employee (Accuser) A/W Brightman 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 as what she used to consider guilt. (Record p. 19 line 7-10) It's virtually impossible to be neutral & impartial if she's the one searching for and providing evidence to use against appellant and to decide guilt or innocence. At this point it's Mr. Williams v. DHO.

Based on those reasons, Appellant did not receive adequate due process. Respectfully, this Court should reverse Mr. Williams Conviction. Grant relief within this Courts power.

IV. Whether the ALJ erred by denying appellant's 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 and 62. Appellant Cedes issue no. 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 ...

Note: 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" (Record p. 43 issue 1)

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

"Upon motion of 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 date of assignment. And 41 days after the due date to file the record on Apr. 24, 2025. The ALC judge decided the motion July 7, 2025. Lastly, SCALC Rule 63 "Motion" states:

"Any motions 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 SCALC Rule 58 as well as SCALC 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 within this Court's power.

Conclusion

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

Nov. 3, 2025

Respectfully Submitted,
Royal D. Williams III

Royal D. Williams III # 338068
Perry C.I. C4-12
430 Oaklawn Rd.
Petzer, SC 29669