

STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

SC Court of Appeals

Crystal M. Rookard
Administrative Law Judge

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

ROYAL D. WILLIAMS, #338068

APPELLANT

V.

S.C. DEPT. OF CORRECTIONS,

RESPONDENT

FINAL REPLY BRIEF

ROYAL D. WILLIAMS III
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"APPELLANT"

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REPLY ARGUMENT

THE ADMINISTRATIVE LAW COURT IMPROPERLY UPHELD APPELLANT'S DISCIPLINARY CONVICTION WHERE APPELLANT DID NOT RECEIVE THE PROCEDURAL DUE PROCESS TO WHICH HE WAS ENTITLED AND THE DISCIPLINARY CONVICTION WAS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

Mr. Williams was not afforded adequate Procedural Due Process

The Due Process requirements set forth in Wolff v. McDonnell, 418 U.S. 539 were not complied with. SCDC did not provide the requested video footage in adequate time & fashion to review and present in defense. Also, the DHO was not a neutral & impartial party. As stated in appellant's Initial Brief, Mr. Williams issue that he was unable to view the video footage was properly preserved for review.

In a related appeal (see Appellate case no. 2025-001934) it was SCDC's position that appellant did not raise the issue in his Step 1 and Step 2 grievances. ALC and SCDC both cite the same case law. "Brown v. S.C. Dept. of Health & Env'tl. Control, 348 S.C. 507, 560 S.E.2d 410(2002) and "Gatewood v. S.C. Dept. of Corrections, 416 S.C. 304, 324-25, 785 S.E.2d 600, 611-12(ct.app. 2016)." Both stating issues must be raised to an administrative agency to be preserved.

Specifically in "Gatewood" which is an appeal from SCDC. The Court decided that "Gatewood" did not raise his issues in Step 1 or Step 2 grievances. However, in the case at hand, Mr. Williams did in fact raise the issue in his Step 1(record p.3 line24-25) and his Step 2(record p.1 line 8-10)

Now, SCDC is abandoning that approach and attempting to move the goal post. While improperly applying the "Gatewood" case by stating appellant did not comment on the video during the hearing.

The Counsel Substitute specifically mentioned he "wasn't given the video until the beginning of the hearing" and "didn't get an opportunity to review any of it." (record p.18 line 18-21) This statement to the DHO is sufficient to establish there was an issue that the video wasn't reviewed. This is why the Counsel Substitute mentioned it. Also, the Counsel Substitute's mentioning of this covers Mr. Williams as well since he represents the appellant.

Furthermore, Respondent incorrectly states the appellant's issue on the impartiality of the Hearing Officer as "because she watched the video." Mr. Williams correct position is the DHO was not impartial because, the video was not submitted as evidence by the accuser pursuant to SCDC Policy OP 22.14 section 3. Instead she sought out and retrieved evidence on her own. Taking the place of the accuser. Also, considering this video without disclosing what she observed. The Hearing Officer clearly states that "she relied on the video that she reviewed." (record p.19 line 8-10 and p.5 Disciplinary Report & Hearing Record)

A/W Brightharp's incident report is his version of events. A/W Brightharp was not present at the hearing and regardless of what's on his report, the Hearing Officer relied on her own viewing of the video footage. SCDC is attempting to apply A/W Brightharp's report to the observations of the Hearing Officer, which is impossible. The reason why this makes no sense is, the Hearing Officer reviewed the video prior to the hearing, by herself. (record p.14 line 6-8) She also relied on this video in considering guilt. (record p.19 line 8-10) But, did not disclose if she could identify Mr. Williams nor what were his actions. Prior to

this hearing, DHO Hough and Mr. Williams never met in any capacity. There's no basis to determine who she's looking for etc The video was not played during the hearing. The question remains, "what did she observe in the video that aided her decision?"

Had Mr. Williams have the ability to review and present this video, he would have shown his actual whereabouts and innocence. SCDC's final agency decision is NOT supported by substantial evidence.

"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 it's action." Fragosa v. Kade Constr., LLC, 407 S.C. 424, 428, 755 S.E.2d 462, 465(ctapp. 2013) quoting (Taylor v. S.C. Dept. of Motor Vehicles, 368 S.C. 33, 36, 627 S.E.2d 751, 752(Ct.app.2006)

"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)

There is no rule prohibiting an inmate from going upstairs or in a corner. The definition of 803 "Riot" specifically states "when an inmate with two or more persons "intentionally participates"(emphasis added) in conduct that creates danger of damage or injury to property or persons and substantially obstructs the performance of unit operations or institutional operations."

An inmate can be found guilty of 803 in four different ways. 1) Engage in the prohibited behavior, 2) attempting to engage in the prohibited behavior, 3) conspiring to engage in the specific

behavior, or 4) aiding others in participating, attempting, conspiring regarding the prohibited behavior. (record p.14 line 8-12) also SCDC Policy OP 22.14, "Appendix" section 1.

Indeed the standard of guilt is less than required for criminal convictions, however that doesn't allow SCDC to assume, speculate nor intentionally fabricate the facts in an attempt to support their argument. SCDC state in their brief that "Appellant entered a corner to speak with other inmates who were congregating and planning a fight with weapons." (see Respondent's Brief p.6 para. 2)

This is a complete falsehood. There is nothing in the record that state this or that anybody was planning a fight, or what were the extent of any conversation. Instead, the record reflects that no conversation was had. (record p.16 line 18-p.17 line 6) Mr. Williams had no knowledge of events transpiring prior to his return from the chapel at 1:15pm. (record p.13 line 5-7)&(R. p.13 line 13-14) Mr. Williams left the corner before the fighting started.(R. p.13 line 20-23) The reports of A/W Brightharp(R. p. 6-7) and Ofc. Johnson(R. p.8) specifically state who they observe participating. However, Mr. Williams was not.(123) At approx. 1:18pm Mr. Williams along with 2-3 other people helped carry an inmate outside the dorm in an attempt to get medical attention.(R p.14 line 1-5)&(R. p.6 line 4-6) Mr. Williams was only in the

notes 1) Although there was no mention of Mr. Williams fighting or possessing any weapon, he was still charge with Riot, possession of a weapon & STG Affiliation.

2) On appeal to ALC, the possession of weapon charge was remanded for dismissal.

3) As a result of these convictions Mr. Williams is being held in solitary confinement for an indefinite time period.

dorm approx. 3mins. Was not allowed back into the dorm until it was secure. (R. p.14 line 1-5) Dorm was secured 15mins later.(R. p.6 line 8) Mr. Williams then returned to his cell.(R. p.14 line 3-5)

Regardless if Respondent chooses to believe Mr. Williams or not, no evidence was provided to contradict these facts. SCDC doesn't believe simply because they choose not to believe. Not because the evidence says otherwise and is asking the Court to do the same.

The Hearing Officer's decision was clearly erroneous, arbitrary and capricious. There is no evidence to even suggest Mr. Williams "intentionally participated". The Respondent is relying on manipulating the facts.

Lastly the Hearing Officer stated on the record (R. p.19 line 8-10) and Disciplinary Report & Hearing Record (R. p.5) the evidence she relied on but did not specify what were the reasons for determining guilt. Which according to Wolff v. McDonnell, 418 U.S. 439,565 must be done. Was it admission of guilt? Did appellant participate, attempt to participate, or aide others? There's no record why the Hearing Officer determined guilt. So the Respondent's assumptions are clear fabrications by the Respondent.

CONCLUSION

Respectfully, based on the reasons stated this Court should reverse Mr. Williams convictions.

Nov. 18, 2025

Respectfully Submitted,
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