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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Attorney at Law
Original

Robert Graham, Jr.

DOCKET NO. 25-ALJ-04-0579-10

Appellant,

178039

GRIEVANCE NO: P.C. 1-0686-25

vs.

Failure to advance Grievance
NOTICE OF APPEAL

South Carolina Department of Corrections.

Respondent.

was threatened by TBC
with charging me.

Notice is hereby given that Mr. Robert Graham, Jr. appeals the final decision of the South Carolina Department of Corrections dated Whistle Article and received on July 21-2025, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

I'm not reading this decision of stay or severance
due to the agency's refusing to follow their own rules
my efforts have been frustrated so fully or almost
by not abiding by the policy G.A. 12. Section 15
allegations of criminal activities the TBC in fact
never willingly refused to abide by section
15 reports of criminal activities being forward
to branch chief. [WOT] in fact resolution 15
required per section 15, this includes up to my
liberty interest of hardship address access to camp
20 Robert Graham Jr Robert Mark

Appellant's Name

Signed

P.O. Box 21787

7-23-2025

RECEIVED

Columbia, SC 29221

DEC 02 2025

CERTIFICATE OF SERVICE

SC Court of Appeals

I hereby certify that I, Robert Graham (your name), on the 7 day of July, 2025, in Columbia (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: Grand Criminal Jury P.O. Box 21787

Address: South Carolina Admin Law Court 1205 Randolph St

City, State, Zip Code: Columbia SC 29201

Robert Graham, Jr

Robert Mark

Print your name
(See reverse side for instructions)

Sign your name

Approved
Frustrated

FILED
AUG 04 2025
South Carolina
Administrative Law Court

she (IGC), can't circumvent procedural safeguards. The SCOT GA-Pl. 12 is in general. Section 15 Appellant relied upon its controlling, IGC was supposed to forward to chief branch to be determined if the criminal complaint 16-16-2006 gave rise to criminal activity or send it back for normal processing. Not her telling Appellant to do her job. This created a liberty well-protected interest due process - frustrating the process. Not to exclude threatening to charge Appellant with lying for reporting our behind closed door's discussion of the charges for reporting her initial not processing or providing Appellant his copy of criminal complaints for section 15 goes to chief branch first.

Robert Graham I
Mr. Robert Graham Jr
#178039

TO:
General Counsel
P.O. Box 21787
Columbia SC 29221
Clerks of the
South Carolina Appellate Court
1205 Pendleton St, Suite
224 Columbia SC
29201

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Robert Graham, #178039)	Docket No.: 25-ALJ-04-0 579-IJ
)	[Grievance No.: PCI 686-25]
Appellant,)	
)	Hon. Robert L. Reibold
v.)	
)	
South Carolina Department of Corrections,)	RESPONDENT'S MOTION TO
)	DISMISS
Respondent.)	
_____)	

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (“ALC” or “Court”) pursuant to the appeal of Robert Graham (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). On July 18, 2025, Appellant filed a Step One Grievance alleging that the authors’ name and ID numbers on his kiosk responses have been removed.¹ He alleged that the author’s name states “staff” and does not identify who wrote the response. Appellant requested that his kiosk entries be returned to their original form. On July 21, 2025, the Step One Grievance was processed and returned because Appellant did not make an effort to informally resolve the grievance by submitting a Request to Staff Member (“RTSM”). 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. Recently the South Carolina Supreme Court clarified the

¹ A copy of the Step One Grievance is attached for the Court’s and parties’ convenience.

Administrative Law Court's jurisdiction as:

[t]hat the ALC has subject matter jurisdiction over inmate grievance appeals that have been properly filed. (*internal citations omitted*) . . . [h]owever, the ALC is not required to hold a hearing in every matter and may summarily dismiss an inmate's grievance if it does not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees. The ALC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process. . . . (*internal citations omitted*)

Allen v. S.C. Dep't of Corr., 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

“The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property.” *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 (quoting *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705 (1972)).

An inmate claiming a protected interest must have a legitimate claim of entitlement to it. *Allen*, 434 S.C. at 118-119, 862 S.E.2d at 270. Protected liberty interests can arise from two main sources: (1) the Constitution can create a liberty interest when a condition or restraint is so egregious as to implicate the Due Process Clause itself, or (2) state law or department policy can establish a protectible liberty interest. *Bazzetta v. McGinnis*, 430 F.3d 795, 801(6th Cir. 2005); *Allen*, 434 at 118-119, 862 S.E.2d at 270-71. South Carolina courts, however, have emphasized that the focus of the Administrative Law Court shall fall on the second category – state-created liberty or property rights.

The term “state-created liberty interest” naturally has two components: (1) an interest that is state-created; and (2) an interest involving an inmate's liberty. In order to establish a state-created interest, a “regulation must contain explicitly mandatory language, *i.e.*, specific directives to the decisionmaker that if the regulations substantive predicates are present, a particular outcome must follow.” *Allen*, 434 S.C. at 119, 862 S.E.2d at 270 (internal quotations and citation removed).

A state-created property interest is grounded in state law. *See Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 430 (1982) (“The hallmark of property . . . is an individual entitlement grounded in state law, which cannot be removed except “for cause”). “To have a property interest subject to procedural due process protection, an individual must be entitled to a benefit created and defined by a source independent of the Constitution, such as state law.” *Huang v. Bd. Of Governors*, 902 F2d. 1134, 1141 (4th Cir. 1990).

SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. *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). The South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC “should” dismiss the appeal. *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

This case should be dismissed under *Slezak* and *Skipper*. In this appeal, Appellant alleges that the staff names and ID numbers on his kiosk entries have been removed. Appellant requests that that his kiosk entries be returned to their original form. *See* Step One Grievance. This appeal does not implicate a state-created liberty or property interest. Appellant does not allege that SCDC erroneously calculated his sentence, sentence-related credits, or custody status; or allege that a state-created liberty or property interest was taken in a major disciplinary hearing. Because Appellant’s allegations do not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees, this Court should dismiss this appeal, with prejudice.

CONCLUSION

Because the case does not implicate a state-created liberty or property interest this case should be dismissed.

Respectfully submitted,



Sydney Keese

Staff Attorney

South Carolina Department of Corrections

P.O. Box 21787

Columbia, South Carolina 29221-1787

Phone: (803) 896-1943

October 6, 2025
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Robert Graham, Jr., #178039,)
)
Appellant,)
) **Certificate of Service**
vs.)
) Docket# 25-ALJ-04-0579-IJ
South Carolina Department of Corrections,)
)
)
Respondent.)

I hereby certify that a copy of the foregoing *Respondent's Motion To Dismiss* 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:

Inmate Robert Graham, Jr.
Inmate Number: 178039
Broad River Correctional Institution
Dorm-Room-Bunk: MTB-2093-A


Cheron Hess
Administrative Coordinator
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
P.O. Box 21787
Columbia, South Carolina 29221-1787
(803) 896-3922

October 6, 2025



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
JOEL E. ANDERSON,
Interim Director

October 6, 2025

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SC Court of Appeals

The Honorable Robert L. Reibold
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

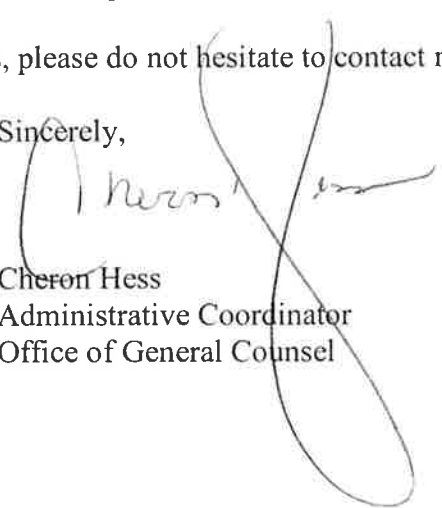
Reference: Inmate Robert Graham, Jr., #178039, vs. South Carolina Department of Corrections
Docket No. 25-ALJ-04-0579-IJ

Dear Judge Reibold:

Find enclosed an original and one copy of the *Respondent's Motion To Dismiss* on the above referenced case. Please file the original in your office and return a clocked-in copy of the motion, that is provided, to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,


Cheron Hess
Administrative Coordinator
Office of General Counsel

Enclosures

cc: Inmate Robert Graham, Jr., #178039
File

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Cathy Harris, POA
PO Box 7201
Columbia, SC 29202
(803) 605-1289

COPY

The Honorable Robert L Riebold
South Carolina Administrative Law Court
Edgar A Brown Building
1205 Pendleton Street
Columbia, SC 29201
Suite 224

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SC Court of Appeals

Subject: Robert Graham, Jr.


Dear Honorable Clerk:

Respectively under public interest, I am enclosing a \$10.00 check to mail Robert Graham Jr. 178039 his stamped documents that were sent on 10/21/2025 to this court which include: (1) notice of appeal, (10) pages, including 4 exhibits and one emergency grievance along with document number. Also, the reply brief and motion for evidentiary hearings pursuant article 1 section 22 (11 pages) and one grievance with stamped received July 18, 2025.

Please mail to:

Robert Graham, Jr. 178039
Moultrie Dorm B side 2093
4460 Broad River Road
Columbia, SC 29210-4012

Thank you & Best Regard,


Cathy Harris, POA