

Notice of Appeal to court of Appeals

Clark filing notice of Appeal (From court Form 7, SCACR)

DATE Jan 7, 2026

Hon Jenny Kitchens
Clerk of South Carolina Supreme Court
Post Office Box 11629
Columbia, South Carolina
29211

RECEIVED

JAN 09 2026

SC Court of Appeals

CIVIL Action No. 2025-002411

Dear Clerk Kitchens:

I am enclosing original copy of the notice of appeal in the above case for filing. I am also enclosing the following:

(1) proof of service of the notice of appeal on the respondent(s);

(2) A copy of the order which is to be challenged on appeal;

(3) A \$50.00 filing fee being forwarded by [money order]

please file enclosed and return file copies to me. ... please forward Christian Bage law copies postage paid by money order. Robert G. Giff

[Nov 14, 2025]

[order] of dismissal sign by Judge Robert Reed

Name of attorneys
for Appellant MTR 2093
Mr. Robert Graham, Jr.
Broad River cur, Inst.
Columbia, SC
29211

pg 2 of 2
1-1-2026
P. Reed

(SCDC)
Name of attorneys
for Respondent
Christina Bjelow
4444 Broad River Rd
Columbia, SC
29211

ISI Mr. Robert Graham, Jr.
Appellant pro se,
Jan 7, 2026

I Robert Reed certify that I have
served/consul to be serve "proof
of service" appealing the above
noted by depositing from (BREC)
Mail Room Jan 7, 2026, notice of
appeal to court of appeals to
[all] parties -

5

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Robert Graham, Jr., #178039,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 25-ALJ-04-0579-IJ

ORDER DISMISSING APPEAL

RECEIVED

DEC 02 2025

SC Court of Appeals

STATEMENT OF THE CASE

This matter is pending before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to an appeal filed by Robert Graham, Jr. (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). In the present appeal, Appellant asserts that the Department altered a complaint he made in the automated RSTM system against certain Department personnel for potential criminal conduct by deleting the identities of the individuals in question from the computer record. Appellant believes this action is wrongful because, among other things, it violates his First Amendment right to access to the Court. For the reasons discussed herein, the Court dismisses the appeal for lack of appellate jurisdiction based upon Appellant’s failure to exhaust his administrative remedies.

PROCEDURAL HISTORY

Appellant filed a Step 1 Grievance on July 18, 2025. The grievance alleged that a prior complaint made by Appellant accusing Department personnel of criminal conduct had been altered to delete the names of those accused. Appellant requested that his prior complaint be restored to its original form. The grievance was processed and returned to Appellant on July 22, 2025 because he did not first make an effort to informally resolve the grievance by submitting an RTSM or Request to Staff Member. The very next day Appellant completed the Notice of Appeal form regarding the Step 1 decision.¹ The appeal was filed on August 7, 2025, and the matter was assigned to the undersigned on the same day.

¹ The record contains no Step 2 Grievance or Step 2 decision. The time period between Appellant’s receipt of the Step 1 decision and his appeal is one day, a period in which it would not ordinarily be possible to both file a Step 2 Grievance



Appellant filed his brief on August 15, 2025, before the record on appeal had been submitted by the Department. The Department filed the instant motion to dismiss on October 7, 2025. The Department contends that the appeal should be summarily dismissed pursuant to *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) because Appellant lacks a state-created liberty or property interest. Appellant filed a response to the motion on October 21, 2025. Appellant makes various arguments in support of the proposition that he possesses a state-created liberty interest sufficient to withstand the motion to dismiss.

DISCUSSION

The Administrative Law Court is a court of limited jurisdiction. For that reason, it is the Court's obligation to evaluate its jurisdiction to entertain this appeal before addressing the merits of the Department's motion. *McCain v. Brightharp*, 399 S.C. 240, 247, 730 S.E.2d 916, 919 (Ct. App. 2012) (lack of subject matter jurisdiction may be raised on appeal and may be raised *sua sponte* by the court); *See Just. 360 v. Stirling*, 42 F.4th 450, 458 (4th Cir. 2022) (appellate court has a special obligation to satisfy itself of its own jurisdiction); *A.M. Realty W. L.L.C. v. MSMC Realty, L.L.C.*, 52 N.E.3d 602, 612 (Ill.App. 2016) ("An appellate court has a duty to consider its own jurisdiction, whether or not the parties have raised it as an issue"); *State v. Marinelli*, 415 P.3d 405, 407 (Kan. 2018) ("An appellate court has a duty to question jurisdiction on its own initiative"). As explained in more detail below, the Court concludes that it lacks jurisdiction to entertain this appeal.

The failure to timely avail oneself of an administrative remedy constitutes a failure to exhaust administrative remedies. As the United States Supreme Court explained in the *Woodford v. Ngo*:

Because exhaustion requirements are designed to deal with parties who do not want to exhaust, administrative law creates an incentive for these parties to do what they would otherwise prefer not to do, namely, to give the agency a fair and full opportunity to adjudicate their claims. Administrative law does this by requiring proper exhaustion of administrative remedies, which "means using all steps that the agency holds out, and doing so *properly* (so that the agency addresses the issues on the merits)." *Pozo*, 286 F.3d, at 1024 (emphasis in original). This Court has described the doctrine as follows: "[A]s a general rule ... courts should not topple over administrative decisions unless the administrative body not only has erred, *but has erred against objection made at the time appropriate under its practice.*"

and receive a decision. Finally, the Step 1 grievance decision is attached to Appellant's Notice of Appeal and the Notice itself states that "I'm appealing s decision of Step 1 grievance."

United States v. L.A. Tucker Truck Lines, Inc., 344 U.S. 33, 37, 73 S.Ct. 67, 97 L.Ed. 54 (1952) (emphasis added in *Woodford*). See also *Sims v. Apfel*, 530 U.S. 103, 108, 120 S.Ct. 2080, 147 L.Ed.2d 80 (2000); *id.*, at 112, 120 S.Ct. 2080 (O'Connor, J., concurring in part and concurring in judgment) (“On this underlying principle of administrative law, the Court is unanimous”); *id.*, at 114–115, 120 S.Ct. 2080 (BREYER, J., dissenting); *Unemployment Compensation Comm'n of Alaska v. Aragon*, 329 U.S. 143, 155, 67 S.Ct. 245, 91 L.Ed. 136 (1946); *Hormel v. Helvering*, 312 U.S. 552, 556–557, 61 S.Ct. 719, 85 L.Ed. 1037 (1941); 2 K. Davis & R. Pierce, *Administrative Law Treatise* § 15:8, pp. 341–344 (3d ed.1994). Proper exhaustion demands compliance with an agency's deadlines and other critical procedural rules because no adjudicative system can function effectively without imposing some orderly structure on the course of its proceedings.

Woodford v. Ngo, 548 U.S. 81, 90–92, 126 S. Ct. 2378, 2385–86 (2006).

The South Carolina Court of Appeals held that subject matter jurisdiction is distinct from the doctrine of exhaustion of administrative remedies. *Cap. City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 100, 674 S.E.2d 524, 538-20 (Ct. App. 2009). As the Court of Appeals explained, “subject matter jurisdiction is the power of a court to hear and determine a class of cases.” *Id.*, 382 S.C. at 100, 674 S.E.2d at 528 (quoting *Skinner v. Westinghouse Elec. Corp.*, 380 S.C. 91, 93-94, 668 S.E.2d 795, 796 (2008)). In contrast, the failure to exhaust administrative remedies goes to whether a suit is premature. *Id.*, 382 S.C. at 100, 674 S.E.2d at 529. The *Capital City* court described the doctrine of exhaustion of administrative remedies as a rule of policy and convenience rather than a rule of jurisdiction. *Id.*

Exhaustion of administrative remedies in Circuit Court is of course not generally jurisdictional. This case, however, is pending before the Administrative Law Court, which alters the analysis. Our Supreme Court has emphasized that in administrative matters, statutory provisions control. In *Bone v. U.S Food Serv.*, the South Carolina Supreme Court stated:

[t]oday we reiterate that appeals in administrative agency matters are handled differently than appeals in other cases. The South Carolina General Assembly enacted the APA's mechanisms for review to provide uniform procedures after the exhaustion of administrative remedies; the APA's provisions are controlling in these agency matters and supersede any conflicting provisions.

399 S.C. 566, 585, 733 S.E.2d 200, 210 (2012) (*adhered to on reh'g*, 404 S.C. 67, 744 S.E.2d 552 (2013)).

This principle affects the application of exhaustion of administrative remedies in administrative matters. As the United States Court of Appeals for the District of Columbia has explained in addressing exhaustion of administrative remedies under federal administrative law:

the word “exhaustion” now describes two distinct legal concepts. The first is a judicially created doctrine requiring parties who seek to challenge agency action to exhaust available administrative remedies before bringing their case to court. We will call this doctrine “non-jurisdictional exhaustion.” . . .

The second form of exhaustion arises when Congress requires resort to the administrative process as a predicate to judicial review. This “jurisdictional exhaustion” is rooted, not in prudential principles, but in Congress' power to control the jurisdiction of the federal courts. Whether a statute requires exhaustion is purely a question of statutory interpretation.

Avocados Plus Inc. v. Veneman, 370 F.3d 1243, 1247–48 (D.C. Cir. 2004) (internal citations omitted). Our Court of Appeals has noted that the common law doctrine of exhaustion of administrative remedies is commonly and mistakenly conflated with the jurisdiction of an appellate court to entertain an administrative appeal. *Adamson v. Richland Cnty. Sch. Dist. One*, 332 S.C. 121, 125, 503 S.E.2d 752, 754 (Ct. App. 1998) (“[t]he requirement of exhaustion of administrative remedies vis-a-vis a court's authority to hear a case involving an agency, where a plaintiff has not asked the agency for relief, is often confused”). It has drawn a clear distinction between the two exhaustion requirements. In *Vaught v. Waites*, for example, the Court of Appeals discussed the common law doctrine of exhaustion of remedies, but, in doing so, also stated that “[w]e express no opinion whether failure to exhaust administrative remedies is jurisdictional under the Administrative Procedures Act.” 300 S.C. 201, 205 at n. 2, 387 S.E.2d 91, 93 at n. 2 (Ct. App. 1989) (*overruled on other grounds by Paradis v. Charleston County Sch. Dist.*, 433 S.C. 562, 861 S.E.2d 774 (2021)).

The ALC is a creature of statute and must depend entirely upon constitutional and statutory provisions for its authority and jurisdiction. *See generally* S.C. Code Ann. §§ 1-23-500, *et seq.* (Supp. 2025). “The General Assembly has the authority to limit the subject matter jurisdiction of a court it has created; therefore, it can prescribe the parameters of the ALC's powers.” *Amisub of S.C., Inc. v. S.C. Dep't of Health & Env't Control*, 403 S.C. 576, 585, 743 S.E.2d 786, 791 (2013). It follows that where the Legislature has prescribed requirements which must be satisfied

before the ALC may address a matter, those requirements are jurisdictional. *See S.C. Dep't of Health & Env't Control v. Blocker*, No. 15-ALJ-07-0554-CC, 2016 WL 5867852 at 6 (S.C. Admin L. Ct. Oct. 3, 2016) (stating discretion whether to apply doctrine of exhaustion of remedies disappears when the administrative remedies are prescribed by statute). *See generally Responsible Econ. Dev. v. S.C. Dep't of Health & Env't Control*, 371 S.C. 547, 553, 641 S.E.2d 425, 428 (2007) (“[R]egulatory bodies...have only the authority granted them by the legislature.”).

This matter is an appeal from a decision by the Department. The Court has authority to preside over all appeals from final decisions of contested cases from the Department of Corrections. S.C. Code Ann. § 1-23-600(D) (Supp. 2025). Review of such decisions must be conducted in the same manner as prescribed by Section 1-23-380 for judicial review of final agency decisions. S.C. Code Ann. § 1-23-600(E) (Supp. 2025). Section 1-23-380 in turn provides in pertinent part that: “[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to this article and Article 1.” S.C. Code Ann. § 1-23-380 (Supp. 2025) (emphasis added). This statute expressly refers to exhaustion of all administrative remedies as a condition precedent to judicial review. The statute is titled “Judicial review *upon* exhaustion of administrative remedies.” *Id.* (emphasis added). By acknowledging that judicial review is available *upon* exhaustion of administrative remedies, the section’s title confirms the exhaustion of administrative remedies is a statutory condition precedent to judicial review. *See Lindsay v. S. Farm Bureau Cas. Ins. Co.*, 258 S.C. 272, 277, 188 S.E.2d 374, 376 (1972) (“It is ‘proper to consider the title or caption of an act in aid of construction to show the intent of the legislature’”).

The South Carolina Supreme Court construes section 1-23-380 in this fashion. Discussing section 1-23-380, our Supreme Court has stated that “the statute also provides that the appealing party *must* exhaust their administrative remedies *before* resorting to judicial review.” *Nucor Steel v. S.C. Pub. Serv. Comm'n*, 312 S.C. 79, 83–84, 439 S.E.2d 270, 272 (1994) (emphasis added). Or, as Justice Hearn explained:

Exhausting one's administrative remedies is a threshold requirement to obtaining review in the courts. Thus, prior to appealing to the circuit court or the court of appeals, the appellant must have already exhausted his administrative remedies and obtained a final decision from the agency. This is the effect of sections 1–23–380 and 1–23–610.

Bone, 399 S.C. at 585, 733 S.E.2d at 210 (emphasis added) (Hearn J., dissenting); *see also Wright v. S.C. Dep't of Soc. Servs.*, No. 2008-UP-316, 2008 WL 9843964, at *1 (Ct. App. 2008) (“[a]fter an aggrieved party ‘has exhausted all administrative remedies available’ within the Department, he may seek judicial review of the decision”).

The Court therefore concludes that section 1-23-380 imposes a mandatory statutory requirement that all administrative remedies be exhausted before judicial review is available.² Exhaustion of administrative remedies is therefore jurisdictional in appeals at the Administrative Law Court. Here, Appellant failed to avail himself of two administrative remedies afforded by the Department. He failed to utilize informal resolution before filing his Step 1 Grievance and he failed to file a Step 2 Grievance before appealing to the Administrative Law Court. Because Appellant failed to exhaust his administrative remedies, and this failure deprives the Court of jurisdiction, dismissal is appropriate.³

The Court recognizes that, if Appellant is correct,⁴ the outcome of this order may be considered harsh. Unfortunately, the Court simply lacks the authority to address Appellant’s claims.

ORDER

IT IS THEREFORE ORDERED that this appeal is hereby **DISMISSED**.

AND IT IS SO ORDERED.

² The Court is aware of that section 1-23-380 provides that a “preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.” However, this part of section 1-23-380 applies, by its terms, only to intermediate or interlocutory appeals.

³ Some courts view the failure to exhaust administrative remedies in administrative cases as depriving an appellate court of subject matter jurisdiction. *See e.g., Silvertown Mountain Guides LLC v. U.S. Forest Serv.*, No. 3:22-CV-00048-JMK, 2023 WL 6148122, at *8 (D. Alaska Sept. 20, 2023); *Abrons Fam. Prac. & Urgent Care, PA v. N. Carolina Dep't of Health & Hum. Servs.*, 810 S.E.2d 224, 228 (N.C. 2018). Issues relating to subject matter jurisdiction may be raised at any time and should be taken notice of by the court on its own motion. *Ness v. Eckerd Corp.*, 350 S.C. 399, 402, 566 S.E.2d 193, 195 (Ct. App. 2002). However, even if the failure to exhaust administrative remedies is viewed as merely depriving the Court of appellate jurisdiction, the jurisdictional issue is still one which should be raised by the Court on its own motion. *See e.g., Gateway Assocs. Ltd. P'ship v. Techna Corp.*, 966 F.2d 1452 (Table) (1992 WL 112287) (6th Cir. 1992) (“[i]t is therefore ORDERED that the plaintiff's appeal and the defendant's cross-appeal are dismissed *sua sponte* for lack of appellate jurisdiction.”); *Dieffenbach v. Att'y Gen. of Vermont*, 604 F.2d 187, 199 (2d Cir. 1979) (“[w]e see no apparent reason for treating lack of appellate jurisdiction in any different manner [than subject matter jurisdiction], and the court may, on its own motion, dismiss the appeal”); *Hamze v. Hall*, 211 So.3d 47, 47 (Fla. Dist. Ct. App. 2016) (the “cause is *sua sponte* dismissed for lack of appellate jurisdiction.”); *Com. ex rel. Ransom Twp. v. Mascheska*, 239 A.2d 386, 387 (Pa. 1968) (“[a]lthough this case was argued on its merits and neither party has objected to an assumption of jurisdiction by this Court, our lack of direct appellate jurisdiction can, and should, be raised *sua sponte*”).

⁴ The Court makes no determination one way or another regarding the propriety of the actions of the Department below. This order does not reach the merits of the case.




The Honorable Robert L. Reibold
Administrative Law Judge

November 14, 2025
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Jared Thompson, hereby certify that I have on 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).



Jared Thompson
Judicial Law Clerk

November 14, 2025
Columbia, South Carolina

RECEIVED
DEC 02 2025
SC Court of Appeals

5

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

RECEIVED
DEC 02 2025
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

USPS Tracking®

FAQs >

41
~~SEP 5, 2025~~
EXhib
Robert
Cmk

Tracking Number:

9589071052702733818164

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item has been delivered and is available at a PO Box at 9:45 am on August 16, 2025 in COLUMBIA, SC 29211.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, PO Box

COLUMBIA, SC 29211

August 16, 2025, 9:45 am

Arrived at Post Office

COLUMBIA, SC 29201

August 16, 2025, 9:44 am

In Transit to Next Facility

August 15, 2025

Departed Post Office

PELZER, SC 29669

August 13, 2025, 3:45 pm

USPS in possession of item

PELZER, SC 29669

August 13, 2025, 12:40 pm

MAYBE TAMPERING.
This mail. Notice
motion for altering
amending judgment,
petition for rehearing,
has to this date.
Brenda Shealy doesn't have

Retaliation, reprisal,

Argument 4

9 OF 10

pursuant to 569 F.2d 208 United States Court of Appeals Fourth Circuit
Tammie Conwell - side [unclear] introduce statutory legal authority" that: "specifying address re-routing mail" or "receiving mail" at another post office address" not intended to be received by appellant" the wasnt sending his notice motion after - Amendment judgment through [unclear] Inter - department mail" United States v. Brown, 551 2d 236, 241 (8 Cir. 1977) In the absence of an "expressed or implied" direction - side "Tammie-Conwell" was not authorized agents to take here, hinder, obstruct, destroy, appellant enjoying his protected liberty, creating substantial risk of harm? Violating state/federal created' secure liberty interest lost mail that "never" was legally authorized to be sent to an address - where it was sign for on a Saturday - and not opened to the public sc court [unclear] for supreme court "appellant's injuries for surpass [anything] less than "immediate relief" from penal illegal misconduct verbatim.

ARGUMENT 2

1076
1 Additionally, pursuant 569 F.2d,
298 UNITED STATES of America,
Appellant, VS - Elliott F. Brussard,
Decided Dec 5, 1997. was convicted
in the U.S District Court of Vir-
ginia for mail fraud, tampering. After
postal inspector prepared two cancelled
envelopes and addressed to students
no longer living in the residence
with marked 5-dollar bills in con-
trolled envelopes. Brussard admitted,
of course - [letter] being caught [only]
that he did - so. This is the nuts
and mechanics of appellant argu-
ment against Conwell" South Carolina
Department of Corrections - Kenneth
Jenkins - NOTE: United States v
Asford, 530 F.2d 792, 795
CB cr 1976, app'g 403 F. supp.
461 C.N.D. Iowa 1975.
The convicted stood because the
letter was intercepted by the [authorized]
agent whom it was not to be phy-
[sic] delivered 18 U.S.C. 1702
provides in pertinent part.

Retaliation 95 F.3d 749

pursuant Boaker v. SDC 583 F.2d 44.

10/21
Appellant, establishes "sufficient evidence" that ConWail had motive to lie out of the complaint, Appellant had filed against her - (1) enjoys (she) engages in secured, protected right First Amendment speech.

(2) there is a causal relationship between his protected activity, that shielded him from retaliatory, reprisal, over allegation of disrespect. Appellant maintain disciplinary free conduct. Misbehaving the transfer was a punishment for exercising free speech. Placing him in a level 3 & 4 custody prison - taking his phone & canteen for 30 days, proffers retaliation - all over allegation of disrespect. Which even if true - could have been addressed by "blacklocking" in his cell - Never to give rise to 8th amendment violations - deliberate, willful, intentional, knowing infringing upon appellants well known, protected, secured - preserved rights against substantial overkill - considering the allegations - appellant had no disciplinary s.

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW
COURT

10/18

#178039
Mr. Robert Graham Jr
(Appellant),
vs.
Tamera Conwell
Kenneth Jenkins
South Carolina Dept of
Corrections, Joseph Wynn's,
Respondent's
ETAL.

ocket NO 25-ALC 0579

Grievance No:

initial brief

Hon. Reibold
under Article 1
Section 22

for ad ministr
ative, penal,
judicial & judic-
ation on merits.

STATE OF THE ISSUES

(1) Whether the "attempted" Emergency Grievance presented before this Hon. Court according to Memorandum received in response from this court Oct 9, 2025 pursuant to Appellant compliance with ALC Rules is now right for decision & jurisdiction under Article 1 Section 22

(2) Whether the Grievance complained of in its body falls under statutory norms for reprisal, retaliation or for this court.

(3) Whether Appellant was/is injured, deprived unconstitutionally, his liberty, privileges - protected rights -

10/23
(1) Whether his claims prove - mail fraud,
mail tampering, obstruction of justice,
denial of access to the court,
in whole, or in part by any of
the respondent(s) participative named
in the complaint Grievance of each
action under § 15-53-20.

ARGUMENT ONE

The "Emergency Grievance - Show~~s~~" of
was not until Appellant - pursuant to "trust
25-0409289 - reported to prison
correctional institution - that the mailroom
director "Tamera Conwell" had refused
to notarize legal affidavit" refused to
allow him to mail legal documents to
supreme court" ordered her back to the
dorm - that he was two(2) days later
transferred" the informal report" explained
conwell had "fabricated a disrespect charge
out of retaliation - reprisal because
several prisoners - had filed law suits
against her from mail fraud, mail
tampering, re-routing mail as 'attached'
several exhibits before this court . . .
proves - Verbatim - reprisal"
without any stretching of the imagination

Argument 3

10/29

Milwaukee Social Democratic
publishing co v. Burleson, 235
U.S., 407.

A prisoner does not shed such basic First Amendment rights at the Perry correctional, or Broad River correctional institution or any prison for the matter - of a due process - retaliation" transfer to avoid criminal prosecution - Rather he retains fully the rights of an ordinary "citizen" not to be denied access to the court" in a Rico - "enter Prison" to prevent him from raising issues - from such unlawful detention. This is egregious" Coft in V. Richard, 143 F.2d 443, 445 (C.C.A.6 1944) Accordingly, appellant is entitled to full view of evidentiary hearing, free speech" access uninterrupted to the court is expression of not just a privilege, but rather a guaranteed 14. Amendment protected right.

Thus, it was conspired by code-
Kenneth "Jenkins" to re-sure
appellant's meritorious issues -
challenging his work credit under
the 200 sentence revision -
through classfication never reach
~~Justice~~ Justices of Supreme
Court "absolute criminal behavior -
felony offense - 16-5-10,

conspiracy under color State law -
has the same similar lang-
uage as Federal 18. U.S.C.A. 241
18. U.S.C.A 242. 10,000⁰⁰ fine

5 / ten years in prison - or
both. The retaliation was sub-
stantial in jurious - other burden
some unconstitutionally to appellant.

Secs aided a "bedded" Tamra-
conwell in Criminal "Rico" enter
prize with transfer to protect
her "Kenneth Jenkins" from
criminal prosecution" transferring
appellant changed jurisdiction -
unless he could get around the
substantial hurdles infringed
upon him - cruel calculated" evapth
stakes of ~~many~~ ^{many} punishment contrary
to established laws recognized

1047
Exhibit #4 - will present further
damning evidence before this court
mail fraud, mail tampering, free
speech obstruction of Justice
Aug 13, 2025, 12:40 pm - USPS
in possession of above mentioned
motion / notice after amended judge-
ment "Departed post office PELZER
SE 29669 Aug 13, 2025, 3:45
p.m. - Home - where the ob-
struction, resulting comes into
place - it's, in Transit to Next
"Facility, is the next facility"
The address to SC Supreme Court
PO Box 11330 Columbia SC 29211

"absolutely NOT!!" If Arrived at
this other post OFFICE [Not]
intended in the debetting of
Appellants account, this is Columbia
SC 29201 Aug 16, 2025, 9:44
a.m. on a Saturday when the
attendant for address is closed.

"Two separate distinct zip codes"
obstruction of Justice, mail fraud,
mail tampering, obstructing free-
speech First Amendment rights"
which removed appellants state-created
liberty protected rights of substantial harm.

1070
[Whoever] takes part [any] letter which
has been in [any] mail carrier, be-
fore it has been delivered to the
person / place it was directed, with
design to obstruct the correspondence
or opens, secretes, embazzlers, or
destroys the same [shall] be fined
not more than 10,000, pursuant to
18 U.S.C.A 241 - 18 U.S.C.A 242

Under color of state - not more than
5 years, or both. This court has evi-
dence - through due diligence of appellant
and member of Society" That

Tamra-conwell - pursuant to exhibit 16,
deducted" 1.61 postage, 5.30 \$ extra-
service fee - 4.40 \$ RP-fee which
is for appellant return receipt out
of his E.H. copper account on 8/12/
2025" Article Addressed to: SC

supreme court po Box 11330 columbia
SC 29211 - pursuant to exhibit F
Signed for by Kenneth Jenkins her
co-conspirator on 8-28-25 -
This Article - document signed for dis-
appeared - cant be found [any place] on
supreme court notes + / motion to
Alter Amend Judgment" Rule 59(E)

RECEIVED

DEC 02 2025

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW

SC Court of Appeals

#178039

COURT

Docket No. 25-0579

Mr. Robert Graham, Jr.
(APPELLANT)

Case No: PCI-0686-
25

VS -

initial brief

SCDC

RESPONDENT

Hon. Reibald
pg's 1 of 9

STATEMENT OF ISSUES

(1) whether the respondents intentionally, knowingly, willingly, deliberately within meaning of 16-5-10 conspiracy statute depriving, appellant of 1st and 14th Amendment rights in civil human rights, by violations of statutory meaning, wording, language of 16-16-20(b)(1) - altering, scheming, removing data, names and their personal identification code numbers was violated process

RECEIVED

AUG 15 2025

(2) TRU lock 275, 3d 405 PCI MAILROOM was appellant subject to violations confidentiality - retaliations by (ZGC), mcknight, Refusing to send criminal allegations in Greenville to chief brush for inspection general review hindering, interfrustrating significant harassment, threatening to charge him for reporting ABC behavior in front of numerous staff members ABC see computer records - #25-04027112 Section 4, Section 3 to gain unfettered and vantage in violation breach of same.

FILED
AUG 15 2025
Administrative Law Court

(3) Whether [redacted] individual Author; 25-04021404
under "staff" heading as C. Early, Warden,
admitting (IGC) McKnight threatening to [change]
appellant and violation [Confidentiality] section 4.1
section 3 admitting her guilt, when he under
"staff" identification came on computer keyst-
assuring appellant it had been resolved

(4) Whether (IGC) McKnight, was in [direct violation]
of section 15. GRIEVANCES ALLEGING CRIMINAL
ACTIVITY: Any grievance which alleges criminal activity
shall be referred "immediately" to the Agency INMATE
GRIEVANCE Branch coordinator/designee,
When ACTION TAKEN BY (IGC) processed in box
at bottom of the STEP 1 grievance, she tried to
get him to first file RTSM to Amy Hall at
H@) create substantial hardship had he obeyed.

(5) WHETHER, STAFF is persons for purposes of V.I.S.C.A
1983 under color of state employee's

(6) WHETHER, the filing of a grievance is the first
stage process for initiation of confinement
scale 383 F app 44; and if so, does it
create a significant hardship of duress,
interference with doing so when respondents
hide names identification replacing them
with "STAFF" from challenging conditions
of confinement in various of exhaustion
access to court. (2)

STATEMENTS OF CASE

may it please the court:

on or about ~~May~~ May 5, 2025, appellant filed "Emergency
Concerns" and engaged in conversation of (ZGC)
on the computer ~~back~~ kiosk" it was of first noti-
fication. He observed for the very first time,
that the names and identification badge num-
bers had been "altered" removed, replaced
with "TITLES" "STAFF" I submitted RFSM
on or about the same time for resolve. with no
end insight: Response" Appellant filed Govern-
ance July 18, 2025 outlining in its body his
allegations; and grounds constitutional criminal
conspiracies by respondents in violation 16-16-
20 (b) (1) 16-5-10 civil human rights wa-
ntions requesting the names and identification
badge numbers be placed back - And, he
would pursue ^{no} further criminal prosecution, or
process the ~~step~~ step 1 Governance further...
trying to come to immediate resolve at the
institutional level" This ended appellant into
being threatened, harassed, retaliated against
by (ZGC) for being changed by reporting her
refusal to process the allegation as noted
7/21/2025 kiosk "computer" 25-04 @27112
Author: titled "staff" posing to be C.
Early, Warden. That my complaint against her
refusal had been resolved. though the staff
never disclosed what action was taken
(3)

ARGUMENT ONE

16-16-20 (b) (1) Verbatim

If the state statutory laws contains language ~~expressly~~ forbidding respondents from taking actions of discretion contrary to appellant preserved protected secured privileges, rights, immunities, customs, ~~usage~~ freedoms being deprived 1st Amendment right of free speech redress access to courts under the two (2) components of 14th Amendment due process equal protection from state & states. C. Early, Susan Duffly A/W clutter Holbrook classification from removing names and their government identification codes from state computer (clock) system as mandated in 16-16-20 (b) (1) including (ABC), McKnight: then it stands to reason doing such has intentional, knowing, willful deliberate conspiracy to cause harm, duress, frustration, abandonment, deprivation of secured right, protected right to act outside statutory boundaries "safeguards" of protection to protect them from hindering, interfering with appellants exhaustion (PLEA) which is established to be before this court criminal in nature.

See, 86 S.C.T. 115 @ United States v Cecil

RAY PRICE, mis de meior, under color law statute ordinance, regulation or custom, of willfully subjecting bank inhabitant of any state to the privation of any right of state as properly stated by ~~allege~~ those of willful deprivation, under color of law, of life and liberty without due process of law 18 U.S.C.A. § 242 as ~~presented~~ presented in this initial brief, Verbatim 16-16-20 (b) (4)

Argument #2

~~Trulock v. 275 F.3d 405~~

sets policies, Verbatim strictly forbids retaliation / reprisal section 4.1 Section 3

The record before this honorable court not only promotes allegations "supplant" for exercising of this courts power to hear these claims but moreover to take exceptions to the person posing of "staff" Author; 25-04-027404 c. Early, warden, Reading admitted (GC) retaliated, harassed, threatened to charge applicant for reporting her refusal to a bid by policy section 15 + but, that:

He'd resolved the same. placing significant fear of applicant going to lockup, trans ferre, for which he's witnessed Respondents do consistently, with other prisoners reporting misconduct of "staff" especially, with him raising criminal charges, it is most clear before this court (GC) become so enflamed, hostile only to protect her co-workers from criminal prosecution" it is insulting to the intelligence of this court for respondents to dare perjury themselves violate ethical professional rules of conduct by suggesting the computer kiosk sets can't change names, or identify execution codes - or the mysterious "title" staff, as Author - (GC) threats was to hide the fact for which, her self name is altered removed viduation 10-16-2010 (5)

ARGUMENT # 3

Inmate grievance (IGC) was in direct violation of SCAE well known - established policy section 15 where it reads GRIEVANCES ALLEGING CRIMINAL ACTIVITY. ANY grievance which alleges criminal activity (will) which is mandatory language to be referred immediately to Agency Inmate Grievance Coordinator / Designer, Inmate Grievance Branch. The (IGC) (will) mandatory language note on the grievance tracking CRT screen that the grievance has been forwarded. The inmate grievance branch for possible investigation by office of Inspector General and date on which grievance was forwarded. The Inmate Agency Grievance Coordinator / Designer, Inmate Branch, will (mandatory) language consult with office of Inspector General to determine if criminal investigation would be appropriate. If deemed appropriate, the grievance will be forwarded to office of Inspector General, to be handled in accordance with applicable SCAE policies. After investigation is completed review / investigation. If determined that criminal investigation is not required, the grievance (will) be processed accordance with procedure contained herein. This also extends into same language for EMERGENCY GRIEVANCES in section 14.3, Appoint then, has suffered humiliation, significant abuse of power in grave violation of respondent's own policy, duress, of law, equal protection from (6) brazen conflict.

ARGUMENT #4

"threatening to inflict retribution substantially, the filing of a grievance is the first stage in taking from a worker the conditions of confinement."

44. Booker V. SCD C 583 Kupp

Appellant, produces sufficient evidence that (1) enjoys the engaged in protected First Amendment activity, (2) [sic] McKnight took her adverse reprisal affecting [sic] First Amendment rights, (3) there was a causal relationship between [sic] protected activity and [sic] conduct." Constantine v. Rectore & Vistors of George Mason Univ., 411 F.3d 474, 499 (4th Cir. 2005) McKnight's conduct of harassment, threats, intimidation to charge appellant resulted from her as disclosed reporting her refusal to follow SDC policies, First Amendment violation it was to cause him not to pursue section 15 grievance going to chief branch under criminal statutes, for which her ~~of~~ her co-workers would risk criminal charges for computer re-moving names and identification codes... punishable by prison ~~fine~~ or both 16-5-10 conspiracy against human rights similar language in 18 U.S.C. 242 Federal Statute (7)

16-16-20 (b) (1)

There can't be ~~formal~~ resolution exhaustion with respondents controlling the narrative. The intentional, knowingly, deliberately, by respondents removing their names and identification code is - is a pervasive "calculated risk" of harm visited upon appellant upon its face "premeditated". Because respondent knows its the initiation process under the 1st and 14. Amendment to challenge "criminal or illegal conduct" by them - its "egregiously" flagrant, striking at its intended core - it unpardonable minds to shield them selves from liability for not reporting, or, worse - participation in covering criminal behaviors by them. Anyone, and appellant for the record before this court does note "anyone" could be the "staff" defaming, verification of Warden, (GCG) General Counsel, just by blackening the names and identification from the computer. Respondents should and General Counsel be sanctioned for perjury be fore this court by falsifying the computer can't be altered. aiding with question in statement of issues 5 and = it (b) before this settled court.

(8)

STATE OF SOUTH CAROLINA
Administrative LAW
court

The State of South Carolina
FILED
AUG 15 2025
Administrative Law Court

#178039

Mr. Robert Graham, Jr.
(Appellant)

C/A No: 2500579

v.s.

SCDC

Respondent
RECEIVED
DEC 02 2025
SC Court of Appeals

Initial brief
Certificate of
proof of
(Service)
pgs 1-9

I hereby certify that I have served this
'initial brief' of 'Appellant' by depositing
a copy thereof in the U.S. mail post-
age prepaid and addressed to beneath
parties

RECEIVED

AUG 15 2025

PCI MAILROOM

(A.L.C.)

Edger A. Brown Bldg

1205 Pendleton St.

Suite 224

Columbia, SC

29201

This 14th day of Aug 2025
CGI

General counsel
P.O. Box 21707
Columbia, SC
29221

1s) ~~Robert Graham~~
Mr. Robert Graham
Appellant
(as served)
#178039
AUG 14, 2025

JUL 18 2025 INMATE GRIEVANCE FORM

DEC 02 2025

GRIEVANCE STEP 1

Public Interest
GRIEVANCE USE ONLY
Grievance No: FCI-1686-25
Code: General JPIB
Policy _____
Disc. Hear. _____
Class. _____
PREA _____
Date Received 7/18/25
IGC Initials Km

INMATE NAME: 178039 Robert Gray
SCDC NUMBER: 178039
INSTITUTION: Penitentiary
HOUSING UNIT: Q3B16C
WORK ASSIGNMENT: Dorm
TRU LOCK 275 F.3. d 405

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.)
I file this Grievance in violation of section 15 grievance once criminal activity - so no informal resolution is required. 16-16-20(b) of the SOUTH CAROLINA Code of LAWS computer - Kiosk shall not be altered data - communication. THE NAMES OF SCDC EMPLOYEES has been altered and identification numbers numbers, I'm asking for them to be put back, so that I can properly effectuate access & address to the courts against state institutional in functions. The word "STAFF" has been placed in place of names and identification numbers. This is criminal conspiracy to block proper address, prosecution, into courts (MELDING) from liabilities - staff is not persons for 1983 under color of law violations. 16-5-14 criminal conspiracy against human civil rights is punishable by prison or BOTH (BOTH)
PLEASE NO RETALIATION
Grievant Signature Robert Gray Date 7-18-2025

ACTION REQUESTED: To prevent any further prosecution - or processing this grievance - put the names & identification numbers back please

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER
This grievance is being processed and returned due to not having a RTSM. Per SCDC GA-01.12-Inmates must make an effort to informally resolve a grievance at the institutional level by submitting a Request to Staff Member Form or ARTSM to the appropriate person within eight (8) working days of the incident. (in this case you need to submit a RTSM to Amy Hall at HQ) You must have a documented, answered, and signed RTSM form from the responsible authority attached to each grievance to proceed with the grievance process. Employees have up to 45 days to answer. Please consider this closed. Thank you.
IGC Signature K. McK... Date 7/21/25

(CONTINUE ON REVERSE SIDE)

DEC 2 2025

RECEIVED SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Attachment
7-18-2025

JUL 18 2025 INMATE GRIEVANCE FORM

GRIEVANCE STEP 1 INMATE COPY

INMATE NAME: 178039 Robert Graham	OFFICE USE ONLY
SCDC NUMBER: 178039	Grievance No. SC1-1686-25
INSTITUTION: Penn Correction	Code: General TPIS
HOUSING UNIT: Q3B1 (lat)	Policy: _____
WORK ASSIGNMENT: Dorm	Disc. Hear. _____
TRU LOCK 275 R. 3-d 405	Class. _____
	PREA _____
	Date Received 7/18/25
	IGC Initials KM

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.)

I file this Grievance in violation of Section 15 grievance once criminal activity - so no informal resolution is required. 16-16-20(b) of the SOUTH CAROLINA Code of LAWS computer - Kiosk shall not be altered data - communication. THE NAMES OF SCDC EMPLOYEES has been altered and identification numbers removed, I'm asking for them to be put back, so that I can properly effectuate access & address to the courts against such institutional infractions. The word "STAFF" has been placed in place of names and identification numbers. This is criminal conspiracy to block proper address, prosecution, info courts (MELDING) from liabilities - staff sent persons for 1083 under color of law violations. 16-5-10 criminal conspiracy against human civil rights is punishable by prison or BOTH.

PLEASE NO RETALIATION!

Grievant Signature: Robert Graham
Date: 7-18-2025

ACTION REQUESTED: To prevent any further prosecution - or processing this grievance put the names & identification numbers back please.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance is being processed and returned due to not having a RTSM. Per SCDC GA-01.12-Inmates must make an effort to informally resolve a grievance at the institutional level by submitting a Request to Staff Member Form or ARTSM to the appropriate person within eight (8) working days of the incident. (in this case you need to submit a RTSM to Amy Hall at HQ) You must have a documented, answered, and signed RTSM form from the responsible authority attached to each grievance to proceed with the grievance process. Employees have up to 45 days to answer. Please consider this closed. Thank you.)

mail a paper RTSM to her K.M. K... 7/21/25
IGC Signature Date

INMATE COPY (CONTINUE ON REVERSE SIDE)

Dropped in ~~Post~~ Box.
Q3B 9:52 A.M.
Aug, 2025.

RECEIVED
POST OFFICE
AUG 25 9 52 AM
Q3B

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

EMERGENCY

Grievance

Attachments 4 pages
 Tru 10 - 275 F 3d 465
 Attached Attached

INMATE NAME: Robert Graham Jr	OFFICE USE ONLY
SCDC NUMBER: 178039	Grievance No. _____
INSTITUTION: Broad River corr.	Code: General _____
HOUSING UNIT: Moultrie B side	Policy _____
WORK ASSIGNMENT: Dorm	Disc. Hear. _____
Retaliation 95 F 3d 749	Class. _____
	PREA _____
	Date Received _____
	IGC Initials _____

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.)

Retaliatory Transfer gloving. Got 1st of second attempt at filing. Got no response from the first one. Sent Kiosk # 25-04092890, notified warden early, went to supply that penny correctional. Mail room Tamara Campbell refused to notarize or mail my legal mail to court fabricated disrespect charges. I explained in the kiosk. This was retaliation, reprisal, for my self and other prisoners filing criminal charges against her for mail tampering, resulting mail delays, and access to supreme court, two days later, I was transferred to (BRC) charged with mail room disrespect. Canteen re-striking with penny for 30 days. Kenneth went to supreme court phone administrator noted Attached, signed for Aug 2025. In the supreme court but mail went by bound by legal creating substantial calculated risk by bound by injuries during. Got no time band Robert Graham time barred. causing illegal detainment liberty infract criminal mis conduct.

ACTION REQUESTED: 18 U.S.C.A 241 18 U.S.C.A 242 10,000 fine Prison - or re-housing from prison - for conspiracy 16-5-10 intentional retaliations.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

RECEIVED

DEC 02 2025

SC Court of Appeals

IGC Signature _____ Date _____

(CONTINUE ON REVERSE SIDE)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SC Supreme Court
PO Box 11330
Columbia, SC 29211



9590 9402 9424 5069 9349 35

2. Article Number (Transfer from service label)

9589 0710 5270 2733 8181 64

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type Priority Mail Express®
 Adult Signature Registered Mail™
 Adult Signature Restricted Delivery Registered Mail Restricted Delivery
 Certified Mail® Signature Confirmation™
 Certified Mail Restricted Delivery Signature Confirmation Restricted Delivery
 Collect on Delivery Collect on Delivery Restricted Delivery

Domestic Return Receipt

Exhibit F -
front 1/2 back!

RECEIVED

DEC 02 2025

COPY

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT
Docket 25-60579

Response to motion
Dismissal

1 of 9
notice/attached

Robert Graham, Jr
CAPPellant
vs. JOEL Anderson,
CAPPellee
South Carolina Dept.
Collections
WILLIE DAVIS
Respondent
ETA Co.

Certificate of Service
Docket No. 23-ALJ-04-
0488 - Ap
Under Article I Section 23
Reply brief; Motion
for a video hearing
hearing; Pursuing
"Emergency Substantive"

DATE 10/21/2025
§ 15-53-20.

Declaration
I, Robert Graham,
Personal Appellant
under penalty of perjury based upon
personal knowledge believe information
the following "attached" herewith are
true and correct herewith
declaration § 15-53-20.

injury, exhaustion,
deprivation un-
lawful duress
Section 15-14.1 15.1

28 U.S.C. A 1741
Robert Graham

Oct 21 2023

Office General Counsel
South Carolina Dept. Courts
4444 Broad River Rd.
P.O. Box 21787
Columbia SC 29221

Hon. Robert L. Brown
South Carolina Dept. Courts
c/o A.L. Court
c/o A. Brown
Columbia, SC
29221

State of South Carolina
A.L. Court
Brown
Administrative Court

48
#128039
STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE
LAW COURT

Robert Graham
Appellant

vi
South Carolina Dept
of Corrections
Respondent

Docket No.
25-ALJ-04-057A-15

Continued No
PCT 080-25
Hon. Robert C.
Reibold

10/28
Appellant's Reply
Brief

STATEMENT OF CASE / FACTS

Appellant in the above instant matter
respectfully directs the court (ALC
or "court") to the correct statutory
authority it has to hear this case.
And not arbitrarily, or capriciously just
dismiss it upon - its ~~face~~ would be
contrary rule of jurisdictional law.

Article 1 Section 22

is the correct and proper standard
of authority, jurisdiction over
this court to act on appellant
half in the interest of justice and
fundamental law - judicial review

copy
file
10/28

State of South Carolina
Administrative Law Court
OCT 21 2025

10/3

STANDARD OF REVIEW

The ALJ's jurisdiction to hear this matter - has already been addressed "this court is [skilled] at interpretation of legislative intent in terms of whether or not it has power to act or address [any] if not all of appellant's claims, under Article Section 22

Respondents are correct in statement of case, on July 18, 2025, appellant humbly filed stip/Governor pleading with code to simply place their [employees] names and bid on it into the system computer "keats" appellant "graciously point out code state of south carolina Towns statute provisions of law governing prohibiting them from hiding, removing, adding, or tampering with the Governor computer - quoting 16-16-20 (b)(1), 16-5-10 - concerning state statutes in which code is supposed to be governed by under policy and procedures as statutory law abiding officers staff - subordinates -

10/24
Appellant. Simply ask nobility for
identification names - and legitimate
identification code would be put back
as his resolve to the Governor.
Instead he was met with grave
inflammatory in suits' comments;
you're an "inmate" you don't run -
nothing" we're not putting anything
back." Hmmm... mmm... appellant now
finds himself in proper form before
this court. Not intending to run...
anything - or asking for any favor.
Just law upheld with surface,
pursuant to Booker vs Sch 583
app 44" it is well established.
The "Krust" respondents unconstitutionally
removed their names and identifica-
tion codes from - prohibits" freedom
frustrates, abuses and makes the
appellant attempt at getting in formal
resolution - which is fundamentally
the first stage of filing a complaint
law suit" respondents replacing in
the computer a word like "STOP"
popping up shields from from law
bills under U.S.C.A 42 1983
destroying appellant state - created liberty interest
the process of law exhaustion remedies -

10⁶⁵

Argument # 1

Appellant was "alleging" criminal activity against ~~any~~ classification, ~~5-0-0~~, Clayton Holbrook's story Richardson, state classification, misappropriation of public funds pursuant to 2020 umbrella "crime" - ~~re-codified statute~~ - the ~~Enacted~~ "suddenly" for the first time call respondents public names and identification codes was removed like placed with "staff" He had to file ~~Step 1~~ - under "criminal allegations" pursuant 16-16-2003(b), which respondent conspicuously left out of the "Statement of Case" standard of review, including 16-5-10 concerning state statutes -

Section 15 Controversies "alleging criminal activity @ any government - will be [immediately] referred to the Agency Internal Controversy Coordinator / Designer, which ~~She~~, ~~IBC~~ ~~McKnight~~ refused to comply with because ~~fellows~~ in the agency conspired re moving names - even "General Counsel" every one egregiously became on 4/2.

Controversy "Computer" "Staff" instead of persons according to liability under U.S.C.A 42 1983 "frustrating appellants' internal rights to file and prevail on actionable claims."

10/10

Administrative Law court is certain then
as appellant "state created" liberty in
trust to first exhaust his admin-
istrative remedy before attempting
to file U.S.C.A. 1983, pursuant
1997(A), otherwise State - and
high court would procedurally dis-
miss action" this is "sufficient
to trigger procedural due pro-
cess guarantees tenfold. It is
then-miss leading for respondents
to attempt at diverting the courts' at-
tention from the "crux" of the
matter - the state created liberty,
due process protected right falls
squarely on appellants behalf; where
respondent arbitrarily and capriciously
controls the narrative of criminal
conspiracy to prevent thwart hinder
him from proper administrative ex-
haustion for purpose of high court
having jurisdiction or "C.A. 11C" or
"court" itself) Allen v. State Dept
of Corr. is improper - Appellant points
courts attention to a case protected interest
where his claims have landslide legiti-
macy" Dawson v. U.S. 549 Fsupp
2d 736

Retaliation

#2

10/17
Complaints to Supervisors or management employees concerning harassment or discriminatory treatment as well as internal complaints, filing of internal grievance (both under ~~Emergency~~ Section 40.8, Section 15.14.1 - Kiosk interference, with informal resolve), to agency heads are included within the definition of "protected activity," as required to establish liberty protected state-created interest; where repeated false drastic unfounded calculated measures - to block, hinder, appropriate getting internal resolution - creating significant hardship - because they know all so well; like with all their land slides of court admonishments for thwart informal resolve. The process is not available - for internal challenging appellate unlawful detention confinement. A clear state created due process liberty protected interest before the experienced state court. "The action is injurious from exhaustion remedy access to court" thus, appellant has no proper remedy for redress.

1 of 8

Argument #3

U.S.C.A. 42 / 1983"

The term "state-created liberty interest" is not really broad on its face - and only takes pointing to "specific" [wording] in any statute - to establish deprivation of a right, interest encompassed by the 14th Amendment to South Carolina state / Federal constitution invoked by this state and the United States its territory boundaries, usage, principles, custom, regulations. one of the [words] in the above amendment constituting] state protected created liberty interest devalued approach is "person" government offices - state employees - agency heads for purpose of this amendment (only recognizes colorable claims in this regard by someone under color of [state] to be under color of state for this purpose liability for misconduct. You can only be legally sued as a "person" stuff "isn't included in this... amendment" depriving approach - exhaustion remedy for purpose of actionable 1983

8 of 8

CONCLUSION ARGUMENT

This case should not be summarily dismissed under § 40.8 Emergency procedures. The emergency procedure shall not include review by a person IGC: McKnight at Perry Correctional included review by a person or entity not under the supervision or control of the institution - including broad river correction institution - this is clear statutory unambiguous wording in the language for legislation intent; respondent is asking for this court to aid side in flagrant "brazen" grant of dismissal contrary to controlling law even state policy - which, apparently, they do not obey violated section 15 of appellant liberty state-created policy intend not to send "innocently" nature of criminal activities to chief branch for processing of the same criminal activity before this court; blocking this procedure injured, frustrated substantially appellants exhaustion proper now under article 1 section 22, Appellant wants to get "emergency immediate" assistance was taken from him to cover prevent him to getting sufficient guaranteed procedural due process from being properly noticed and heard.

" THE RIGHT TO BE HEARD -
Final
conclusion

90FB

since it is clear state did violate procedural due process "safeguards" to prevent his claims of criminal nature from [guaranteed] secured protected" immediately emergency assistance, outside not under the supervision or control of the institution the damage is "irreparable" - triggering "Troylock V. French" 275 F.3d 405 4th circuit decided Dec 20, 2001,

FRCP and STCP (2016), when appellant alleges facts in complaint beyond conclusory - or mere conjecture courts take it into de novo - on appeal. Respondents know the prison "Kiosko" contained misclassified [misconduct] removing names - identification - knowingly, & liberally, intentionally, was to [thwart] appellant access to court prevent being called into question before this or any court of accountability for their misconduct 16-5-10 they then con- spiracy under Rico enterprise rury to appellant's rights, motion dismiss is improper "Emergency relief" is proper under article 1 Section 22.

State of South Carolina
FILED
OCT 21 2025
Ministr...

RECEIVED
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

JUL 18 2025 INMATE GRIEVANCE FORM

7-18-2025
7-18-2025
Publik
Lott

GRIEVANCE

STEP 1 INMATE COPY

INMATE NAME: <u>178039 Robert Graham</u>	OFFICE USE ONLY
SCDC NUMBER: <u>178039</u>	Grievance No. <u>RT-168625</u>
INSTITUTION: <u>Prison correction</u>	Code: General <u>IPIS</u>
HOUSING UNIT: <u>Q3B1 (lot)</u>	Policy _____
WORK ASSIGNMENT: <u>Dorm</u>	Disc. Hear. _____
<u>TRU LOCK 275 R.3. d 405</u>	Class. _____
	PREA _____
	Date Received <u>7/18/25</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.)

I file this Grievance in violation of section 15912 once criminal activity - so no informal resolution is inquired. 16-16-20(b) of the SOUTH CAROLINA Code of LAWS computer - Kiosk (shall) not be altered data - communication. THE NAMES OF SCDC EMPLOYEES has been altered and identification numbers NUMBERS, I'm asking for them to be put back, so that I can properly effectuate access & address to the courts against SCDC institutional infraction. The word "STAFF" has been placed in place of names and identification numbers. This is criminal conspiracy to block proper address, prosecution, info courts (MELDING) from abilities - staff inst persons for 1023 under color of law violations. 16-5-16 criminal conspiracy against human civil rights is punishable by prison or BOTH. PLEASE NO RETALIATION!

Grievant Signature: Robert Graham Date: 7-18-2025

ACTION REQUESTED: To prevent any further prosecution - or processing this grievance - put the names & identification numbers back please

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance is being processed and returned due to not having a RTSM. Per SCDC GA-01.12-Inmates must make an effort to informally resolve a grievance at the institutional level by submitting a Request to Staff Member Form or ARTSM to the appropriate person within eight (8) working days of the incident. (in this case you need to submit a RTSM to Amy Hall at HQ) You must have a documented, answered, and signed RTSM form from the responsible authority attached to each grievance to proceed with the grievance process. Employees have up to 45 days to answer. Please consider this closed. Thank you.

Mail a paper RTSM to her K.M. K... 7/21/25
IGC Signature Date

INMATE COPY (CONTINUE ON REVERSE SIDE)

5

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Attachment
Original

Robert Graham, Jr.

Appellant,

vs.

South Carolina Department of Corrections.

Respondent.

DOCKET NO. 25-ALJ-04-0579.10

078039

GRIEVANCE NO: P.C.I-068625

Failure to advance Grievance
NOTICE OF APPEAL

was threatened by JBC
with charging me.

Notice is hereby given that Mr. Robert Graham, Jr. appeals the final decision of the South Carolina Department of Corrections dated above notice 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 appealing this decision of staff grievance
due to the agency's refusing to follow their own rules
my efforts have been frustrated so fully exhaust
by not abiding by the policy G.A. 12.2. Section 15
allegations of criminal activities the JBC in fact
readily willingly refused to abide by section
15 reports of criminal activities being forward
to branch chief. [W] in camp resolution is
required per section 15, this infringes upon my
liberty interest of hardship address access to camp
in Robert Graham Jr is Criminal S.C. Statute

Appellant's Name

Signed

Mailing Address

Dated

p.o. Box 21787
Columbia, SC 29221

7-23-2025 RECEIVED

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 person (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 Council p.o. Box 21787 Columbia

Address: South Carolina Adm Law Court 1205 Randolph St

City, State, Zip Code: Suite 224 Columbia SC 29207

Robert Graham, Jr

Robert M... e

Print your name
(See reverse side for instructions)

Sign your name

Approved
Frustrated
Administrative

State of South Carolina
FILED
AUG 04 2025
Administrative Law Court

she (IGC), can't circumvent procedural safeguards. The SCOT GA-01.12 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 libel/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 grievance 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

clerk of the
South Carolina A.D.M. 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)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No.: 25-ALJ-04-0 579-IJ
[Grievance No.: PCI 686-25]
Hon. Robert L. Reibold

**RESPONDENT'S MOTION TO
DISMISS**

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).

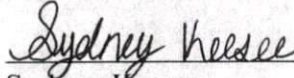
ARGUMENT

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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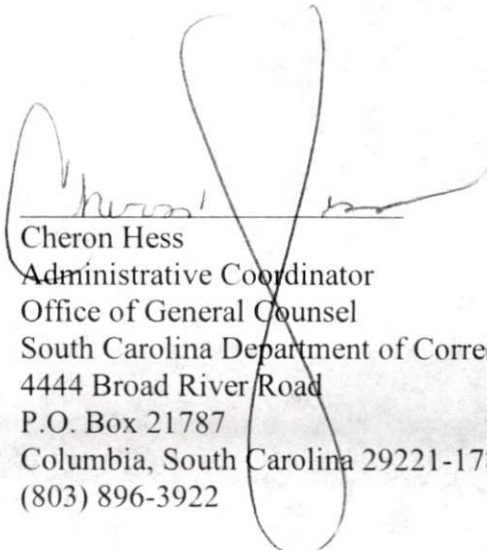
DEC 02 2025

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

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SC Court of Appeals

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SC Court of Appeals

STATE OF SOUTH CAROLINA

COURT OF APPEAL

Envelope received
Nov 18, 2025

vs (Appellants) vs (Appellees)
South Carolina
d-apt cur. ETRL
Sign for Nov 26, 2025
Notice / Motion -
Appeal
RE: Deck # 25-120-

Respondent(s)

Under 15-53-20

Appellant, Robert Graham, Jr. hereby appeals
a brief "noted" attached herewith [REDACTED]
DISMISSING APPEAL, dated Nov 14, 2025.

pursuant to Article I, Section 22, Baker
v. S.C.D.C. 583, Fa. Ppx 44, (3), 2010

am:ibus's sentence classification revision,
(4) misappropriation of state / federal funds,
(5) 16-5-10 criminal conspiracy, (6) ob-
struction of, impeding justice (16-16-20
(7) computer tampering (7), hindering ex-
ecution of sentences - pursuant to 8 U.S.C. 7

1246 under penalty perjury, To:
DATE Dec 1, 2025
(G.D.S.)
(G.D.S.)
Govt counsel
4444 Broad Road
Ed. Columbia SC
29221-1787

South Carolina
Court Appeals
1220 Senate St.
Columbia SC 29201

cc: Cuffy James
258 29201
Under penalty perjury, and
exhibitions

~~12-1-2025~~
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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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DEC 02 2025
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

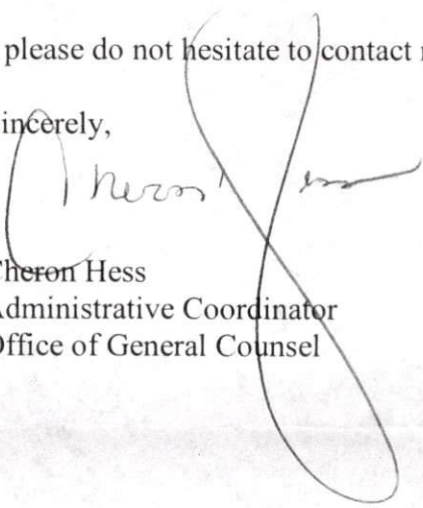
Reference: Inmate Robert Graham, Jr., #178039, vs. South Carolina Department of Corrections
Docket No. 25-ALJ-04-0579-IJ

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

Mr. Robert Graham, Jr. (178039)
Blood River Correctional Inst.
4460 Broad River Rd.
Columbia, SC
29210



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JAN 09 2026
SC Court of Appeals

(Clerk)
South Carolina Appellate Court
To: Jenny Kitchens
Post Off: - Box 11 629
Columbia SC
29211

A. H. [unclear]

