

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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FEB 04 2026

SC Court of Appeals

Appeal from the Administrative  
Law court, Hon. S. Phillip Lenski

Case No. 25-AIJ-04-0705-1J

Jeffery Adrian Simpson

Appellant

v.

South Carolina Department of Corrections Respondent

Appellant Case No. 2026-000102  
Motion to inform the court

The Appellant hereby respond to this Honorable court clerk January 23 2026 correspondence, in which the Honorable clerk had instructed the Appellant to include a statement of when a written notice of the order from which this appeal is taken and likewise provide a proof of service showing that a copy of this appeal has been served upon the Administrative law court, see (Exhibit C). However, The Appellant notice of Interlocutory appeal now before this court do provide therein a legal statement with respect to a opportunity to develop discovery regarding a interlocutory remedial judicial determination see (Exhibit P). The matters do concerns a interlocutory remedy that which the Appellant is entitled pursuant to S.C. code ann § 1-23-610(B). Furthermore, as stated within the notice of Interlocutory appeal, that the Administrative Law Judge December 30, 2025 order

of dismissal regarding the Administrative Law Court docket No 25C0705, is indeed results from a premature summary judgment motion see (~~Exhibit F~~) and ~~Exhibit T-1~~

wherefore this response was deposited into the Turbeville Correctional Institution mail room on the ~~27<sup>th</sup>~~ day of January 2026

Respectfully Submitted

Jeffery A. Simpson 282574  
1578 Clarence Coker Hwy  
Turbeville SC 29162



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 23, 2026

Jeffery A. Simpson, 282574  
1578 Clarence Coker Hwy  
Turbeville SC 29162

Re: Jeffery A. Simpson, #282574 v. SCDC  
Appellate Case No. 2026-000102

Dear Mr. Simpson:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- A proof of service showing that a copy has been served on the Administrative Law Court has not been provided as required by Rule 203(b)(6), SCACR.

Very truly yours,

Handwritten signature of Catherine Harrison, deputy clerk.  
CLERK

cc: Christina Catoe Bigelow, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

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January 23, 2026

Jeffery A. Simpson, 282574  
1578 Clarence Coker Hwy  
Turbeville SC 29162

Re: Jeffery A. Simpson, #282574 v. SCDC  
Appellate Case No. 2026-000102

Dear Mr. Simpson:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

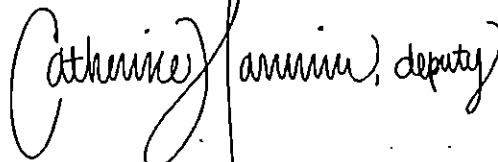
**Jeffery Adrian Simpson, #282574, Appellant,**

**v.**

**South Carolina Department of Corrections, Respondent.**

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Jaminin, deputy". The signature is written in black ink and is positioned above the typed name "CLERK".

CLERK

cc: Christina Catoe Bigelow, Esquire

EXHIBIT C



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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January 23, 2026

Jeffery A. Simpson, 282574  
1578 Clarence Coker Hwy  
Turbeville SC 29162

Re: Jeffery A. Simpson, #282574 v. SCDC  
Appellate Case No. 2026-000102

Dear Mr. Simpson:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- A proof of service showing that a copy has been served on the Administrative Law Court has not been provided as required by Rule 203(b)(6), SCACR.

Very truly yours,

*Catherine Harrison, deputy*  
CLERK

cc: Christina Catoe Bigelow, Esquire

(~~Exhibit. T~~)

STATE OF SOUTH CAROLINA  
IN THE ADMINISTRATIVE LAW COURT

Jeffery Simpson, #282574	)	Docket No.: 25-ALJ-04-0705-IJ
	)	[Grievance No.: TCI 313-25]
Appellant,	)	
	)	Hon. S. Phillip Lenski
v.	)	
	)	<b>RESPONDENT'S MOTION TO</b>
South Carolina Department of Corrections,	)	<b>DISMISS</b>
	)	
Respondent.	)	

**STATEMENT OF THE CASE**

This matter is before the Administrative Law Court (“ALC” or “Court”) pursuant to the appeal of Jeffery Simpson (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). On June 2, 2025, Appellant filed a Step One Grievance challenging his May 27, 2025, disciplinary conviction for the offense of 811, “Possession of a Weapon” in case #1.<sup>1</sup> On July 1, 2025, Appellant’s Step One Grievance was reviewed and denied. 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. Subsequently, the supreme court clarified the ALC’s appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep’t of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC’s *en banc* decision of *McNeil v. S.C. Dep’t of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the Supreme Court held the ALC’s jurisdiction was

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

limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. *See Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Further, the state law from which the ALC's jurisdiction to review agency decisions is derived generally requires that those agency decisions be final. S.C. Code Ann. §1-23-380. According to the Honorable John D. Geathers, current Judge of the South Carolina Court of Appeals and former Administrative Law Judge, "The doctrine of exhaustion of administrative remedies generally requires a person seeking relief from the action of an administrative agency to pursue all available administrative remedies before seeking such relief from the courts." *Lewis Williams, Petitioner*, 04-ALJ-17-0276-CC, 2005 WL 828024, at \*1 (Mar. 9, 2005). In that case, Judge Geathers dismissed the petitioner's case because he had failed to exhaust the administrative remedies available to him. Thus, the agency decision in question was not final. The South Carolina Supreme Court has also weighed in on this issue stating, "[e]xhaustion is generally required as a matter of preventing premature interference with agency processes... and to compile a record which is adequate for judicial review." *Video Gaming Consultants, Inc. v. S.C. Dep't of Revenue*, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000).

### ARGUMENTS

In this case, Appellant failed to exhaust his administrative remedies. As a result, Appellant did not receive a final agency decision. The South Carolina Department of Correction has in place a two-step grievance system that is available to inmates. In *Al-Shabazz*, the South Carolina Supreme Court reviewed SCDC's grievance system, specifically the grievance filing deadlines,

and determined it was consistent with the standards outlined in *Wolff v. McDonnell*, 418 U.S. 539 (1974). *Al-Shabazz*, 527 S.C. at 372. The procedures and deadlines for this process are provided in SCDC Policy GA-01.12 Inmate Grievance System which is available to all inmates in their institutional law library. This grievance system provides them with a way to bring issues to the agency's attention and to obtain a final agency decision on an issue.

South Carolina Code section 1-23-380 requires the "exhaust[ion of] all administrative remedies available within the agency" and a "final decision in a contested case" as prerequisites to ALC review. The South Carolina Supreme Court has interpreted this language in S.C. Code Ann. § 1-23-380 as meaning that "[j]udicial review is appropriate where there is an appeal from a final agency order . . ." and "relief is not generally available where one has not exhausted administrative remedies." See *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 SC 388, 390, 461 S.E.2d 819, 821 (1995). Here, Appellant failed to fully exhaust SCDC's administrative remedies to obtain a final agency decision, thus, he is not entitled to the requested relief or this Court's review of the matters raised.

Therefore, because Appellant did not exhaust his administrative remedies, this Court lacks jurisdiction over and should dismiss this appeal.

### **CONCLUSION**

For the foregoing reasons, Respondent requests the Court dismiss Appellant's appeal.

**[SIGNATURE BLOCK TO FOLLOW]**

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**



\_\_\_\_\_  
Sydney Keese  
Staff Attorney  
S.C. Department of Corrections  
PO Box 21787  
Columbia, South Carolina 29221  
Phone: (803) 896-1943

December 4, 2025  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jeffery Adrian Simpson, #282574,

Appellant,

vs.


South Carolina Department of Corrections,

Respondent.

)  
)  
) **Certificate of Service**  
)  
) Docket# 25-ALJ-04-0705-IJ  
)  
)  
)  
)

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 Jeffery Adrian Simpson  
Inmate Number: 282574  
Turbeville Correctional Institution  
Dorm-Room-Bunk: TB-0185-B

  
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

December 4, 2025

Respectfully Submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**



\_\_\_\_\_  
Sydney Keese  
Staff Attorney  
S.C. Department of Corrections  
PO Box 21787  
Columbia, South Carolina 29221  
Phone: (803) 896-1943

December 4, 2025  
Columbia, South Carolina

(~~Exhibit~~ P)

5

(Exhibit 2)

✓

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JAN 14 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE Administrative  
Law Court. Hon. S. Phillip Lenski

Case No. 25-ALJ-04-0705-1J

Jeffery Adrian Simpson # 282574 Appellant

v.

South Carolina Department of Corrections  
Respondent

Notice of Interlocutory  
Appeal

The above stated Appellant hereby move before this Honorable court, by way of a notice of Interlocutory appeal, with respect case law, see Pledger v. Lynch united states court of appeal Fourth circuit July 21, 2021 5. Fth 511. The Hon. S. Phillip Lenski December 30. 2025, order grantina Respondent's motion to dismiss results from a premature summary judgment motion.

(EXHIBIT P)

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

JAN 14 2026

SC Court of Appeals

APPEAL FROM THE Administrative,  
Law Court. Hon. S Phillip Lenski

Case No. 25-ALJ-04-0705-1J

Jeffery Adrian Simpson # 282574

v.

South Carolina Department of Corrections

CERTIFICATE OF SERVICE

I the above listed Appellant hereby certify that I have filed a notice of appeal as INTERLOCUTORY to the South Carolina Court of Appeals on the 9<sup>th</sup> day of JANUARY 2026 this notice was deposited within the turbeville correctional Inst mail room. All parties listed below has been served the same

S.C. Office of General Counsel  
4444 Broad River Road  
Columbia S.C. 29210

(Exhibit P)

IN THE SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jeffery A. Simpson <sup>282574</sup>  
Appellant

Grievance No.: TCE-013-25

v.

NOTICE OF APPEAL

INTERLOCUTORY

Department of Corrections  
Respondent

I hereby move for an Interlocutory appeal regarding the above cited matter. The South Carolina Department of Correction of turbeville institution, administrative authoritative resolution is arbitrary, with regard to S.C. Code Ann §1-23-380. see South Carolina Dept. Corrections v. Mitchell March 10, 2008 | 297 S.C. 256 659 S.E. 2d 233

The applicant hereby contends that the South Carolina department of Correction Incident Report see (Exhibit A) that which was drafted per the reporting official a Ms. Debra McFaddon, regarding the incident, and likewise, the location of the Incident which is that of turbeville correction

document is evidence that an Interlocutory remedy is of a mandate for the jurisdiction before the ALJ.

Moreover, (Exhibit B.) provides that the administration of turbeville correctional inst has acted with a willfull negligence thus to achive obstruction which in general (1). forbid Jurisdiction to the ALJ and (2). prevent review of merit that an arbitrary resolution thus to deprive the appellant of an liberty interest<sup>1</sup>

As stated in part of S.C. code Ann § 1-23-600 (G)

Notwithstanding another provision of law the Administrative Law Court has jurisdiction to review and enforce an administrative process issued by an agency or by an department of the executive branch of the government as defined in section 1-30-10(A)(5)

As proscribed per the South Carolina Court of Appeals that "[t]he ALC has subject matter Jurisdiction over an inmate appeal when the claim sufficiently implicates a state liberty interest" "Furtick, 374 S.C. at 339, 649 S.E. 2d at 38.

---

1 The Turbeville correctional administration had sanctioned and charged the appellants with the weapon that was used to threaten the appellants life.

institution, Elliott dorm B. wing 171. The witnesses whom was involved were SCDC officers (1) Lt. N. Miller (2) Sgt R. McCauley, (3) Sgt. A Sampson, (4). Ofc D. Long, in which whom was all named in the incident report see (Exhibit A).

I  
Interlocutory Inquiry  
before the Administrative Law Court.

The South Carolina Department of Corrections incident report i.e. the SCDC Form 19-24 A do detail therein that, a complaint had been submitted by the appellant, thus stating that his life had been threaten by the appellants cellmate by way of a knife, as stated by the SCDC correctional officer Ms. Debra McFadden. see (Exhibit A)

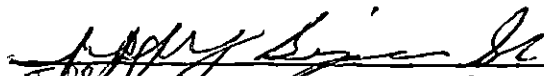
However as established by the officers incident report see (Exhibit A), the only reason the correction officer was summoned to the appellants cell, was indeed based on the statement that which was reported by the appellant

Merit For Interlocutory Inquiry  
by way of Interlocutory Appeal  
Pursuant to SC. code code Ann  
§ 1-23-600 (G)

The Appellant hereby proffer's a document thus tag as (Exhibit B), which consist as a South Carolina Department of corrections inmate grievance form, SCDC 10-5, this

wherefore, the appellant prays to the Administrative Law Court for Interlocutory remedy based upon the evidence presented with this Notice.

Respectfully Submitted

  
Jeffrey A. Simpson 282574  
Turbeville Correctional Inst  
1578 Clarence Coker Hwy  
Turbeville S.C. 29162

IN THE SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jeffery A. Simpson 282574  
Appellant

v.

Department of Corrections  
Respondant

Grievance No.: TCE-013-25

Certificate of Service

I hereby certify that I had filed a Notice of an Interlocutory appeal. Said appeal was deposited within Turbeville correction institutional mail room on the \_\_\_\_\_ day of \_\_\_\_\_ 2025 addressed to the South Carolina Administrative Law Court addressed at 1205 Pendleton street suite 224 Columbia S.C. 29201.

~~Exhibit. T. 1~~

5

Exhibit T.1

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JAN 14 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jeffery Adrian Simpson, #282574,  
Appellant,  
v.  
South Carolina Department of Corrections,  
Respondent.

Docket No. 25-ALJ-04-0705-IJ

**ORDER GRANTING  
RESPONDENT'S MOTION TO  
DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on October 8, 2025 by Jeffery Adrian Simpson (Appellant) an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 grievance was filed and denied, the Appellant filed an appeal with the court appealing his conviction of Possession of a weapon (811).

On December 5, 2025, the Department filed a Motion to Dismiss because the Appellant failed to exhaust his administrative remedies and as a result, the Appellant did not receive a final agency decision. The Department argues that because the Appellant did not file a Step 2 Grievance and therefore did not obtain a final decision from the Department, the Appellant has failed to exhaust his administrative remedies and thus failed to meet the requirements of the Administrative Procedures Act for review by this court. As of the date of this Order, the Appellant has not filed a response to the Department's Motion to Dismiss.<sup>1</sup>

**DISCUSSION**

The Administrative Procedures Act (the Act) confers the jurisdiction of this court upon a party who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case. See S.C. Code Ann. § 1-23-380. Interpreting the language of the Act, the South Carolina Supreme Court has determined "judicial review is appropriate where there is an appeal from a final agency order . . ." and relief to be generally

<sup>1</sup> See Rules 61 and 7, SCALCR, which provide that if a party opposes a motion, the party must file a written response and that failure of a party to timely file a response may be deemed a consent by that party to the relief sought in the motion.

(Exhibit T.1)

unavailable “where one has not exhausted administrative remedies.” *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995).

In failing to obtain a final decision from the Department, the Appellant failed to exhaust his administrative remedies and, as such, has failed to meet the requirements of the Act to confer the jurisdiction of this court. Therefore, based on the foregoing,

**IT IS HERBY ORDERED** that the Respondent’s Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

**AND IT IS SO ORDERED.**



S. Phillip Lenski  
Administrative Law Judge

December 30, 2025  
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s) this 30 day of December, 2025  
\_\_\_\_\_  
Judicial Law Clerk

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Exhibit T.1

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC IJ	25C0705	10/8/2025	10/16/2025	Lenski	Jeffery Simpson #282574 v. SC DOC	TCI 0013-25

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JAN 14 2026  
SC Court of Appeals

The State of South Carolina  
FILED  
OCT 16 2025  
Administrative Law Court

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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FEB 04 2026

SC Court of Appeals

Appeal from the Administrative  
Law Court. Hon. S. Phillip Lenski

Case No. 25-ALJ-04-0705-1J

Jeffery Adrian Simpson

Appellant

v.

South Carolina Department of Corrections

Respondent

Appellant Case No. 2026-000102

CERTIFICATE OF SERVICE

The Appellant hereby certify that a Motion to inform the court i.e. a response to the clerk of Court January 23, 2026 and hereby certify that the Administrative Law Court has been provided a copy of the Notice of Interlocutory appeal as instructed per this court clerk of Court see (Exhibit C) was deposited within the Mail room on the \_\_\_ day of January 2026 addressed to the parties listed below.

Jenny Abbott Richinas  
Post office Box 11629  
Columbia South Carolina 29211

SC Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street Suite 224  
Columbia, South Carolina 29201

Jeffery Simpson Sr # 282574  
T.C.I. TawCaw B 185B  
1578 CLARENCE COLE HWY  
Turbeville, S.C. 29162



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SC Court of Appeals

South Carolina Court of Appeals  
Jenny ABBOTT Kitchings, Clerk  
Post Office Box 11629  
Columbia, S.C. 29211

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TURBEVILLE CI

