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**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Curtis Richardson, #269166,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 25-ALJ-04-0122-AP

Grievance No. TYRCI 0037-25

**ORDER**

**RECEIVED**

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SC Court of Appeals

**STATEMENT OF THE CASE**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed on March 17, 2025, by Curtis Richardson (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department). This case was assigned to the Honorable Deborah Brooks Durden on March 27, 2025, and reassigned to the undersigned on June 20, 2025. Appellant is challenging the Department’s determination that he could not make photocopies of legal documentation and in turn that his due process rights were violated. After careful consideration of the Record on Appeal (Record), arguments raised in the parties’ briefs, and the applicable law, the Court affirms the agency’s determination.

**BACKGROUND**

Appellant filed a Step 1 Grievance on January 12, 2025, claiming he was not allowed to make photocopies of documents he needed to send in an ongoing lawsuit. Appellant requested that he be allowed to copy handwritten documents with case numbers. Appellant’s Step 1 Grievance was denied on January 27, 2025. Thereafter, Appellant filed a Step 2 Grievance, which was denied on March 3, 2025, on the grounds that SCDC Policy GA-01.03 does not permit inmates to make photocopies of handwritten documents created by an inmate.<sup>1</sup> The policy further specifies that “the fact that a document solely generated by an inmate has been notarized does not mandate that photocopies be provided.” This appeal followed.

<sup>1</sup> SCDC Policy GA-01.03, subsection 12.2 states, “Materials and documents that will NOT be copied include: Documents that have been solely originated, generated, written, typed, or created by an inmate (the inmate may copy this information by hand.) . . . NOTE: The fact that a document solely generated by an inmate has been notarized does not mandate that photocopies be provided. . . .”



The Department filed a Motion to Dismiss on May 14, 2025, which was denied on June 3, 2025. The Department filed the Record on August 1, 2025. Appellant filed his initial brief on April 20, 2025. The Department filed its brief and a Motion to Supplement the Record on September 19, 2025. On August 25, 2025, Appellant filed a Motion to Incorporate Claim. On October 2, 2025 Appellant filed a Reply Brief.

### **ISSUES ON APPEAL**

Does the Record contain substantial evidence to support the Department's determination that Appellant was prohibited from making photocopies pursuant to SCDC Policy GA-01.03?

### **STANDARD OF REVIEW**

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the court held that the ALC's jurisdiction in inmate appeals is limited to non-collateral or administrative matters that typically arise in two ways: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 369, 527 S.E.2d at 750. The court further explained that procedural due process was guaranteed only when an inmate was deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property. *Id.*

This Court sits in an appellate capacity when reviewing final decisions of the Department in non-collateral or administrative matters. *Al-Shabazz*, 338 S.C. at 376-77, 527 S.E.2d. at 754. When sitting in an appellate capacity, this Court's review is limited to the Record presented. S.C. Code Ann. § 1-23-380(4) (Supp. 2024). Subsection 1-23-380(5) of the Code of Laws of South Carolina 1976 Annotated (2005 & Supp. 2024), provides the standard used by appellate bodies to review agency decisions. That section states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;

- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

*Id.*

The South Carolina Supreme Court has observed that “substantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency.” *Friends of the Earth v. Pub. Serv. Commission of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (citation omitted). Thus, the possibility of drawing two inconsistent conclusions from the evidence does not prevent the findings of an administrative agency from being supported by substantial evidence. *See Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995).

### DISCUSSION

As an initial matter, Appellant’s Motion to Incorporate is denied. Appellant is seeking to incorporate a Post Conviction Relief Matter into this administrative action, which is not properly before the Court. *See Al-Shabazz*, 338 S.C. at 377, 527 S.E.2d. at 754 (outlining that the administrative matters are properly before the ALC). Additionally, Appellant’s request for the Court to consider or rule upon grievances in which the Department has not issued a final agency decision is not properly before the Court. *Allen v. S.C. Dep’t of Corr.*, 439 S.C. 164, 168, 886 S.E.2d 671, 672 (2023); *see also* S.C. Code Ann. § 1-23-600(D) (providing that an administrative law judge shall preside over appeals from final decisions of contested cases).

Appellant contends that the failure to allow him to make photocopies of handwritten filings for pending legal proceedings was a violation of due process.<sup>2</sup> While Appellant summarily argues that he has been aggrieved by the Department determination, he has not shown that his inability to make photocopies resulted in an injury. Inmates must “go a step further and demonstrate that the alleged shortcomings in the library or legal assistance program hindered his efforts to pursue a legal claim.” *Hendricks*, 385 S.C. at 630, 686 S.E.2d at 193 (2009). In this matter, Appellant has

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<sup>2</sup> Specifically, Appellant contends two due process violations: (1) SCDC Policy GA-01.03 prohibiting him from making copies of court stamped handwritten documents is a violation of his due process rights, and (2) charging him for copies when he is unable financially to pay is a violation of his due process rights. Discussion of both these issues is not proper unless Appellant can show that an actual injury derived from his inability to use the photocopier. *See Hendricks v. S.C. Dep’t of Corr.*, 385 S.C. 625, 629, 686 S.E.2d 191, 193 (2009); *see also Lewis v. Casey*, 518 U.S. 343, 349 (1996)

not shown that he suffered an injury as a result of not being able to make photocopies of his handwritten materials because he was permitted to create his own copies as provided by SCDC policy. Appellant was denied the ability to make copies on the grounds that under SCDC Policy GA-01.03 an inmate cannot make copies of documents that have been solely created by an inmate. Per SCDC Policy GA-01.03, inmates may not copy handwritten materials, even if they have been notarized. Appellant, in order to have a copy of these materials, was permitted to copy the materials by hand.<sup>3</sup> Therefore, the Record establishes that substantial evidence supports the Department's final determination. *Friends of the Earth v. Pub. Serv. Commission of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (finding "substantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency."). Furthermore "the party challenging a[n administrative agency's] order bears the burden of convincingly proving that the decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence on the whole record." *Porter v. S.C. Pub. Serv. Comm'n*, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998).

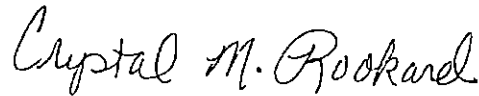
**ORDER**

**IT IS THEREFORE ORDERED** that Appellant's Motion to Incorporate is **DENIED**.

**IT IS FURTHER ORDERED** that the Department's Motion to Supplement the Record is **GRANTED**.

**IT IS FURTHER ORDERED** that the Department's determination is **AFFIRMED**.

**AND IT IS SO ORDERED.**



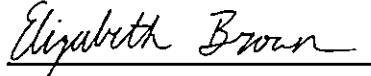
The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

October 21, 2025  
Columbia, South Carolina

<sup>3</sup> When reviewing inmate grievance appeals, this court generally takes a hands-off approach when dealing with internal prison matters unless the alleged infringement involves an inmate's constitutionally protected rights. *Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E.2d 742, 757 (2000).

**CERTIFICATE OF SERVICE**

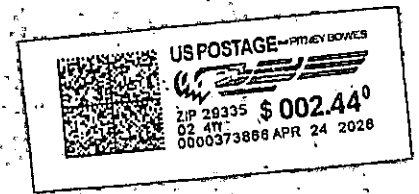
I, Elizabeth Brown, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Elizabeth Brown  
Judicial Law Clerk

October 21, 2025  
Columbia, South Carolina

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