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DEC 08 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Zachary Arnold, #260449 )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 13-ALJ-04-0626-AP

ORDER OF DISMISSAL

**FILED**

October 25, 2013  
SC ADMIN. LAW COURT

This matter is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Zachary Arnold (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant argues that he was wrongly charged with and convicted of the offense of (854) – Exhibitionism and Public Masturbation. Appellant alleges several instances of procedural violations by the Department, including conviction based upon insufficient evidence, failure to follow SCDC Policy Op-22.14, improper investigation of the incident, denial of due process right to a fair and impartial disciplinary hearing per SCDC Policy Op-22.14, and failure to follow the -proper charging procedures. Appellant also concludes with a general assertion that his “substantial and procedural due process rights were violated under the South Carolina and United States Constitutions.”

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 state-created liberty interests typically involving: (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 382; 527 S.E.2d at 757.

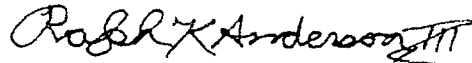
Appellant filed his brief on September 2, 2013.<sup>1</sup> However, Appellant’s brief cites no law or authority in support of Appellant’s position, and it contains only conclusory arguments.

<sup>1</sup> Appellant only filed his brief for docket no. 13-ALJ-04-0625-AP, but it addresses the respective offenses at issue in both that case and docket no. 13-ALJ-04-0626-AP. Because Appellant’s November 14, 2012 hearing before the Department’s Disciplinary Hearing Officer covered the offenses for both cases, the Court will apply Appellant’s

Appellant's arguments are therefore deemed abandoned.<sup>2</sup> See *First Sav. Bank v. McLean*, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994) (noting an issue is deemed abandoned where appellant fails to provide arguments or supporting authority for his assertion); *Eaddy v. Smurfit-Stone Container Corp.*, 355 S.C. 154, 164, 584 S.E.2d 390, 396 (Ct. App. 2003) ("[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not preserved for our review."). For the reasons set forth in this Order,

**IT IS HEREBY ORDERED** that this appeal is **DISMISSED WITH PREJUDICE**.

**AND IT IS SO ORDERED.**



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Ralph King Anderson, III  
Chief Administrative Law Judge

October 25, 2013  
Columbia, South Carolina

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brief to both cases. Also, there is no indication that Appellant served his Notice of Appeal with the Department as required by Rule 59 of the South Carolina Administrative Law Court Rules (SCALCR). This alone could be a ground to dismiss Appellant's appeal, pursuant to Rule 62, SCALCR. However, I find that Appellant's error did not prejudice the Department, as it was able to timely file the Record on Appeal.

<sup>2</sup> Appellant argues that that the Department violated several of its policies. "[A] prison official's failure to follow the prison's own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met." *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5th Cir. 1996). The "constitutional minima" in this case is circumscribed by *Al-Shabazz, supra.* and *Wolff v. McDonnell*, 418 U.S. 539 (1974). Indeed, Appellant's lone citation to legal authority is to *Wolff* and is in support of a general, conclusory statement that "his conviction and sanctions must be reversed" because "his substantial and procedural due process rights were violated under the South Carolina and United States Constitutions. In short, Appellant failed to set forth any due process rights that were violated.

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, 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, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

*E. Harvin Belser Fair*

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E. Harvin Belser Fair  
Judicial Law Clerk

October 25, 2013  
Columbia, South Carolina