

IN THE SOUTH CAROLINA COURT OF APPEALS

Appeal from the South Carolina
Administrative Law Court Judge
Honorable Crystal M. Rookard

Case No: 26-ALJ-04-0197-AP

James Darnell Scott

RECEIVED Appellant

JUL 08 2026

✓ SC Court of Appeals

South Carolina Dept. Of Corrections

Respondents

INITIAL BRIEF OF APPELLANT

Other Counsel of Record:

Teresa S. Player, Esq.
Deputy General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, S.C. 29221

James Darnell Scott
SCDC # 269988
McCormick Corr. Inst.
386 Redemption Way
McCormick, SC 29899

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1. Appellant Appendix #1 (January 28, 2012 Notice of Appeal)

STATEMENT OF ISSUES

- I. Does the South Carolina Administrative Law Court (SCALC) Rules 54, 59, and 62 require Notice of Appeal to be Served upon a Post Office Box or the Last Known Address?
- II. Does an Aggrieved and/or Opposing Party satisfy the South Carolina Administrative Law Court (SCALC) Rules 54, 59 & 62 by utilizing South Carolina Dept of Corrections Inter-Departmental Mailing System?
- III. Is the Notice Of Appeal Form provided to Inmates by South Carolina Dept. Of Corrections misleading to the Inmates and Reviewing Courts?

STATEMENT OF CASE:

This matter is before the South Carolina Court of Appeals pursuant to an appeal filed by James Darnell Scott (Appellant), an inmate incarcerated in the South Carolina Dept. of Corrections (Respondent). This matter stems from a Final Order entered in Respondents favor by the Administrative Law Court Judge, the Honorable Crystal M. Rookard on June 5, 2026 received by Appellant on June 17, 2026. On May 14, 2026 the Respondents filed a Motion to Dismiss asserting that the Appellant failed to serve the Notice of Appeal upon the Respondents as required by Rules 54, 59 and 62 of (SCALCR). On May 22, 2026 Appellant filed a response to the Respondent's Motion to dismiss by asserting that he did in fact serve the Respondents with the Notice of Appeal. The Honorable Crystal M. Rookard (ALJ) ruled that because Appellant mailed the Notice of Appeal to 4444 Broad River Road, Columbia, S.C. 29210 instead of mailing it to: "P.O. Box 21787, Columbia, S.C. 29221, that the Appellant failed to complete and properly serve the Respondents. Thus Appellant's appeal was dismissed for lack of Appellate Jurisdiction. The Appellant have attached with this Brief a 1 page Appendix showing this Court that 4444 Broad River Road, Columbia S.C. 29210 is the last known address and as this Court can see it was stamped RECEIVED by the Office of General Counsel. Proof that Respondents have been receiving legal Correspondence from Appellant at that address since 2012. This appeal follows..

STANDARD OF REVIEW:

The Administrative Procedure Act ("APA") establishes the standard of review in appeals from the Administrative Law Court (ALC). S. C. Code § 1-23-610(B). An Appellate Court may reverse or modify a decision, if the ALC findings or conclusions are:

- 1.) In violation of Constitutional or Statutory provisions
- 2.) In excess of the Statutory authority of the Agency;
- 3.) Made upon unlawful procedure
- 4.) Affected by other error of law,
- 5.) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- 6.) Arbitrary or Capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

ARGUMENT:

I. The South Carolina Administrative Law Court (SCALC) Rules 54, 59, and 62 does not require Notice of Appeal to be Served at a Post Office Box, but the last Known address

On page 2 of the Administrative Law Judges Order dated June 5, 2026 the Honorable Crystal M. Rockard made the following findings and Conclusions of law:

"Notably the address provided on the Certificate of Service for Appellants response contains a different zip code than the one provided on his Notice of Appeal. A close review of the Certificate of Service on the Notice of Appeal filed upon the Court reveals that, in completing the form, Appellant mailed the Notice of Appeal to: 4444 Broad River Road, Columbia S.C. 29210. However the Departments Office of General Counsel designates its mailing address as: P.O. Box 21787, Columbia S.C. 29221-1787. In absence of any Corroborating evidence to establish that Appellant properly made delivery upon the Department, the Court is left to conclude that Appellant failed to complete service of the Notice of Appeal. As such, the Court finds Service was not properly completed and thus, the appeal must be dismissed for lack of Appellate Jurisdiction."

Appellant argues that the ALJ's findings and Conclusions are not only affected by an error of law, but it is also clearly erroneous in review of the reliable, probative, and substantial evidence on the record as a whole. For starters, in the ALJ's Order she found and concluded that Appellant did in Fact mail the Notice of Appeal. However She is of the opinion that because of the differences between zip codes used for the Respondents legal Counsel post office box, and its street address

that Appellant failed to properly complete Service. She (ALJ) concluded that Appellant was required to serve Respondents Legal Counsel at the Post Office Box rather than their street address, because the Respondents designates it as their mailing address.

Therefore there is no dispute that Appellant did in fact mailed the Notice of Appeal to Respondents legal Counsel. The dispute is now, whether mailing the Notice of Appeal to S.C.D.C. legal Counsel's street address instead of their Post Office Box, a sufficient reason to invalidate the service of that document and strip the ALC of its Appellate Jurisdiction?

The Law is very clear on this dispute. Rule 54 of SCALCR States:

"Any document, pleading, motion, brief or memorandum or other paper filed with the Court shall be served upon all parties to the proceeding. Service shall be made upon Counsel if the Party is represented, or if there is no Counsel, Upon the Party. Service shall be made by delivery or by mail to the last known address. Service is deemed complete upon mailing." (Emphasis mine)

As I previously mentioned the ALJ's Order states that the Appellate did mail the Notice of Appeal to: 4444 Broad River Road, Columbia S.C. 29210. Now unless South Carolina Dept. of Corrections have relocated its Office of General Counsel, that address where the ALJ concluded the Notice of Appeal was mailed to, is in fact their last known address. A fact that this Court can take Judicial Notice of, because the same address is embossed at the bottom of Respondent's legal Counsel's letter head. The issue pertaining to the differences between the zip codes, is really no issue at all. The reason why the zip codes

are different is because Respondent's Post Office Box is located in a different location from their actual Office. SCDC Office of General Counsel is located at: 4444 Broad River Road, Columbia S.C. 29210. Both addresses along with their zip-codes are in Fact Correct. The ALJ made an error of law in assuming that Appellant was required to mail the Notice of Appeal to Respondent's designated mailing address. Appellant was only required to mail the document to the Respondent's last known address, and by doing so the Service of the Notice of Appeal was complete. See Rule 54 of SCALCR.

The Court of Appeals may reverse the decision of the ALC where it is in violation of a Statutory provision or is affected by an error of law. see Kiawah Dev. Partners II, v. S.C. DHEC 411 S.C. 16, 28; 766 S.E.2d 707, 715 (2014), Millholland v. S.C.D.C. 873 S.E.2d 784 (2022). In the present case the ALJ erroneously assumed that she had no Appellate Jurisdiction to hear Appellant's procedural and Substantive Due Process issues. However the reliable, probative and substantial evidence on the whole record shows quite clearly that the ALC did in fact have appellate jurisdiction over the case. "ALC has Appellate Jurisdiction over any matter where the procedural pre-requisites for perfecting such appeal have been met. see Slezak v. S.C.D.C. 361 S.C. 327, 331; 605 S.E.2d 506, 507 (2004). Allen v. SCDC 439 S.C. 164, 886 S.E.2d 671 (2023) Moreover because Appellants issues in the case at bar, involves a deprivation of State-Created liberties, there is nothing barring the ALC from deciding this Case. see Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).

II. An aggrieved and/or opposing party can use the South Carolina Department of Corrections "Inter-departmental Mailing System" to satisfy Rule 54, 59 and 62 of SCALCR.

Assuming Arguendo, that Respondents raise the challenge to Appellant's service of the Notice of Appeal on the grounds that S.C.D.C.'s "Inter-departmental mail system" does not meet the requirement of Rule 54 of SCALCR. To the Contrary Appellant would argue that it does. Appellant would like to show the Court the following in relevant parts:

"Service that Complies with Rule 5(b)(1) SCRCP, also Satisfy this rule." see Rule 54 of SCALCR.

"Service upon the Attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or if no address is known, by leaving it with the Clerk of Court, Delivery of a Copy within this rule means: handing it to the attorney or to the Party. (Emphasis Mines) see Rule 5(B)(1) SCRCP

According to Rule 5(b)(1) SCRCP, Delivery of the Notice of Appeal Can be satisfied by handing the document to the attorney, which is the Office of General Counsel; OR to the "Party." One of Black's Law Dictionary definition of "Party" is: "A group participating in a action." Another definition is "A group of persons organized for the purpose of directing the policies of a government". In the case at bar the Party is "South Carolina Dept. of Corrections" Although the Office of General Counsel is the attorney's of record The Institution's Mailroom Postal director/designee is part of this group of persons organized for the purpose of directing the Policies of the South Carolina Dept. of Corrections, thus qualified as a "Party"

or part thereof for purposes of Rule 5 SCRPC(b)(1).

On another note, the Attorney Office for the South Carolina Dept. of Corrections (Office of General Counsel) also uses the Agency's "Inter-departmental mailing system" to serve its pleadings, briefs, motions and other legal documents upon the Appellant. This is another fact that this Court can take Judicial Notice of. A close look at the Certificate of Service filed along with its motion to dismiss is missing everything required by the U.S. Postal Service to make delivery. There's no street number or name, no city, State or Zip Code, only the name of the Institution, Dorm Room and Bunk. Clear proof that those legal documents were not mailed and delivered to me via United States Postal Service. But rather through the Agency's "Inter-departmental mail system". So, with such being the case Respondents would be remissed to challenge the very same mail system they use and govern.

South Carolina Dept. of Corrections Agency Policy and Procedure P.S.-10.08 entitled "Inmate Correspondence System" Dated Sept. 6, 2022, Section 15 is described by Respondents as "Special Postal Services" and it states:

"All Outgoing mail will be processed through the Institutions mailroom. Inmates will be permitted to utilize S.C.D.C "Inter-departmental mail System" for correspondence addressed to employees of the Agency if it is business related."

In this same policy section 11.1 instructs inmates that they can correspond with the Office of General Counsel as well through SCDC Inter-departmental mail System. Now the way this Policy is worded, it gives off the erroneous impression that SCDC Inter-departmental mailing System is optional. However in practice, any inmate with mail addressed to the Office of the

General Counsel is automatically delivered through the "Special Postage Service" (Inter-departmental mail system). So in consequence the loss, misplacement of the Notice of Appeal mailed out to the Office of General Counsel, is in fact the responsibility of the Office of General Counsel, as I alluded to earlier it is that very Office that governs and is the Responsible Authority for Institution Mail room and Inmates Correspondence operations. See PS-10.08 Front Page of Policy.

"Mailing" ordinarily occurs when a document is deposited with the United States Postal Service properly addressed with sufficient postage affixed and any designated mail depository box, whether in building (i.e. Post Office) or along mail route (i.e. Street address) constitutes depository authorized for receipt and delivery of mail. See Green v. Green 320 S.C. 347 (1995) See also South Bridge Prop. Inc v. Jones 292 S.C. 198, 355 S.E.2d 535 (1987) see also Rosen v. U.S. 245 U.S. 467 (1918)

In establishing an office custom to support an inference of mailing, a party must demonstrate the document in question was (1) prepared for mailing, that is written, signed placed in a envelope, addressed, and deposited in the regular place of mailing, and (2) that the Party followed the Office mailing custom. See McCoy v. Blue Cross and Blue Shield of Utah, 980 P.2d 694 (1999). To establish that a mailing occurred it is sufficient for the affiant of mailing to set forth that he or she possessed personal knowledge of the mailing or describe the standard office practice or procedure used to ensure that the items were properly addressed and mailed. See Delta Diagnostic Radiology PC v. Chubb Group INS, 847 NYS2d 322 (2007) Therefore it is clear that ANY mail designated depository box whether in building (i.e. Post Office) or along mail route

(i.e. street address) constitutes a depository authorized for receipt and delivery of mail. Even though the Department of Corrections "Inter-Departmental Mail System" does not require postage be affixed to the envelope, and even though the mail does not pass through the hands of a United States Postal Service Carrier, Appellant believes that enough evidence can be judicially Notice. Appellant and Respondents both use this Special Postal Service, therefore it is a standard office practice and custom of the South Carolina Dept. of Corrections. see U.S. v. Diaz-Martinez, 380 F. Supp3d 486 (E.D. VA 2019) ("Evidence of business practices or office customs pertaining to mail is appropriate but a party giving a sworn statement about the mailing practices must have personal knowledge that the mailing occurred.") So whether Appellant mailed the Notice of Appeal to the Respondent's Attorney's Street address or the Post Office Box. It doesn't matter because the mailing Custom of the Office of General Counsel doesn't utilize the United States Postal Service, neither does the Institutional Mailrooms when the mailed is addressed to that Office. When "SCDC Office of General Counsel" is written on the envelope the mailed is forwarded to their Office by means of Inter-departmental mail.

III. The Notice of Appeal forms provided to Inmates by the South Carolina Dept of Corrections, misleads both the Inmates and the Reviewing Courts.

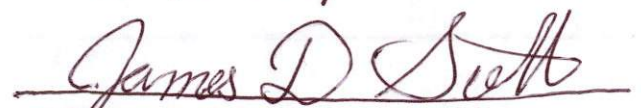
As I have already established, which this Court can take Judicial Notice of the fact that the Notice of Appeal forms are sent to the Office of General Counsel through Inter-departmental mail. It does not go through the United States Postal Service, Postage is not affixed to the envelope, and it is delivered to the Office of General Counsel by Non-U.S. P. S. Carriers who are often Bus drivers who are hired to transport inmates. Now if this Court

Court will please take notice of these "Notice of Appeal" forms, they give the Court and inmates the false impression that after the form is filled-out and placed in an envelope that it will be handed over to the United States Postal Service to deliver. This present case is a good example of how those forms can mislead the reviewing Courts. the Honorable Crystal M. Rookard (ALJ) was misled into believing that address on those forms are relevant to show the United States Postage Service where to deliver the mail. That is not the case, Appellant could have put any address on that form and, as long as the Envelope says: "SCDC Office of General Counsel" that form will get delivered to: 4444 Broad River Road, Columbia, S.C. 29210" through the SCDC Inter-departmental mail system. To avoid future waste of Scarce Judicial Resources, Appellant proposes that either correct the written means of service on those forms so it reflects the "Inter-departmental Mailing system, or mail future legal documents and forms through the U.S.P.S, as it is written on those forms.

IV. CONCLUSION:

Appellant Prays that this Honorable Court will Reverse and Remand the final Order of the ALJ Honorable Crystal M. Rookard, based on the foregoing arguments.

Respectfully Submitted,



James Darnell Scott
SCDC No. 269988
McCormick Corr. Inst.
386 Redemption Way
McCormick, S.C. 29899

Dated: June 26, 2026

Dismissed

APPELLANT APPENDIX#1

12-56

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

James Darnell Scott # 269988,

Appellant.

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. ALJ-04-

GRIEVANCE NO.: BRCI-1625-10

Int - Proc.

Notice is hereby given that James Darnell Scott does hereby appeal the final decision of the South Carolina Department of Corrections dated August 15, 2011 and received on January 24, 2012, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

James Darnell Scott has a liberty-interest in his Custody Classification and Conditions of Confinement under Sardin v. Connor 515 U.S. 475 (1995) and Wilkinson v. Austin, 545 U.S. 209 (2005). The South Carolina Department of Corrections have violated that liberty-interest without due-process of Law. A liberty interest may arise from the Constitution itself, or it may arise from an expectation or interest created by State laws or Policies. SCDC Agency Policy and Procedure C.P. - 21.01 allows for inmates renunciation. James Darnell Scott may only be considered for release from STG status if he renounces his affiliation with the group. James Darnell Scott has attempted and requested Renunciation, but has been denied on numerous occasions this violates Scott's due-process and amounts to a abuse of discretion.

James Darnell Scott # 269988
Appellant's Name

Signed

James D. Scott

P.O. Box 430 Oaklawn Road
Mailing Address

Dated

January 28th 2012

Pelzer, S.C. 29669

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, James Scott (your name), on the 28 day of January, 2012, in Pelzer (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, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: South Carolina Department of Correction

Address: Office of General Counsel
4444 Broad River Rd.

City, State, Zip Code: Columbia, S.C. 29210

IN THE SOUTH CAROLINA
COURT OF APPEALS

Appeal from the South Carolina ALC
The Honorable Crystal M. Rookard

Case no: 26-ALJ-04-0197-AP

James Darnell Scott

Appellant

VS

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JUL 08 2026

SC Court of Appeals

South Carolina Dept. of Corr.

Respondent

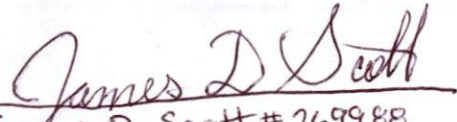
PROOF OF SERVICE

I James Darnell Scott do certify that I prepared and Signed A Notice of Appeal and Initial Brief of Appellant. It was sealed in a enveloped addressed as Follows, and deposited in the regular place of mailing in accordance with SCDC Standard Office practice and Procedure.

Teresa S. Player
Deputy General Counsel
South Carolina Dept. of Corr.
P.O. Box 21787
Columbia, S.C. 29221

Dated: June 26, 2026

cc: SC Administrative Law Court
SCDC Office of General Counsel


James D. Scott # 269988

James Darnell Scott
SCDC # 269988
McCormick Corr. Inst.
386 Redemption Way
McCormick, S.C. 29899

Clerks Office
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

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SC Court of Appeals

R.E: James Darnell Scott v. South Carolina Dept. of Corrections
Case No: 26-ALJ-04-0197-AP
Notice to Appeal

Dear Clerk of this Honorable Court:

Please find enclosed with this letter, Appellants Notice of Appeal from the Final Order of ALJ Honorable Crystal M. Rookard entered into on June 5, 2026. You will also find 2 Copy of the Final Order, along with Appellants Initial Brief and Proof of Service. Please file all of the Above with this Court. Thank You In advance.

June 26, 2026

With best regards, I AM,

James D. Scott

James D. Scott #269988
McCormick Corr. Inst RHU-B22
386 Redemption Way
McCormick, S.C. 29899



US POSTAGE PAID PITNEY BOWES
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Clerks Office
S.C. Court of Appeals
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