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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 24-ALJ-04-0333-AP
Appellate Case No. 2026-001549

STEVEN FREEMAN, # 320516,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

INITIAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

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STATEMENT OF ISSUE ON APPEAL

**APPELLANT IS NOT ENTITLED TO ACCESS HIS LONG-TERM SAVINGS
WHERE HE IS NOT SERVING LIFE IN PRISON OR A SENTENCE OF DEATH.**

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Steven Freeman (Appellant), an inmate in the custody of the South Carolina Department of Corrections. Appellant submitted a Step 1 grievance on January 30, 2024, claiming that he should be permitted to access his long-term savings account because he is serving a “mandatory sentence that exceeds his life expectancy.” The grievance was denied on February 12, 2024, and Appellant submitted a Step 2 grievance the next day. This grievance was also denied, and Appellant submitted a Notice of Appeal to the Administrative Law Court on March 22, 2024. On June 3, 2026, Administrative Law Judge S. Phillip Lenski issued an Order of Dismissal. This appeal follows.

STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (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.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

ARGUMENT

APPELLANT IS NOT ENTITLED TO ACCESS HIS LONG-TERM SAVINGS WHERE HE IS NOT SERVING LIFE IN PRISON OR A SENTENCE OF DEATH.

Appellant argues that he is serving a sentence that exceeds his life expectancy and therefore should be allowed access to his long-term savings account under S.C. Code 24-3-40. This code section reads as follows:

(A) Unless otherwise provided by law, the employer of a prisoner authorized to work . . . under [the] prison industry program . . . shall pay the prisoner's wages directly to the Department

. . . .
The Director of the Department of Corrections . . . shall deduct the following amounts from the gross wages of the prisoner:

. . . .
(5) Ten percent must be held in an interest-bearing escrow account for the benefit of the prisoner.

. . . .
(B) The Department . . . shall return a prisoner's wages held in escrow pursuant to subsection (A) as follows:

- (1) A prisoner released without community supervision must be given his escrowed wages upon release.
- (2) A prisoner serving **life in prison or sentenced to death** shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.
- (3) A prisoner released to community supervision shall receive two hundred dollars or the escrow balance, whichever is less, upon his release. Any remaining balance must be disbursed to the Department of Probation, Parole and Pardon Services. The prisoner's supervising agent shall apply this balance toward payment of the prisoners' housing and basic needs and dispense any balance to the prisoner at the end of the supervision period.

S.C. Code Ann. § 24-3-40(A), (B) (emphasis added).

Appellant is currently age 49 and is serving a fifty-year sentence for murder. (See Order, p. 2). His projected release date is in 2056, which means that he will be released at age 79. (See Order, p. 2). There was no evidence presented to the lower court regarding Appellant's life expectancy, but

Appellant did cite to S.C. Code 19-1-150, the South Carolina Life Expectancy Tables. According to these tables, a 49-year-old male has a life expectancy of 30.07 years. See S.C. Code 19-1-150. This means that Appellant's current life expectancy is 79.07 years. Additionally, the life expectancy tables are not conclusive as they permit "other evidence as to his health, constitution, and habits." S.C. Code 19-1-150. There is no other evidence in the record regarding Appellant's health, constitution, and habits. Therefore, Appellant cannot definitively show, on this record, that his sentence actually does exceed his life expectancy.

Regardless, S.C. Code 24-3-40 is clear that only inmates sentenced to "life in prison or sentenced to death" can access their long-term savings. The cardinal rule of statutory interpretation is to ascertain and effectuate the legislative intent whenever possible." Lightner v. Hampton Hall Club, Inc., 419 S.C. 357, 363, 798 S.E.2d 555, 558 (2017) (citing Mitchell v. City of Greenville, 411 S.C. 632, 634, 770 S.E.2d 391, 392 (2015)). The statute clearly gives inmates only serving life in prison or sentenced to death the option to distribute money in an escrow account to a person or entity. Therefore, per the plain language of the statute, Appellant cannot currently have access to his long-term savings account.

Appellant claims that two recent cases support his claim that he should be granted access to his long-term savings. First, he argues that Baum v. S.C. Dep't of Corr., 2019-UP-104 (S.C. Ct. App. filed March 13, 2019) (*certiorari denied*), applies to him. See Brief of Appellant, p. 7. However, in Baum, this Court found that S.C. Code Ann. § 24-3-40 allows for an inmate serving **life in prison** to have the option of having his long-term wages included in his estate or immediately distributed to persons or entities of his choice. The decision in Baum plainly does not apply to Appellant because Appellant is not serving a life sentence.

Appellant also argues that the case of State v. Slocumb, 426 S.C. 297, 827 S.E.2d 148 (2019), supports that he should be able to access his long-term savings because it recognized that Slocumb's 130-year sentence was a "de-facto life sentence." Slocumb does not support that Appellant's 50-year sentence is a de-facto life sentence. As mentioned previously, it is entirely possible that Appellant will be alive and released at age 79 in 2056. Regardless, Slocumb is wholly inapposite to this case. Slocumb dealt with the propriety of a juvenile offender receiving an aggregate 130-year prison sentence for multiple non-homicide offenses. Slocumb's roots were derived from United States Supreme Court cases dealing with sentencing of juvenile offenders. See generally id. Slocumb did not in any way deal with prison industries' long-term savings accounts.

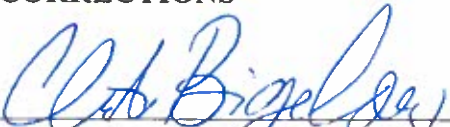
Based on the foregoing, Appellant, who is serving a term of years and not life in prison or death, is not entitled to access his long-term savings.

CONCLUSION

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
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October 2, 2026