

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Administrative Law Judge Milton G. Kimpson

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ALC Case No. 19-ALJ-04-0625  
Appellate Case No. 2020-000356

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**RECEIVED**

AUG 20 2020  
SC Court of Appeals

Thomas Thompson #80681

Appellant

v.

South Carolina Dept. of Corrections

Respondent

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APPELLANT'S FINAL BRIEF

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Thomas Thompson #80681  
Pro Se Litigant  
Tyger River CI  
200 Prison Road  
Enoree, S.C. 29335

## TABLE OF CONTENTS

Table of Authorities	1
Statement of Issue on Appeal	1
Statement of Case	2
Argument	2 & 3
Conclusion	3 & 4

TABLE OF AUTHORITIES

8<sup>th</sup> Amendment, US Constitution- Protection from Cruel an Unusual  
Punishment

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STATEMENT OF ISSUE ON APPEAL

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HAS THE DEPARTMENT VIOLATED THOMPSON'S 8<sup>th</sup> AMENDMENT ROGHT  
TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT BY REQUIRING  
HIM TO WEAR A UNIFORM SYMBOLIC OF PUNISHMENT WITHOUT DUE CAUSE  
AND THROUGH UNETHICAL MEANS?

## STATEMENT OF THE CASE

Appellant, Thompson is an inmate working in the Prison Industries Employment Program at Tyger River Correctional Institution where he has been employed since June 2016. In the summer of 2019 a notice was posted by the Plant Manager stating that striped uniforms would be issued as the required attire for PI workers. Upon being issued uniforms Thompson initiated a grievance. On 10-24-19 Thompson received a denial of his step-1 grievance stating that the SCDC had no policy stating what kind of uniform inmates are to wear to work in PI, that the Department gave these uniforms to PI workers so they could keep their orange uniforms clean for visits, etc and that they were only asked to wear them during their work shift. (R.p4) Thompson filed a step-2 grievance and received an answer on 12-5-19 again stating that there was no policy about what to wear to work in PI and that the uniforms were to help inmates keep their orange uniforms clean. This response stated that the grievance was resolved. (R.p5) Thompson filed an appeal in the Administrative Law Court detailing these events and the history of these uniforms which argued that the forced wearing of these uniforms was humiliating, degrading and caused mental anguish. Thompson argued that this violated his Constitutional rights regarding cruel and unusual punishment. Judge Kimpson issued an Order of Dismissal on 2-6-20. (R.p1-3) Thompson now brings his case to the Court of Appeals.

## ARGUMENT

These uniforms with broad horizontal stripes (also pocketless and essentially sleeveless) are a universal symbol of punishment. There are no changing areas in PI so inmate must wear the chain-gang style uniform to work and where ever they go during their work shift (which includes the cafeteria, medical, mailroom, property control, etc) where they intermingle with other inmates. This imposes an atypical hardship by stigmatizing them and exposing them to ridicule.

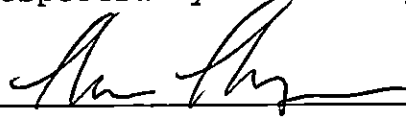
The Department originally purchased these uniforms for the entire population and later changed plans and had their own prison factories manufacture solid orange uniforms which were issued. It had to be a substantial reason to render this taxpayer money wasted and some 80,000 uniforms unusable yet can it not be substantial enough to stop a minority from wearing them? The Department's responses have been arbitrary. Tyger River Correctional has a policy which states that PI workers must wear striped uniforms to work therefore by extension this is an SCDC policy. There is a routine response to any complaint regarding working in PI whether it is lack of recreation or dirty uniforms. Thompson reached out to the mental health person for assistance about these uniforms and got the standard answer- "you don't have to work in PI-get another job." The Department is simply desperate to make use of these uniforms. Pants have been trimmed into shorts and exchanged for the old tan shorts purchased from the canteen. The issue of these uniforms to PI workers essentially uses the financial benefits of this job to extort them into submitting to wear them. The Department previously punished sexual misconduct charges by making the offender wear a stigmatizing pink jumpsuit. This practice was stopped presumed by the Courts. If it is wrong to punish people this way then how can it be appropriate to coerce inmates who have earned the privilege of working in PI through continuous good behavior to submit to this punishment?

#### CONCLUSION

Judge Kimpson was indeed correct in his footnote "... a Prison Industry work program is a privilege and not a punishment" (R.p3) Wearing these chain-gang uniforms when all other inmates wear solid orange is a punishment. The stigmatism attached to them and the methods used to force inmates to wear them is cruel and unusual punishment. Thompson argues that it is the duty

and responsibility of this Court as all Courts to protect the Constitutional rights of those persons who have properly applied through the procedures available to them for relief.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Tom Thompson', is written over a horizontal line.

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August 12, 2020

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CERTIFICATE OF COUNSEL

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The undersigned certifies that the Final Brief complies with  
Rule 211(B), SCACR.

  
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Thomas Thompson #80681  
Pro Se Litigant

August 12, 2020