

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2020-CP-40-02435

RECEIVED

Eric Samuel

South Carolina Department of Corrections

OCT 15 2021

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. No. suit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

RECEIVED  
2021 SEP 30 PM 3:10  
RICHLAND COUNTY  
FILED  
JENNIFER W. BRIDGEMAN  
CLERK OF COURT  
S.C. CP. S.S. 1 & 2  
CIRCUIT COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk:

This matter comes before the Court on a Motion for Summary Judgment filed by Defendant South Carolina Department of Corrections. A hearing on the Motion was held on September 9, 2021 in Richland County. Plaintiff, appearing Pro Se, and Defendant, represented by William Gunn, were present.

The requirements for granting summary judgement under Rule 56 are often stated and according to the decision in *Osborne v. Adams*, 346 S.C. 4, 550 S.E.2d 319 (2001) the standard is:

In reviewing the grant of a summary judgment motion, the Court applies the same standard which governs the trial court under Rule 56(c), SCRPC: summary judgment is proper when "there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991).

After consideration of the Motion and arguments by Mr. Samuel and Mr. Gunn, the Court **GRANTS** Defendant's Motion for Summary Judgment. The Supreme Court of South Carolina has previously held that "inmates do not have a constitutional right to confront and cross-examine witnesses who testify against them in prison disciplinary proceedings." *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211, 220-211 (2012).

Therefore, the Court finds there are no genuine issues of material fact to be determined by a jury.

**IT IS SO ORDERED.**

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge MB Judge Code 2161 Date 9-28-21

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court \_\_\_\_\_