

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Yahya Muquit, #318455, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No. 13-ALJ-04-0262-AP

**ORDER OF DISMISSAL**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

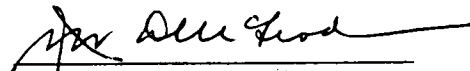
Inmate appeals from the decision in his Step 2 Grievance which affirms Appellant's conviction for Exhibitionism and Public Masturbation (854), SCDC Policy OP-22.14 Inmate Disciplinary System.

He (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here.<sup>1</sup>

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here.

Therefore, for the foregoing reasons this appeal is hereby **DISMISSED, WITH PREJUDICE.**

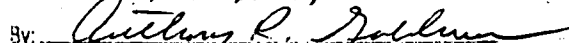
Columbia, S.C.  
April 4, 2013

  
John D. McLeod, Judge  
S.C. Administrative Law Court

<sup>1</sup> The ALC no longer hears appeals based on failure to hear good time credits. See S.C. Code Ann. § 1-23-560 (D) amended by Act 334 (2008).

This is to certify that the undersigned has this date served this order in the above entitled matter upon all parties to this cause by depositing a copy thereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 4 day of April, 2013

By: 

**FILED**

APR 04 2013

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

\_\_\_\_\_)  
Appellant, \_\_\_\_\_)  
vs. \_\_\_\_\_)  
South Carolina Department of Corrections, \_\_\_\_\_)  
Respondent. \_\_\_\_\_)

NOTICE OF APPEAL

DOCKET NO. ALJ-04-  
GRIEVANCE NO.: LCT 2373-12

Notice is hereby given that Mr. Yahya Muqit, 318455 does hereby appeal the final decision of the South Carolina Department of Corrections dated 3/18/13 and received on 3/18/13, 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)):

My first ground for appeal is that An I/M can not be identified by way of a (OTR) order to report. And that was done to me. (2) my second ground is, the appellant has been denied due process because OP 22.14 was violated: SCDC policy/ Procedure ADM-11.17 Employee Conduct, SCDC Policy/Procedure ADM-11.34, Employee-Inmate Relations And Lastly OP 22.15 Inmate Governance. (3) By violation of the policy the Appellant has lost <sup>LOSS</sup> Access to programs, recreation, daily Access to move, Mental Health personnel, lost of days, Access to treatment. (4) The DHO

Mr. Yahya Muqit  
Appellant's Name  
P.O. Box 205  
Mailing Address  
Ridgerville SC, 29472  
City, State, Zip Code

Yahya Muqit  
Signed  
3/21/13  
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Y. Muqit (your name), on the 21 day of March, 2013, in Ridgerville (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: Lieber C. I  
Address: PO Box 205  
City, State, Zip Code: Ridgerville, South Carolina 29472

Mr. Yahya Muqit  
Print your name: Yahya Muqit

Yahya Muqit  
Sign your name: Yahya Muqit

(See reverse side for instructions)

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Mr. Yahya Muqit

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-  
GRIEVANCE NO.: LCI 2373-18

Notice is hereby given that Mr. Yahya Muqit 318455 does hereby appeal the final decision of the South Carolina Department of Corrections dated 3/18/13 and received on 3/18-2013, 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)):

Failed to take Notice of the fact that the Appellant Made known he was never served Notice of the Charges that he was brought forth to face. (5) The Appellant didnt receive an Incident report untill 12-25-13 and the DHO still dis regarded the appellants testimony in an unfair <sup>biased</sup> ~~biased~~ partial manner toward the Appellant, with a ruling of Guilty in spite of the pleas from the Appellant see DHO Tape of Hearing.

Mr. Yahya Muqit

Appellant's Name

Signed

Yahya Muqit

PO Box 205

Mailing Address

Dated

3-21-2013

Ridgeville South Carolina 29472

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Yahya Muqit (your name), on the 21 day of March, 2013, in Ridgeville (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: Lieber Correctional Institution

Address: PO Box 205

City, State, Zip Code: Ridgville SC 29472

Yahya Muqit

Print your name

Sign your name

Yahya Muqit

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

**ORIGINAL**  
Page 1 of 2

Institution/Center: <u>LIEBER CORRECTIONAL INSTITUTION</u>	
Date of Report: <u>11-13-2012</u>	Time of Report: <u>APPROXIMATE 2:50</u>
Reporting Official: <u>CAROLYN ELMORE</u>	Date of Incident: <u>11-13-2012</u>
Location of Incident: <u>COOPER A/WING CELL # 6</u>	Time of Incident: <u>APPROXIMATE 10:00</u>
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. <u>MUQUIT, YAHYA #318455</u> B M	1. <u>CAROLYN ELMORE</u>
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I OFC. CAROLYN ELMORE WHILE ASSIGNED TO COOPER A/WING WAS CONDUCTING SECURITY CHECKS AND INFORMING 2nd SHIFT CAFETERIA WORKERS TO GET DRESS FOR WORK. COOPER A/WING WAS IN PHASE AT THE TIME. AS I WAS CONDUCTING CELL CHECKS # 20-14 I OBSERVED INMATE #318455 MUQUIT, YAHYA LOOKING DIRECTLY AT ME AS I STARTED DOWN THE STAIR IN THE FLOOD ZONE. IN/MUQUIT IN CELL # 6 POSITION HIMSELF UP ON TOP OF A DESK/TABLE WITH HIS PENIS COMPLETELY EXPOSED, WITH HIS HAND MOVING BACK FORTH AND UP/DOWN MOTION ON HIS PENIS WHILE LOOKING DIRECTLY AT ME. AS I OFC ELMORE COMPLETELY ~~BY~~ THE SECURITY CHECKS, I WENT BACK TO OPEN CELL # 7 TO RELEASE A 2nd SHIFT CAFETERIA WORKER. IN/MUQUIT IMMEDIATELY POSITION HIMSELF IN FRONT OF THE WINDOW # 6066 STANDING LOOKING DIRECTLY AT ME AGAIN WITH HIS PENIS COMPLETELY EXPOSED WITH HIS HAND MOVING UP/DOWN AND BACK/FOORTH MOTION ON HIS PENIS WHILE LOOKING DIRECTLY AT ME (OFC ELMORE). AFTER I OFC ELMORE RELEASE 2nd CAFETERIA WORKER, I WENT BACK OVER TO CELL # 6 AND ASK FOR INMATE DAVIS, SO I COULD SEE POSITIVE IDENTITY WHICH INMATE WAS AT THE

Signature: Carolyn Elmore

**INMATE COPY**

Evidence: \_\_\_\_\_

Witness(es): \_\_\_\_\_

Supervisor's Comments: I/IM MUQUIT WILL BE CHARGED AS STATED ABOVE WITH 854.

A copy forwarded to M#

Signature: [Signature] Title: LT Date/Time: 11-13-12

STG Related - Refer to STG Committee  
 Yes     No     Unknown

This Incident is DRUG related  
 Yes     No     Unknown

Major / Responsible Authority:  
Forward to DHO

854 Action Taken

Informal Resolution  
 Administrative Resolution  
 Refer to Disciplinary Hearing

Signature: [Signature] Title: Capt Date: 11/17/12

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT SUPPLEMENT

ORIGINAL

Institution/Center: <u>LIEBER Correction Institution</u>		Date of Report: <u>11-13-2012</u>	
Reporting Official: <u>Carolyn Elmore</u>		Date of Incident: <u>11-13-2012</u>	
Location of Incident: <u>CORR AILING Cell #6</u>		Time of Incident: <u>Approximate 10:00</u>	
Inmate(s)/Resident(s)	SCDC#	Age Race Sex	Employee(s) Involved
1. <u>MUQUIT, YAHYA</u>	<u>#31845J</u>	<u>B M</u>	1. <u>CAROLYN Elmore</u>
2.			2.
3.			3.

Details of Incident:

DOOR EXPOSING HIS PENIS, IN/MUQUIT TRIED TO GIVE ME AN ORDER TO REPORT WITH HIS NAME ON IT, I ASK IF THAT ORDER TO REPORT WAS HIS, IN/MUQUIT REPLIED "YES" I ASKED "WHO IS INMATE #239761 DAVID WILLS, IN/MUQUIT WOKED UP INMATE WILLS. IN/WILLS AWAKE AND TOLD ME OFC Elmore HIS NAME WAS DAVID WILLS. AFTER IDENTIFYING THE IN/MUQUIT WITH HIS NAME I WANT TO MAKE SURE I CHARGE THE CORRECT INMATE THEREFORE INMATE MUQUIT, YAHYA IS BEING CHARGED WITH AN 854 EXHIBITIONISM AND PUBLIC MASTURBATION

END OF REPORTS

INMATE COPY

The State of South Carolina  
In The Court of Appeals

Appeal from the Administrative Law  
Court

[In The Supreme Court]

Rule 33 Notice of  
Appeal

John D. McLeod, Judge  
Docket No. 13-ALJ-04-0262-AP

Yahya Muqit

Appellant

v.

South Carolina Department of  
Corrections.

Respondent

Notice of Appeal

Yahya Muqit appeals the decision of the Honorable  
John D. McLeod, Judge dated April 4, 2013. Appellant  
received a copy of this decision on ~~April 15~~ April 15, 2013

May 1, 2013

General Counsel  
PO Box 21787  
Columbia, SC 29221-1787

Administrative Law Court  
1205 Perimeter Street, Suite  
724 Columbia, SC 29201

Kenneth A. Richstad  
Clerk PO Box 11629  
Columbia, SC 29211

MAY 03 2013

The State of South Carolina  
IN the Court of Appeals  
[IN the Supreme Court]

Appeal from Administrative Law  
Court  
~~Appeal from Florence County  
Court of Common Pleas~~

~~XXXXXX~~

CASE No. \_\_\_\_\_

Yahya Muqit

Appellant,

v.

South Carolina Department of Corrections

Respondent.

Proof of Service

I certify that I have served the Notice on Kenneth A Richstad and General Counsel, by depositing a copy of it in the United States Mail, postage prepaid on May 3, 2013, addressed to General Counsel of Record P O Box 21787 Columbia SC 29221-1787.

May 3, 2013

General Counsel  
PO Box 21787  
Columbia SC 29221

Kenneth A Richstad  
Clerk PO Box 11629  
Columbia, SC 29211

MAY 03 2013



The STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]  
Appeal From The Administrative Law  
Court

CASE No 13-ALJ-04-0262-AP

John D. McLeod, Admin Law Judge

Yahya Muqit, 318455, Appellant

v.

S. C. DC. General Counsel, Respondant

Second Notice of Appeal

Yahya Muqit appeals the decision of The Honorable  
John D. McLeod dated for the First Notice on May 18, 2013

This Second Notice is Made Again with A proof of service  
An A Noterized Affidavit This day of 5-28-13.

Also General Counsel has Also been Notified

Other Counsel of Record  
1444 Broadview rd  
Columbia SC 29221.

Yahya Muqit  
PO. Box 205  
318455 Aa7  
Ridgeville, SC  
29472

Yahya Muqit

The STATE OF SOUTH CAROLINA  
In the Court of Appeals  
[In the Supreme Court]

Appeal From Administrative  
Law Court

CASE No 13-ALS-04-0262-AP

John D. McLeod, Admin Law Judge

Yahya Muqit, 318455 Appellant

v.

General Counsel, SCDC. Respondant

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Proof of Service

I certify that I have served the Notice of Appeal on the Administrative Law Court General Counsel by depositing a copy of it in the U.S. Mail, postage prepaid, on this day 5-28-13 This is my second Notice, with Affidavit to

Yahya Muqit



RECEIVED  
MAY 17 2013  
MAIL ROOM  
LIBER CL

INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES

AA  
07  
flex  
RECEIVED

MAY 24 2013

The top section is for completion by inmate: By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Yahya Muqit AA 07

SCDC # 318455 INMATE SIGNATURE: Yahya Muqit

I plan to file this action in the ~~SC~~ county of South Carolina Court of Appeals

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period ..... \$ 0
- (2) Twenty percent (20%) of line 1 ..... \$ 0
- (3) Account balance - current date ..... \$ 0
- (4) PAYMENT AMOUNT  
(Lesser of line 2 or line 3) ..... \$ 0

Check # \_\_\_\_\_ in the amount of line four was returned to the inmate for mailing by inmate to the court with his filing.

Admission date is noted here if inmate incarcerated less than six months: \_\_\_\_/\_\_\_\_/\_\_\_\_

RECEIVED

JUN 14 2013

SC Court of Appeals

Prepared by [Signature]  
Financial Accounting Branch  
South Carolina Department of Corrections

5/2/13  
Date