

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE STATE OF SOUTH CAROLINA

APPEAL FROM ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE LAW COURT

CASE No 2014:002088

Akeem Alim-Nafis Abdullah-Malik
APPELLANT, Pro-Se

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RESPONDANT

Akeem Alim-Nafis Abdullah-Malik
COUNSEL OF RECORD, Pro-Se
KERSHAW CORRECTIONAL INSTITUTE
4848 GOLDMINE HIGHWAY
KERSHAW, SOUTH CAROLINA (29057)

LEGAL

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Arguments

I. Because South Carolina Department of Corrections Policy [SCDC] CP 22.14 Outlines Prisoners Have the Right to Call Witnesses for the Purpose of Disciplinary Hearing. Disciplinary Hearing Officers are Required to Permit a Prisoner to Call Witnesses on his/her behalf.

Thus therefore a Disciplinary Hearing shares the Right to Due Process and Right to Obtain Witnesses in Prisoner Fair.

II. Because South Carolina Department of Corrections [SCDC] Policy CP.22.14 Outlines the Process of Minor Infractions and Major Infraction by Length of Series & Degree & Nature of Disciplinary. Does SCDC Violate its own Policy by Escalating the Penalties of a Minor Charge to a Major Charge Penalties In spite the Sanction is Minor & Near Infraction However when a SCDC Prisoner

LEGAL

□ DO NOT EXERCISE THE LIMITED RIGHTS
OF A PRISONER. HE OR SHE IS NOW DISCIPLINED
AS THOUGH HE OR SHE WAS SCHEDULED WITH A
MAJOR CHARGE. BECAUSE A PRISONER OF SLEDC HAS
TO ATTEND A DISCIPLINE HEARING ALL CHARGES ARE
AUTOMATICALLY INCREASED TO A MAJOR INFRACTION.
TO DETER A PRISONER FROM OFFENDING DHO &
WAIVING RIGHTS...

III BECAUSE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
[SLED] POLICY DP 22.14. MUTUAL TO A DISCIPLINARY
HEARING OFFICER [DHO]. WHAT WARRANTS THE
NEED OF RESTRAINT OF A PRISONER AT A "DHO"
HEARING. DOES A DHO OFFICER VIOLATE
THIS POLICY BY RESTRAINING A PRISONER UNWARRANTED
BEHIND HIS OR HER BACK. FOR THE ENTIRE HEARING
A REPORTING SUBORDINATE OFFICER TO DETAIN A MINOR
INFRACTION PRISONER IN A CELL PRIOR TO & RETURNING
TO THE CELL UNWARRANTED WHEN THE INFRACTION IS
NOT A SEGREGATED INFRACTION.

IV BECAUSE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SLED POLICY DP 22.14 AND CP 21.04. GOVERNING
DHO PROCEDURES & CLASSIFICATIONS. DOES SLED
CREATE A STATE LIBERTY INTEREST TO A PRISONER
BY AUTHORIZING THE INCREASING A PRISONER(S) **LEGAL**

CLASSIFICATION / CUSTODY STATUS, EVEN IF
THE PRISONERS' INTERACTION IS A MINOR INTERACTION
THAT WAS INCREASED TO MAJOR ACTIONS. HOWEVER
ONLY MAJOR CHARGE. ULTIMATELY, PERMITTING SCDL
TO HEIGHTEN PRISONER SECURITY, RESTRICTING RE-
HABILITATION, EDUCATION, WORK-TRAINING, HIGHER SECURITY
PRISON CHARACTER DETERMINATION OF CHARACTER TO PRISONER.

II BECAUSE OF SCDL POLICE VIOLATIONS, OMBUDSMAN,
LEGAL INTERPRETATIONS BY ADMINISTRATIVE AGENTS
ADMINISTERING JUDICIAL FUNCTION. DID THE
ADMINISTRATIVE LAW COURT ERR IN
PERMITTING THE SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS TO DISRESPECT THE LAWS OF THE LAND,
THE LAWS OF SOUTH CAROLINA AND SCDL OWN
ADMINISTRATIVE POLICIES CP. 22.14 and CP 21.04.

CONCLUSION

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[v]

LEGAL

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[VI]

LEGAL

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE STATE OF SOUTH CAROLINA

Akeem Alim-Nafis Abdullah-Malik
Appellant, Pro-Se

CASE No: 2014-002088

v.

SOUTH CAROLINA Department of Corrections
(Respondent)

INITIAL BRIEF

COMES Now, Akeem Alim-Nafis Abdullah-Malik, Pro-Se, Appellant. [HEREINAFTER] Appellant. MOVES THIS HONORABLE COURT OF APPEALS, FOR THE STATE OF SOUTH CAROLINA PURSUANT TO THE UNITED STATES CONSTITUTION AND SOUTH CAROLINA CONSTITUTION. RIGHTS TO REDRESS, RIGHTS TO DUE PROCESS, EQUAL PROTECTION OF LAWS, AND TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENTS).

S.C. CODES OF 1976 APPLICABLE, SCLCR 203 (a) (b) (c), 208 (a) ...

STATEMENT OF ISSUES ON APPEAL

- I. DID THE ADMINISTRATIVE LAW COURT ERR BY ^① CLAIMING APPELLANT MADE NO CLAIM FOR LOSS OF STATE CREATED LIBERTY ^② APPELLANT MADE NO CONTENTION THAT HIS SENTENCE, SENTENCE RELATED CREDITS, OR CUSTODY STATUS HAS BEEN ERRONEOUSLY CALCULATED.
- II. DID THE ADMINISTRATIVE LAW COURT ERR BY NOT SEEKING FURTHER REVIEW IN DETERMINING A PRISONER STATE CREATED LIBERTY INTEREST.
- III. DID THE ADMINISTRATIVE LAW COURT ERR MISTAKENLY BY NOT FULLY UNDERSTANDING THE SDCJ PRISONER DISCIPLINARY SYSTEM. ALSO HOW SDCJ POLICY OP 22.14 ESTABLISHES A MANDATE INSTRUCTED TO MAJOR INFORMATION WHEN A PRISONER SEEKS A HEARING. THAT WHEN THE PRISONER IS FOUND GUILTY AUTOMATICALLY INCREASES PRISONER SECURITY / CUSTODY. WHICH PREVENTS CUSTODY PROGRAMS, REHABILITATION, EDUCATION & TRANSFERS PRISONER TO HIGHER SECURITY OR STAGNATES PRISONER LIBERTY DUE TO POLICY OP. 22.14 & OP 21.04

LEGAL

IV. DID THE "ALC" ERR by not recognizing
the PRISONER RIGHT TO PROCEDURAL DUE
PROCESS. RIGHT TO HAVE WITNESSES ON
PRISONER BEHALF. CONSISTENT WITH U.S. CONST
AMENDMENTS OF 5th, 6th, & 14th. DUE PROCESS,
RIGHT OF ACCUSED TO CALL WITNESSES IN HIS
BEHALF AND EQUAL PROTECTION OF LAWS. AND CONSTRUCTION
OF APPLICABLE SOURCE CAPTION CONST AMENDMENTS. ART
I. SEC 3. (1970 (56) 2684; 1971 (57) 315 SEC 14.
(1970 (56) 2684; 1971 (56) 315) SEC: 15 Cruel & Unusual
Punishment & 8th Amend OF U.S. CONST. VIII AMEND;
S.C. CONST ART I SEC 22. Deprivation of Life &
Liberty

STATEMENT OF CASE

□ ON September 21st, 2014, Appellant Appeared this Case In THE South Carolina Court of Appeals Pursuant to SCAER 203(a)(b) to Appellant assigned with Honorable Judge John D. McLeod S.C. Administrative-Law Court ORDER OF Dismissal Filed. Received by Kershaw Mail Room September 16, 2014. Delivered to Appellant on or about September 18th, 2014. Appellant filed NOTICE OF INTENT TO APPEAL ON OR ABOUT September 21st, 2014. □ IN OR about October 4th, 2014. Appellant received a LETTER OF DEFICIENCY NOTICE OF \$100.00 FILING Fee Pursuant 203(b) 2(B)(iii) Appellant Moved For Leave to File In Forma Pauperis October 10th, 2014. Service Prisoner Notorized INDIGENT STATUS October 13th, 2014.

Appellant a SCLC Prisoner □ IN
WAS FOUND Guilty by DISCIPLINARY
HEARING OFFICER CAPTAIN BROWN (FEMALE-TYPED) AT
Turbeville Correctional Institution For A PIECE
OF PAPER Appellant retrieved OUT THE TRASH TO

LEGAL

USE AC PAPER TO MET LEARNER & LEVER
Court Deadlines IN THE S.C. SUPREME COURT,
S.C. APPEALS COURT, AND U.S. DISTRICT COURT, FOR
THE STATE OF SOUTH CAROLINA. WHEREAS APPELLANT
IS A INNOCENT PRO-SE LITIGANT AND AT
that interim NEW PRISONER TO SCDC NO PAPER,
NEW TO "TEI", NO PRO-CURIAL VIA THE SCDC
GENERAL CORRESPONDENCE DS 10.08 ACCESS TO
COURTS GA 01.03 PROCESS. FORCING THE APPELLANT
TO GO IN TOUCH TO INSURE HE MADE COURT
Deadlines. Appellant sought via EDUCATION DIRECTOR,
A.W. PROGRAMS, A.W. SECURITY, & WARRORS TO LIVE THE
PAPER STORAGE ISSUES. SEE ATTACHMENTS"

Appellant ON 2014. Unable to receive
copies of MOTIONS, Petitions TO COURT WHICH PRIOR
to this instance was permitted to make copies. However
to deter Appellant Pro-se LITIGATION, Appellant was
CHARGED WITH 817 PUCK OF CONTRABAND A MINOR CHARGE
Appellant sought to have a hearing with "DHS" Appellant
Requested THE MATR TO DISMISS THE CHARGE INFORMALLY

Appellant had no discipline record. Desired to stay record free. TO NO AVAIL Appellant desiring to be heard via DTH Hearing. Requested Witnesses by DTH Captain Brown. With Offered TO NOT CALL Appellant Witnesses AS Policy IIP 22.14. ETC.

Appellant asked asked to have witnesses present via VIDEO Electronic Request See Case # 14-091707.
Hearing AS HEARD NOT performed by DTH Brown...

Appellant was left in a CELL SEQUESTERED FOR 2 Hours Before THE HEARING & 2 Hours AFTER HEARING & RESTRAINTS behind Appellant back before opening of the hearing & during the hearing. Sec. Authorized Restraints ONLY WHEN PRISONER PRESENTS A PHYSICAL THREAT. Appellant WAS AT THE HEARING FOR MAJOR INFORMATION WITH NO PRIOR Discipline Records For Piece of Paper.

Appellant was found guilty for POSSES OF CONTRABAND yet SEE Entry Lewis Order # 47. IT IMPOSSIBLE TO HAVE BEEN CONTRABAND. CONTRABAND IS NOT RETURN TO A PRISONER. THE INTERVIEW REPORT STATES Appellant RECEIVED & PICK UP DOWNMATE CONTRABAND IT CONTRABAND.

LEGAL

Appellant was found guilty. Penalized severely
60 DAY Privilege for 1st Time Infraction,
Policy (22.14 MP) Permits lesser degree punishment
for minor infractions. Appellant was then
informed due to he chose to have a hearing
his MINOR INFRACTION IS NOW Per SCDC
Policy a MAJOR INFRACTION.

Appellant not only losing Privilege of
PHONE, CARTON, & Visitation. IN ADDITION
Liberty Interest Restored by "bustings" denying
CUSTODY/via CLASSIFICATION MP 21.04, OPPOSE
to lesser security. Appellant is now a MII-II
MEANS MEDIUM IN Level II. OPPOSE TO
Appellant OPPOSE MR IB. LEVEL I, WHICH
EFFECT Appellate Release/Furlough, Work-Force
TRAINING, Education & Rehabilitation. Appellant OPPOSE to
being behind (1) ONE FIVE NOW behind (3) THREE
FENCES. FOR A PIECE OF PAPER Section LEGAL
Appellate Relief IN ADJUDICATION TO Supreme, Appellate,
& US. Probate Court...

FACTS

On or about March 11th, 2014. Appellant at all times relevant entered SCLC as a aggrieved Pro-Se LITIGANT. COMPLETELY astonished at the up hill battle to exercise the basic human, civil, and Constitutional rights as a Pro-Se LITIGANT INDIGENT IN THE South Carolina Department OF CORRECTIONS. WHEREFORE Appellant a INDIGENT litigant are either denied or impeded due process access to Courts via SCLC Policies TITLED GA. 01.03 and several correspondence PS 10.08. LITIGANT Pro-se forced to seek means to obtain the basic tools to write, paper, stationery, envelopes, postage, restricted to whom a pro-se litigant can write. ONLY to Courts within the state of South Carolina. ATTORNEYS from approved SCLC MAILING LIST OR Proof that ATTORNEY LITIGANT OR WRITERS IS ATTORNEY OF RECORD. WHICH CONFLICT WITH Pro-Se LITIGANT WHO'S INDIGENT WHO'S LITIGATION STATES he/she IS ATTORNEY OF RECORD. Pro-Se INDIGENT LITIGANTS IN SCLC ARE RESTRICTED. Punished for EFFORT TO ACCESS THE COURTS AS Appellant. IN INSTANCE.

LEGAL

Appellant while in SLOC oppose to other
STATE & FEDERAL Facilities. Upon arrival at SLOC
LEARN While Was CONFISCATED Here For Army 2 was
SEE ATTACHMENTS _____, Appellant was early
Permitted 8 Books PER DAY, 10 2 Envelopes per month
NO PEN NO POSTAGE OR A INDIGENE LITIGATION.
FORCING litigant to result to returning essential to
NOTIFY Courts OR TRANSFER. Perfect Appeal which
has been affected due to SLOC Practices of Empty
Prisoner forced to throw-away papers if no funds
to mail out properly personal mail or donate. Destroy
LEGAL Books, Documents, OR OFFICER w/out Legal
DEGREE Transition WITHIN LEARN MATRONS Until
SLOC SENIORAL Council Review MATRONS. Appellant
LEARN MATRONS Here March 11th, 2014. till March 24th,
2014. Appellant Criminal Appeal Notice served March
11th, 2014.

Appellant while at KIRKLAND R&E suffered
enormously due to handling of SLOC Pentra/Tren-
ment TO INDIGENE PRO-SE LITIGANTS. To include
inability to use LAW-LIBRARY ADEQUATELY due to staff
at KIRKLAND R&E LAW LIBRARY VIOLATIONS OF
POLICIES & IMPROVEMENTS.

Appellant upon KIRILLOV'S EVALUATION AND CLASSIFICATION, WAS CLASSIFIED AS MRIB LESS RESTRICTIVE. HOWEVER APPELLANT WAS TRANSFERRED OUT OF REGIONAL RELEASE DETERMINATION TO "TICI" TURBEVILLE CORRECTIONAL INSTITUTION. ON OR ABOUT APRIL 15TH, 2014, APPELLANT USED CORRECTIONAL NOTICE BOARD OF TRANSFER. ALSO INQUIRED ABOUT CRIMINAL

APPELLANT BEING S.L. APPEALS COURT & S.L. SUPREME COURT HAS NO RECORD OF APPEALS BEING FILED. S.L. APPEALS COURT ADMINISTRATION & CLERK OF COURT FOR S.L. SUPREME COURT DANIEL SHEARHOUSE NOTIFIED. LOWER COURTS GOVERNMENT TO LOCATE NOTICE FILED BY APPELLANT. SIMULTANEOUSLY S.L. SUPREME COURT ORDER APPELLANT TO FILE EXPLANATION REASONS FOR PERMISSION TO FILE OUT OF TIME APPEAL.

WHICH BRINGS THIS CASE AT BAR TO THE BAR AT INSTANCE. APPELLANT ACCIDENTALLY TRANSFERRED TO "TICI" NO BASIC TASK TO MEET COURT DEADLINES & INSTITUTION NOT PROVIDING NO LEGAL MATERIAL TO PRO-SE INDIGENT LITIGANT. APPELLANT WAS FORCED TO GO INTO THE TRASH FOR SCRAPPED PAPER. INDEPENDENTLY TO MEET BOTH CRIMINAL & U.S. DISTRICT COURT N.

Used Combinations of MORTGAGE. Petitioner AND
being 23 give or take PAPER APPROX the latter 60 pgs
DASH. Waste or base of used PAPER. Appellant was
to the MAIL ROOM as pre-established Incident Report
with Police SA. 01.03. Which outlines THE Education
DEPARTMENT will make LEAD Copies. However as TCI
that interim set up was to take a Debit Form
with Copies requested to MAIL ROOM Return to Prob
UP AT 11:00 AM. HRS. Appellant has previous granted
with documents. Only to return to pick up documents
to be told to come back following day. Appellant attended
due to "Court" deadlines due. STAYED AT WINDOW UNTIL
MAIL ROOM SUCCESSOR returned documents & returned to
Appellant.

Appellant gave latter was charged with Poss
OF CONTRABAND. SCDC Rule Violation "017" A
Minor Charge. For Paper Waste Returned to
Appellant. Per SCDC Policy. Contraband is Never
Returned to a Prisoner.

Appellant chose to go to ["DU"] DISCIPLINARY
Hearing. WHEREFORE Appellant at this Interim
Prior to "DU" was MR IB NSU MT. - 111

Appellant choice for due process hearing was met
with "DHO" Disciplinary Hearing before force
FINDING Appellant Guilty of Charge. ESCALATED
Appellants Custody. CREATED STATE LIBERTY
INTEREST by taking Appellants Visitation. PHONE
AND LANTERN for 60 days. INCREASED Appellant
Custody. FROM Rehabilitation. EDUCATION WORK
TRAINING. Programs. NOT AVAILABLE AT MI-II
LEVELS DHO failed to call witnesses on
Appellants requests & behalf.

Ultimately Appellant here. WAS TRANSFERRED
to KEIZHAW Correctional Institution to now
not be able to MAIL OUR LEGAL & PRIVILEGED
Correspondence to various AGENCIES. U.S. SENATE,
U.S. CONGRESS. VETERANS Administration ETC. THAT
SOLD CONTRACTS towards INDEPENDENT PRO-
SE litigants DAILY & IMPROVES due process,
RESTRAINING Prisoners Liberty, Not Preserving
Equal Protection of Law...

ARGUMENTS

Appellant respectfully seeks to prevail in the South Carolina Appellate Courts. APPEALING away from South Carolina Administrative Law Courts Dismissal of South Carolina Department of Corrections Administrative Grievance Appeals brought by the Appellant. Pursuant to the Administrative Procedural Act (APA) AND the S.C. CODES 1-13-90 S.C. CODES 1-23-310 VIA 1-23-400 ALL Art I IS Art 14.

Appellant with SEVERAL VIOLATIONS induced by the SEMANTICS OF SCLDC. ARBITRARY AND CAPRICIOUSLY immutable failure to cure OR follow LEGISLATIVE INTENT AS A QUASI-Judicial function AS A ARM for the State of South Carolina ADMINISTRATIVE AGENCY.

Appellant will show the ALC ERRED by dismissing Appellant Appeal in the ALC. WISHTHIN not recognizing the state created liberty interest. Procedural errors by SCLDC.

LEGAL

Disciplinary HEARING OFFICERS (DHO)
Whom abuse their discretion in Punishing
A Prisoner, multiplicity in punishment, grafting
state created liberty interests in Violating
S.C. Code of Well Established Law Louper
J. SLD OF Probation, Parole & Pardon Service (S.C.
2008) 377 S.C. 489, 661 S.E. 2d 106 However
S.C. Supreme Court Berry, J held that (1) Proc-
edure employed by parole board deprived inmate
of state created liberty interests triggered due
process requirements including entitlement to re-
view by (ALJ) Administrative Law Judge.
VIOLATED U.S. CONSTITUTION 14. & S.C. CODE
24-21-640 (1976) IF A Parole Board deviates
from or renders its decision w/out consideration of
the appropriate criteria it essentially abrogates an
inmate's right to parole eligibility & thus infringes
on state created liberty interest.

Because the limited appeal of parole decisions
is governed by APA the Parole board & all
must comply with its provisions, pursuant to which

LEGAL

a final decision in an agency adjudication of a contested act include of a ~~fact~~ & conclusion of law.
S.L. CODES 1-23-350, 24-21-640.

In interpreting statutes, we look to the plain meaning of the statute & the intent of the Legislature
See Hinton v. S.L.D. of Probation, Parole, & Pardon Services 357 S.L. 327, 332, 592 S.E. 2d 335, 338 (Ct. App 2004)

Because the statute is penal in nature the courts must construe it strictly in favor of the defendant & against the state Harz v. State 305 S.L. 77, 79 406 S.E. 2d 332, 334 (1991)

Appellant in instance contest the ALC ruling that ORDERED dismissal with prejudice absent the full view of STATE Created Liberty. Wherefore Hon. ALJ McLeod clearly erred in not recognizing the liberty interest in Appellant Aaron Borch submitted to ALC with Appellant's NOTICE OF Appeal "Marked" CERTIFICATE OF Service September 2nd, 2014.

LEGAL

Appellant was denied the rights protection
of due process. Procedural due process by the
DHO. When Appellant Requested Witnesses in
his behalf & DHO Failed to Call Witnesses
at Appellants Request. Violation U.S. & S.C.
Court. Argued. Rights to due process. rights to
call witnesses in favor of Appellant In spite
DHO OFFICERS ARE NOT JUDICIAL OFFICERS
They DHO Act Quasi-Judicial as Administrative
AGENTS. That a Prisoner is still guaranteed Procedural
Due Process. That Violating Wolff v. McDonnell
418 U.S. 539, 71 OHIO OP.2d 336 (1974) THE
Prisoner should be allowed to call witnesses and present
documentary evidence in his defense. Specifically the
Court Outlined due process in prison disciplinary settings.
SLOL DHO AGENT Brown abused her discretion
o Procedure Denied Appellant Due Process by Not
Honoring Appellant Kiosic's Written Requests to
include Appellant Verbal Request For Witnesses as The
Hearings...

Ultimately Appellant suffered same loss of
OF STATE CREATED LIBERTY INTEREST. AS QUOTED
IN SLEZAK V. S.L.D.C. 361 S.C. 321,
331, 605 S.E.2d 506, 527 (2004) (quoting)
DOVE V. GOLD KIST, INC. 314 S.C. 235, 238
442 S.E.2d 598, 600 (1994). FURTAL V. SLOC
374 S.C. 334, 339 649 S.E.2d 35, 38 (2007)
(quoting) SULLIVAN V. S.L.D.C. 355 S.C. 437, 443
586 S.E.2d 124, 127 (2003) distinction denial of
PAROLE VS - DENYING OF ELIGIBILITY OF PAROLE.

Appellant and distinction here of Parole vs -
DISCIPLINARY HEARING are both ARMS OF THE
STATE AT SLOC AGENCY. BOTH LEGISLATIVELY
INTENDED. HOWEVER FN 4. OF LOOPER. DURING
THE COURSE OF THIS OPPOSE LOOPER MAY HAVE RECEIVED
ANOTHER REVIEW. (Separating term of denied parole vs -
denying eligibility of parole). Undoubtedly the Parole Board
is the sole authority with respect to decisions
regarding the granting or denial of parole. However
Hon. TOAL, C.J., Moore, Waller, & Pleruone

all concur THE LEGISLATURE created this board to operate within certain parameters. We do not believe the Legislature established the board & intended for it to render decisions without means of authority infringement of State Created Liberty. S.C. Const Art I Sec 4.

Appellant without procedural due process to have witnesses on his favor. Was subjected to similar through DHO arbitram. capricious acts by FINDING THE APPELLANT GUILTY WITHOUT Procedural Due Process. IN ADDITION DHO BOUND. Abuse Her Discretion in Punishment Violating SCDC Policy (22.14) OP 22.14 SEC 2. GENERAL IMMEDIATE Corrective Act 2.1. Permits SCDC Employee who witnessed a Abuse Act TO 1st ATTEMPT, IF Appropriate TO Correct behavior of Prisoner immediately VIA.

- Counseling
- instructions
- extra duty
- restriction of rec not to exceed (1) day
- restriction of priv. not to exceed (1) day
- restriction of other act to exceed (1) day

Reassignment to cell or cubicle for remainder of day shift. IF exceeds shift past seek obtain approval.

4.1.1. Informally Resolve

4.2. Review Prisoner Discipline History / Record.

14.4 A(n) inmate/prisoner may be physically restrained during the hearings if he/she presents a threat of violence, physically disruptive behavior exists.

In instance the DHO Performance was 8 points below standards required in OP 22-14. Applicant at that interim prior to this matter at bar had NO Discipline History. The 812 ALLEGED WAS PROSECUTED THROUGH TO MEET EMINENT COURT DEADLINE IN BOTH CRIMINAL & CIVIL PROCEEDINGS. DHO could not have reviewed Prisoner Record. Wherefore Prisoner was Sanctioned to GO DMC LOSS OF Canteen, Urination, & PHONE. Subsequent RECLASSIFIED FROM Lower Security MRIB to MI-II. Transferred AS WELL. WHICH CREATED STATE Liberty Interest Loss.

Privileges. Programming Lower Security Programs
Not Offered at MI-II Levels Oppose to
Level I. Work-Force TRAINING, Rehabilitation,
TREATMENT Facility, Education, Furlough.
Ultimately affects of Parole Eligibility
Reviews. Contrary to the Realistic
Opportunity to Participate in Parole
Programs. AL-SHABAZZ v. State 338
S.C. 354, 527 S.E. 2d 742 (2000)
Furtick v. S.C.D. of Probation, Parole, & Pardon
Services 352 S.C. 594, 576 S.E. 2d 146
(2003) SULLIVAN v. S.C.D. 355 S.C. 437, 586 S.E.
2d 124 (2003) Appellant Realistic Opportunity
are liberty restrained by arbitrary, capricious acts
under color of law by S.C.D. DHO's. Whom
Automatically consider a prisoner find guilty without
Procedural due process outlined Policy followed without
abuse of power & discretion by DHO's. Advers.

In furtherance & Initially Disciplinary
Hearing Policy OP 22.14. Permits very

A MINOR CHARGE TO ESCALATE
TO A MAJOR CHARGE IN SITUATION
WITHOUT DUE PROCESS OR ENHANCING THE
CHARGE. SCDC STATES WHEN A PRISONER
OPTS NOT TO INFORMALLY RESOLVE A
MATTER AND CHOOSES TO GO TO DISCIPLINARY
HEARING THE MINOR CHARGE AUTOMATICALLY CHANGES
TO A MAJOR CHARGE WITH GREATER
SEVERITY IN PUNISHMENT TO DETER A PRISONER
FROM EXERCISING THE FUNDAMENTAL RIGHTS
NOT LOST AT THE PRISON DOOR. AS SCDC
PROJECTS THRU THE SEMANTICS OF SCDC
POLICIES. WHEREFORE MAJORITY OF SCDC
POLICIES INTERFERE w/ PRISONER BASIC FUNDAMENTAL
RIGHTS. THAT KEEP PRISONERS STARVED & OVER
CROWDED at PRISON. MAJORITY OF OTHER DECISIONS
RESULTED GUILTY FINGER & ALL SUPPORTS THERE BEING
VIA PRISON AS INSTANCE. THAT HERE IN
INSTANCE THE APPLICANT WAS CONVICTED

Without Precedent due process, USSC of State
Created H. H. H. Furtak 374 SC 334, 339, 649
S.E. 2d 35, 38 (Ga) Reclassification from Level
I to Level II LANDMAN v. Peyton 370
F.2d 135, 141 (4th Cir 1966) 388 U.S. 920 (1967)
Appellant received added punishment of Privileges
Lost. Reclassification affecting parole eligibility, Security
Increased from Level I to Level II. Separately
due to Appellant chose to have a hearing as the
due process protects a Prisoner. However SCDC consider
A Prisoner who chooses to go to a Disiplinary
Hearing for a minor charge worse to Plea Guilty
For a Act He/she did not know commit
Especially a New SCDC Prisoner who truly is
not acquainted with SCDC STANDARDS TO Punish
out of fear, lack of resources, arbitrary acts... U.S.
ex rel. Campbell v Pate 401 F.2d 55 (4th Cir. 1968) In
re Westfall 162 Cal Retr 462 Cal App 1980

SCDC AGENCY UNFORTUNATELY MISS THE
Beauty of quasi-Judicial Function by disregarding the
term IMPARTIALITY. WHICH PRESENTS THIS MATTER
before the South Carolina Appellate Court

Appellant Ask to entertain the U.S.
S.L. Const Amend. Art⁽¹⁾ & SEC. THAT
EVENU Equal & Uneven Punishment

Appellant CURTINE has multiple questions
The Appellant with loss of privileges, for 60 days
Phone, Camera, & visits. loss of Classification, which
AFFECTS Education, Rehabilitation, Work-Force Training,
Furlough, & Parole Eligibility. IN ADDITION
Appellant ask the "Courts" to review. Why
was the Appellant placed on a CELL FOR (4)
Hours. (2) before & (2) after the Hearings
and while AT THE HEARING HANDCUFFED
Behind Appellant Backs. Preventing Appellant to
Present Detained Counsel, without also see Requested
Witnesses Appellant Requested. Appellant Per SEDL
Policy 14.4. Was not a threat or combative
DIE Protest & Threat. DOES such acts constitute
Equal & Uneven Punishment by DHS's Actions
Unwarranted WASTON, Arbitrary & capriciously knowing
intended.

CONCLUSION

Appellant respectfully concludes this BRIEF
MOVING THIS Honorable Appeals Court of South
Carolina TO GRANT Appellants Petition. REVERSAL
OF ALL AND ALL PROCEEDS FOR
SCLC DHO'S) DENIAL OF Procedural Due
Process, STATE CREATED Liberty Interest of
Equal Unusual Punishment.

RELIEF SOUGHT RECLASSIFIED back
to ORIGINAL Classification MRIB or/MDIB
Transfer For HIGHER Education Enhancement
Program Pursuant to S.C. CODES 2-77-10
TO CONTINUE VETERANS RETRAINING ASSISTANCE
Program via USC or UNCL. VIA Furlough Program
Prepare For LSAT & Law School. Transfer TO
WALDEN, STEVENSON, OR LATAWBA WORK,
Education Program TO Prepare For Parole.

DISCONTINUANCE OF SCLC DHO'S) arbitrary,
CAPRICIOUS AND procedural DEFECTS OF DHO'S)
OF SCLC AGENCY.

This 21st day October month
Twenty One Hundred & Fourteenth year

RESPECTFULLY submitted:

Alicia Ann-Nehri Abdul-Malik
Nashville, TN-SE

CERTIFICATE OF SERVICE

I am CERTIFYING I deposited in the U.S. MAIL
Depository via prepaid postage (1) original x CC listed below
Copies of Appellate Brief from Case 2014:002088 In
the S.C. Appellate Court

This 21st day October month
Twenty One Hundred & Fourteenth year

Sincerely

Alicia Ann-Nehri Abdul-Malik
Appellate, Pro-SE
Keshorn Landrum International
4843 Goldmine Highway
Keshorn, South Carolina 29067

CC: STATE ATTORNEY GENERAL
CC: S.C. Administrative Law Court
CC: SEDL Headquarters
DEPARTMENT OF General Counsel

IN THE South Carolina Court of Appeals
For the State of South Carolina

NOVEMBER 18th, 2014

RECEIVED

NOV 26 2014

SC Court of Appeals

To: THE CLERK OF COURT
JOHN ABBOTT KETCHINGS
1015 SUMNER STREET
COLUMBIA, SOUTH CAROLINA 29201

RE: RESUBMISSION OF BRIEF FILED 21st OCTOBER
2014. VIA CERTIFICATE OF SERVICE TO THE CLERK
& RESPONDANTS. RECEIVED HERE DUPLICATE BRIEF,
NOTICE OF TITHE TO APRIL. (AT THAT INSTANCE
A REQUEST FOR EXTENSION TO FILE. HOWEVER WAS FILED ON
21st OCTOBER 2014. PHOTOS IN U.S. MAR DEPOSITORY.
VIA PRISON MAIL OF KERRAN CORRECTIONAL INSTITUTION
4848 Goldmine Highway, Kershaw, South Carolina 29067.

Dear Clerk of Court

I am enclosing above listed resubmitted & Brief
& Document that need to be filed at your court. Which was
filed on Respondent or well, on 21st October, 2014. Resubmitted
this 18th day, November via Texas Federal & Federal via

This 18th day November month
~~Twenty~~ ~~fourth~~ ~~fourth~~ year

Sincerely,
[Signature]
Hon. Mr. John Abbott-Ketchings

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE STATE OF SOUTH CAROLINA

November 4th 2014

RECEIVED

NOV 26 2014

SC Court of Appeals

TO: CLERK OF COURT
JENNY ABBOTT KETCHING
Post OF Box 11629
Columbia, South Carolina 29211

RE: CASE NO. 2014-00208

DEAR CLERK OF COURT

I AM respectfully writing you to the nature
of BRIEFING ORDER 10/30/14. I AM NOTICE
TO BE TAKEN INSPITE I REQUESTED AN EXTENSION OF
TIME TO BRIEF THIS MATTER. I FILED BRIEFING AND
INTIMED BRIEF ON OCTOBER 21ST, 2014. I GREATLY
APPRECIATE YOUR SERVICERESH IN THE EXTENSION MUCH VERY
MUCH WARRANTED WITH UPHELD PRODUCTION AND PROCEED
IMPLEMENTED IN SCDC. HOWEVER I REC NOTICE IN
SERVED. THAT ALL PARTIES WERE SERVED CERTIFICATE
OF SERVICE & PROOF OF SERVICE ON OCTOBER 21ST, 2014.

This 4th day of November with
Sincerely,

Sincerely,
