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Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2330-15T4

JUSTICE R. ALLAH,

Appellant,

v.

NEW JERSEY DEPARTMENT
OF CORRECTIONS,

Respondent.

Submitted April 25, 2018 – Decided May 21, 2018

Before Judges Fuentes and Manahan.

On appeal from the New Jersey Department of
Corrections.

Justice Rasideen Allah, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney
for respondent (Melissa Dutton Schaffer,
Assistant Attorney General, of counsel;
Matthew J. Lynch, Deputy Attorney General, on
the brief).

PER CURIAM

Justice Allah appeals from a final determination of the
Department of Corrections (DOC), adjudicating him guilty of
disciplinary infraction *.803/*.102, aiding another person to

commit the act of attempting or planning an escape, in violation of N.J.A.C. 10A:4-4.1(a). Following our review of the record in light of the applicable law, we affirm.

Allah is an inmate currently incarcerated at New Jersey State Prison in Trenton, New Jersey. On September 17, 2015, another inmate, Victor Hiatt, was found to be in possession of documents that included handwritten notes and maps of escape routes. An investigation revealed that Allah had authored the documents in an attempt to aid Hiatt in his escape.

On September 22, 2015, Allah was served with the *.803/*.102 charge.¹ The charge was referred to a hearing officer for further action. The first scheduled hearing began on September 23, 2015, and was postponed at the request of Allah.

At the hearing, Allah was provided with the opportunity to make a statement, call witnesses, and to confront adverse witnesses. Allah testified that he had nothing to do with Hiatt's plan to escape and submitted a written statement in which he claimed that someone forged the letters. Counsel-substitute

¹ Allah was also issued a disciplinary charge for .210, possession of anything not authorized for retention or receipt by an inmate or not issued to him through regular correctional facility channels. This charge was downgraded to an on-the-spot correction. Allah was sanctioned with the confiscation of his word processor, which has since been returned. Due to the downgrade of the charge, no record was kept of the adjudication and sanction.

argued Allah did not author the escape plan. Allah also provided a written statement from Hiatt in his defense stating Allah had nothing to do with the plans. Although provided with the opportunity to do so, Allah declined to confront adverse witnesses.

The hearing concluded on September 25, 2015. After considering the evidence and Allah's arguments, the hearing officer found Allah guilty of the *.803/*.102 charge. Allah was sanctioned with 180 days' administrative segregation, 365 days' loss of commutation time, and 30 days' loss of television.

On October 2, 2015, Allah administratively appealed the decision of the hearing officer. On October 14, 2015, the associate administrator upheld the guilty finding and the imposition of sanctions. This appeal followed.

On appeal, Allah raises the following argument:

POINT I

THE FINAL ADMINISTRATIVE AGENCY DECISION OF OCTOBER 20, 2015[,] WHICH UPHELD THE DISCIPLINARY HEARING OFFICER'S SEPTEMBER 25, 2015 GUILTY ADJUDICATIONS FOR VIOLATING PROHIBITED ACT [*].803/[*]102 AND [.]210, SHOULD BE REVERSED AS THESE ADJUDICATIONS WERE NOT SUPPORTED BY THE RECORD AS A WHOLE, AND IS THEREFORE ARBITRARY, CAPRICIOUS, OR UNREASONABLE. HENRY [V.] RAHWAY STATE PRISON, 81 N.J. 571, 579-80 (1980) AND ALSO IN RE TAYLOR, 158 N.J. 644, 657 (1999).

Our role in reviewing the decision of an administrative agency is limited. In re Taylor, 158 N.J. 644, 656 (1999); Brady v. Bd.

of Review, 152 N.J. 197, 210 (1997). We will not upset the determination of an administrative agency absent a showing that it was arbitrary, capricious, or unreasonable; that it lacked fair support in the evidence; or that it violated legislative policies. See In re Musick, 143 N.J. 206, 216 (1996); Henry, 81 N.J. at 579. Further, decisions of administrative agencies carry with them a strong presumption of reasonableness. City of Newark v. Nat. Res. Council, 82 N.J. 530, 539 (1980). We may not vacate an agency's determination because of doubts as to its wisdom or because the record may support more than one result. See De Vitis v. N.J. Racing Comm'n, 202 N.J. Super. 484, 489-90 (App. Div. 1985). In addition,

[I]t is not our function to substitute our independent judgment for that of an administrative body . . . where there may exist a mere difference of opinion concerning the evidential persuasiveness of the relevant proofs. As a reviewing court, we will not weigh the evidence, determine the credibility of witnesses, draw inferences and conclusions from the evidence, or resolve conflicts therein.

[Ibid. (citations omitted).]


Predicated upon our review of the record in light of our standard of review, we conclude there was substantial credible evidence of appellant's guilt. Henry, 81 N.J. at 580. Substantial evidence is "such evidence as a reasonable mind might accept as

adequate to support a conclusion." In re Application of Hackensack Water Co., 41 N.J. Super. 408, 418 (App. Div. 1956). The finding of guilt was based upon the documentary evidence confirming the escape plan was written in Allah's handwriting and that he was housed in the same unit as Hiatt.

We have considered the remaining argument raised by Allah concerning the disciplinary charge and conclude that it is without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION