

# Exhibit 1

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
G. Thomas Cooper, JR. Circuit Court Judge  
C/A 2013-CP-40-0301

Basil W. Akbar . . . . . Appellant

v.


South Carolina Department of Corrections, et al. . . . . Respondent

NOTICE OF APPEAL

I, Basil W. Akbar, Pro Se, Appeal the Final Order of Dismissal, of Judge G. Thomas Cooper, JR., dated September 26, 2013, in Captive Matter. Appellant Received written Notice of Entry of Final Order October 8, 2013.

In addition, the Court must take notice that the Appellant filed a timely Motion Rule 59(e), SERCP, Post marked October 16, 2013. Thereby issues are not Ripe for Appeal until the Circuit Court enter its written Order [granting or denying] resolving the Motion, Rule 203(b)(1), SCACP, See, State v. Cooper, 342 SC 389, 536 S.E.2d 870 (2000).

Date: October 21, 2013

  
Basil W. Akbar, 085498  
LEE County CORR. Inst.  
990 Wisacky Hwy, Flo. 2213-5  
Bishopville, S.C. 29500

## Exhibit 2



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11829  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMNER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 34-1839  
www.scco-rts.org

October 29, 2013

Basil W. Akbar, 065498  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: Basil Akbar v. SCDC  
Appellate Case No. 2013-002306

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$100.00.

Very truly yours,

**RECEIVED**

NOV 01 2013

*V. Claire Allen, Deputy*

CLERK

cc: **STATE ACCIDENT FUND**  
Erin Farrell Farthing

## Exhibit 3

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar, 065498  
Plaintiff,

C/A NO. 2013-CP-40-0301

vs.

PLAINTIFF'S NOTICE OF MOTION,  
AND RULE MOTION 59(c), SCRPC.  
(HEARING REQUESTED)

South Carolina Department of  
Corrections; Bill Byers; et al.  
Defendants,

TO: THE HONORABLE G. THOMAS COOPER, JR. JUDGE:

PLEASE TAKE NOTICE, that Plaintiff Pro Se, will move before the Honorable G. Thomas Cooper, to alter or amend the Judgment entered September 26, 2013. A copy of the Order of Dismissal was received by the Plaintiff on October 8, 2013.

COME NOW, the Plaintiff submits the following grounds in support of his Motion to Alter or Amend the Judgment Rule 59(c), SCRPC.

I.

#### JUDICIAL NOTICE

This Honorable Court should take notice of certain facts that are capable of being known to a certain certainty by consulting sources of indisputable accuracy, to admit as proved, such facts and laws of common knowledge to a Judicial Professional, where:

1. The Court Respectfully oversighted that at all times relevant the Plaintiff was still in legal custody of the South Carolina Department of Corrections (SCDC), SEE, Bardens v. Mac Dougal, 135 S.E.2d 836; Wilson v. Flaherty, 689 F.3d 332 (4th Cir, 2012); Jones v. Cunningham, 835 S.Ct. 373.

2. The Record before the Court clearly established that Plaintiff were assigned to the SCDC Work Release Program pursuant to S.C. CODES 1976 Title 24, From 1979 thru 1981.

3. February 9, 2009, the Plaintiff was informed for first time that he did not have a standing Work Release Long Term Escrow Savings account, and did promptly / timely exhaust all available remedies, SEE RECORDS.

4. Defendants stands in gross default, and complete bar where Estoppel creates an inhibition, or inability to assert an affirmative defense / motion to Dismiss whole in default, when defendants exceeded power conferred upon Agency to respond by clearly establish authority in SCDC's Policy GA-01.12; HARRAH V. MCGINNIS, 271 S2d 222; Abney V. MCGINNES, 380 F.3d 663, 667 (2004); — V —, 303 A2d 139, 140 (cut short their right to legal dispute.

5. Defendant's Agent Noel Heberd's Affidavit introduced into RECORD by defense, Reference that Plaintiff had a work center account with the SCDC, and has not had one since at least 1994.

6. Under Rule 12(b)(6) SERCP. Motion will not be sustained if the facts alleged, and the inferences reasonably deductible from the pleadings would entitled him to relief on any theory of the case, Stiles V. Onorato, 457 S2d 601; BROWN V. LEVERETTE, 353 S2d 697.

7. The denial of discovery process prescribed under South Carolina Rule of Civil Procedures, to disclose important facts and documents (exculpatory evidence) withheld by the defense, needed to prevail against defense Motion to Dismiss, and Summary Judgment. Non-disclosure / suppression of information, or exculpatory evidence favorable to Plaintiff and material, would a complete egregious miscarriage of justice; denial of due process, and denial of equal protection of law, being that discovery material not only refute the defense argument, but is the subject matter of the Plaintiff's case, and further deny him opportunity to amend complaint pursuant to Rule 15(b) SERCP.

MOREOVER, the court cannot fairly order non-disclosure, and then Rule that Plaintiff failed to establish that Defendant or other employees of the SCDC withheld, or misappropriated any of Plaintiff wages. The Plaintiff must be allowed to present proof of allegations into Agency's Work Release files between 1979 thru 1981, not shown in RECORDS before the Court in support of his tort claims.

## II.

### JURISDICTION

Jurisdiction is found under SC CODES §15-78-100(b),(c); within the three years of the date (February 9, 2009) the loss was, or should have been discovered pursuant to SC Code §15-78-60(25), and §15-78-70(b), and Tort Act upon Constitutional grounds.

## III.

### JUSTICE REQUIRE THAT ORDER BE REVERSE

The Plaintiff submits that "Proposed Order" signed by this court respectfully overlooked threshold matters, and misconstrued the facts in his complaint; fail to address genuine issues of material facts, and would further make review by the Appellate Court more difficult if this court fail to develop the record, where order fail to set forth the required findings of facts pursuant to Neisette v. Ismail, 304 SC 86, 403 SE2d 122 (1991). The Plaintiff seeks that the court take a second look at the issues, and address issues overlooked that he may obtain a ruling, and written order.

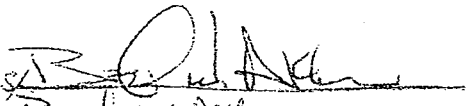
### ISSUES

1. Did SDC violate Plaintiff's 1<sup>st</sup>, 4<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments Rights by depriving him of access to, and failing to make "Work Release Escrow Account" transparent to him as a punishment?
2. Did SDC's entity, and Lee County Institutional Guidance clerks' impede Plaintiff's right to grieve civil right and civil liberty complaint violations; and access to the court regarding financial mistake in his E.H. Cooper Work Release Escrow Account?
3. Did SDC's conduct violate Plaintiff's Due Process Rights by closing his account, void notice; and fraudulently appropriated his Work Release Long Term Escrow Savings Account?

4. Did SCDE's conduct constitute "Default and Reprisal" where PRISON officials failed to process grievance(s) within 45X time at each stage, and Safeguard against Reprisal?

THEREFORE, based upon the foregoing the Plaintiff's prayer is that this Honorable Court, alter and amend, or RESCIND its ORDER, grant Plaintiff's Motion to Compel Discovery; Squarley address his claims after completion of Discovery, and grant Relief appropriately;

Date: October 15, 2013

  
Basil W. AKBAR, 065498  
Lee County Court Just.  
990 Wisacky Hwy, Fl. 2213-S  
Bishopville, S.C. 29010