

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

G. Thomas Cooper, JR., Circuit Court Judge

APPELLATE CASE NO. 2013-002306

Basil W. Akbar

Appellant

V.

South Carolina Department of Corrections, et al

Respondents

CERTIFICATE OF SERVICE  
~ APPENDIX ~

I, Basil W. Akbar, hereby certify that enclosed are, Motion to Compel; Interrogatories and Request for Production of Documents; Admissions; and Exhibits, served on Respondents/Counsel of Records, whom is the original custodian of records, by the United States Postal Service, postage prepaid at:

Erin F. Farthing, Attorney  
Daniel R. Settana, Attorney  
1303 Bladding St.  
Columbia, S.C. 29202

RECEIVED

FEB 07 2014

SC Court of Appeals

Date: January 28, 2014

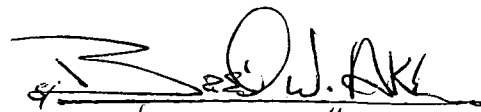
  
Basil W. Akbar, #065498, ProSe  
Lee County Carr. Inst.  
990 Wisacky Hwy., Flo. 2213-5  
Bishopville, S.C. 29010

EXHIBIT A

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Basil W. Akbar, 065498  
Plaintiff,

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

vs.

PLAINTIFF'S NOTICE OF MOTION,  
AND MOTION TO COMPEL

South Carolina Department of  
CORRECTIONS; Bill Byars; et al,  
Defendants,

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**SC Court of Appeals**

TO: ERIN F. PARTING, ATTORNEY FOR DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE, that the Plaintiff will move before the Richland County Court of Common Pleas, on the fourth (4) days after service hereof at 10:00 a.m., OR AS SOON THEREAFTER AS MOTION MAY BE HEARD FOR AN ORDER compelling the Defendants to answer Plaintiff's Interrogatories; Production of Documents; and Admissions.

NOW COMES, the Plaintiff who respectfully moves the Court for Order pursuant to Rule 37, SCRPC, compelling the Defendants to answer the Plaintiff's Interrogatories; Production of Documents; and Admissions. In support thereof the Plaintiff would show the Court:

This Motion is made on the grounds that the Defendants has been uncooperative, and fail to comply with Rules 33, 34, and 36, SCRPC. The Defendants has failed to answer the Plaintiff's Discovery, within thirty (30) days after service, impeding the Plaintiff's opportunity to amend his complaint.

Plaintiff avers that he needs discovery to defend against Defendant's Motion for Dismissal/ Summary Judgment, and further submits that discovery Request is relevant evidence, and Defendants would not be prejudiced, nor would security be compromised.

Plaintiff avers that there are numerous allegations alleged against Defendants, and that genuine issues of material facts in dispute exist, and he is impaired in his ability to prepare for hearing because he does not

have all necessary documents to complete the Record, and thereof cannot adequately prepare accordingly, or fully and fairly present his case.

WHEREFORE, the Plaintiff's prayer is that Motion be granted, and any other relief fair and just.

Date: July 3, 2013

s/ Basil W. Akbar  
Basil W. Akbar, 065498  
Lee County Corr. Inst.  
990 Wisconsin Hwy, Flo. 2213-S  
Bishopville, S.C. 29010

#### CERTIFICATE OF SERVICE

I, Basil W. Akbar, hereby certify that I have served a copy of the foregoing upon Defendant's Counsel of Records, by United States Postal Services, postage prepaid at:

ERIN F. FORTING, Attorney  
1303 Blending Street  
P.O. Drawer 7217  
Columbia, S.C. 29202

Date: July 3, 2013

s/ Basil W. Akbar  
Basil W. Akbar, 065498  
Lee County Corr. Inst.  
990 Wisconsin Hwy, Flo. 2213-S  
Bishopville, S.C. 29010

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FEB 07 2014

SC Court of Appeals

EXHIBIT B

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,  
Plaintiff,

vs.

South Carolina Department of  
Corrections, William B. Byrnes,  
Defendants,

Case No. 2013-CP-40-0301

PLAINTIFF'S INTERROGATORIES, AND  
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: DEFENDANTS' AND COUNSEL OF RECORD:

Plaintiff Basil W. Akbar, hereby Request that the Defendants answer the following Interrogatories, and Production of Documents, pursuant to Rule 33 and 34, SER CIJ. PROC., the Plaintiff hereby Request Defendants and their attorney to Respond within thirty (30) days to the following Request, and undersigned Plaintiff.

1. On July 18, 1979 thru April 8, 1981, the Plaintiff were authorized to participate in Community Work Release Programs by the South Carolina Department of Corrections (SCDC) Director to work at paid employment, If so, produce copy of the then promulgated policies and Regulations used to administer the programs.

2. Provide complete copy of any and all SCDC's Financial Accounting Branch Business Office Records Relating to the Plaintiff Basil W. Akbar [065498] Work Release Paid Employment Programs, ARCHIVES RECORDS REDUCED TO Micro-Fiche Record, or stored electronically for examination, audit and inspection to include but not limited to:

- a. any and all SCDC's Accountence deductions from gross wages.
- b. authorized percentage(s) of funds held from each pay check.
- c. total amount of wages held in Long Term Savings interest bearing Escrow account #065498.
- d. history of interest drawn on Work Release Escrow Account #065498
- e. Complete history of status, balance of account, and dates of any withdrawal from account #065498.

3. Copy of the SDC's Lee County West Yard Prison Industries Inmate Agreement, entered/signed by the Plaintiff September 3, 2008.

4. Copy of General Operating Procedures for Lee C.I. West Yard Prison Industries.

5. Complete copy of Plaintiff's Lee County [2008] Prison Industries work production and evaluation reports.

6. Complete copy of any and all Incident Reports, Investigation Reports, and BWC write-ups regarding the Plaintiff's termination from Lee County Prison Industries Rehabilitation Work Program.

7. Names and SDC's of the six (6) West Yard Prison Industries Inmate workers terminated on or about March 14, 2009, upon order of Larry Clutter that included Plaintiff.

8. Complete copy of any and all evidence relied upon that the officials believed constituted Plaintiff's termination, and

9. Complete copy of any and all evidence relied upon that include witness statements and/or Reports in support of termination.

10. Current mailing address of propose Defendants, Leon Visintainer former SDC's Prison Industries Operation Manager; Larry Clutter former Lee C.I. Prison Industries Supervisor; and former Lee C.I. Warden Anthony Padula.

11. Has SDC allowed inmates while incarcerated to make withdrawal from their Long Term Savings Accounts? If so, when and what circumstances.

12. Provide copy of criteria, Policy, Related directive, and application for withdrawal from Long Term Savings by incarcerated inmates.

Date: February 14, 2013

Basil W. Akbar, Atty

Basil W. Akbar, 065498

Lee County Corr. Inst

990 Wilsacks Hwy., WER, 2224-N

Bishopville, S.C. 29010

EXHIBIT C

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,  
Plaintiff.

Case No. 2013-CP-40-0305

vs.

SECOND:

South Carolina Department of  
CORRECTIONS; Bill Byars, et al.,  
Defendant(s).

PLAINTIFF'S INTERROGATORIES, AND  
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: DEFENDANTS/COUNSEL OF RECORDS:

Plaintiff Basil W. Akbar, hereby request that Defendant(s) answer the following INTERROGATORIES, and Production of Documents pursuant to Rule 33 and 34 SCRPC. Plaintiff hereby request Defendant(s)/Counsel respond within 30 days, at undersigned Plaintiff.

1. Names and address of SCDC's Financial Branch Accountant Manager (s) between 1979 thru 2008, responsible for overseeing Work Release Escrow Accounts.

2. Complete copy of SCDC's Policy ADM-15.12, and Related Regulations/Memorandum in effect between 1979 thru 1989.


3. Complete copy of duty and description of Inmate Grievance Clerk; and Administrative Grievance Coordinator.

4. Complete copy of SCDC's Grievance Policy GR-01.12.

5. Is there a written SCDC policy that REQUIRE procedural time limit/allotted time to exhaust "Preliminary Informal Resolution," if so, produce complete copy of directive.

6. State concisely with specificity what event; explanation; and justification marks the time of alleged incident relied on that justify Agency posture; and produce documented evidence.

Date: March 11, 2013

  
Basil W. Akbar

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,  
Plaintiff,

Case No. 2013-CP-40-0301

vs.

PLAINTIFF'S REQUEST FOR ADMISSIONS

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

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TO: DEFENDANTS / COUNSEL OF RECORDS:

**SC Court of Appeals**

YOU ARE HEREBY REQUIRED, pursuant to Rule 36, S.C.R.C.P., to admit or deny the truth of the following statements, in writing, under oath, and to file and serve a copy of your responses upon Basil W. Akbar, Lee County Corr. Inst., 990 Wisacky Highway, Ker. 224-N, Bishopville, S.C. 29010, within thirty (30) days of service thereof. You are hereby notified that the Plaintiff intends to rely upon the provisions of Rule 36(b), S.C.R.C.P., and in the event you fail to make the admissions request, the Plaintiff shall file an application for expenses incurred in making proof of the matters regarding admissions requested.

1. Admit that between July 1979 thru 1981, Basil W. Akbar, #065498 (hereinafter, Akbar), was assigned to SCD's WORK RELEASE Programs, and employed at Owen Electric and Steel Co.; and weekly deductions were taken for "Mandatory Long Term Escrow Savings Account."

2. Admit that balance of Escrow Account was not released, or transferred to Akbar's general account on April 8, 1981 date of release on provisional parole.

3. Admit that on October 22, 2008, Akbar initiated correspondence with SCD's Financial Business Office [Ms. M. Roof], and forwarded a second request December 1, 2008, and on June 18, 2009 request was answered with unrelated set of facts by Ms. D. Long.

4. Admit that on July 7, 2009, Akbar forwarded a third request via certified mail to [D. Long & M. Roof], pursuant to S.C. Code §30-40-10 et seq, and has not been responded to.

5. Admit that on August 17, 2009, Akbar filed a <sup>#</sup>Step 1 grievance and returned unprocessed by L. Johnson, citing SCD Policy GA-01.12, "You have 15 days from the date of the alleged incident to file a grievance on this issue."

6. Admit that on March 17, 2010 Akbar filed a second step #1 Grievance, returned unprocessed, and IGC L. Johnson recommended that Akbar submit Request to Ms. Melton Lee C.I. Business office, and

7. Admit that Akbar was informed for the first, that he do not have an account for Work Release Center funds ... as a result filed a third grievance on April 29, 2010, and returned unprocessed.

8. Admit that on June 7, 2010, Akbar filed grievance No. Lee C.I. 1598-10, concerning the IGC L. Johnson impeding access to utilize grievance system in instant matter.

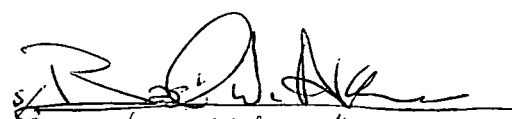
9. Admit that grievance No. Lee C.I. 1598-10, Agency's final response was rendered and returned for grievant signature until April 20, 2011.

10. Admit that SDC's Grievance Policy GA-01.12 mandate that grievances be processed within 180 days.

11. Admit that Akbar has a statutory liberty interest rights to his property [money] in SDC's Escrow Account, protected by Due Process Rights.

12. Admit that Akbar never closed his Work Release Escrow Account, and was never served with notice of alleged closure, or status of account... and that Work Release Long Term Savings was deposited into a interest bearing account pursuant to law.

Date: March 11, 2013

  
Basil W. Akbar, #065498  
Lee County Corr. Inst,  
990 Wisacky Hwy., Ker. 2224-N  
Bishopville, S.C. 29010

AKBAR, BASIL WALI FBI # 237638H SID# SCE0000675 SCDC # 65498 (CONTINUED)

1/ 7/93	BROAD RIV	INCARCERATED	ADMINISTRATIVE
11/15/92	BRR&EC	INCARCERATED	LOCKUP-INVESTIGATION
9/ 2/92	BROAD RIV	INCARCERATED	ADMINISTRATIVE
7/ 3/91	KIRKLAND	INCARCERATED	ADMINISTRATIVE
2/ 5/91	MCCORMICK	INCARCERATED	ADMINISTRATIVE
7/21/89	CENTRAL	INCARCERATED	ADMINISTRATIVE
7/14/89	PERRY	INCARCERATED	ADMINISTRATIVE
7/11/89	MCCORMICK	INCARCERATED	LOCKUP-INVESTIGATION
4/12/89	MCCORMICK	INCARCERATED	ADMINISTRATIVE
4/ 4/89	MCCORMICK	INCARCERATED	LOCKUP-INVESTIGATION
2/16/89	MCCORMICK	INCARCERATED	ADMINISTRATIVE
12/28/88	PERRY	INCARCERATED	ADMINISTRATIVE
11/24/88	PERRY R&E	INCARCERATED	DISCIPLINARY
8/ 5/88	PERRY	INCARCERATED	ADMINISTRATIVE
5/22/85	CENTRAL	INCARCERATED	ADMINISTRATIVE
5/ 9/85	ADMINISTRATIVE	INCARCERATED	PAROLE VIOLATOR
4/ 8/81	RICHLAND CO	PAROLE	PAROLE BOARD ACTION
3/21/80	PAROLE BOARD AC	WORK-RELEASE	WORK PROGRAM
6/26/79	WORK PROGRAM	INCARCERATED	EMPLOYMENT PROGRAM
6/26/79	EMPLOYMENT PROG	INCARCERATED	ADMINISTRATIVE
12/ 9/75	CENTRAL	INCARCERATED	RETURN FROM ESCAPE
11/ 5/75	ESCAPES	ESCAPED - AWOL	AWOL-WALK AWAY
9/15/75	AWOL-WALK AWAY	INCARCERATED	ADMINISTRATIVE
9/ 7/75	CENTRAL	INCARCERATED	ADMINISTRATIVE
4/17/75	GOV MANSN	INCARCERATED	ADMINISTRATIVE
9/16/71	CENTRAL	INCARCERATED	ADMINISTRATIVE
9/ 9/71	ADMINISTRATIVE	INCARCERATED	ADMINISTRATIVE

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
MATERIAL HANDLING EQ	04/18/97	0/ 0/ 0		3F5
MATERIAL HANDLING EQ	04/07/97	4/17/97	CUSTODY REVIEW	5F5
WARDKEEPER ASSISTANT	03/11/97	4/ 6/97	INMATE REQUEST	5F7
WARDKEEPER ASSISTANT	05/22/96	3/10/97	LATERAL TRANSFER	5F7
CUSTODIAL WORKER	08/18/95	3/23/96	DISCIPLINARY/LOCK-UP	7F7
GENERAL WORKER	12/02/94	6/ 7/95	INSTIT TRANSFER	7F7
HAULER	02/28/94	8/24/94	INSTIT TRANSFER	5F7
GENERAL WORKER	02/17/93	1/18/94	INSTIT TRANSFER	7F7
CHIEF CLERK	05/12/92	8/28/92	DISCIPLINARY/LOCK-UP	3F5
WARDKEEPER	09/03/91	5/11/92	INMATE REQUEST	3F7
WARDKEEPER ASSISTANT	07/08/91	9/ 2/91	PROMOTION	5F7
GENERAL WORKER	06/17/91	7/ 3/91	INSTIT TRANSFER	7F7
GENERAL WORKER	02/25/91	6/ 4/91	LOCKUP-INVESTIGATION	7F7
WARDKEEPER ASSISTANT	06/15/89	7/14/89	AUTO-INST. TRANSFER	5F7
CUSTODIAL WORKER	05/12/89	6/14/89	PROMOTION	7F5
CONSTRUCTION TRAINEE	01/18/89	2/16/89	INSTIT TRANSFER	7F5
BRICKMASON HELPER	08/12/88	11/24/88	DISCIPLINARY/LOCK-UP	5F5
SENIOR CANTEEN OPERA	04/01/87	8/ 5/88	INSTIT TRANSFER	2F5
CANTEEN OPERATOR	06/23/86	3/31/87	PROMOTION	3F5
TEACHER AIDE	07/04/85	6/22/86	LATERAL TRANSFER	5F5
SENIOR INVENTORY OPE	06/21/85	7/ 3/85	UNSAT JOB PERFORM	2F5
LABOR CREW/WORK PROG	03/22/80	4/ 8/81	RELEASED/PAROLED	2F5
EMPLOYMENT PROGRAM	07/18/79	3/21/80	INSTIT TRANSFER	2F5
TIMEKEEPER	07/03/78	6/26/79	INSTIT TRANSFER	3F7

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
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\*NO SCHOOL ASSIGNMENTS\*

\*\*\*\*\* END OF REPORT \*\*\*\*\*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Basil W. Akbar, #065498 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 South Carolina Department of Corrections, )  
 Bill Byers, Martha Roof, Debrah Long, )  
 Lisia Johnson, Ann and John Doc, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 C/A No: 2013-CP-40-0301

**AFFIDAVIT OF NOEL HEBERT**

PERSONALLY APPEARED before me, Noel Hebert, who first being duly sworn deposes and avers the following:

- 1) I am currently employed by the State of South Carolina and the South Carolina Department of Corrections (SCDC) as an Accounting Manager. I have held this position since November 2011.
- 2) I have reviewed the employment and financial records for Inmate Basil W. Akbar, #065498, which are maintained by the South Carolina Department of Corrections in the normal course of business.
- 3) These records reflect that Inmate Akbar was employed in an SCDC work program from in or around March 1980 until in or around April 1981, when he was released on parole.
- 4) If Inmate Akbar had any funds remaining from his work program, it would be contained within a work center account with the SCDC. Inmate Akbar's records reflect that Inmate Akbar does not have any funds in a work center account with the SCDC. In fact, Inmate

Akbar does not have a work center account with the SCDC, and has not had one since at least 1994.

FURTHER THE AFFIANT SAYETH NOT.

Noel Hebert

Noel Hebert

SWORN TO AND SUBSCRIBED before me

This 23 day of July, 2013.

WALTER SORNO  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: June 16, 2021

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

TO: NAME: Ms. Melton	TITLE: Business Office	DATE: April 23, 2010
INMATE'S NAME: Basil W. Akbar	SCDC #: 065498	
INSTITUTION: Lee County	LIVING QUARTERS: Richland C-119	

Madam:

PER Ms. L. Johnson Grievance Clerk disposition dated 4/21/10, she suggested that I submit a Request to Staff to you with regards to the status and balance of my 1979-1981 April 8, Work Release Long Term Escrow Savings Account that was never closed.

I am requesting a chronicle narrative of said account with interest.

Thank You.

## DISPOSITION BY STAFF MEMBER:

Akbar: According to the system, you do not have an account of "Work Center" funds. That account was probably closed and archived when you were released in 1981.

At the present you have \$56.76 in your PI mandatory savings account.

DATE: 4/28/10	SIGNATURE: Ms. Melton
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

EX. #3 Page 2 of 2

STEP 1

INMATE NAME: Basil W. Akbar  
 SCDC NUMBER: 065498  
 INSTITUTION: Lee County  
 HOUSING UNIT: Richard C-119  
 WORK ASSIGNMENT: Horticulture

Office Use Only  
 Grievance No. LEE CI 0813-10  
 Code: General my  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 5/5/10  
 IGC Initials BJ

MAY 04 2010

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Upon Submitting a Request to Staff Member [dated April 23, 2010 and returned April 28, 2010] to Ms. Melton in Lee C.I. Business Office, at suggestion of Ms. L. Johnson Lee C.I. Grievance Clerk, April 21, 2010, I was taken by surprise and advised that, Quote: "According to the system, you do not have an account of work center funds. That account was probably closed and archived when you were release in 1981," said work release escrow account was never closed, and Trust Account employee(s)/official(s) in the course of their duties, has either oversighted, or did fraudulent appropriated to use of property (money) in his/her possession owed by Grievant without consent over a thousand dollars constituting embezzlement and larceny.

ACTION REQUESTED:

That work release escrow account be made transparent and accountable of funds with interest, and/or arrest warrant issued if funds are missing from account, and make copy of escrow archived record available.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

wrote: Ms. Melton Business office April 23, 2010

Basil W. Akbar 4/29/2010  
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is a duplicate of grievance LEE CI #0813-10, filed on 03/17/10. I did advise you to submit a request to staff to Ms. Melton to address your concerns, however this is still the same issue as Lee CI 0813-10 that was returned to you on 04-21-10. This grievance is being returned to you with no action taken.

L. Johnson 5/26/10  
 IGC Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

\_\_\_\_\_  
 Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

TO: NAME: MS. Long / MS. Roof, Financial Accounting Dept.	TITLE:	DATE: July 7, 2009
INMATE'S NAME: Basil W. Akbar	SCDC #: 065498	
INSTITUTION: Lee County	LIVING QUARTERS: Richland C119	

I am in receipt of your Disposition... dated June 18, 09, as to my December 1, 2008, Request to Staff Member addressed to Ms. Roof... However, with regards to my Question #6 "In addition, include a separate statement of my 1980 & 1981, Work Release Escrow Account Mandatory Long Term Savings... Status and balance... that was NEVER TRANSFERRED to my E.H. COOPER TRUST FUND ACCOUNT,"... Your reply was... "statements from 80 & 81 are not available. According to our record you received a Cooper deposit from Livesay WAK CENTER on 3/30/94.

To the contrary, in 1994 I was located at Lieber Inst, the only SCDC deposit should have been a REIMBURSEMENT FOR lost property [GA # LC3-030-94], MS. SUZANNE REICH, Chief Accounting Branch. ON 3/15/94 (\$2723) & 3/25/94 (\$5000) both cash deposits was from ME... ONLY deposits in MARCH. MOREOVER, said account [Basil W. Akbar, a.k.a. MELVIN T. BROWN, #065498] was NEVER closed.

I am respectfully requesting under F.O.I.A. SC Code §§30-4-10 thru 30-4-110, that you access your records that may be archived/reduced to Micro FICHE for information pertaining to above referenced account, and I would appreciate a prompt response, as the Regulation stipulate. Thank you in advance.

DISPOSITION BY STAFF MEMBER:

NO REPLY:

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Debrah Long  
South Carolina Dept. of Corr.  
Financial Accounting Dept.  
444 Broad River Rd  
Columbia, SC 29210

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *Amos Ackerman*  Agent

B. Received by (Printed Name): Amos Ackerman

C. Date of Delivery: 7-23-09

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchand  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

DATE: \_\_\_\_\_ SIG: \_\_\_\_\_

EX #8

SECOND URGENT REQUEST :

EXHIBIT #4

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

Page 2 of 2

TO: NAME: <u>MS. ROOF, FINANCIAL BUSINESS OFFICER</u>	TITLE: <u>3:54</u>	DATE: <u>December 6, 2008</u>
INMATE'S NAME: <u>Basil W. Akbar</u>	SCDC #: <u>065498</u>	
INSTITUTION: <u>Lee County</u>	LIVING QUARTERS: <u>Richard C-119</u>	

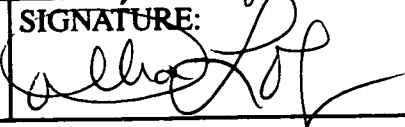
Madam: HOWEVER, RESPECTFUL during this slow process as to attain requested information I have been patiently waiting. I initially wrote you Oct. 22, 2008, and has not received a reply to my legitimate & genuine concerns, thus, resubmits as verbatim: I beseech your assistance, I am currently employed in Lee C.I., West Yard Prison Industry, and respectfully seeks the following information with regards to my Escrow account(s):

1. Does this account draw interest, if so, what is the current rate
2. Will I receive quarterly statements... automatically, etc....
3. Provide me with a complete copy of instructions, as to how to access escrow account.
4. Will I be charged a service fee, if so, explain.
5. Provide me with a complete copy of the Prison Industry Service Program pay deductions, and provision(s) [S.C. Code of Law] of authorization.
6. In addition, include a separate statement of my 1980 & 1981 work release escrow account mandatory long term savings... status and balance... that were never transferred to my E.H. Cooper Trust Fund Account.

Thank You

DISPOSITION BY STAFF MEMBER:

- 1) The account does earn interest. See attached
- 2) statements are not issued on long term "P" accounts for service however if your account earns more than \$10. interest per year you will receive a 1099.
- 3) you do not have access to your escrow account until your release
- 4) no
- 5) we do not provide copies of policy or Code of Law. you will need to go to the law library for the code of law. Policies should be available at the institution
- 6) statements from '80 + '81 are not available. According to our records you received a copper deposit for Liveay Work Center on 3/30/94

DATE: <u>6/18/09</u>	SIGNATURE: 
----------------------	--

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
COASTAL CORRECTIONAL REGION

April 29, 1994

Mr. Basil Akbar  
SCDC #65498  
Lieber Correctional Institution

RE: GRIEVANCE #LCI-030-94

Dear Mr. Akbar:

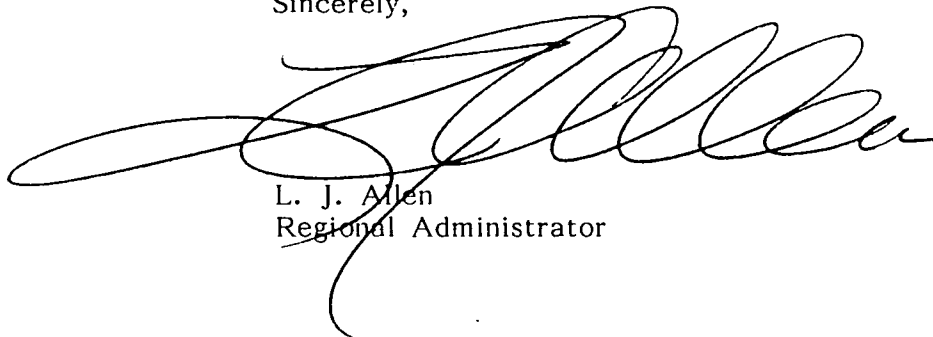
Due to an excessive workload, your complaint could not be addressed within the required time frame; therefore, a delayed response is submitted.

This letter is in response to the above referenced grievance filed against the Lieber Correctional Institution's operation procedures. You state upon your arrival to the Lieber Reception and Evaluation Center from the Broad River Correctional Institution, your personal property was inventoried by Sergeant Sosa. You state that several items you purchased from the State Canteen at the Broad River Correctional Institution were confiscated as contraband and have not been returned to your possession. In an effort to resolve this matter, you are requesting reimbursement for your missing property.

The items in question are considered contraband in the Lieber Correctional Institution's Maximum Security area; however, the items should not have been disposed of. Therefore, a memorandum requesting approval for reimbursement has been forwarded to Ms. Suzanne Reich, Chief, Financial Accounting Branch.

I trust I have adequately addressed your concern and consider this matter resolved. If you wish to pursue this matter, you must confer with the Inmate Grievance Clerk within three (3) days upon receipt of my response to you.

Sincerely,



L. J. Allen  
Regional Administrator

LJA/dmr

cc: Ombudsman Branch  
Mr. Benjamin Montgomery, Warden, Allendale Correctional Institution  
Grievance Staff Coordinator File: #LCI-030-94  
CCRO File



south carolina  
department of corrections

P.O. BOX 21787/4444 BROAD RIVER ROAD/COLUMBIA, SOUTH CAROLINA 29221-1787  
TELEPHONE (803) 896-8555  
PARKER EVATT, Commissioner

July 1, 1994

Mr. Basil Akbar  
SCDC No. 65498  
Lieber Correctional Institution

Re: Grievance No. LCI-030-94

Dear Mr. Akbar:

This is to inform you that the Inmates' Personal Property Review Committee met on June 27, 1994, and reached a decision regarding your personal property reimbursement claim.

The Committee recommended that you be reimbursed \$7.00 for your confiscated items. I concur with the Committee's decision. Therefore, by copy of this letter, I am requesting that Warden Montgomery implement reimbursement procedures in accordance with SCDC Policy No. 1500.30, Inmates' Personal Property, Page 2.

Sincerely,

A handwritten signature in cursive script that reads "William D. Catoe".

William D. Catoe  
Deputy Director for Operations

WDC:dh

cc: Mr. Blake E. Taylor, Jr.  
Mr. L. J. Allen  
Mr. Benjamin Montgomery (for necessary action)  
Ms. Susanne Reich, Financial Accounting  
Mr. Stacy L. Ford, Grievance Clerk, Lieber

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

EXHIBITS # 7

Page 1 of 3

INMATE NAME: Basil Akbar  
 SCDC NUMBER: 065498  
 INSTITUTION: Lee CI  
 HOUSING UNIT: Kick 119B  
 WORK ASSIGNMENT: \_\_\_\_\_

Office Use Only  
 Grievance No. ACC 1598-10  
 Code: General JP  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 4/14/11  
 IGC Initials \_\_\_\_\_

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," 17.3, "A grievance concerning the performance of any Institutional Inmate Grievance Coordinator shall be referred to the Chief/Designee, Inmate Grievance Branch, for investigation and response." Therefore your grievance has been forwarded to Central Office for a response.

for M. White 3/28/11  
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your grievance. Documentation provided reveals grievance(s) Lee CI 2323-09 and Lee CI 0813-10 were returned to you unprocessed for exceeding the appropriate timeframe by Ms. Johnson, Lee Institutional Grievance Coordinator on October 5, 2009 and April 21, 2010. In accordance with Agency Policy GA-01.12, "Inmate Grievance System," you have fifteen (15) days from the date of an incident to file a grievance. Agency records indicate grievance Lee CI 1270-10 was returned to you unprocessed as a duplicate to Lee CI 0813-10. The allegations you have raised against IGC Johnson cannot be substantiated.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

*I'm refusing to sign stating "IT" refused  
 a lawsuit and I will be waiving my rights  
 due to "order". This is the 2nd attempt  
 to get IGC to sign  
 Witness: [Signature] 4/26/11 4/26/11 C. Jones*

[Signature] 4/8/11  
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_

[Signature] 4/20/11  
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

*I'm Refused to participate, Refused to*

INMATE GRIEVANCE FORM  
STEP 1

INMATE NAME: Basil W. Akbar JUN 16 2010  
SCDC NUMBER: 065498 INMATE GRIEVANCE  
INSTITUTION: Lee County  
HOUSING UNIT: Richland C-119 JUN 09 2010  
WORK ASSIGNMENT: Horticulture

Office Use Only  
Grievance No. Lee C.I. 1598-10  
Code: General FD  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 6/10/10  
IGC Initials \_\_\_\_\_

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Grievance Clerk  
L. Johnson's Reckless indiscretion and conspiracy against my civil rights. Where Grievant  
sought to have his E.H. COOPER WORK RELEASE MANDATORY LONG TERM ESCROW SAVINGS ACCOUNT  
made transparent to him, as to status & balance which Head Quarters Financial Branch  
fail to do, lead to reasons to believe that funds from my account #065498 was missing or  
unjustly seized without notice or consent, depriving me of property in violation of 4<sup>th</sup> and  
14<sup>th</sup> Amend. State & Federal Const. Grievant has attempted to use grievance system to remedy  
complaint [Lee C.I. #2323-09; Lee C.I. #0813-10; Lee C.I. #1270-10], L. Johnson has repeatedly and erroneously  
denied me access to system upon insufficient reasoning. My interest to funds in my  
personal account is a protected property interest. \* continue on attached sheet \*

ACTION REQUESTED: (1) That work release account #065498 be made transparent to me.  
(2) That Grievances #Lee C.I. 2323-09; #Lee C.I. 0813-10; & Lee C.I. 1270-10 be processed. (3) That  
L. Johnson and C. James be reprimanded and replaced.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote: L. Johnson April 23, 10 ... C. James disposition Reply April 27, 2010  
M. Roof & D. Long February 26, 2010 ... Reply pending

Basil W. Akbar June 7, 2010  
Grievant Signature Date

ACTION TAKEN BY IGC:

In Accordance with Agency Policy, GA 01.12, "Inmate Grievance System", 17.3 A grievance concerning the performance of any Institutional IGC/IGA shall be referred to the Chief/Designee, Inmate Grievance Branch, for investigation and response. Grievance forwarded on 06/10/10. lmj

IGC Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

Grievant Signature Date

There is no statute of limitation to seek status/balance in an account. Grievant has a absolute unqualified right to access and seek status of any and all personal savings account managed by SCDC, such inquiry does not depend on whether an incident has occurred as L. Johnson has alluded on each grievance. However no incident exist until Grievant is made aware of wrong, or deprived of an vested right, and/or impending threat to person/property. Suspicion was arouse August 2009, SEE Ex. #1. On July 7, 09 Grievant Refuted D. Long's ERRONEOUS account via Certified Request to Staff, CURRENTLY PENDING Reply, SEE Ex. #2.

On August 17, 09 initial grievance was properly filed. Moreover, Grievant was not officially informed of seizure of his account or disclosed to Grievant until April 28, 10, SEE Ex. #3, and grievance was promptly and properly filed. No fair notice was given prior to said date, therefore Grievant should not have been sanction with a time frame.

L. Johnson has imposed a illegal burden on me, and impeded legal rights to inquire and seek relief, or exhaust administrative informal resolution through steps in grievance procedure, and she has exceeded her authority and responsibility by weighing the merits of complaint and making administrative decision. My personal account does not lie upon the whim of a grievance clerk.

L. Johnson is clearly oblivious of her duty owed to me/general population in a unbiased manner, and is insensitive to recognize or acknowledge wrong and abusive treatment, due to her obligation / invested interest to resolve disputes in favor of Agency, staff and employees. L. Johnson's action and omission are knowingly, intentional and calculated to deny just relief, and to imply that I have no right to know about my personal property (money's), or demand information from the entity (SCDC) charged with the fiduciary duty / obligation to me the beneficiary of said trust, apparently this obligation has been breached and L. Johnson is conspiring with responsible officials to further the cause.

It is also apparent that the grievance system is ineffective, discriminatory and futile, and serves merely as a preliminary step toward legal action. L. Johnson's omission / conduct is very serious and may constitute a felony conspiracy against civil rights; obstruction of justice, etc., for failure to act after being alerted of possible criminal misconduct.

CC: CORR. & PENology  
SLED  
file

B. S. Akh

Date: June 7, 2010

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Basil W. Akbar  
SCDC NUMBER: 065498  
INSTITUTION: Lee County AUG 18 2009  
HOUSING UNIT: Richard C-119 PP  
WORK ASSIGNMENT: West Yard P.I.

Office Use Only  
Grievance No. Lee CC #2323-09  
Code: General my  
Policy g  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 8/19/09  
IGC Initials g

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) ON OCT. 22, 08, it was initially called to the attention of Ms. Roof Financial Accounting Branch, Questions Related to My [179-198] Work Release Mandatory Long Term Escrow Savings Account, Status and balance that was NOT Release to me upon Parole April 1981, NOR TRANSFERRED to my account. ON July 7, 2009, I wrote Ms. Long via certified Mail [\*2007-3020-0003-0159-6940] Received by Amos Ackerman 7/23/09, to no avail. Failure to Return Property upon Release DENIED due PROCESS, Money is Property. There is NO question that the funds in My Prison Account is a Protected Property Interest, and that I am PRIDE to know the balance and Status of said Account. It Appears that a Tort has OCCURRED Regarding said Account from a BREACH of legal duties, and an attempt to CONCEAL the wrong.

ACTION REQUESTED: (1) That I be promptly informed of the balance in My Work Release Mandatory Long Term Escrow Savings Account, That balance be transferred to My E.H. Cooper Account with Interest.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

WROTE: Ms. Roof, Financial Account Branch Headquarters, Oct. 22, 08 & Dec. 1, 08, No Reply  
Ms. Mellon, Lee C.I. Financial Office, Feb. 8, 09 & April 9, 09  
Ms. Long, Financial Account Branch Headquarters, March 2, 09 & June 18, 09

\* Family member made numerous phone calls from February thru August 2009. No return calls.

Basil W. Akbar Aug 17, 2009  
Grievant Signature Date

ACTION TAKEN BY IGC:

This grievance is being returned to you unprocessed. You have exceeded the appropriate time frame to file a grievance on this issue. According to Agency Policy/Procedure GA-01.12, you have (15) fifteen days from the date of the alleged incident to file a grievance on this issue. Your grievance is being returned to you with no action taken.

L. Johnson 10/5/09  
IGC Signature Date

\_\_\_\_\_  
Grievant Signature Date

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 1

INMATE NAME: Basil W. Akbar  
SCDC NUMBER: 065498  
INSTITUTION: Lee County  
HOUSING UNIT: Richland C-119  
WORK ASSIGNMENT: Horticulture

MAR 19 2010

Office Use Only  
Grievance No. LEEC10813-10  
Code: General any  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class: \_\_\_\_\_  
Date Received 3/22/10  
IGC Initials JO

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) ON Feb. 26, 2010, I sought the status and balance of my SCDC ESCROW Account # 065498, Mandatory Long Term Saving Accounts from its inception, that was NEVER CLOSE, via Request To Staff Member, directed to Ms. Roof and Ms. Long at Finance Account Branch Head Quarters, said staff members has intentionally ignored the detail facts presented. Instead alluded to a date [3-30-94, Reimbursement for lost property] UNRELATED to matter of concern, of which I had since made a corrective reply to their deformed misinformation. I have reasons to believe that the Finance Account Branch is in opposition to me receiving status of accounts and is hindering release of personal information regarding my 1979-1981 April 8, Work Release Long Term Savings Accounts. I believe that funds has been removed/stolen from my accounts, or that someone is attempting to defraud and swindle me of my personal money.

ACTION REQUESTED:

(1). I want a CHRONICLE NARRATIVE of the status of my Accounts with interest (2). balance of Accounts Released and TRANSFERRED into my E.H. COOPER Account;

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote:

MS. Roof and MS. Long, via Request To Staff Member, Feb. 26, 2010 - Pending Reply  
MR. OZMINT Commissioner, " " " March 7, 2010 - Pending Reply

Basil W. Akbar March 17, 2010  
Grievant Signature Date

ACTION TAKEN BY IGC:

This grievance is being returned to you unprocessed for the following reasons. You have exceeded the appropriate time frame to file this grievance. According to Policy/Procedure GA-01.12, you have (15) fifteen days from the date of the incident to file a grievance. Additionally, I suggest that you submit a request to staff to Ms. Melton in the Business Office to address this issue.

R. John 4/21/10  
IGC Signature Date

\_\_\_\_\_  
Grievant Signature Date

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

Receipts: April 23, 2010

Exp.



Basil W. Akbar, 065498  
LEE COUNTY CORR. INSTITUTION  
990 Wisacky Highway, Flo. 2213-S  
Bishopville, S.C. 29010

THE SOUTH CAROLINA COURT OF APPEALS  
U. CLAIRE ALLEN, DEPUTY CLERK  
1015 SUMNER STREET  
COLUMBIA, S.C. 29201

**RECEIVED**

FEB 07 2014

**SC Court of Appeals**