

"MOTION TO FILE APPEAL"

"OUT OF TIME"

RECEIVED
JUN 04 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Paul Burch, Circuit Court Judge
Court of General Sessions

Indictment No.
2013 - GS - 46 - 04369
2013 - GS - 46 - 04371

RECEIVED
JUN 04 2014
SC Court of Appeals

State of South Carolina,

Respondent,

- VS -

Akeem Alim-Nafis Abdullah-Malik,

Appellant.

MOTION TO FILE APPEAL
Out of Time

Pursuant to the letter of the Honorable Daniel E. Shearouse, Clerk of Court for Supreme Court of South Carolina, Appellant hereby motion this Court to allow him to file his Notice of Appeal out of time. This motion is based upon the following:

- 1). Appellant served his Notice of Appeal upon the State of South Carolina (along with the Explanation required by Rule 203(d)(1)(B)(iv), SCACR) on March 11, 2014, by placing the same inside an envelope, with sufficient postage thereon, addressed to:
- | | | |
|-----------------------------|-------------------|-----------------------|
| Solicitor's Office | Clerk's Office | S.C. Court of Appeals |
| % Ryan B. Newkirk, Esq. | P.O. Box 649 | P.O. Box 11629 |
| <u>1675-1A York Highway</u> | York, S.C., 29745 | Columbia, S.C. 29211 |
| <u>York, S.C. 29745</u> | | |
- 2). Appellant turned the afore-said mail over to York County Detention Center officials for mailing to the above-said addresses, on March 11, 2014. (see attached)
- 3). On the same date (03/11/2014) Appellant was transferred from the York County Detention Center ("YCDC") to the Reception and Evaluation Center at the South Carolina Department of Corrections ("SCDC") whereupon Appellant was admitted into the SCDC's R+E whereby all of Appellant's legal documents and legal materials were confiscated from Appellant's possession and turned over to SCDC's legal department which was not returned to Appellant until after March 24, 2014. (see attached)
- 4). Appellant forwarded correspondence letters to multiple officials making inquiries regarding the status of his appeal to no avail. Each official claimed to have no knowledge or record of Appellant's appeal notice. (see attachments)

5). Upon Appellant's contact with the S.C. Supreme Court, the Clerk of that court informed me of the need to motion this Court to allow the late filing of the notice of appeal. (see attached).

WHEREFORE, based upon the foregoing reasons, Appellant hereby move this Court to allow late filing of the notice of appeal.

May 9, 2014,
Turbeville, South Carolina.

BY: Mr. A. Alim-Nafis Abdullah-Malik
Mr. AKeem Alim-Nafis Abdullah-Malik
Turbeville Correctional Institution
P.O. Box 252
Turbeville, S.C. 29162

Certificate of Service

I hereby certify that I have this date served a copy of the foregoing upon the State of South Carolina by depositing the same in the U.S. Mail, postage prepaid, addressed to:

Solicitor's Office
Ryan R. Newkirk, Esq.
1675-1A York Highway
York, S.C. 29745

5-29-14
(Date)

Mr. A. Alim-Nafis Abdullah-Malik
Mr. AKeem Alim-Nafis Abdullah-Malik