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JUN 13 2014

SC Court of Appeals

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

APPEAL FROM RICHLAND COUNTY
G Thomas Cooper, Jr., Circuit Court Judge
Civil Action No.:2013-CP-40-0301

BASIL W. AKBAR

APPELLANT

Vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS et al.

RESPONDENT

APPELLANT'S OBJECTION TO RESPONDENTS' RETURN
TO APPELLANT'S MOTION FOR ORDER COMPELLING DISCOVERY

On May 29, 2014 Respondent filed Return to Appellant's Motion for Order Compelling Discovery, alleging "Appellant's Motion is incoherent and does not make sense." For reason of clarity states as follows:

JURISDICTION

Appellant seeks Order Compelling Discovery pursuant to Rule 32...and adequate time to amend his pleading as may be necessary to cause them to conform to the evidence after completion of Discovery pursuant to Rule 15(b),(c)(2)(3), and (d), SCRCP...Leave of court shall be freely given when justice so requires.

CORROBORATING, DEMONSTRATIVE AND DOCUMENTARY EVIDENCE

Appellant avers that his work release account, etc., [discover material] plainly qualifies as evidence that advantageous to Appellant. However the

Respondents refuse to make work release account and relevant material transparent to him/court, because of its crucial exculpatory and impeachment effects, that would aid the court in understanding the case before it...and appeal directly to the **senses** of the trier of facts...and documentary evidence that has legal effect...Indispensible Evidence that is necessary to prove submitted facts, and Real Evidence to facts in issue that would clear-up any/all discrepancies between the parties and Respondents alleged malfeasance, despite Respondents' failure to admit or deny the allegations set forth in complaint and discovery request. There are considerable amount of evidence that acknowledge fraud, conspiracy and possible criminal charges (given a proper investigation), the unconscious concealing evidence in instant matter is conspicuous, unfair and egregious, further violates State and Federal rights guaranteed by the Constitution.

ERROR OF FACT/LAW

Coupled with the Lower Court's flawed decisions, not ruling **personal account** be made transparent (emphasis added); relying on Respondents' distorted version of facts; and misapplication of 1994 South Carolina Code of Law to claim governed by 1976 law resulted in error. An erroneous ruling on a legal issue [an error of law] occurring during hearing is subject to review by the Appellate Court. A claim that the trier of the improperly found fact [an error of fact] may be reversed by the hearing court on ground that the verdict was against weight of evidence.

However, the Lower Court respectfully here nevertheless urges in effect that the Respondents' can lie and conceal evidence in their possession to their convenient/advantage...and the prisoner still has the burden to discover

the evidence.

In addition, Respondents' dishonest conduct and unwarranted concealment should **Attract Judicial Notice** by the Court's own volition, coupled with the Lower Court's decision that undermines the Fifth, Eighth, and Fourteenth Amendment of the United States Constitution, and reliability.

CAUSE AND PREJUDICE

The Applicant shows cause when the reason for not developing facts in the state court proceedings was due to Respondents' suppression of relevant evidence...and prejudice ensued where suppressed evidence is material...and capable of substantiating his claims. Not only is the discovery request(s) relevant to the subject matter involved in this case...it is the **subject matter** of the case itself, City of Columbia v. A.C.L.U. of South Carolina, Inc., 323 SC 388, 475 SE2d 747, 749(1996), whereby the record would show clearly actual dates; amounts of funds deducted from checks; and funds credited to his work release savings account, etc..

Finally, SCLC's policy, and South Carolina statutory law mandate personal work release funds deposited to credit of the prisoner be made transparent upon request. From the inception of request to Staff, Grievances, and Complaint the Appellant sought transparency of said documentary evidence that gave rise to cause of action no corrective action has been taken; denial furthered substantive law violation.

Date: June 12, 2014



Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky hwy.,
Flo.2213-S
Bishopville, S.C.29010

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SC Court of Appeals

Basil W. Akbar

Appellant

v.

South Carolina Department of Corrections, et al.

Respondents

CERTIFICATE OF SERVICE

I, Basil W. Akbar hereby certify that a copy of the following,
"Appellant's Objections to Respondents' Return to Appellant's Motion
For Order Compelling Discovery" was served by The United States
Postal Service, postage prepaid addressed as follows:

Daniel R. Setters, Jr., Attorney, 1303 Blending St., Columbia, S.C. 29201.

Date: June 12, 2014



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Lee County Corr. Inst
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THE HON. V. CLARRE ALLEN,
DEPUTY CLERK, S.C. COURT OF APPEALS

RE: Basil W. Akbar v. South Carolina Dept. of Corrections, et al.
C/A No. : 2013-CP-40-0301

Dear Clerk Allen:

Please find enclose for filing Appellant's Objections to Respondents' Return to Appellant's Motion for Order Compelling Discovery, and Certificate of Service.

In Addition, I am in receipt of your letter dated June 9, 2014, received June 11, 2014. Please be advised that I am without funds (\$25.00) in my account, NEVERTHELESS, my family is in process as before, forwarding a \$25.00 check to the court in my behalf from Houston Texas, to correct the deficiency, and it may be a few days late.

Thank you in advance for your understanding.

Respectfully Submitted



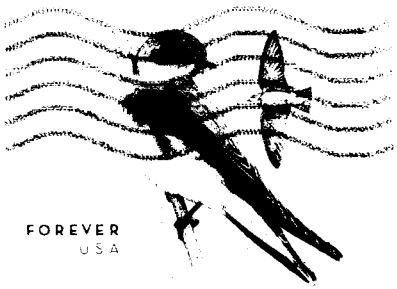
Basil W. Akbar, 065498

cc: DANIEL R. SETTANO, ESQUIRE

Basil W. Akbar, 063498
Lee County Court, Inst.
990 Wiscacky Highway, Flo. 2213-S
Bishopville, S.C. 29010

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THE HONORABLE V. CLAIRE ALLEN, DEPUTY CLERK
SOUTH CAROLINA COURT OF APPEALS
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