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Basil W. Akbar, 065498
LEE County CORR. INST.
990 WISACKY Hwy., Flo, 2213-S
Bishopville, S.C. 29010

July 30, 2014

THE HON. JENNY ABBOTT KITCHINGS, CLERK
THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED

AUG 06 2014

SC Court of Appeals

RE: Basil W. Akbar v. SCDC, et al., Appeal No. 2013-002306
Supplemental Record on Peal

Dear Ms. Kitchings:

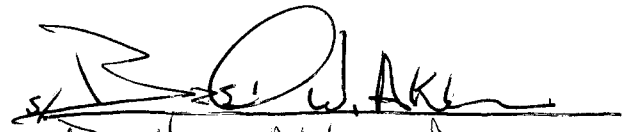
I am the Pro Se Litigant in the above REFERENCE matter, and I have submitted an ORIGINAL copy of Respondents' Designation of Matters, and included in my Designation of Matters, documents or materials submitted by the Appellant and Respondents' in the Lower Court by Reference.

However, the Respondents has fail to submit an out-line of the Appellant's Designation of Matters, or "All Pleadings filed in the Lower Court in Related matters", dated March 17, 2014 (SEE, paragraph Number 8) Designation of Matters, to include:

- * Plaintiff's Summons & Complaint, filed June 16, 2013
- * Notice of Motion and Motion of Removal and Transfer of Record (Docket No. 10-ALJ-04-01104-IJ)
- * Plaintiff's Notice of Appeal of Final Order, (10-ALJ-04-01104-IJ) dated May 18, 2011
- * Brief of Appellant, Exhibits, & Interrogatories, (10-ALJ-04-01104-IJ) dated February 13, 2011.
- * Motion in Limine to Establish Facts, or in the Alternative for Stay, dated February 13, 20 April 12, 2013.

HOWEVER, ENCLOSED IS AN COPY OF APPLICANT'S ORIGINAL SUMMONS AND COMPLAINT. MOREOVER, I DO NOT UNDERSTAND HOW RESPONDENTS CAN REQUEST DOCUMENTS ALREADY IN THEIR POSSESSION, AND THEN ERRONEOUSLY ALLEGE THEY CAN-NOT FILE THEIR BRIEF ON TIME, AND FAIL TO COMPLY TO THE SAME RULES THAT THEY ACCUSE ME OF NOT BEING IN COMPLIANCE.

A COPY OF THIS LETTER AND CONTENT IS SERVED UPON RESPONDENTS' COUNSEL OF RECORDS.


Basil W. Akbar, Pro Se.

cc: Daniel R. Settawa, Jr., Esquire
P.O. Box 7217, Col., S.C. 29202

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
2013 CP400 301
Case No.

Basil W. Akbar,
Plaintiff,

vs.

South Carolina Department
of Corrections; Bill Byars;
Martha Roof; Deborah Lobj;
Lisia Johnson;
Ann and John Doe,
Defendants.

SUMMONS

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AUG 06 2014

SC Court of Appeals

RICHLAND COUNTY
FILED
2013 JAN 16 PM 2:23
JEANETTE M. MCGRIDE
C.C.P. & G.S.

YOU ARE HEREBY SUMMONS, and REQUIRED to answer the Complaint here'in, a copy of which is here with SERVED upon you, and to SERVE a copy of your answer to this Complaint upon the subscriber at the address shown below within thirty (30) days after SERVICE hereof, exclusive of the day of such SERVICE, and if you fail to answer the Complaint, Judgment by Default will be RENDERED against you for the Relief demanded in the Complaint.

Date: October 1, 2012



Basil W. Akbar, 065498
Lee County Corr. Inst.,
990 Wisacky Highway, Kerr, 2224-N
Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,
Plaintiff,

Case No.

vs.

COMPLAINT

South Carolina Department
of Corrections; Bill Byars;
Martha Roof; Debrah Long;
Lisia Johnson;
ANN and John Doe.
Defendants.

(Jury Trial Demanded)

RICHLAND COUNTY
FILED
2013 JAN 16 PM 2:23
JEANETTE W. MORRIS
C.C.P. & G.S.

The Plaintiff, complaining of the above-named Defendants,
would show the Court:

1. The Plaintiff, Basil W. Akbar, at all times relevant herein a State Prisoner currently incarcerated at the Lee County Correctional Institution, 990 Wisacky Highway, Richland C-119, Bishopville, S.C. 29010.
2. The Defendant, South Carolina Department of Corrections (SCDC / Department) includes all staff, Departments, Institutions, Officials, Employees, and Director, as well as whom SCDC is liable for, is sued for willful, gross negligent, malicious tortious acts, as names and set forth herein, as allowed under the South Carolina Torts Claim Act; and is sued, seeking declaratory, injunctive and monetary relief.
3. The Defendant, Bill Byars, is the Director of SCDC, he is responsible for overall supervision of its staff, Employees, and the Agency daily operations, the welfare of each prisoner, the implementation and enforcement of all Rules / Regulations governing prisoner and SCDC's employees and their training. He is sued in his individual / Official Capacity (s).

4. The Defendant, Martha Roof, at all times Relevant served as an SCDC Finance Accountant, charged with vicarious/direct management of SCDC's E.H. Cooper Trust Account. She is sued in her individual / official capacity (s).

5. The Defendant, Debrah Long, at all times Relevant served as an SCDC Finance Accountant, charged with vicarious / direct management of SCDC's E.H. Cooper Trust Account. She is sued in her individual / official capacity (s).

6. The Defendant, Lisa Johnson, at all times Relevant served as an SCDC Grievance Clerk, charged with carrying out her duties in a lawful and constitutional manner. She is sued in her individual / official capacity (s).

7. The Defendants, Ann and John Doe, are Agency / Employees of SCDC, and upon completion of discovery will be named, and sued in their individual / official capacity (s).

8. All the Defendants have acted, and continued to act under color of state law at all times Relevant to this complaint; and pursuant to S.C. Code Ann. § 24-1-220, must be brought in name of Director.

JURISDICTION

9. This action is brought pursuant to S.C. Code Ann. §§ 15-28-10 thru 15-28-190 (Supp. 2002), seeking monetary, Declaratory and Injunctive Relief, for wrongs done by Defendants in accordance with S.C. Torts Claim Act, and § 16-5-60 (1985). (25) Responsibility or duty including but not limited to supervision,

STATEMENT OF FACTS

10. The Plaintiff pled guilty to murder in 1971, and received a sentence of life with parole eligibility... and from July 1979 thru April 1981 the Plaintiff [AKBAR] were constitutionally assigned to SCDC's Work Release Programs, and employed at Owen Electric & Steel Company, and weekly deductions were taken for, "Mandatory Long Term Escrow Saving Account"... and Room and Board, and subsequently released on conditional parole April 1981 day of parole hearing. However, balance of Escrow

Account was not released. On April 1985 Akbar's conditional parole was revoked in absence and returned to the restraint of SDC, Akbar contends that he has an vested interest right to his work release escrow account.

STATEMENT OF CASE

11. This Complaint raised from an Inmate Grievance(s), [Lee C.I. #2323-09, #0813-10, #1270-10, and #1598-10] initiated by the Plaintiff Basil W. Akbar (AKBAR), filed between August 17, 2009 thru June 7, 2010, and Administrative Law Court Appeal filed, and dated December 31, 2010 claiming that his Liberty Interest Rights, Statutory Rights, Rule, Regulations, and Department's Policies governing procedures was grossly violated.

12. On October 22, 2008, Akbar initiated correspondence with SDC's Financial Business Office [Martha Roof], and second request on December 1, 2008 upon no reply... and after numerous phone calls via family members; Akbar's request to staff member was returned with disposition dated June 18, 2009, from [Debrah Long] SDC's Financial Account Branch whom fail to address concerns. A third request was served on Ms. M. Roof and Ms. D. Long, via "Certified Mail"... seeking information pertaining to said "Work Release Escrow Account" pursuant to S.C. Code Ann. §§ 30-4-10 thru 30-4-110. However Defendants fail to respond, or make said account transparent upon request under the SDC's definition of Department's Policy "Employee Account, ADM-15.12."

→ 13. On August 17, 2009, Akbar filed a "Step 1" grievance (Lee C.I. #2323-09) that was returned unprocessed, and on March 17, 2010, Akbar file a second grievance (Lee C.I. #0813-10), asserting fraudulent appropriation of his Work Release Escrow Savings Account... and likewise returned unprocessed by Ms. Lisa Johnson Grievance Clerk, stating, "According to Agency Policy GA-01.12, you have (15) FIFTEEN days from the date of the alleged incident to file a grievance on this issue"... however suggested that Akbar submit a request to Ms. Molton, Lee C.I. Business Office to address issue.

14. Akbar was informed for the first time "February 9, 2009" that according to the system you do not have an account of Work Release in 1981. That account was probably closed and archived when you were released in 1981."

15. As a result a Third grievance (LEE C.I. #1270-10) was filed and returned unprocessed by MS. L. JOHNSON GRIEVANCE CLERK.

16. ON JUNE 7, 2010, AKBAR FILED GRIEVANCE (LEE C.I. #1598-10) CONTENDING THAT GRIEVANCE CLERK AND SCDC DEPRIVED, AND VIOLATED HIS TESTED LIBERTY INTEREST ENTITLEMENT, CIVIL AND CONSTITUTIONAL RIGHTS.

17. ON DECEMBER 31, 2010, AKBAR FILED A S.C. ADMINISTRATIVE LAW COURT (ALC) NOTICE OF APPEAL, CONTENDING THAT THE DEPARTMENT HAD "PROCEDURALLY DEFAULTED" RAISED AS ONE OF NUMEROUS ISSUES, THAT WAS DISMISSED WHEN THE ALC IMPERMISSIBLY HEIGHTENED THE STANDARD OF REVIEW.

CLAIMS

FIRST CAUSE OF ACTION PROCEDURAL DEFAULT

18. THE PLAINTIFF REALLEGES EACH AND EVERY ALLEGATION SET FORTH ABOVE AS IF REPEATED HEREIN VERBATIM, AND FURTHER ALLEGES:

19. AKBAR CONTENDS THAT DEFENDANTS SCDC AND BILL BYARS DIRECTOR, BY VIOLATION OF CHAPTER 78 OF TITLE 15 § 24 SOUTH CAROLINA CODE OF LAW IS RESPONSIBLE FOR THE CONDUCT OF THE DEFENDANTS AS SET FORTH ABOVE, SAID CONDUCT BEING GROSSLY NEGLIGENT, WILFULLY, WANTON AND RECKLESS IN THE PARTICULAR TO WIT:

a. SCDC'S CONDUCT CONSTITUTED PROCEDURAL DEFAULT, AND REPRISAL WHERE PRISON OFFICIALS FAIL TO PROCESS GRIEVANCE(S) WITHIN FIXED TIME AT EACH STAGE, AND SAFEGUARD AGAINST REPRISAL, AND

b. GRIEVANCE LEE C.I. #1598-10, FILED JUNE 7, 2010 WENT UNADDRESSED PASSED FIX TIME LIMIT, IN VIOLATION OF SCDC'S POLICY GA-01.12; NELSON CONSENT DECREE, PAGE 38, § 2; 1ST, 5TH, AND 14TH AMENDMENT OF STATE AND FEDERAL CONSTITUTION; S.C. CONST. ART. 1, § 5; AND ESTABLISHED LAW.

c. SCDC/OFFICIALS DID WILFULLY AND INTENTIONALLY FAIL TO PERFORM MINISTERIAL DUTIES ... FAIL TO KEEP WITHIN TIME RESTRAINT AND EXCEEDED THE POWER CONFERRED UPON THE AGENCY BY CLEARLY ESTABLISHED AUTHORITY ... IGNORING ITS OWN GUIDELINES, CONSTITUTING DEFAULT.

SECOND CAUSE OF ACTION TORTUOUS ACTS

20. The Plaintiff realleges each and every allegation set forth above as if repeated herein verbatim, and further alleges:

21. The conduct of Defendants, staff, employees, officials and Agents, constituted gross negligent, willful, wanton and intentional violations by virtue of Chapter 28 Title 15 South Carolina Code of Laws; S.C. Code §§ 24-3-20 thru 24-3-40; under the SCDC's definition of Policy #ADM-15.12; 1st, 5th, 8th and 14th Amendments, State and Federal Constitution(s), S.C. Constitution Art. 1, § 3, as set forth above:

1976 Codes
of Law,

- a. in that Defendants refusal / failure to make WORK Release ESCROW Account transparent to him, and as a punishment.
- b. in that Defendants deprived him of benefit of interest pursuant to S.C. Code § 24-3-40... and deprived of personal property did due process, and
- c. in depriving him of reporting of mistake in Account, and did unlawfully silence his speech... (Re: ...)
- ★ d. in that Defendants fail to investigate, or correct mistake, or explain why the account is correct.

THIRD CAUSE OF ACTION OUTRAGE

22. The Plaintiff realleges each and every allegation set forth above as if repeated herein verbatim, and further alleges:

23. The Plaintiff contends that the conduct of the Defendants as set forth above was outrageous in nature, in that conduct was atrocious and utterly intolerable in a civilized community and so at extreme and outrageous as to exceed all possible bounds of decency, thus denying fundamental liberty interest protected by Due Process Clause, such conduct was deliberate, intentional, reckless and an arbitrary abuse of power sufficient to

Shock the Judicial conscience. Defendants acted with full appreciation of the effect of its action, thus certain cause Akbar to suffer physical, psychological, and emotional distress... and in that Defendants willfully and grossly violated provisions, laws, rules, regulations and constitutional rights, without regards for Akbar's life, liberty or property, while being denied due process, equal protection of the law, and property interest rights:

a. in that Defendants deprived Akbar of civil liberty, amenability to civil action... liability to actions seeking remedies... and enforcement of personal rights based on tort pertaining to the rights and duties... and rights to legal proceedings concerning these rights.

b. in that Defendants deprived him of his civil rights belonging to Akbar by virtue of his civil rights as a citizen, and member of civil society, and society, and social equality, and

c. in that Defendants arbitrarily... Repeated... intentional acts and omission did unlawfully impeded/obstructed the due course of justice... and subverted Akbar's rights.

d. in that Defendants unlawfully infringed upon Akbar's free speech and property rights, as he sought the status and balance of his work release escrow account... Redress Relief... Remedy and Recovery.

FOURTH CAUSE OF ACTION FRAUDULENT APPROPRIATION/DAMAGES

24. The Plaintiff realleges each and every allegation set forth above as if repeated herein verbatim, and further alleges:

25. As a direct and proximate results of the afore said acts and omission on the part of the Defendants, the Plaintiff has been injured and damaged, in that he has been fraudulently deprived of property [money], privileges and immunities afforded to citizens of the State of South Carolina, and has been

subjected to CRUEL and UNUSUAL punishment... DEPRIVED of liberty and PROPERTY ENTITLEMENT, DUE PROCESS and EQUAL PROTECTION of the law, thereby ENTITLING him to RECOVER actual and COMPENSATORY DAMAGES from the DEFENDANTS... and is FURTHER ENTITLED to PUNITIVE/EXEMPLARY DAMAGES from the DEFENDANTS, as the CONDUCT of such DEFENDANTS as set forth herein was WILLFUL, WANTON, RECKLESS and GROSSLY NEGLIGENT, as well as KNOWING, INTENTIONAL and MALICIOUS.

a. in that SDC's FINANCIAL ACCOUNT BRANCH is CHARGED with the FIDUCIARY DUTY and OBLIGATION to AKBAR, the BENEFICIARY of WORK RELEASE ESCROW SAVINGS ACCOUNT #065498.

b. in that SDC/DEFENDANTS ARE REQUIRED under Policy ADM-15.12 CLOSE-OUT of INMATE ACCOUNT, SECTION 20, WORK RELEASE PROGRAM INMATE UNCLAIMED ACCOUNT... LETTER WILL BE SENT to the LAST KNOWN ADDRESS of the ACCOUNT HOLDER whose BALANCE IS \$50.00, OR MORE, and

c. in that AKBAR NEVER CLOSED-OUT his WORK RELEASE ESCROW ACCOUNT... and WERE PAROLED and RELEASE on the SAME DAY, and WAS NOT ADVISED OR GIVEN NOTICE REGARDING closing-out ESCROW ACCOUNT.

26. The Plaintiff further SEeks LEADS for DISCOVERY pursuant to Rule 33 and 34, S.C.R.C.D. PROC., and RESERVES RIGHTS to amend pleadings after DISCOVERY is completed from time of SERVICE until time of hearing of this action.

RELIEF

WHEREFORE, Plaintiff REQUEST this Honorable Court grant the following Relief:

A. Issue a DECLARATORY JUDGMENT in that DEFENDANTS VIOLATED STATE PROVISIONS, LAWS, RULES and REGULATIONS when that:

in that DEFENDANTS under SDC's DEFINITION of PUNITIVES, ADM-15.12, CLOSED-OUT of INMATE ACCOUNT; and GA-01.12, INFORMAL RESOLUTION VIOLATED PROCEDURES and PROCESS.

2. in that defendants fail to CARRY-out fiduciary duty / obligation owed to [AKBAR] beneficiary of account.

3. in that defendants ERRONEOUSLY RENDERED AKBAR PERMANENTLY ineligible for attaining his WORK RELEASE ESCROW ACCOUNT Funds, upon unjustified claim.

4. in that AKBAR's liberty interest and property interest Rights was properly established.

B. Issue Injunctive and Mandatory Injunctive Orders that Defendants, Staff, Employees, Officials and Agents:

1. Refrain from arbitrarily imposing RESTRAINTS NOT PRESCRIBED / applicable in AKBAR's case.

2. that AKBAR's [1979-1981] WORK RELEASE ESCROW ACCOUNT BE MADE IMMEDIATELY TRANSPARENT... balance... status, and interest... TRANSFERRED to his E.H. COOPER ACCOUNT, OR designee.

C. Grant Damages in the amount of:

1. \$600,000 the statutory limit, jointly / severally against all named defendant(s).

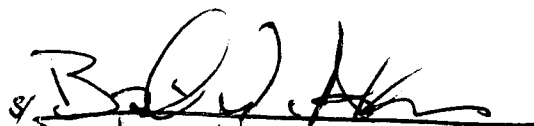
D. Grant Punitive Damages of \$300,000 against each Defendants.

E. And for such other and further relief as the Court may deem proper and just.

Bishopville, S.C.

Date: June 14, 2011

October 1, 2012



Basil W. AKBAR, 065498

Lee County Corr. Inst.

990 Wisacky Highway, Rich. C-119

Bishopville, S.C. 29010