

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

October 1, 2014

Mr. Akeem Alim-Nafi Abdullah Malik, 359150
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

Re: The State v. Akeem Alim-Nafi Abdullah-Malik
Appellate Case No. 2014-001001

Dear Mr. Malik:

This responds to your letter to Chief Justice Toal dated September 23, 2014. Please be advised that the Chief Justice cannot consider this *ex parte* communication about the above appeal that is pending before the South Carolina Court of Appeals.

If you are ultimately aggrieved by the final decision of the South Carolina Court of Appeals, your remedy will be to seek review as provided by Rule 242 of the South Carolina Appellate Court Rules.

Very truly yours,

CLERK

RECEIVED
OCT 01 2014
SC Court of Appeals

cc: Salley W. Elliott, Esquire (with copy of correspondence)
✓ The Honorable Jenny Abbott Kitchings (with copy of correspondence)

IN THE SOUTH CAROLINA SUPREME COURT
FOR THE STATE OF SOUTH CAROLINA

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OCT 01 2014

S.C. SUPREME COURT

TO CHEIF JUSTICE MADAM JEAN H. TOAL
950 Taylor Street Suite 120
Columbia , South Carolina 29201

Fr: Mr. Akeem Alim-Nafis Abdullah-Malik
SCDC'(s) # [359150] 000
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina [29067]

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OCT 01 2014
SC Court of Appeals

Re: Criminal Appeal # 2014-001001

Madam Chief Justice

If I may Madam. I'AM writing you to seek some warranted conducive intervention and if possible modification of a matter of Factual Error. I'AM a pro-se litigant have been for some time. However in perfecting my craft and art it has is a very immense struggle at interims. Which I at instance present this matter before you seeking Supreme Authority Notice to South Carolina Appeals Court Factual Error Dismissing a Criminal Appeal State v. Akeem Alim-Nafis Abdullah-Malik. 2014-001001.

Madam Cheif Justice maam. I served the appropriate parties in serving my Notice of Appeal. With request to the Lower Courts to distribute due to my at that interims being transfered to South Carolina Department of Corrections. As well my inability to make copies at that interim. I ask that the Lower Court Clerk would serve on the State, Appropriate District Court/ General Sessions Court, and Appellate Courts. I was senetenced on March 10th, 2014, Filed Notice March 11th, 2014 By hand delivering to Officer at York County Detention Center. Houston v. Lacke (cite ommitted). Yet

L.S.Y

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Madam Chief Justice Maam. I filed on time. The S.C. Appeals Court factually erred in erroneously deciding and dismissing my Direct Appeal as Untimely Maam. The SCARC 262(b) implies once I left with clerk the parties were served. I explained this in response as I responded to a letter marked April 24, 2014 and April 30th, 2014 and July 2, 2014 to the S.C. Appeals Court in questioning of the letter stipulating I was unable to make copies. In spite I am only a pro-se litigant with limited capacities while incarcerated that I filed and used what depository and duplicate means that were available at that instance maam.

In furtherance Madam Chief Justice I'AM a litigant with many aspiration that at the time of arrest I being a U.S. Army 3 Time Honorable Discharged Veteran who was actively participating in mental health and medical health Veteran Programs. I've only sought relief to Veterans Treatment Court which I felt I should have been discharged to. As I as well were a Full Time VRAP Veterans Retraining Assistance Program Student as a paralegal desired to transfer to UNCC and prepare for LSAT and Law School. Madam being I am on a non-violent sentence. That I could not have proceeded to trial in the 16th Judicial Circuit with the numerous Due Process issues maam. However to not make a lot of excuses. My Appeal should not have been dismissed. I've filed for ReHearing. Yet I am still a pro-se litigant frowned upon by Judicial and Correctional Authority. Yet how do I make the score even and right. When I was in school going to make myself better and getting help thru the Va. Yet held on excessive bail and sentenced egregiously consecutively for less than \$2,000 Dollar property Offense. Co defendant time served. I know I did a little wrong maam. Yet not worthy of 8 1/2 years 5 and 3 1/2 consecutively maam. Now I am have been diagnosed with PTSD by FBOP and VA I need rehabilitation not more unwarranted incarceration I've spent over 29 plus years in various system across U.S.. I'm a father of 5 plus 3 girls appointed to me. grandfather of 8.

I'AM respectfully seeking a modification of my sentence allow my success to flourish madam. Why stagnate my talents and resourceful means. That can be a example for those in need. Life is tough out there . Yet I'm that guy that been there done that, seen it all . Well let me say seen some, have alot more can be revealed. Yet maam a disable veteran is incarcerated whom should have been in the Veterans Treatment Court by Rep Todd Rutherford. I a not a bad malicious criminal maam. I made some errors in life. Yet I may have proceed the boundries of life. Yet allow me to give back thru what the Creator has choosen for me to have learnt these valuable lessons of life. I too am a prolific writer whom can inspire the World. Yet burred in the penal system for a non-violent sentence without any due process to proceed. Then to preclude a mental health matter Blair v S.C. Issue that was Erroneously decided without a Competency Hearing to go now disregarded as Notice Untimely Filed is not the matter madam Toal. This is pure a Pro-Se litigant whom sought to excercise the skills and legal aspirations into savvyness. Now being denied Factual Error by South Carolina Appellate Courts, Wherefore the litigant pro-se(myself) Appellant filed on time Notice of Appeal and all parties where served Madam when I filed with the lower "court" and a inability to copy and serve other parties. Yet I include and ask respectfully the Clerk of Court to Serve on The State, District Court/ General Sessions, and Appropriate Appellant Courts. Please See Attachments Madam...

In closure Madam Cheif Justice Maam. I am only seeking a modification of the Sentence and to be Sentenced to Time Served or appropriate placement back into Veterans Administration Treatment Care. That at time of arrest I were a full time college student, mental and medical health patient under care with Veterans Administration verfiabile. Per. Rep Rutherford and Judge Jonh C. Hayes III. I was to be considered for an

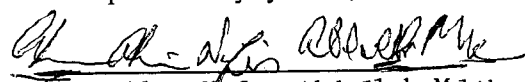
LEGAL

alternative prison sentence. That The Veteran Administration is more apt to provide warranted counseling, treatment, and reintergration for such person as myself. Whom with the appropriate setting can prevail and become successful ~~and~~ a productive member within society maam. I desire to prepare for the LSAT, Law School and be a better grandfather than I have had as a father opportunity spending the vast majority of my life in out of jail and prison. Surely at age nearing 54. I move to be released to care of Veterans Administration Charlotte North Carolina. Where I am a resident and under Dr. Care. For support please inquire last four [2130]. Dr. Siddiqi Veterans Administration Charlotte North Carolina 8601 University East Drive, Charlotte North Carolina. Psychological Treatment Counseling, 5th Street, Charlotte, North Carolina and Salisbury Bill Hefner Veterans Medical Center, Salisbury North Carolina. Maam I am of certainty that The Notice of Appeal was filed on Time and consistent with SCARC 262(b). That Veterans Treatment was and is the more appropriate treatment for a gentleman as myself. I ask respectfully you will be compelled to not further burry me in prison for general Freedom of Expression and Speech. I am convicted ~~and~~ for simply excercising the Rights that were allegedly supposed to be warranted to all people. Regardless of race, creed ,color, religion, education. However due to my pro-se litigation and style. I am serving a very egrigious sentence unwarranted maam I ask again that this matter can be redacted modified and sentenced reduced to at least concurrently ran and time served release to the custody of the Veteran Administration.

This said 23rd day September month

Tuesday Thirteenth of Fourth year

Respectfully yours,


Akeem Alim-Nafis Abdullah-Malik

No longer @ YCDC 3/14/14 to

Dear Clerk of Court

FILED-RECEIVED

2014 MAR 14 PM 1:23

I WAS sentenced March 10th 2014
Before Judge Paul Rusk I
to APPEAL THE MATTER. After Notice of
Service & Notice to THE Appellate D.C.
Appellate Court Fee REJECTED

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY SC

In addition as per se Counsel
I am making orders re forwarded to
ME TO Whose I am re st I am
still here pursuing transfer to S.C
Dept of Corrections

Specialty
in the...
Mr. ...

P.S. I am unable to make copies to
serve on THE Solicitor as well THE
Appellate Appoint Court. All respectfully
Court's will copy & transfer to S.C Appellate
Courts:

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
COUNTY OF YORK

Akeem A-N Abdullah-Malik

Evangelist / Prose / Robinson

CONVICT CASE No: 2013 GG 46 0430

04310, 04311...

- U.S. -

THE STATE OF SOUTH CAROLINA

Respondent

FILED-RECEIVED
2014 MAR 14 PM 1:28
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

NOTICE OF APPEAL

LOMER NOW PENDING TO S.C. Criminal Appeals
PROCEDURES. CONVICT Akeem A-N Abdullah-Malik
MEMORIAL PETITIONER

MOVING THIS SAID LOMER NOTICE OF APPEAL
RIGHT TO DIRECT APPEAL PENDING TO S.C. APPEALS
PROCEDURES

PETITIONER IS PENDING TRANSFER TO S.C. DEPARTMENT
OF CORRECTIONS. MOVES TO HAVE NOTICE TO SERVE
ON THE STATE OF SOUTH CAROLINA TO HAVE NOTICE
BE SERVED IN THE APPELLATE COURT S.C. DEPARTMENT
AND APPELLATE COURTS

This case was
filed in the
court of common pleas
for the county of York
South Carolina

Respectfully signed
on this 14th day of
March 2014

LETTER OF SERVICE

I am duly deposing On said date 11th day of March
1914, Tuesday, that ~~the~~ ~~said~~ ~~deponent~~ ~~has~~ ~~been~~ ~~deposed~~ ~~and~~ ~~is~~ ~~deposing~~
into det. ~~the~~ ~~same~~ ~~that~~ ~~is~~ ~~set~~ ~~out~~ ~~in~~ ~~the~~ ~~order~~ ~~of~~ ~~the~~ ~~Clerk~~
1 - City of New York, in and to the effect of the
First Book of Service, for the State of New York
County of York

Sincerely

This said 11th day of March
1914, at New York City, N.Y.

My Atty. and deponent
M. Allen D. Hamilton

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2014 MAR 14 PM 1:23
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 11, 2014

Akeem Alim-Nafi Abdullah Malik, 359150
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29069

Re: The State v. Akeem Alim-Nafi Abdullah-Malik
Appellate Case No. 2014-001001

Dear Mr. Malik:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Since the Court has found your notice of appeal to be untimely served, this Court has no jurisdiction to make a ruling on your motion to appeal bond received August 28, 2014. Therefore, no action will be taken on your motion to appeal bond.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

The South Carolina Court of Appeals

The State, Respondent,

v.

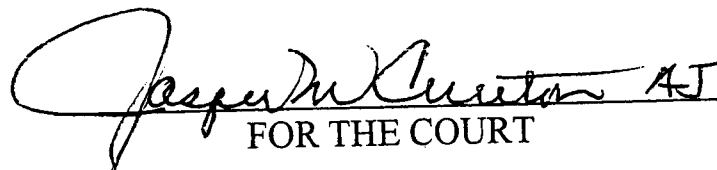
Akeem Alim-Nafi Abdullah-Malik, Appellant

Appellate Case No. 2014-001001

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SC Court of Appeals

ORDER

* Because Appellant failed to serve the notice of appeal on the State within thirty days as required by Rule 203(b)(2), we dismiss the appeal as untimely. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended . . ."). The remittitur will be sent as required by Rule 221(b), SCACR.

 AJ
FOR THE COURT

Columbia, South Carolina

cc:
Akeem Alim-Nafi Abdullah Malik, 359150
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

FILED
9/11/14