

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

RECEIVED

APPEAL FROM SOUTH CAROLINA
APPEALS COURT

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NOV 05 2014

NOV 05 2014

S.C. SUPREME COURT

S.C. SUPREME COURT

MENTIONED No. 2014-001001

(S.C. CT. APP. FILED OCT. 24th, 2014)

Akeem Alim-Nafi Abdullch-Malik, APPELLANT

v.

THE STATE OF SOUTH CAROLINA RESPONDENTS

PETITIONING WRIT OF HABEAS CORPUS

COUNSEL OF RECORD
by: Akeem Alim-Nafi Abdullch-Malik
APPELLANT, Pro Se
KERSHAW Correctional Institution
4848 Goldmine Highway
KERSHAW, South Carolina 29067

LEGAL

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1. THE COURT OF APPEALS OVERLOOKED THE SECLR 262(b) SHOULD HAVE NOT DISMISSED APPELLANT DIRECT APPEAL WHERE APPELLANT FILED TIMELY NOTICE OF APPEAL.
2. THE COURT OF APPEALS DENYING APPELLANT DUE PROCESS AND RIGHT TO DIRECT APPEAL CONTRARY TO DECISIONS BY UNITED STATES SUPREME COURT
3. THE COURT OF APPEALS OVERLOOKED SUBSTANTIAL CONSTITUTIONAL ISSUES
4. THE COURT OF APPEALS ORDER CONFLICTS WITH SUPREME COURT CONSTITUTIONAL LAW OF APPELLANTS DUE PROCESS & EQUAL PROTECTION OF LAWS OF U.S. & S.C. CONSTITUTIONS

5. THE COURT OF APPEALS ORDER DENYING APPELLANT'S RIGHT TO DIRECT APPEAL. PREVENTS APPELLANT TO PRESENT LOWER COURT JUDGE PAUL L. BURCH ERRED IN SENTENCING TO EGREGIOUS (8 1/2) EIGHT HALF YEAR CONSECUTIVE ABSENT ORDERING MENTAL COMPETENCY HEARING WHERE APPELLANT OBJECTED THROUGH PROCEEDINGS TO APPELLANT GUILTY PLAN BUT MENTALLY ILL. IN ADDITION APPELLANT SOUGHT VETERANS TREATMENT COURT (VTC) FOR NON-VIOLENT PTSD DIAGNOSIS VETERAN PRESENT AT TIME OF ARREST. PER. SEC. (H.R. BILL 3179) ALTERNATIVE SENTENCING. VIGILANTE BLAKE J. SCOTT CARLSON (SITE OMITTED)

6. THE COURT OF APPEALS ORDER DENYING APPELLANT RIGHT TO DIRECT ADML. PRESENTS APPELLANT'S CLAIM OF PROSECUTORIAL MISFEASANCE UNINDISTINCT PROSECUTION BY 16TH JUDICIAL CIRCUIT SELECTOR'S VIOLATION OF LANGFORD J. SCOTT CARLSON (SITE OMITTED)

7. THE COURT OF APPEALS ORDER DENYING APPELLANT APPEAL PREVENTS APPELLANT FROM PRESENTING LOSABLE MEDICAL CLAIMS...

[ii]

LEGAL

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CERTIFICATE OF SERVICE

COUNSEL for petitioner, Counsel of Record,
Pro-Se. certifies that the Petition for Detainers was
made & finally ruled on by the Court of Appeals on
OCTOBER 24th, 2012

QUESTIONS PRESENTED 1, 2, 3

SEE I, II, III, IV, V, VI, VII, VIII, IX

STATEMENT OF CASE

□ ON MARCH 11th, 2014 Appellant Filed A TIMELY "NOTICE OF APPEAL" from the YORK County Detention Center by placing the NOTICE IN THE DETENTION OFFICER HANDS Pursuant to Houston v. Lack 487 US 266 (1988) □ ON MORNING OF MARCH 11th, 2014. Appellant was transferred to South Carolina Department of Corrections (SCDC) Appellant LEGAL Property was CONFISCATED held by SCDC UNTIL APPROXIMATELY MARCH 24th, 2014. SEE ATTACHMENTS OF SCDC General Counsel.... Antile IN SCDC. Appellant has sought to EXERCISE DUE PROCESS, EQUAL PROTECTION OF LAW AND FIRST AMENDMENT RIGHTS, TO REMOVE THE RESTRAINT UPON LIBERTY & OTHER SIGNIFICANT U.S. & S.C. CONSTITUTIONAL VIOLATIONS. INVOKED UPON THE APPELLANT, THROUGH THE SOUTH CAROLINA JUDICIAL SYSTEM, BY THE EXECUTIVE BRANCH VIOLATIONS OF SEPARATION OF POWERS.... DENYING THE APPELLANT THE RIGHT OF FUNDAMENTAL FAIRNESS & RIGHT TO DIRECT APPEAL. WHEREFORE Appellant Pro-Se. Pursuant TO SCACR 203 & 262(b) Filed A TIMELY NOTICE OF APPEAL & SOUTH CAROLINA APPEALS COURT

QUESTIONS PRESENTED

I. DOES THE U.S AND S.C. CONSTITUTION PROTECT S.C. PRISONERS, PRETRIAL DETAINEE, PRO SE LITIGANT, SELF REPRESENTED under DUE PROCESS, EQUAL PROTECTION OF LAWS, AND FIRST AMENDMENT PROTECTION AND RESTRAINT UPON LIBERTY. IN THE STATE OF SOUTH CAROLINA

II. DOES THE SCALR 262(B). APPLY TO PRO SE LITIGANT, PRE-TRIAL DETAINEE UNDER POWER GRANTED TO UNCLE JAMES. HOWEVER SERVED NOTICE OF INTEREST WITH THE CLEAR REQUEST THE CLERK TO SERVE THE STATE, SULLIVAN, AND APPROPRIATE APPELLATE COURTS & LOWER COURTS BAR PRO SE LITIGANT RIGHTS TO DIRECT APPEAL WHEN THE WRITING IS LIMITED TO RECOMMENDATION AND THE CLERK TO SERVE PARTS AS HE/she IS ABLE TO...

III. DOES THE LOWER COURT JUDGE HAVE A RIGHT TO DISREGARD BLAIR V. STATE OF SOUTH CAROLINA 213 S.E.2d 536 (S.C. 1981). WHEN A PRO-SE LITIGANT, SELF REPRESENTED AT PRELIMINARY & TRIAL WHOSE ONGOING APPELLATE IS PTSD AXIS IV DIAGNOSIS WITH UNSTABLE MENTAL HEALTH UNDER VANCE VETERANS ADMINISTRATION PROGRAM & MENTAL HEALTH CARE WHO PLEAS GUILTY BUT MENTALLY ILL. JUDGE DETERMINES MENTAL CAPACITY & S.C. CODES 44-23-436 & U.S.C.A. VETERANS AFFAIR

IV. DOES THE 11th JUDICIAL EXECUTIVE SELECTION OFFICE VIOLATE LANGFORD V. SOUTH CAROLINA VIA PROCEDURAL MISCONDUCT & UNLAWFUL PROSECUTION. Page 1 of 15

LEGAL

V DOES UNCLE A Pro-Se LITIGANT ENTER
SCDC DOES SCDC VIOLATE THE LITIGANT
DUE PROCESS THROUGH WITHHOLDING LEGAL MATERIALS
TRASHING OR FORCING UNCLE TO DONATE LEGAL BOOKS
BY NOT PERMITTING LITIGANTS TO HAVE THE BOOKS APPROVED
WITH.

VI AS A JOINDER CLAIM DOES THESE LISTED ACTIONS
CAUSE ARBITRARY, CAPRICIOUS, WANTON CIVIL ACTIONS
PERMITTING SCDC EMPLOYEES TO IMPROPER ACCESS
TO THE COURT. UNCONSTITUTIONALITY BY ART I
ADMINISTRATIVE LAW PROTECTION VIA POLICE VIOLATING
ART III CONSTITUTIONAL PROTECTIONS...

VII DOES THE LOWER COURTS OF FEDERAL SYSTEMS
16th JUDICIAL CIRCUIT NOT BINDING BY S.C. LEGISLATIVE
LAW H.R. BILL 3179. 'VETERANS TREATMENT COURT' WHICH
REDUCES MENTAL & MEDICAL HEALTH ISSUES UPON
SCDC THAT VETERANS ALTERNATIVE SENTENCING IS
AVAILABLE FOR NON-VIOLENT VETERANS AS APPELLANT.

VIII DOES THE S.C. L.P.M. P. 2(b), AND
S.C. L.P.M. P. Rule 8 (a) & (b). NOT BINDING
UPON THE 16th JUDICIAL CIRCUIT YORK COUNTY GENERAL SESSIONS
COURT AND WAC DUE PROCESS EFFECTED BY **LEGAL**
NOT APPLYING IT UPON APPELLANT'S MATERIALS SUBMITTED...
PAGE 2 of 15

IX DOES S.C. Crim.P. Rule 803. EFFECT
CONSTITUTIONAL OF Due Process. What a
JUDGE ADMIT INADMISSIBLE EVIDENCE NOT
SUBSTANTIATED BY EVIDENCE RULE RETURNS
PROPERLY OBJECTED TO TO DETERMINE FINAL
JUDGMENT ENTERED BY LOWER COURT JUDGE
DETERMINES SENTENCING WITH 6TH AMENDMENT
RIGHT INVOLVED AT SENTENCING IS A
JURY TO DETERMINE SENTENCING. VIOLATING
Blakely v. Washington LIFE LIMITED!!

IN ITS (COURTS) ORDER FILED OCTOBER
24th, 2014 DENIED APPELLANT REHEARING
EVIDENTIARILY, CONTRARY TO SCAR 262(B)
THUS USUALLY DENYING FUNDAMENTAL EXCLUSIONARY
RIGHT TO FIRST, FIFTH, SIXTH, EIGHTH, THIRTEENTH,
& FORTIETH U.S. CONST AMEND. AND S.C. CONST
ART I. SEC 1, 2, 3, 7, 8, 9, 10, 13, 14, 15, 18,
22, & 23. ULTIMATELY DECLARATION
OF HUMAN RIGHTS.

APPELLANT IS SERVING A (8 1/2) EIGHT-HALF
YEAR CONSECUTIVE SENTENCES (5) FIVE AND (3 1/2)
THREE AND HALF YEARS FOR A LESS THAN 2,000
DOLLAR SHOPLIFTING MERCHANDISE, ALLEGED BGLR 3rd
1st OFFENSE, AND EVIDENTIAL CONSPIRACY. APPELLANT PRO-SE
SELF REPRESENTED. ONLY STAND BY COUNSEL. WHOM WAS
TERMINATED TWICE BY APPELLANT. HOWEVER 16th JUDICIAL
CIRCUIT PUBLIC DEFENDER OFFICE REASSIGNED STAND
BY COUNSEL INSPITE APPELLANT COUNTERSUIT & 16th JUDICIAL
CIRCUIT SEPERATION POWER VIOLATIONS BY EXECUTIVE OFFICE
SCHEDULED OFFICE... VIOLATING LANCERS v. SOUTH
CAROLINA. (LITE UNITED)

HERE, JUDGE PAUL BUREK VIOLATED BLAIR v. SOUTH
CAROLINA (LITE UNITED) NOT ORDERING ISSUANCE
OF SUBORDINATE TO VETERANS PSYCHIATRIST v.2 MENTAL
HEALTH CONSULTING EVALUATIONS -- HOWEVER ORDERED
MENTAL HEALTH CONSULTING WITHOUT PROFESSIONAL EXPERTISE

Appellant Pro-Se Litigation was limited, restricted throughout proceedings. DENIAL OF Reasonable Bail. Held in Excessive Bail, NOT MIRANDIZED, NOT permitted to JAIL LAW LIBRARIAN, NOT afforded Preliminary HEARINGS IN Required Time Frame Pursuant to S.C. Crim. P. 2(b) or S.C. Crim. P. 8(a) or (b)... Due process NOT Provided or Impaired AT VARIOUS INTERIMS. MAIL WITHHELD, OR DELAYED TO Interrupt Interference with Court Development. TILL Current DATE... TO DETER Appellant LITIGATION....

Appellant suffers EMERGENT INJUSTICE due to NO FAULT OF Appellant. Appellant IS BEING DENIED THE Basic Fundamental RIGHTS TO DIRECT APPEAL WHEREAS Appellant FILED Timely NOTICE OF Appeal & SERVED All Opposing Parties. As Outlined in Appellants NOTICE OF Appeal & LETTER TO THE CLERK OF COURT ON MARCH 11th, 2014. STAMPED FILED MARCH 14th, 2014. SEE ATTACHED TH... The salient facts CAN be found in the ()....

COURT OF APPEALS DENIED REHEARING FINALIZING DENYING Appellants RIGHT TO DIRECT APPEAL ORDERED & FILED ON OCTOBER 24th, 2014. STATE
V. Akeem Alim-Nafi Abdullah-Malik 2014-01001

ARGUMENT(S)

① THE COURT OF APPEALS OVERLOOKED THE MATERIAL FACT AND PRINCIPLE OF LAW WITHIN APPELLANT TIMELY FILED NOTICE OF APPEAL PURSUANT TO U.S AND S.C. CONST. AMEND... RIGHTS TO DUE PROCESS & EQUAL PROTECTION OF LAWS AND SCALR 262 (b)

APPELLANT FILED TIMELY NOTICE OF APPEAL MARCH 11th 2014. FILED WITH YOUR HONORABLE DETENTION CENTER DETENTION OFFICER PRIOR TO HOUSTON V. LACK 487 US 266 (1988). PRIOR TO BEING TRANSFERRED TO (SLDC). APPELLANT UNABLE TO MAKE COPIES OUTLINED AND REQUESTED THE CLERK OF LOWER COURT TO SEND THE STATE SOLICITOR, APPROPRIATE APPELLATE COURT, & LOWER COURT. SEE: SALIENT FACTS

SCALR 262(b) SERVICE LINE 5. STATES SERVICE UPON THE ATTORNEY, OR UPON A PARTY SHALL BE MADE BY DELIVERING A COPY TO HIM OR BY MAILING IT TO HIM AT HIS LAST KNOWN ADDRESS OR IF NO ADDRESS IS KNOWN, BY LEAVING IT WITH THE CLERK OF COURT.

Appellant satisfied SCACR 262(b) by
leaving NOTICE & INSTRUCTIONS & REQUEST
to file CL with STATE Solicitors, & Appropriate
Court of Appellate Courts & Lower Courts. THE
CLERK OF lower Court FAILED TO FILE WITH
THE STATE & Court of Appels. THUS DENYING
THE Appellant PETITIONER RIGHT TO DUE PROCESS
& Equal Protection TO THE LAW....

② THE Appellant Petitioner has NOT been
afforded RIGHT TO DIRECT Appeal. Thus
VIOLATING Rules OUTLINED IN SCACR 203(b)
2 AND 3. SCACR 201. EVANS V. LUCEY
469 U.S. 387 83 L.Ed.2d 821 (1985) WHITE
V. STATE 208 S.E.2d 35 (1994) DICENZI
V. ROSE 04-3571. (6th Cir) DOE V. FLORES-ORTIZ,
(CITE OMITTED). ISRAHAM V. STATE (CITE OMITTED),
LUNN V. STATE. (CITE OMITTED); SCACR 201
BROWN V. AMERICAN KOYO BEARINGS (S.C.App. 2005)
367 S.C. 161, 623 S.E.2d 870

Ultimately Denying Appellants Human Rights,
Civil Rights, & Constitutional Rights...
Due Process, Equal Protection of Law. First,
Amendment...

③ THE COURT OF APPEALS DISREGARDED
Appellants / Petitioners FUNDAMENTAL EXCLUSIVE
RIGHTS OF DUE PROCESS OF U.S. COURT AND
V AND XIV FIFTH AND FOURTEENTH AMENDMENT
APPLIED AGAINST THE UNITED STATES. South Carolina BEARS
ONE OF THOSE STATES. Appellant had the RIGHT
TO FILE NOTICE OF APPEAL APPLICABLE WITH SCACR
201 x 203. Appellant / Petitioners rightfully filed a
timely notice of appeal within 10 days. IN FACT
(1) DAY AFTER BEING SENTENCED ~~ON~~ MARCH 10th, 2014
BEFORE BEING TRANSPORTED TO SCOC Appellant FILED AN
ACTUAL WRIT TO SERVE THE STATE SHERIFFS, THE
APPROPRIATE COURT OF APPEALS, A LOWER COURT. PURSUANT
TO SCACR 262(B) ...

④ THE COURT OF APPEALS OVERLOOKED SUBSTANTIAL
CONSTITUTIONAL RIGHTS OF WOLFF V. MCDONNELL

FOR INFO

LEGAL

418 U.S. 539 71 Ohio Op. 2d 336 (1974) ...
Palko v. Connecticut 302 U.S. 319 (1937);
Snyder v. Massachusetts 291 U.S. 97 (1934);
Hurtado v. California 110 U.S. 516 (1884)

Thus Appellant / Petitioner Substantive AND
Procedural both due process has thus been violated
by Court of Appeals Order...

Appellant / Petitioner absent ACCESS
TO ADEQUATE law library PRIOR TO SENTENCING
AND SINCE THERE IS SCDC VISITOR BOARD
v. Smith 430 U.S. 817 (1977) ... NOTING Meyers
v. Schmidt 340 F. Supp 544 548 (W.D. W.V. 1972)
Judge Doyle "recognized that access by inmates
to a certain minimum of legal books materials "was a
Constitutional protected right "SCDC" violates Appellant/
Petitioner Rights Per-se Johnson v. Avery "Cham"

⑤ Court of Appeals Order DENIED Appellant
THE RIGHT TO RIPE Blair v. South Carolina
273 S.E.2d 536 (S.C. 1981) (FINDING FAILURE
to request mandatory hearings did not WAIVE right
to seek a hearing because the issue was LEGAL
NATURE OF ISSUE

throughout proceedings)... Appellant not only
Under Duress Plead Guilty but Mentally
ILL & STATED ON RECORD THAT (he) Appellant
Petitioner was a PTSD MENTAL & MEDICAL
HONORABLE U.S. Army VETERAN 3-TIME Hon.
Discharged Suffered AXIS II Diagnosed Disease.
Judge Paul Burch. OPTED NOT TO FIND THE
Appellant/Petitioner NOT Mentally ILL & SENTENCED
Appellant Absent H.R. Bill 3179. VETERANS
TREATMENT ALTERNATIVE SENTENCING FOR
NON-VIOLENT DEFENDANTS... Appellant sought
Alternative sentencing to CARE OF VETERANS
ADMINISTRATION. While Appellant was a FULL TIME
COLLEGE STUDENT UNDER VETERANS VOCATIONAL
RETRAINING ASSISTANCE PROGRAM (VRAP) & Counseling
for Mental Health & Medical Treatment...
AT THE VAMC. EBOLIS HEALTH SERVICES & VA
HOSPITAL. Thus Judge Paul Burch violated S.C.
CODE ANN 44-23-410

⑥. THE Court of Appeals DENYING ORDER
DENIED Appellant/Petitioner RIGHT TO Produce

LEGAL

IDENTIFIABLE CLAIM THAT the
16th Judicial Circuit Solicitor & Assistants
VIOLATES SEPARATION OF POWERS CONST.
AND RIGHTS VIOLATING LANGFORD v.
SOUTH CAROLINA. 400 S.C. 421; 735
S.E. 2d 471; 2012 S.C. LEIS 278. EXECUTIVE
BRANCH OFFICER, SETTING TRIAL DATES, COURT
DATES, SCHEDULING COURT APPEARANCES, JUDGE
SHOPPING FOR FAVORABLE JUDGES FOR PROSECUTED
CONSTITUTING PROSECUTORIAL MISCONDUCT &
UNINDIGTUS PROSECUTION. AS SO IN DUTY
Appellant/Petitioner Pro-se AT TRIAL NOTICE
Sought to LASTING PROSECUTOR SERVICES
NOTICE FOR JUDGE PREFERENCE, VINDICTIVE
PROSECUTION... FORCED Appellant to Plead, NOT
penalty Appellant/Petitioner to Waive Pleadings, OR
ISSUANCE OF Subpoena's... Pursued to FR. CR. P. 45
& S.C. CR. P. 15. OR LAW WITHOUT IN FAVOR OF
Defense....

①. Appellant / Petitioner has been subjected to an atrocious CONSTITUTIONAL, CIVIL, AND HUMAN RIGHTS VIOLATIONS. THROUGHOUT THE PROCEEDING DATING BACK TO SEPTEMBER 14TH, 2013 TO PRESENT. SITS IN THE (SLOD) Power System Unprotected OF THE VERY HUMAN, CIVIL, & CONSTITUTIONAL RIGHTS. THAT WERE TO BE LIBERALLY AFFORDED TO THE APPELLANT / PETITIONER AS PRESENT SUFFERS DUE PROCESS VIOLATIONS ACCESS TO COURTS, EQUAL PROTECTION OF LAW, RESTRAINT UPON LIBERTY, FREEDOM OF SPEECH, RIGHT TO REDRESS, SEPARATION OF POWERS. TO INCLUDE TIMELY FILED NOTICE OF APPEAL & SERVICE PURSUANT TO SCACR 201, 243. 262(b). NOW 242 AND 267. AS A PRO-SE LITIGANT HAS COURTESY TO U.S. & S.C. COURT AMEND & ART I. & SEC APPLICABLE. COURTESY TO CONSTRUCTIVE U.S. SUPREME COURT LAW, & S.C. SUPREME COURT LAW. & S.C. CRIM.P. & SCACR---

CONCLUSIONS

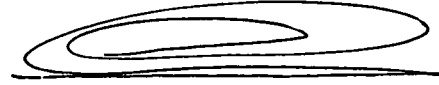
FOR THE FOREGOING REASONS, PETITIONER SEEKS

LEGAL

Court to GRANT THE PETITION
FOR WRIT OF HABEAS CORPUS.

THIS 29th day OCTOBER month
Twenty Thousand Fourteenth year

Respectfully submitted:



Akram Ahmad, Advocate
~~Advocate~~ / Appointed / Pro-Se
Koshera, Central Jail, Jammu
4848 Gullupur, Jammu
Kashmir, South Kashmir (India)

PROSE OF SERVICE

I AM CERTIFYING ON 29th day of ~~OCTOBER~~ January ~~fourteenth~~ fourteenth, year
I have for STRONG CAUSE SERVED PETITION
WRIT OF HABEAS CORPUS, Attachment Required
Pursuant TO SLACE 242 IN THE SOUTH
Carolina Supreme Court, FOR THE STATE OF
South Carolina P.O. Box 11330, Columbia,
South Carolina 29211. CC! Listed Below S.C.
STATE ATTORNEY Alan McCreary Wilson, Esquire
& Deputy Sally W. Elliott, Esquire

DATE: OCTOBER 29th 2014

SIGNED
Alan Alonzo Muelhaupt
Petitioner / Applicant / Prose

CC: Alan McCreary Wilson, Esquire
Sally W. Elliott, Esquire
P.O. Box 11349
Columbia, South Carolina 29211