

"ATTACHMENT"

2

SUBMISSION TO  
S.L. SUPREME COURT  
AFFIDAVIT TO S.L.  
COURT OF APPEAL

[2<sup>ND</sup>] SECOND NOTICE OF  
APPEAL & EXPLANATION  
PURSUANT RULE 203 (A) (1) (B)  
(C)

LETTERS ACCOMPANIED  
TO S.L. SUPREME COURT & S.L.  
APPEAL COURT

LEGAL

JUNE 10<sup>th</sup> 2014 RECEIVED

JUN 13 2014

RECEIVED

JUN 13 2014

DEAR CLERIC S.C. COURT OF APPEALS

S.C. SUPREME COURT

I AM basically trying to determine  
which CLERKS ARE RESPONSIBLE FOR WHICH  
dates October 22<sup>nd</sup>, 2013. November 18<sup>th</sup> 2013  
December 2013, February 2014, March 6<sup>th</sup> & 10<sup>th</sup>  
2014.

I AM REQUESTING the transcripts to Prepare  
FOR MY APPEAL

I AM ASKING AS WELL THAT YOU CAN FORWARD  
ME A COPY OF MY latest filings IN your  
Court I AM unable to Copy Material here  
AT SCDC. South Carolina Department of Corrections.

Respectfully,



AFFIANT  
AFFIDAVIT

RECEIVED  
MAY 03 2014

I AM Akeem Alim-Nafic Abdullah-Malik AFFIANT  
IN SAID MATTER Re: INDICTMENT NOS: 2013A-65-46-  
M4369, 04370, AND 04371. I duly depose the  
following:

1) On March 11<sup>th</sup> 2014, I did depose and deposit in the  
hands of Lieutenant WATCH COMMANDER OF A TEAM (1) one  
9X12 Manila Envelope WHICH WAS HANDED TO SHIRT OFFICER  
AT THE YORK COUNTY DETENTION CENTER, 1675-3A York Hwy,  
York, South Carolina (29745) Pursuant to PRISON MAIL BOX RULE  
Hudson v. Lock 487 US 266 (1988) FOR US POSTAL DEPT  
PRE- STAMPED WITH U.S. POSTAL STAMPS Addressed to THE CLERK  
OF SAID GENERAL SESSIONS COURT, P.O. Box 649,  
York, South Carolina (29745) FOR THE SAME PURPOSE  
OF FILING: MAILED NOTICE OF APPEAL.

2) AFFIANT ~~ATTORNEY~~ ENCLOSED IN THE 9X12 MANILA  
PRE- STAMPED ENVELOPE WAS A NOTICE OF APPEAL FROM  
JUDGEMENT before Judge Paul Beck. JUDGEMENT WAS  
SO ORDERED March 10<sup>th</sup> 2014. AFFIANT / APPELLANT  
FILED NOTICE OF APPEAL MORNING OF March 11<sup>th</sup> 2014  
WITH LETTER REQUEST TO TRANSMIT TO THE  
APPROPRIATE COURT(S) FOR FILING TIMELY WITHIN  
(10) DAYS ALLOTTED PURSUANT TO SCACR 203  
(b) (2) & (3) INCLUSIVE SCACR 201 PER-SE  
BRUNSON v. AMERICAN KOYA BEARING (SC App 2010)  
367 SC 161, 623 S.E. 2d 870

3) AFFIANT ATTESTS AFFORNT UPON PLACING THE NOTICES OF APPEAL IN THE DETENTION OFFICER HANDS THE MORNING OF MARCH 11<sup>th</sup>, 2014 AFFIANT WAS THEN EXTRACTED FROM MEDICAL HOLDING UNIT CELL'S ESCORTED BY LIEUTENANT TO IN/OUT PROCESSING AREA OF THE JAIL TILCO BOOKING AREA" WHEREFORE AFFIANT WAS DRESSED OUT PROPERTY TAKEN FOR PREPARATION FOR AFFIANT TO BE TRANSPORTED TO AFFIANT PRESENT CUSTODY OF THE S.C. DEPT OF CORRECTIONS.

4) AFFIANT WAS IN PROCESS BY TRANSFER OF CUSTODY RELEASING TRANSPORT OFFICER ATCHLY OF THE YORK COUNTY SHERIFF/ DETENTION OFFICER TO THE S.C. DEPT OF CORRECTIONS. AFFIANT'S PROPERTY WAS CONFISCATED FOR GENERAL COUNSEL REVIEW UNTIL FURTHER NOTICE PER-SEC LT SHERIFF OF THE KIRKLAND RECEIVING AND EVALUATION CENTER. 4344 BRAD RIVER ROAD, COLUMBIA, SOUTH CAROLINA SEE: ATTACHMENT IN SUPPORT OF AFFIANT'S LEGAL PROPERTY DETAINING DURING TOWING PROCESS OF NOTICE OF APPEAL (HOWEVER AFFIANT ATTEST DUE DILIGENCE IS AT INSTANCE IS STILL EXERCISED AT INSTANCE AT AFFOREMENTIONED SINCE MARCH 11<sup>th</sup>, 2014. WHEREFORE AFFIANT/ AFFORNT

FILED TIMELY NOTICE OF APPEAL AFFIDAVIT'S  
IMMEDIATE TRANSFER TO THE S.C. DEPT OF CORRECTIONS  
WAS EXPEDITED PER-SE THE AFFIDAVIT WAS SENTENCED  
ON MARCH 10<sup>th</sup> 2014. IN THE COURT OF GENERAL  
SESSIONS YET IN ALL AFFIDAVIT A PRO-SE LITIGANT  
SELF REPRESENTED FILED NOTICES OF APPEAL TO THE  
CLERK OF COURT BY AND VIA U.S. POSTAL SERVICES PROVIDED  
AT YORK COUNTY DETENTION CENTER...

5) AFFIDAVIT AWAITS PROCESSING AT KIRKLAND  
RECEIVING NO INFORMATION VIA REQUESTS AND VERBAL  
REQUEST WITH WARDEN MCKIE AS WELL VIA THEN-RUN  
LAW LIBRARY OFFICER AND MS. ALBERT FOLLOWED THE  
PROCEDURES AVAILABLE IN LIEU LIMITATIONS OF ANY  
NEW-ARRIVAL AT KIRKLAND R&E TO ACCESS THE  
COURTS. AFFIDAVIT IN "DUE DILIGENCE" NOTIFIED  
ALL COUNTY GEN. SESSIONS, S.C. CT. OF APPEALS, AND S.C.  
SUPREME COURT, U.S. DISTRICT COURT, U.S. SUPREME COURT,  
VARIOUS LEGAL SERVICES AND AGENCIES OF AFFIDAVIT'S  
TRANSFERRED TO KIRKLAND R&E AT SO LISTED ADDRESS.  
TO CURRENT TRAILER AT TURBVILLE CORRECTIONAL INST.  
P.O. Box 252, Turbville, Santa Cruz, CA (29412)

6) AFFIDAVIT HAS INQUIRED ON SEVERAL ATTORNEYS  
TO VERIFY THE STATUS OF APPEAL FROM SENTENCING  
OF INDICTMENTS 2013A-GS-46-045694 045711

TO THE EXTENT THE CLERK OF COURT OF GENERAL  
SESSIONS HAS NOT FORWARDED THE APPELLANT AFFIDAVIT OF THE  
NOTICES AS SO FILED... NOR DOES THE S.C. COURT  
OF APPEALS REFLECT NOTICES AS BEING FILED. THEREFORE  
AFFIDAVITS CONTINUED RETAINING BY THE 16<sup>th</sup>  
JUDICIAL CIRCUIT IN VIOLATION OF APPELLANT'S  
APPEAL RIGHTS TO SENTENCING. THEIR IMPROPER  
AND VIOLATING APPELLANT'S RIGHTS ACCESS TO  
THE COURT, FILING RECORDS. AS SO OUTLINED IN  
THE F.R.C.V.P. AND SCACR 243(C) (2) & (3).  
SCACR 201 RIGHT TO APPEAL. SCACR 243(B)

AGREEMENT UPON THE APPELLANT RIGHTS AND AFFIDAVIT'S  
ABSOLUTE RIGHT TO OTHER APPEAL. SEE EVITT V.  
LUCY 469 U.S. 387, 83 L.Ed.2d 821 (1985)  
WHITE V. STATE 208 S.E.2d 35 (1999) DELOACH  
V. ROSE 04-3571 (6<sup>th</sup> Cir.) ROE V. FLORES-ORTEGA...  
CITE OMITTED... STANUM V. STATE CITE OMITTED,  
FERGUSON V. STATE CITE OMITTED, COUNCIL V. STATE  
CITE OMITTED....

1) AFFIDANT ATTESTS, AFFIDANT IS A PRO-SE  
LITIGANT PURSUANT TO HANES V. KERNER  
404 U.S. 519 (1972) VIA (DUE DILIGENCE) HAS  
FILED NOTICES OF APPEAL AS REQUIRED IN THE  
REQUIREMENTS PURSUANT TO SCACR  
Page 4 of 5

Pursuant to Rule 262 SERVICE by  
MMA IS Complete Used MARKING... IN Support  
Houston v. Lurie 487 US 266 (1988) Used departing  
Into U.S. Department. Customs Fines... AFFIDANT ATTESTS  
AFFIRMS. Deposits Deposits Where MAIS March 11<sup>th</sup>,  
2014...

I AM AFFIDANT being truly, duly, depused that  
ALL WITHIN TO BE TRUE AND CORRECT WITHOUT  
AVERMENTS TO THE BEST OF MY KNOWLEDGE...

THIS SAID 30<sup>th</sup> day April month  
Twenty Thousand and Fourteen year

TRULY,

~~Mr. Akem Alim-Nasser Abdul-Malik~~  
Mr. Akem Alim-Nasser Abdul-Malik  
AFFIDANT

Notary Public

THIS SAID 30<sup>th</sup> day April month 2014 year

MY COMMISSION EXPIRES

THIS SAID 30<sup>th</sup> day April month 2014 year

Early July 4-27-2016  
SIGNATURES.

# ADDENDUM

AFFIANT ADDENDUM AFFIDAVIT AT SECTION (4). PAGE 2 OF 5 AFFIANT AT SECTION (4) INSERT/INSERTS ATTESTS UPON ARRIVAL AT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS KIRKLAND RECEIVING & EVALUATION CENTER. WHEREAS AS AFOREMENTIONED AFFIANT'S LEGAL PROPERTY WAS CONFISCATED UNTIL FURTHER NOTICE AND GENERAL COUNSEL REVIEW. AFFIANT INSERT AT INSTANCE AFFIANT UNTIL RECEIVING ACCESS TO LEGAL PROPERTY. AFFIANT WAS NOT AUTHORIZED TO KEEP ANY OR NONE OF AFFIANT'S LEGAL PROPERTY IN AFFIANT'S POSSESSION TO INCLUDE WAS AFFIANT ACCESS TO AFFIANT'S LEGAL DOCUMENTS OR NOTICES. PAGES, BOOKS, ETC.

AFFIANT IN INSTANCE ATTESTS THAT UTAC DUPLICATE DOCUMENTS ARE NOT LOCATABLE AS OF DATE UPON AFFIANT'S SEARCH TO INCLUDE HAND WRITTEN COPIES OF NOTICES OF APPEAL DRAWN UP

by AFFIANT March 10<sup>th</sup>, 2014. SERVED  
IN JAIL STAFF YORK COUNTY DETENTION  
CENTER FOR DEPOSIT INTO U.S. MAIL DELIVERED  
TO THE CLERK OF COURTS GENERAL SESSIONS  
NO DUPLICATE FOR THE S.C. COURT OF APPEALS  
JENNY FILED NOTICES...

AFFIANT IN CONCLUSION ATTESTS  
AFFIANT HAS PREVIOUSLY ENTERED MAIL IMPROPERLY  
PROCESSED BY SHERIFF BRUCE M. BEYANT, et al. YORK  
COUNTY TO THE EXTENT POST MASTER IMPROPERLY  
GENERAL WAS NOTED TO BE NOTIFIED... TO THE  
EXTENT SHERIFF BRUCE M. BEYANT, et al. IS PENDING  
CIVIL LITIGATION IN THE U.S. DISTRICT COURT  
1:14-CV-00109...

AFFIANT ATTEST AFFIANT HAS NOTIFIED THE  
YORK COUNTY DETENTION CENTER MAIL ROOM AND THE  
LIEUTENANT REGARDING 9/12 NOTICES OF APPEAL  
MARCH MARCH 11<sup>th</sup>, 2014. HOWEVER MAIL IS/HAS BEEN  
RETURNED AS UNAUTHORIZED BY MAIL ROOM STAFFING  
BELLE MCLEAVE "SEE ATTACHMENT" ADDRESSES  
ADDRESS TO BLACKENO, OUT BY YORK COUNTY DETENTION CENTER.  
PAGE 2 of 3

Affiant Attestes to On Going  
Obstructing Of Justice by THE SHERRIF  
Bruce M. Bryant et al. TO THE EXTENT TO  
SABOTAGE AND DERAIL AFFIANTS GREAT  
Appellants RIGHTS...

Affiant Attest Affiant DID Indeed  
File NOTICES OF APPEAL TO THE  
Courts. Appearing AWAY FROM Judge Paul  
Bucher EXCESSIVE PUNISHMENTS SENTENCED  
WITHOUT CONSIDERATIONS AFFIANT DID NOT  
HAVE A S.C. CRIMINAL RECORD. A 3-TIME Honorable  
DISCHARGED VETERAN. NON-VIOLENT Prisoner  
Had an EXCESSIVE BAIL. Subjected TO MANY  
CONSTITUTIONAL VIOLATIONS. AS A PRE-TRIAL  
DETAINEE WITHIN AN THROUGHTFUL Proceedings  
SELF REPRESENTED FORCED TO PLEA. DUE TO THE  
VIOLATION OF THE Basic Human, CONSTITUTIONAL  
AND CIVIL RIGHTS. SPECIFICALLY DUE PROCESS & CRUEL  
AND UNUSUAL PUNISHMENT. Deprivation of Liberty... AMERICAN  
DIGITALITY ACT, VETERANS Rehabilitation Act ETC.

THIS was 3rd for Appellant with  
William Thompson and Fourteenth year  
File 301-3

5/1/2014  
M. Alan Amick, Appellant

Akeem Alim-Nafis Abdullah-Malik

Turbeville Correctional Institution

Post Office Box 252

Turbeville, South Carolina 29162

May 20<sup>th</sup> 2014

RECEIVED

JUN 04 2014

S.C. SUPREME COURT

RECEIVED

JUN -4 2014

SC OFFICE OF APPELLATE DEFENSE

RECEIVED

JUN 04 2014

SC Court of Appeals

To: Supreme Court Clerk of Court  
Mr. Daniel E. Shearouse  
Post Office Box Number 1130  
COLUMBIA, South Carolina 29201

Re: INDICTMENT No: 2013-GS-46-0436  
2013-GS-46-0437

SIR LLERK

I AM writing to ask the COURT, Respondents take NOTICE THE Appellant Pro-Se IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FACE ARE FACING; AT the Appellate are facing; impediments, due process issues, in the inability to copy documents created by the litigant. (BY CASES), print cases, electronic file, etc. etc.

Appellant ask due diligence is rendered here at Instance JUDICIAL NOTICE IS TAKEN TO ACCEPT Appellant EFFORTS TO Meet Deadlines, AND Inability to Copy or CC Appellant ASK respectfully ALL Respondents (AND) WILL BE Forwarded Copies AS SO REQUIRED FOR SERVING AS THE COURT RULES REQUIRE.

Appellant is under abnormal circumstances even for the Pro-Se litigant IN COMPARESON TO litigant Pro Se whom ARE INCARCERATED IN THE UNITED STATES. AND JAILS OTHER STATES

PAGE 1 of 2

Appellant asks a stamped file copy can be re-  
turned to the Appellant. Appellant whom was at  
the time of construction this Notice. Evaluation  
as so requested pursuant to your letter. Was without  
provisional paper to make copies. Or even construct  
paper etc. THE EDUCATION DEPARTMENT WAS HEARD  
PAPER. LEAVING THE APPELLANT TO HAVE TO  
LEAVE PAPER OUT THE TRASH. SCRATCH PAPER AND  
WRITE ON THE BACK TO NEAR DEMONSTRATION. LEAVING THE  
APPELLANT TO NOW DISCIPLINARY CHARGES FOR USING  
SCRATCH PAPER.

Appellant ASK RESPECTFULLY THE COURTS TO  
PLEASE PAPER THE ETIQUETTE OF HOW THIS  
IS SUBMITTED TO THE COURTS. THE PAPER WAS ALL  
AVAILABLE AT THE CONSTRUCTION OF NOTICE AND  
EXPLANATIONS AND EXHIBITS. MOTION...

Respectfully submitted:



Akeem Arim-Nafir  
Appellant / Pro-Se

"EXHIBITS"

EFFORTS

DUE DILIGENCE

RECEIVED  
JUN 04 2014  
SG Court of Appeal

LEGAL  
MAIL  
ONLY

Ahem Alim-Nafis Abdullich-Malik  
S.C. Dept of Corrections [359150]  
Turbeville Corrections Institution  
P.O. Box 252  
Turbeville, South Carolina [29162]  
April 15th, 2014

RECEIVED  
JUN 04 2014  
3C Court of Appeals

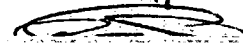
To: LT. RONNY HOPE  
York County Sheriff Dept  
1675-3A York Highway  
York, South Carolina (29745)

RE: LEGAL Envelope Delivered TO YOU & OFFICER  
BARRY MARSH 11th, 2014 WHILE I WERE  
TO BE TRANSFERRED TO S.C. DEPT OF CORRECTIONS...

LT. HOPE

I AM WRITING TO SEE WHAT ~~has~~ <sup>has</sup> ~~been~~ <sup>been</sup> FROM YOUR HANDS  
TO OFFICER BARRY'S HANDS. OF A 9X12 ENVELOPE TO  
HAVE BEEN PROCESSED VIA THE U.S. POSTAL SERVICE TO THE CLERK  
OF COURT GENERAL SESSIONS... I AM WRITING TO  
ADVISE THAT THIS WAS CARRIED OUT PER YOUR ORDERS TO  
OFFICER BARRY.....

DO WRITE ME OF THE STATUS OF LEGAL MAIL DELIVERED  
TO YOU WHEN YOU CAN TELL DEPT & S IN MEDICAL UNIT PRIOR  
TO TRANSFER ME TO S.C. DEPT OF CORRECTIONS.

Sincerely,  


EXHIBITS

DUE DILIGENCE

DUE PROCESS IMPROVEMENTS

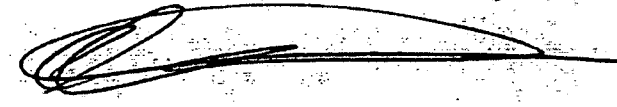
RECEIVED  
JUN 04 2014  
SC COURT OF APPEALS

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

TO: NAME:	TITLE:	DATE:
Mrs. M. HOOVER	Mailroom Director	5-21-14
BY: NAME:	SCDC #:	
Alex A. N. McKindle-McIre	(39150) 000	
INSTITUTION:	LIVING QUARTERS:	
Walter	SA 104	

I am in need of your verification that paper can not be purchased in the mail room. We have written express <sup>mail</sup> ~~not~~ a/c in your department last that I were not able to copy legal material in excess for 2- different stacks of court material I wrote.

DISPOSITION BY STAFF MEMBER:

Refused to sign: 

Witness: \_\_\_\_\_

DATE:	SIGNATURE:

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT**

Page 1 of 1

Institution/Center: <u>Turbeville</u>		Time of Report: <u>Approx: 1:25 P.M.</u>		
Date of Report: <u>May 13, 2014</u>		Date of Incident: <u>May 13, 2014</u>		
Reporting Official: <u>Evelyn Hodge 033700</u>		Time of Incident: <u>Approx: 7:55 AM</u>		
Location of Incident: <u>Milross</u>		Employee(s) Involved:		
Inmate(s)/Resident:	SCDC#	Age	Race	Sex
1. <u>Abdullah Malik</u>	<u>359150</u>	<u>35</u>	<u>B</u>	<u>M</u>
2.				
3.				
4.				
5.				

On the above date and approximate time: Offender Abdullah Malik # 359150  
brought several stacks of documents to be copied. Most  
of the documents were hand written. On the back  
of the hand written documents was Legal Mail belonging  
to another offender by the name of Patrick J. Booker #297590  
No copies were made. Offender Abdullah Malik #359150  
retained to the Milross to pick up all of the documents.  
Offender Abdullah Malik #359150 is being charged 817 -  
Possession of Contraband

**RECEIVED**

MAY 16 2014

MAJOR'S OFFICE  
TURBEVILLE CI

Signature: Evelyn Hodge

Evidence: Copy of another offender Legal Mail and Grievance Form

Witness(es): Allison McCants 055610

Supervisor's Comments: Ref to Adam Henry  
817 Poss of Contraband. He has  
NO previous charges

Signature: M. H. [unclear] Title: Capl Date/Time: 5/13/14 6:00pm

Major/Responsible Authority: Forward to Adam Henry  
817 possession of Contraband. No Mental  
Health issues

Signature: [unclear] Title: [unclear] Date: [unclear]

STG Related - Refer to STG Committee		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
This Incident is DRUG related		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

<b>Action Taken</b>		
<input type="checkbox"/> Informal Resolution		
<input checked="" type="checkbox"/> Administrative Resolution		
<input type="checkbox"/> Refer to Disciplinary Hearing		

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

STATE OF SOUTH CAROLINA, Respondent

- US -

Akhen Alim-Nafis Abdullah-Nafis, Appellant

JUDGMENT NO: 2013-GS-46-04369  
2013-GS-46-04371

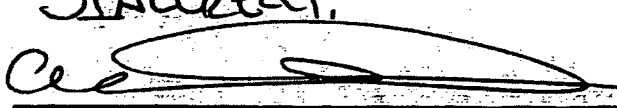
DEAR CLERK OF COURT

PLEASE FIND ENCLOSED (1) NOTICE PRODUCTION  
OF DOCUMENTS PARTICULARLY REASON (2) LETTER DATED  
APRIL 30<sup>th</sup> 2014 SENT CLERK OF THE COURT (3) LETTER TO THE  
CLERK APPOINTED IN WITH TO COPY DOCUMENTS AND NO  
PAPER AVAILABLE WITH APPLICANT USAGE OF (SCRATCH PAPERS) (4)  
LETTER TO THE CLERK MAY 12<sup>th</sup> 2014 (5) NOTICE FILED  
AND LETTER TO CLERK OF COURT MARCH 14<sup>th</sup> 2014 (6)  
NOTICE TO FILE OUT OF TIME (7) DOCUMENTS, MATTERS  
OF DUE DILIGENCE (8) CORRESPONDENCE BY THE SOUTH  
CAROLINA DEPARTMENT OF CORRECTIONS LEGAL MATERIAL WITHOUT  
LETTER NO REQUEST (9) LETTERS DUE DILIGENCE BY  
THE APPELLANT (10) LETTER BY COURT OF APPEALS OF SOUTH  
CAROLINA (11) EXPLANATION PURSUANT RULE 203 (a) (1) (b) (1)

SENTENCE SHEETS (2) NOTICES, AFFIDAVITS.  
ADDENDUM FILED IN THE SOUTH CAROLINA COURT  
OF APPEALS

APPELLANT IS UNABLE TO DUPLICATE COPIES OF  
LEGAL WORK. APPELLANT SEES TO HURRY AND RE-  
SPECTFULLY REQUEST THE COURT TO EXCUSE THE  
SCRATCH PAPER UTILIZED ONLY THE FRONT PAGE  
TO BE UTILIZED FOR REVIEWING. IN ADDITION  
APPELLANT'S INABILITY TO DUPLICATE. APPELLANT SEES  
TO RESPECTFULLY ASK THE CLERK TO COPY  
AND FORWARD TO REAWARDED AND FILED COPY  
RETURNED PLEASE ..

THIS SAYS 20th day MAY 2012  
Twenty Thousand and Fourteenth year

5  
SINCE 2011.  
  
Alkhan Alim-Natis Abdulh-Malik  
Appellant / PRO-SE

Akeem Alim-Natic Abdullch-Matik  
S.C. Dept of Corrections # [359150]  
Turbeville Corrections Inst  
P.O. Box 252  
Turbeville, South Carolina [29162]

April 28<sup>th</sup>, 2014

To: DAVID HAMILTON  
CLERK OF COURT  
P.O. Box 649  
York, South Carolina [29745]

RE: CASE # 2013A-GS-46-04369, 04370, AND  
04371....

SIR CLERK...

I AM WRITING YOU ADMIN. TO REQUEST A  
COPY OF THE NOTICE OF APPEAL THAT  
WAS FILED ON MARCH 11<sup>th</sup>, 2014 FROM  
YORK COUNTY DETENTION CENTER VIA U.S.  
MAIL POSTAL SERVICE. HANDED TO (LT) LIEUTENANT  
AND OFFICER ON DUTY FROM NURSICAL UNIT  
LEW # S. DAY OF BEING TRANSPORTED TO S.C.  
DEPT OF CORRECTIONS DAY OF MARCH OF MARCH  
11<sup>th</sup>, 2014...

Page 1 of 2

SIR CLERK. Per-Se ATTACHED LETTER  
DATED APR 22<sup>nd</sup>, 2014 CONTACTING THE SAID  
COURT OF APPEALS HAS BEEN INITIATED w/ SEVERAL  
REQUEST. HOWEVER DUE PROCESS IMPROVEMENTS  
HAR OCCURED AGAIN AC SO THROUGHOUT THESE  
PROCEEDINGS. MAY THIS MEET DUE DILIGENCE  
REQUIREMENTS FOR THE S.L COURT OF APPEALS  
AS WELL SCALR 203(b)(2) & (3) ...  
TO INCLUDE Rule 201 ... Per-Se Brunson  
V. AMERICAN KOYO BEARINGS (S.L. App 2005)..  
367 S.C. 161, 623 S.E. 2d 870 ...

SIR CLERK I AM JUST REQUESTING  
(1) COPY OF BEING FILED IN YOUR SAID  
COURT OF G.S. CONSISTENT HENSON V. LACK  
489 U.S. 266 (1988)

IN CONCLUSION I AM ASKING FOR A  
COPY OF THE NOTICE AND LETTER ENCLOSED  
WITH PROOF OF SERVICE THAT WAS ATTACHED

THIS SAID 20<sup>th</sup> by APRIL with  
TERRY THOMAS FORTKATH year

RESPECTFULLY REQUESTED..  
Akeem Alim-Nafis Abdul-Malik

Akeem Alim Nafis Abdulh-Malik  
Turbeville Correctional Institute  
P.O. Box 252  
Turbeville, South Carolina [29162]

June 6<sup>th</sup> 2014

RECEIVED

JUN 13 2014

S.C. SUPREME COURT

To Mr Daniel E. Shearouse CLERK OF COURT  
IN THE SOUTH CAROLINA SUPREME COURT  
POST OFFICE BOX [11330]  
COLUMBIA, SOUTH CAROLINA [29211]

RECEIVED

JUN 13 2014

SC Court of Appeals

RE: STATE v. Akeem Alim Nafis Abdulh-Malik  
(2013-GS-46-04369, 04370, & 04371)

Dear Mr. Shearouse SIR CLERK

I AM writing in reference to the above listed matter (2013-GS-46-04369, 04370 & 04371).

I AM writing to request your Supreme Court Attention IN REF TO Due Process Issues. Entrance stemming from MY RIGHT TO RECEIVE COURT TRANSCRIPTS STEMMING FROM October, November, December, February, & March of 2013-2014. IN THE 16<sup>th</sup> Judicial Circuit GENERAL SESSIONS Court & MAGISTRATE Court. Before THE Honorable Judge JOHN C. HINES III, MAGISTRATE Judge MAHUR, AND JUDGE PAUL BURR. All within Set upon THE bench of THESE listed months. IN Reference to above listed matters  
PAGE 1 of 3

THE ISSUE AT HAND STEM FROM COURT REPORTERS  
WANDA NELSON WHO STATED SHE PARTICIPATED IN  
NOVEMBER, DECEMBER & MARCH WHICH IS IDENTICAL  
WITH SHERRY BOON WHO ACCURATELY REPORTS ON  
MARCH 6TH & 10TH 2014 SHE WAS THE COURT  
REPORTER

I AM IN NEED OF THE TRANSCRIPTS FOR THE  
MONTHS OF OCTOBER, NOVEMBER, DECEMBER, FEBRUARY,  
AND MARCH IN PREPARING DIRECT APPEAL IN  
YOUR COURT AS SO ORDERED YOUR LATEST CORRESPONDENCE  
AUTHORIZING OUT OF TIME APPEAL NOTICE AND  
EXPLANATION CERTIFICATES TO BE FILED IN YOUR  
COURT WHICH WAS FILED IN YOUR COURT PURSUANT  
TO HONORABLE JUDGE 489 UC 266 (1988) HAS BEEN  
FILED IN YOUR COURT THE SOUTH CAROLINA SUPREME  
COURT AWAITING FURTHER ORDER NOTICE (ETC)

I AM COUNSEL OF RECORD HAS REQUESTED IN  
THE NOTICE & EXPLANATION AND OUT OF TIME  
FILED SUPPORT WITH THESE FILED RETRIEVED  
NOTICE DATED MARCH 11TH 2014 STAMPED MARCH  
14TH 2014 A MOTION PRODUCTION OF DOCUMENTS  
TRANSCRIPTS TO ACCURATELY PREPARE FOR APPEAL

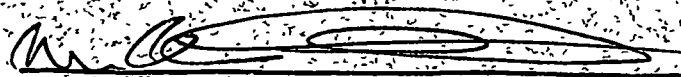
I AM IN ADDITIONAL PREPARING FURTHER NOTICE  
IN THE SOUTH CAROLINA SUPREME COURT COURT REPORTERS  
DUE PROCESS ISSUES OF MAIL DELIVERED TO THE  
KIRKLAND INSTRUMENTS HOUSE - ADDRESS TO MYSELF

As I pointed (1) ONE MONTH LATER  
AGAIN WITH COURT REPORTERS BOTH CLAIMING  
SAME DATES OF RECEIVING PROCEEDINGS YET BOTH  
OUTLINING FEES FOR TRANSCRIPTS ETC OMITTING  
OCTOBER DATES ALSO DISCREPANCIES AS TO WHO  
RECEIVED NOVEMBER DATES BEFORE MAGISTRATE MURPHY'S  
FURTHER IMPOSING DUE PROCESS ACCESS TO THE  
COURTS

COURT ADMINISTRATION Ms. Debra Allen  
HAS BEEN NOTIFIED TO THE 16<sup>TH</sup> JUDICIAL  
CIRCUIT. ASSERTIONS AS TO WHICH COURT  
REPORTERS ACTUALLY SET IN THE PROCEEDINGS  
AND WITHIN IS THE TRANSCRIPT FOR THE  
OCTOBER NOVEMBER DECEMBER FEBRUARY & MARCH  
2013-2014 COURT PROCEEDINGS

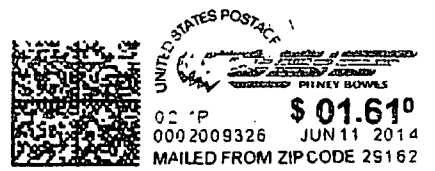
I AM SEEKING YOUR AUTHORITY TO ORDER  
THE PRODUCTION OF THE DOCUMENTS (TRANSCRIPTS)  
Pursuant to FR. CIV. P. 33 & 34 AND SCARC GOVERNMENT  
TRANSCRIPT PRODUCTION FOR OFFICE ARCHIVES

Two said 6<sup>th</sup> June with SINCERELY,  
Twenty Three & Fortunate

  
Mr. Akram Arif Adnan-Nolle

A Keen Alim-Nah Abdulrahman  
TURBEVILLE C. I.  
MAIL ROOM  
BOX 252  
TURBEVILLE SC 29162

35153



RECEIVED

JUN 11 2014

MAIL ROOM  
TURBEVILLE C.I.

IN THE SOUTH CAROLINA Supreme Court  
DANIEL E. SHEAROUSE, THE CLERK  
Post Office Box 11330  
Columbia, South Carolina [29211]

RECEIVED

JUN 13 2014

SC COURT OF APPEALS

LETTER

COURT OF APPEAL

**RECEIVED**  
JUN 04 2014  
SC Court of Appeals

Akeem Ameen-MAHMOUD Abdulrahman-Malik  
S.C. Dept of Corrections (SCDC)  
Turbeville Correctional Institute  
P.O. Box 252  
Turbeville, South Carolina (29162)

April 28<sup>th</sup>, 2014...

TO: South Carolina Court of Appeals  
Jenny Abbott KIRKINGS, CLERK  
Post Office Box 11629  
Columbia, South Carolina (29211)

RE: CASE # 2013A-GS-46. 04369, 04370, 04371

MADAM CLERK..

I AM WRITING YOU ENCLOSED A NOTICED COPY  
OF AFFIDAVIT AS TO MY FILING NOTICES OF APPEAL  
PURSUANT TO HUDSON J. WALKER 487 US 266 1995 AND SCACR 12  
RULES 263.

I AM RE-WRITING AS TO LOWER COURT GENERAL SESSIONS  
OF THE 16<sup>th</sup> JUDICIAL CIRCUIT WAS SEND NOTICES AS WELL  
YOU ARE COURT. S.C. COURT OF APPEALS ON MARCH 11<sup>th</sup>, 2014.  
PRIOR TO MY TRANSFER TO S.C. DEPT OF CORRECTIONS. MARCH 11<sup>th</sup>,  
2014. STOPPING FROM SENTENCE ORDER SERVED MARCH 10<sup>th</sup>, 2014..

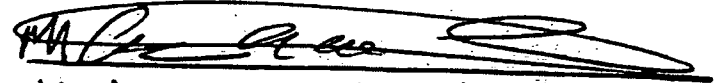
I AM SELF-REPRESENTED PRO-SE LITIGANT FORMER FEDERAL  
PRO-SE LITIGANT SEC. Akeem Ameen-MAHMOUD Abdulrahman-Malik 04-9361. General  
OF RECORD WITH CONTINUOUS U.S. STATE COURT.

I AM REPLYING ON WHAT WAS AVAILABLE AS A U.S. MAIL  
Page 1 of 2

~~Deposition~~ At York County Detention Center where  
I WERE housed as a Pre-trial Detainee throughout the  
CRIMINAL proceedings as a SELF-REPRESENTED Pro-Se Litigant.  
IN WHICH I CHOSE / CHOOSE TO APPROVE THE  
SENTENCE IMPOSED BY Judge Paul Birch... I  
AFFIRM ON AFFIDAVIT ALL TO BE TRUE AND CORRECT WITHIN  
ADVERSE NOTICE BE SERVED UPON ALL PARTIES TO INCLUDE  
MYSELF Pro-Se / Separate / Appoint. TO THE PERFECT APPROVE  
OR ADV NOTICE TO BRIEF PARTIES.....

THIS SUD 30<sup>th</sup> by APRIL with  
Illegitimate and Foully

Respectfully Requested:-



Mr. Akcen Al-Nasser Abdulmalek  
AFFIDAVIT / Appoint, Pro-Se / Separate

LETTER AFFIDAVIT. AND ADDENDUM.

SUBMITTED TO THE COURT OF APPEALS.

**RECEIVED**  
JUN 04 2014  
SC COURT OF APPEALS

AFFIANT

AFFIDAVIT

I AM Akeem Alim-Nafis Abdullah-Malik AFFIANT  
IN SAID MATTER Re: INDICTMENT Nos: 2013A-GS-46-  
04369, 04370, AND 04371. I duly deposes the  
following:

1. On March 11<sup>th</sup> 2014, I did depose and deposit in the  
hands of Lieutenant Walter Commander of A Team (1) on  
9x12 Manila Envelope WHICH WAS HANDED TO SHIRT OFFICER  
AT THE YORK COUNTY DETENTION CENTER, 1675-3A York Hwy,  
York, South Carolina (29745) Pursuant to PRISON MAIL BOX RULE  
HUSTON V. LACK 487 US 266 (1988) FOR U.S. POSTAL DEPT  
PRE-STAMPED WITH U.S. POSTAL STAMPS Addressed to THE CLERK  
OF SAID GENERAL SESSIONS COURT, P.O. Box 649,  
York, South Carolina (29745) FOR THE SOLE PURPOSE  
OF FILING: MOORE NOTICE OF APPEAL.

2) AFFIANT ~~ATTORNEY~~ ENCLOSED IN THE 9x12 MANILA  
PRE-STAMPED ENVELOPE WAS A NOTICE OF APPEAL FROM  
JUDGEMENT before Judge Paul Buck. JUDGEMENT WAS  
SO ORDERED March 10<sup>th</sup> 2014. AFFIANT / AFFIANT  
FILED NOTICE OF APPEAL MORNING OF March 11<sup>th</sup> 2014  
WITH LETTER REQUEST TO TRANSMIT TO THE  
APPROPRIATE COURT(S) FOR FILING TIMELY WITHIN  
(10) DAYS ALLOTTED PURSUANT TO SCALCR 203  
(b) (2) & (3) INCLUSIVE SCALCR 201 Per-SE  
BRUNSON V. AMERICAN KOYA BEARINGS (SC App 2013)  
367 SC 161, 623 S.E. 2d 870

PAGE 1 of 5

3) AFFIANT ATTESTS AFFORANT Upon Placing THE NOTICES OF APPEAL IN THE DETENTION OFFICE HANDS THE MORNING OF MARCH 11<sup>th</sup>, 2014. AFFIANT WAS THEN EXTRACTED FROM MEDICAL HOLDING UNIT CELL #5 ESCORTED BY LIEUTENANT TO IN/OUT PROCESSING AREA OF THE JAIL TITLED "BOOKING AREA" WHEREFORE AFFIANT WAS DRESSED OUT PROPERTY TAKEN FOR PREPARATION FOR AFFIANT TO BE TRANSPORTED TO AFFIANT PRESENT CUSTODY OF THE S.C. DEPT OF CORRECTIONS.

4) AFFIANT WAS IN PROCESS BY TRANSFER OF CUSTODY RELEASING TRANSPORT OFFICER ATCHLY OF THE YORK COUNTY SHERIFFS/DETENTION OFFICERS TO THE S.C. DEPT OF CORRECTIONS. AFFIANT'S PROPERTY WAS CONFISCATED FOR GENERAL COUNSEL REVIEW UNTIL FURTHER NOTICE PER-SC LT. STACY OF THE KIRKLAND RECEIVING AND EVALUATION CENTER. 4344 BRAD RIVER ROAD, COLUMBIA, SOUTH CAROLINA SEE ATTACHMENT IN SUPPORT OF AFFIANT'S LEGAL PROPERTY DETAINING DURING TOWING PROCESS OF NOTICE OF APPEAL HOWEVER AFFIANT ATTEST DUE DILIGENCE IS AT INSTANCE IS STILL EXERCISED AT INSTANCE AN AFOREMENTIONED SINCE MARCH 11<sup>th</sup> 2014 WHEREFORE AFFIANT ATTEST

FILED TIMELY NOTICES OF APPEAL AFFIANT'S

IMMEDIATE TRANSFER TO THE S.C. Dept of Corrections  
WAS EXPEDITED PER-SE THE AFFIANT WAS SENTENCED  
ON MARCH 10<sup>th</sup> 2014. IN THE COURT OF GENERAL  
SESSIONS. YET IN ALL AFFIANT A PRO-SE LITIGANT  
SELF REPRESENTED FILED NOTICES OF APPEAL TO THE  
CLERK OF COURT by and via U.S. Postal Services Provided  
AT YORK COUNTY DETENTION CENTER...

5) AFFIANT AWAITS PROCESSING AT KIRKLAND  
RECEIVING NO INFORMATION VIA REQUESTS AND VERBAL  
REQUEST WITH WARDEN MCKIE AS WELL VIA PHENIX  
LAW LIBRARY OFFICER AND MS. ALBERT FOLLOWED THE  
PROCEDURES AVAILABLE IN LIEU LIMITATIONS OF AGING  
NEW-ARRIVAL AT KIRKLAND R&E TO ACCESS THE  
COURTS. AFFIANT IN "DUE DILIGENCE" NOTIFIED  
ALL COURTS GEN. Sessions, S.C. CT. OF Appeals, AND S.C.  
Supreme Court, U.S. DISTRICT COURT, U.S. Supreme Court,  
VARIOUS LEGAL SERVICES AND AGENCIES OF AFFIANT'S  
TRANSFERRED TO KIRKLAND R&E AT SO LISTED ADDRESS.  
TO CURRENT TRAILER AT TURBVILLE CORRECTIONAL INST.  
P.O. Box 252, Turbville, South Carolina (29162)

6) AFFIANT HAS INQUIRED ON SEVERAL OCCASIONS  
TO VERIFY THE STATUS OF APPEAL FROM SENTENCING  
OF INDICTMENT 2013A-GS-46-043694-04371...  
P... 3 14

TO THE EXTENT THE CLERK OF COURT OF GENERAL SESSIONS HAS NOT FORWARDED THE APPELLANT AFFIDAVIT OF THE NOTICES AS SO FILED... Now due the S.C. Court Of Appeals Refers Notices As being filed. The Affiant Continued Remanded by the 16th Judicial Circuit In Entrance to direct Affiant: Appeal Right to Sentencing. Their Improving And Violating Appellate Affiant's Rights Access to the Court, Filing Records. As so Outlines In THE F.R.C.V.P. AND SCACR 243(C) (2) & (3) SCACR 201 RIGHT TO APPEAL, SCACR 243(C)

AGREEMENT UPON THE APPELLANT RIGHTS AND AFFIDAVIT'S Absolute Right to Direct Appeal. SEE ELLIOTT V. LUCEY 469 U.S. 387, 83 L.Ed.2d 821 (1985) WHITE V. STATE 208 S.E.2d 35 (1994) DELOZI V. ROSE 04-3571 (6th Cir.) ROE V. FLORES-ORTIZ A... CASE OMITTED... STRUMM V. STATE CASE OMITTED, FERLUSON V. STATE CASE OMITTED, COUNCIL V. STATE CASE OMITTED....

1) AFFIANT ATTESTS, AFFIANT IS A PRO-SE LITIGANT PURSUANT TO HARVEY V. KERNER 401 U.S. 519 (1972) VIA (DUE DILIGENCE) HAS FILED NOTICES OF APPEAL AS REQUIRED IN THE REQUIRED Courts PURSUANT TO SCACR. On 4.1.15

Pursuant to Rule 262 SERVICE by  
MIA IS Complete Upon MARRIAGE... IN SUPREME  
HONORABLE J. LACIE 487 US 266 (1988) Upon deposition  
Into U.S. Department. Consular Files... AFFIDAVIT ATTEST  
AFFIDAVIT. Deposits Deposits Where MIA'S MARCH 11<sup>th</sup>,  
2014...

I AM AFFIDAVIT being truly, duly, deposed that  
ALL WITHIN TO BE TRUE AND CORRECT WITHOUT  
AVERMENTS TO THE BEST OF MY KNOWLEDGE...

THIS SAID 30<sup>th</sup> IN APRIL \_\_\_\_\_ month  
TWENTY TWO AND FOURTEEN \_\_\_\_\_ year

TRENT.

~~Mr. Akem Alim-NAPIC Abdul-H~~  
Mr. Akem Alim-NAPIC Abdul-H  
AFFIDANT

Notary Public

THIS SAID 30<sup>th</sup> IN April \_\_\_\_\_ month \_\_\_\_\_ 2014 \_\_\_\_\_ year

MY COMMISSION EXPIRES

THIS SAID 30<sup>th</sup> IN April \_\_\_\_\_ month \_\_\_\_\_ 2014 \_\_\_\_\_ year

Early July 4-27-2016  
SIGNATURES.

# ADDENDUM

AFFIANT. ADDENDUM AFFIDAVIT AT SECTION (4). PAGE 2 OF 5 AFFIANT AT SECTION (4) INSERT/INSERTS ATTESTS UPON ARRIVAL AT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS KIRKLAND RECEIVING & EVALUATION CENTER. WHEREAS AS AFOREMENTIONED AFFIANT'S LEGAL PROPERTY WAS CONFISCATED UNTIL FURTHER NOTICE AND GENERAL COUNSEL REVIEW. AFFIANT INSERT AT INSTANCE AFFIANT UNTIL RECEIVING ACCESS TO LEGAL PROPERTY. AFFIANT WAS NOT AUTHORIZED TO KEEP ANY OR NONE OF AFFIANT'S LEGAL PROPERTY IN AFFIANT'S POSSESSION TO INCLUDE WAS AFFIANT ACCESS TO AFFIANT'S LEGAL DOCUMENTS OR NOTICES. PAPERS, BOOKS, ETC.

AFFIANT IN INSTANCE ATTESTS THAT UTAC DUPLICATE DOCUMENTS ARE NOT LOCATABLE AS OF DATE UPON AFFIANT'S SEARCH TO INCLUDE HAND WRITTEN COPIES OF NOTICES OF APPEAL DRAW UP

by AFFIANT March 10<sup>th</sup>, 2014. SERVED  
ON JAIL STAFF YORK COUNTY DETENTION  
CENTER FOR DEPOSIT INTO U.S. MAIL DEPOSIT  
TO THE CLERK OF COURTS GENERAL SESSIONS  
AND DUPLICATE FOR THE S.C. COURT OF APPEALS  
TIMELY FILED NOTICES...

AFFIANT IN CONCLUSION ATTESTS  
AFFIANT HAS PREVIOUSLY ENCOUNTERED MAIL IMPEDIMENTS  
PREVIOUS BY SHERIFF BRUCE M. BEYANT, et al. YORK  
COUNTY TO THE EXTENT POST MASTER IMPERATOR  
GENERAL WAS NOTED TO BE NOTIFIED... TO THE  
EXTENT SHERIFF BRUCE M. BEYANT, et al IS PENDING  
CIVIL LITIGATION IN THE U.S. DISTRICT COURT  
1:14:CV:00109...

AFFIANT ATTEST AFFIANT HAS NOTIFIED THE  
YORK COUNTY DETENTION CENTER MAIL ROOM AND THE  
LIEUTENANT REGARDING QX12 NOTICES OF APPEAL  
MAIL MARCH 11<sup>th</sup>, 2014. HOWEVER MAIL IS/HAS BEEN  
RETURNED AS UNAUTHORIZED BY MAIL ROOM STAFFING  
BELLE MCLEAVE. SEE ATTACHMENT "ADDRESSES  
ADDRESS TO BLACKENO, OUT BY YORK COUNTY DETENTION CENTER.

Affiant Attest(s) to On Going  
Obstructing of Justice by THE SHORIN  
Bruce M. Bryant et al. TO THE EXTENT TO  
SABOTAGE AND DERAIL AFFIANTS GREAT  
Appellants RIGHTS...

Affiant Attest Affiant DID Indeed  
File NOTICE(S) OF APPEAL TO THE  
Courts. Appearing AWAY FROM Judge Paul  
Bucher EXCESSIVE PUNISHMENTS SENTENCED  
WITHOUT CONSIDERATIONS AFFIANT DID NOT  
HAVE A S.C. CRIMINAL RECORD. A 3-TIME HONORABLE  
DISCHARGED VETERAN, NON-VIOLENT PRISONER  
HAS AN EXCESSIVE BAIL. SUBJECT TO MANY  
CONSTITUTIONAL VIOLATIONS. AS A PRE-TRIAL  
DETAINEE WHOM AT THROUGHOUT PROCEEDINGS  
SELF REPORTED FORCED TO PLEA. DUE TO THE  
VIOLATION OF THE Basic Human, CONSTITUTIONAL  
AND CIVIL RIGHTS. SPECIFICALLY DUE PROCESS & CRUEL  
AND UNUSUAL PUNISHMENT. DEPRIVATION OF LIBERTY... AMERICAN  
DISABILITY ACT, VETERANS REHABILITATION ACT ETC...

THIS SWORN 3rd day of APRIL with  
Every Thousand and Fourteenth year  
2 2 7

Sincerely  
Mr. Alan ...

NOTICE OF APPEAL

ANEW

EXPLANATION

PURSUANT RULE 203(c)(1)(B)(i)

RECEIVED  
JUN 04 2014  
SC COURT OF APPEALS

IN THE COURT OF APPEALS  
FOR THE STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

- VS -

RESPONDANT

RECEIVED

JUN 04 2014

SC COURT OF APPEALS

Akeem Alim-Nafis Abdullah-Malik

APPELLANT

NOTICE OF APPEAL


INDICTMENT NO. 2013-GS-04369,  
2013-GS-04371

APPEAL FROM YORK COUNTY  
PAUL BURCH, CIRCUIT COUNTY JUDGE

Akeem Alim-Nafis Abdullah-Malik, hereinafter  
APPELLANT, APPEALS THROUGH PROVIDING NOTICE  
OF APPEAL FROM THE CONVICTION AND SENTENCE  
IMPOSED BY HONORABLE CIRCUIT JUDGE PAUL BURCH  
ON MARCH 10<sup>th</sup> 2014. PURSUANT TO GUYTON PLAN  
PAGE 1 OF 2

THIS SAID 19th day MAY month  
Twenty Third & Fourteenth year

RESPECTFULLY SUBMITTED



Akeem Alim-Nafis Abdulwah-Melik  
Appellant, Pro-Se  
York County District Court  
1675-3A York Highway  
York, South Carolina (29745)

### CERTIFICATE OF SERVICE

I am, Akeem Alim-Nafis Abdulwah-Melik, Appellant in  
SAID MATTER, duly deposed on SAID 19th day MAY month  
Twenty Third & Fourteenth year I did deposit in U.S. MAIL  
DEPOSITORY PREPARED ADDRESS TO E.E. BROWN PURSUANT  
TO HOUSTON V. LACK 487 U.S. 266 (1988) NOTICES  
OF APPEAL AND THE EXPLANATION REQUIRED BY  
RULE 203(d)(1)(B)(iv)

CC: IN THE S.C. COURT OF APPEALS  
P.O. Box  
COLUMBIA, SOUTH CAROLINA (29210)

SINCERELY,



MR Akeem Alim-Nafis Abdulwah-Melik  
Appellant Pro-Se

CC: IN THE COURT OF COMMON PLEAS  
PO Box 649  
YORK, SOUTH CAROLINA (29745)

CC: 16th JUDICIAL CIRCUIT SOLICITORS  
ATTN: RYAN R. NEWBERRY  
1675-1A YORK HWY  
YORK, SOUTH CAROLINA (29745)

IN THE COURT OF APPEALS  
FOR THE STATE OF SOUTH CAROLINA  
APPEAL FROM COURT OF COMMON SESSIONS  
PAUL BUREN, CIRCUIT COURT JUDGE  
YORIK COUNTY

---

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

---

THE STATE OF SOUTH CAROLINA  
RESPONDANTS,

-VS-

Akeem Alim-Nafis Abdullah-Malik  
APPELLANT.

---

EXPLANATION  
PURSUANT  
RULE 203(d)(1)(B)(iv)

---

APPELLANT, hereby, brings forth explains why the issues to be raised on appeal may be reviewed on appeal, and this explanation includes identification of the issues to be raised on appeal and the factual basis for the issues. Pursuant South Carolina Appellate Court Rules ("SCA") Rule 203(d)(1)(B)(iv)

PAGE 1 of 13

RECEIVED  
JUN 04 2014  
SC Court of Appeals

As an initial matter, it must be recognized and acknowledged by this Court that this explanation is related "ONLY" to issues emanating from Appellant's "guilty plea" and does not apply to Appellant's appeal from Appellant's sentence which is separate and distinct from the guilty plea. See, Rule 203(d)(1)(B)(iv), SCACR (explanation required regarding appeal from guilty plea only); FASTER vs STATE, 584 S.E.2d 117, 355 S.E. 79

(S.C. 2003) ("sentencing although often combined with admissions of guilt in a hearing, is a separate issue from guilt and distinct phase of criminal proceeding.")

THEREFORE the Appellant's appeal from his sentence "must" proceed to briefing regardless of this Court's determination as to whether Appellant below explanation makes a sufficient showing respecting his appeal from the guilty plea pursuant SCACR, Rule 203(d)(1)(B)(iv) because by pleading guilty, defendant did not waive his right to challenge violation of his constitutional rights that occurred at sentencing hearing. TEERY vs. COMMONWEALTH, 500 S.E.2d 843 (Va. App. 1998)

ISSUE FOR REVIEW:

# ISSUE ONE

DID THE TRIAL COURT ERROR  
IN DETERMINING DEFENDANT  
MENTAL COMPETENCY ITSELF  
WITHOUT BENEFIT OF VETERAN'S  
EXPERT OR MENTAL HEALTH  
AGENCY MENTAL HEALTH EXAMINATION  
REPORT?

---

## ARGUMENT

TRIAL COURT ERRED IN DETERMINING  
DEFENDANT'S MENTAL COMPETENCY ITSELF WITH-  
OUT RELIANCE ON APPROPRIATE VETERAN'S EXPERT  
MENTAL HEALTH OR MENTAL HEALTH AGENCY PROFESSIONAL  
EXAMINATION REPORT...

THROUGHOUT THE CRIMINAL PROCEEDINGS THE APPELLANT SELF-  
REPRESENTED, BEING PERMITTED TO PROCEED PRO-SE, APPELLANT  
RAISED THE ISSUES OF HIS MENTAL COMPETENCY MULTIPLE  
TIMES DURING VARIOUS STAGES OF THE OVERALL BEGINNING TO  
END TO PROCEED OF THE CRIMINAL PROCEEDINGS. PARTICULARLY,

he sought a mental health examination of/ to the extent whether he was mentally competent to assist in his own defense. Although the trial judge denied Appellant's Request to a Mental Examination As Pla OF Mentary Ill, the trial judge nonetheless included in his sentencing order a recommendation for placement for mental health counseling, which indicates the trial judge had reason to believe Appellant has some mental impairment.

THE law of South Carolina is clear: "Whenever a judge of the circuit court... has reason to believe that a person on trial before him, charged with the commission of a criminal offense, is not fit to stand trial because such person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity, the judge shall:

1). Order examination of such person by two examiners designated by the Department of Mental Health

2) Order such person committed for examination and observation to an appropriate facility . . . ."

Id., S.C. Code Ann § 44-23-410 (Supp. 2010)

In the case at bar, the trial judge had "reasons" to order examination of Appellant because the trial judge realized that Appellant has a mental impairment/as demonstrated by the judge's order for mental health counseling. Moreover, the trial judge was not authorized to determine the mental competency of Appellant because he is not a qualified examiner designated by the Department of Mental Health.

Inasmuch as Appellant raised the issue of his mental competency throughout the proceedings, indicated the right was not waived. see, e.g., State vs. Blair, 273 S.E.2d 536 (S.C. 1981) (findings failure to request competency hearings did not waive right to such a hearing because the issue was raised throughout the proceedings.)

## ISSUE TWO

DID THE TRIAL COURT ERROR IN REFUSING TO DEFER SENTENCE OF INCARCERATION IN FAVOR OF VETERANS' ADMINISTRATION CLINICAL APPROACH

# ARGUMENT

TRIAL COURT ERRED IN REFUSING  
TO DEFER SENTENCE OF INCARCERATION  
IN FAVOR OF CLINICAL APPROACH  
BY THE VETERANS ADMINISTRATION

Throughout the criminal proceedings as to date  
Appellant relied upon THE GUARANTEED, PRESERVED  
AND EXCLUSIONARY PROTECTED RIGHTS OF THE  
UNITED STATES CONSTITUTION INCLUDING EQUAL  
PROTECTION OF LAWS APPLIED AS THE STATES UNDER  
THE 14<sup>TH</sup> AMENDMENT CONJUNCTIVE WITH THE  
SOUTH CAROLINA CONSTITUTION AND FAIR IMPARTIAL  
SENTENCING.

Appellant at all times objected orally, written to  
the Prosecution Demand the total to end to present Criminal  
Proceedings, Preserve the Records. Appellant, A 3-TIME Honorable  
DISMISSED E-6 STAFF SGT Promotable US Army Veteran, Through  
Solemn Petition From Excessive Bail, Retardation, DISCRIMINATION

to the extent of Inmate Release. Release to THE  
CUSTODY OF THE VETERANS ADMINISTRATION MEDICAL CENTER  
CONCORDIA WITH THE BILL HENRI (NAME) SALVADOR  
NORTH CAROLINA AND CHARLOTTE COMMUNITY BASE OUTPATIENT CLINIC  
CHARLOTTE, NORTH CAROLINA, OR COLUMBIA (NAME) COLUMBIA,  
SOUTH CAROLINA. Appellant sought Veterans Treatment Court  
(VTC) For Non-Violent Veterans Offenders Introduced  
through H.R. Bill 3179 Rep. Todd Rutherford  
MOVEMENT ON SENTENCING REFORM by U.S. ATTORNEY  
ERIC HOLDER To include Modern Day AMELIORATION  
TO FAIR SENTENCING PRACTICE OF THE 21<sup>ST</sup> CENTURY  
EVOLVING INTO 22<sup>ND</sup> CENTURY PRACTICE. Opposing the  
ANTIQUATED ARTICLE PRACTICING AT BAR before you.  
Appellant sought a MORE CONSCIOUS DEFERMENT IN  
SENTENCING A CLINICAL APPROACH FURTHER ADDRESSING  
Appellant's HISTORY, AXIS IV DIAGNOSIS, CHRONIC  
CARE NEEDS DIAGNOSIS, WARRANTED REFORMATION,  
AND REHABILITATION, ADDRESSING WARRANTED CONTINUED  
PSYCHOLOGICAL AND EDUCATION NEEDS. Ultimately  
REMOVING THE UNWARRANTED STIGMATIZATION ON  
THE COMMON FOLK TAXPAYERS WHO FOOT THE COST

OF A NON-VIOLENT OFFENDER. WHOM AT THE TIME OF ARREST SUFFERED DIMINISHED CAPACITY. DUE TO ADDICTIONS AND DIAGNOSED PTSD. HOWEVER, APPELLANT WAS A FULL-TIME COLLEGE STUDENT AT CENTRAL PIEDMONT COMMUNITY COLLEGE (C.P.C.C.), SEEKING TO GRADUATE AND TRANSFER TO UNCLE UNIVERSITY OF NORTH CAROLINA WITH ASPIRATIONS TO ATTEND AND GRADUATE LAW SCHOOL...

## THE CONSTITUTIONAL LAW 270 (1) (2)

DUE PROCESS CLAUSE IS IMPLICATED AT SENTENCING and a defendant has a right to challenge the procedure leading to a imposition of his sentence GARDNER VS. FURBER 430 US 349, 358 97 S. CT 1197, 1204, NO 1205, 51 L. ED. 2D 393 (1977)

"CULPABILITY" THE OFFENDERS CULPABILITY FOR HIS CRIMINAL ACTS THE DEGREE OF THE DEFENDANTS BLAMEWORTHINESS IS THAT OF CENTRAL IMPORTANCE TO THE of the Sentence.

CALIFORNIA V. BROWN 429 US 538, 545, 107 S. CT 837, 841, 93 L. ED. 2D 934 (1977) emphasis on the "culpability" in sentencing decisions has long been reflected in Arjo-

## American Jurisprudence

no Eddings reflect

the belief that punishment should be directly related to the culpability of the criminal defendant.

U.S. - US - STEVENS 851 F.2d 140 (6<sup>th</sup> Cir. (1988)) (Counted defendants even those who plead guilty have a due process right to a FAIR SENTENCING PROCEDURE which includes the right to be sentenced on basis of accurate information.)

Booker vs U.S. 543 U.S. 220 (2005) STRIKING DOWN THE FEDERAL SENTENCE GUIDANCE NULLIFYING AN UNCONSTITUTIONAL APPLICABLE Booker - US - WASHINGTON 542 US 296 AS THE BASIS FOR Booker 6<sup>th</sup> AMENDMENT RIGHT OF FAIR ADMITTED BY DEFENDANT OR PROVED BY JURY OR DEFENDANT'S PEERS. ULTIMATELY PERMITTING JUDGE THE DISCRETION TO SENTENCE WITHIN STATUTORY PROVISIONS, TO EVEN DEFER WITHIN FACTS OF MITIGATING FACTS OR ACCURATE INFORMATION TO WARRANT DETERMINATION.

S.E. SENTENCING HAS IN PLACE JUDGES DISCRETION NOT BEING BOUND TO A DETERMINATE SENTENCING STRUCTURE. JUDGES DISCRETION WITHIN PERIOD OR STATUTORY PROVISIONS OF THE CRIMINAL STATUTE TO SENTENCE DEFENDANTS AT THE LOWEST MODERATE OR SEVERELY PENANCE THE STATUTORY MAXIMUM PROVISION ONLY WITH THEIR WARRANTED INFORMATION ABOUT MITIGATING FACTS OR PRESENCE OF AGGRAVATING FACTS OR ISSUANCE TO

Page 1 of 13

WARRANT ENHANCEMENTS WHEN NOTICE HAS BEEN ISSUED  
UPON THE DEFENDANT IN ADEQUATE TIME AFFORDING THE DEFENDANT  
TIME TO OBJECT AND PREPARE A DEFENSE... BEING SENTENCED  
IS SUCH A CRITICAL TIME FOR DEFENDANT...

IN THE CASE AT BAR, THE TRIAL JUDGE ERRED IN INSTANCE  
AND SEPARATELY FROM ISSUE ONE PERMITTING UNOBTAINABLE, WAST  
OF PROSECUTION, PROSECUTOR BAR PROCEEDINGS, DUE PROCESS  
IMPEDEMENTS AND DEFENSES FORCING APPELLANT TO WITHDRAW  
TRIAL THROW IN THE TOWEL, FORCED GUilty PLEA  
ABOUT DUE PROCESS TO YOUR OFFICE, ISSUANCE  
OF UNOBTAINABLE DEFENSE EXPERT TESTIMONY / WITNESSES  
CLINICAL PSYCHIATRIST, PSYCHOLOGIST, AND TREATMENT TEAM  
OF THE [VAME] VETERANS ADMINISTRATION MEDICAL CENTER  
AND WARRANTED SUBSIDY

APPELLANT A U.S. ARMY VETERAN DIAGNOSED WITH  
A AXIS IV PSYCHOLOGICAL IMPAIRMENT PTSD, EBD, AND  
PROVIDES INFORMATIONAL DIAGNOSES UNDER SEAL DUE TO  
TOTAL CUBER INCAPACITATION TO THE VETERANS REHABILITATION  
ACT TITLE 38 CFR VIA AMERICAN DISABILITY ACT  
HAS NOW FURTHER DEPRIVED A VETERAN NOW VIOLENT BEHAVIOR  
WITH NO SOURCE COUNSELOR CRIMINAL RECORD. ADEQUATE  
VETERANS RELIEF WITHOUT VETERANS TREATMENT COURT  
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AND DEFERMENT WOULD HAVE NOT ADDED TO THE HISTORICAL STATISTICS OF THE Bureau of Prisons Special Report. REVISION DATE September 29, 2000 ...

NOTING. AS OF 1997 VETERANS MADE UP OVER 12.5% OF STATE PRISONERS 14.5% OF FEDERAL PRISONERS. 11.7% OF LOCAL JAIL POPULATIONS. 58.6% STATE AND 58.4% OF THOSE ARE/WERE U.S. ARMY VETERANS. VETERANS SENTENCES AVERGES (3) THREE YEARS LONGER THAN OTHER STATE PRISONERS. INCARCERATED VETERANS WERE LIKELY TO HAVE BEEN HOMELESS WHEN ARRESTED. VETERANS ADVISORY  
OF FEDERAL JUSTICE [WWW.OIP.USDOJ.GOV/BIS/](http://www.oip.usdoj.gov/bis/) ...

MOREOVER TRIAL JUDGE CONFIDENCE APPLIED PREJUDICE THE APPELLANT AS TO DUE PROCESS AND EQUAL PROTECTION OF LAWS. DEFERMENT OF SENTENCING TO APPROPRIATE SENTENCING COURT OR VETERANS TREATMENT COURT OR VETERANS SENTENCING JUDGE

INASMUCH TRIAL JUDGE IMPOSITIONS WERE ESPECIALLY APPLIED AND DISCRIMINATED BECAUSE OF A U.S. ARMY 3-TIME HONORABLE DISCHARGED VETERAN. FORMER FEDERAL GOVERNMENT WORKER.

AT TIME OF ARREST Full Time ~~Student~~  
COMMUNITY COLLEGE STUDENT SEEMED TO TRANSFER  
INTERNAL SELF-TEAUGHT EDUCATION INTO FORMAL  
EDUCATION. UNDER THE VETERANS RETRAINING ASSISTANCE  
PROGRAM (VRAP) APPELLANT WAS UNDER UNABLE CONDUCTIVE  
MENTAL HEALTH AND MEDICAL CARE. SUFFERING Axis II  
MENTAL HEALTH DIAGNOSIS. INSPITE APPELLANT PLEA OF  
MORALLY ILL AND MOVE FOR NON-INCARCERATED  
ALTERNATIVE SENTENCE DEFERMENT TO THE (AMC)  
SALISBURY AND CHARLOTTE NORTH CAROLINA TRIAL JUDGE  
EXCESSIVELY SENTENCED APPELLANT TO CONSECUTIVE  
SENTENCES AMOUNTED TO 8 1/2 YEARS IN A  
NON-CONDUCTIVE SETTING. ABDUCTION APPELLANT  
FROM THIRTY AMERICIZED REFORMATION  
REHABILITATION AND EDUCATION CONCEPT OF WHAT  
A CONVICTED PERSON WOULD BECOME RE-EDUCATED.  
REINTEGRATED WITH MODERN CIVIL SOCIETY.

WHEREFORE had APPELLANT MITIGATING FACTS BEEN  
ADEQUATELY CONSIDERED IN APPROPRIATE VETERANS AFFAIRS TREATMENT  
COURT WE MAY NOT HAVE THIS MATTER BEFORE YOU.  
THAT A MORE LENIENT DECREASED SENTENCE WOULD HAVE  
BEEN IMPOSED.. Page 12 of 13

BASED upon the aforementioned foregoing  
reasons and facts, Appellant hereby move this  
Court to allow this Explanatory Files and proceed  
As required. Pursuant to 203(c)(1)(B)(i) ("SCACR")

THIS SAID 19<sup>th</sup> day MAY month  
Twenty Thousand no Fortieth year

Respectfully Submitted,

Alkem Alim-Nafic Abdulah-Malik  
Appellant, Pro-Se  
Turkville Correctional Institution  
PO Box 252  
Turkville, South Carolina 29162

### CERTIFICATE OF SERVICE

I, duly deposed and certify on said 19<sup>th</sup> day MAY month  
Twenty Thousand no Fortieth year I have served a Copy and CC to beard  
listed by depositing the same in the U.S.M.A.R. Postbox directed to:

THIS SAID 19<sup>th</sup> day MAY month  
Twenty Thousand no Fortieth year

Sincerely,

Mr. Alkem Alim-Nafic Abdulah-Malik