

Akeem Alim-Nafi Abdulh-Malik
KERSHAW Correctional Institution
4848 CALDWINE HIGHWAY
KERSHAW, South Carolina [29067]

December 19th, 2014

To: Honorable Daniel E. Shearman
Clerk, South Carolina Supreme Court
Post Office Box Number 11330
Columbia, South Carolina 29211

RECEIVED

DEC 29 2014

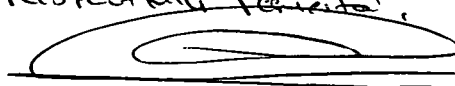
S.C. Supreme Court

Re: Akeem Alim-Nafi Abdulh-Malik
2014-002344 Appellate Case Number

Dear Mr. Shearman

Sir, in addition to Letter Enclosed to original
Reply Return to BE Heard & Brought Before THE Court
along with Proof of Service in the above listed case...
Are Two (2) Copies Please STAMP & Return
ONE (1) Copy As Filed, Along With THE Reply
TO Appeal Bar I Submitted Please... ON December
10th, 2014. I would more than appreciate a Copy Please
Stamp Return For MY Files & Further Appellate Review.

Respectfully Submitted,


Counsel of Record
Akeem Alim-Nafi Abdulh-Malik

LEGAL

AKEEM ALIM-NAFI ABDULLAH-MALIK
PETITIONER PRO-SE COUNSEL OF RECORD
4848 GOLDMINE HIGHWAY
KERSHAW, SOUTH CAROLINA [29067]

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The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box Number 11330
Columbia, South Carolina 29211


S.C. Supreme Court

Re: Akeem Alim-Nafi Abdullah-Malik
2014-002344 Appellate Case Number

Dear Mr. Shearouse:

Sir, please find enclosed the original Reply To Return To Be Heard & Brought Before The Court along with Proof of Service in the above listed matter and referenced case.

Sincerely



Akeem Alim-Nafi Abdullah-Malik

Counsel of Record
Kershaw Correctional Institutio
4848 Goldmine Highway
Kershaw, South Carolina [29067]

CC State Attorney General
Mr. Alan McCory Wilson

CC Assistant Deputy Attorney General
Salley W. Elliot

CC 16th Judicial Circuit, Soligitor
Kevin S. Brackett

LEGAL

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

RECEIVED

DEC 29 2014

Re: Akeem Alim-Nafi Abdullah-Malik
2014-002344 Appellat Case Number

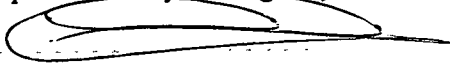
S.C. Supreme Court

Petitioner, respectfully asks the Honorable Courts
pardon of any and all typographical errors clerical errors due to
abnormal circumstances of incarcerations time allotted to use
another fellow prisoners type writer, as well no duplication
access to produce motions petitions etc. West Law restrictions
no Lexis Nexis, 4th Circuit case review restrictions, no sister
circuit review etc. Supplies limited and legal material available
to include petitioner is not a attorney in law, or attorney at
law, nor a formal student of law. Has legal aspirations to fur-
ther educate himself via formal school accreditation schools that
Grnating These Petitions Before this Honorable Court will not be
in vain. As well neither contrary to constitution, civil, and
human rights. The rights to due process, equal protections of laws
right to redress, modify ones government, freedom of speech, and
religion. and free from excessive bails and cruel and unusual
punsihmenst in the uneven disparities in senetncing in York
County The 16th Judicial Circuit one on the Circuits and Counties
in The State of South Carolina.

This said 19th day December month

The City of Columbia's 2014 year

Respectfully sought,


Akeem Alim-Nafi Abdullah-Malik

LEGAL

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

Appeal From The Court of General Sessions
County of York

Honorable Paul Burch, Circuit Court Judge

Appellate Case No. 2014-002344

Akeem Alim-Nafi Abdullah-Malik

Petitioner, Pro-Se

-vs-

The State of South Carolina

Respondant(s)

REPLY TO RETURN TO BE HEARD & BROUGHT BEFORE THE COURT

By: Counsel of Record

Akeem Alim-Nafi Abdullah-Malik
Petitioner, Appellant, Pro-Se
Kershaw Correctional Institution
K8#8h6wldmine Highway
Kershaw, South Carolina [29067]

LEGAL

REPLY TO RETURN TO BE HEARD & BROUGHT BEFORE THE COURT

Petitioner respectfully by and through pro-se litigation as counsel of record, and making a reply to Respondants, "Motion Return To Motion To Be Heard & Brought Before This Honorable Court," would respectfully show unto this Honorable Court, as forthwith within:

1. Respondants in paragraph 1 line 1 states it appears that Petitioner entered guilty plea but mentally ill pleas to 3rd Degree Burglary 2013-GS-46-04369, criminal conspiracy (2013-GS-46-04371 and petit larceny as the lesser included offense of grand larceny(2013-GS-46-04370). It appear as so stated by the Respondant(s) he (the Petitioner) was sentenced to five(5) years for burglary, three years and six months. consecutive for conspiracy, and time served for peiti larceny.

Petitioner concedes in part to the part implying that sentences were in fact imposed as so stated. However the Petitioner avers to the states position. That to state by the Petitioner sentences imposed by the Honorable Judge Paul Burch lacked a mental health competency hearing as so warranted. To include the egregiousness applied for averments to the states implication . As so matter of humble respectful clarifications to This Honorable Court. The guilty plea was unintelligently taken due to forced plea and not advised by stand by counsel as well due process impediments at that interim . Where Petitioner self represented desired to proceed to trial. However after not permitted to voir dire jury, or issue subpoenas for witnesses in his behalf; as well, the

solicitors controlling the court room. The petitioner sought to alternatively means not cognizable of the matter. Called upon stand by counsel to confer with the State and advised the Stand By Counselor to Negotiate a Guilty Diminished Capacity Plea also asking the Honorable Judge on Record to allow mitigating facts to be entered into record and mental health matters that expert testimony from the Veterans Administration would have presented through ad testificandum the Petitioner PTSD Status Treatment Provisions and to what extent the Petitioner was actively addressing by and through the Veterans Hospital and CBOC Out-patient Clinic. To include the Psychiatric Care The Petitioner was receiving through Counseling at the Veterans Administration. To include Rep. Todd Ruthford H.R. Bill 3179 Veterans Treatment Court Alternative Sentencing for Non-Violent Offenses as So the Petitioner. That The Sentencing Court could have considered

The State fails to mention this was a Base Offense of Shoplifting Less than Two Thousand Dollars(2,000) absent taxes. To include the property belonging to Kangaroo Express Store was returned undamaged, No victim impact, no forceful injuries nor forced entry no reported damages, day time 11:30 am. Store open.

^T Petitioner remorsefulness and acceptance of responsibilities, was a full time college student, via Veterans Retraining Assistance Program. Made a error at that interim diminished capacity. Training as paralegal, with regards to transfer to four year college, prepare for the LSAT, with intentions to apply for LAW School. Was convicted for Burglary absent this was Bglr 3rd 1st Offense, Criminal Conspiracy, no record in South Carolina, that warranted consecutive sentences, when the co defendant record more evasive

However, recieved time served. The Petitioner at sentencing was not provided the Protections of the V, VI, VIII, and XIV Amendments also parallel with the due process and equal protection of laws clause in the South Carolina Constitutions. That ad testificandum, mental competency (Blair) Cite Omitted refer to Reply Return to Respondants Appeal Bail, Also Reply To Writ for Certiorari.) Would have presented a(n) contingent support in favor for the Petitioner. Extending the avermenst to The States impediments of thus violating Langford (Cite Omitted) aforementioned in Petitioners Original Writ of Certioraru, Repls to Retrurns and in instance to the perplexity the State present before the Honorable Supreme Court. Mis construing, mis characterizing mis analysis of SCACR's. Ultimately vexing the Parmount of the Honorable Supreme Court "Inherent judicial power" to rule on matters any matter that comes before them inclusive of a pro-se litlgant whom comes before "This Honorable Court" To Be Heard and Brought Before the Court. Not as the Sate would conclude with Oral Argument only the be heard and produce evidence and and call witness in his behalf. As so sought to excercise the rights to due process a and equal protections of the laws. Viable testimony on his behalf in his behalf. That subpoens would be the appropriate vehicle to call witnesses within mile radius outlined in SCACR.

2. Respondants in pargraph 2 again conceeds that on March 14, 2014. Petitioner Filed and Served a Pro-se Notice of Appeal to the York County Clerk of Court. Issued on March 11th, 2014 via petitioner delivering this to the Lieutenant and Detention Officer prior to being transferd to South Carolina Department of Corrections (SCDC) with request to the Clerk of Court to file and

forward to the appropriate appellate courts and the solicitors and to serve upon the state. Due to his inability to do so, due to being transferred to (SCDC), no copy capabilities, as well, the same morning that he the petitioner was sentenced on the March 10th, 2014 transferred March 11th, 2014. Same day petitioner left Notice Of Appeal with last known address, and his capabilities at that interim. Explaining again upon arrival at SCDC all of Petitioners Legal Property was confiscated until further notice. In fact returned after March 24th, 2014. Which would have lapsed Appeal Date of (10)Days requirement. The petitioner avers again that the "Notice of Appeal" was in fact filed and served upon the petitioner leaving it with the jailers detention officers. Upon arrival at (SCDC), no legal material ^{allowed} in his possession he notified the S.C. Court of Appeals of his whereabouts. Followed up on Appeal. The S.C. Appeal Court return response that no record of Appeal was Filed, Petitioner proceed and wrote Lower Court as to where the whereabouts of the Notice of Appeal was, status, and requested transcripts. All to no avail, no responses, nor applicable response regarding the transcripts. Petitioner proceeded to S.C. Court Administrator to gain clarity as to why the Court Reporter were not accurately responsive the request for transcripts. Upon completing Kirkland Receiving and Evaluation period absent adequate legal supplies and legal material addresses and adequate access to law library. Petitioner notified whom was in South Carolina Courts Chain of Judicial Process. To no avail. Until S.C. Court of Appeals Administrator order lower Courts Reporters to confirm dates for Court Reporting of Petitioners needs to prepare for Petition for Briefing on Appeal. Petitioner transferred to by (SCDC) to Turbeville Correctional Institution approximately

April 14th/15th, 2014 Again notifying the courts of his whereabouts
As of that date no Appellate Courts had no knowledge of Petitioner
Original Notice of Appeal. Petitioner wrote this Honorable
Court and asked The Honorable Clerk to inquire as to what
transpired with Original Notice of Appeal. Petitioner was Ordered
Pursuant to SCACR 203(d)(1) (B) (iv) to File Out of Time Notice
of Appeal with Explanations as To Why Petitioner sought Out of
Time Appeal was sought. Petitioner complied and Explained he had
Filed Notice in Lower Courts whom as of that date had not forward
-ed to the Appropriate Appellate Courts nor To The State due to
his inability to do so at that interim, due to extraordinary cir-
cumstances, special circumstances, as due process was impeded, that
petitioner in custody, no copy ability, no supplies, no personnel
at approximately 3:00 am or 4:00 am in York County Detention
Center to copy, or authorized to copy, being the person responsible
to assist pre-trial detainees with such matters does not arrive
until approximately 8:00 am or 9:00 am. At such time the petition
was being transported to (SCDC). What else could he have done at
reliability of the detention facility and the courts he Filed
and Served all Respondants and Courts to his means and transfer
status. The State makes the claim stemming out of the Second
Notice and eludes the Fact that the petitioner had actually filed
and served based upon his restricted limitations at that interim.
The State in paragraph 2. eludes that Notice of Appeal was in
fact respectfully served in lower courts. whom had not notified
the Appellate Courts, The State nor The Petitioner due to it was
Filed and Served and stagnated until "This Honorable Court"
inquiry and Notice of the Petitioner by This Honorable Court
Ordering the Petitioner to File Out of Time. That is the vexation

of antics the petitioners respectfully seeks to place clarity upon and defuse a States position. That a Timely Notice of Appeal was not filed or served. The evidence and preponderance leans contrary to the states positions .Proclaimg that Petitioner's Notice of Appeal was dismissed for failure to timely serve the notice of appeal and there is simply no jurisdiction for this Courts's jurisidction. Ommitting this Honorable Court has Paramount Inherent Judicial Power to any matters. Consistent to Petitioner Reply's Motions and Original Writ of Certiorari. For The State to imply That The S.C. Supreme Court has no jurisdiction . Is to say The JudicialBranch has no Supremecy as well to implicate that The Executive Branch Governs both Legislative and Judicial Branches of Government. Petitioner respectfully would tend to beg the differ as to implicate the Judical Branch is inferior. The petitioner avers to the State and ask Separation of Powers Doctrine is stipulated. That the Judicial Branch is Head of Judical Proceeding and its inherent power to hear and not hear rest in their respective ~~raps.~~ ^{aps} ~~Oppose to the~~ ^{aps} states suggestion that inherent power does not exist in judicial forum.

3. Respondant(s) in paragraph 3 is correct that the Court of Appeals dismissed Petitioner Appeal because their perceptual perspective and reliance on what the State proclaimed *eluding* the Original Appeal Filed March 11th, 2104 by the Petitioner prior to being transferd to (SCDC). The South Carolina Court of Appeal im- properly dismissed the Appeal. Or moreso the incorrect Appeal that was *presented* by the state. The correct Original Appeal was never presented. Th State claims of no service is baseless and without merit. The lower courts withheld the Notice in Spite the

petitioner respectful request. To File Forward and Serve. See: Petitioner Original Notice of Appeal. and Second are consistent absent the reframing efforts by the State to Deny The Petitioner The Right To Direct Appeal, after such egregious sentencing that warranted alternative measures oppose to long lengthy consecutive sentences for shoplifting and Frist (1St) Offense in Local and State attributal history. The petitioner was in effort to seek help from the Veterans Administration . Whom has more conducive measures equiped to address Veterans Issues as the Petitioner, prepare the petitioner for society, educate the petitioner, enhance marketable skills, via salvaging aquired skills , counsel -ing, dormicille homeless programs, psychological and psyciatric - treatment available, on sight grant per diem reentry programming, etc. That (SCDC) can alleviate such responsibility unequipped to house, educate, counsel, and prepare for reentry to veterans whom present a differnt dynamic and paradigm to the ethis. This mere misconception presentedby the state does not have legs of robust position. Therefore the petitioner respectfully oppose the states position. That The Court of Appeals Properly Heard and Based a adequate appropriate ruling to dismiss. Due To Petitioner Filed Served The Courts and State when he left with detention Lt and Officer. Requesting respectfully The Clek of Court to File and and Serve. Due to his inability and transfer. With no other options.

4. Respondant(s) in paragraph 4 states petitioner did indeed submitted Petition for Writ of Certiorari asking this Honorable South Carolina Supreme Court to exercise its inherent jurisdiction and power here in The State of South Carolina as the Parmount

Judicial Authority pursuant to the United States & South Carolina Constitutions apply that no inferior court has inherent power superceding the Supreme Courts. Nor other branches ability to restrict such boundries inherent to the higher courts. To include other ~~branches~~ of government to dictate the outcome of such inherent power. Violates the seperation of powers doctrine. As it so entails. The petitioner asks respectfully based upon this pending matter before this Honorable Court to release the petitioner on bail consistent with Petitioners Bail Motions, Reply Motions, and Original Writ for Certiorari. Being this matter is Stayed Pending Review Pursuant to SCACR. As aforementioned in Motion for Bail, Reply's and Original Writ for Certiorari. In furtherance the Respondant(s) states the Petitioner seeks to be heard. Again and respectfully the Petitioner seeks that due process and equal protection is provided that was not provided in the overall proceeding from time of arrest to the states still baseless contestment. The petitioner asks to exercise the right of due process consistent with State v. Whitner 81 SE.2d 784,785,786 This state system of jurisprudence has the inherent power to set bond in any case. ^{bond in any case. See In} See In re Michael H. (S.C. 2004) 360 SC 540, 632 SE 2d 729, 125 S.Ct 1644, 544 US 943, 161 L.Ed 2d 511 bail-44 State v. Avant, (cite omitted), Sate v. Gibbs (cite omitted), State v. Workman Moreso In re Michael Bond Set At \$1,000 dollars applicable to the nature of the crime and its remand for family courts to set the conditions. Petitioner asks the equal protection to apply affording the petitioner release based upon facts presented and the alternatives tended to the courts that insures the courts the petitioner whereabouts, return to court, and unlikeliness that petitioner will return to the community and place

or impose any form of threat to the community, to include the petitioner has strong community ties. In York County, as well petitioner seeks to return to the Care of The Veterans Administration to continue care that was initiated prior to arrest and comply to the rules as so outlined by the courts and the Veterans Administration. The subpoena request is to again afford ad testificandum to petitioners validity and veterans care, and expert testimony to support he was and is willing to return to treatment. The petitioner has a constitutional right to call witnesses on his behalf right to be heard. In conclusion to respondents verbage on line 8 paragraph 5. The Respondant(s) contend that he might state also that the circuit court already denied his request for appeal. Unlike the States position and view the Petitioners contends that the State once say "this Honorable Court" has no jurisdiction now states that the circuit court also has already denied his request for appeal bond. Far from the truth the Court of Appeals Dismissing a Non Original Appeal Timely Filed and Served by the Petitioner in contrast with the State resting upon in accurate implication based on other contents outside the original appeal. The Court of Appeal never addressed Bond dismissing the erroneous presentation by the state as here in instance. This Honorable Court has inherent power to here any matter of bond before them. The lower courts now conceeds with the Petitioner that the Status of your Appeal and any motions or other matters that the appeals court should be aware of regarding your conviction/appeal

S
See Letter Dated December 15th, 2014

6. Respondant(s) in furtherance that this court lacks jurisdiction based upon a Timely Filed and Served Notice of Appeal on all opposing parties. Goes meritless based on the preponderance of evidence on behalf of the petitioner, unlike the states meant to confuse the courts. That the Second Notice Order by this Honorable Court with Explanation was the Notice of Appeal. Far from The Original Notice of Appeal Filed Timely and Served based upon the poor pro-se litigant self represented. Whom had no options under special circumstances, extraordinary circumstances, being transferred and transported to (SCDC) met with confiscation of legal material by (SCDC) managing to write all courts, no supplies, only permitted two mailing envelopes per month, no reliable access to the courts, no adequate law library available, restricted to limited times to go, met with animosity when he does arrive at the limited time in law library, transferred, custody taken due to no available paper to meet eminent court deadlines, forcing the petitioner to eagerly persist and file on scratch paper out the trash to meet this and U.S. District Court deadline (s), charged and disciplined for using scratch paper, in effort to exercise the right that were to be afforded the petitioner and pro-se litigants alike whom are indigent and is supposed to have a procedural and substantive due process right to access courts. The Respondants indicate SCACR 246(a) The language of Stay Pending Appeal That must make the motion for appeal bond to the circuit court and not the appellate courts. Confuses the disposition in the lower courts letter states otherwise addressed to the petitioner December 15th, 2014 delivered December 19th, 2014 to the petitioner at Kershaw Correctional Institution signed for by the petitioner on said December 19th, 2014. Moreover the lan-

the language in SCACR 246(a) in furtherance pursuant SCACR 2014 states where the sentence exceeds imprisonment for (10) years may only be admitted to bail by an appellate court. The may does not stipulate a sentence less than ten years can not be heard by a Paramount Higher Inherent Power Court. As rightfully this Honorable South Carolina Supreme Court.. The Respondant(s) contest in paragraph 6. line 6. at Thirdly, Writ of Certioriori must be considered without oral argument ~~considered~~ the Respondants now adds to rule 242(i) SCACR . the petitioner here in instance is not at the stage of oral argument. This matter of Reply address to Be Heard and Brought before the Court consistent with Whitner (cite omitted) here in instance. The petitioner is seeking Bail Pending Appeal not Oral Argument at this stage. He simply seeks the protections to call witnesses , subpoena in his behalf to support his position for relief in this Honorable Court.

7. Petitioner in contrast opposition to Respondants claim that SCACR 215 want aid the courts in resolving the request. The Petitioner throughout the overall proceeding, was not, has not, been afforded due process, equal protections to laws, only merely seeks at this juncture to resolve a matter that expert testimony, legislative intent for Veteran Treatment Courts. Mentally Ill, Poor Indigent Litigants have the Preservance of The Constitutions to be equally protected and due process afforded. The Respondants concedes otherwise implying that ones constitutional rights are stripped upon arrest and that Judicial Branches are restricted to what its inherent power can perform, or to conclude that legislative bills are not applicable in the 16th Judicial Circuit. Permitting the Executive Branch(The State) the permissibility to usurp jurisdiction vested in the other branches of government Judicial and

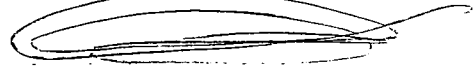
Legislative Branches, whom has inherent powers to make laws and rule upon legal theory and analysis, to the extent to apply and interpret statutes. That Executive Branches can not restrict that vested power.

To the extent at no disrespect ~~aimed~~ at the States Attorney, the petitioner opposes the intervention of separation of powers by a executive officer. Whom in often cases, as such, as the petitioner, often can not afford powerhouse attorney's to defend the the equal protection of lesser fortunate defendants equal protect-ions of law, and the right to due process. That the high skilled antics by a trained professional attorney can monopolize a matter by a poor pro-se litigants unprofessional, however Timely Filed and Served Notice of Appeal under abnormal, special circumstances, against many adversity and atrocities, produced against the petitioner. In lieu of all adversity and hurdles presented to the petitioner from day one of arrest to present. The States position is baseless and moreso unconstitutional to tend to this Honorable Court such inappropriate decorum and mannerism. Appauling in its the States very own tactics of disarray, control the courts, and relentlessly deny the rights of We The People, whom have Rights To Redress, Speech, Religion, Due Process, Face its Accussors, Call Witnessess on his behalf, not to be subjected to illegal search and seizures, the right to have papers in his possessions againt such acts; be free from cruel and unusual punishments and not be held on excessive bail, the right to equal protections of laws that denying this matter would do so to the Declaration of Human Rights, Civil Rights and Constitutional Rights of the United States and extended to the South Carolina Constitution both applicable that are not suspended at the jail, detentions centers, or prison doors.

This said 19th day December month

Twenty Thousand Fourteenth year

Respectfully,



Akeem Alim-Nafi Abdullah-Malik^{ik}_{ik2}

Counsel of Record
Kershaw Correctional Inst.
4848 Goldmine Highway
Kershaw, South Carolina [29067]

LEGAL

PROOF OF SERVICE

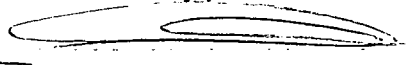
I'AM Akeem Alim-Nafi Abdullah-Malik certify I have deposited in the U.S. Mail (1) Original Reply To Respondant (s) Return To Petitioner Motion To Be Heard and Brought Before The Court. Pre Paid Postage addressed to In The South Carolina Supreme Court, P.O. Box 11330, Columbia, South Carolina [29201] and CC: The State Attorney Alan McCory Wilson, P.O. Box 11549, Columbia, South Carolina 29201 and below listed.

I further certify that all parties required by Rule to be served have been served.

This said 19th day December month

TWENTY-NINE year

Sincerely,


Counsel of Record
Akeem Alim-Nafi Abdullah-Malik
Kershaw Correctional Inst.
4848 Goldmine Highway
Kershaw, S.C. [29067]

CC: Kevin Brackett
16th Judicial Circuit Solicitor
1675 1A York Highway
York , South Carolina 29745



CLERK OF COURT'S OFFICE

Post Office Box 649; York, South Carolina 29745

December 15, 2014

Akeem Abdullah-Malik #359150
Kershaw Corr Inst
4848 Goldmine Hwy
Kershaw SC 29067

The letter/motions that you sent to the General Sessions court, regarding bail while your appeal is heard, have been filed. You should be in contact with the Court of Appeals in Columbia regarding the status of your appeal and any motions or other matters that the appeals court should be aware of regarding your conviction/appeal.

General Sessions Division