

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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www.sccourts.org

November 10, 2014

Mr. 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. 2014-002344

Dear Petitioner:

This responds to your letter dated November 1, 2014.

I can provide you with a copy of your petition for a writ of certiorari with attachments and the notice of appeal with attachments for \$ 42.85. This represents the cost of copying 149 pages at our standard rate of 25 cents a page plus a mailing fee of \$5.60. If you would like a copy, please send a check or money order payable to the South Carolina Judicial Department in the above amount.

As to your request to be admitted to bail, you have not provided a proof of service showing that copy of this request had been served on opposing counsel as required by Rule 240(c)(1) of the South Carolina Appellate Court Rules. Since this Court cannot act on *ex parte* motions, no action will be taken on your request.

Very truly yours,

CLERK

RECEIVED

NOV 19 2014

cc: Salley W. Elliott, Esquire

S.C. SUPREME COURT

Akeem Alim-Nafis Abdul-Malik
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina (29052)

November 12th, 2014.

TO: South Carolina Supreme Court
DANIEL E. SHEALOUSE, CLERK OF COURT
Post Office Box 11220
Columbia, South Carolina 29211

Re: Copies ORIGINALS Submitted

DEAR CLERK OF COURT,

I submitted (2) Copies INITIALLY...
I was requesting (1) Copy Filed & the other
Copy STAND Filed & Fee For Your OFFICE TO
Return STANDS Copy to Me.

I'd appreciate respectfully Fee For Copy Return
OF THE Additional Copy I sent Please.

LAST Year Not Least Respondent have several
Duplicate of Your Recording. I would be grateful
Return Please

LEGAL

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

Akeem Alim-Nafis Abdul-Malik
Appellant / Pro-Se

CASE No: 2014-00234

v.

STATE OF SOUTH CAROLINA
Respondent

MOTION TO CORRECT

COMES NOW Akeem Alim-Nafis Abdul-Malik, Appellant,
Pro-Se Moves to Correct, Modify, Letter DATED
NOVEMBER 10, 2014. ID. 2 Pursuant

Appellant, ATTEST A COPY OF NOTICE OF INTENT
APPEAL AND ATTACHMENTS TO INCLUDE BAIL WAS SERVED
ON RESPONDENT ALAN McLOUGHLIN WILSON ESQUIRE & SALLY
W. ELLIOT, ESQUIRE THROUGH Certificate of Service. Pursuant
to SCAR 240 (c) 1 & (d). Appellant MOVES for
BAIL Pursuant to Conversion of Petition filed.

This is the 13th day of November with
Twenty Three hundred and four years

Respectfully submitted,

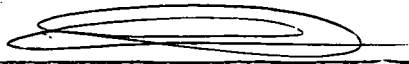
Akeem Alim-Nafis Abdul-Malik
Appellant / Pro-Se **LEGAL**

CERTIFICATE OF SERVICE

I Am filing and certifying I have enclosed (1)
Motion to Correct & Modify Pleadings to SCADLR 240 (a) (1)
(d). Placed in U.S. Mail Reception through Pre-paid Postage
& CC: Below ..

THIS 13th day November month
Twenty-Ninth Forty-Nine Year

Sincerely,


Alan McConry Wilson
Attorney, Pro-Se.

CC: ALAN McConry Wilson Esquire
Sally W. Elliott Esquire

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

Akeem Alim-Nafis Abdulrahman-Malik, Appellant

v.

STATE OF SOUTH CAROLINA, Respondent

CASE NO# 2014-002344

COURT OF APPEALS CASE NO: 2014-001001

COURT OF GENERAL SESSIONS

YORK COUNTY INDICTMENT # 2013-GS-46-04369

2013-GS-46-04371

APPEAL BAIL

RESUBMITTED

By Akeem Alim-Nafis Abdulrahman-Malik
Akeem Alim-Nafis Abdulrahman-Malik
Appellant, Pro-Se

LEGAL

IN THE COURT OF GENERAL SESSIONS
FOR THE STATE OF SOUTH CAROLINA
COUNTY York

INDICTMENT NOS. 2013-GS-46-04369
2013-GS-46-04371

IN RE: STATE V. AKEEM ALIM-NAFIS ABDULLAH-MALIK

IN THE COURT OF APPEALS
FOR THE STATE OF SOUTH CAROLINA

APPELLANT AKEEM ALIM-NAFIS ABDULLAH-MALIK

v.

RESPONDANT, STATE OF SOUTH CAROLINA

CASE # 2014-001001

APPEAL BAIL

by A. A-N Abdullah-Malik
A. A-N Abdullah-Malik
Appellant, Pro-Se

TABLE OF CONTENTS

- I. DECLARATIONS OF HUMAN RIGHTS
 - II. UNITED STATES CONSTITUTIONAL RIGHTS
 - III. SOUTH CAROLINA CONSTITUTIONAL RIGHTS
 - IV. STATUTE PROVISIONS
 - V. CASE AUTHORITIES
-

JURISDICTION

Pursuant Declarations of Human Rights Articles I. thru XXX, U.S. Constitutional Rights Amendments I,V,VI,VIII and XIV, S.C. Constitutional Rights Sec. 1.2.3.4.7.9.11.12.14.15.18.19.22.23.24.

**SEVERELY JOINTLY
PROCEDURE JURISDICTION**

Pursuant to SCACR Rules 201,203,230, and 262, TITLES 18-1-70,18-1-80,,18-1-90 and applicability in Magistrates Courts 18-3-50.

CASE HISTORY

Place 16th Judicial Circuit
Court of General Sessions
County York

Judgement Issued

March 10th, 2014

Sentenced Imposed

Bglr 3rd 1st Offense (5) Five Years

Criminal Conspiracy (3 1/2) Three Half Years

~~Consecutively Ran~~

Nature of Offenses

Petit Larceny Base Of Offense Underlining Offense 2013-GS-46-04370

Bglr 3rd 1st Offense 2013-GS-46-04369

Criminal Conspiracy 2013-GS-46-04371

Plea Agreement

Guilty Mentally Ill/ Diminished Capacity at Time of Incident

Type Trial

Bench Trial by Judge

Did Not Testify at Trial

Statement in Open Court at Sentencing Juncture, Mitigating Factors, for Sentence Imposment

Appealed Judgement

March 11th, 2014

Appeal Status

Pending In The South Carolina Appeals Court

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Court of General Sessions
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Did Not Testify at Trial

Statement in Open Court at Sentencing Juncture, Mitigating Factors, for Sentence Imposment

Appealed Judgement
March 11th, 2014

Appeal Status
Pending In The South Carolina Appeals Court

Petitions In Other Courts

No Other Petitions In Any Other Courts Pertaining To This Judgement

Name of Attorney Throughout Criminal Proceedings

(a) Initial, (b) Preliminary, (c) Trial, (d) Sentencing

Pro-Se Represented throughout proceedings

Appellant Sentenced on more than (1) One Indictment, Only (1) One Count
Consecutive Sentences in same "court" same Circuit Judge

WHEREFORE Appellant PRAYS Appeal Bail is GRANTED within applicable
reasonableness to the financial means of the Appellant, time served of sent-
ences, equatable to property returned amount of merchandise of store undamaged
or disturbed...

FACTUAL BACKGROUND

Appellant Akeem Alim-Nafis Abdullah-Malik Pro-Se [Hereinafter] Appellant On September 14th, 2014 was Terry Stopped by The York County Sheriff Department Field Officer CLARK questioned unMiranderized then turned Appellant over to the Tega Cay Police Officer for Arrest and Processing. Appellant and co-defendant Bobby Randel Robbins after booking was then transferred to the custody of Fort Mill Detention awaiting bail. On September 15th, 2013 both Appellant and co-defendant was detained on bails in the amount of \$200,000 dollars total \$100,000 each for property offenses of less than \$2,000 dollars from Shoptlifting Merchandise from Kangaroo Express Store Chain.

Appellant and co-defendant both of local surrounding county address ~~and local family communities ties, no open warrants were not able to meet~~ such demands on bail. Both transferred to the York County Detention Center on same day September 15, 2013. Appellant at time of arrest was a full time Veteran Rehabilitation Assistance Program Participant (VRAP); as well, a Mental Health and Medical Patient of Bill Hefner Veterans Administration Medical Center co existence of Charlotte Base Outpatient Clinic (CBOC). Appellant a full time college student, stable home environment, father of (5) Five and grandfather of (8) at present.

Appellant and co-defendant both served approximately (6) Six month in The York County Detention Center, co-defendant released on Time Served Sentence (s) Awhile Appellant was intent to proceed to Trial By Jury. However unable to proceed to trial by jury, absent authorization to Vior Dire Jury & Judges refusal to issuance of subpoenas filed by the Appellant. Appellant forced to throw in towel at day of forced trial upon the Appellant by Judge Paul Burch authorizing the Quashing of Subpoena and Subpoena for Expert Witnesses by the Appellant.

Appellant forced to Guilty Plea, was Denied Mental Ill Competency Evaluation. Judge Burch finding Appellant not mental ill absent competency evaluation. Judge Paul Burch refuted mitigating testimony by Appellant for a clinical approach to sentencing that expert testimony would have provided at such a critical stage sentencing that Appellant is a (3) Three Time Honorable Discharged Veteran who at time of arrest was under care of Veterans Administration, Appellant also a former Federal Civil Service Worker, U.S. Pentagon, Walter Reed and VA Hospital after Military discharges honorably as a Full Time Student at Central Piedmont Community Colleg Charlotte North Carolina.

Appellant has long standing family community ties in York County a biological mother, step father, three siblings and a slew of nephews and nieces. Appellant himself a residence of surrounding county Mecklenburg at time of arrest, nor presently is a flight risk, no active open warrants, nor detainers, or fta's. In support of Appellant position and petition for bail.

Appellant is seeking a modification reversal of sentencing, or a Veterans Clinical Approach to this Appeal Pending. Per-se H.R. Bill 3179 Rep Todd Rutherford Veterans Treatment Court for Non-Violent Offenders Appellant is a non-violent Offender in instance and qualifies for alternative sentence, relinquishing the "State" of housing, medical, and mental health expenses and providing the Appellant with adequate Rehabilitation reintergration etc.

~~Appellant filed a "Timely Notice of Appeal" March 11th, 2014. Same~~ morning as being transfered to the South Carolina Department of Corrections (SCDC). Where Appellant is serving a (5) Five Year and (3 1/2) Three and Half Years consecutively. Stemming from base offense of Shoplifting (Termed) Petit Larceny Statutorily. However merchandise from a Store defines Shoplifting See: Black Law Dictionary 11th Edition...

Pursuant to THE DECLARATIONS OF HUMAN RIGHTS ARTICLES I. THROUGH XXX.

PREMEMBLE Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspirations of the common people.

~~Whereas it is essential, if man is not to be compelled to have recourse,~~
as a last resort, to rebellion against tyranny and oppression, that human rights should be proclaimed by rule of law.

Whereas it is essential to promote the development of friendly relations between nations.

Whereas the peoples of the United Nations have in Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Whereas Member States have pledged themselves to achieve, in cooperation with United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATIONS OF HUMAN RIGHTS

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect

for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Art. 1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.17.18.19.20.21.22.23.24.25.26.27.28.29.30.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

We the People of the United States, in Order to form a more perfect Union establish Justice, insure domestic Tranquility, provide for the common defense promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Prosterity, do ordain and establish this Constitution for the United States of America. Art. I.through VII. Amendments Ithrough XXVII.

PREAMBLE

CONSTITUTION OF THE STATE OF SOUTH CAROLINA

We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.

Sec: 1.2.3.4.7.9.11.12.14.15.18.19.22.23.24.(at bar) In Instance

CODE OF LAWS OF SOUTH CAROLINA 1976

TITLE 18-70,18-1-80,18-1-90 AND 18-3-50

SS 18-1-70 NOTICE OF APPEAL SHALL STAY EXECUTION OF SENTENCE

In criminal cases service of notice of appeal in accordance with law shall operate as a stay of the execution of the sentence until the appeal is finally disposed of. Crim Law Key 1083 to 1084 Westlaw Topic No.110 C.J.S. Crim. Law § 2356

SS 18-1-80 Confinment until bail given

Pending such appeal the defendant shall still remain in confinement until he give bail in such sum and with such surities as to the court shall seem proper. Bail Key 44, West Law Topic No. 49 C.J.S. Bail Release and Detention

Pending Proceedings §§ 7 to 8, 39 to 45, 47 to 54, 56 to 60. Library Reference (s).

§§ 18-1-90 When bail may be allowed

Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than 10 years. Bail key 44(2), West Law Topic No. 49, C.J.S.: Bail Release Pending Proceedings §§ 7 to 8, 48 to 49, 52 to 53, 56.

Cross References

How Bail is given in appeals from magistrate see § 18-3-50

Sentence of confinement not stayed until defendant post bail, see Rule 246, SCACR.

SOUTH CAROLINA APPEAL COURT RULES

RULE 201 (A) JUDGEMENTS, ORDERS AND DECISIONS SUBJECT TO APPEAL
(B) WHO MAY APPEAL

RULE 203 (A) NOTICE OF APPEAL
(B) TIME FOR SERVICE

RULE 246 (A) STAYS PENDING APPEAL

The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Code Ann §§ 18-1-80 and -90 (1985). Where the sentence exceeds imprisonment for (10) Ten Years, the defendant may only be admitted bail by an appellate court. Where the State has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower court..

(B) STAYS OF SENTENCES AFTER AFFIRMANCE.

No stay of any sentence in a criminal case which has been affirmed ^(b) the judgement of an appellate court shall be granted, except by order of an appellate court, or a judge or justice thereof, upon motion pursuant to Rule 240.

RULE 262 FILING AND SERVICE

(A) FILING (1) AND (2)

(B) SERVICE

RULE 230 (a) Not utilized in instance for bail. Here in instance...

CASE AUTHORITIES

IN RE MICHAEL (S.C. 2004) 360 S.C. 540 602 S.Ed 729

STATE V. GIBBS (S.C 2013) 353 S.C. 226 577 S.E. 2d 454

MOORER V. MCDOUGAL (1965) 245 SC 633 142 S.E. 2d 46

STATE V. AVANT (S.C. 1910) 85 S.C. 570 67 S.E. 908

HAINES V. KERNER 401 U.S. 1008 91 S.CT 981 (1971)

GORDON V. LEAKE 574 F2D 1147,1151

SUPPORTING FACTS
MITIGATING FACTS TO SUPPORT GRANTING BAIL

Appellant without redundance here in instance. Adds that before hand in instance now to henceforth is a U.S. Honorable Discharged Army Veteran at time of arrest made affirmation assertion to the 'courts' of such Dignosed with a Axis 4 PTSD Dignosis was under care of the Veteran Administration Medical and Mental Health Administration Center conjunctively with Center Base Outpatient Clinics. Appellant in instance has been is uprooted cultural divided in connection to warranted treatment readily available ,as well the Appellant prior to arrest was actively recieving treatment. In which in the event Bail is Granted the Appellant can return to the Veteran Administration for continued care. Even to the extent the Veterans Administration offers ~~a alternative to incarceration for Non-Violent Offenders (as the Appellant)~~ to participate in Veterans Treatment Court monitored that will insure any other "Courts" including criminal courts the safety and return of any veteran to answer Calender or Court Calls. This is a provision that only a Veteran Judge or Veteran Representative would be cognizable of such programs available to veterans in the United States. Rep. Todd Rutherford has such Bill in the stae of South Carolin H.R. 3179.

Appellant inspite prior record is 53 years of age, a father, grandfather, not a flight risk, not on parole, nor probation in any other jurisdictions, charges charged with are not deemed violent , the Appellant is not a threat to society, nor inflicted bodily harm through assultative nature. These are property crime that Appellant co-defendant received Time Served Sentences. Yet the Appellant received (5) Five and (3 1/2) Three and Half years ran consecutively for a less than 2,000 Two Thousand Dollar Property Crime from a Chain Store. All property was returned and undamaged. That no loss was suffered.

Appellant has a local permanant living address in jurisdiction for return to court purposes, is a active U.S. Army Veteran who will return to Veteran Treatment in the event Bail is GRANTED. For monitoring, Counseling, and in the event available return to College (VRAP) to continue education for employment reintegration purposes. Appellant will comply to 'courts' ORDERS and stay within compliance of the "courts direction.

Appellant since SCDC tenure has remained legally active in learning and seeking to perfect his craft via due diligence as a Pro-Se Litigant. That can support the Appellant legally as a paralegal, investigator or a post-conviction attorney support personnel employee. Now gaining the South Carolina business-tique in legal forums.

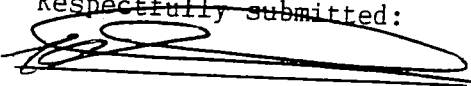
Appellant has volunteered in various prison groups available at Turb-
eville Correctional Institution which houses both adult youth offenders and
Department Juvenile Justice prisoners. As a mentor for the youth. Appellant
now at Kershaw Correctional Institution has submitted request to become a
active member for the lawyers guild Appellant in aspiration of deterring any
unwarranted characteristics does participate in the religious programs offered
~~since being transfered here at Kershaw Correctional Institution. Appellant~~
in using his former military skills has provided the Unit Drill Instructor
in assisting the unit in preparation for future drill competitions. With
cadenses the appellant learned awhile in the military.

Last yet not however least appellant after 28 years of active incar-
cerations does address his short comings and past future character flaws. Ask
this support the **GRANTING** of Bail.

WHEREFORE, for the foregoing reasoning **[PRAYS]** ORDER **GRANTING** Appellant
Bail, Immediate Release, On His Own Recognizance. Appellant Promises To
Return To said Court as so ORDERED. Alternatively Appellant would ask that
securing return Appellant Active participation in continued Veterans
Counseling, and Medical and Mental Health Treatment. In the event this does
not satisfy the "courts" Appellant asks a bail set to commensurate with
Appellant means to meet bail in the amount of no more than \$1,000 dollars
10 0/0 percent to the "courts", or no value to exceed the the property return
\$2,000 dollars at 10 0/0 percent to the 'courts'.

This said 20th day 8th month
Twenty Two & Four year

Respectfully submitted:


Akeem Alim-Nafis Abdullah-Malik
Appellant/ Pro-Se
Affiant

LEGAL AUTHORITIES
CASE ANALOGY
SUPPORTING GRANTING BAIL

Appellant conjunctively with factual basis, severly reliance on the Declaration of Human Rights, PREMBLE to end, U.S. Constitution Articles I. thru VII, Amendments I thru XXVII; S.C. Constitution Art. I Sec 2,3,4,7,9,11, 12, 14,15, 18, 19, 22,23,24 to end; Art. % Sec thru 27.

Appellant MOVES RESPECTFULLY to GRANT BAIL in His OWN RECOGNIGANCE or a reasonable amount non EXCESSIVE for the Appellant to be set FREE based upon reliance of State v. Workman 263 S.E. 2d 865 SC 1980.

~~"Purpose of Appeal Bond in a criminal case is to allow defendant to~~
go free during the pendency of Appeal while assuring his presence upon affirmance of his conviction or as the "court" may otherwise direct
8 C.I.J. Bail 5 6J P 19."

State v. Whitener 225 S.C. 244, 81 S.E. 2d 984 SC 1954

"Appellant thereupon applied to this "court" for writ of habeas corpus granting him bail"

State v. Gibbs 353 SC 226 (SC 2013) 577 S.E. 2d 454

" Operating in conjunct with Title 18-1-90 When Bail Shall Be Allowed"
Bail shall be allowed to defendants in all cases (also see 18-3-50, 17-15-120) which the appeal is from trial, conviction, or sentence for a criminal offense except that no bail be allowed when defendant shall be sentenced to death, life, or for a term of 10 years in which appeal is from the trial conviction is sentence for criminal offense.

Statev. Avant SC 570 (SC1910) 67 SE 908

" The service of Notice in writing on the solicitor of a n intention to appeal is the prerequisite to the granting of bail"

In re Michael H. (S.C. 2004) 360 SC 540, 632 SE 2d 729, 125 S.CT 1644, 544 U.S. 943 161 L.Ed.2d 511 bail-44 (3.1)

Suprem Court may Grant Bail under S.C. Constitution Art 5. Sec 4 and Art 5 Sec 5

Before Amendment 1944 Code 1962 and 7 and 8. Bail after conviction was me

discretion and Not a Right Nicholos v. Patterson (S.C. 1943) 202 SC 352
S.E. 2d 155

In re Michael H. The Court of Appeals set Bond at 1,000 dollars and then remanded the matter to family court to set the conditions of the Bond. The Family Court set numerous restrictive conditions of bail.

CONCLUSION

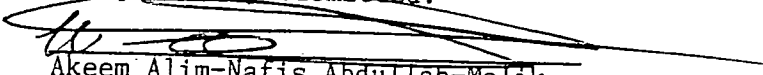
SUMERIZED

Supreme Court Affirmed the Court of Appeals decision denying the state to declare the Appeal Bond Issued by the Court of Appeals Null and Void See Waller v. Alcicones (Cite Omitted).

Appellant for the foregoing reasons, time already served on the sentences a Non Viloent Sentence(s)the considerations of reversals, sentence modificat-
ion, or A Veteran Treatment Court Sentence (VTC), or a alternative re-senten-
cing to a lower lesser sentence to Veteran Treatment Outpatient Clinic with
the Veterans Administration Medical Center(s). Appellant Moves for a conducive
sentence that is applicable with the total valuse of the return property
that was undamaged and Appleeant complete Remorese for the matter before
you sincerely.

This sad 20th day August month 2014 year

Respectfully submitted:

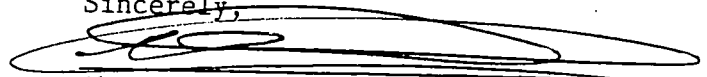

Akeem Alim-Nafis Abdullah-Malik
Appellant/ Pro-Se

CERTIFICATE OF SERVICE

I'AM duly depose on 26th day 8 month 2014 year. I did deposit in the U.S. Postal Service depository at Kershaw Correctional Institution 4848 Goldmine Highway, Kershaw South Carolina 29067. Pre-paid postage. To all CC: Listed Below.

This said 26th day 8 month 2014 year

Sincerely,



Akeem Alim-Nafis Abdullah-Malik
Appellant Pro-Se

CC: S.C. Court of Appeals
1015 Sumter Street
Columbia, S.C. 29210

CC: S.C. Attorney General
Last Known Address

CC: 16 Judicial Circuit General Sessions Court
Last Known Address

CC: 16 Judicial circuit Solicitor Office
Last Known Address

CONCLUSION

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Appellant asks respectfully the "COURTS" apology for any typographical errors that are not amendable at this juncture. As well the Legal Law Library Provision available in the South Carolina Department of Correction (s). That limits the production computer generated via West or Lexis Law System of the 21st Century.

Appellant ask that HAINES V. KERNER 401 U.S. 1008, 91 S.CT 981 (1971)
GORDON V. LEAKE 574 F 2d 1147,1151

Is applied to this Case At Bar. The Appellant is not a Licensed Bar Attorney Nor A Attorney In or At Law, Nor a Student In Formal Law School.

EXHIBIT 1

VETERAN ADMINISTRATION DATA

LEGAL



Bureau of Justice Statistics Special Report

January 2000, NCJ 178888

Veterans in Prison or Jail

By Christopher J. Mumola
BJS Policy Analyst

In 1998 there were an estimated 25,062,400 veterans in the United States population, including 225,700 veterans held in the Nation's prisons and jails. Males comprised 95% of all veterans and 99% of those veterans in prison and jail. Among adult males in 1998, there were 937 incarcerated veterans per 100,000 veteran residents, up from 571 per 100,000 in 1985. Despite the increase, male veterans were incarcerated at less than half the rate of adult male nonveterans (1,971 per 100,000) in 1998.

Since 1985 the number of U.S. veterans has declined by nearly 3 million, an average decline of 1% per year. The number of male veterans dropped from 26,962,000 in 1985 to 23,834,100 in 1998, while the number of female veterans rose from 1,044,700 to 1,228,300. The number in prison or jail rose from 154,600 in 1985 to 225,700 in 1998, an increase of 46%. However, during this period the number of nonveteran inmates rose 172%. Veterans accounted for 12% of all inmates in 1998, down from 21% in 1985.

These data are based on interviews with national samples of inmates. In responses to the 1997 Survey of Inmates in State and Federal Correctional Facilities and the 1996 Survey of Inmates in Local Jails, inmates provided information on their military service, as well as their criminal history and personal background.

Highlights

Over 225,000 veterans held in Nation's prisons or jails in 1998

	Estimated number of veteran inmates	
	1985	1998
Prison	100,200	156,400
Local jail	54,400	69,300

	Percent of inmates reporting military service	
	1986	1997
Prison	24.9%	14.5%
Federal State	20.2	12.5

	1983	1996
	Local jail	21.2%

\$ 1 in every 6 incarcerated veterans were not honorably discharged from the military.

\$ About 20% of veterans in prison or jail reported seeing combat duty during their military service.

\$ In 1998, an estimated 56,500 Vietnam War-era veterans and 18,500 Persian Gulf War-era veterans were held in State and Federal prisons.

Veterans more likely than others to be in prison for a violent offense but less likely to be serving a sentence for drugs

Offense	State prisoners, 1997	
	Veterans	Nonveterans
Violent	55.1%	46.1%
Property	20.3	22.2
Drug	14.4	21.5
Public-order	10.2	9.8

	Average maximum sentence	
	Veterans	Nonveterans
Violent	264 mo	214 mo
Property	123	116
Drug	118	107
Public-order	86	79

\$ About 35% of veterans in State prison, compared to 20% of nonveterans, were convicted of homicide or sexual assault.

\$ Veterans (30%) were more likely than other State prisoners (23%) to be first-time offenders.

\$ Among violent State prisoners, the average sentence of veterans was 50 months longer than the average of nonveterans.

Veterans in State prison reported higher levels of alcohol abuse, lower levels of drug abuse, than other prisoners

	State prisoners, 1997	
	Veterans	Nonveterans
Drug use in month before offense	45.4%	58.1%
Alcohol dependent	30.6%	23.6%
Identified as mentally ill	19.3%	15.8%
Homeless at some time in 12 months before arrest	12.4%	10.3%

\$ Veterans in State prison (26%) were less likely than other State prisoners (34%) to report having used drugs at the time of their offense.

\$ Nearly 60% of veterans in State prison had driven drunk in the past, compared to 45% of other inmates.

\$ About 70% of veterans, compared to 54% of other State prisoners, had been working full-time before arrest.

12/28/2013

Find Law Knowledgebase Published: 2012-12-21

South Carolina using veterans' courts to address drug crimes Article provided by William Monckton - Monckton Law Firm, P.A. In the years since the wars in Iraq and Afghanistan began, there has been a lot of discussion about the issue of post-traumatic stress disorder and substance abuse among returning service members. While this increased visibility is certainly helpful, PTSD and addiction are by no means new problems in the military community. Because of the stress they have experienced, combat veterans are more likely to experience issues with mental health or illegal drugs. The unique mindset that service members have also means that they are often more unlikely to ask for help if problems arise. All too often, this leads veterans to get in trouble with the law. Recently, South Carolina officials have followed the lead of other states in creating special courts for veterans facing criminal charges. The courts work much like more traditional "drug courts." Participants are given a reprieve from jail time so long as they are getting treatment for their underlying addiction or mental health issues and are complying with the other terms of ~~their sentence. In addition, participants get support from mentors and other participants, all of whom are~~ veterans themselves. The courts work because they frame recovery in a way that makes sense to someone with a military mindset. South Carolina veterans' courts aren't just reserved for recent Iraq and Afghanistan veterans. Nearly all veterans are eligible, regardless of when they served or whether they had been deployed to a combat zone. The only restrictions are that the underlying offense must be non-violent and that the veteran has a diagnosed mental health or substance abuse disorder. It is not necessary for the disorder to be directly connected to a service-related injury or traumatic event. South Carolina's program is relatively new, so there is not yet good data about how successful veterans' court participants have been. Still, with over 400,000 veterans in South Carolina, anything the state can do to help struggling service members is bound to have a positive impact. South Carolina drug crimes Veterans' court is just one of the many alternative sentencing options available to people charged with drug crimes and other non-violent offenses in South Carolina. Most drug crimes are rooted in addiction, and it is often more beneficial to treat the underlying problem than to simply lock the person up. If you or a loved one is struggling with addiction or mental health issues and facing criminal charges, it is a good idea to talk to an experienced South Carolina criminal defense attorney. In most cases, alternative sentencing options must be explored early on in the process. The attorney can help you identify alternatives to -

See more at: <http://knowledgebase.findlaw.com/kb/2012/Dec/902137.html#sthash.FRtpoxOp.dpuf>

Veterans Treatment Courts Offer Alternative to Prison

For military veterans who find themselves afoul of the law due to substance abuse or mental health issues, a system called veterans treatment courts is giving them an alternative to prison time.

The courts are modeled on the drug treatment or mental health treatment courts first established two decades ago.

"Words cannot describe the second chance that you guys gave me but if I had to, it would be that I am in a lifelong debt of gratitude," former Marine corporal Eric Gonzales said Monday as he addressed the audience at the Veterans Treatment Court Conference being held in Washington D.C.

Organized by Justice for Veterans Treatment Courts Vets, the conference aims to broaden the reach of veterans treatment courts to help military vets, particularly those who served in the wars in Iraq and Afghanistan.

Justice for Vets estimates that since 2004 the number of veterans being treated for mental illness and substance abuse has increased by 38 percent, most of them among the 2.5 million American military service members who served in Iraq and Afghanistan.

Gonzales, who served in Afghanistan, said he has gotten his life back in order after he faced serious prison time for a high-speed pursuit fueled by substance abuse. He told the conference that the "court gave me the chance of a lifetime to work on my mental health rather than throwing me in prison where I would still be battling with my issues."

"Someday in the not-so-distant future when there is a vet treatment court in reach of every vet in need, we will look back on today as the moment we turned the corner," said Judge Robert Russell, who established the first veterans treatment court in Buffalo, N.Y., in 2008.

Working with the local Veterans Affairs office, Russell set up the veterans-focused court after he noticed an increase in the number of veterans appearing before his Drug Court and Mental Health Court.

Retired Army general and drug czar Gen. Robert McCaffrey told the gathering that the main reason for the conference was "to train each other, to learn how to institutionalize and maintain this spectacular concept."

McCaffrey is the chairman of the Veterans Treatment Court Committee of the National Association of Drug Court Professionals.

At the conference's opening session, Veterans Affairs Secretary Eric Shinseki told the audience that when he visited Judge Russell's courtroom in 2009 "the power of the veteran's court concept was clear, undeniable and compelling."

"Since that visit, VA has been your full partner, agreeing to bring all of its capabilities to bear, wherever a judge is willing to establish a veterans court," said Shinseki, who praised the work of the veterans courts and highlighted his department's "Veterans Justice Outreach" program.

The program's 172 specialists work with courts to help veterans entering the justice system to get mental health or substance abuse care from the VA.

Statistics show the program is having a positive effect — two thirds of veterans who appear before treatment courts successfully complete their treatment, Shinseki noted.

Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, is schedule to address the conference on Wednesday.

** I found NO VTC. s in South Carolina



Search

SITE MAP (A-Z)

- Home
- Veteran Services
- Business
- About VA
- Media Room
- Locations
- Contact Us

I AM A... VA » Locations » PTSD Program Locator » North Carolina

Select One

Locations

Search in Facility Directory:

Locations Home

VHA Facilities

VBA Facilities

NCA Facilities

VA Central Office Listing

Vet Centers

PTSD Program Locator

SUD Program Locator

Gravesite Locator

North Carolina

PTSD Program

Descriptions of VA PTSD Programs | Learn more about PTSD: VA National Center for PTSD

NOTE: The contacts provided for the PTSD Programs are for information inquiries and are not continuously monitored.

All VA Medical Centers offer PTSD treatment, even if there is no specific PTSD program. Contact your local VA Medical Center and ask for the Mental Health clinic. Many Vet Centers and VA Community Based Outpatient Clinics also offer PTSD treatment.

If you need immediate assistance, call 911 or 1-800-273-TALK/8255, press 1.

Facilities by State

Interactive US Map

Facility Listing

Asheville VA Medical Center

1100 Tunnel Road
Asheville, NC 28805
Phone: 828-298-7911

PTSD Clinical Team (PCT) Outpatient

Bruce L. Purvis (828) 299-2519

Durham Clinic

1824 Hillandale Road
Durham, NC 27705
Phone: 919-383-6107

PTSD Clinical Team (PCT) Outpatient

Josephine Allen (919) 286-0411 X 7977

Fayetteville VA Medical Center

2300 Ramsey Street
Fayetteville, NC 28301
Phone: 910-488-2120 Or 910-488-2120

PTSD Clinical Team (PCT) Outpatient

Dana Foster, AO, MHSL (910) 488-2120 X 5828

Salisbury - W.G. (Bill) Hefner VA Medical Center

1601 Brenner Avenue
Salisbury, NC 28144
Phone: 704-638-9000 Or 704-638-9000

PTSD Clinical Team (PCT) Outpatient

Kristin Humphrey, PhD (704) 638-9000 X 3175

Specialized Inpatient PTSD Unit (SIPU) Inpatient

Kristin Humphrey, PhD (704) 638-9000 X 3175

Handwritten notes:
 VAA Asheville 1160.03
 38 U.S.C. 1710
 38 CFR 17.46 and 17.47
 986-Indland Dr.

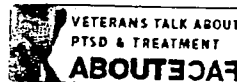


EXHIBIT IV

VETERAN ADMINISTRATION DATA

LEGAL

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PROGRAMS FOR VETERANS WITH POST-TRAUMATIC STRESS
DISORDER (PTSD)

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ORDER TRANSCRIPT

LEGAL

LEGAL

JUDGEMENT

Lower Court

SENTENCE

STATE OF SOUTH CAROLINA
COUNTY OF YORK
STATE VS. York
Akeem Abdullah-Malik

AKA:
Race: BLACK Sex: M Age: 53
DOB: 10-23-1962 SS#: [REDACTED]
Address: 309 Remount Road
City, State, Zip: Charlotte, NC 28203
DL#: 24415281 SID#: SC01102032

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Larceny / Petit or Simple Larceny - \$2,000 or less

INDICTMENT/CASE#: 2013GS4604370
A/W#: 2013A4620400026
Date of Offense: 9/14/2013
S.C. Code § : 16-13-0030(B)
CDR Code #: 3420

SENTENCE SHEET ORIGINAL

CONVICTED OF or PLEADS

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3419
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 100830 x [Signature]
Newkirk, Ryan R SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of time served days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$ 130.00

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Shirley Broom
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2048
Sentence Date: 3-10-14

COUNTY OF York
 STATE VS. Akeem Abdullah-Malik
 AKA: _____
 Race: BLACK Sex: M Age: 513
 DOB: 10-23-1967 SS#: _____
 Address: 309 Remount Road
 City, State, Zip: Charlotte, NC 28203
 DL#: 24415281 SID#: SC01102032

INDICTMENT/CASE#: 2013GS4604371
 A/W#: 2013A4620400027
 Date of Offense: 9/14/2013
 S.C. Code § : 16-17-0410
 CDR Code #: 0049

ORIGINAL

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
 TO: Criminal Conspiracy, Common Law

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 100830 [Signature]
 Newkirk, Ryan R SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 3 1/2 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on: 2013GS4604369
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: Court recommended
placement for mental health
counseling.

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$
TOTAL		\$ 130.00

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk David Hamilton
 Court Reporter: Shirley Broom
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2048
 Sentence Date: 3-10-14

COUNTY OF YORK
 STATE VS. Akeem Abdullah-Malik
 AKA:
 Race: BLACK Sex: M Age: 5/3
 DOB: 10-23-1967 SS#: [REDACTED]
 Address: 309 Remount Road
 City, State, Zip: Charlotte, NC 28203
 DL#: 24415281 SID#: SC01102032
 *CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Burglary (After June 20, 1985) - Third degree - 1st offense

INDICTMENT/CASE#: 2013GS4604369 ✓
 A/W#: 2013A4620400025 ✓
 Date of Offense: 9/14/2013
 S.C. Code §: 16-11-0313
 CDR Code #: 0427

SENTENCE S **ORIGINAL**

CONVICTED OF or PLEADS

in violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ryan R Newkirk 100830 SC Bar# X Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 177 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$ 130.00

Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund
 Other: Court recommended placement for mental health counseling

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk David Hamilton
 Court Reporter: Shirley Broom
 SCCA/217 (03/2011)

Presiding Judge Robert Burch
 Judge Code: 2048 Burch
 Sentence Date: 3-10-14

GUILTY But Not Guilty III

PLEA

LEGAL

STATE OF SOUTH CAROLINA
COUNTY OF YORK COUNTY

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

VS

A A M = defendant's initials required

Akeem Abdullah-Malik

Total Time Served (days): [Click here to enter text.](#)

I want to plead guilty, no contest, or enter a plea under N.C. v. Alford to the charges listed below. I understand that the minimum and maximum penalties as well as some of the collateral consequences for the charges to which I am pleading are listed below:

Truebilled Waiver

Indictment #: **2013-GS-46-04369** CDR: **0427** Statute #: **16-11-313**

Original Charge: **Burglary 3rd Degree, 1st Offense**

Pleading To: **Same**

Misdemeanor Felony

Penalty: **Up to 5**

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry

Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

A A M

Truebilled Waiver

Indictment #: **2013-GS-46-04370** CDR: **3420** Statute #: **16-13-30**

Original Charge: **Grand Larceny**

Pleading To: **Petit Larceny**

Misdemeanor Felony

Penalty: **Up to 30 Days**

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry

Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

Truebilled Waiver

Indictment #: **2013-GS-46-04371** CDR: **0049** Statute #: **16-17-0410**

Original Charge: **Conspiracy**

Pleading To: **Same**

Misdemeanor Felony

Penalty: **Up to 5 years**

Non-Violent Violent Serious Most Serious No Parole Sex Offender Registry

Mandatory GPS Increased Punishment for Future Offenses Murder Day for Day

List **General Sessions** Charges Being Dismissed: **Grand Larceny**

List Pending **General Sessions** Charges not being resolved: **None**

YOA: Eligible Ineligible due to: Age Offense Other: [Click here to enter text.](#)

List Prior Convictions: **Will be read on the record.**

Currently on Probation? Yes No Is this plea a violation of the probation? Yes No

I have agreed to plead guilty, no contest, or enter a plea under N.C. v. Alford as part of a plea arrangement. The Solicitor, my lawyer, and I have informed the court that the following contains all of the terms of conditions of my plea:

Type of Plea Guilty / *GBM I* N.C. v. Alford Nolo
Recommendation Negotiated Without Recommendation

State is recommending or the negotiation is: **T/S on Petit Larceny**

This plea is not the product of any other promises or any threats whatsoever, except as indicated below:
N/A

I understand that, upon entering a plea under N.C. vs. Alford, I will be treated as being guilty whether or not I admit that I am in fact guilty.

I understand that a no contest plea is treated by the Court the same as a plea of guilty.

The Solicitor is making a recommendation to the judge, as listed above. I understand the Judge is not required to accept the recommendation given by the Solicitor and the Judge may accept it, may go below the recommendation, or may go above the recommendation.

This plea is a negotiated plea and the negotiation is listed above. I understand the Judge may refuse to accept the negotiation and that if the Judge refuses, the plea will not go forward.

This plea is without negotiation and I understand I could receive from the minimum to the maximum sentence on each charge to which I am pleading guilty and that those sentences could also be run consecutive to other.

I am not currently under the influence of any intoxicants, drugs, or narcotics.

I currently DO take the following prescribed medications:
Gabapentin, Neurontin, Motrin,
Clonidine

I am entering my plea today freely, voluntarily, knowingly, and intelligently.

I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer, or the court will appoint a lawyer for me if I cannot afford one. I understand an attorney would be of benefit to me, and since I am not an attorney, there is a danger in my representing myself. Understanding this, I give up this right.

I understand that I have the right to plead not guilty and be tried by a jury, and that I am presumed innocent until such time as the jury is convinced of my guilty beyond a reasonable doubt. Understanding this, I give up that right.

I understand I have the right to have the Court issue subpoenas to bring my witnesses and evidence to a trial at no cost to me. Understanding this, I give up that right.

I understand I have the right to testify or remain silent at trial. Understanding this, I give up this right.

My lawyer has reviewed with me all the factual and legal issues surrounding my case, including any defenses I may have and he or she has done everything I have asked him to do. I am satisfied with his or her services.

I understand that I have the right to remain silent, that is, the right against self-incrimination. Understanding this, I give up this right.

I understand that in a jury trial I have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them.

I give up, for each of the charges listed above, my right to a jury trial, my right to a bench trial (trial by Judge with no jury), my right to confront and cross examine witnesses, my right to remain silent and not incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf.

I understand that by my pleading to each charge, I am waiving all defenses, including, but not limited to the right to challenge any evidence the State may have used in its case against me and the voluntariness of any statements made to law enforcement.

I understand that upon my conviction I may be ordered to pay restitution to any persons directly and proximately injured as a result of my commission of these crimes and that a civil judgement in favor of each person may be docketed against me and will be a lien against any real estate I own now or may own in the future.

I understand that if I am not a citizen of the United States, my plea of guilty, no contest, or my plea under N.C. v. Alford may result in my deportation, exclusion from re-entry to the United States, and denial of naturalization and amnesty.

I understand that I have 10 days within which to appeal this guilty plea.

I understand that I am pleading guilty, no contest, or under N.C. v. Alford to the charges shown above.

I now personally plead () guilty; () under N.C. v. Alford; () no contest to the charges above.

Guilty

Guilty but Mentally Ill

Solicitor's Review

I have reviewed this form as completed by the Defendant or by the Defendant with his Defense Attorney for completeness and accuracy.

Solicitors Signature: _____ Bar # _____

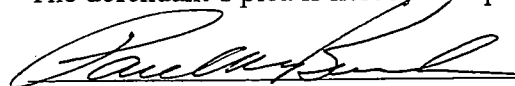
Date: _____

Judge's Confirmation

Upon consideration of the record, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor and the contents of this plea and waiver form, the undersigned finds that:

1. There is a factual basis for the entry of the plea,
2. The defendant is satisfied with his/her lawyer's legal services, *(stated by counsel)*
3. The defendant is competent to stand trial, and
4. The plea is the informed choice of the defendant and is made freely, voluntarily, knowingly, and intelligently.

The defendant's plea is hereby accepted by the Court.



Judge's Signature

Judge's Code: 2048

Date: 3/10/14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISONER CORRESPONDENCE
OFFICE OF GENERAL COUNSEL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Office of General Counsel

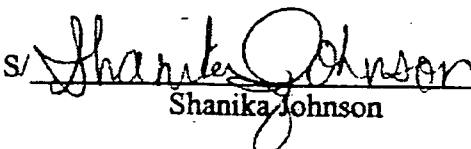
RESPONSE TO INMATE CORRESPONDENCE

INMATE: Akeem Abdullah Malik, SCDC #359150
INSTITUTION: Turbeville Correctional Institution
FROM: Shanika Johnson, Staff Attorney
SUBJECT: Legal Documents Review
DATE: April 30, 2014

RECEIVED
JUN 04 2014
SC COURT OF APPEALS

Mr. Abdullah-Malik,

I was forwarded your Request to Staff requesting the date I met with you and Lt. Story at Kirkland Reception and Evaluation Center to review/approve your legal documents. The date of the review was March 24, 2014. It is my understanding that you did not have access to your legal materials until after that review meeting.


Shanika Johnson

"ALL RIGHTS RESERVED"
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: <u>GENERAL COUNSEL</u>	TITLE: <u>GENERAL COUNSEL</u>	DATE: <u>3-13-14</u>
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REQUESTER'S NAME: <u>Akeem A-N Abdullch-Malik</u>	SCDC #: <u>359150</u>
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INSTITUTION: <u>KIRKLAND R&E</u>	LIVING QUARTERS: <u>F3 150</u>
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TO WHOM THIS MATTER CONCERN: PER SE DIRECTION & ORDER Lt. STONEY via Warden McKie

I Am stipulating that the documents entered your facility is a part of AMERICAN'S DISABILITY ACT & VETERANS REHABILITATION ACT Am Jur 50152 IN BOTH CIVIL & PENNING CRIMINAL APPELLANT PROCEDURES FOR SALE PURPOSES PART OF RECORD IN ALLEGATIONS & EXPRESSIVE MATERIAL FACTS FAMILY CORRESPONDANCE & ESTABLISHMENT OF RECORD CASE # 1:14:00109-RBH-SUH & Appealing Awaiting From Case # 2013-GS-46-04270,71

#1 - CIVIL } I AM respectfully requesting release of all
 #2 - CRIMINAL } my legal work to be hold in my possession & access to your LAW LIBRARY during my tenure here

[Signature]
 Secretary

DISPOSITION BY STAFF MEMBER:


I have reviewed the requested material and confirmed it consists of legal materials.

DATE:	SIGNATURE: <u>Ahante Johnson</u>
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CERTIFICATE OF SERVICE

I Am duly CERTIFYING I have for due
Cause Deposited (1) ORIGINAL & Copy & CC Listed
below TO Respondents Petition Presented For BAIL
IN THE U.S. MAIL Depository. Pre-paid Postage
IN THE Kershaw Correctional Institution.
4848 Gardner Highway, Kershaw, South Carolina.
(29067) For South Carolina Supreme Court. P.O.
Box No 11330, Columbia, South Carolina 29211 AND
STATE ATTORNEY Alan McCom Wilson, Esquire / Solicitor
W. ELLIOT, Esquire P.O. Box 11549, Columbia, South
Carolina 29211 THIS 14th day November Month, Twenty
Thousand's Fourteenth year

THIS 14th day November Month
Twenty Thousand's Fourteenth year

Sirajuddin

Akbar Akbar, Petitioner
Arrested, P.O. Se

CC: ALAN McCom Wilson, Esquire
Solicitor W. ELLIOT, Esquire.

LEGAL

SLIDE # (359155) 0992
KERRAND Correctional Institution
40248 Goldmine Highway
Kesham, South Province [29017]

THE SOUTH CAROLINA STATE ARCHIVES
ARL MCGARY WILSON, ESQUIRE
POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA, 29211

RECEIVED

NOV 14 2014

MAILROOM (SOUTH)

LT. SAICEN W. FURST, ESQUIRE

LEGAL

SLIDE # [359159] 888
Kearns Correctional Institute
4818 Goldmine Avenue
Kearns, South Carolina [29067]

IN THE SOUTH CAROLINA SUPREME COURT
FOR THE STATE OF SOUTH CAROLINA
POST OFFICE Box Number 11330
Columbia, South Carolina, 29211

RECEIVED

NOV 14 2014

MAILROOM (SOUTH)

Abolish
LEGAL

