

**LEGAL MAIL**

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

Appeal From THE ADMINISTRATIVE LAW COURT  
Honorable Shirley C. Robinson, ALJ

Lower Case No. 2014-ALJ-04-0938-AP  
Appellate Case No. 2014-002446

Akeem Alm. Nafis Abdullh-Malik . . . . Appellant

v.

**RECEIVED**

FEB 27 2015

**SC Court of Appeals**

South Carolina Department of Corrections . . . Respondent(s)

Appellant Brief  
Pursuant SLAR 202(b)6, 208(a)(b)

Counsel of Record  
by: Mr. Akeem Alm. Nafis Abdullh-Malik  
Appellant, Pro-Se  
Allendale Correctional Institution  
1057 Revolution Trail / P.O. Box 1151  
Ferdon, South Carolina 29527

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Poet John Donne

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Lower Case No. 2014-ALJ-04-0938-AP  
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Akeem Alim-Nafi Abdullah-Melik . . . . Appellant

U.

South Carolina Department of Corrections . . . Respondent

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## Appellate BRIEF Away From ADMINISTRATIVE Tribunal

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COMES NOW, Akeem Alim-Nafi  
Abdullah-Melik, Appellant, (Herewith) Appellant  
Pursuant to Rule 202(b)(2), Definitions de-  
fining Administrative Law Court or Agency from  
which Appeal is taken, moves this Honorable  
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Court to reverse Administrative Law Court (ALC), rulings & orders. Which dismissed Appeal without a full opportunity of Briefings by the Appellant. Appellant has been affected by (SCDC) Policies & Procedures GA.01.03.

and PS.10.08 Titled ACCESS TO Courts and Correspondence Privileges causing actual and imminent injuries, retaliatory profiling institution transfers, not recreational, reasonable, meaningful access to adequate law libraries consistent with American Correctional Association (ACA) standards, evolving towards the evolutionary path of [12<sup>th</sup>] Twentieth Century Standards and modern day practices. Respondents refused to cure the injunctive declaratory, punitive actions, nor implement a change conducive to U.S. Supreme Court Precedent Rulings Penalized Interest Reversing respondents) systems to equitable, competitiveness in the trade of economic values of reinvestment in its Penal Systems (SCDC) whose rudiment mannerism antiquated process ultimately the effectiveness and infirmament, impedes meaningful access to courts constitutions due process and equal protection impediments, knowingly, deliberately, indifference ending with restraint upon one liberty. Creating state liberty interests with the hybrid practices of Administrative Agents Titled (SCDC).

Appellant presents these matters where the appellant has experienced (4) Four SCDC INSTITUTIONS PRESENTLY RECENTLY TRANSFERRED TO ALLANDE Correctional Institution P.O. Box 1151, Fairfax, South Carolina. IN a retaliatory

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retire by Kershaw Correctional Institution 4848  
Goldmine Highway, Kershaw, South Carolina, stemming  
from being transferred there from Turbeville Correctional  
Institution, Turbeville, South Carolina, initiated from  
classification Kirkland P&E Center (KCI) At Level II  
INSTITUTIONS. Appellant initially classified as a MRIB  
which means minimum restrictions Level I In/our custody  
However for purpose of inclusion at latter juncture  
Appellant included in SCDC antiquated practice mandates  
change for professionalism to modern day standards placement  
of prisoners in assimilated facility to commensurate  
with reflective classification oppose to incorrect placement  
infringe upon liberty interest based upon program availability, job  
placement etc.,

Appellant only avers above: due to, SCDC Potential  
Reph projecting Non Creates Liberty Interest. As so stipulated  
in Respondent's Motion of Confusion to Summarily Affirm  
Pursuant to Rule 220(c) Incorrectly applies its respondent's  
direction is elusive, that respondent's analysis isn't applicable  
to the Appeal 2014-002446 Lower Case NO. 2014-ALJ-  
04-0938-AP. Has no relevance to case in instance Respondent's  
addressed issues that stemmed out of 2014-002446  
which is in fact 2014-002088. Where appellant due  
process and equal protection rights were are violated by SCDC  
Convincing appellant absent witness hears called upon  
appellant request. Causing appellant custody to be enhanced based

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On a minor charge 817 Poss of Contraband  
"Scratch Paper" used to meet imminent Court deadlines  
In THE US DISTRICT COURT & SC Supreme Court. Where  
due to SCDC "not" providing legal paper materials to  
Appellant & Prisoners forcing Appellant to seek materials,  
out of trash: ask another prisoner, or directed by SCDC  
Agents that INDIGENT BARR PROVIDED (1) once per month  
(8) Sheets of paper (1) Pencil or Pen (2) Envelopes where are  
insufficient.

SCDC antics and antiquated process & implementations ambiguity  
interpretations and compensation of Policies GA.01.03 and  
PS 10.08. IS "not" applicable for INDIGENT LEGAL PROSE  
LITIGANTS TO Adequately Access TO Courts by SCDC limiting  
the ACCESS FOR NOW SECURITY EGREGIOUS REASONS.

Unfortunately permits SCDC Administrative Agents  
"ARMY OF THE STATE" TO manipulate the policies to impede  
or delay Access TO Courts, or transfer the prisoner in quashing  
civil liberties under mootness doctrine. that ultimately allow  
unprofessional conduct by SCDC Employees to misunderstand  
the economics of its own economy & commodity. Forfeiting  
The Justice Forum Act III Courts that Act I  
Tribunal If not ruled in favor of respondents at more  
than 90 based in favor for respondents. Allowing unaccountable  
actions by respondents for its illicit actions Causing actual &  
imminent injury. TO harm the litigant by Trashy Legal Policy

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CONFISCATING & HOLDING LEGAL PROPERTY, NOT  
Providing Updated Adequated Law Librarian, Computer  
GENERATED Petitions, Motions, Duplications Machines.  
Copies of Prisoner Generated Litigation. Limiting scope  
of West Law Review limited to only South Carolina  
& 4<sup>th</sup> Circuit Cases excludes even sister circuits 5<sup>th</sup>, 11<sup>th</sup>  
Circuits. LEGAL SUPPLIES TO INDIGENT TO include R&E  
IN PROCESSING TO Pro-Se Litigants. SCDC still practices  
of draconian hand written duplications, inability to print  
cases even for when a prisoner had pay for copies or printing  
SCDC impediments prevent meaningful access to courts...

SCDC Current Policies & Procedures without modifica-  
tion. Ultimately effects meaningful access to present  
arguable, actionable, non-frivolous legal claims. Lewis  
V. CASEY 518 US at 355, Bond v. Smith 430 US 817.  
828. 97 S.Ct 1491 (1977) (holding that the fundamental -  
Constitutional rights to access to the courts requires  
prison authorities to assist inmates/prisoner in the preparation  
and filing of meaningful legal papers by providing prisoners with  
adequate law librarian, or adequate assistance from persons trained  
in law. SCDC Persecution of adequacy warrants a  
sincere modification that doesn't inflict retaliation, due process  
impediments, by ambiguous, antic policies, poor seating capacity  
for population that range of 600 approximately 1000 to 1,500  
Persons, Prisoners, Inmates however facilities only have (2)  
Electronic Computers of West Law. Restricted to 4<sup>th</sup> Circuit  
& South Carolina Law NO alternatives. Some facilities as Allendale  
only provide (1<sup>st</sup>) come (1<sup>st</sup>) serve (1) seats TO attend Law

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Library only on Unit Assigned Days (1) additional day for a Court Deadline within (30) days. This limits Adequate Access to Courts for pro-se litigants to research, prepare petitions, and motions. SCDC General Counsel per se Education Director to issue directives to Education Personnel IMPEDES due process & equal protection of law, which ultimately creates a state liberty interest. To restrict Access to Courts. To only receive 37.5 hours to 40 hours per week Open Law Library Hours. Yet only permit (1) Unit (1<sup>st</sup>) come (1<sup>st</sup>) serve LA Seat Capacity For 250 People per unit. Is not a reasonable meaningful Access to Law Library ACCESS TO COURTS this equates to 0.8% per capita Below ACA Standards

SCDC optins to confiscate legal material upon entry into SCDC and withhold past the (10) day requirement to Notice of Appeal IMPEDER due process & equal protection of laws. Violations of US - S.C. Const. Amend. 5<sup>th</sup> & 14<sup>th</sup> Amend & Parallel S.C. Law is AMENIO.

SCDC to provide only (2) two envelopes per month & (8) sheets of paper effects ACA Standards 2032 (d) & 2034 (b)(6). As Pro-se Litigants with or without funds. The right to adequate access to legal materials if desired. SCDC Policies & Procedures IMPER due process.

SCDC Correspondence Privileges PS. 10.08 Sec. Titled Privileged MAIL IMPER due process to INDIGENT Person

# LEGAL MAIL

and Poor Persons Act. To MAIL LEGAL MAIL to Dignitaries or Officials i.e. (President, Vice President, members of Congress, etc. state officials i.e. Governor, Lt. Governor, member of General Assembly, etc.) SCDC at level of Warden or higher (to include the Agency Director et al. Deputy Director, General Counsel & Inspector General, (SCDPPP) or diplomat. In spite these Officials earned the Privileged Status, a INDIGENT Prisoner is not permitted to write these Officials of Legal Essence which bear Legal Bearing i.e. Governor Pardon, Presidential Pardon, etc. However SCDC prevents writings to Official in the event the Prisoner is "INDIGENT" He or she must pay to write privileged Legal Officials which effects Access to Courts via Correspondence Privileges.

SCDC Legal Mail refers to mail incoming or outgoing to Officials, Federal, State, and Local Courts, attorneys, Court Clerks, Judges, legal aid societies, attorneys authorized representative, the SC Attorney General, U.S. Attorney General, SCDC Office of General Counsel. SCDC articles restrict whom a Prisoner may or may not write via attorneys authorized representatives, Local Courts, S.C. State Courts, S.C. Federal Courts (etc) All SC based. SCDC Legal Mail restricts a pro-se litigant, legal aid societies, volunteers, out of state legal aid, consultation with other attorneys.

Who as a pro-se litigant he or she will not have authorized attorney. Because they are self-represented. Who may need to consult a constituent.

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## CASE HISTORY

Appellant entered SLDK on March 11<sup>th</sup>, 2014 stemming from a sentence imposed March 10<sup>th</sup>, 2014 by Honorable Judge Paul Burch 16<sup>th</sup> Judicial Circuit Court of General Sessions York County. Appellant was self-represented throughout proceedings. Appellant entered SLDK on Appeal Served March 11<sup>th</sup>, 2014. By leaving it with York County Detention OFFICER(S) Pursuant to Houston v. Lack "cite omitted" and Gordon v. Lack "cite omitted"

Appellant upon entry of SLDK on Direct Appeal self-represented. Pro-Se Litigant "INDIGENT" suffered actual and imminent injury by SLDK Agency and Agents actions, non-familial, meaningful, reasonable ACCESS TO Courts, and GENERAL & PRIVILEGED CORRESPONDENCE, ACCESS TO Courts at numerous & severely SLDK institutions. 1<sup>st</sup> KIRKLAND, 2<sup>nd</sup> Turbeville, 3<sup>rd</sup> Kershaw, now Allendale Correctional Institution. Based upon antiquated static Policies GA.01.03 and PS.10.08 That impedes and/or stomates meaningful reasonable, ACCESS TO Courts, and means to litigate seek adequate meaningful access to dignatories. Officials Federal, State, and Local authorities, legal aid societies, parolees

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ATTORNEYS to consult whom are not limited to authorize representatives whom a Self Represented Pro-Se Litigant. Who is INDIGENT can not write for consultation possible advice. (etc) SCDC static Process of such policies to name a few effect both the U.S. and S.C. Constitution 1<sup>st</sup> Amendment RIGHT TO Redress, Speech, Refusions to Modify ones-government, 5<sup>th</sup> RIGHT to Due Process, 8<sup>th</sup> Cruel & Unusual Punishment, 14<sup>th</sup> Due Process and Equal Protection of LAWS. As outlined in the S.C. Constitution 23. Provisions of Constitution mandatory.

The provision of the Constitution shall be taken, deemed, and construed to be mandatory and prohibition, and not merely directory, except where expressly made directory or permission by its own terms.

Appellant filed several grievances upon entering SCDC intralib. Appellant Legal Property was confiscated. Not return held outside Appellant view. Until date of Appeal would have been exhausted. Not return to appellant until after March 24<sup>th</sup>, 2014. General Counsel Review. Causing actual, imminent, irreparable injury to appellant, to notify courts effectively PROPOSE Appeal Brief, Receive INCOMING Notices, SCDC

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SCDC ongoing course of actions at each interim of appellant process to access the courts has been, is met by hardships by SCDC practices & procedures. Appellant at each institution aforementioned 1<sup>st</sup> Kirkland R&E Contracted Appellant Self-Represented Legal Work Held outside of Appellants view & visual for approx after March 21<sup>st</sup> 2014 at appellant entry into SCDC March 11<sup>th</sup> 2014. Appellant documents at all times relevant based upon SCDC LAW LIBRARIES. ACCESS TO COURTS. Policies requires documents to Access LAW LIBRARY. However when SCDC contractor withholds legal material impedes due process sexual protection by the Appellant not having documents in his/her presence till after (10) DAY APPEAL before leaving York County Detention Center. The S.C. Court of Appeals had no record of Appellant Filing. Which with SCDC holding LEGAL PROPERTY, left Appellant without viable Appellant Materials. Legal Property, Legal Addresses & Legal Work Effects Appeal Process. To include York County Clerk Stamped Notice March 14<sup>th</sup> 2014. However Appellant at KIRKLAND R&E. Without proof or documents has ultimately effected Appellants RIGHTS TO DIRECT APPEAL.

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Where the State claims it was not served  
Inside SCAR 262(b) Kirkland also does not  
permit new arrivals Access to Law Libraries  
without documents to support deadlines. Kirkland  
forces prose litigants to donate all legal books or  
trash or threaten to segregate without compliance  
to impede Access to Courts. Appellant was not permitted  
to Access Law Library till after Appellants time  
would have to lapse; had not, Appellant filed his  
Notice of Appeal in Lower Court prior to being transported  
to SCDC, before leaving (YCDC) York County Detention Center.  
At all times relevant awhile at Kirkland a Correctional  
Officer "not trained in law" or possess a law degree Is/are  
permitted to interrupt legal deadlines, scheduling law library  
hours & usage, policies, etc. Upon Appellants release of his  
legal materials Appellant often met with hostility. Limits  
research time and hours a new arrival and prisoners can  
review, research policies, procedures (etc) In one instance  
Appellant escorted by the Warden who had to instruct the  
Disruptive Officer to permit the Appellant to review policies.  
Causing undue hardships for the Appellant to access the  
Courts, law libraries, to correct an inappropriate action. Impeding  
due process. Access to Courts.

# LEGAL MAIL

Appellants inimum was compromised by York County Sheriff Office and Detention Center and Now SLOC active participation to impede due process and deny equal protection of laws. No ACCESS TO Courts, LAW LIBRARIES. ACCESS TO LEGAL MATERIALS, BASIC HUMAN CIVIL and Constitutional RIGHTS. Compromised by Arms of the State. By not allowing ACCESS TO Courts, Officials, USA Mail as INDIGENT Pro-Se Litigants. Policies GA. 01.03 and P.S. 10.08 both effecting due process equal protection. Causing discrimination TO pro-se litigants via acts of retaliation, consistent transfers, trashing legal materials, etc)

Appellant initially transferred from KIRKLAND to Turbelle WAS impeded due process & equal protection were in Grievance TCI-0244-14 still pending. Appellant in this "Scratch-Paper" matter was disciplined to loss of privileges, 90-days of restrictions by separate resolutions Dkt Jcc. 2014-002098 on STAY. Appellant attempt to ACCESS THE COURTS where no indigent legal paper was provided to the appellant. Forcing Appellant to File Out of Time Notice TO S.C. Supreme Court with Explanations. Also Civil Matter IN U.S. District Court. That Appellant was forced to get "scratch-paper" out the trash. Ultimately ruled

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Contraband on Appeal STAY Abdullah-Malik  
SCDC 2011-002088. Caused a State Liberty  
Interest. Where Appellant's programming, rehabilitation,  
custody was effected, loss of privileges, good time  
for month of adjudication, stigmatization, profiling appellant  
ultimately transferring appellant to Kershaw, from Turbelle,  
now to Alkendale.

Appellant a while at Kershaw was meet with  
Over zealous SCDC mail room attendant. Whom on  
numerous occasion demonstrated deliberate indifference,  
discrimination, racial discrimination, disparities by mail impalement,  
to deliberate delay, withheld legal materials, mail, legal aid  
mail, paralegal mail, Federal Court Mail causation to  
unwarranted hardships to Appellant, religious property theft,  
manipulation of releases to fiduciary breach to survivor by the  
SCDC Mail Room Personnel. Retaliation to Appellant by the  
transfer of Appellant. Oppose to discipline pro-se Employee  
Conduct 11.04 and 11.17. Appellant. Now in Alkendale Correctional Inst  
Egregious deliberate indifference. SCDC not holding employees  
unprofessional conduct accountable. Overall SCDC at all cost  
efforts to derail pro-se litigants meaningful access to courts  
Remedial to balance the scale of equities to the litigants  
and defendants housed in SCDC SCDC AGENCIES rudiment  
Seditary static practices refute that the commodities  
revoke the rights to equal protection & due process.

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Appellant attest SLDL antiquated practices  
ambiguity in Policies and Procedures to include the mannerism  
in which it is interpreted and applied are in fact contrary  
to the means of Due Process and Equal Protection of Law  
Precedent laws of Access to Courts, Correspondence Privileges,  
Access to Courts via Adequate Law Libraries and Its us-  
uage to all pro-se litigants and Indigent Litigants challenging  
their respective convictions, conditions of confinements  
and civil liberties interests.

At all time relevant SLDL Policies GA.01.03  
Access To Courts "states" Law Libraries will open 37.5  
to 40 Hrs per week. With a minimum of two nights  
per week. However it does not specify that most facilities  
limits its use to (1) day per week without deadline (1)  
additional day per week with a deadline. Which equates in most  
instances 2 to 2.5 hrs per day, 4 to 5 hrs per week. Effecting  
not only meaningfulness or reasonableness for litigators or  
prisoner challenging his or her confinements or convictions.  
Majority of SLDL Law Libraries only have (2) two  
computers for research for 240 to 250 per US DAY. Per  
unit per week For approximately 800 to 1500 inmates per  
institution 0.8% time & a seating capacity of 7 seats  
per session. Surely does not meet 'meaningful' in the essence  
to prepare litigation.

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SCDC not permitting the duplication of hand generated written or inmate drafted motions, Petitions & use via previous warnings of draconian practices, still requires inmates to hand duplicate motions "rewrites" of present 15 years into 21<sup>st</sup> Century systems into 22<sup>nd</sup> Century. Penological interest and modernizations. To include the most severe restrictions applied to inmates by SCDC. Far off the mark of Turner analysis: "Cite omitted"

SCDC does not provide compelling reasonableness access to courts impeded by its limiting privilege and legal correspondence to prevent access to attorney's of choice, civil liberties, legal aid societies, Local, State, & Federal Officials, or Senate, Congress, Legislative Members to mandate "Change" of SCDC critics of SL Prison over Population. Without a meaningful, reasonable Access to Courts or Correspondence Privilege for pro-se litigants mostly and indigent litigants to reform modify its government.

SCDC impedes due process by not permitting copying Petitions, motions. Which most ELF isn't offered to SCDC Inmates. 'ELF' Electronic Court Filings.

SCDC limits Access to Courts by restricting the West-Law compatibilities, subscription, to 4<sup>th</sup> Circuit Case law, invokes uneven playing field to research respondents Motions who use out of circuit case law

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SLDC restricts Computer Usage to (1) hour per (1) day (unit day) sessions per week to research. SLDC has no clerks or updated supplements to remain current with vast changes in law.

SLDC removed typewriter at Kerston, had none available at Turberville, no functioning one at Allendale. Not permitted to use at Kirkland. However SCACR 267(c) stipulates typewritten or duplicated machine for processing of writs to SC Supreme or Court of Appeals.

SLDC impediments effected Appellant Appeal beginning to end (1) by confiscating legal materials at Kirkland. No meaningful access to courts, supplies, materials. No viable meaningful access to Adequate Law Library Company to Banks v Smith (1977) (cite omitted) Throughout

In a segment of conclusion here as Case History

Appellant either suffers or suffered the actual & imminent injury by SLDC its employees interpretation, application implementation of ombudsman policies GA.01.03: PS/408 and OP. 22.14. Forbids due process, equal protection. When a pro-se litigant is indigent. By denying meaningful access to courts. Preventing writings pro-se persons or law-enforcement officials, federal officials ie. (President, Vice-President, members of Congress etc) state officials ie. (Governor, Lt. Governor, members of General Assembly) etc. However no charge for Warden or Hezner. Yet

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Prose litigants restricted from writing all other as (LEGAL MATERIAL). Which the contents to Privileged Persons are LEGAL Documents.

SLDL restricts due process & restraints liberty by not providing equal protection. By its definitions of LEGAL to restrictive only to Local, State, and Local Federal Courts, only authorized attorney's clerks, judges, authorized legal societies and S.C. Attorney GENERAL.

SLDL infringes impedes due process, refuses and denies equal protection causes fiduciary breach of trusts by administrative agents actions that interfere with both U.S. and S.C. Constitution 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments Colorable under State Law. Knowingly deliberately intentionally.

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## LAW ANALYSIS

Appellant in applying applicable law analysis. Invokes the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> U.S. Constitution Amendments and Parallel S.C. Constitution Amendments. That protects the RIGHTS OF WE THE PEOPLE to include the Prisoner Convict, or Inmate titles of incarcerated people Whom's Rights "Do NOT" become suspended at the Prison Doors.

Appellant in invoking the rights to be afforded supports his legal analysis with longstanding Precedent Law of the United States to include South Carolina recognized as one of these states. Unionized by the United States of America in THE Honorable Mr. Hamilton, MADISON, and JAY. Convention of 1787. In spite South Carolina much later joining. South Carolina often reverts practices by its arms of the state. One being in instance South Carolina Department of Corrections. Common scheme of formulating abstract policies that effects WE THE PEOPLE prisoners, convicts, and inmates inclusionary inclusive. Ultimately effecting the states economic growth of todays chattel "Prisoner Commodities"

Appellant in instance reflects to the Great Poet John Donne once famously wrote or used by the Honorable Dr. Martin Luther KING "NO MAN IS A ISLAND" In essence same rules should apply to SCDC rudiment, ubiquitous, antiquated, draconian, obsolete practices infectious effects the very foundation of

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Constitutionality Here in the United States

South Carolina Department of Corrections (SCDC) practices require reworking in various areas to reach ACA standards, modifications of policies, to commensurate with the Constitution are warranted. To remove the abusive practices by severing its policies to constant evolution path of vehemently warranted progression, cyber time capsule of modern day Penological interests and penal advancements at 18<sup>th</sup> into 21<sup>st</sup> Century pushing into 22<sup>nd</sup> Century.

Appellant within has presented several material facts that suggest constitutional violations induce by SCDC unwillingness to remove the solitary practices of abusive practices causing a chronological of events from which retaliation is enacted by SCDC practices transferring the appellant out of region, further distance from hardships, release, to deter litigation, access to courts, adequate law libraries, legal correspondence to courts, legal aid secretaries, paralegals, prose litigants attorney privileges, manual access to legal materials to all litigants indigent included, computer usage of modern day application oppose to below minimum standards restricting research hours, law libraries hours, preparation of motions, petitions on computers, electronic filings non duplicating handwritten generated motions draconian practices, mail room personnel scrutinizing legal mail to determine what can & can not be mailed out, items of legal mail check marked open only in presence of prisoner, most SCDC institutions only (2) computers for legal research.

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Appellant outside at Kieldand & Turbeville, suffered actual and imminent injury by SCDC confiscation of legal material, withheld till after Notice of Appeal deadline & reasons by General Council March 24<sup>th</sup>, 2014. Stemming from March 15<sup>th</sup>, 2014. Sentences date. Actual & Imminent Injury to Perfect reasonable, actionable, nonfrivolous. Direct Appeal Effecting due process & equal protection, right to keep legal material in prisoner possession. Seizure of legal property. SCDC Violating appellants 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments. Violating Lawrence v. Texas 518 US at 355.

Appellant protected rights access to courts were invaded, denied by SCDC misuse of GA O.C.G. and P.S. 16.07 Not providing equal protection, and adequate law libraries. Violating Bounds v. Smith 430 US 817 (1977) To seek redress of complaints before courts of law. That states have a affirmative duty to provide assistance to not only in the area of post conviction relief but also in the area of institutional civil rights. Most widely use of methods today for compliance are providing Adequate Law Libraries Bounds (cite omitted) emphasizing the key phrase of meaningful access to courts. (1) 6m per unit (7) seats per 240 to 250 per unit. Total population of 8000 to 10000 Does not meet ABA standard "2034" Prison to prepare & file legal papers in any court without removal. American Association of Law Libraries Are necessary to meet adequacy requirements Requirements to regularly update, sufficient time to conduct legal research, file petitions, and meet court deadlines. Adult Correctional Institution Whoever is in charge of the law

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Libraries has the responsibilities for planning, evaluation, policies, procedure development, budgeting collection development staff training, supervision, inventory, legal reference, referral and scheduling prisoner access.

Today's Law Libraries are Electronic Processors research, filing, petitions motion preparation. That computer usage, workstations accessible Available for balance of equities. (1) Hour Sessions (1) DM Per Week, does not meet applicable standards. SDC impedes due process, access to courts a evolving process since Ex parte Hull 312 US 546 (1941), Banks v Ohio 360 US 708 (1961), Smith v Bennett 365 US 708 (1961), Johnson v Avery 393 US 483 (1969) and Yamser v Gilmore. Personal Computers, duplication processes, software of this century is essential, to include the cost fading out typewriter. SEACR 267(c) requires typed petitions. Wherefore Kiddawa, Turberville, Korchar, nor Albottle have operable typewriters, or duplicating machines to prepare documents, petitions, motions (etc).

## LEGAL MAIL

SLDC practices geared toward imprisoning prisoners and legal litigators are SLDC articles that impede the due process rights, access to courts. Violates both substantive and procedural due process Wolf v McDonald 418 US 539 (1974)

SLDC actions warrants modification change to policies and procedures with today's societies of penological interest. That are least restrictive (LSA) reasonableness under Turner (cite omitted) analysis requires courts to strike a balance between officials and the constitutional rights of inmates (2<sup>nd</sup>) while it is appropriate for courts to defer to the well supported judgments of jail and prison officials does \*not\* mean abdication a court should not simply swallow whatever line an official feeds it (3<sup>rd</sup>)

Officials must support their policies with facts, not any forum of conjecture or conclusory assertions Turner 482 US at 96-97 Turner (1) whether there is a valid rational connection between the limitation and official justification for it. (2) Whether there is a different way for prisoner to exercise civil liberties.

Powell and Coleman (cite omitted) that a prisoner

# LEGAL MAIL

Are ill equipped to deal with the law and the courts even though they may be innocent, may be convicted by their ignorance. To restrict law libraries increase this ignorance.

Estate v. Gamble (cite omitted) The argument must draw its meaning from the evolving standards of decency that mark the progress of a maturing society. SCDC static unwillingness for growth stunts its level of penal competitiveness and evolution.

Ross v. Moffitt (cite omitted) Emphasizes fairness between the state and the individual dealing with the state, equal protection on the other hand emphasizes disparity in treatment by a state between classes of individuals whose situations are arguably indistinguishable. Poor persons titled "INDIGENT" and Pro Se Litigants. IN SCDC do not hold equal protection rights to redress and modify. Speech, religion free of illegal search & seizure, due process, confront witnesses, free of cruel & unusual punishments b. v. a. reprints.

Hendrick v. SCDC 686 S.E. 2d 191 (2009)

shortcomings in the law library or legal assistance program hinder efforts to pursue legal claims.

SCDC forbids prisoners' effort to hand written documents not able to duplicate. Are draconian practices that

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SCDL deters the prisoner via subjecting the prisoner or the appellant to not permitting the appellant to duplicate case hand generated petitions. Print cases from West-law. Prepare Motions or Petitions on Word-Pad, Micro-Soft Word, Word-fact, Nor Computer research time adequate (etc) ...

SCDL Not in compliance with ACA 2032 standards. Via mail Department. by deliberate indifference by withholding mail, delays in incomes & outgoings at Kershaw Correctional Institution.

Appellants was deliberately delayed, withheld mail not mailed out, transferred the petitioner to delay litigation. Causing Appellant to seek TR's Pursuant to F.R.C.P. 65 and S.C. Civ. R.P. applicable ultimately affecting petitioner litigation. Chronological chart of events Johnson v. Stovall 233 F.3d 486 489 (9th Cir. 2000).

KEY 310 11(G) Access to Courts and Public Officials. IN Hinderick 636 S.E.2d 191 (2009) Honorable Judge Warns SCDL of its draconian practices of handwritten documents. Bedrock days Stone Age practices have no room in 21st Century Process

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Appellants correspondence privileges are effected Perpetuated by SDC Agents ie Kershaw Mail Room Attendant. Misappropriate use of PS.10.08 effecting GA.01.03 Access to Courts. SDC Privilege Mail to Privileged Personnel and Persons embark Titles of Dignitaries ie. The President, Vice President, Federal, State, Government Officials members of Congress (etc) [Ex] Governor, U. Governor, Local Officials SDC to restrict these persons. As not legal would be to say the President, or Governor is not in authority to grant a Pardon (etc). Which is legal in content.

Appellant was his subject to abuse throughout listed as a Pro-se litigant. Placing disparities as to what ACCESS TO Courts and ability to write Privileged Title Person as a INDIGENT LITIGANT Pro-se, Legal Aid Societies who are not on SDC approved list.

Wherefore, the foregoing reasoning. Appellant seeks Injunctive Reliefs, Declaratory, Punitive, and Compensatory damages awarded to Appellant.

1. Respondents to MODIFY Policies OP. 22.14 GA 01.03 and PS.10.08 conducive to the meaningful access to courts. privileged officials
2. Software Advancements to Westlaw or Courtviewing to Lexis-Nexis. Review all Cases extended beyond 4th Circuit

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3. Permit Access OFF Westlaw or Lexis-Nexis  
Microsoft Word, Word-Pad, Note PAD  
to prepare legal documents, motions,  
Petitions affidavits (etc).
4. Legal Materials available in all institutions  
to include Kerklaus P & E Statutes for  
all litigants. Pro-se PAYING or indigent.
5. Open Law Libram Hours to all prisoners  
Not limiting time to research, litigate
6. LEGAL Personnel TRAINED IN LAW TO  
Support Education Personnel and Security  
Officers who are not licensed or trained  
in law. To assist with legal development  
and liaison between prisoners and staff.
7. Remove reprisals, retaliations, for litigants  
who hold staff accountable, and structures  
of professional conduct.
8. Remands to provide adequate legal materials  
as a litigant need. Office to (2) envelopes  
(4) sheets paper. (1) pencil or pen per month - -
9. Authorize adequate ATTORNEY Client  
Privilege to Provide litigants. Talk to Clerks  
of Court, Legal Aid Society. Not on Wall Method  
Phone.

# LEGAL MAIL

10. Law Libraries updated to current law  
CLW's made available more than (1) operating  
typewriter per capita of prisoners. Copies of all  
legal material etc.
11. Law Libraries open Monday thru Saturday.  
1<sup>st</sup> Court Clear to Lunch Call  
2<sup>nd</sup> Lunch Call to RE CALL  
3<sup>rd</sup> Evening Court Clear till 9:00 pm  
4<sup>th</sup> SATURDAY 9:00 AM till 4:00 PM.
12. ACCESS TO GENERAL COUNSEL  
VIA EMAIL. Phone Contact for conflict  
resolver, education to compell Penal  
and Prison Improvement Relations. NEGATING  
NEGATIVE Prison bi-partisan relations.

This 4<sup>th</sup> day February month  
Twenty Third Fifteen year

Respectfully submitted

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Counsel of Record  
Alkeem Alim-Nafis Ablutich-Malik  
Appellant, Pro-Se

# LEGAL MAIL

## CERTIFICATE OF SERVICE

I AM Alkeem Alim-Nafic Abdullah-Malik  
Certify I have deposited (1) original Brief in  
the U.S. Mail depository (1) copy of the same to  
respondents via prepaid postage. IN The South Carolina  
Carolina Court of Appeals, 1015 Sumter Street, Columbia  
South Carolina 29201

This 4<sup>th</sup> 4<sup>th</sup> ~~day~~ Month  
Twenty Thousand Fifteenth year

Sincerely,



Alkeem Alim-Nafic Abdullah-Malik  
Appellant Pro-Se

CC: Daniel John Crank, III, Esquire  
For SLDL Respondents, ..

**RECEIVED**

FEB 27 2015

**SC Court of Appeals**