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IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
G. THOMAS COOPER, JR., CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2013-002306

Basil W. Akbar, Appellant,

v.

South Carolina Department of Corrections, Bill Byers, Martha Roof, Debrah Long, Lisia Johnson, Ann and
John Doe, Respondents.

RECORD ON APPEAL

RECORD ON APPEAL

Basil W. Akbar, 065498
LEE County CORR. INST.
990 Wisacky Hwy., Flo. 22-13-S
Bishopville, S.C. 29010

Daniel R. Settsaw, Jr.
Post office Drawer 7217
Columbia, S.C. 29202
(803) 256-4645
Attorney For Respondents

Brandon P. Jones, Esquire

RECEIVED

MAY 03 2014

SC Court of Appeals

INDEX

PAGES

INDEX: 1-2

ORDERS: 3-10

ORDER

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

PLEADINGS:

11-28

- * NOTICE OF MOTION AND MOTION FOR STATUS CONFERENCE (ADMIN. COURT)
- * PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
- * PLAINTIFF'S REQUEST FOR ADMISSIONS
- * PLAINTIFF'S (SECOND) INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
- * PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL
- * PLAINTIFF'S OBJECTIONS/OPPOSITION TO DEFENDANTS' MOTION TO DISMISS/SUBSTITUTE PARTIES; AND MOTION TO DISMISS/STRIKE PUNITIVE DAMAGES; AND MOTION TO AMEND RULE 15(c) SCRPC.
- * PLAINTIFF'S OBJECTIONS TO DEFENDANTS' PROPOSED ORDER
- * PLAINTIFF'S NOTICE OF MOTION, AND RULE MOTION 59(c) SCRPC. (HEARING REQUESTED)

GRIEVANCES:

29-36

LIEBER C.I. #030-94

LEE C.I. #2323-09

LEE C.I. #0813-10

LEE C.I. #1270-10

LEE C.I. #1598-10

REQUEST TO STAFF MEMBER(S):

37-43

- MS. ROOF, FINANCIAL BUSINESS OFFICE (DECEMBER 1, 2008)
- MS. MELTON, LEE C.I. FINANCIAL DEPARTMENT (FEBRUARY 8, 2009)
- MS. LONG & MS. ROOF, FINANCIAL ACCOUNTING DEPT. (JULY 2, 2009)
- MS. MELTON, LEE C.I. BUSINESS OFFICE (APRIL 23, 2010)
- MS. JOHNSON, LEE C.I. GRIEVANCE CLERK (OCTOBER 7, 2010)
- MR. CHRIS FLORIAN, GENERAL COUNSEL (MARCH 4, 2014)
- MR. CHRIS FLORIAN, GENERAL COUNSEL (MARCH 21, 2014)

INDEX

PAGES

AFFIDAVIT:	
NOEL HEBERT (RESPONDENT)	44-45
OTHER EXHIBITS:	
History of Institution Assignments from Sept 9, 71, thru October 1, 99	46-47
South Carolina Budget & Control Board (July 22, 2011)	
Certificate of Appellant	48
Certificate of Service	48

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Basil W. Akbar,)

Plaintiff,)

v.)

South Carolina Department of Corrections,)
et al.,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2013-CP-40-0301

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

2013 DEC 10 AM 11:29
JANETTE H. MOSE
C.C.P. & G.S.

This matter comes before the Court by way of Plaintiff's Motion to Reconsider pursuant to Rule 59(e), SCRCP. Specifically, Plaintiff Basil W. Akbar asks this Court to reconsider its Order filed September 26, 2013 granting Defendants' Motion for Summary Judgment.

After careful consideration of the record in this case and the submissions of the parties, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered. Accordingly, this Court hereby **DENIES** Plaintiff's Motion under to Rule 59(e), SCRCP to Reconsider this Court's Order filed September 26, 2013. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.

IT IS SO ORDERED.

Columbia, South Carolina
December 9, 2013


G. Thomas Cooper, Jr., Judge
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Basil W. Akbar, #310671,)

Plaintiff,)

v.)

South Carolina Department of Corrections,)

Bill Byers, Martha Roof, Debrah Long,)

Lisia Johnson, Ann and John Doe,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C/A No: 2013-CP-40-0301

ORDER

JEANETTE W. McBRIDE
C.C.P. & G.S.

2013 SEP 26 AM 10:36

FILED

This matter came before me on August 7, 2013, for hearings on Defendants' Motion to Dismiss/Strike Punitive Damages; Defendants' Motion to Dismiss and for Summary Judgment; Defendants' Motion for Protective Order and to Stay Discovery; Plaintiff's Motion to File a Supplemental Complaint; Plaintiff's Motion for Appointment of Counsel; and Plaintiff's Motion to Compel. Present at the hearings were *pro se* Plaintiff, Basil W. Akbar, #310671, and counsel for Defendants, Erin Farrell Farthing.

Defendants moved to dismiss, and to strike, Plaintiff's prayer for punitive damages against all Defendants pursuant to Rule 12(b)(6) and 56, SCRCP, and pursuant to the South Carolina Tort Claims Act, S.C. CODE ANN. § 15-78-170(b).

Defendants also moved to dismiss this action and for summary judgment pursuant to Rules 12(b)(1), (2), (4), (5), and (6), and Rule 56, SCRCP, on the grounds of lack of subject matter jurisdiction, lack of jurisdiction over the person, insufficiency of process and insufficiency of service of process, and that the claims fail to state a cause of action upon which relief can be granted. Specifically, Defendants moved to dismiss Plaintiff's Complaint and for summary judgment as Plaintiff failed to state a cause of action and that there is no genuine issue as to any material fact and that the Complaint does not state a claim upon which relief can be granted. Furthermore, Defendants moved to dismiss Plaintiff's Complaint on the grounds that Plaintiff failed to properly serve the Defendants and other necessary parties pursuant to Rule 4, SCRCP. Also, Defendants move to dismiss Plaintiff's Complaint on the grounds Plaintiff improperly named as Defendants individual employees of a governmental entity pursuant to S.C.

CODE ANN. § 15-78-70 and 15-78-200, in that any individually named Defendants must be dismissed from the suit pursuant to S.C. CODE ANN. § 15-78-70(c). Defendants also move to dismiss Plaintiff's Complaint on the grounds that Plaintiff's claims are barred by the applicable statutes of limitations.

Defendants also moved for a protective order and to stay discovery in this case pursuant to Rule 26, SCRPC.

Plaintiff moved to file a supplemental Complaint. Plaintiff also moved for appointment of counsel and moved to compel discovery responses from Defendants.

Having reviewed the materials on file in this case, and the arguments of the parties, the Court finds that (1) Defendants' Motion to Dismiss/Strike Punitive Damages should be granted; (2) Defendants' Motion to Dismiss and for Summary Judgment should be granted; (3) that all other pending Motions should be denied as moot; and (4) Plaintiff's Complaint and this action should be dismissed with prejudice.

APPLICABLE LAW AND FINDINGS OF FACT

Plaintiff, Basil W. Akbar, #310671 ("Plaintiff"), is presently confined to the Lee Correctional Institution of the South Carolina Department of Corrections ("SCDC") pursuant to orders of commitment of the Clerk of Court for Richland County. Plaintiff was convicted of murder September 1971. Plaintiff received a life sentence, but is eligible for parole. Plaintiff was released on parole in or around April 1981. Plaintiff was arrested for a number of drug offenses, and his parole was revoked in 1985. At that time, Plaintiff was returned to the custody of the SCDC, where he has been held since that time, and is currently serving the remainder of his life sentence.

Broadly construed, Plaintiff's Complaint alleges that he was employed in an SCDC Work Release Program from July 1979 through April 1981, and that, during that time weekly deductions were taken for "Mandatory Long Term Escrow Savings Account" and for room and board. Plaintiff contends that, at the time of his release on parole in 1981, the balance of his escrow account was not released.

While Plaintiff was returned to the custody of the SCDC in 1985, Plaintiff apparently did not inquire regarding the funds he alleges he did not receive until October 2008. Plaintiff filed three separate grievances regarding these alleged funds in 2009 and 2010, but each were unprocessed as untimely. Plaintiff appealed the decision from one of these grievances to the

662

South Carolina Administrative Law Court, but his appeal was dismissed by Order dated April 28, 2011 based on Plaintiff's failure to exhaust his administrative remedies. There is no indication that the Plaintiff appealed that decision.

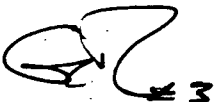
Plaintiff filed the present action on January 16, 2013. Defendants filed a Motion to Dismiss on February 27, 2013, as well as a Motion to Dismiss/Strike Plaintiff's claims for punitive damages under S.C. CODE ANN. § 15-78-120(b). In addition to the Motion to Dismiss, Defendants also filed a Motion for Summary Judgment on all allegations within Plaintiff's Complaint. Defendants contend that Plaintiff failed to file his Complaint within the statutorily prescribed period of time, and therefore should be barred by the applicable statute of limitations, and that Plaintiff has failed to set forth a claim against Defendants upon which relief can be granted.

Under the South Carolina Tort Claims Act, S.C. CODE ANN. § 15-78-10 *et seq.*, a claimant must commence an action for damages within two (2) years after the date the loss was or should have been discovered. S.C. CODE ANN. § 15-78-110. According to the statute, "loss" is defined as "bodily injury, disease, death, or damage to tangible property, **including lost wages and economic loss** to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, but does not include the intentional infliction of emotional harm." S.C. CODE ANN. § 15-78-30(f) (emphasis added).

Under the discovery rule, "the statute of limitations does not run from the date of the negligent act, but from the date when the *injury* resulting from the wrongful conduct either is discovered or *may be* discovered by the exercise of reasonable diligence." *McClain v. Jarrard*, M.D., 354 S.C. 218, 220, 580 S.E. 2d 763, 764 (Ct. App. 2003) (citing *Wilson v. Shannon*, 299 S.C. 512, 513, 386 S.E.2d 257, 258 (Ct. App. 1989)).

The date on which discovery should be made is an objective, not subjective question. *Kreutner v. David*, 320 S.C. 283, 465 S.E.2d 88 (1995). In other words,

whether the particular plaintiff actually knew he had a claim is not the test. Rather, courts must decide whether the circumstances of the case would put a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist.



Young v. South Carolina Dep't of Corr., 333 S.C. 714, 719, 511 S.E.2d 413, 416 (Ct. App. 1999). The fact that the injured party does not comprehend the full extent of his injuries is immaterial. *Dean v. Ruscon Corp.*, 321 S.C. 360, 364, 468 S.E.2d 645, 647 (1996). "The statute of limitations is not tolled during the period of time in which a plaintiff is merely unaware of the extent of an actionable injury." *Young* 333 S.C. at 720, 511 S.E.2d at 416.

In applying this reasonable diligence analysis under the discovery rule, the Court has stated, "an injured party must act with some promptness where facts and circumstances of the injury would put a person of common knowledge and experience on notice that some right of his had been invaded or that some claim against another party might exist." *McClain*, 354 S.C. 218, 580 S.E. 2d 763. The statute of limitations begins to run from this point and not when advice of counsel is sought or a full-blown theory of recovery is developed. *Id.*

In the present case, Plaintiff contends that a portion of the wages he earned from 1979-1981 were withheld by the SCDC in an escrow account. Plaintiff further contends that the funds contained in this account should have been disbursed to him upon his release on parole in 1981, but that they were not. It appears Plaintiff did not file the present lawsuit until January 16, 2013, more than 30 years after any cause of action he may have arising out of his allegations accrued.

Furthermore, while Plaintiff contends that he was only informed "for the first time 'February 9, 2009'" that he did not have a "Work Center" funds account, it appears that Plaintiff has not accounted for why he waited 27 years after he was released on parole, and 23 years after he was placed back into the custody of the SCDC to inquire into these funds. Also, it appears that Plaintiff did not file the present lawsuit until almost four years after he was informed that he did not have a "Work Center" funds account.

Therefore, this Court finds that any cause of action Plaintiff might have had, based on the allegations set forth in his Complaint, arose more than two years prior to the commencement of the lawsuit. Therefore, this Court finds that Plaintiff's claims are barred by the applicable statute of limitations.

Additionally, this Court finds that Plaintiff's legal basis for his belief that a portion of his wages from 1979 through 1981 was withheld and maintained in an escrow account to be distributed to him on his release appears to be S.C. CODE ANN. § 24-3-40. Section 24-3-40 dictates the disposition of wages of prisoners allowed to work at paid employment. Specifically, § 24-3-40(A) as currently written sets forth that the wages are to be paid directly to the Director

GR 4

of the SCDC, who shall make certain deductions from the prisoner's gross wages, including restitution, victim assistance programs, child support, etc. Section 24-3-40(5) as currently written provides that "[t]en percent must be held in an interest bearing escrow account for the benefit of the prisoner." Section 24-3-40(B), as currently written sets forth how the funds maintained in a prisoner's escrow is to be returned to the prisoner.

It appears Plaintiff has provided no evidence that the above provision, or any similar law, was in effect at the time Plaintiff allegedly earned his wages in 1979 to 1981. Further, the version of § 24-3-40 enacted in 1994 did not include any provision regarding withholding any amount of a prisoner's wages for an escrow account. The 1994 version provided that:

Unless otherwise provided by law, the employer of a prisoner authorized to work at paid employment in the community under Sections 24-3-20 to 24-3-50 or in a prison industry program provided under Article 3 of this chapter shall pay the prisoner's wages directly to the Department of Corrections. The Director of the Department of Corrections shall withhold five percent of the gross wages and promptly place these funds on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the 'Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404'. The director may withhold from the wages costs incident to the prisoner's confinement as the Department of Corrections considers appropriate and reasonable. These withholdings must be deposited to the maintenance account of the Department of Corrections. The balance of the wages, in the discretion of the director and in proportions determined by the director, may be disbursed to the prisoner, the prisoner's dependents, and the victim of the crime or deposited to the credit of the prisoner. No prisoner who participates in a project designated by the Director of the Bureau of Justice Assistance pursuant to Public Law 90-351 is eligible for unemployment compensation upon termination from the program.¹

Therefore, it appears there was not any statutory requirement for SCDC to make such withholding.

This Court also finds that Plaintiff has failed to establish that Defendants, or any other employees of the SCDC, withheld or misappropriated any of Plaintiff's wages. Therefore, the Court finds that Plaintiff's claims should be dismissed.

Additionally, this Court finds that the individual Defendants should be dismissed from the case pursuant to the provisions of the South Carolina Tort Claims Act. Under S.C. CODE ANN. §§ 15-78-70 and 200, all individually named defendants must be dismissed from this suit

¹ The version of § 24-3-40 enacted in 1996 also did not include any requirement that any portion of a prisoner's wages be withheld in an escrow account. It appears that the first version of § 24-3-40 to include a requirement that a portion of a prisoner's wages be withheld in an escrow account was in the version enacted in 1999.

6625

and the agency substituted in their place for all actions taken by defendants "while acting within the scope of the employee's official duty." *Faile v. South Carolina Dep't. of Juvenile Justice*, 566 S.E.2d 536 (2002).

Upon review of Plaintiff's Complaint, this Court finds that the present action is brought pursuant to the South Carolina Tort Claims Act, S.C. CODE ANN. § 15-78-10, *et seq.* This Court further finds that the individually named Defendants in the present action were acting as agents and employees of the SCDC at all times relevant herein, and therefore, the proper entity to defend this matter is the SCDC pursuant to S.C. CODE ANN. § 15-78-70(c). Therefore, this Court finds the appropriate party defendant to this action is the SCDC, and that Defendants Bill Byers, Martha Roof, Debrah Long, Lisia Johnson, and Ann and John Doe should be dismissed from this case.

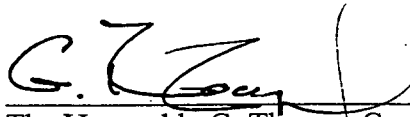
As to Defendants' Motion to Dismiss/Strike Punitive Damages, Defendants argue that the any claim of Plaintiff for punitive damages is barred by S.C. CODE ANN. §15-78-120(b). S.C. CODE ANN. §15-78-120(b) provides that, "[n]o award for damages under this Chapter shall include punitive or exemplary damages or interest prior to judgment." Upon review of Plaintiff's Complaint, this Court finds that the present action is brought pursuant to the South Carolina Tort Claims Act, S.C. CODE ANN. § 15-78-10, *et seq.* Therefore, as a matter of law, this Court finds that the Plaintiff's claim for punitive damages must be dismissed.

NOW, THEREFORE, IT IS ORDERED:

1. Defendants' Motion to Dismiss and for Summary Judgment is granted;
2. All requests or prayers for damages are dismissed and stricken from Plaintiff's Complaint;
3. Plaintiff's Complaint fails to state a cause of action against all Defendants upon which relief can be granted and fails to state facts sufficient to constitute a cause of action;
4. This action is dismissed with prejudice; and
5. All other pending Motions are denied as moot, including Plaintiff's Motion to file a Supplemental Complaint, Motion to Compel, and Motion for Appointment of Counsel, as well as Defendants' Motion for Protective Order and to Stay Discovery.

GZ 6

AND IT IS SO ORDERED.


The Honorable G. Thomas Cooper, Jr.
Presiding Circuit Judge
Fifth Judicial Circuit

Cause No. 12-012, South Carolina
9-26, 2013

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Basil W. Akbar, 065498)
Appellant,)
)
Vs.)
South Carolina Department)
Of Corrections,)
Respondent)

Docket No. 10-ALJ-04-1104-IJ
(Grievance No. LCI-1598-10)

NOTICE OF MOTION AND MOTION
FOR STATUS CONFERENCE

TO: MICHAEL LAUBSHIRE ATTORNEY FOR RESPONDENT(S):

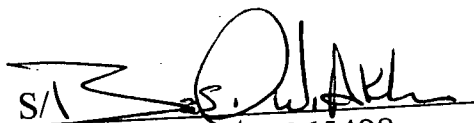
YOU WILL PLEASE TAKE NOTICE, that the Appellant, Pro Se, will move the court for a status conference pursuant to the grounds set fourth in this motion. Said Motion will be heard within ten (10) days or at such time and place as may be set by the Administrative Law Court, of which you will be notified.

The Appellant moves for a status conference pursuant to Rule 16 (e) of the South Carolina rules of Civil Procedure on the following grounds:

1. Status of Respondent's Default to Reference grievance in caption.
2. Status of Appellant's Discovery Motion.
3. Fact finding procedure was inadequate, and record is incomplete.
4. The Appellant has clear and convincing evidence that disprove facts presented by the Respondent.
5. The Respondent cannot move for dismissal while in default.
6. In light of the unique posture of this case, Appellant Request a status conference with this Honorable Court to establish how this case is going to proceed forward.

This Motion is supported by the pleadings on file with the Court and the South Carolina Rules of Civil Procedure.

Bishopville, S.C.
Date March 16, 2011


S/ Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy, Ric.C-119
Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,
Plaintiff,

CASE NO. 2013-CP-40-0301

VS.

PLAINTIFF'S INTERROGATORIES, AND
REQUEST FOR PRODUCTION OF DOCUMENTS

South Carolina Department of
Corrections; William B. Byars,
Defendants,

TO: DEFENDANTS' AND COUNSEL OF RECORD:

Plaintiff Basil W. Akbar, hereby Request that the Defendant answer the following Interrogatories, and Production of Documents, pursuant to Rule 33 and 34, S.C.R.C.P., the Plaintiff hereby Request Defendants and their attorney to Respond within thirty (30) days to the following Request, and undersigned Plaintiff.

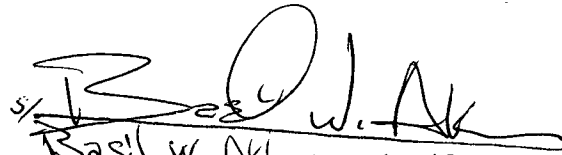
1. On July 18, 1979 thru April 8, 1981, the Plaintiff were authorized to participate in Community Work Release Programs by the South Carolina Department of Corrections (SCDC) Director to work at paid employment, if so, produce copy of the then promulgated policies and Regulations used to administer the programs.

2. Provide Complete copy of any and all SCDC's Financial Accounting Branch Business Office Records Relating to the Plaintiff Basil W. Akbar's [*065498] Work Release Paid Employment Programs, Archives Records Reduced to Micro-Fiche Record, or stored electronically for examination, audit and inspection to include but not limited to:

- a. any and all SCDC's Accountence deductions from gross wages.
- b. authorized percentage(s) of funds held from each pay check.
- c. total amount of wages held in long term saving interest bearing escrow account #065498.
- d. history of interest drawn on Work Release Escrow Account #065498
- e. Complete history of status, balance of account, and dates of any withdrawal from account #065498.

3. Copy of the SCDC's Lee County West Yard Prison Industries Inmate Agreement, ENTERED / signed by the Plaintiff September 3, 2008,
4. Copy of General Operating Procedures for Lee C.I. West Yard Prison Industries.
5. Complete Copy of Plaintiff's Lee County [2008] Prison Industries work production and Evaluation Reports.
6. Complete Copy of any and all Incident Reports, Investigation Reports, and EWC write-up, Regarding the Plaintiff's termination from Lee County Prison Industries Rehabilitation Work Program.
7. Names and SCDC Numbers of the SIX (6) West Yard Prison Industries Inmate workers terminated on or about March 14, 2009, upon ORDER of Larry Clutter that included Plaintiff.
8. Complete Copy of any and all evidence Relied upon that the Officials believes constituted Plaintiff's termination, and
9. Complete Copy of any and all evidence Relied upon that include witness statements and/or Reports in support of termination.
10. Current mailing address of propose Defendants, Leon Disintainer former SCDC's Prison Industries Operation Manager; Larry Clutter former Lee C.I. Prison Industries Supervisor; and former Lee C.I. Warden Anthony Padub.
11. Has SCDC allowed Inmates while incarcerated to make withdrawal from their Long Term Savings Account? If so, when, and what circumstances.
12. Provide Copy of CRITERIA, Policy, Related Directive, and application for withdrawal from Long Term Savings by incarcerated inmates.

Date: February 14, 2013


 Basil W. AKBAR, 065498
 Lee County CORR. INST.
 990 Wisacky Hwy. KER. 2234-N
 Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar, 065498
Plaintiff,

CASE NO. 2013-CP-40-0301

VS.

South Carolina Department of
Corrections; Bill Byars,
et al.

Defendant(s),

PLAINTIFF'S REQUEST FOR ADMISSIONS

TO: DEFENDANTS / COUNSEL OF RECORDS:

YOU ARE HEREBY REQUIRED, pursuant to Rule 36, SCRCV PROC., to admit or deny the truth of the following statements, in writing, under oath, and to file and serve a copy of your responses upon Basil W. Akbar, Lee County Corr. Inst., 990 Wisacky Highway, KER. 2224-N, Bishopville S.C. 29010, within thirty (30) days of service thereof. You are hereby notified that the Plaintiff intends to rely upon the provisions of Rule 36(b), SCRCV, and in the event you fail to make the admissions requested, the Plaintiff shall file an application for expenses incurred in making proof of the matters regarding admissions requested.

1. Admit that between July 1979 thru April 1981, Basil W. Akbar, #065498 (hereinafter, Akbar), was assigned to SCDC's WORK RELEASE Programs and Employed at Owen Electric and Steel Co.; and weekly deductions were taken for "Mandatory Long Term Escrow Savings Account."
2. Admit that balance of Escrow Account was not released, or transferred to Akbar's general account on April 8, 1981 date of release on provisional parole.
3. Admit that on October 22, 2008, Akbar initiated correspondent with SCDC's Financial Business Office [MS. M. Roof], and forward a second request December 1, 2008, and on June 18, 2009 request was answered with unrelated set of facts by Ms. D. Long.
4. Admit that on July 3, 2009, Akbar forwarded a third request via certified mail to [D. Long & M. Roof], pursuant to S.C. code §30-40-10 et seq., and has not been responded to.
5. Admit that on August 17, 2009, Akbar filed a step 1 grievance, and returned unprocess by L. Johnson, citing SCDC Policy GR-01.12, "You have 15 days from the date of the alleged incident to file a grievance on this issue."

6. Admit that on March 17, 2010 Akbar filed a second Step 1 Grievance, Returned UNPROCESS, and IGC L. Johnson recommended that Akbar submit Request to MS. Melton Lee C.J. Business Office, and

7. Admit that Akbar was informed for the first, that he do not have an account for Work Release Center funds... as a result filed a third grievance on April 29, 2010, and Returned UNPROCESS.

8. Admit that on June 2, 2010, Akbar filed grievance No. Lee C.J. 1598-10, concerning the IGC L. Johnson impeding access to utilize grievance system in instant matter.

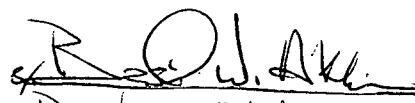
9. Admit that grievance No. Lee C.J. 1598-10, Agency's final response was rendered, and returned for Grievant's signature until April 20, 2011.

10. Admit that SCDC's Grievance Policy GA-01.12, mandate that Grievance be processed within 180 days.

11. Admit that Akbar has a statutory liberty interest Right to property [money] in SCDC's Escrow Account, protected by Due Process Rights.

12. Admit that Akbar never closed his Work Release Escrow Account, and was never served with notice of alleged closure, or status of account... and that Work Release Long Term Savings was deposited into a interest bearing account pursuant.

Date: March 11, 2013


Basil W. Akbar, 068498
Lee County Corr Inst
990 Wissachy Hwy, Flo, 2213-S
Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar,
Plaintiff.

Case No. 2013-CP-40-0301

VS.

SECOND:

South Carolina Department of
Corrections; Bill Byars,
et al.

PLAINTIFF'S INTERROGATORIES, AND
REQUEST FOR PRODUCTION OF DOCUMENTS

Defendants.

TO: DEFENDANTS / COUNSEL OF RECORDS:

Plaintiff Basil W. Akbar, hereby request that Defendant(s) answer the following Interrogatories, and Production of Documents pursuant to Rule 33 and 34, SCRPC, Plaintiff hereby request Defendant(s) / Counsel respond within 30 days, at undersigned Plaintiff.

1. Names and address of SCDC's Financial Branch Accountant Manager(s) between 1979 thru 2008, responsible for overseeing Work Release Escrow Accounts.

2. Complete copy of SCDC's Policy ADM-15.12, and Related Regulations / Memorandum in effect between 1979 thru 1981.

3. Complete copy of duty and description of Inmate Grievance Clerk; and Administrative Grievance Coordinator.

4. Complete copy of SCDC's Grievance Policy GA-01.12.

5. Is there a written SCDC Policy that require procedural time limit / allotted time to exhaust "Preliminary Informal Resolution"; if so, produce complete copy of directive.

6. State concisely with specificity what event; explanation, and Justification marks the time of alleged incident relied on that justify Agency posture; and produce documented evidence.

Date: March 11, 2013


Basil W. Akbar

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Basil W. Akbar, #065498,
Plaintiff,

C/A No.: 2013-CP-40-0301

vs.

South Carolina Department of
Corrections, William B. Byers,
et al.

Defendants,

PLAINTIFF'S OBJECTIONS/OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS/SUBSTITUTE
PARTIES; AND MOTION TO DISMISS / STRIKE
PUNITIVE DAMAGES; AND, PLAINTIFF'S MOTION
TO AMEND RULE 15 (a), SCRCJ. PROC.

TO: THE HONORABLE JAMES R. BARBER, III, CHIEF ADMINISTRATIVE JUDGE.

The Plaintiff Basil W. Akbar, Pro Se, [hereinafter "Akbar"], object to Defendants' Counsel of Records Motions [Rule 12(b)(1),(2),(4),(5),(6); 56, and Rule 4, SCRCJ] and asserts therein, Ask that this Honorable Court deny their Motions as improper; and Akbar seeks Leave of Court to Amend Pleadings pursuant to Rule 15 (a), SCRCJ, Now submits as follows:

I.

OBJECTIONS AND OPPOSITION

As to Defendants' contentions that: (1) Fail to state a cause of action, (2) Fail to properly serve Defendants/ Necessary Parties, (3) improperly named as defendants employees of entity, (4) Fail to establish prerequisites for inductive Relief, (5) Claims are barred by the applicable statute of limitation; and (6) Dismiss/strike punitive damages. Akbar present objections/oppositions as enumerated above.

1. Akbar submits that he outlined a PRIMA FACIE case sufficient on its face, supported by at least the requisite minimum of evidence and facts that has occurred and circumstance that exist, to be determine by applicable State Law, Rules, Regulations, and Case Law, such that the Court may take Judicial Notice of its Common Knowledge that "a person's personal account should be made transparent to named bearer upon reasonable Request." Denial of that Right demand Judicial attention, and give rise to this Right of action...and legal Rights to sue...and entitling case to go Jury Trial. Rule 12(b)(6)/56 Motion is not appropriate if the facts alleged and the inference reasonably deducible from the pleadings would entitle Akbar to Relief on any theory of the case. Stiles v. Onorato, 457 S.E.2d 601; Brown v. Leverette, 353 S.E.2d 692.

2. Akbar submits that all Defendants named in caption has been properly served by law, to include the Office of Attorney General.

3. Akbar submits that pursuant to South Carolina Code Ann. § 24-1-220 REQUIRES that Suit be brought in name of Director; and where PERSON(S) named as NECESSARY defendant(s) in suit are subject to SERVICE of PROCESS. Subject Matter Jurisdiction is the power of the court to hear and determine cases of a general case to which the proceedings belong, and to be determined by law where State and Federal Constitutional Rights has been violated. City of Camden v. Brassell, 485 SE2d 371.

4. Akbar submits that the Defendants were placed on notice initially with respect to INJUNCTIVE Relief, begun with grievance process, and herein by Reference pursuant to Rule 15(a).

5. Akbar submits that the Defendants are in gross default, and seeks to exploit the exhaustion requirement, where Prison is REQUIRED/mandated to process grievance within fixed time limit, and issue Final Agency Decision which they fail to do pursuant to SCDC Policy GA-01.12, Quote: "Under no circumstances will the grievance process exceed 180 days. MOREOVER, the Defendants are Estopped from Raising Non-exhaustion as a affirmative defense where Prison officials inhibited Akbar's ability to utilized grievance procedures,

6. Akbar submits that he seeks Punitive Damages pursuant to S.C. Code Ann. § 15-33-135 (2005), and South Carolina Fairness in Civil Justice Act, Not S.C. Code § 5-78-120 (b) as Defendants contends. Punitive Damages can be awarded where the Plaintiff proves by clear and convincing evidence the Defendants' conduct was willful, wanton, or RECKLESS DISREGARD of the Plaintiff's Rights, Taylor v. Medenica, 479 SE2d 35, 46; Lister v. Delaware, 494 SE2d 449; and Welch v. Epstein, 536 SE2d 408.

II.

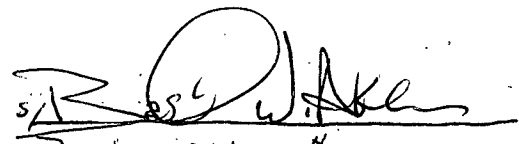
RULE 15(a), MOTION TO AMEND

Pursuant to Rule 15(a), SCRPC, Akbar seeks Leave of Court to amend pleadings, words and statutory... striking from pleadings "South Carolina Tort Claims Act, §§ 15-78-170," at relevant parts and replace with "... South Carolina Common Law / Duty of Care owed, Breach of Trust / Breach of Fiduciary Duty, South Carolina Fairness in Civil Justice Act, Rules, Regulations and Laws, with Regards to Jurisdiction seeking monetary Relief.

AKBAR alleges / attempt to alleged the following cause of action in Complaint and herein INCORPORATE as if VERBATIM VERBATIM amendment / clarification.

1. GROSS NEGLIGENCE and NEGLIGENCE PER SE. against SCDC for failure to train and supervise employees and negligent retention and hiring.
2. GROSS NEGLIGENCE and NEGLIGENCE PER SE for failure to MAKE WORK Release Programs ESCROW Account transparent to owner
3. BREACH of TRUST and BREACH of FIDUCIARY DUTY
4. OBSTRUCTION of JUSTICE ... and INTERFERING / SUPERSEDING cause
5. MALFEASANCE ... wrongful act; denying due process, which the actors has no legal right to do.
6. NUISANCE PER SE ... acts illegal by law ... when perpetration of them invades rights of others
7. WILLFUL, WANTON, and RECKLESS DISREGARD of AKBAR's rights

Date: March 11, 2013

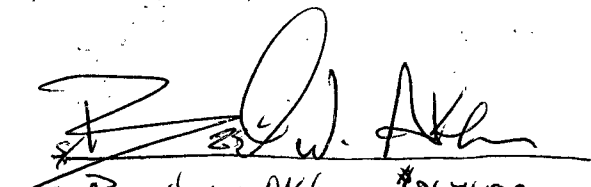

Basil W. Akbar, #065498
Lee County Corr. Inst.

CERTIFICATE OF SERVICE

I, Basil W. Akbar hereby certify that copy of. Plaintiff's Objection and Opposition to Defendants Motions to Dismiss / substitute Parties; and Motion to Dismiss / Strike Punitive Damages; And, Plaintiff's Motion to Amend Rule 15(a), SCRC, was served on Defendant's Counsel of Record by prepaid first class mail, and addressed to:

ERIN FARRELL FARTHING, ESQ.
1303 Blanding Street
P.O. BOX 7217
Columbia, S.C. 29202

Date: March 11, 2013


Basil W. Akbar, #065498
Lee County Corr. Inst.
990 Wiscoky Highway, KER 224-N
Bishopville, SC 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Basim W. Akbar, 065498
Plaintiff,

C/A NO. 2013-CP-40-0301

vs.

PLAINTIFF'S NOTICE OF MOTION,
AND MOTION TO COMPEL

South Carolina Department of
Corrections; Bill Byars; et al.,
Defendants,

TO: ERIN F. FARTHING, ATTORNEY FOR DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE, that the Plaintiff will move before the Richland County Court of Common Pleas, on the fourth (4) days after service hereof at 10:00 a.m.; OR as soon thereafter as motion may be heard for an ORDER compelling the Defendants to answer Plaintiff's Interrogatories; Production of Documents; and Admissions.

NOW COMES, the Plaintiff who respectfully moves the Court for Order pursuant to Rule 37 S.C.R.P., compelling the Defendants to answer the Plaintiff's Interrogatories; Production of Documents; and Admissions. In Support thereof the Plaintiff would show the Court:

This Motion is made on the grounds that the Defendants has been uncooperative, and fail to comply with Rules 33, 34, and 36, S.C.R.P. The Defendants has failed to answer the Plaintiff's Discovery, within thirty (30) days after service, impeding the Plaintiff's opportunity to amend his Complaint.

Plaintiff avers that he needs discovery to defend against Defendant's Motion for Dismissal/ Summary Judgment, and further submits that Discovery Request is Relevant Evidence, and Defendants would not be prejudiced, nor would security be compromised.

Plaintiff avers that there are numerous allegations alleged against Defendants, and that genuine issues of material facts in dispute exist, and he is impaired in his ability to prepare for hearing because he does not

have all necessary documents to complete the Record, and thereof cannot adequately prepare accordingly, or fully and fairly present his case.

WHEREFORE, the Plaintiff's prayer is that Motion be granted, and any other Relief fair and Just.

Date: July 3, 2013


Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy., Flo. 2213-S
Bishopville, S.C. 29010

CERTIFICATE OF SERVICE

I, Basil W. Akbar, hereby certify that I have served a copy of the foregoing upon Defendant's Counsel of Records, by United States Postal Services, postage prepaid at:

Erin F. Farthing, Attorney
1303 Blanding Street
P.O. Drawer 7217
Columbia, S.C. 29202

Date: July 3, 2013


Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy., Flo. 2213-S
Bishopville, S.C. 29010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. AKBER, 065498
Plaintiff,

vs.

South Carolina Department of
Corrections; Bill Byers; et al.,
Defendants,

C/A NO. 2013-CP-40-0301

PLAINTIFF'S OBJECTIONS TO
DEFENDANTS' PROPOSED ORDER

TO: THE HONORABLE G. THOMAS COOPER, JR. JUDGE:

The Plaintiff's Objects to Defendants' Proposed Order, and submits as follows:

I.

CAUSE OF ACTION, AND DUE PROCESS

The Plaintiff contends that Defendants refused to make his work Release Escrow Account transparent / as punishment; deprived Plaintiff of grieving mistake in account; and Defendants fail to investigate, or correct mistake, and balance of his escrow account was not Release. Denial of those rights demands Judicial attention, and gives rise to this Right of action and legal Right to sue, and entitling case to go to Jury Trial, on claim of Due Process Violation.

II.

JURISDICTION / CAUSE FOR ACTION

[Any action brought under the South Carolina Tort Claim Act, in the Circuit Court which the act or omission occurred is proper pursuant to §15-78-100 (b). Jurisdiction are furthered found under S.C. Code Ann. §§15-78-60(25), 15-78-70 (b), 15-78-80 (d), 15-78-100(c), 15-78-110; and under Title 24 of 1976 S.C. Codes of Law (1979 thru 1981), and §24-1-220; §15-33-135 (2005); Rule 15(b), and 56(f), SCRPC; Dove v. Gold Kist Inc., 442 SE2 598 (1994).

III

JUDICIAL NOTICE

The Court Respectfully should take Judicial Notice that the Records

Before this Court reflect at all times relevant the Plaintiff was still in legal custody of SCDC, SEE, SANDERS V. McDOUGAL, 135 S.E2d 836 (1964). The Fourth Circuit held that in custody does not refer just to physical confinement, but also to parole served as part of a sentence, Wilson v. Flaherty, 689 F.3d 332 (4th Cir. 2012); JONES V. CUNNINGHAM, 317 US 236, 83 S.Ct. 373.

February 9, 2009, the Plaintiff was informed for first time that he did not have a WORK PROGRAM LONG TERM ESCROW SAVING ACCOUNT. The Court must also take Judicial Notice that Defendants are in Gross Default, by failing to perform ministerial duties and failing to keep within time restraints to process Grievance, and exceeded the power conferred upon Agency by clearly established authority in SCDC's Policy GA-01.12, Harrah v. McGinnis, 271 S.E2d 222; Underwood v. Wilson, 151 F.3d 292 (5th Cir.); Abney v. McGinnis, 380 F.3d 663, 667 (2004).

IV.

MOTION TO COMPEL RULE 37; AND RULE 15 (b), SCRPC.

The Court should observe that Plaintiff has appropriately / diligently pursued to develop the facts that undermine the Defendants' defenses. However, this Court has fail to address his Discovery Request / Motion to Compel [Emphasis added], Defendants / SCDC knowingly failed to turn-over [material and impeachment] exculpatory evidence, needed to defend against Defendants' Motion for Dismissal / Summary Judgment... Not only is the information relevant to the subject matter involved in this case... it is the subject matter of the case itself, [Emphasis added]. Furthermore, failed disclosure impeded Plaintiff's opportunity to amend complaint pursuant to Rule 15(b) SCRPC, resulted in undue prejudice / cause.

The non-disclosure / suppression of information or evidence favorable to Plaintiff violates his due process rights when evidence is material, Brady v. Maryland, 373 US 83 (1963); United States v. Bagley, 473 US 667 (1985); State v. Bryant, 415 S.E2d 806.

MOREOVER, the Court / Defendants cannot suppress discovery, and then argue Plaintiff fail to prove... or provide evidence in support, when inhibiting Plaintiff's ability to utilize discovery process, Abney v. McGinnis, 380 F.3d 663, 667; James v. Davis, 2006 WL 2171082.

V.

DEFENDANTS' AFFIDAVITS DOES NOT SUPPORT SUMMARY JUDGMENT

Affidavits has no relevant, and does not add any new facts not already provided by the Plaintiff; Affiants are not parties connected to issue being decided, and made in bad faith, Rule 56 (g), SCRPC, to delay relief, SEE, AFFIANTS [Janice Kenealy, and Noel Hebert] Affidavits at pertinent part:

* JANICE KENEALY: SCDC RECORD SUMMARY REPORT, dated 03/12/13, Reflecting Plaintiff's assigned facility 6/26/79 [Employment Program, and Work Release Program] through 4/8/81.

* NOE HEBERT: Accounting Manager, confirm Plaintiff was employed in an SCDC WORK Release Program when Released. Quote, "In fact, Inmate AKBAR does not have a WORK CENTER account with the SCDC, and has not had one SINCE at least 1994."

Affiants' Affidavits corroborate / substantiate much of the Plaintiff's Claims. The Court should take Judicial Notice that Defendants' Affidavits and Affirmative Defense in support of their Summary Judgment is inconsistent and Flawed.

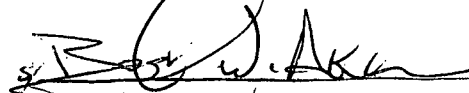
VI

MOTION FOR DISMISSAL / SUMMARY JUDGMENT NOT APPROPRIATE

A plain Reading of Plaintiff's Complaint demonstrate that his Work Release Long Term Saving Account [Money] is being wrongfully withheld in an unlawful and unconstitutional manner. Summary Judgment is not appropriate where further inquiry into the facts of the case is necessary to clarify the application of the Law, Middleborough Horizontal v. Montedison, 465 SEd2d 765, 320 SC 470.

Rule 12(b)(6), and 56, SCRPC, Motion is not appropriate if the facts alleged and the inference reasonably deducible from the pleadings would entitle him to relief on any theory of the case, Stiles v. Onorato, 457 SEd2d 605; Brown v. LeVertte, 353 SEd2d 697. Summary Judgment should not be granted even when there is no dispute as to evidentiary facts, if there is a dispute as to the conclusion to be drawn therefrom. MacFarlane v. Manly, 274 SC 392, 264 SEd2d 838 (1990). For said reasons Motion to Dismiss; and Summary Judgment is not appropriate, and Discovery Order is warranted for further proceedings.

Date: September 30, 2013


Basil W. AKBAR, 065498
Lee County Corr. Inst.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Basil W. Akbar, 068498
Plaintiff,

C/A NO. 2013-CP-40-0301

vs.

South Carolina Department of
Corrections; Bill Byers; et al.
Defendants,

PLAINTIFF'S NOTICE OF MOTION,
AND RULE MOTION 59(c), S.C.R.P.
(Hearing Requested)

TO: THE HONORABLE G. THOMAS COOPER, JR. JUDGE:

PLEASE TAKE NOTICE, that Plaintiff Pro Se, will move before the Honorable G. Thomas Cooper, to alter or amend the Judgment entered September 26, 2013. A Copy of the Order of Dismissal was received by the Plaintiff on October 8, 2013.

Come now, the Plaintiff submits the following grounds in support of his Motion to Alter or Amend the Judgment Rule 59(c), S.C.R.P.,

I.

JUDICIAL NOTICE

This Honorable Court should take Notice of certain facts that are capable of being known to a veritable certainty by consulting sources of indisputable accuracy, to admit as proved, such facts and laws of common knowledge to a Judicial Professional, where:

1. The Court Respectfully oversighted that at all times relevant the Plaintiff was still in legal custody of the South Carolina Department of Corrections (SCDC), SEE: Sanders v. Mac Doughty, 135 S.E.2d 836; Wilson v. Flaherty, 689 F.3d 332 (4th Cir. 2012); Jones v. Cunningham, 835 S.C. 373.

2. The Record before the Court clearly established that Plaintiff were assigned to the SCDC Work Release Program pursuant to S.C. CODES 1976 Title 24, From 1979 thru 1981.

3. February 9, 2009, the Plaintiff was informed for first time that he did not have a standing Work Release Long Term Escrow Savings account, and did promptly / timely exhaust all available remedies, SEE RECORDS.

4. Defendants stands in gross default, and complete bar where Estoppel creates an inhibition, or inability to assert an affirmative defense / motion to Dismiss while in default, when defendants exceeded power conferred upon Agency to respond by clearly establish authority in SCDC's Policy GA-01.12; HARRAH V. MCGINNIS, 271 S.E2d 222; Abney V. MCGINNIS, 380 F.3d 663, 667 (2004); — V —, 303 A2d 139, 140 (cut short their right to legal dispute.

5. Defendant's Agent Noel Heberd's Affidavit introduced into Record by defense, Reference that Plaintiff had a work center account with the SCDC, and has not had one since at least 1994.

6. Under Rule 12(b)(6) SCRPC. Motion will not be sustained if the facts alleged, and the inferences reasonably deductible from the pleadings would entitled him to relief on any theory of the case, Stiles V. Onorato, 457 S.E2d 601; BROWN V. LEVERETTE, 333 S.E2d 697.

7. The denial of discovery process prescribed under South Carolina Rule of Civil Procedures, to disclose important facts and documents (exculpatory evidence) withheld by the defense, needed to prevail against defense Motion to Dismiss, and Summary Judgment. Non-disclosure / suppression of information, or exculpatory evidence favorable to Plaintiff and material, would a complete egregious miscarriage of Justice; denial of due process, and denial of equal protection of law, being that discovery material not only refute the defense argument, but is the subject matter of the Plaintiff's case, and further deny him opportunity to amend complaint pursuant to Rule 15(b) SCRPC.

MOREOVER, the court cannot fairly order non-disclosure, and then Rule that Plaintiff failed to establish that Defendant or other employees of the SCDC withheld, or misappropriated any of Plaintiff wages. The Plaintiff must be allowed to present proof of allegations into Agency's Work Release files between 1979 thru 1981, not shown in Records before the court in support of his tort claims.

II.

JURISDICTION

Jurisdiction is found under SC codes §15-78-100(b),(c); within the three years of the date (February 9, 2009) the loss was, or should have been discovered pursuant to SC Code §15-78-60(23), and §15-78-70(b), and Tort Act upon Constitutional grounds.

III.

JUSTICE REQUIRE THAT ORDER BE REVERSE

The Plaintiff submits that "Proposed Order" signed by this court Respectfully oversights threshold matters, and misconstrued the facts in his complaint; fail to address genuine issues of material facts, and would further make review by the Appellate Court more difficult if this court fail to develop the record, where order fail to set forth the required findings of facts pursuant to Noisette v. Ismail, 304 SC 56, 403 S.E.2d 122 (1991). The Plaintiff seeks that the court take a second look at the issues, and address issues oversights that he may obtain a ruling, and written order.

ISSUES

1. Did SCDC violate Plaintiff's 1st, 4th, 8th and 14th Amendments Rights by depriving him of access to, and failing to make 'Work Release Escrow Account' transparent to him as a punishment?
2. Did SCDC's entity, and Lee County Institution Guidance clerks' impede Plaintiff's Right to grieve civil right and civil liberty complaint violations; and access to the court regarding financial mistake in his E.H. Cooper Work Release Escrow Account?
3. Did SCDC's conduct violate Plaintiff's Due Process Rights by closing his account, void notice; and fraudulently appropriated his Work Release Long Term Escrow Savings Account?

4. Did SOCE's conduct constitute "Default and Reprisal" where PRISON officials failed to process grievance(s) within fix time at each stage, and Safeguard against Reprisal?

THEREFORE, based upon the foregoing the Plaintiff's prayer is that this Honorable Court, after and amend, or RESCIND its order, grant Plaintiff's Motion to Compel Discovery; Squarely address his claims after completion of Discovery, and grant Relief appropriately;

Date: October 15, 2013


Basil W. Akbar, 065498
Lee County Cor. Inst.
990 Wisacky Hwy, Fl. 2213-S
Bishopville, S.C. 29010

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
COASTAL CORRECTIONAL REGION

April 29, 1994

Mr. Basil Akbar
SCDC #65498
Lieber Correctional Institution

RE: GRIEVANCE #LCI-030-94

Dear Mr. Akbar:

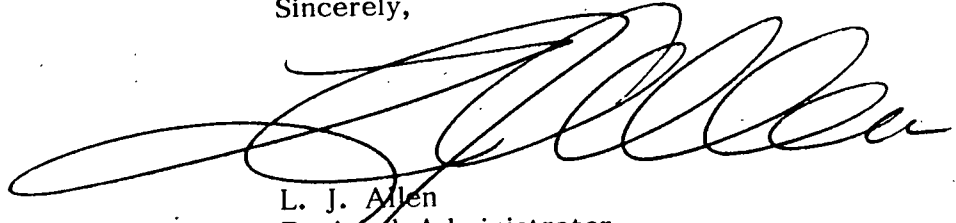
Due to an excessive workload, your complaint could not be addressed within the required time frame; therefore, a delayed response is submitted.

This letter is in response to the above referenced grievance filed against the Lieber Correctional Institution's operation procedures. You state upon your arrival to the Lieber Reception and Evaluation Center from the Broad River Correctional Institution, your personal property was inventoried by Sergeant Sosa. You state that several items you purchased from the State Canteen at the Broad River Correctional Institution were confiscated as contraband and have not been returned to your possession. In an effort to resolve this matter, you are requesting reimbursement for your missing property.

The items in question are considered contraband in the Lieber Correctional Institution's Maximum Security area; however, the items should not have been disposed of. Therefore, a memorandum requesting approval for reimbursement has been forwarded to Ms. Suzanne Reich, Chief, Financial Accounting Branch.

I trust I have adequately addressed your concern and consider this matter resolved. If you wish to pursue this matter, you must confer with the Inmate Grievance Clerk within three (3) days upon receipt of my response to you.

Sincerely,



L. J. Allen
Regional Administrator

LJA/dmr

cc: Ombudsman Branch
Mr. Benjamin Montgomery, Warden, Allendale Correctional Institution
Grievance Staff Coordinator File: #LCI-030-94
CCRO File



south carolina department of corrections

P.O. BOX 21787/4444 BROAD RIVER ROAD/COLUMBIA, SOUTH CAROLINA 29221-1787
TELEPHONE (803) 896-8555
PARKER EVATT, Commissioner

July 1, 1994

Mr. Basil Akbar
SCDC No. 65498
Lieber Correctional Institution

Re: Grievance No. LCI-030-94

Dear Mr. Akbar:

This is to inform you that the Inmates' Personal Property Review Committee met on June 27, 1994, and reached a decision regarding your personal property reimbursement claim.

The Committee recommended that you be reimbursed \$7.00 for your confiscated items. I concur with the Committee's decision. Therefore, by copy of this letter, I am requesting that Warden Montgomery implement reimbursement procedures in accordance with SCDC Policy No. 1500.30, Inmates' Personal Property, Page 2.

Sincerely,

William D. Catoe

William D. Catoe
Deputy Director for Operations

WDC:dh

cc: Mr. Blake E. Taylor, Jr.
Mr. L. J. Allen
Mr. Benjamin Montgomery (for necessary action)
Ms. Susanne Reich, Financial Accounting
Mr. Stacy L. Ford, Grievance Clerk, Lieber

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Basil W. Akbar
SCDC NUMBER: 065498
INSTITUTION: Lee County AUG 18 2009
HOUSING UNIT: Richland C-119 PR
WORK ASSIGNMENT: West Yard P.I.

Office Use Only
Grievance No. Lee CZ #2323-09
Code: General my
Policy 8
Disc. Hear. _____
Class. _____
Date Received 8/19/09
IGC Initials JS

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) ON Oct. 22, 08, it was initially called to the attention of Ms. Roof Financial Accounting Branch, Questions Related to My [1979-1981] Work Release Mandatory Long Term Escrow Savings Account, Status and balance that was Not Release to me upon Parole April 1981, Nor transferred to my account. ON July 7, 2009, I wrote Ms. Long via certified Mail [7007-3020-0003-0159-6940] Received by Amos Ackorman 7/23/09, to no avail. Failure to Return Property upon Release denied due PROCESS, Money is Property. There is no question that the funds in My Prison Account is a Protected Property Interest, and that I am Prudy to know the balance and Status of said Account. It Appears that a Tort has OCCURRED Regarding said Account from a breach of legal duties, and an attempt to Conceal the wrong.

ACTION REQUESTED: (1) That I be Promptly informed of the balance in My Work Release Mandatory Long Term Escrow Savings Account, That balance be transferred to My E.H. Cooper Account with Interest.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote: Ms. Roof, Financial Account Branch Headquarters, Oct. 22, 08 & Dec. 1, 08, No Reply
Ms. Melton, Lee C.I. Financial Office, Feb. 8, 09 & April 9, 09
Ms. Long, Financial Account Branch Headquarters, March 2, 09 & June 18, 09

* Family Member Made Numerous Phone calls
From February thru August 2009. No Return calls.

Basil W. Akbar
Grievant Signature

Aug. 17, 2009
Date

ACTION TAKEN BY IGC:

This grievance is being returned to you unprocessed. You have exceeded the appropriate time frame to file a grievance on this issue. According to Agency Policy/Procedure GA-01.12, you have (15) fifteen days from the date of the alleged incident to file a grievance on this issue. Your grievance is being returned to you with no action taken.

L. Johnson 10/5/09
IGC Signature Date

Grievant Signature

Date

☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

EXHIBIT # 2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Basil W. Akbar
SCDC NUMBER: 065498
INSTITUTION: Lee County
HOUSING UNIT: Richland C-119 **MAR 19, 2010**
WORK ASSIGNMENT: Horticulture

Office Use Only
Grievance No. LECT 0X13-10
Code: General my
Policy _____
Disc. Hear. _____
Class. _____
Date Received 3/22/10
IGC Initials JO

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) On Feb. 26, 2010, I sought the status and balance of my SCDC ESCROW Account #065498, Mandatory Long Term Savings Accounts from its inception, that was NEVER CLOSE, via Request To Staff Member, directed to Ms. Roof and Ms. Long at Finance Account Branch Head Quarters, said staff members has intentionally ignored the detail facts presented. Instead alluded to a date [3-30-10, reimbursement for lost property] UNRELATED to matter of concern, of which I have since made a corrective Reply to their deformed misinformation. I have reasons to believe that the Finance Account Branch is in opposition to me receiving status of accounts and is hindering release of personal information regarding my 1979-1981 April 8, WORK Release Long Term Savings Accounts. I believe that funds has been removed/stolen from my accounts, or that someone is attempting to defraud and swindle me of my personal money.

ACTION REQUESTED:

(1). I want a chronicle narrative of the status of my Accounts with interest (2). balance of Accounts Released and Transferred into my E.H. Cooper Account.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote:

MS. Roof and MS. Long, via Request To Staff Member, Feb. 26, 2010 - Pending Reply
MR. OZMIST Commissioner, " " " March 7, 2010 - Pending Reply

Basil W. Akbar March 17, 2010
Grievant Signature Date

ACTION TAKEN BY IGC:

This grievance is being returned to you unprocessed for the following reasons. You have exceeded the appropriate time frame to file this grievance. According to Policy/Procedure GA-01.12, you have (15) fifteen days from the date of the incident to file a grievance. Additionally, I suggest that you submit a request to staff to Ms. Melton in the Business Office to address this issue.

☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

R. John 4/21/10
IGC Signature Date

Grievant Signature Date

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

EX. #3 Page 2 of 2

STEP 1

INMATE NAME: Basil W. Akbar
 SCDC NUMBER: 065498
 INSTITUTION: Lee County
 HOUSING UNIT: Richard C-119 **MAY 04 2010**
 WORK ASSIGNMENT: Horticulture

Office Use Only
 Grievance No. LEE CI 0813-10
 Code: General my
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 5/5/10
 IGC Initials kg

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Upon Submitting a Request to Staff Member [dated April 23, 2010 and returned April 28, 2010] to Ms. Melton in Lee Co. Business Office, at suggestion of Ms. L. Johnson Lee Co. Grievance Clerk, April 21, 2010, I was taken by surprise and advised that, Quote: "According to the system, you do not have an account of work center funds. That account was probably closed and archived when you were release in 1981." Said work release escrow account was never closed, and Trust Account employee(s)/official(s) in the course of their duties, has either oversighted, or did fraudulent appropriated to use of property (money) in his/her possession owed by Grievant without consent over a thousand dollars constituting embezzlement and larceny.

ACTION REQUESTED:

That work release escrow account be made transparent and accountable of funds with interest, and/or arrest warrant issued if funds are missing from account, and make copy of escrow archived record available.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote: Ms. Melton Business office April 23, 2010

Basil W. Akbar 4/29/2010
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is a duplicate of grievance LEE CI #0813-10, filed on 03/17/10. I did advise you to submit a request to staff to Ms. Melton to address your concerns, however this is still the same issue as Lee CI 0813-10 that was returned to you on 04-21-10. This grievance is being returned to you with no action taken.

L. Johnson 3/26/10
 IGC Signature Date

☒ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

 Grievant Signature Date

REQUIRES URGENT RESPONSE RESPECTFULLY
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Basil W. Akbar JUN 16 2010
SCDC NUMBER: 065498 INMATE GRIEVANCE
INSTITUTION: Lee County
HOUSING UNIT: Richland C-119 JUN 09 2010
WORK ASSIGNMENT: Horticulture

Office Use Only
Grievance No. Lee C.I. 1598-10
Code: General IP
Policy _____
Disc. Hear. _____
Class. _____
Date Received 6/10/10
IGC Initials _____

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Grievance Clerk
L. Johnson's Reckless indiscretion and conspiracy against my civil rights. Where Grievant
sought to have his E.H. Cooper Work Release Mandatory Long Term Escrow Savings Account
made transparent to him, as to status & balance which Head Quarters Financial Branch
fail to do, lead to reasons to believe that funds from my account #065498 was missing or
unjustly seized without notice or consent, depriving me of property in violation of 4th and
14th Amend. State & Federal Const.. Grievant has attempted to use grievance system to remedy
complaint [Lee C.I. #2323-09; Lee C.I. #0813-10; Lee C.I. #1270-10], L. Johnson has repeatedly and erroneously
denied me access to system upon insufficient reasoning. My interest to funds in my
personal account is a protected property interest. * continue on attached sheet *

ACTION REQUESTED: (1) That work release account #065498 be made transparent to me.
(2) That Grievances #Lee C.I. 2323-09; #Lee C.I. 0813-10; #Lee C.I. 1270-10 be processed. (3) That
L. Johnson and C. James be reprimanded and replaced.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

Wrote: L. Johnson April 23, 10 ... C. James disposition Reply April 23, 2010
M. Roof & D. Long February 26, 2010 ... Reply pending

Basil W. Akbar June 7, 2010
Grievant Signature Date

ACTION TAKEN BY IGC:

In Accordance with Agency Policy, GA 01.12, "Inmate Grievance System", 17.3 A grievance
concerning the performance of any Institutional IGC/IGA shall be referred to the Chief/Designee,
Inmate Grievance Branch, for investigation and response. Grievance forwarded on 06/10/10. lmj

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

IGC Signature Date

Grievant Signature Date
EXHIBITS ATTACHED 6 pages

* CONTINUE FROM STEP 1 FORM:

THERE IS NO STATUTE OF LIMITATION TO SEEK STATUS / balance in an account. GRIEVANT has a absolute unqualified Right to access and seek status of any and all personal savings account managed by SCDC, such inquiry does not depend on whether an incident has occurred as L. Johnson has alluded on each grievance. However no incident exist until GRIEVANT is made aware of wrong, or deprived of an vested Right, and/or impending threat to PERSON / PROPERTY. Suspicion was arouse August 2009, SEE EX. #1. On July 7, 09 GRIEVANT Refuted D. Long's ERRONEOUS account via Certified Request to Staff, CURRENTLY Pending Reply, SEE EX. #2.

On August 17, 09 initial grievance was properly filed. MOREOVER, GRIEVANT was not officially informed of SEIZURE of his account or disclosed to GRIEVANT until April 28, 10, SEE EX. #3, and grievance was promptly and properly filed. No fair Notice was given prior to said date, therefore GRIEVANT should not have been sanction with a time frame.

L. Johnson has imposed a illegal burden on me, and impeded legal Rights to INQUIRE and seek Relief, or exhaust administrative informal Resolution through steps in grievance procedure, and she has exceeded her authority and responsibility by weighing the merits of Complaint and making administrative decision. My personal account does not lie upon the whim of a grievance clerk.

L. Johnson is clearly oblivious of her duty owed to me / general population in a unbiased manner, and is insensitide to recognize or acknowledge wrong and abusive treatment, due to her obligation / invested interest to resolve disputes in favor of Agency, Staff and employees. L. Johnson's action and omission are knowingly, intentional and calculated to deny just Relief, and to imply that I have no Right to know about my personal property (monies), or demand information from the entity (SCDC) charged with the fiduciary duty / obligation to me the beneficiary of said Trust, apparently this obligation has been breached and L. Johnson is conspiring with Responsible officials to further the cause.

It is also apparent that the Grievance system is ineffective, discriminatory and futile, and serves merely as a preliminary step toward legal action. L. Johnson's omission / conduct is very serious and may constitute a felony conspiracy against Civil Rights; obstruction of Justice, etc., for failure to act after being alerted of possible criminal misconduct.

CC: CORR. & PENology
SLED
file

Bae W. Akh

Date: June 7, 2010

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: Basil Akbar
SCDC NUMBER: 065498
INSTITUTION: Lee CI
HOUSING UNIT: Rich 119B
WORK ASSIGNMENT: _____

Office Use Only
Grievance No. 065498-10
Code: General IP
Policy _____
Disc. Hear. _____
Class. _____
Date Received 4/14/11
IGC Initials _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," 17.3, "A grievance concerning the performance of any Institutional Inmate Grievance Coordinator shall be referred to the Chief/Designee, Inmate Grievance Branch, for investigation and response." Therefore our grievance has been forwarded to Central Office for a response.

for M. White 3/28/11
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your grievance. Documentation provided reveals grievance(s) Lee CI 2323-09 and Lee CI 0813-10 were returned to you unprocessed for exceeding the appropriate timeframe by Ms. Johnson, Lee Institutional Grievance Coordinator on October 5, 2009 and April 5, 2010. In accordance with Agency Policy GA-01.12, "Inmate Grievance System," you have fifteen (15) days from the date of an incident to file a grievance. Agency records indicate grievance Lee CI 1270-10 was returned to you unprocessed as a duplicate to Lee CI-0813-10. The allegations you have raised against IGC Johnson cannot be substantiated.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

I'm refusing to sign stating "IT'S A/NOT"
lawsuit and I will be waiving my rights
to the order". This is the 2nd attempt
get I'm to sign
without a mediator 4/26/11 4/26/11 C. Jones

[Signature] 4/8/11
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____ Date _____

C. Jones 4/20/11
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

I'm Refused to Participate, Return to
36.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

Page 3 of 3

TO: NAME:	TITLE:	DATE:
M/S. Ruff, Financial Business Office		December 1, 2008
INMATE'S NAME:	SCDC #:	
Basil W. Akbar	065498	
INSTITUTION:	LIVING QUARTERS:	
Lee County	Richland C-119	

Madam: However, Respectful during this slow process as to obtain requested information I have been patiently waiting. I initially wrote you Oct. 22, 2008, and has not received a reply to my legitimate genuine concerns, thus, resubmits as Jerbatims. I beseech your assistance, I am currently employed in Lee C.O., West Ward Prison Industry, and Respectfully seeks the following information with regards to my Escrow account(s):

1. Does this account draw interest, if so, what is the current rate
2. Will I receive quarterly statements .. automatically, etc...
3. Provide me with a complete copy of instructions, as to how to access escrow account
4. Will I be charged a service fee, if so, explain.
5. Provide me with a complete copy of the Prison Industry Service Program pay deductions, and provisions (Code of Law) or authorization.
6. In addition, include a separate statement of my 1980 & 1981 Work Release Escrow account mandatory Long Term Savings ... status and balance ... that were NEVER transferred to my E.H. Cooper Trust Fund Account.

Thank You

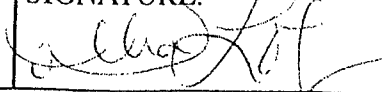
DISPOSITION BY STAFF MEMBER:

- 1) the account does earn interest see attached
- 2) statements are not issued on long term "P" accounts for prison. However if your account earns more than 4% interest per year you will receive a 1099.
- 3) you do not have access to your escrow account until your release
- 4) no
- 5) we do not provide copies of policy. Or Code of Law. You will need to go to the main library for the code of law. Policies should be available at the institution.
- 6) Statements from 2008 are not available. According to our records you received a copy of your 2008 Living Work Letter on 3/30/09

DATE:

4/18/09

SIGNATURE:



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

FEB 0 2009

TO: NAME:	TITLE:	DATE:
MS. MELTON, Finance Department		LEE CI BUSINESS OFFICE February 8, 2009
INMATE'S NAME:		SCDC #:
Basil W. Akbar		065498
INSTITUTION:		LIVING QUARTERS:
LEE County		Richland C-119

Madam: I beseech your assistance, I am currently employed in Lee C.I. West Yard Prison Industry, and Respectfully seek the following information with regards to my Escrow account. If by chance you are unable to answer any or all of this requested information, then please forward this Request to appropriate Recipient(s), and advise/inform me as to your action.

1. does this account draw interest, if so, what is the current rate
2. will I receive Quarterly statements ... automatically, etc..
3. provide ^{ME} with a complete copy of instructions, as to how to access Escrow account
4. will I be charged a service fee, if so, explain
5. provide me with a complete copy of the Prison Industry Service Program pay deductions, and Provision(s) [S.C. Code of Law] of authorization
6. In addition, provide me with a complete copy of my 1980-1981 WORK RELEASE Escrow Account mandatory long term saving statement... status and balance, that was NEVER transferred to my E.H. COOPER Trust Fund Account.

Thank You.

Basil W. Akbar

DISPOSITION BY STAFF MEMBER:

Akbar: I can answer some, but not all of your questions; therefore, you will need to send a request to: Ms. Long at Financial Accounting @ Headquarters for answers.

DATE:	SIGNATURE:
2/9/09	Ms. Melton

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

TO: NAME: MS. Long / MS. Roof, Financial Accounting Dept.	TITLE:	DATE: July 7, 2009
INMATE'S NAME: Basil W. Akbar	SCDC #:	065498
INSTITUTION: Lee County	LIVING QUARTERS:	Richland C-19

I am in receipt of your Disposition... dated June 18, 09, as to my December 1, 2008, Request to Staff Member addressed to Ms. Roof... However, with regards to my Question #6 "In addition, include a separate statement of my 1980 & 1981, Work Release Escrow Account Mandatory Long Term Savings... status and balance... that was NEVER transferred to my E.H. Cooper Trust Fund Account"... Your reply was... "statements from 80 & 81 are not available.. According to our record you received a Cooper deposit from Livesay Work Center on 3/30/94.

To the contrary, in 1994 I was located at Lieber Unit, the only SCDC deposit should have been a REIMBURSEMENT for lost property [GA # 65-030-94], MS. SUZANNE Reich, Chief Accounting Branch, on 3/15/94 (\$223) & 3/25/94 (\$50*) both cash deposits was from me... only deposits in March. MOREOVER, said account [Basil W. Akbar, a.k.a. MELVIN T. BROWN, 065498] was NEVER closed.

I am respectfully requesting under F.O.I.A. SC Code §§ 30-4-10 thru 30-4-110, that you access your records that may be archived/reduced to Micro Fiche for information pertaining to above referenced account, and I would appreciate a prompt response, as the Regulation stipulate. Thank you in advance.

DISPOSITION BY STAFF MEMBER:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Debrah Long
South Carolina Dept. of Corr.
Financial Accounting Dept.
4414 Broad River Rd
Columbia, SC 29210

DATE:

SIG:

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name) Amos Ackerman

C. Date of Delivery 7-23-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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

TO: NAME: <i>Ms. Melton</i>	TITLE: <i>Business Office</i>	DATE: <i>April 23, 2010</i>
INMATE'S NAME: <i>Basil W. Akbar</i>		SCDC #: <i>065498</i>
INSTITUTION: <i>Lee County</i>		LIVING QUARTERS: <i>Richland C-119</i>

Madam:

PER MS. L. Johnson Grievance Clerk disposition dated 4/21/10, She suggested that I Submit a Request to Staff to you with regards to the status and balance of my 1979-1981 April 8, Work Release Long Term Escrow Savings Account that was NEVER closed.

I am Requesting a chronicle narrative of said account with interest.

Thank You.

DISPOSITION BY STAFF MEMBER:

Akbar: According to the system, you do not have an account of "Work Center" funds. That account was probably closed and archived when you were released in 1981.

At the present you have \$56.76 in your PI mandatory savings account.

DATE: <i>4/28/10</i>	SIGNATURE: <i>Ms. Melton</i>
-------------------------	---------------------------------

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

OCT 07 2010

TO: NAME:	TITLE:	DATE:
Ms. Johnson	Grievance Clerk	October 7, 2010
INMATE'S NAME:		SCDC #:
Basil W. Akbar		065498
INSTITUTION:		LIVING QUARTERS:
Lee County		Richard C-119

Please provide me with the following information
Regarding Grievance filed and dated June 7, 2010:

1. Assigned Grievance Number
2. Date Received

Thank You

DISPOSITION BY STAFF MEMBER:

ITM Akbar,
Agency Records indicate that you filed Lee C111
1598-10, on 6/2/10, and it was forwarded
to the Central Level on 6/11/10. Please note
that Lee C111 1598-10 was received in our office
on 6/10/10. I show no record that you filed any
grievance on 6/7/10.

DATE:	SIGNATURE:
10/12/10	R. Johnson IGC

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

MAR 06 2014

TO: NAME: CHRIS FLORIAN GENERAL COUNSEL		DATE: MARCH 4, 2014
TITLE: GENERAL COUNSEL		SCDC #: 065498
INMATE'S NAME: Basil W. Akbar		LIVING QUARTERS: FLORENCE 2213-S
INSTITUTION: LEE County Inst.		

Sir:

I am in need of Title 24 South Carolina 1976 Code of Law 1966/1976, Section 24-3-20 thru 24-3-120. However, books containing provisions has been removed from Lee County Law Library shelves... and information is unavailable in Law Library computer bank.

My threshold concern is the statutory provision in effect governing Work Release Requirements, between 1978 thru 1981.

Said information is necessary in perfecting my appeal, and I would appreciate an prompt Reply.

Thank You

DISPOSITION BY STAFF MEMBER:

Our holdings are limited to the materials available through the Westlaw Correctional computer system. You should be able to locate statutory history using that system

- Office of General Counsel

DATE: 03/14/14	SIGNATURE: [Signature]
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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: CHRIS FLORIAN	TITLE: General Counsel	DATE: March 21, 2014
INMATE'S NAME: Basil W. Akbar		SCDC #: 065498
INSTITUTION: Lee County		LIVING QUARTERS: Flo. 2213

SIR:

I am in need of Title 24 South Carolina 1976 Code of Law 1966/76, Section 24-3-20 thru 24-3-60. Whereby Book Title 24 containing provision has been removed from Lee County law library shelves, and information is unavailable in law library computer bank.

My threshold concern or point of interest is the statutory provision in effect governing WORK RELEASE REQUIREMENT between 1978 thru 1981.

Said information is NECESSARY in perfecting my appeal, and I would appreciate an prompt reply.

Thank You

Notice: Second Request, initial Request dated March 4, 2014.

DISPOSITION BY STAFF MEMBER:

I am in receipt of your correspondence requesting cases. Please access these cases through the automated law library. If it is within SCDC's legal research holdings, you will be able to obtain through this system. If it is not within SCDC's legal research holdings, we are not required to provide to you.

DATE:

4-18-14

SIGNATURE:



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Basil W. Akbar, #065498

Plaintiff,

v.

South Carolina Department of Corrections,

Bill Byers, Martha Roof, Debrah Long,

Lisia Johnson, Ann and John Doe,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A No: 2013-CP-40-0301

AFFIDAVIT OF NOEL HEBERT

PERSONALLY APPEARED before me, Noel Hebert, who first being duly sworn deposes and avers the following:

1) I am currently employed by the State of South Carolina and the South Carolina Department of Corrections (SCDC) as an Accounting Manager. I have held this position since November 2011.

2) I have reviewed the employment and financial records for Inmate Basil W. Akbar, #065498, which are maintained by the South Carolina Department of Corrections in the normal course of business.

3) These records reflect that Inmate Akbar was employed in an SCDC work program from in or around March 1980 until in or around April 1981, when he was released on parole.

4) If Inmate Akbar had any funds remaining from his work program, it would be contained within a work center account with the SCDC. Inmate Akbar's records reflect that Inmate Akbar does not have any funds in a work center account with the SCDC. In fact, Inmate

Akbar does not have a work center account with the SCDC, and has not had one since at least 1994.

FURTHER THE AFFIANT SAYETH NOT.

Noel Hebert
Noel Hebert

SWORN TO AND SUBSCRIBED before me

This 23 day of July, 2013.

Walter S. Davis
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: June 10, 2021

AKBAR, BASIL WALI FBI # 237638H SID# SCE0000675 SCDC # 65498 (CONTINUED)

10/ 1/99	RICHLAND CO	AUTH ABSENCE (AWL)	TO COURT
1/ 5/99	LEE	INCARCERATED	RETURN FROM COURT
1/ 5/99	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
6/ 7/95	LEE	INCARCERATED	ADMINISTRATIVE
11/30/94	EVANS	INCARCERATED	ADMINISTRATIVE
10/14/94	LIEBER R&E	INCARCERATED	LOCKUP-INVESTIGATION
10/14/94	LIEBER	INCARCERATED	ADMINISTRATIVE
8/24/94	LIEBER R&E	INCARCERATED	LOCKUP-INVESTIGATION
4/ 6/94	LIEBER	INCARCERATED	RETURN FROM COURT
4/ 6/94	BEAUFORT CO	AUTH ABSENCE (AWL)	TO COURT
3/18/94	LIEBER	INCARCERATED	RETURN FROM COURT
3/18/94	LEXINGTON CO	AUTH ABSENCE (AWL)	TO COURT
2/17/94	LIEBER	INCARCERATED	ADMINISTRATIVE
1/19/94	LIEBER R&E	INCARCERATED	ADMINISTRATIVE
1/18/94	CENTRAL	INCARCERATED	ADMINISTRATIVE
1/ 7/93	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
11/15/92	BROAD RIVER R&E	INCARCERATED	LOCKUP-INVESTIGATION
9/ 2/92	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
7/ 3/91	KIRKLAND	INCARCERATED	ADMINISTRATIVE
2/ 5/91	MCCORMICK	INCARCERATED	ADMINISTRATIVE
7/21/89	CENTRAL	INCARCERATED	ADMINISTRATIVE
7/14/89	PERRY	INCARCERATED	ADMINISTRATIVE
7/11/89	MCCORMICK	INCARCERATED	LOCKUP-INVESTIGATION
4/12/89	MCCORMICK	INCARCERATED	ADMINISTRATIVE
4/ 4/89	MCCORMICK	INCARCERATED	LOCKUP-INVESTIGATION
2/16/89	MCCORMICK	INCARCERATED	ADMINISTRATIVE
12/28/88	PERRY	INCARCERATED	ADMINISTRATIVE
11/24/88	PERRY R&E	INCARCERATED	DISCIPLINARY
8/ 5/88	PERRY	INCARCERATED	ADMINISTRATIVE
5/22/85	CENTRAL	INCARCERATED	ADMINISTRATIVE
5/ 9/85	MIDLANDS R&E	INCARCERATED	PAROLE VIOLATOR
4/ 8/81	RICHLAND CO	PAROLE	PAROLE BOARD ACTION
3/21/80	SCDC FACILITY -	WORK-RELEASE	WORK PROGRAM
6/26/79	SCDC FACILITY-U	INCARCERATED	EMPLOYMENT PROGRAM
6/26/79	SCDC FACILITY -	INCARCERATED	ADMINISTRATIVE
12/ 9/75	CENTRAL	INCARCERATED	RETURN FROM ESCAPE
11/ 5/75	ESCAPES	ESCAPED-AWOL	AWOL-WALK AWAY
9/15/75	SCDC FACILITY-U	INCARCERATED	ADMINISTRATIVE
9/ 7/75	CENTRAL	INCARCERATED	ADMINISTRATIVE
4/17/75	GOV MANSN	INCARCERATED	ADMINISTRATIVE
9/16/71	CENTRAL	INCARCERATED	ADMINISTRATIVE
9/ 9/71	MIDLANDS R&E	INCARCERATED	ADMINISTRATIVE

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB
CUSTODIAN HELPER	09/25/12	0/ 0/ 0		LVL
CUSTODIAL WORKER	05/03/10	10/20/11	INSTIT TRANSFER	3F5
MACHINE OPERATOR	10/15/09	5/ 2/10	LATERAL TRANSFER	3F5
MATERIAL HANDLING EQ	08/26/08	10/14/ 9	LATERAL TRANSFER	3F5
CUSTODIAL WORKER	02/09/06	8/25/ 8	LATERAL TRANSFER	3F5
CUSTODIAL WORKER	07/03/03	2/ 8/ 6	INMATE REQUEST	3F5
CUSTODIAL WORKER	10/30/02	5/29/ 3	INSTIT TRANSFER	3F5
CUSTODIAL WORKER	03/21/00	10/29/ 2	INSTIT TRANSFER	3F5
WARDKEEPER ASSISTANT	10/12/99	3/20/ 0	INSTIT TRANSFER	3F5
MATERIAL HANDLING EQ	04/18/97	10/11/99	UNSAT JOB PERFORM	3F5
MATERIAL HANDLING EQ	04/07/97	4/17/97	CUSTODY REVIEW	5F5
WARDKEEPER ASSISTANT	03/11/97	4/ 6/97	INMATE REQUEST	5F7
WARDKEEPER ASSISTANT	05/22/96	3/10/97	LATERAL TRANSFER	5F7

NIKKI R. HALEY, CHAIR
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

INSURANCE RESERVE FUND

POST OFFICE BOX 11066
COLUMBIA, SOUTH CAROLINA 29211
(803) 737-0020
FAX: (803) 737-0042

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

ELEANOR KITZMAN
EXECUTIVE DIRECTOR

July 22, 2011

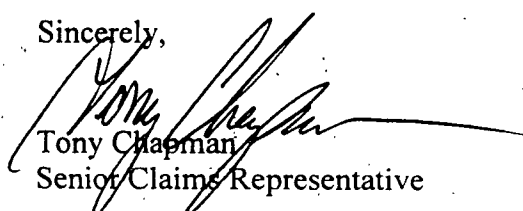
Basil Akbar
990 Wisacky Highway
Bishopville, SC 29010

RE: Our Insured: SCDC
IRF Claim Number: 75046

Dear Mr. Akbar:

We have carefully examined the facts and circumstances of your claim concerning a financial account from your participation in a work release program between 1979 and 1981. After reviewing all available information, it has been determined that there is no action that we can take regarding this situation.

Sincerely,



Tony Chapman
Senior Claims Representative

CC:

RECEIVED

MAY 02 2014

SC Court of Appeals

CERTIFICATE OF APPELLANT

The undersigned hereby certify that the Record on Appeal contains only material proposed to be included by the party, and not any other material.

Date: April 28, 2014


Basil W. Akbar, 065498
Lee County Corr. Inst.,
990 Wisacky Hwy., Flo. 2213-S
Bishopville, S.C. 29010

CERTIFICATE OF SERVICE

I, Basil W. Akbar, hereby certify that copy of Record on Appeal was served on Respondents' Counsel of Record, by the United States Postal Service, postage prepaid at:

Daniel R. Settana, Jr.
Attorney At Law
Post Office Drawer 7217
Columbia, S.C. 29202

Date: April 28, 2014


Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy., Flo. 2213-S
Bishopville, S.C. 29010

RECEIVED

MAY 02 2014

SC Court of Appeals