

Daniel E. Shearouse Clerk of Court
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

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FEB 01 2016

Re: Supreme Raheem Ackbar v. State
Appellate Case No. 2015-01052

S.C. SUPREME COURT

Dear clerk

Please find enclosed a letter dated Jan. 28, 2016 for filing in your office and a certificate of service.

Would you please notify petitioner when the filing is complete. Thank you and good day.

Sincerely
S/Supreme R. Ackbar
Petitioner

David Alexander Esq.

Division of Appellate Defense

P.O. Box 11589

Columbia, SC 29211

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S.C. SUPREME COURT

Re: Supreme Rabeer Ackbar v. State

Appellate Case No. 2015-01052

Dear Mr. Alexander

After completing another round of research petitioner permitted his vaulted thoughts to trudge stealthily to App. 20, 1. 15-20 while processing Ex Parte, 121 U.S. 175 S.Ct 781 30 L. Ed. 849 (1887). (The instant that the court awards the indictment, the court loses jurisdiction at that point in time, there is nothing that can cure that defect. It is a jurisdictional defect. Upon an indictment so change the court can proceed no further. There is nothing for which the prisoner can be held to answer. A trial on such indictment is void. The Supreme Court relied on strict construction of the 5th Amendment and forbid any express or tacit variation from the initial indictment holding that the accused party can only be tried upon the indictment as found by such grand jury and especially upon all its language found in the charging part). App. 53, 1. 23- App. 54, 1. 2. An indictment must be specific in its charges and necessary allegations can not be left to inference Williams v. United States, 265 F.2d 214, 218 (9th Cir. 1959) Moreover, an indictment must do more than simply repeat the language of the criminal statute Russell v. United States, 369 U.S. 749, 764 (1962). At the same time "an indictment should be read in its entirety", construed according to common sense, and interpreted to include facts which are necessarily implied United States v. Givens, 265 F.2d 214, 218 (9th Cir. 1959), See Lunbury v. Hornbeck, 605 F.2d 754 (CA 9 2010) (Due process includes a right to a meaningful opportunity to present a complete defense). This constitutional right is violated by the exclusion of probative admissible evidence that another person may have committed the crime Crane v. Kentucky, 476 U.S. 683, 690 106 S.Ct. 2142, See Schulp 513 U.S. 298 (1995) (To proceed through this gateway a petitioner must present a credible claim of actual innocence. This requires petitioner to support his allegation of constitutional error with next reliable evidence whether it be exculpatory, scientific evidence, trustworthy eyewitness accounts or critical physical evidence that was not presented at trial Id. at 324,

115 S.Ct. 857. See App. 423, 1., App. 261, 1, 12-17. See Criminal Law Key 719 (1) 720 (SS) (Prosecutors may not place the prestige of the United States behind a witness by making personal assurances about the credibility of a witness or by indicating that facts not before the jury support the witness testimony. App. 268, 1, 6-21, See Riddle v. Ozment, 631 S.E.2d 70 (2006) (Per curiam) (The issue is not why the [witness] failed to tell the truth; rather, it is why the solicitor (Respondent) who knew [the] testimony to be false failed to correct it Id. at 75. Reversal was required in Riddle v. Ozment as it should be in Ackbar v. State because the failure to correct false evidence is as reprehensible as its presentation. See Miller v. Paste, 87 S.Ct. 785 (The Supreme Court made it clear a defendant can not be convicted on false evidence, petitioner over the abuse of process, malicious arrest, malicious prosecution and false imprisonment is plain and obvious,

Sincerely
S/ Supreme R. Ackbar
Petitioner

Jan. 28, 2016

CERTIFICATION

This is to certify that a copy of petitioner's letter dated Jan. 28, 2016 has been mailed, postage prepaid, through Lieber corr. Inst. mailroom on this day of Jan. 29, 2016 to counsel as follows:

David Alexander Esq.

Division of Appellate Defense

P.O. Box 11589

Columbia, SC 29211

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P.O. Box 205
Ridgville, SC 29472

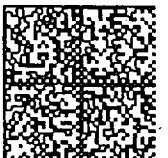
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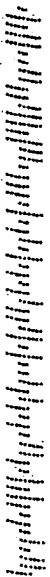
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