

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

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FEB 25 2016

S.C. SUPREME COURT

Re: Supreme ~~hehem~~ Ackbar v. State

Appellate Case No. 2015-~~01050~~ 1052

Dear Clerk

Please find enclosed for filing in your court Petitioner's letter dated 2-19-16 address to David Alexander Esq and a Certificate of Service.

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

Sincerely
Supreme h. Ackbar
Petitioner

Feb. 19, 2016

David Alexander Esq.,

Division of Appellate Defense

P.O. Box 11589

Columbia, SC 29211

Re: Supreme Raheem Ackbar V. State

Appellate Case No. 2015-~~0052~~ 1052

Dear Mr. Alexander

After more unyielding research Petitioner discovered more applicable material concerning the prosecutor's prejudicial statements. The reversible error discussed infra were compounded by, and can not be divorced from highly prejudicial statements made by the solicitor that were unsupported by the evidence. The statements further prevented petitioner from receiving a fair trial.

The relevant question is whether the prosecutor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. State V. Rice, 375 S.C. 302, 315 C.S.C. App. 2007). Reversal is warranted if the petitioner proves he did not receive a fair trial because of improper statements. Id. The solicitor's argument must be confined to evidence in the record and reliance on statements not supported by evidence can warrant reversal. State V. Webb, 389 S.C. 174, 181 C.S.C. App. 2010)

Here the solicitor's opening and closing arguments were peppered with prejudicial statements such as (1) The evidence will show the petitioner brutally killed him, cut his throat, cut his face, stab him in the chest, (2) Petitioner fled the scene with another individual by the name Marcus Wright. (3) Shaq was visiting with the petitioner who had come to the scene with his girlfriend. (4) Petitioner stayed in this truck. (5) The petitioner began putting on gloves, pulled out a knife and even invited this young man to participate in this killing. (6) This case is about petitioner killing Ricky Kelly, cutting his throat, stabbing him to the depth of at least 4 inches. (7) We know that the petitioner had arrived there because Octavius gave him a ride. (8) Shaq stops to visit with the petitioner in the truck and gets an invitation to kill his friend. (9) Petitioner jumps in Marcus Wright's car. (10) Octavius Burnside said that petitioner told her that he was waiting on a ride. (11) We know petitioner was sitting in that car with weapons at his disposal, and gloves, and it's as if he was lying in wait waiting to see if the opportunity

presented itself to kill Ricky Kelly. (12) This Petitioner was what appears to be lying in wait. (13) He was prepared for the opportunity to present itself. (14) Petitioner jumped in Marcus's car and told him to leave. (15) Petitioner told him where to go, and Petitioner jumps out and leaves. (16) Ladies and gentlemen, the evidence is clear from the eye witness testimony that this man killed Ricky Kelly. (17) Petitioner told Marcus to go get the bag and get rid of it. (18) Somebody was angry at him (Ricky Kelly) for some reason. We know that somebody is Petitioner. (19) We know he acted out that and killed a young 19-year old boy. Please do your duty. Please find him guilty. Thank you.

As these statements reflect, the state's argument was not focus on the validity of the witnesses testimony, but rather on portraying petitioner as the murderer by knowingly making false statements with no objections from trial counsel. Accordingly petitioner's conviction should be reversed.

Sincerely
Supreme L. Adlow
Petitioner

Feb. 19. 2016

CERTIFICATION

I, SUPREME R. ACKBAR, hereby certify that on the 22 day of February 2016, I caused a true and correct copy of Petitioner's letter dated February 19, 2016 to be served via United States Mail, postage prepaid, through Lieber Corr. Inst., addressed as follows

David Alexander Esq.

Division of Appellate Defense

P.O. Box 11589

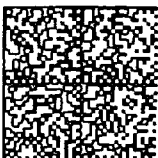
Columbia, SC 29211

Supreme R. Keller 275886
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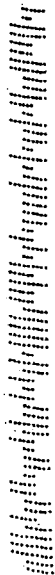


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