

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Supreme R. Ackbar
a/k/a Ronald B. Gary #275886
Appellant

v.

South Carolina Department of Corrections
Respondent

) Appellate Case No. 2018-001949

)
) MOTION FOR A PERMANENT INJUNCTIVE
) RELIEF

RECEIVED
JAN 15 2019
SC Court of Appeals

TO: THE SOUTH CAROLINA COURT OF APPEALS

The Appellant Supreme R. Ackbar (hereinafter referred to as "Appellant") respectfully submit his motion for a Permanent Injunctive Relief as follows:

- (1) The Appellant request a restraining order against the Respondent which prohibits the Respondent from entering Appellant's assigned cell.
- (2) The Appellant request the return of his God Center Culture Islam property and the implementation of the God Center Culture Islam way of life inside SCDC on Feb. 22, 2019.
- (3) The Appellant request that no more restraints be placed upon his persons and properties.
- (4) The Appellant request that \$250,000 be deposited in his SCDC E.H. Cooper account.

- (5) The Appellant request that the Family Court order in C.A. No.: 2012-DR-42-0743 be Nullified and the kids involved have their birth names restored expeditiously. The Appellant request full custody of the kids involved. See Nichols V. Martin, 776 S.W.2d 621, 623 (Tex. App. 1989) (Court can not refuse to permit a prisoner who cannot obtain Counsel to go forward with a divorce proceeding).
- (6) The Appellant request an order which prohibits Ms. Octavious A. Burnside from leaving Spartanburg County with and without the kids involved until this matter is resolved.
- (7) The Appellant request that all child support owed to Deantria K. Gary be paid in full. See Laurens County.
- (8) The Appellant request that all child support owed to Jabaree A. Ackbar, Zakkiyya S. Ackbar, Kahlid H. Ackbar, Nazar A. Ackbar and Africa Z. Ackbar be paid in full and child custody of the kids who choose to. The Appellant request a visitation hearing and the effective assistance of a reputable child counselor at the expense of the Respondent.
- (9) The Appellant request that \$5,000 be deposited in his oldest Daughter "Justice Leak's" green dot account "1340 Justice @ gmail, com".
- (10) The Appellant request an order which causes the Respondent to abjure from harrasing the Appellant with false charges and illegal seizures of the Appellant's Person and Properties. See SCDC incidental reports; Appellants Verified statement of fact; C/A No.: 18-AWJ-04-0112-AP; C/A No.: 18-AWJ-04-0113-AP; Appellate case No.: 2018-01949 (Note: the confiscation of

destruction of prisoner's legal papers and books, not pursuant to valid rule may violate the right of court access. So may the destruction or fabrication of evidence or cover-ups of misconduct that deprive its victims of means to challenge unlawful conduct.)

(11) The Appellant request that his name be cleared through a new trial of the defamation the Respondent and other government officials did sadistically and with malice aforethought expeditiously.

(12) The Appellant request Outside Mental, Dental and Medical Health care at the expense of the Respondent and other government officials without having to endure strip searches.

(13) The Appellant request to be released from this false imprisonment. See Kerman v. City of New York, 374 F.3d 93, 125 (2nd Cir. 2004) ("The damages recoverable for loss of liberty for a period spent in a wrongful confinement are separable from damages recoverable for such injuries as physical harm, embarrassment, or emotional suffering; even absent such other injuries, an award of several thousand dollars may be appropriate simply for several hours' loss of liberty."); See Randall v. Prince George's County, 302 F.3d 188, 209 (4th Cir. 2002) (false imprisonment plaintiff may claim "compensation for loss of time, for physical discomfort or inconvenience as well as physical injury.")

(14) The Appellant request the malicious and sadistic steel covering outside the window of Perry C.I. Q4-B 212 be removed expeditiously.

(15) The Appellant request the return of Inmate Andre Massey to Perry C.I. Q4B. The aforesaid inmate is a known adherent of the God Center Culture Islam

Way of life and was wrongfully and intentionally transferred maliciously out of state.

(16) The Appellant request reasonable attorney fees as part of the cost.

The Appellant argue herein as follows: "The standard for a permanent injunction is essentially the same as the standard for a preliminary injunction except that the moving party, instead of showing a likelihood of success on the merits must show actual success on the merits." (Citing Amoco Prod. Co. Village of Gambell, 480 U.S. 531, 546 N. 12, 107 S. Ct 1396 (1987)). See Appellant's Request #10; Note: Chavez v. Abraham, 803 F. Supp. 1512, 1514 (E.D. Wis 1992) (deprivation of legal materials denies court access only if they are "crucial or essential to pending or contemplated appeal").

Additionally the malice of the Respondent's actions toward the Appellant may be inferred from their failure to verify their position. See 20 S.C. Jur. Libel and Slander § 45. Verification, ("Failure" to conduct an independent check of records before publishing defamatory statement may constitute negligence. Further when a report is based on an obviously unreliable source, failure to verify the report may amount to actual malice.) See letter dated 12-4-18.

Additionally actual malice may be present in a defamation case where one fails to investigate and there are obvious reasons to doubt the veracity of the informant. Erickson v. Jones Street Publishers, L.L.C., 629 S.E. 2d 653 (S.C. 2006) See Unpublished opinion filed Sept. 12, 2012 Appellate Case No. 2011-185906; order filed August 2, 2018; Tr. P. 268, 6-21. See Heinrich v. Sweet, 62 F. Supp. 2d 282, 315 (D. Mass. 1999) (Stating that right of court access is violated when government officials wrongfully and intentionally conceal information crucial to judicial redress, do so in order to frustrate the right and substantially reduce the likelihood of obtaining redress.) See Appellant request #13 (Note: The Supreme Court said that in the "circumstances of normal pretrial custody," a showing of deliberate indifference is sufficient to meet the "shock the

00013

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

11/2/18

11/21

Page 1 of 1

Institution/Center: Perry Correctional Institution					Date of Report: 10/26/18
Reporting Official (Full Name): Christopher Monaco					Time of Report: Approx. 11:40 am
Employee ID #: 061761					Date of Incident: 10/25/18
Location of Incident: Q4B 212					Time of Incident: Approx. 8:15 pm
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. RONALD GARY	275886	42	M	B	1. Perry RRT
2.					2. Agent Martin
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

I, Ofc. Monaco, and the Perry Rapid Response Team conducted a search of Q4B room 204 which houses Inmates RONALD B. GARY SCDC# 275886 and CHRISTOPHER MAHAFFEY SCDC# 338083. During our search we found (1) white phone charger port. Both Inmates were questioned about the item found and Inmate Gary claimed the contraband recovered. END OF REPORT.

Signature: *C. Monaco* Title: Officer

Evidence: Pictures Attached to Report.

Disposition of Evidence: Locked and sealed in Evidence room.

Supervisor's Comments:			STG Related - Refer to STG Committee	
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
Printed Name: <i>Lt B. Blakeley</i>			This incident is DRUG related	
Signature: <i>B. Blakeley</i> Title: <i>Lt</i> Date/Time: <i>10-26-18 2:00 PM</i>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
Major/Responsible Authority: <i>NML</i>			Responsible Authority	
<i>898- COMMUNICATION DEVICE</i>			Action Taken	
			<input type="checkbox"/> Informal Resolution	
Printed Name: <i>V. G. LEAS, CAPTAIN</i>			<input type="checkbox"/> Administrative Resolution	
Signature: <i>V. G. Leas</i> Title: <i>Capt.</i> Date/Time: <i>10/26/18</i>			<input checked="" type="checkbox"/> Refer to Disciplinary Hearing	

GT: 0

DISCIPLINARY REPORT AND HEARING RECORD

Case#: 13 Inmate Name: GARY, RONALD SCDC#: 275886

Living Area: Q4B212 Job: WARD KEEPER Custody: MI3

Offense Date: 10/25/2018 Offense Time: 08:15 [] AM [x] PM Institution: Perry Correctional Institution

Offense Description:

898 The Possession of Any Communication Device: The possession, receipt, use, concealment, storage, purchase, sale or facilitation of cellular phones or other communications equipment and/or any components thereof. This includes, but is not limited to, MP3 players, I-pods, e-readers or any like devices.

Charging Officer/Employee: C. MONACO Title: OFC.

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

Form with checkboxes: I GIVE UP MY RIGHT TO 48-HOUR NOTICE... I DO NOT WANT TO BE PRESENT... I WANT MY ACCUSER PRESENT... I DO NOT WANT MY ACCUSER PRESENT... I WANT A COUNSEL SUBSTITUTE... I DO NOT WANT A COUNSEL SUBSTITUTE. Includes Date & Time Notified, Inmate Signature, and SCDC#.

HEARING INFORMATION:

Hearing Date: 11/20/18 Hearing Time: 9:55 am/pm Medclass: N/A Reading Level: 6.4

DD: Assigned Counsel Substitute: M. Colby

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING OR (7) IF HEARING WAS DELAYED.

Table with 3 columns: OFFENSE CODES (898), INMATE PLEA (G, NG, None) (NG), FINDINGS (G, NG, DS) (NGMI) (GMI) (G).

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL:

Handwritten explanation: Officer's report that inmate was found with a cell phone in his possession. Inmate admitted to possession of the cell phone.

SANCTIONS: Loss of Privileges (Days) 90, Reprimand, Extra Duty (Hours) 1, Loss of Good Time (Days) 90, Restitution: \$, Visit Suspension (Days) 90, Cell Restriction (Days) 60, Disciplinary Detention (Days) 90, Phone (Days) 90, Other: (Days).

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED:

418 898 specific rule, lost prior 898, 2018

CREDIT FOR PHD TIME SERVED? YES NO N/A IF YES, DAYS:

STATEMENT OF THE CASE

On 11-20-18 the grievant appeared before the D.H.O. hearing officer R.L. Turner, case #13 and plead not guilty to the reporting official Christopher Monaco's fraudulent charge "898 Communication Device,"

After falsely claiming the location of the incident officer Monaco states in the incident report that he and Perry Rapid Response conducted a search of 24B room 204 and found a white phone charger port. There was no testimony from Perry RRT or Agent Martin supporting this frivolous allegation. Further the grievant has never been housed in room 204.

Additionally officer Monaco claimed that both grievant and inmate Mahaffey were question about the item found and the grievant claimed the contraband recovered. There was no testimony from Perry RRT or Agent Martin supporting this frivolous allegation. See Op-22.4 (16.1). The DHO hearing officer R.L. Turner clearly ignored the amended conflicting testimony of officer Pelam. See Op-22.4 (3.2). The supervisor did not review the reporting employee, other employee witnesses, the grievant or the grievant's witness.

Rather than move for dismissal of the fraudulent charge the Counsel Substitute solicited the prejudicial amended hearsay testimony of officer Pelam knowing that the amended testimony violated Op-22.4 (4.3) and the false charge violated Op-22.4 (7.2). See Appeal and Error Key 946 (Abuse of discretion occurs where there is no evidence to support the Judge's factual conclusion or where ruling is based upon error of law); Pretrial Procedure Key 681 (A trial court's ruling on a motion to dismiss on the pleadings must be bottom and premised solely upon the allegations set forth by the plaintiff.). The Grievant's due process rights has been violated. See Rule 52 (b) and Rule 60 (b) (3).

VERIFICATION

I, Supreme R. Achbar, the Grievant in the above case being first duly sworn, deposes and states that the above statement of the case incorporated herein is true and correct according to applicable laws, rules and statutes of the Judicial System of the United States based on the Grievant's evidentiary supported facts and the inconsistent testimony of officer Maneca and officer Pelam in the above case.

Sworn to and subscribe before me

this 2 day of January, 2018

Tamara Conwell

Notary Public for South Carolina

My Commission expires My Commission Expires
September 25, 2023

Supreme R. Achbar

Signature of Grievant

RECEIVED

JAN 02 2019

P.C.I. MAILROOM

1-1-19

V. Claire Allent, Deputy Clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Ackbar v SCOC

Appellate Case No. 2018-001949

Dear Deputy Clerk

Prior to the receipt of your letter dated 11-27-18 I was meticulously pondering upon your previous letters. After your recent letter I've decided to show you how the balance of hardship is now tip in my favor.

For instance you complained of the writing upon the order however you did not specifically claim that the writing obscured or impaired your ability to discern the contents of the order.

Based upon this fact I claim that "You and the court" can clearly see the ALC informing you all that I submitted notice of verification and a verified statement of fact. See State v. Pace (S.C. 1974) 316 S.C. 71, 447 S.E.2d 186 (The trial Judge must act with absolute impartiality in the performance of judicial duties.)

Via the order we can clearly see the Malice of the ALC's order because the Respondent clearly failed to verify a defense in this matter. See 20 S.C. Jur. Libel and Slander § 45. verification. (... when a report is based on an obviously unreliable source, failure to verify the report may amount to actual malice.)

The ALC clearly submitted the order with prejudice therefore the malice therein is plain and obvious. See Rule 52(b)

Also I've enclosed for filing in your court two (2) informal briefs and a certificate of service. The other material is awaiting the case number or service of process and as you can see this case is already into awaiting civil matter. See Chavez's

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Supreme Raheem Ackbar, Appellant.

Appellate Case No. 2011-185906

Appeal From Spartanburg County
J. Derham Cole, Circuit Court Judge

Unpublished Opinion No. 2012-UP-521
Submitted September 4, 2012 – Filed September 12, 2012

APPEAL DISMISSED

Appellate Defender Kathrine Haggard Hudgins, of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, and Senior Assistant Deputy
Attorney General Salley W. Elliott, all of Columbia; and
Solicitor Barry Joe Barnette, of Spartanburg, for
Respondent.

PER CURIAM: Dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

FEW, C.J. and WILLIAMS and PIEPER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

FILED: August 2, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-260

In re: SUPREME RAHEEM ACKBAR, a/k/a Ronald Gary, #275886

Movant

ORDER

Upon consideration of submissions relative to the motion for verification, the court denies the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

Jury charge

1 heard in a long time. And he was in shock, and he did not
2 intentionally help him get to Dollar General, which was
3 five minutes away. And I asked him so you were
4 unintentional for five minutes. He said got additional for
5 five minutes.

6 Now, come on. Mr. Wright is an admitted thief. He is
7 an admitted liar. And he has his deal cut. He is going to
8 be allowed to plead to accessory after the fact to murder.

9 Mr. Wright knows which side of bread the butter is,
10 and he comes in here as the state's main witness, a liar, a
11 thief, with testimony tailormade to fit into his story.

12 Ladies and gentlemen, when you put all of these things
13 together it adds up to more than reasonable doubt. This
14 case is about all of that.

15 Judge Cole instructed you what reasonable doubt is.
16 But the evidence that's been brought in yesterday and the
17 day before and shown to you, I submit to you, is not enough
18 to hold Mr. Ackbar guilty of murder, not when you have the
19 testimony of these witnesses and not when you have the
20 state bringing a star witness in like Mr. Marcus Wright.
21 Thank you.

22 THE COURT: Ladies and gentlemen of the jury, of
23 course you've heard and seen all the evidence and now the
24 final summations of the lawyers; and therefore it now
25 becomes my duty and obligation to instruct you on the law

CERTIFICATION

I, Supreme R. Ackbar, hereby certify that on 1-10-19, I caused a true and correct copy of Appellant's "Motion For a Permanent Injunction Relief, SCDC Incidentat Report, Disciplinary Report and Hearing Record, Verified Statement of the Case (fact) dated 1-1-19, letter dated 12-4-18, Appeal Dismissed filed 9-12-2012, order filed 8-2-18 and Tr. P. 218" to be served via Perry C.I. Mail room with postage prepaid addressed as follows;

The Honorable Ralph K. Anderson, III
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Office of General Counsel
P.O. Box 21787
Columbia, SC 29221

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JAN 15 2019

SC Court of Appeals

1-3-19

V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
P.O. Box 11627
Columbia, SC 29211

RECEIVED
JAN 15 2019
SC Court of Appeals

Re: Ackbar v SDC

Appellate Case No. 2018-001949

Dear Clerk

PLEASE find enclosed for filing in your office Appellant's "Motion For a Permanent Injunction Relief", the evidentiary documents mentioned therein and a certificate of service.

Sincerely
Supreme R. Ackbar

NOTICE TO THE CLERK: Facts do not cease to exist because they are ignored - Aldous Huxley, Proper studies, 'Ahi te huach', ü

1-2-19

Supreme R. Ackbar
a/k/a Ronald B. Gory #275884

Q4B-212

Perry C.I.

430 Oaklawn Rd.
Pelzer, SC 29669

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SC Court of Appeals

RECEIVED

JAN 10 2019

P.C.I. MAILROOM

OC

JAN 31 '19

V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
P.O. Box 11629 1220 Senate St
Columbia, SC 29201

COMMISSARY