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JPM

DANIEL A. R. S. WALLAH A. K. A. DANIEL GREEN } Motion to compel Defendant's
V. (DEFENDANT) } Constitutional Right of Access
North Carolina } To The Courts
(STATE)

* * * * *

Defendant humbly approaches the Court with the following facts...

I

1. Defendant believes that this Court has jurisdiction because the Honorable Judge Gregory Weeks was appointed to this case by former N.C. Supreme Court Justice Lums, and;

2. This concerns matters that will be brought before the Court in a motion for appropriate relief and therefore it is in the best interest of justice, and defendant's constitutional right that defendant has access to the courts and all materials related to his case. See: "Bounds v. Smith, 430 U.S. 817, 821, 97 S.Ct. 1491 (1977)

II

1. As a prisoner in N.C., defendant can not receive assistance from other inmates in legal matters or otherwise practice law.

2. The primary and preferred method of inmate access to the courts is through the attorney assistance program as established by the Department. The Department of Correction has contracted with N.C. Prisoner Legal Services to provide legal services to prisoners. N.C. Prisoner Legal Services refuses to respond to defendant's request, or letters.

3. Defendant has been deprived of his legal texts and materials in retaliation for his perceived activism against Marion Correctional Institutions blatant disregard & violations of N.C. law, D.O.C. policies & procedures and the Constitutional & Human Rights of this prisoners. In addition, Defendant is being held to a restriction on all property that limits his possessions to what will fit into a 2 sq. ft box.

4. This Court has recognized Defendants indigency. Defendant is still indigent and for this reason cannot afford his legal texts, materials and services necessary to adequately prepare his case. Nor can Defendant afford private counsel.

5. Unlike most progressive states, N.C. does not provide its prisoners with a law library and as a result defendant does not even have a rudimentary understanding of legal procedures and is unable to assert his rights in a way that would not prejudice himself and waste the courts time with his ignorance & inexperience.

6. Due to a racist policy that even the public is not allowed to know about, the defendant has constantly been searched and his legal mail read because his name identifies him as a potential member of a "Security Threat Group" (Gang) all though defendant does not have a record or any other indicator that would suggest he's in a gang or associated with gangs.

7. Defendant has legitimate grounds to file a Motion of Appropriate Relief based on newly discovered evidence in which 2 inmates

AND POSSIBLY A THIRD HAVE MADE STATEMENTS THAT LARRY MARTIN DEMERY INFORMED THEM THAT HE MURDERED MR. JAMES JORDAN AND THAT DEFENDANT DID NOT BECOME INVOLVED UNTIL DEMERY PICKED HIM UP AND TOOK HIM BACK TO THE MURDER SCENE; LARRY MARTIN DEMERY WAS GIVEN AN ILLEGAL PLEA BARGAIN BY THE STATE AND DEFENDANT'S JURY SHOULD KNOW THIS AND OTHER ISSUES.

DEFENDANT HAS NOT HAD THE OPPORTUNITY TO LOOK OVER THE OFFICIAL TRANSCRIPT OF HIS TRIAL, BUT IS CONFIDENT THAT IT WILL REVEAL OTHER GROUNDS TO FILE A M.A.R. ON, BASED UPON CONVERSATIONS WITH APPELLATE COUNSEL AND HIS OWN KNOWLEDGE OF THE CASE.

III

1. DEFENDANT BEGS THE COURT TO FORGIVE ANY MISTAKES MADE IN THIS MOTION AND TO REALIZE THAT HE IS A REGULAR PERSON, A LAYMAN IN MATTERS OF LAW. DEFENDANT IS UNEDUCATED AND ONLY POSSESSES A 9TH-10TH GRADE EDUCATION AND G.E.D. HE RECEIVED IN PRISON AFTER TAKING A CLASS FOR APPROXIMATELY 3 WEEKS; THIS BECAUSE HE WAS DEPRIVED OF HIS RIGHTFUL EDUCATION WHEN IMPRISONED FOR A CONVICTION THIS COURT VOTED. DEFENDANT DOES NOT KNOW THE PROPER FORM IN WHICH TO FILE A MOTION. BECAUSE OF THE POLITICS PROMOTING THIS PRISON-INDUSTRIAL COMPLEX WE ARE GAGGED AND OUR HANDS ARE TIED SO WE CAN NOT SPEAK.

IV RELIEF REQUESTED

FOR THE ABOVE REASONS THE DEFENDANT PRAYS THAT THE COURT;

A. Appoint Counsel to assist Defendant;

B. Provide Defendant with adequate law library as described by the Contemporary Social Problems Special Interest Section of the American Association of Law Libraries in the Recommended Collection for Prison Law Library + Adequate assistance from persons trained in the law

C. Issue an injunction against Marion Correctional Institutions staff to keep them from reading Defendant's legal mail, throwing his legal text away, and ordering them to allow him to have in his possession all materials related to his case including pretrial motions, statements & etc. etc.

This court is aware of the length of Defendant's trial and the fact that the transcript alone exceeds 2 sq. ft. If the prison feels that this paperwork is a security risk, they should provide Defendant with a laptop and hardcopies of the transcript - this is the dawn of a new millennium;

D. To transfer him to any of the other D.C. facilities in N.C. that exist in which he can have his materials, since he alone is being held to such ridiculous limits on his property here.

Any other remedies the Court feels is necessary to comply with *Bounds v. Smith*, in this Court's knowledge, wisdom & understanding of the law.

Signed this day of DECEMBER, 1999
By: ~~John Doe~~

12.30.99
Rabbi Am Shalom
Notary
My Comm. Exp. 7/1204

Affidavit

My NAME is Dr. Saadiq Al-Munajjim. I swear that the following is true to the best of my knowledge.

On October the 7th, 1998 I ARRIVED AT MARION CORRECTIONAL INSTITUTION. IN THE "RECEPTION AREA" MY PROPERTY WAS INVENTORIED. AS THE OFFICERS WENT THROUGH MY MAIL THEY PROCEEDED TO READ ALL OF MY MAIL, INCLUDING PRIVILEGED COMMUNICATION BETWEEN MY ATTORNEYS + ME AND OTHER LEGAL DOCUMENTS.

WHEN I ASKED THEM WHAT WAS THE PURPOSE OF THEM READING MY LEGAL MAIL THEY SAID THEY COULD DO ANYTHING THEY WANTED AND CONTINUED TO READ IT. WHEN I SHOWED THEM IN MY GEORGETOWN LAW JOURNAL THAT THEY WERE NOT SUPPOSED TO READ MY MAIL THEY PLACED ME IN HANDCUFFS AND CONFISCATED MY BOOK.

I HAVE REPEATEDLY TRIED TO GET MY BOOK BACK. I HAVE WRITTEN REQUEST THROUGH THE CHAIN OF COMMAND, WRITTEN A GRIEVANCE FORM, WRITTEN ACLU, THE DIRECTOR OF THE DEPARTMENT OF PRISON, THE N.C. PRISONERS LEGAL SERVICE, THE ATTORNEY GENERAL'S OFFICE, GOVERNORS OFFICE ETC. A.

THE ONLY RESULT WAS THAT THE RETALIATION INTENSIFIED, TAKING THE FORM OF BOGUS DISCIPLINARY CHARGES, THE THEFT OF MY PERSONAL PROPERTY AND STAFF ENLISTING INMATES TO ASSAULT ME.

LAST WEEK I WAS TAKEN OFF OF LOCK-UP DUE TO AN INJURY I HAD TO USE A CART TO MOVE MY PROPERTY. WHEN I THANKED THE SGT (LONG) FOR THE USE OF THE CART HE STATED: "DON'T THANK ME BECAUSE YOU'LL BE RIGHT BACK UP HERE AND WHEN YOU DO THAT PROPERTY ISN'T COMING WITH YOU."

I WAS TAKEN TO THE SAME UNIT WHERE STAFF HAD LIED ON ME TO GET ME LOCKED UP. OUT OF 7 INDIVIDUALS THEY PICKED ME AND ANOTHER INDIVIDUAL AND

SEARCHED over property, putting it in the middle of the floor in the hall. I WAS TOLD THAT I HAD TO SEND MY LEGAL PAPERS AND LEGAL TEXTBOOKS OUT AS WELL AS SOME PICTURES. I WAS LOCKED UP BECAUSE I INFORMED STUFF THAT I WOULD MAIL OUT MY PICTURES IN THIS BOX WITH THE REST OF MY PROPERTY BUT I WOULDN'T PUT THEM IN A BROWN PAPER BAG TO BE MAILED IN AND WHEN THEY HANDCUFFED ME AND TOOK ME INTO AN OFFICE A SGT. CAPT. UNIT MANAGER AND 2 OFFICERS SURROUNDED ME AND INFORMED ME THAT I HAD 20 MINUTES TO GET MY PROPERTY INVENTORIED. I INFORMED THEM THAT SINCE THE SGT. KEPT TELLING THE OFFICER TO GO THROUGH MY MAIL OVER & OVER AGAIN THAT IS WHY IT HAS TAKEN 1 HR & 40 MINUTES, AND SINCE I HAVE NO CONTROL OVER THE OFFICER I COULDN'T MAKE HER RUSH. I WAS TOLD IF I HAD A PROBLEM I COULD GO BACK TO THE HOLE AND WHEN I TOLD THEM I HAD A PROBLEM WITH THEM MAKING ME SEND OUT MY LEGAL MATERIALS ONE OF THEM SAID "GET HIM OUT OF HERE".

WHEN I GOT BACK TO THE LOCK-UP UNIT I HAD TO PUT MY PROPERTY IN A WOODEN @ 2 sq. ft. box. Anything that wouldn't fit had to be sent out. Furthermore, I WAS ONLY ALLOWED A BIBLE, QURAN, DICTIONARY & QUR'ANIC SOFISM BOOK AND ONE ENVELOPE OF LEGAL PAPERS. INSIDE MY CELL. THE REST WAS PLACED IN STORAGE.

I WAS PLACED IN CELL 3-A-7 -RIGHT IN FRONT OF THE DESK. I HAVE SEEN THEM BRING MANY INMATES ON LOCK-UP AND I HAVE YET TO SEE THEM MAKE ONE PUT THEIR PROPERTY IN A BOX AND SEND THE REST HOME.

I HAVE CONSTANTLY WRITTEN NC PRISONER LEGAL ~~services~~ ~~services~~ ~~services~~ SERVICES AND SINCE JUNE, JULY THEY REFUSE TO RESPOND TO MY MAIL.

I have sent these letters via regular + certified mail.

They have held + opened my mail to other individuals at the same address without my knowledge for months and when I asked them about this that was the last I heard from them. They have not responded to any of my mail since then.

My appellate attorney wrote me in Nov. and informed me that my writ of certiorari was rejected in Oct. which means that I have 10 months to file a Habeas Corpus or M.A.R. Since she went into private practice she could no longer assist me. She suggested that I contact N.C.P.L.S.

I have no access to court at all.

~~John D. Williams~~
12/29/99

Notary:

12.30.99
Raul Amador
Notary
By Commission Expires 7-12-04

"Statement"

My Name: Dennis J. Wray: #0453857

on 12/21/1999 I seen two officers searching inmate Green, property while placing him on segregation.

These officers was trying to force inmate Green, property inside a small wooden box. The property they took from him, was legal papers and legal books which prisoners can have.

Sincerely

Dennis J. Wray

Dennis J. WRAY

12-30-99
Rachel Ann Stood

Daley
My Carin from 7-12-04

copy to Car Hand Photo
6-2-00
the