

The Supreme Court of South Carolina

Hon. Jean H. Toal, C.J.
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

William C. McKinney III
#256024
Wendale Corr. Inst.: F-5; B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

S.C. SUPREME COURT

June 3rd 2013

RE: Mr. William C. McKinney III vs. Robert Ward "et al".
1) Lower Court / No.: 2012-CP-23-02944
2) Appellate / No.: 2012-213437
3) Supreme / No.: 2013-000897

RECEIVED
JUN 07 2013
OFFICE OF CHIEF JUSTICE

Dear Hon. Chief Justice Mr. Toal,
the Petitioners [Mr. McKinney III] Enclosed your Exhibit(s) shall find
5/1/13, that is from your Supreme Court's Clerk, and 1-2 of 2
(The South Carolina Court of Appeals / Affirmed Order dated: 5/20/09);
13 of 16 (Motion / Affidavit to Proceed In forma pauperis) (Exhibit: A);
14 of 16 (Copy of the letter of Complaint (etc...)) was in on 5/12/11, that
will assist you with the Petitioners petitions for "Rehearing"
to waive filing fees, and "Rehearing" for Petition for writ of certiorari
that was forward and addressed to you personally and to defendant's
attorneys (Steven M. Dittus, P.O. Box 1547, Greenwood, S.C. 29648)
all dated: 5/8/13.

which I had not exhibits in support of the above mentioned
petitions at that time is why I have forward the above men-
tioned to your office, that was not done for a delay, but in
good faith.

Also today 6/3/13 I received a letter from the South Carolina
Court of Appeals dated: 5/31/13 just informing me that the above
mentioned case "Remittitur" has been remitted to the

Letter/Motion Continues - 2 of 2

Lower Courthouse of Greenville, S.C.
Which the clerk's order enclosed from the Supreme Court
of South Carolina is dated: 5/1/13, and I filed my
Petitions for rehearing on or by 5/8/13 is well within the
time for a petition for rehearing that you have not decided
at this time and I do not understand why the remittitur
is sent back without your Supreme Court's order?
Which I am concerned about the above matters that I
will be patiently waiting on your personal responses on these
above mentioned matters, that have only been done, with my
warmest regards.

June 5th, 2013
Fairfax, S.C.

Respectfully Submitted,
Mr. Bill Kennedy #256024

Mr. William C. Kennedy, III
#256024
Allendale Cvr. Just. : F-5; B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

WMC/III/EC/Able
Supreme Court / C.J. Tolal
Defendants / Attorneys

2 of 2

The Supreme Court of South Carolina

William C. McKinney, Petitioner,

v.

Mr. Robert E. Ward, Jon E. Ozmint (or Active Director for "SCDC": Mr. William Byers), Dennis Patterson, Ms. Cecilia R. Reynolds, Ms. Annie Sellers, Angela Hardin, Ms. Mary Coleman, & Henry D. McMaster (or Active Attorney General for South Carolina: Mr. Alan M. Wilson) "et. al", Respondents.

Appellate Case No. 2013-000897

The Honorable Letitia H. Verdin
Greenville County
Trial Court Case No. 2012CP2302944

ORDER

Petitioner has filed a notice of appeal seeking review of the decision of the South Carolina Court of Appeals in Appellate Case No. 2012-213437.

Petitioner has failed to serve and file a petition for a writ of certiorari and appendix that complies with the requirements of Rule 242(d) and (e) of the South Carolina Appellate Court Rules (SCAR). Further, he has failed to pay the filing fee required by Rule 242(c), SCACR. Accordingly, this matter is dismissed.

FOR THE COURT

BY



CLERK

Columbia, South Carolina
May 1, 2013

cc: Steven Michael Pruitt, Esquire
Mr. William C. McKinney, III, 00256024
The Honorable Jenny Kitchings

Summary case

*Shed Wills
Original*

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

William McKinney #256024, Appellant,

leaf 2

v.

South Carolina Department of
Corrections,

Respondent.

Exhibit to SC. Ct. App. 05/24/09 (B)

Appeal From Richland County
John McLeod, Administrative Law Court

Unpublished Opinion No. 2009-UP-216
Submitted April 1, 2009 – Filed May 20, 2009

*2 yrs. from this
date is within the
statute of limita-
tions*

AFFIRMED

William McKinney, pro se, for Appellant.

Robert W. Jacobs, of Columbia, for Respondent.

PER CURIAM: William McKinney, III, appeals the Administrative Law Court's (ALC) dismissal of three grievances and the recommended sanction of loss of fifteen days' good time credit. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

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

1. As to whether the ALC properly dismissed his appeal: Sandin v. Conner, 515 U.S. 472, 484 (1995) (explaining state created liberty interests are protected by the Due Process clause but "these interests will be generally limited to freedom from restraint which . . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life"); Slezak v. S.C. Dept. of Corrs., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (explaining the ALC has jurisdiction over all inmate grievance appeals that have been properly filed but is not required to hold a hearing in every matter and "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest").

2. As to whether the ALC erred in recommending a sanction: S.C. Code Ann. § 24-27-200 (2007) (explaining if the ALC determines an inmate has submitted a malicious or frivolous claim, the ALC may, on its own motion, recommend to the South Carolina Department of Corrections (the Department) that an inmate forfeit all or part good conduct credits).

3. As to whether: (1) the Department improperly forfeited fifteen days of good time credit; (2) McKinney was denied his right to a fair and impartial hearing following the ALC's recommendation of a sanction; and (3) he was placed in double jeopardy because there was a rehearing following the first sanction hearing: Rule 210(h), SCACR ("Ordinarily, no point will be considered which does not appear in the record on appeal."); Helms Realty, Inc. v. Gibson-Wall Co., 363 S.C. 334, 340, 611 S.E.2d 485, 488 (2005) (explaining that on appeal, the appellant has the burden of presenting a sufficient record to allow review).

AFFIRMED. ✓

HEARN, C.J., PIEPER and LOCKEMY, JJ., concur.

③

Exhibit 4

13 of 16

STATE OF SOUTH CAROLINA,
COUNTY OF Charleston
Mr. William C. Kennedy, III
#256024 Plaintiff

IN THE FAMILY COURT
 COURT OF COMMON PLEAS
 MAGISTRATE COURT
9th JUDICIAL CIRCUIT

FILED
2011 MAY 17 AM 11:39
CLERK OF COURT

vs.
Mr. Robert E. Ward et al
Defendant.

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO.

Exhibit: A

I, Mr. William C. Kennedy, III, being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 9 day of May, 2011.

Hale P. Greene
Notary Public for South Carolina

William C. Kennedy, III
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

My Commission expires 5/18/14

ORDER

Leave (granted) / (denied) to proceed in forma pauperis.

Date: 5-31, 2011
Charleston South Carolina

Kristi Harrington
JUDGE/CLERK OF COURT

Original Date the Court
filed the above mentioned
case before the 2 yrs. dead-
line

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

FILED
2011 JUN -1 AM 10:31
BY JULIE J. ARMSTRONG
CLERK OF COURT

Date denied after the 2 yrs,
statute of limitations was over
by Hon. K. Harrington
SCCA 405 (5/02)

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & J.C.
[Signature]
DEPUTY CLERK

14816

Date Postage was paid before
the 2 yrs. expired to file a tort
claim Acton under § 15-28-10 et seq.

Mr. William C. McKinney III
#256024
Allendale Corr. Inst. F-4; B-10
1057 Revolutionary Trail
P.O. Box 1151
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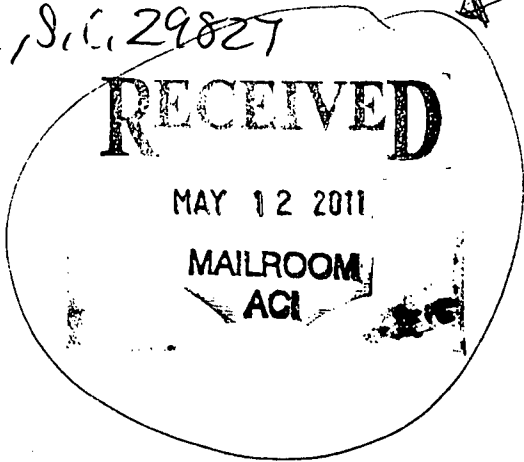
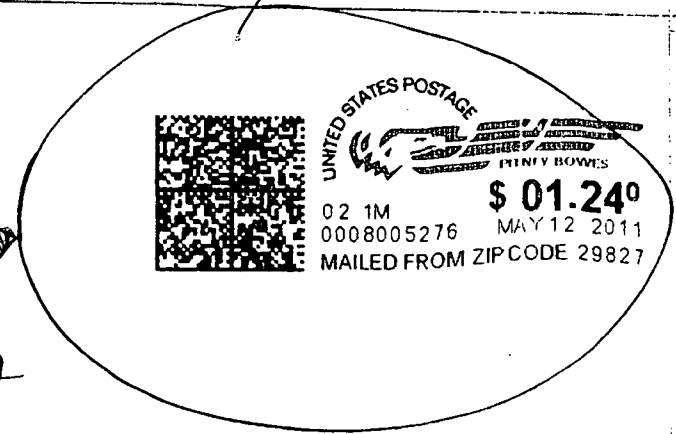


Exhibit B



Charleston County Courthouse
Mrs. Armstrong / Clerk of Court
100 Broad St., Ste 100
Charleston, S.C. 29401-2258

Mr. William C. McKinney III
#256024
Allendale Corr. Inst. - F-5/B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 298

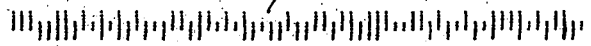
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JUN 04 2013
MAILROOM
ACI

The Supreme Court of South Carolina
Hon. Jean H. Toal, C.J.
P.O. Box 11330
Columbia, S.C. 29211

LEGAL MAIL

29211+1330



THE DEPARTMENT OF CORRECTIONS HAS
NOT INSPECTED OR CENSORED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS CONTENTS.
ALLENDALE CORRECTIONAL INSTITUTION,
S.C. DEPARTMENT OF CORRECTIONS.