

5/13/23

Exhibit A

Dear Mrs. Beulah G. Roberts / Clerk of Court,

Enclosed is a complete 1983 suit which includes:

- two (2) copies of my handwritten 1983 Complaint including 36 pages total
- one (1) 1983 packet sent by the US District Court of SC
- one (1) Informa pauperis application
- one (1) Financial Certificate
- one (1) summons for each of the (13) defendants
- one (1) USM-285 form for each of the (13) defendants
- one (1) Motion for appointment of Counsel and
- one (1) "Glossary of Prison terms" - 3 pages labeled "61-63"

\* Can you please remit a copy to me which is "clocked, sealed and stamped"?

- Please note that though I have 13 defendants named, I've only been able to include two copies of my complaint due to SCDC's policy of not allowing photocopies of inmate produced documents and also a substantial 1-6 month delay in Evans CIT providing indigent inmates with legal paper and pens. I am currently in Federal Court seeking injunctions to fix these hindrances. My case # there is: 9:23-CV-01213-SAL-MHE (I was given one photocopy of my complaint before staff refused to provide more)

- If you need a copy for each defendant from me would you please share how I can do this OR might the judge be willing to issue a court order compelling SCDC to allow me to make photocopies of this complaint for each defendant? If you can provide the copies for me I'd happily pay for it later as part of court costs - again, I'm currently filing Informa pauperis. I am running up on the statute of limitations for some of my claims and I need the defendants served ASAP.

\* AO-444 instructions told me to fill in "US District Court" - it this needs to be changed to the circuit for clarendon County Court of Common Pleas - would you be able to correct this or send me the appropriate forms and instructions? ~~along with copies of the AO-444 forms I provided so I can transcribe them please?~~

Thank you for your time and assistance,  
Respectfully,

Christopher M. Kennan SCDC # 385016  
Evans CIT - FSC-116  
610 Hwy 9W  
Bennettsville, SC 29512

Chris M. Kennan 5/13/23

RECEIVED

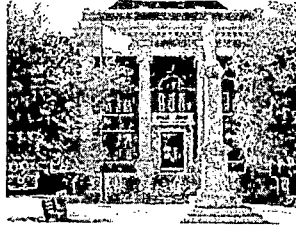
FEB 12 2024

S.C. SUPREME COURT

Exhibit A

Exhibit B

# Clarendon County Clerk of Court Office



BEULAH G. ROBERTS  
CLERK OF COURT  
POST OFFICE BOX 136  
MANNING, SC 29102  
PHONE: (803) 435-4443  
FAX: (803) 435-4844

MARILYN WILSON  
FAMILY COURT  
POST OFFICE BOX 490  
MANNING, SC 29102  
PHONE: (803) 435-4210  
FAX: (803) 433-8008

June 14, 2023

To: Christopher M. Kennan  
From: Office of Clerk of Court  
Re: In Forma Pauperis Form

Enclosed you will find the form you requested. There was no such form in the documents sent to my office, therefore, the \$150 was requested. Once you fill out and return the form, the judge will determine whether you can proceed in forma pauperis.

received 6/16/23

Exhibit B

6/17/23

Exhibit C

Dear Clerk of Court,

Good day,

• This is my second attempt to file a 1983 Complaint in Clarendon County Court of Common Pleas. Originally, my Complaint was returned because I hadn't the \$150.00 filing fee - though I included a Federal Informa Pauperis Application and a Financial Certificate which proved my indigency. These forms were not required to be notarized.

Subsequently, your office ~~recently~~, your office has sent me a more proper Informa Pauperis, which I've filled out and notarized.

• Included in this package is:

one (1) completed 1983 complaint and ~~12 handwritten attachments~~

three (3) "summons in a civil ~~complaint~~ Action" (AO-440 Forms)

three (3) Form USM-283 Forms

one (1) "SCA 405CP" Informa Pauperis application along with a financial

• I ~~statement~~ <sup>statement</sup> and two other papers attesting to my indigency, and show <sup>equality to proceed Informa Pauperis w/o payment of either the filing fee or service cost.</sup>

(4) Copies of a 12-page attachment used to supplement the answers required on the 1983 Complaint

• I was able to get someone to help me make copies of this complaint. even though SCDC doesn't allow for "self-produced" ~~(legal)~~ ~~leg~~ documents to be photocopied. I asked for (5) copies, but she only gave me three plus my original. Currently I am seeking an injunction to allow me to make these copies in case 9:23-CV-01213-SAL-MHC in U.S. District Court (Beaufort), but since the kind woman was doing me a kindness, I couldn't push her for more copies.

• I don't have a copy for myself, so please return a clock/timestamped copy for me and my records. "SCDC"-defendant should be issued service first if there arises issues where all defendants can't be served simultaneously.

• Also, if it's not automatically done without request, could you please include this letter in my case file? I appreciate your help.

• Finally, if you need me to send any additional copies, could you please send me an order to do this so I can present it to SCDC staff in the hopes that they allow the copies to be made. either way the stamped copy I receive back will likely work, but the letter would help.

Thank you so much for your replies,

Christopher M. Kennan SCDC# 385016

Evans CI F5C-16

616 Hwy 9W

Bennettsville, SC 29512

Exhibit C

Exhibit D

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF Clarendon )  
 )  
Christopher M. Kennan )  
 )  
Plaintiff )

IN THE COURT OF COMMON PLEAS  
third JUDICIAL CIRCUIT

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

vs. )

South Carolina Dept. of Corrections )  
 )  
Defendant. )

FILE NO. \_\_\_\_\_

I, Christopher M. Kennan 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 22 day of July, 2023 )  
Sandra Outten )  
Notary Public for South Carolina )  
My Commission expires 2/7/24 )

Christopher M. Kennan )  
Signature of Plaintiff or )  
Person Filing Complaint on Behalf of )  
Plaintiff )

**ORDER**

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

**RECEIVED**  
FEB 12 2024  
SC Court of Appeals

Dated: July 16, 2023  
Manning, South Carolina

R. Lurel Cochran  
JUDGE/CLERK OF COURT

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

Exhibit D

In the state of South Carolina County of Clarendon  
Court of Common Pleas Third Judicial Circuit

Exhibit E

Christopher M. Kennan  
Plaintiff,

v.

South Carolina Dept.  
of Corrections, et al.,  
Defendants

Civil Action No. \_\_\_\_\_

Jury Trial  YES

MOTION TO Reconsider / Amend Judgement

Plaintiff Christopher M. Kennan, pursuant to Rule 59, SCRPC, requests court to amend decision to deny plaintiffs' MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

1. The Court is obligated, per the Supreme Court, "where certain fundamental rights are violated, the Constitution requires that an indigent be allowed to access the courts" and requires waiver of filing fee. Rules Civ. Proc., rule 3(b) and Ex Parte Martin, 321 S.C. 533, 535 (1995) id at 535, 421 S.E. 2d at 135 citing Boddie v. Connecticut, 401 U.S. 371 (1970)
2. This pro se Complaint isn't very neatly written and may be disorganized, but there certainly are violations of fundamental rights cited; some are as follows:

3. In Booker v. South Carolina Department of Corrections, 855 F.3d 533 (S.C. App 2017), the court held "Inmates possess a First Amendment right to be free from retaliation for filing a grievance" under its Petition Clause. In Plaintiff's complaint, paragraphs 50-57, he specifically stated SCDC staff admitted punching him for filing a grievance ("ADISM") and that plaintiff has this admission in writing. He lists multiple examples of such retaliation related to filing grievances in violation of Fundamental 1st U.S.C.A. rights under its petition clause and argues this treatment was also cruel and unusual/violative of 8th U.S.C.A. rights.

4. Plaintiff also cites in his complaint that Fundamental rights to Due Process were violated when he was held in solitary confinement, under extreme conditions, for seven months - 55. cel which he didn't receive a hearing despite policy calling for him to get one within seven days (see paragraphs 43-57). He argues he was denied due process as punishment for filing grievances.

5. In paragraphs 43-57, plaintiff also claimed he received inadequate medical treatment - and mentioned a suicide attempt due to this inadequate care <sup>and poor treatment</sup>. Carlson v. Green, 466 U.S. 14 (1981) holds that Fundamental right to be free from Cruel and unusual Punishment and that inadequate medical care can rise to a level of cruel and unusual Punishment. A hearing should be held to decide these issues on their merits. The South Carolina Constitution also prohibits cruel and unusual punishment.

6. Without being allowed to file this complaint and proceed in forma pauperis - justice will be denied to plaintiff ~~his fundamental rights~~ <sup>and his Access to the courts</sup> and Due Process would be withheld. If he can't assert his claims that fundamental rights were violated by defendants, and have defendants be held accountable, then this is an appealable issue.

7. This court should reconsider its denial of plaintiff's motion to proceed in forma pauperis and allow plaintiff to proceed in forma pauperis. Please.

2/14/23

Respectfully submitted,

Christopher M. Kennan SCDC# 385016  
 EVANS CII  
 610 Hwy 9w  
 Bennettsville, SC 29512

Exhibit E

7/14/23  
Card 115/241 Sec 4

Dear Clerk of Court and Your Honor

Enclosed you will find a Motion to Reconsider / Amend judgement asking that your Honor approve applicants motions and affidavit to proceed in forma pauperis, which you denied on July 6th, 2023.

Exhibit F

Within this motion and the original complaint, is evidence that my complaint contains assertions that plaintiff's fundamental rights to Due Process and to be free from cruel and unusual punishment were violated by the defendants. <sup>and</sup> <sup>if shown,</sup> these fundamental Constitutional rights and their subsequent violations assures the plaintiff the right "to be allowed access to the courts" and "requires waiver of filing fees"; Pursuant to Rules Civ. Proc., Rule 3(b) as well as South Carolina's Supreme Court's holdings in Ex Parte Martin, 321 S.C. 533, 535 (1995); id ("Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts."). Please note my citation referring to paragraphs 43-57 in my complaint that SDC staff admitted to retaliating on me because I filed a grievance related to a sexual assault, and the S.C. Court of Appeals holding that such retaliation is fundamentally unconstitutional and violates an inmate's First U.S.C.A. rights under the Petition clause (Booker v. SCOR, 855 F.3d 533 (S.C. App 2017)). The retaliation, including the major's admission in writing, went on for months and will be substantially corroborated.

The Court's denial on 7/6/23, and my subsequent receipt of it a few days later started the (30) thirty day period in which I have to send "Notice of Appeal". Should this Court decline to reconsider and approve my motion ~~for~~ to proceed in forma pauperis I will need the spelling of your honor's name (the signature, though well stylized and neat, isn't well discerned by plaintiff). Also, I'm not sure if there's any reference # the court can provide in lieu of a case #, I'd appreciate having something more, if possible, should I need to file an Appeal and/or a writ of mandamus with the higher court(s), it might make the appropriate forms more complete, in addition to including six copies of the complaint and appeal to the S.C. Supreme Court.

I am sending two copies of the Complaint. Please return one to me <sup>proof</sup> clocked and timestamped if the court allows the case to proceed w/ plaintiff in forma pauperis status approved, and either way please remit the printed name of your Honor

Thank you for your time and reconsideration,  
Christopher Kennan SDC # 385016  
Evans CI / FSC-116  
610 Hwy 9W  
Bennettsville, SC 29512

Also included are: 3 summary (AO 440)

- The Financial Certificate
- The Court's Denial of motion to proceed in forma pauperis
- 3 USM-285
- 1 Motion to Amend

Exhibit F

\* Also, please remit another SCCA 40SCP (1010) Inclusion of Affidavit to Proceed in forma pauperis.

*Signature*

Exhibit G

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CLARNEDON )

Christopher M. Kennan )  
 )  
Plaintiff, )

vs. )

South Carolina Dept. of Corrections, )  
 )  
Defendant. )

ORDER  
C/A NO.

This matter is before the Court pursuant to Rule 59 (e) SCRPC. The Plaintiff seeks an Order of this Court amending or altering its Order of July 6, 2023.

Pursuant to Rule 59 (f) SCRPC, this Court determines that the motion to alter or amend may be decided on briefs filed by the parties and without oral argument.

Having duly considered the motion to alter or amend of the Plaintiff, this Court has determined that its original Order dated July 6, 2023 is fully supported by the law and the evidence and is hereby ratified and reconfirmed. The motion to alter or amend the earlier Order is therefore DENIED.

AND IT IS SO ORDERED.

Manning, South Carolina

Dated: July 24, 2023

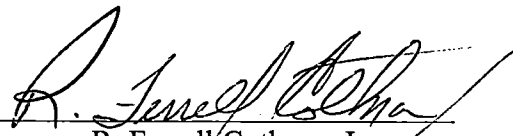
  
R. Ferrell Cothran, Jr.  
Judge, Third Judicial Circuit

Exhibit G

# The Supreme Court of South Carolina

Christopher Keenan, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2023-001275

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## ORDER

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Pursuant to Rule 204(a) of the South Carolina Appellate Court Rules, this matter is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY Patricia A. Howard  
CLERK

Columbia, South Carolina  
August 11, 2023

cc: Christopher Keenan, 358016  
South Carolina Department of Corrections  
The Honorable Jenny A. Kitchings



Exhibit I

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

August 29, 2023

Christopher Kennan, 358016  
Evans Correctional Institution  
610 Highway #9, West  
Bennettsville SC 29512

Re: Christopher Kennan v. SCDC  
Appellate Case No. 2023-001275

Dear Mr. Kennan:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Specifically, you must provide a proof of service on counsel for the Respondent.
- The required filing fee has not been submitted. The correct filing fee is \$250.00.

Very truly yours,

*Catherine Harrison, deputy*  
CLERK

Received  
9/6/23  
sent reply 9/8/23

Exhibit I

cc: Christina Catoe Bigelow, Esquire



Exhibit J (1a)

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

August 29, 2023

Christopher Kennan, 358016  
Evans Correctional Institution  
610 Highway #9, West  
Bennettsville SC 29512

Re: Christopher Kennan v. SCDC  
Appellate Case No. 2023-001275

Dear Mr. Kennan:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

Exhibit J (1a)

J(2:2)

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

**Christopher Kennan, Appellant,**

v.

**South Carolina Department of Corrections, Respondent.**

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

*Catherine Hannibal, deputy*

CLERK

cc: Christina Catoe Bigelow, Esquire

*[Handwritten scribbles and signatures]*



Exhibit K

# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

January 03, 2024

Christopher Kennan, 358016  
Evans Correctional Institution  
610 Highway #9, West  
Bennettsville SC 29512

Re: Christopher Kennan v. SCDC  
Appellate Case No. 2023-001275

Dear Mr. Kennan:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- You must provide a proof of service indicating that the notice of appeal has been served on the Department of Corrections.

Very truly yours,

*Catherine Harrison, deputy*

CLERK

*Sent 1/5/24  
SCDC + Appeals court  
w/ letter to SCDC  
Office of General  
Criminal*

cc: Christina Catoe Bigelow, Esquire

K



Exhibit L

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

January 03, 2024

Christopher Kennan, 358016  
Evans Correctional Institution  
610 Highway #9, West  
Bennettsville SC 29512

Re: Christopher Kennan v. SCDC  
Appellate Case No. 2023-001275

Dear Mr. Kennan:

We received your letter dated September 8, 2023, which this Court construes as a motion to proceed in forma pauperis.

Upon reviewing your motion to proceed in forma pauperis, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

*Catherine S. Harrison, deputy*  
CLERK

cc: Christina Catoe Bigelow, Esquire

Exhibit L

# The South Carolina Court of Appeals

Christopher Kennan, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2023-001275

## ORDER

This appeal arises out of an order of the circuit court dated July 6, 2023. Appellant received written notice of the entry of the order on July 10, 2023. The proof of service provided shows service on January 5, 2024. Because Appellant has failed to provide proof of timely service upon the Respondent as required by Rule 203(b)(1) of the South Carolina Appellate Court Rules, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

The SC court of Appeals seems to think my inform pauper application was merely for the appeal - but in fact the demand is Plaintiff's my inform pauper application and subsequent unwillingness to file my case in the circuit court of Common Pleas is the basis of my appeal.

[Court precedent - fundamental constitutional rights] without filing my application my inform pauper application and filing the case none of the defendants have been served with the complaint - SCDC (defendant) will not waste service of process and who the costs getting inform... Plaintiff can serve them.

This appeal is only to require Circuit Court of Common Pleas to approve inform... and some process so this case can proceed.

Respondent hasn't been served because the court of Common Pleas didn't approve this indigent, pro se litigant's inform pauper application - and subsequently refused to file this case. Plaintiff has wrote a notice of appeal to that court and filed with the SC Supreme court - who assigned this case an Appellate Case No. After multiple back and forth with the SC Appellate court asking for service of process in the letter enclosed.

*[Handwritten signature]*  
FOR THE COURT, J.

Columbia, South Carolina

Plaintiff's appeal is an Plaintiff's inform pauper application being denied, and the court's subsequent denial of refusal to file this case and to issue summons to the defendants until served by the clerk the original complaint - there is not directly any request to return Plaintiff did notify the Circuit Court of Common Pleas of his intent to appeal the decision.

**FILED**  
**Jan 30 2024**

Exhibit <sup>M</sup>

<sup>1</sup> Based on our disposition herein, we need not consider Appellant's motion to proceed in forma pauperis. Plaintiff is agreeing to fund get his inform pauper application approved so that the respondents can be served in the first place. As noted in multiple letters to the court Plaintiff's case involves fundamental constitutional rights that they court would need to be allowed to proceed in forma pauperis.