

William Smith #161838

LEE corr Unst - F3A2134

490 WISACKY Hwy

Bishopville, S.C

29010

3-6-25

Case No. 2024-CP-34

00199

RECEIVED

MAR 10 2025

SC Court of Appeals

Appeal court. How is this a Marlboro County  
Case. 2024-CP-34-00199. file in Marlboro County  
and here it's this Final order to Dismissal  
Judge is in Chester S.C. to Sign off on  
this is another County, is this Right or  
Correct. please look into this matter  
I asking to Be Reinstated Back on  
Parole, Because they Violated My  
Due process and I'm law fully held  
on parole Violation when the Solicitor  
Dismiss all charge against No State, Federal  
local how Been Broken.

W. Smith

Please help me

William R. Smith #00161838

V

S.C. Attorney General

To, S.C. Court of Appeal

3-6-25

Case NO 2024-CP-34-00199

Amendment File to Appeal  
to conditional order of Dismissal

RECEIVED

MAR 10 2025

SC Court of Appeals

This my Amendment of proof of Fact of Evidence to support the  
Claim of, Benny Demal Due Process, of the Court Reversed  
Me, my Right to have a lawyer to the Final hearing to  
Revocation hear Date Feb 7, 2023. When I ask the  
Court By motion file to court and ask my parole  
Agent to give the case file to the Public Defender  
Robert Lee Newfox. She Refuse this a Violation Due  
Process. 24-21-680.

SEE. Case Salley U. State 410 S.E2d 921+922 (S.C. 1991)

Asking court to Grant P.C.R. to correct mistake, and get  
Reinstated Back on Parole.

2-14-25

William Kinard  
AKA. William Smith  
LEE corr Inst - F3A2134  
990 Wwacky Hwy  
Bishopville S.C. 29010

2025 FEB 28 AM 11:52

FILED

To, Ms. April Driggers Senior Deputy clerk.

I would like for you to please file this 59(E) with the court along with this New Amendment Motion 60(B) for Violation of Due Process, Denied me a Right to have a lawyer at my Final Revocation hearing on Feb 7, 2023. And make sure all the Motion that has been file in Case No. 2024-CP-34-00199) go before a Judge to be Rule on A.S.A.P. Because here it is I have this Conciliation order to Dismiss, Sign By a Judge Sumpter and this a Marlboro County Cause, And he sign off on this Conciliation order to Dismiss with out ruling on Any of the Motion, that has been file with this Case. Why is that. Either he never seen these Motion or they Not in the Case file, Because I have a Copy of everything I am speaking about REgarding this Matter, Because looking at the paper work, something wrong is going on, I can see where I sent paper or Motion Date 9-9-24 and it never got file until Nov. that 4 month or I file a Respose Motion, and Date 9-9-24. then Judge sign off in Aug 2024, then it take 6 month to get to me, in fact, I got 2. Copy of this Conciliation Order on Same Day. one <sup>A CERTIFIED TRUE COPY</sup> Clerk of Court and one S.C.D.C. on Jan 26, 2025. Only <sup>because I</sup> sent a letter to the New clerk of Court asking <sup>ALBORA@COUNTY</sup> is my date to the hearing to the P.C.R. case 2024-CP-34-00199. Other than that I still Been waiting and time would Been Running.

No. if there a final order in this matter, I Need to know what the Disposition is Because, then I have Fact and know, what I Need to Do Because, No one is trying to help me Correct this wrong mistake I am a innocent parable Being Treated as if I have Been found guilty of a New crime When I have Been clear By the Marlboro County Solicitor office of all 5 charge. all I am asking is to Reinstated My Parole So I can Move on With My life, they holding me on a violation When there is No Evidence to Violate me, When the Solicitor Dismiss the Charge I like Suppose Been Reinstated. And there a Respected to the Court order of Dismiss. So you can file that also. Thank you for your time and help, I would Be looking For a Responset from the Clerk of Court, I know you are Busy. So you and Mrs. M. McClain have a Bless Day at work.

William Smith  
AKA. William Knud.

Margueta McClain  
CLERK OF COURT  
MARLBORO COUNTY

P.S. if these Motion is not in file that have Been Stamp let me know A.S.I.P. and I send you a copy from My Record.

A CERTIFIED  
TRUE COPY

2025 FEB 28 A 11:32

FILED

William Smith #161838  
AKA. William Kinard  
V

S.C. Attorney General

Motion to the Marlboro County Court

Case No. 2024-CP-34-00199

Motion to the Court Rule 59(E)

Should Be hear By A Judge and All  
Motion Rule on Before Any other  
Rule on this condication order of Dismiss  
Because Due process is violated.

I The Parolee William R Smith #161838 is Filing this 59(E) to this  
Court Because this Court has Not Seen or Made ANY Ruling on  
this Parole Motion to the Court and the following OR. ① Rule 56  
Motion to Court to Dismiss condition order of Dismiss. ② Rule 60(B)5  
Asking the court to Grant his P.C.R. under Rule 60(B)(4)(5). ③  
Motion to court to WithDraw Motion to Vacate Sentence to 30 Year. ④  
Amendment Motion to Rule 56, 60(B)5 To Grant P.C.R. To correct MIsake  
Because, the S.C. Dept. of Parole has Violated this Procee Due Process  
And there Guildline 24-21-680. By Denied this parolee a Parole  
Bond, And Denied him a Right to have a lawyer. Motion was  
File Jan 26 2023 2:25 pm Asking for A lawyer to him at his Final  
Revocation hearing Date Fed 7, 2023. And the state and the  
S.C. Dept of Release Service, is also in Violation 17-27-20 (A)(5)(B)  
Unlawfully holding him on a Parole Violation, When all the  
Evidence or charge here Being arrest ex A-9-22, has Been  
Dismiss By the Marlboro County Solicitor on 1-10-24.  
The S.C. Dept of Parole and Release Service, Was Suppose to  
Reinstate this parolee Back on parole, they Refuse  
State if the cirCourt Dont correct this, they is Not going to

①

A CERTIFIED  
TRUE COPY

Marquita McLean  
CLERK OF COURT  
MARLBORO COUNTY

AT. NO Time AT the Administrative hearing on 11-23-22, Did this parolee have a Attorney, AT No Time on Feb 7, 2023 AT this Final Revocation hearing Did he have a Attorney, And he Motion the Court for one Because he was unable to get one on his own, this Parolee Was ingent. And he Did Not Sign No Waiver Not to have a Lawyer to help him in this Matter. And it's a Fact. ① This parolee has not Broken, his parole, or My State, Federal OR. Local laws. This parolee has Not plea guilty or Been found guilty in the Court of Law. This parolee is innocent and All 5 charge from this arrest on 8-9-22 has Been Dismiss By the Marlboro County ~~the~~ Solicitor offices.

2025 FEB 28 A 11:32

FILED

A CERTIFIED  
TRUE COPY

Marquita McFain

CLERK OF COURT  
MARLBORO COUNTY

William Smith, 161838

②

2-14-25

William Kinan  
AKA. William Smith #161838

V

State S.C. Attorney General

Case No 2024-CP-34-00199

CERTIFICATE OF SERVICE

2025 FEB 28 A 11:32

FILED

I hereby that I William Kinan AKA. William Smith #161838 on 2-14-25  
in Bishopville S.C. 29010 served a copy of this forgoing motion,  
59.(E) To make sure all motion that has been file, with the Marlboro  
County Clerk of Court that on file to case No. 2024-CP-34-00199  
Rule 56, Rule 60(B)(4)(5) along with the Amendment motion file to correct  
misake. Due procee, Denily procee the right to have attorney for his final  
Revocation hearing on Feb 7, 2023, P.C.R. motion Rule 60(B) to file P.C.R. after  
1 year limerction for with in A Reasonable time to correct other misake  
This matter by dePosting the same in the U.S. Mail Postage / Agency service

To. Chief Administrative Judge  
Hon George M. McFaddin JR  
215. N. Harvin street  
Marion S.C. 29150

Office of S.C. Attorney General  
D. Russell Barlow  
P.C.R. Division Hair Court  
P.O. Box 11549  
Columbia, S.C. 29211

Marquita McFain

CLERK OF COURT  
MARLBORO COUNTY (3)

CERTIFIED  
TRUE COPY

William Smith #161838  
Parolee

V

S.C. Dept of Parole Release server  
and S.C. Attorney General

Motion to Marlboro County Court

2-14-2025

Case NO 2024-CP-34-00199

Amendment Motion to Rule 56  
60(C)(5) For Granted P.e.R  
To Correct Misake  
Due Process

2025 FEB 28 AM 11:31

FILED

This Motion to this Court to Correct the Misake, and to grant  
this parolee, Back on Parole, Back into the community.  
The S.C. Dept of Parole and Parole Agent Tura Funderberk, and  
the Marlboro County Court, has Violation the parole guideline  
24-21-680. Due Procee By ① Denie this parolee the Right  
to have a lawyer Appointed, for him at his final Revocation  
hearing, When he file a Motion with the Clerk of Court Date  
and clock stamp: Jan 26, 2023 Time 2:25 pm. Rule 44 and Rule 32 (3) E  
Requestion that Counsel Be appointed if the person cannot obtain couns  
For himself: ② Denie this parolee, the Right to A parole Bond.  
On 9-28-22. And For Taken the Parolee up CERTIFIED TRUE COPY ORIGINAL Revocation  
hearing and Violation his Parole on Feb 7, 2023 when at the time  
he had Not went Back to Court, to FACTS OF COURT MARLBORO COUNTY the 5 Charge  
From his false arrest On 8-9-22. the Violation his parole  
For Being arrest. This parole has Not Been found guilty of  
Any New charge, This parolee has Not Plea guilty to Any New charge  
①

On Feb 8, 2023. Parlee was Sent Back S.C. P.C. on Parole Violation  
For Being arrested on 8-9-22. Then on Feb 7, 2023. They Never  
give him A ~~Appel~~ Appeal Form or State he had file a  
P.C.R. 17-27-20(A)(5)(B), to Appeal within 1 year, they  
Just Sent him Back to SCDC. And he has Not Been convicted  
Of Any New Crime. Then All the Evidence he was use  
at his Administrative hearing with No lawyer Date 11-23-22  
Was From Being arrested on 8-9-22. And when he was Denied  
parole Bond on 9-28-22. Was Because he had post Bond  
on the 5 charge him ~~is~~ was Arrest for on 8-9-22.  
And this Bond 8,000\$. When the Bail Bond posted Bond, thus  
When this parolee was informed he had Parole hold,  
the taken to A Administrative parole hearing on 11-23-22  
By officer. Mevin Dean Subur. the Evidence at this hearing is all  
Information, that from the incident Report that Show Adm close No  
Investigation, alone with 5 charge. And the parolee State at this  
hearing on 11-23-22. That he was innocent of all charge. and this  
hearing officer Mevin D. Subur. Told. IF he Beat all his charge  
In court that his parole would Be Reinstated Back on  
parole. on 1-10-24 the ~~Marlboro~~ County Solicitor Dismiss  
all 5 charge from the arrest on 8-9-22.

A CERTIFIED  
TRUE COPY  
Margiula  
CLERK OF COURT  
MARLBORO COUNTY

And Right then When the S.C. Dept of Parole Release Service  
Recieve this information, they was suppose to take me  
Back up to the parole Board and Reinstate parolee Back  
on parole, Because, He was clear By the Soicitor he  
has Not Been Con Victed, of Any New crime So he has  
Not Violated his parole Because He has Not Broken Any kind  
State or Federal or local laws, and he has Not Pleas  
Guilty and his Not Been for guilty By Any court of Law  
(So this a Violation of this Parolee Due Process Rig

24-21-680, Because he Never Sign Any kind of Waiver  
Not to have No lawyer Appointed to him <sup>Help</sup> And he has  
It on file to Show He ask the Court to Appoint him a  
lawyer, And his parole Agent Tora Funder Berk, Was  
Suppose to give the Police Defender Robert Lee Newator  
The case file, She Never Done it. And the Court Never  
Rule on this Motion, it like it was over look when it's  
In the file, see copy Attachment, <sup>A CERTIFIED COPY</sup> This Be sent with this  
New Amendment Motion file to <sup>Margaret McLean</sup> Clerk of Court  
Order. See case: Salley v. State 410 S. E2d 921+922 (S.C. 1991)

Wilbur Smith

(3)

William Binard

v

State

Case 09-GS-34-559. Rule 44.

Motion Rule. Parole. Rule 32. 3(B) to Request that counsel be appointed if the person cannot obtain counsel for hearing

This Defender need A Counsel to Be appoined to him for his up coming parole hearing on 2-7-23 The Defender, parole office has not giving the pubic Defender. Robert Newton his File. to help him. when she made the Statement she'll talk to Robert Newton. this case is 34 year old. this Defender need A lawyer in this Matter A.S.A.P. Someone to help him. This Defender has Not Been found guilty of Any New crime Yet. Case is pading

A CERTIFIED TRUE COPY

Marquita McFain

CLERK OF COURT MARLBORO COUNTY

2025 FEB 28 A 11:31

FILED

ANITA M. WILLIAMS CLERK OF COURT MARLBORO COUNTY, S.C.

2023 JAN 26 P 2:25

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT MARLBORO COUNTY

FILED

Bragg  
1-29-23

Fax to Parole  
T. Funderberk.

Inmate Request Form

Name: William Kinard

Date: 1-29-23

Unit & Room Number: C4 lower

Arresting Agency: \_\_\_\_\_

General Reason for Request:

- Inmate Case File
- Classification Information
- Personal Property
- Inmate Worker Status
- Inmate Account
- Program Services
- Other
- Plea
- Solicitor's Office
- Public Defender
- Warrant or
- Ticket Number:

Specific Information Concerning The Item Checked: Mrs. Tara Funderberk. I Need  
or you to Bring Me a copy of Everything you sent to parole Board  
I Need a complete copy of all, PTL Tyler G Smith (Bage 4000-8612) Incident  
report and All copy of his warrant and incident Report for Case 5476-22, copy  
case 5263-22, Everything you Turn into parole Board, My File. I have Been  
asking for this information the whole Month Now. Need it Before 2-7-23  
parole hearing. Please, Robert Lee Newton, said You Never give him My parole  
file, So he Dont know Anything about My parole hearing 2-7-23. So how can  
the lawyer Show up if you Never give him My parole File. Just Bring Me  
ne, Paper on PTL Tyler G Smith. Rule 5 Rule 16. Motion to copy of All Document  
that was Turn in for My parole hearing Rule 34. Request For Production of  
Document

Staff Response: boxed

Referred to: \_\_\_\_\_  
Date: \_\_\_\_\_

A CERTIFIED TRUE COPY

Staff Signature: Christina Williams

CLERK OF COURT  
MARLBORO COUNTY

ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2024 NOV - 8 A 11: 09

FILED

Fax to Parole T. Funderberk,  
This the 4th Request Form in A Month.

William Binard

v

State

Case 09-GS-34-559. Rule 44

Motion Rule. Parole. Rule 32  
3.(B) to Request that counsel  
Be appointed if the person  
cannot obtain counsel for hearing

This Defender need A Counsel to Be  
appointed to him for his up coming parole hearing on 2-7-23  
The Defender, parole office has not giving the public Defender.  
Robert Newton his File. to help him. When She made the Statement  
She'll talk to Robert Newton. this case is 34 year old. this Defender  
need A lawyer in this matter A.S.A.P. Someone to help him.  
This Defender has Not Been found guilty of Any New crime Yet. Case is pending

A CERTIFIED  
TRUE COPY

Marquita McLean

CLERK OF COURT  
MARLBORO COUNTY

2025 FEB 28 A 11:31

FILED

ANTIA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2023 JAN 26 P 2:25

A CERTIFIED TRUE COPY

Antia M. Williams

CLERK OF COURT  
MARLBORO COUNTY

FILED

**South Carolina Department of Probation, Parole and Pardon Services  
Notice of Offender Rights at Hearing and Hearing Waiver Option**

[For Parole and Supervised Furloughs I & II Only]

South Carolina Department of Probation, Parole and Pardon Services -VS-	Date
Offender's Name [Print] William Smith	SCDC# 00161838
	SID# 00714554

**Notice of Your Rights:** [The Agent must read and explain to the offender]  
 You are informed that you are charged with violating conditions of your release. You have the right to remain silent. Anything you say can be used against you at a Violation Hearing. You have the right to talk to an attorney before any questioning and to have him with you during questioning. You may retain an attorney at your expense. The Department of Probation, Parole and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your preliminary hearing petition for any appointed attorney. An attorney will not be appointed in furlough hearings and will not be appointed in other hearings except in the most extraordinary circumstances.

- You have a right to have a hearing on the charge of violation of release program.
- You have the right at the hearing to confront and question any person who appears as a witness against you.
- You may have witnesses appear in your behalf.
- You have a right to obtain an attorney at your expense.

This is to certify that my rights, as stated above have been explained to me, and that I understand what my rights are. I have been given a copy of this statement.

Agent's Signature Tara F. Funderburk	Date 11/23/22
Offender's Signature William Smith	Date 11/23/22

**Hearing Waiver:**  
 After having my rights explained to me, I wish to voluntarily waive my right to a Hearing before a neutral Hearing Officer and admit that I violated conditions of my release, and I accept my removal from the program and return to the custody of the South Carolina Department of Corrections for completion of my sentence.

Agent's Signature	Date
Offenders's Signature	Date

STATE OF SOUTH CAROLINA )  
COUNTY OF MARLBORO )

IN THE COURT OF GENERAL SESSIONS

**FILED** Indictment No. 89-65-34-0559

2022 ~~SP~~ Parole Violation 28

Warrant # W-35-22-0022

AHITA M. WILLIAMS

CLERK OF COURT

MARLBORO COUNTY, S.C.

State of South Carolina,

v.

YO A PAROLE / PAROLE BOND

William Smith

Defendant.

The above named Defendant/Parolee, after having read the charges in the Parole Violation Arrest Warrant issued on 7-18, 2022 and having been duly informed of his right to a Bond Hearing pursuant to South Carolina Code s 24-21-680. The Defendant comes before the Court to have bond set.

The above named Defendant/Parolee is ordered a Surety / Personal Recognizance Bond being set in the amount of \$ Denied. Furthermore, the Defendant/Parolee agrees with all conditions set forth in the order for bond.

No Signature  
Required on Denial  
Defendant's Signature

09/28/22  
Date

Tara F. Funderbunk  
Parole Agent's Signature

ACERTIFIED 8/22  
TRUE COPY

[Signature]  
Presiding Judge's Signature

Marquita McLean  
CLERK OF COURT 22  
Date  
MARLBORO COUNTY

2025 FEB 28 AM 11:31

**FILED**

William Smith # 161838

KEE Corr Inst - F3A2134

990 W. Sackly Hwy  
Bishopville S.C.  
29010

RECEIVED

MAR 10 2025

SC Court of Appeals

To: S.C. Court of Appeal  
P.O. Box 11629  
Columbia, S.C.  
29211



US POSTAGE TM PITNEY BOWES



ZIP 29010 \$ 001.25<sup>0</sup>  
02 4W  
0000373846 MAR 07 2025

**LEGAL MAIL ONLY**