

William Smith #161838
V
parolee

S.C. Attorney General
P.C.R. Division 4th Circuit

The South Carolina Court of Appeal

2-28-25

Appeal Case No. 2024-CP-34-00199

Notice of Appeal to Final Order of Dismissal

A. Marlboro County case. **RECEIVED**

MAR 13 2025

SC Court of Appeals
13 filing

This Parolee, William Smith #161838 AKA. William Kinard, is filing
This Notice of Appeal to case No. 2024-CP-34-00199. to the Final
Order of Dismissal, with his Appeal Brief Attach with his case law
to support his fact, with All Document Attach to his Brief to
show the court, he should be grant his P.C.R. to correct the
Mistake made by another ex court of law. Parolee file a P.C.R
to clerk of Marlboro County on June 13, 2024. The state ask for
A condonation order of Dismiss. on Aug 21, 2024. A Judge
Summter County Sign off on this condonation order, then
6 Month later Jan 23, 2025. I Recv a copy of this order
Now, I am Right here in Bishopville S.C. Why did take 6 Month
Then when I get this Final order of Dismissal Date Feb 24, 2025
that I got today. The Judge is ex Chester, S.C. 29706.
This a Marlboro County why they Recd Send it to Judge
Paul M. Brink. Who over 4 cr. Chester S.C. is Not a
4 cr Court is it. is this legal to Do By law.

I Not a lawyer But, I Never Seen or heard of this kind
of action taken Place By the Attorney General office
Before. Because I cant file No Motion in Summitt, or in
Chester, So how can these Judge Sign a order of Dismissal
that Not in the County that Court in or where the case
is file at. I ask the P.C.R. Rule 60B 4+5. to Correct the
Mistake. D. Denied me a parole Bond on 9-23-22. and Denied
me Due process where I Just found, My Due Process
Was Violated, the Denied me a Right to have a lawyer
to my Fernal Revocation hearing. Date Fed, 7, 2023.
When I file a motion with Marlboro County clerk of
Court asking for a lawyer help, and my parole
Agent. Never give the public Defendant Robert Lee
Newton, Any Notice or my case file, when I ask
and the court to give a lawyer to help me.
This a Violation Dup process. See case law in Brief
and copy Attach. Motion asking for lawyer. Attach asking
parole Agent to Send lawyer Document. and copy Denied
parole Bond Sheet. Never Sign Never Seen it.

For Same Reason, they Refuse to let me go Back in Front of a Judge
on P.C.R. When the 4th Cir Court is the only way for me to Be able to
Correct the Misake, Because the en Violation 17-27-20(A)(5)(B).
Unlawfully holding me for a Violation for Being arrest, Not
Convicted. See the Violate 24-21-680 Due process By taking
me to A Final hearing, Before I went Back to court. they Violate
My parole, on Feb 7, 2023. they Never give me No Appeal Form, which
Would have Been a P.C.R. to file under Due process 17-27-20(A)(5)(B)
On 1-10-24. the Marlboro County Dismiss all 5 charge against, From
the arrest on 8-9-22. And this was all the Informative use
to Revoke My parole, From the Evidence that Turning
By My parole Agent. to the Administrative hearing officer
Melvin D. Subue. I told him, I was Being Set up By my wife
Daughter who a convicted felon on Drug. Name Quanna
Morrison. She lied to the police and to the parole Agent.
And the Believe her, And I Explain to hearing officer that he
got incert Report that Show Adm. Close No investigation
No warrant. he tell to Judge in court, I Explain to him.
Never had No Drug. the pills. was my medication my Name
on all Bottle, all the Pill in the correct Bottle. he state if
I Beat all the charge that my parole would Be Reinstate
and sent the case to the S.C. parole Release Serum Board
who Violated my parole, off his word, of the Evender
paper work turn into him. When I told I am innocent
Then I put in a motion to the court asking for a hearing

NEVER happen they took me to the Final hearing with No lawyer
When I have nothing asking for one See Copy of Document.
that I just got from New Marlboro County Clerk of Court.

And I file a Motion Be ~~Grant~~ Grant the P.C.R. after the 1 year sentence
time. (Why they never inform me I had a right to Appeal
if I would had this information I file P.C.R. at R+E Kirkland
I didn't find out about 17-27-20 (A)(5)(B) until after I got
to see corr inst. waiting to go to court. See copy letter
From General Counsel parole lawyer Matthew Bananan
Telling, at time, he will not look into the matter, and
5 charge are pending. This what he said. But as you
can see from the Document, all 5 charge was dismissed
By the Marlboro County ^{Solicitor} ~~Solicitor~~. on 1-10-24, they
was suppose to Reinstate my parole, they took
Back up to the parole Board on Feb 28, 2025.
Reject me on false information, from a Record that
Not mine, when in the computer it show something difference
See copy Tam management sheet, my parole 36 year I was
out 6 year 9 month 20 Days, so I had to be deny right
I had to Report 1 time per month. Never miss a Report
ever if I could pay I show my face ④

AKA. William Kinard
William Smith #161838

V

S.C. Attorney General
P.C.R. Division 4, Circuit Court

2-28-25

Put in Mail Box
On 3-2-25 4p

Case No 2024-CP-34-00199

CERTIFICATE OF SERVICE

RECEIVED
MAR 13 2025
SC COURT OF APPEALS

I hereby that I William R. Smith #161838 AKA William Kinard
On 3-2-25 in Bishopville S.C. 29010 Served A. Copy of the
Notice of Appeal and the Brief with Document Evidence
to Support Fact asking Court Grant P.C.R. ix Case No 2024-CP-
34-00199, to the Final order of Dismiss. This is a
Marlboro County case. Ask to Be Grant Motive 60(B) Hand S
to Be able to go to hearing, I pass the 1 year limitation
Because this A Revocation MISAKE, Due process Violation
Unlawfully holding parolee. No law Been Broken.

① To, S.C. Court of Appeal
1220 Senate Street
P.O. Box 11629
Columbia, S.C. 29201

To, S.C. Attorney General
P.C.R. Division 4th Cir Court
P.O. Box 11549
Columbia S.C.
29211

②

William Binard
AKA William Smith
V

State

Case 89-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

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

Bragg
1-29-23

Fax to Parole

Inmate Request Form

T. Funderberk.

Name: William Kincaid

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

For you to Bring Me a copy of Everything you sent to parole Board
I Need a complete Copy of all, PTK, Tyler G Smith (Bacg 4000-8612) Incident
Report and All copy of his warrant and incident Report to 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
The Paper on PTK, 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: Arista 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.

Parole
ARREST WARRANT
Indictment Number: 89-GS-34-00559
Warrant Number: W-35-22-0022
State Identification No. (SID) 00714554

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

FILED

2023 FEB -7 A 11: 53

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

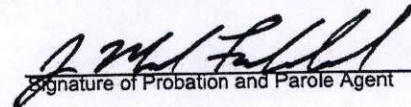
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF BENNETTSVILLE, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that WILLIAM SMITH, did on the 7 day of September, 2022 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has knowingly and willfully violated Board ordered conditions 4, 6, 7, 9, 10. Due to said violations the offender is now subject to the issuance of an arrest warrant or citation pursuant to Section 24-21-680 of the South Carolina Code of Laws.

Now, therefore, you are empowered and directed to arrest the said defendant and bring WILLIAM SMITH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at BENNETTSVILLE, S. C. this 7 day of September, 2022.



(L.S.)
Signature of Probation and Parole Agent

County of MARLBORO
STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one John Mark Funderburk, who, first being duly sworn, deposes and says that WILLIAM SMITH did within this County and State on the 7 day of September, 2022, violate the criminal laws of the State of South Carolina in the following particulars:

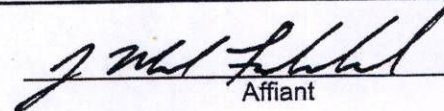
DESCRIPTION OF OFFENSE:

The offender has knowingly and willfully violated Board ordered conditions 4, 6, 7, 9, 10. Due to said violations the offender is now subject to the issuance of an arrest warrant or citation pursuant to Section 24-21-680 of the South Carolina Code of Laws.

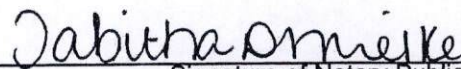
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Subject has failed to follow the advice and instructions of his agent. Subject has several new charges from two different agencies. Subject is currently in jail for pending charges of Domestic Violence 2nd Degree as charged by the Marlboro County Sheriff's Department for an incident that happened on 05/25/22. He has also been charged with Hit and Run by the Bennettsville Police Department for an incident that happened on 07/30/22. Subject has also been charged by the Bennettsville Police Department for Possession of a Controlled Substance, Felon in Possession of a Firearm, and Unlawful Carrying of a Pistol for an incident that happened on 08/09/22. Subject was found to be in possession of a .25 automatic handgun. This firearm was found on the inside pocket of a vest draped over the driver seat of a vehicle that subject was driving at the time of an arrest. Subject has failed to pay monies as ordered. Subject is currently 49 payments (\$2420) in arrears on supervision fee account and has failed to pay the one time \$20 drug test fee. Such actions constitute violation of conditions 4, 6, 7, 9, 10.

Sworn to and Subscribed before me
this 7 day of September, 2022.



Affiant



Signature of Notary Public (L.S.)

Address: P.O. BOX 591
BENNETTSVILLE, SC 29512

7-18-2023

My Commission Expires

(843) 479-3041

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106)

Personal Information					
Name:	SID:	DOB:	SCDC#:	Supervision Level:	Agent Name:
WILLIAM SMITH	00714554		00161838	Jail	35-AG-01

Sentencing Information		
Order #:	Potential End Date:	Adjusted End Date:
Warrant/Citation Numbers: W-35-22-0022		
Sentence Date: 02/11/2016	County Name: MARLBORO	GPS Indicator: DISCRETIONARY
Authority: Board - Parole Board		

Indictment Number:	Offense Code:	Supervision:	
89-GS-34-00559	95 - Kidnapping (SR If victim >= 18 unless judge order not) (SR If victim < 18 unless by parent)	Parole	Sup. Begin Date: 02/11/2016
			Sup. End Date: 01/01/9999
Sentence: MUST ATTEND A SUBSTANCE ABUSE PROGRAM FOR AS LONG AS THEY DEEM NECESSARY AND SUBMIT TO SCREENING; MUST ATTEND MENTAL HEALTH PROGRAM (COGNITIVE BEHAVIOR) FOR AS LONG AS THEY DEEM NECESSARY; MUST HAVE NO CONTACT WITH THE VICTIM AND OR VICTIM'S FAMILY; HOME DETENTION NOT TO EXCEED 6 MONTHS, AS DETERMINED BY THE DEPARTMENT; MUST REIMBURSE SCDPPPS \$550.00 FOR THE COST OF THE PSYCHOLOGICAL EVALUATION;			
Special Conditions: H-Det - H-Det / Home Detention not to exceed 6 months, as determined by the Department; NC-Vctm - NC-Victim / No contact with victim and/or victim's family; Other1 - Other1 / Must attend Mental Health Program (Cognitive Behavior) for as long as they deem necessary; Other2 - Other2 / Must reimburse SCDPPPS \$550.00 for the cost of the Psychological Evaluation; RADT - RADT / Random Alcohol/Drug Testing; SAC - SAC / Must attend a Substance Abuse Program for as long as they deem necessary.			

Residence Summary & Address History			
Address:	Begin Date:	End Date:	Time at Residence:
	02/11/2016		6 YR, 9 MO, 20 DY

Employment History				
Employer:	Location:	Begin Date:	End Date:	Time at Employer:
UNEMPLOYED		02/16/2016		6 YR, 9 MO, 15 DY

Account Information										
Account Name:	Case:	Indictment #:	Monthly Obligation:	Total Obligation:	Total Paid:	Co-Payer Paid:	Account Balance:	Pmts. In Arrears:	Arrearage:	Last Payment Made:
Regular Supervision			\$50.00	\$4,789,750.00	\$1,480.00	\$0.00	\$4,788,270.00	52	\$2,570.00	07/29/2022
Drug Test Fee			\$20.00	\$20.00	\$0.00	\$0.00	\$20.00	1	\$20.00	
Board Ord. Other Reimbursement			\$20.00	\$550.00	\$550.00	\$0.00	\$0.00	0	\$0.00	06/08/2021

Violation History			
Violation:	Start Date:	Complete Date:	Disposition:
FAILING TO PAY MONIES AS ORDERED	10/20/2016	10/20/2016	1182: EXEMPT \$250 FEE ARREARAGE AND RESCHEDULE BORA ACCOUNT TO BEGIN IN 30 DAYS.
2017-04-20: Mr. Smith is currently \$290 in arrears on fee account and \$80 in arrears on Board Reimbursement account. Subject is currently working odd jobs, but is paying some small amounts of monies when he can.	04/20/2017	03/15/2018	Exempt fee arrearage and pay \$75 on Board Reimbursement account on Friday, 04/28/17.
	03/15/2018	03/15/2018	EXEMPT SUPERVISION FEE

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

Violation	Start Date	Complete	Description
2018-03-15: SUBJECT IS CURRENTLY \$150 IN ARREARS ON BORA ACCOUNT AND \$540 IN ARREARS ON BORA ACCOUNT. BORA ACCOUNT IS PAYING THE DEPT BACK FOR PSYCHOLOGICAL TEST.			ARREARAGE AND RESCHEDULE BORA ACCOUNT TO BEGIN IN 30 DAYS. THIS BEING DONE DUE TO LIMITED INCOME.
2020-06-25: Subject is currently seven payments (\$140) in arrears on BORA account.	06/25/2020	04/28/2021	Reschedule BORA account to begin in 30 days.

Current Violation(s) Summary

Violations:	16x
Condition:	Description:
4	I shall not possess or purchase any firearms or other dangerous weapons; and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid.
6	I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7	I shall pay a supervision fee as determined by the Department.
9	I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution, or other payments, and the services of any period of incarceration. I will make all child support payments as ordered by the courts.
10	I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.

Description:

Subject has failed to follow the advice and instructions of his agent. Subject has several new charges from two different agencies. Subject is currently in jail for pending charges of Domestic Violence 2nd Degree as charged by the Marlboro County Sheriff's Department for an incident that happened on 05/25/22. He has also been charged with Hit and Run by the Bennettsville Police Department for an incident that happened on 07/30/22. Subject has also been charged by the Bennettsville Police Department for Possession of a Controlled Substance, Felon in Possession of a Firearm, and Unlawful Carrying of a Pistol for an incident that happened on 08/09/22. Subject was found to be in possession of a .25 automatic handgun. This firearm was found on the inside pocket of a vest draped over the driver seat of a vehicle that subject was driving at the time of an arrest. Subject has failed to pay monies as ordered. Subject is currently 49 payments (\$2420) in arrears on supervision fee account and has failed to pay the one time \$20 drug test fee. Such actions constitute violation of conditions 4, 6, 7, 9, 10.

The State's Recommended Response(s) Summary

Revoke Parole pending S.C. Parole Board review. All remaining financial obligations to Administrative Monitoring. Screen for Mental Health services while incarcerated in S.C. Department of Corrections. See Administrative Hearing Summary (1193).

End Of Violation Report

SCDC#161838
SID#714554

South Carolina

-vs-

William Smith

ORDER

Whereas the above named Parolee has been charged with violating the conditions of parole ordered 2-11-16 by the South Carolina Board of Probation, Parole and Pardon Services, as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, we find the Parolee has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and date 9-7-22 of which is incorporated by reference.

The South Carolina Board of Probation, Parole and Pardon Services now finds that the Parolee has violated the conditions of Parole number:

1 2 3 4 5 6 7 8 9 10 11 12 13

Special Conditions Additional Conditions which were agreed to by the Parolee on the above date 16

In consequence whereof, the South Carolina Board of Probation, Parole and Pardon Services hereby orders the parole revoked and orders the above named Parolee be returned to the South Carolina Department of Corrections to serve the remainder of the original sentence imposed by the Court, said sentence to run from the date of commitment until the final date of expiration of the maximum active sentence.

The parole is revoked in the (Presence Absence Waiver) of the Parolee by the panel of the full Board.

IT IS ORDERED that the above named Parolee is continued on parole as provided for in the sentence identified above and subject to the conditions set forth therein and not inconsistent with the order. This action is taken in the (Absence Presence Waiver) of the Parolee.

Additional Conditions ordered by the Board.

Additional Conditions:

Ordered this 7th day of February, 2023

Henry S. White

Mollie D. Taylor

R. R. B. S.

Chairman

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. If I have been continued under supervision, I agree to comply with the above conditions and all conditions of my original parole order not inconsistent with this order.

Ordered this 7th day of February, 2023

Tara F. Funderbark
Agent

William Smith
Parolee

STATE OF SOUTH CAROLINA)
COUNTY OF MARLBORO)

IN THE COURT OF GENERAL SESSIONS
FILED
Indictment No. 89-65-34-0559

~~2022~~ ~~Parole~~ ~~Violations~~
Warrant # W-35-22-0022
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

State of South Carolina,
v.

~~YO~~ 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 \$ Denial. 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
A CERTIFIED TRUE COPY

Tara F. Funderbunk
Parole Agent's Signature

09/28/22
Date
Anita M. Williams

[Signature]
Presiding Judge's Signature

9-28-22
Date
CLERK OF COURT
MARLBORO COUNTY

FILED
OCT 20 AM 10:50
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

South Carolina

-vs-

William Smith

ORDER

Whereas the above named Parolee has been charged with violating the conditions of parole ordered 2-11-16 by the South Carolina Board of Probation, Parole and Pardon Services, as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, we find the Parolee has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and date 9-7-22 of which is incorporated by reference.

The South Carolina Board of Probation, Parole and Pardon Services now finds that the Parolee has violated the conditions of Parole number:

1 2 3 4 5 6 7 8 9 10 11 12 13

Special Conditions Additional Conditions which were agreed to by the Parolee on the above date 16

In consequence whereof, the South Carolina Board of Probation, Parole and Pardon Services hereby orders the parole revoked and orders the above named Parolee be returned to the South Carolina Department of Corrections to serve the remainder of the original sentence imposed by the Court, said sentence to run from the date of commitment until the final date of expiration of the maximum active sentence.

The parole is revoked in the (Presence Absence Waiver) of the Parolee by the panel of the full Board.

IT IS ORDERED that the above named Parolee is continued on parole as provided for in the sentence identified above and subject to the conditions set forth therein and not inconsistent with the order. This action is taken in the (Absence Presence Waiver) of the Parolee.

Additional Conditions ordered by the Board.
Additional Conditions:

Ordered this 7th day of February, 2023

Mollie D. Taylor

Chairman

Henry S. White

R. R. B. B.

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. If I have been continued under supervision, I agree to comply with the above conditions and all conditions of my original parole order not inconsistent with this order.

Ordered this 7th day of February, 2023

Tara F. Funderburk
Agent

William Smith
Parolee

William Smith #161838

v

S.C. Attorney General

RECORDED
272024-8 NOV 8 43
CLOSED IN ERROR
WELL
S.C.

9-9-24

RYAN M. WILLIAMS
CLERK OF COURT
SOUTH CAROLINA

NOV - 8 4 11 PM '24

FILED

Case No. 2024-GP-34-00199

Motion to this Court to Dismiss
Condition order of Dismiss with
out preside Rule 56.

I Hereby Request this humbly Court to Dismiss the
Condition of for Dismiss, on Regarding this
R.E.R Case No. 2024-GP-34-00199, on following
ground, I am Not Dealing with the conviction
OR the Sentence, a MISAKE is Made, I am
Being unlawfully held or a Parole Violation
When, No State, Federal or local law Been Broken
They Violated, My parole for Being arrest, I have
Not Been convicted, of Any crime, and all the
Charge I was arrest for or 8-9-22. have Been
Dismiss By the Court and Solicitor or 1-10-24
And, Because the arrest was the Reason for the Violation
When charge got Dismiss, the Violation got Dismiss.

Motion to Marlboro County Court

12-9-24

William Smith #161838
AKA. William Kinard

v

S.C. Dept of Parole Pardon Service
S.C. Attorney General

P.C.R. Case No. 2024-CP-34-00199

Rule 60 B Amendment to P.C.R. Case law
to Support the Fact of Reinstatement
And Seeking Immediate Release Back
to the Community per Court order.

I hereby, parolee, William Smith #161838, AKA. William Kinard Amend, this 60 A to the
Hon. Judge and Court. to Show the Fact of case law to Support. Reinstatement
Back or parole. *Karr v. State* 345 S.C. 183, 547 SE2d 494 (2001) And a U.S. case
Wilkinson v. Dotson, 544 U.S. 74, 78 (2005) The Supreme court distinguished *Beltran*
A. State prisoner challenging that he was being unlawfully held in confinement in State
Custody. For No Just cause Reason and was Seeking Immediate Release.

As this parolee William Smith #161838 Seeking Immediate Release Back or
Reinstatement, Back or Parole. Because the S.C. Dept of Parole is in Violation
the law. 17-27-20(A)(5)(B) unlawfully holding parolee or a parole violation
When there is No Just cause to Do So. Because the Solicitor of Marlboro county
Dismiss all criminal charge against the parolee or 1-10-24. So this Show the
Fact, this parolee is innocent, and has No Broken No, State, Federal or local
laws. to Violate his parole.

And Art. 1. 19. S.C. Constitution State: Imprisoned for debt,

* No Person shall be imprisoned for Any Debt Except ~~in~~ ⁱⁿ Case of Fraud

And the main issue at hand is this parolee was on Parole
6 year 9 month and 20 days. Never miss a Report
in all this time. even if he didn't have fund to pay he
Show up in Report, Never give the Parole Agent Any
Trouble, they was looking for him ①

FILED
JUN 10
2024

William Smith #161838
Parolee

V

S.C. Department of Parole
and S.C. Attorney General

Motion to Marlboro County Court.

11-15-24

Case No. 2024-GP-34-00199

Amendment. Motion to Rule 56
60(B)(5) For Granted P.C.R.
To Correct Mistake

This Motion to the Court to correct the Mistake, and to grant the ^{Parolee} Appellant
Reinstatement Back on Parole, Back into the Community. The S.C.
Department of Parole. Agent. Tara FunderBerk, Violated the parole guideline
24-21-680. Due Process. By. ① Refuse to let William Smith #161838, get a
parole Bond on 9-28-22. ② Then Taking him to A administrative hearing
Because he was arrest on 8-9-22. (The using the charge from his
arrest on 8-9-22. To TAKE him to the Final Revokation hearing
and violate his parole, for getting arrest and olding money on
parole Fee. Violation of Due Process. 24-21-680.

Art 1. 19 State constitutions. Imprisoned for debt. No Person shall
Be imprisoned for debt except in case of Fraud. (56) 2684: 1971
⑤ 315

This Parolee will Show this court ^{Parolee} Violation Record. the State Show
He been on Parole 6 year 4 months and 20 Days. ^{Reported to Agent.} 1 time
Never miss a Report, ^{Agent M. Williams} Reported to Agent. 1 time
6 year 4 months and 20 Day.

State Agency Violated Due process guilding, Because they Did't
Wait to see what the Disposition would Be from the court.
I was waiting to go to Court. to Face the charge I was arrest for.

A CERTIFIED TRUE COPY


CLERK OF COURT
MARLBORO COUNTY

AMITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY

2024 NOV 18 A 10:00

FILED



 COPY

ALAN WILSON
ATTORNEY GENERAL

February 24, 2025

The Honorable Brian M. Gibbons
P.O. Drawer 580
Chester, SC 29706

Re: William R. Smith, #161838 v. State of South Carolina
Case No: 2024-CP-34-00199

Dear Judge Gibbons:

Enclosed, please find the proposed **Final Order of Dismissal** with attachments in the above-captioned case for your consideration. If you approve of this order, please sign it and forward it to the Marlboro County Clerk of Court for filing.

Should you need anything further, please let me know.

Sincerely,

D. Russell Barlow, II
Senior Assistant Deputy Attorney General

DRB/jh

cc: William R. Smith, #161838

Enclosures

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

) IN THE COURT OF COMMON PLEAS
) THE FOURTH JUDICIAL CIRCUIT

William R. Smith, #161838,

) CASE NO. 2024-CP-34-00199

Applicant

v.

FINAL ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by William R. Smith (Applicant), filed on June 13, 2024. Respondent made its Return and Motion to Dismiss on August 19, 2024, requesting this action be summarily dismissed as untimely; barred by the statute of limitations; and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014).

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed on August 28, 2024, provisionally denying and dismissing this action while giving Applicant twenty days from the date of service of said order in which to show why the Conditional Order of Dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an affidavit of service dated January 23, 2025, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

On November 8, 2024, Applicant filed his "Motion to this Court to Dismiss Condition Order of Dismiss without Prejudic Rule 56," wherein Applicant raised the same arguments he raised in his initial PCR application.

On October 8, 2024, Applicant filed his "Motion to the Court to Grant P.C.R. Rule

60(b)(4)(5)," wherein Applicant raised the same arguments he raised in his initial PCR application.

On November 20, 2024, Applicant filed his "Amendment Motion to Rule 56 60(b)(5) for Granted P.C.R. to Correct Mistake," wherein Applicant raised the same arguments he raised in his initial PCR application.

On January 10, 2025, Applicant filed his "Rule 60A Amendment to P.C.R. Case Law to Support the Fact of Reinstatement and Seeking Immediate Release Back to the Community per Court Order," where Applicant again raised the same arguments he raised in his initial PCR application and subsequent filings. Also, in this filing, Applicant cites Kerr v. State, 345 S.C. 183, 547 S.E.2d 494 (2001) to support his arguments. This Court disagrees. Kerr is readily distinguishable from Applicant's case and does not support his supposition.

Following a thorough review of the record and Applicant's filings, this Court reasserts its finding in the Conditional Order of Dismissal that the current PCR application must be dismissed because it is untimely; barred by the statute of limitations; and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014). Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information before this Court, and, therefore, he is not entitled to an evidentiary hearing in this matter.

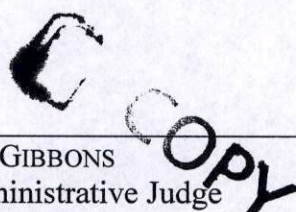
Additionally, to the extent this Court construes Applicant's filings as motions pursuant to Rule 60(b)(4) or Rule 60(b)(5), SCRPC, this Court denies those motions. Also, Applicant's motion pursuant to Rule 56, SCRPC, is denied. Lastly, Applicant's motion pursuant to Rule 60(a), SCRPC, is denied.

Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's conditional order of dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this _____ day of _____, 2025.



BRIAN M. GIBBONS
Chief Administrative Judge
Fourth Judicial Circuit

_____, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated C. Brown (*Server*) as his duly authorized agent for the purpose of making service of the process on the below-named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF Lee)

AFFIDAVIT OF PERSONAL SERVICE

On this 23 day of January 2025, I served the Conditional Order of Dismissal (2024-CP-34-00199), on Inmate William R. Smith SCDC Inmate #161838 by delivering personally and leaving a copy of the same at Lee Correctional Institution.
Deponent is not a party to this action.

s/ C. Brown
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 23 day of Jan., 2025

Debra Eastudy (L.S.)
Notary Public for South Carolina

My Commission Expires: 3/3/2024

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2024-CP-34-00199) is admitted at the South Carolina Department of Corrections Lee Correctional Institution, Bishopville, Lee County, SC this 23 day of January, 2025.

s/ William Smith
Inmate
SCDC Inmate #: 161838

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

William R. Smith, #161838,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTH JUDICIAL CIRCUIT

) CASE NO. 2024-CP-34-00199

) **RETURN AND MOTION TO DISMISS**
) (Appointment of Counsel Not Requested)

In response to William R. Smith's (Applicant) application for post-conviction relief (PCR), commenced on June 13, 2024, Respondent, the State of South Carolina, makes the following return and moves to summarily dismiss this application as untimely, barred by the statute of limitations, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014). Respondent respectfully offers the following in support of its Return and Motion to Dismiss:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC) pursuant to the orders of commitment of the Marlboro County Clerk of Court. During its October 1989 term, the Marlboro County Grand Jury indicted Applicant for Kidnapping (1989-GS-34-0559). Applicant proceeded pro se and Frank E. Cain, Jr., Esquire, remained on as standby counsel.

On November 16, 1989, Applicant proceeded to a jury trial before the Honorable Luke N. Brown, Circuit Court judge. Applicant was found guilty as indicted. Judge Brown sentenced Applicant to life imprisonment.

Applicant filed a timely Notice of Appeal. On December 13, 1989, Applicant filed a

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

Motion to Withdraw his appeal. On March 7, 1990, Applicant's Motion to Withdraw was granted by Order.

FIRST PCR ACTION: 1990-CP-34-00086

On April 2, 1990, Applicant filed his first PCR action alleging the following issues:

1. Ineffective Assistance of Counsel:
 - a. Failed to move for a continuance.
 - b. Failed to request the court inquire as to the Applicant's competency.
 - c. Failed to move for a mistrial or advise the Applicant to move for a mistrial based on remarks in the solicitor's closing argument.
2. Violation of Sixth and Fourteenth Amendments:
 - a. Counsel was not appointed until three days before trial.
3. Violation of fourteenth Amendment:
 - a. The Applicant was not informed of the right to a preliminary hearing.

An evidentiary hearing was convened on September 6, 1990, at the Darlington County Courthouse. Delton Powers, Esquire, represented the Applicant. The Honorable C. Anthony Harris denied and dismissed the Applicant's application by order dated October 23, 1990.

Upon information and belief, the Applicant appealed the matter to the South Carolina Supreme Court, which denied the petition for writ of certiorari.¹

SECOND PCR ACTION: 1994-CP-34-00200

On November 10, 1994, Applicant filed his second PCR action raising the following issues:

1. "Petition was legally incompetent at the time of the crime and trial; Petitioner's guilty verdict violated the confines of South Carolina law 'The hand of one is the hand of all.' Petitioner's Post Conviction Counsel was ineffective. The Evidence was Insufficient to convict."

¹ The Respondent notes that, due to its age, this file has been destroyed. The second PCR matter, however, references an appeal from the denial of the first PCR application.

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

An evidentiary hearing was convened on January 17, 1996, at the Darlington County Detention Center. Wade R. Crow, Esquire, represented the Applicant. The Honorable B. Hicks Harwell, Jr. denied and dismissed the Applicant's application by order dated March 1, 1996.

Applicant filed a timely notice of appeal. Daniel T. Stacey, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of a Johnson petition. The South Carolina Supreme Court denied the Applicant's petition for writ of certiorari on January 13, 1997.

THIRD PCR ACTION: 2009-CP-34-00159

On June 17, 2009, Applicant filed his third PCR action raising the following issues:

1. "I am unlawfully confined under a current Sentence that exceeded the amount of punishment under 16-3-910."
2. "The South Carolina Parole Board does not have subject matter jurisdiction to grant me Parole under 16-3-910 because the amount of punishment for kidnapping is 30 year in which I have exceeded."
3. "The current sentence is void because it has exceeded the amount of punishment under Article 9 kidnapping offense section 16-3-910 is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty year unless sentenced for Murder as provided in 16-3-20."

The State made its Return and Motion to dismiss. On November 5, 2009, the Honorable Paul M. Burch issued the Conditional Order of Dismissal. On January 29, 2010, Judge Burch filed the Final Order of Dismissal dismissing the action with prejudice.

PAROLE AND SUBSEQUENT ARREST

On February 11, 2016, Applicant was granted parole. On August 9, 2022, Applicant was arrested. During its September 2022 term, the Marlboro County Grand Jury indicted Applicant for Hit and Run (2022-GS-34-0550), Possession of a Controlled Substance (2022-GS-34-0530), Domestic Violence - 2nd Degree (2022-GS-34-0527), Unlawful Carry of a Pistol (2022-GS-34-0528), and Possession of a Firearm by Person Convicted of Violent Felony (2022-GS-34-0529).

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ANNA M. WILLIAMS
CLERK OF COURT
HARLOR COUNTY, S.C.

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On September 7, 2022, a Parole Arrest Warrant (W-35-22-0022) was issued on Applicant for violations of ordered conditions numbers 4, 6, 7, 9, and 10. On February 27, 2023, Applicant appeared before the South Carolina Board of Probation, Parole, and Pardon Services (the Board). The Board found Applicant had violated the conditions of his parole numbers 4, 6, 7, 9, and 10. The Board revoked Applicant's parole and remanded him into the custody of SCDC to serve out the remainder of his sentence.

CURRENT APPLICATION

On June 13, 2024, Applicant filed his application for PCR in which he alleges the following:

1. "My parole was unlawfully revoked."
2. "My sentence has expired, kidnap law is 30 years. This 35 year old case."
3. "I am being unlawful held in State custody. All charge was false and been dismiss on 1-10-24."²
4. "I am innocent. All charge they use to revoked my parole has been dismiss against me on 1-10-24."
5. "35 year old case. Don't have no victim, witness, no weapon."
6. "And the law have changed from life to 30 years. Made parole after 27 years got false accuse on 7-30-22 and arrest on 8-9-22."

Applicant seeks relief in the form of "this court to grant me a reinstatement back on my parole and order the Bennettsville City Police and SCDC to pay me back wage from my job for every day."

Attached to this Return and Motion to Dismiss is the Marlboro County Clerk of Court records regarding the subject's convictions and sentences, Applicant's parole records, and the records of the current PCR action. Respondent reserves the right to amend this return upon receiving any relevant materials.

² While Applicant's 2022 charges were dismissed, they were dismissed with leave to reindict because his parole was revoked.

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ANITA B. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, SC

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MOTION TO DISMISS

Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact, which would necessitate an evidentiary hearing. Because there is no question of law or fact to necessitate a hearing, Respondent requests that this Court issue a Conditional Order of Dismissal indicating the Court's intent to dismiss the application and its reasons for so doing.³ See S.C. Code Ann. § 17-27-70(b) (establishing the procedure for summary disposition of PCR applications); Leamon v. State, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief); Re: Appointment of Counsel in Post-Conviction Relief Cases before the Circuit Court, S.C. Sup. Ct. Order filed October 6, 2008; Rule 71.1(d), SCRCP (providing for the appointment of counsel only where there is a question of law or fact which necessitates a hearing). Respondent moves for summary dismissal for the following reasons:

SUMMARY DISMISSAL BASED ON STATUTE OF LIMITATIONS

Respondent submits this application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act.⁴ Specifically, the Act requires as follows:

- (A). An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the Remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.
- (B). When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds

³ A proposed Conditional Order of Dismissal consistent with this return and motion to dismiss is concurrently submitted for the Court's consideration.

⁴ S.C. Code Ann. § 17-27-10 to -160.

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

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that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.

- (C). If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

S.C. Code Ann. § 17-27-45.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of the statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

In the present case, Applicant is alleging he is entitled to post-conviction relief based on multiple allegations. However, Applicant failed to comply with the filing requirements under S.C. Code Ann. § 17-27-45. Applicant was granted parole on February 11, 2016. Applicant's parole was revoked on February 7, 2023. Pursuant to S.C. Code Ann. § 17-27-45(A), Applicant needed to file his application for post-conviction relief on or before February 8, 2024. Applicant did not file his application until June 13, 2024, *four months and five days* beyond the statute of limitations.

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WILLIAM R. SMITH
CLERK OF COURT
SOUTH CAROLINA

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Accordingly, this application is untimely pursuant to S.C. Code Ann. § 17-27-45 and should be dismissed for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

RESPONSE TO MOTION TO VACATE SENTENCE

On June 13, 2024, Applicant filed a motion to vacate his sentence. Specifically, Applicant contends that the kidnapping statute has changed to a maximum sentence of thirty (30) years and this Court should vacate his sentence accordingly because his case is thirty-five (35) years old. Applicant further avers that his sentence exceeds the maximum allowed under the law. Applicant bases his assertion off the amended version of S.C. Code Ann. § 16-3-910. Applicant was convicted and sentenced in 1989. At that time, the maximum sentence for kidnapping was a life sentence. In 1991, the South Carolina legislature amended the kidnapping sentencing in 1991 Act No. 117, in which the maximum sentence for kidnapping was changed to thirty years. The amendment to the kidnapping statute was not retroactive and would not apply to Applicant's convictions or sentences. The governing law in Applicant's case is the law when the case was adjudicated. This Court should deny this motion as it fails as a matter of law.

RESPONSE TO MOTION FOR DISCOVERY

Respondent submits this motion should be denied pursuant to Rule 12(b)(6), SCRPC. Applicant has not provided good cause for an order permitting discovery.

[CONCLUSION PAGE FOLLOWS]

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

CONCLUSION

WHEREFORE, Respondent moves to deny Applicant's motions and summarily dismiss the application as untimely, barred by the statute of limitations, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014).

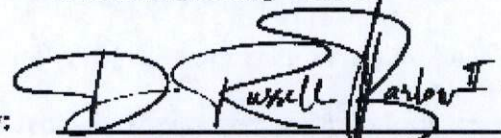
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Assistant Attorney General

By:



ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

August 14, 2024

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

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STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

William R. Smith, #161838,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTH JUDICIAL CIRCUIT

) CASE NO. 2024-CP-34-00199

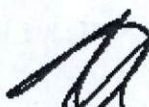
) **CONDITIONAL ORDER OF DISMISSAL**

This matter is before the Court based on an untimely application for post-conviction relief (PCR) filed by William R. Smith (Applicant) on June 13, 2024. In response, Respondent, the State of South Carolina, made its return and moved to summarily dismiss this application as untimely, barred by the statute of limitations, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014). After a review of the record and pleadings, this Court agrees this application should be summarily dismissed and provisionally dismisses the action based on the following:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC) pursuant to the orders of commitment of the Marlboro County Clerk of Court. During its October 1989 term, the Marlboro County Grand Jury indicted Applicant for Kidnapping (1989-GS-34-0559). Applicant proceeded pro se and Frank E. Cain, Jr., Esquire, remained on as standby counsel.

On November 16, 1989, Applicant proceeded to a jury trial before the Honorable Luke N. Brown, Circuit Court judge. Applicant was found guilty as indicted. Judge Brown sentenced Applicant to life imprisonment.



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

Applicant filed a timely Notice of Appeal. On December 13, 1989, Applicant filed a Motion to Withdraw his appeal. On March 7, 1990, Applicant's Motion to Withdraw was granted by Order.

FIRST PCR ACTION: 1990-CP-34-00086

On April 2, 1990, Applicant filed his first PCR action alleging the following issues:

1. Ineffective Assistance of Counsel:
 - a. Failed to move for a continuance.
 - b. Failed to request the court inquire as to the Applicant's competency.
 - c. Failed to move for a mistrial or advise the Applicant to move for a mistrial based on remarks in the solicitor's closing argument.
2. Violation of Sixth and Fourteenth Amendments:
 - a. Counsel was not appointed until three days before trial.
3. Violation of fourteenth Amendment:
 - a. The Applicant was not informed of the right to a preliminary hearing.

An evidentiary hearing was convened on September 6, 1990, at the Darlington County Courthouse. Delton Powers, Esquire, represented the Applicant. The Honorable C. Anthony Harris denied and dismissed the Applicant's application by order dated October 23, 1990.

Upon information and belief, the Applicant appealed the matter to the South Carolina Supreme Court, which denied the petition for writ of certiorari.¹

SECOND PCR ACTION: 1994-CP-34-00200

On November 10, 1994, Applicant filed his second PCR action raising the following issues:

1. "Petition was legally incompetent at the time of the crime and trial; Petitioner's guilty verdict violated the confines of South Carolina law 'The hand of one is the hand of all.' Petitioner's

¹ The Respondent notes that, due to its age, this file has been destroyed. The second PCR matter, however, references an appeal from the denial of the first PCR application.

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KATHA M. WILLIAMS
CLERK OF COURT
DARLINGTON COUNTY, S.C.

Post Conviction Counsel was ineffective. The Evidence was Insufficient to convict."

An evidentiary hearing was convened on January 17, 1996, at the Darlington County Detention Center. Wade R. Crow, Esquire, represented the Applicant. The Honorable B. Hicks Harwell, Jr. denied and dismissed the Applicant's application by order dated March 1, 1996.

Applicant filed a timely notice of appeal. Daniel T. Stacey, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of a Johnson petition. The South Carolina Supreme Court denied the Applicant's petition for writ of certiorari on January 13, 1997.

THIRD PCR ACTION: 2009-CP-34-00159

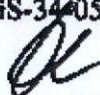
On June 17, 2009, Applicant filed his third PCR action raising the following issues:

1. "I am unlawfully confined under a current Sentence that exceeded the amount of punishment under 16-3-910."
2. "The South Carolina Parole Board does not have subject matter jurisdiction to grant me Parole under 16-3-910 because the amount of punishment for kidnapping is 30 year in which I have exceeded."
3. "The current sentence is void because it has exceeded the amount of punishment under Article 9 kidnapping offense section 16-3-910 is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty year unless sentenced for Murder as provided in 16-3-20."

The State made its Return and Motion to dismiss. On November 5, 2009, the Honorable Paul M. Burch issued the Conditional Order of Dismissal. On January 29, 2010, Judge Burch filed the Final Order of Dismissal dismissing the action with prejudice.

PAROLE AND SUBSEQUENT ARREST

On February 11, 2016, Applicant was granted parole. On August 9, 2022, Applicant was arrested. During its September 2022 term, the Marlboro County Grand Jury indicted Applicant for Hit and Run (2022-GS-34-0550), Possession of a Controlled Substance (2022-GS-34-0530), Domestic Violence - 2nd Degree (2022-GS-34-0527), Unlawful Carry of a Pistol (2022-GS-34-



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CLERK OF COURT
MARLBORO COUNTY, S.C.

0528), and Possession of a Firearm by Person Convicted of Violent Felony (2022-GS-34-0529).

On September 7, 2022, a Parole Arrest Warrant (W-35-22-0022) was issued on Applicant for violations of ordered conditions numbers 4, 6, 7, 9, and 10. On February 27, 2023, Applicant appeared before the South Carolina Board of Probation, Parole, and Pardon Services (the Board). The Board found Applicant had violated the conditions of his parole numbers 4, 6, 7, 9, and 10. The Board revoked Applicant's parole and remanded him into the custody of SCDC to serve out the remainder of his sentence.

CURRENT ACTION BEFORE THIS COURT

On June 13, 2024, Applicant filed his application for PCR in which he alleges the following:

1. "My parole was unlawfully revoked."
2. "My sentence has expired, kidnap law is 30 years. This 35 year old case."
3. "I am being unlawful held in State custody. All charge was false and been dismiss on 1-10-24."²
4. "I am innocent. All charge they use to revoked my parole has been dismiss against me on 1-10-24."
5. "35 year old case. Don't have no victim, witness, no weapon."
6. "And the law have changed from life to 30 years. Made parole after 27 years got false accuse on 7-30-22 and arrest on 8-9-22."

Applicant seeks relief in the form of "this court to grant me a reinstatement back on parole and order the Bennettsville City Police and SCDC to pay me back wage from my job for every day."

Before this Court is Respondent's Return and Motion to Dismiss, the Marlboro County Clerk of Court records regarding the subject's convictions and sentences, Applicant's parole records, and the records of the current PCR action.

² While Applicant's 2022 charges were dismissed, they were dismissed with leave to reindict because his parole was revoked.

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ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, SC

FINDING OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the pleadings, the records submitted to it by the parties, and the applicable law. Pursuant to South Carolina Code Annotated §§ 17-27-70 and -80, this Court informs the parties of its intent to dismiss the application as there is no genuine issue of material fact which would necessitate an evidentiary hearing. See S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary disposition of PCR applications); Leamon v. State, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief); Welch v. MacDougall, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (1965) (requiring a PCR applicant to make a *prima facie* showing he is entitled to relief before the court will hold an evidentiary hearing). Respondent moved for summary dismissal, and this Court finds summary dismissal is appropriate for the following reasons:

SUMMARY DISMISSAL BASED ON STATUTE OF LIMITATIONS

Respondent moved to summarily dismiss the application for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act.³ Specifically, the Act requires as follows:

- (A). An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the Remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.
- (B). When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court decision, and if the standard or right is intended to be

³ S.C. Code Ann. § 17-27-10 to -160.



WILLIAM R. WILLIAMS
CLERK OF COURT
SARASOTA COUNTY, S.C.
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FILED

retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.

- (C). If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

S.C. Code Ann. § 17-27-45.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of the statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

In the present case, Applicant is alleging he is entitled to post-conviction relief based on multiple allegations. However, Applicant failed to comply with the filing requirements under S.C. Code Ann. § 17-27-45. Applicant was granted parole on February 11, 2016. Applicant's parole was revoked on February 7, 2023. Pursuant to S.C. Code Ann. § 17-27-45(A), Applicant needed to file his application for post-conviction relief on or before February 8, 2024. Applicant did not file his application until June 13, 2024, *four months and five days* beyond the statute of limitations.

Accordingly, this Court finds this application is untimely pursuant to S.C. Code Ann. § 17-27-45 and shall be dismissed for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

FILED
JUN 13 2024
10 31
MARIANNE BROWN, S.C.
CLERK OF COURT
Aiken County, S.C.

RESPONSE TO MOTION TO VACATE SENTENCE

On June 13, 2024, Applicant filed a motion to vacate his sentence. Specifically, Applicant contends that the kidnapping statute has changed to a maximum sentence of thirty (30) years and this Court should vacate his sentence accordingly because his case is thirty-five (35) years old. Applicant further avers that his sentence exceeds the maximum allowed under the law. Applicant bases his assertion off the amended version of S.C. Code Ann. § 16-3-910. Applicant was convicted and sentenced in 1989. At that time, the maximum sentence for kidnapping was a life sentence. In 1991, the South Carolina legislature amended the kidnapping sentencing in 1991 Act No. 117, in which the maximum sentence for kidnapping was changed to thirty years. The amendment to the kidnapping statute was not retroactive and would not apply to Applicant's convictions or sentences. The governing law in Applicant's case is the law when the case was adjudicated.

Accordingly, this Court denies this motion as it fails as a matter of law.

RESPONSE TO MOTION FOR DISCOVERY

Respondent moved to summarily dismiss this motion pursuant to Rule 12(b)(6), SCRPC, as Applicant has not provided good cause for an order permitting discovery. This Court agrees and denies this motion.

[CONCLUDED PAGE FOLLOWS]



2024 AUG 28 A 10 31
AUSTIN M. WILLIAMS
CLERK OF COURT
HARLBORO COUNTY, SC

FILED

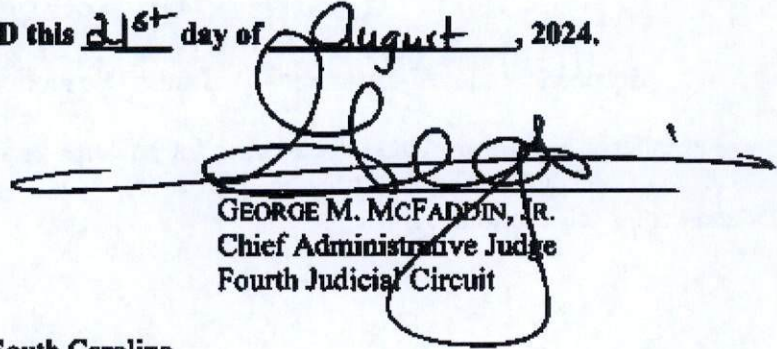
CONCLUSION

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Marlboro County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
PCR Division – 4th Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Marlboro County Clerk of Court and opposing counsel within twenty days, and the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 21st day of August, 2024.



GEORGE M. MCFADDIN, JR.
Chief Administrative Judge
Fourth Judicial Circuit

Sumter, South Carolina

2024 AUG 28 A 10:31
PAULA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

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] <i>William Smith</i>	SCDC# <i>00161838</i> SID# <i>00714554</i>

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 <i>Tara F. Funderburk</i>	Date <i>11/23/22</i>
Offender's Signature <i>William Smith</i>	Date <i>11/23/22</i>

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

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Releasee: William Smith SCDC# 00161838 SID#: 00714554

Location: Marlboro County Detention Center Bennettsville, South Carolina

Date: December 2, 2022

Time: 2:30 PM

Persons in Attendance

Name	Relationship
Melvin Dean Suber Jr.	Administrative Hearings Officer
Tara Funderburk	Agent
William Smith	Parolee

Hearing Officer's Findings:

I find that William Smith violated conditions 4, 6, 7, 9, 10, and additional conditions as set forth in the affidavit(s) dated September 7, 2022; such conditions having been contained in the Order of Release accepted by William Smith in writing on February 11, 2016.

I find that William Smith failed to refrain from the possession or purchase of any firearm or other dangerous weapons; and associate with any person who has a criminal record, or any person whom my Agent has instructed to avoid. Mr. Smith failed to refrain from the possession of a firearm. As evidenced by Bennettsville Police Department Incident Report 5476-22, Mr. Smith was found in possession of a Lorcin .25 Caliber Handgun located in his vehicle during a traffic stop.

I find that William Smith failed to refrain from the violation of Federal, State, or Local Law; and to immediately contact the Agent when arrested or questioned by a law enforcement official for any reason whatsoever. Mr. Smith failed to refrain from the violation of Federal, State, or Local Law. I find probable cause to believe that by a preponderance of evidence Mr. Smith committed the criminal offenses of Domestic Violence 2nd Degree, Unlawful Carry of a Pistol, Felon in Possession of a Firearm, Hit & Run, and Possession of Controlled Substances as evidenced by Marlboro County Sheriff's Office Incident Report 2022-0026653; Bennettsville Police Department Incident Report 5292-22, 5476-22, and 5263-22. On May 25, 2022, officers responded to the address of 102 Fleet Street in Bennettsville, SC in reference to an assault. Upon arrival, officers met with the complainant Debbie Morrison who noted she got into an altercation with her husband William Kinard-Smith. Ms. Morrison noted that pushed her down which caused her head to hit the table and Mr. Kinard-Smith then taking her cellphone preventing her from calling law enforcement. Ms. Morrison noted that at that point her daughter, Quiana LaQuaya Morrison, came home and got into the situation. It was noted that Mr. Kinard-Smith then punched Quiana Morrison in the face area with a closed fist with both of them then leaving the residence and contacting law enforcement. Mr. Kinard-Smith then having left in a blue Jeep and warrants being sort for Domestic Violence 2nd Degree. Then on July 30, 2022, officers were called to the Bennettsville Motel, in reference to an altercation in which Mr. Kinard-Smith had pulled a gun on her, Ms. Quiana Morrison noted to officers that she saw Mr. Kinard-Smith at the hotel and called

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

911 due to knowing he had outstanding warrants. Ms. Quiana Morrison noted that Mr. Kinard-Smith then came up to her, opened her car door, and pulled a gun on her. Ms. Quiana Morrison noted that she then accelerated her vehicle away with Mr. Kinard-Smith also fleeing the scene to which he ran a stop sign and having struck another vehicle in the process. Then on August 1, 2022; Mr. Kinard-Smith was involved in another altercation with Quiana Morrison, having went to the residence of 313 Redbud Street and pointing a handgun at Quiana Morrison's juvenile daughter. Officers spoke with the young juvenile girl who verified the man as Mr. William Kinard-Smith and having pulled the handgun on her while she was playing in the yard. The juvenile girl then noting that she ran in the home to tell her mother to which law enforcement was contacted. Last, on August 9, 2022; officers finally made contact with Mr. Kinard-Smith on August 9, 2022 while patrolling the area of Stokes Street and Fletcher Street while in Bennettsville, SC. Officers identified light blue Toyota Highlander which matched the description of a Hit and Run vehicle from July 30, 2022. Upon stopping the vehicle, the driver was later identified as William Kinard-Smith. Mr. Kinard-Smith was then detained with additional warrants for his arrest being confirmed. Search incident to arrest, Mr. Kinard-Smith was found to have the following in his possession: a bottle in his right pocket containing 43 M60 round tablets believed to be Morphine, 41 M100 round tablets believed to be Morphine, 17 IP100 imprinted capsules believed to be Hydrocodone/Acetaminophen, and a Lorcin .25 Caliber Handgun (S/N:LT040109) in his vest pocket.

I find that William Smith failed to pay supervision fee and other fees as determined by the Department. At the time process was issued, Mr. Smith was in arrears on his supervision fee account in the amount of \$2,420.00.

I find that William Smith failed to pay fines, restitution or other payments, and the service of any period of incarceration. At the time process was issued, Mr. Smith was in arrears on his drug test fee account in the amount of \$20.00.

I find that the aforementioned violations constitute a willful failure to follow the advice and instructions of the supervising agent. I base these findings on the evidence and testimony presented at the Administrative Hearing.

Hearing Officer's Conclusions:

I conclude that Mr. Smith failed to adhere to the terms of his Parole agreement. Per testimony from his agent, Mr. Smith has continued to have negative law enforcement contact having been found with a firearm, committed a new domestic offense, and an incident including pointing a firearm at a juvenile girl. During each listed incident, it was noted that Mr. Smith was the primary aggressor having assaulted his wife and step-daughter and also having been noted to have pointed a handgun at his grand step-daughter. During the Administrative Hearing, Mr. Smith stated that he would address the alleged violations in General Sessions Court; Mr. Smith noted that the incident did not occur as listed in the incident reports and that he plans to address them with his attorney. Mr. Smith noted that his relationship with his wife, Debbie Morrison, is great

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

but that he has always had issues with his step-daughter, Quiana Morrison. Mr. Smith noted that he has been the financial support for his wife, step-daughter, and step-granddaughter for a long time; even noting that for a long time his step-granddaughter had lived with him. He noted that all his legal issues started to occur when he stopped fully financially supporting his step-daughter in which she then started making numerous accusations to law enforcement against him. Based on the evidences and testimony presented, such actions show that Mr. Smith has shown behavior that is not in compliance with his supervision conditions as outlined by the S.C. Parole Board. The listed violations are deemed by the Department as a serious threat to community safety and a blatant violation of supervision. As a person under the jurisdiction of the South Carolina Department of Probation, Parole, & Pardon Services, Mr. Smith is not allowed to purchase or possess any firearm. Revocation is Recommended.

Recommendation of the State:

Revoke Parole pending S.C. Parole Board review.

All remaining financial obligations to Administrative Monitoring.

Screen for Mental Health services while incarcerated in S.C. Department of Corrections.

Respectfully Submitted,
Melvin Dean Suber Jr.
Administrative Hearings Officer

The Parole Board Hearing is scheduled for February 7, 2023 at 9:00 A.M., at Marlboro County Detention Center via WebEx. William Smith will attend.

WITNESSES

TYLER SMITH

Bennettsville Police Dept

Law Enforcement Case #: 5263-22
284

William F. Hart

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A3420100189

ARRESTED ON: 2022-08-09

ACTION OF GRAND JURY

True Bill

R. Sinner

Grand Jury Foreperson

9-6-2022

Date

VERDICT

A CERTIFIED TRUE COPY 1/10/24 Dismiss w/ leave to restore

Aida M. Williams

CLERK OF COURT
MARLBORO COUNTY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-34-0550

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2022

THE STATE

vs.

William Kinard

INDICTMENT FOR

Traffic / Hit and run, att. vehicle, duties of driver involved in accident, property damage

§56-05-1220

CDR Code: 2464

Elizabeth R. Munnery

m B. Rogers, Jr., Solicitor

Direct Evidence Exhibit B 1108

WITNESSES

DEMETRIS RIVERS

Bennettsville Police Dept

Law Enforcement Case #: 5476-22
284

D Smith

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A3420100196

ARRESTED ON: 2022-08-09

ACTION OF GRAND JURY

TRUE BILL

L. Simmons

Grand Jury Foreperson

9-6-2022

Date

VERDICT

A CERTIFIED TRUE COPY

Anita M. Williams

Petit Jury Foreperson

CLERK OF COURT

MARLBORO COUNTY

Date

DOCKET NUMBER:

2022-GS-34-0530

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

September 2022

THE STATE

vs.

William Kinard

INDICTMENT FOR

Drugs / Poss. of other controlled sub. in
Sched. I to V - 2nd or sub. offense

§44-53-0370(d)(2)

CDR Code: 0180

*1/10/24 Dismiss w/ leave
to restore*

Elizabeth R. Murrell

William B. Rogers, Jr., Solicitor

WITNESSES

TYLER SMITH

Bennettsville Police Dept

Law Enforcement Case #: 5476-22
284

William K. Hall

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A3420100194

ARRESTED ON: 2022-08-09

ACTION OF GRAND JURY

True Bill

L. Simmons

Grand Jury Foreperson

9-6-2022

Date

VERDICT

A CERTIFIED TRUE COPY

Aida M. Williams

Petit Jury Foreperson

CLERK OF COURT
MARLBORO COUNTY

Date

DOCKET NUMBER:
2022-GS-34-0528

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2022

THE STATE

vs.

William Kinard

INDICTMENT FOR

Weapons / Unlawful carrying of pistol

§16-23-0020; 16-23-0050(A)

CDR Code: 0044

*11/10/24. Dismiss w/ leave
to restore
Egilbert R. Munnery*

William B. Rogers, Jr., Solicitor

WITNESSES

TYLER SMITH

Bennettsville Police Dept

Law Enforcement Case #: 5476-22
284

William K. Hall

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A3420100195

ARRESTED ON: 2022-08-09

ACTION OF GRAND JURY

TRUE BILL

L. Simmons
Grand Jury Foreperson

9-6-2022
Date

VERDICT

A CERTIFIED TRUE COPY

Antia M. Williams

CLERK OF COURT
MARLBORO COUNTY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-34-0529

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2022

THE STATE

vs.

William Kinard

INDICTMENT FOR

Weapons / Possession of Firearm or
Ammunition by person convicted of violent
felony

§16-23-0500(A)

CDR Code: 3434

*1/6/24 Dismiss w/ leave
to restore
Elizabeth R. Murrell*

William B. Rogers, Jr., Solicitor

WITNESSES

William T. Freeman Jr

Marlboro County Sheriff

Law Enforcement Case #: 284

[Handwritten signature]

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A3410100172

ARRESTED ON: 2022-08-11

ACTION OF GRAND JURY

TRUE BILL
A. Summers
Grand Jury Foreperson
Date *9-6-2022*

VERDICT

A CERTIFIED TRUE COPY

Petit Jury Foreperson

Aida M. Williams

Date

CLERK OF COURT
MARLBORO COUNTY

DOCKET NUMBER:
2022-GS-34-0527

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2022

THE STATE

vs.

William Kinard

INDICTMENT FOR

Domestic / Domestic Violence, 2nd degree

§16-25-0020(C)

CDR Code: 3812

*1/10/24 Dismiss w/ leave
to restore*

Elizabeth R. Munnery

William B. Rogers, Jr., Solicitor

MARLBORO COUNTY SHERIFF'S OFFICE DETENTION FACILITY

Bragg

Inmate Request Form

1-29-23

Fax to City
Chief K. Miller

Name:

William Kinard

Date:

1-30-23

Unit & Room Number:

C.4. lower

Arresting Agency:

City

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:

Fax to Chief

Specific Information Concerning The Item Checked:

Chief Kevin Miller, I Need Your help. I Need to See You. RE. 2. Incident Report, Invol 2 case that is adm. close. ① 5292-22 By Sgt. Robert Hale and CPL Katrina Brigman. ② case 5263-22. By PTh, Tyler G Smith. Both incident state adm close. But for whatever reason. These incidents left the city Jail, into the hands of My parole officer Funderberk, who has turn them into the S.C. parole Board. I got a parole hearing coming 2-7-23. (I need to get this clear a statement showing the parole Board this case, it should not be in any parole report. I have sent a request to CPL K. Brigman for her help. Because, My wife who is this the legal guardian of the Juvenile. She bring the juvenile to the Stanton on 8-2-22. and she told CPL. Brigman. I never pointed No gun either was there. Her Mother (Quiana Morrison) told her to lie (Quiana Morrison) is lying to PTh, Tyler G Smith. First she said I pull a gun on her, then she said, I hit and Run a car (not my car).
 Staff Response: This person is a crack head and is lying using the police trying to send me back to prison, because I am marry to her mother and don't talk to her at all. they are trying to violate my parole because of these report, I have not been found guilty of a charge yet. (and she still trying to set me up and your ofc. Be following this crack head. She a lying she lie to CPL Brigman. Now No one want to speak up and say. This is flat suppose be in any body. it adm close. so how it, its in my parole office hands. to be use against me, I never do this. But I got a copy from me.

Referred to:

Staff Signature:

Date:

Printed Name:

Form 0103

Fax to chief Kevin Miller

I Never Done this. And Both case is adm. close, so how come I got a copy.

I need your help I am being set up.

they trying to violate my parole

MARLBORO COUNTY SHERIFF'S OFFICE DETENTION FACILITY

Bragg
1-29-23

Inmate Request Form

Fax to City
Chufe Kerive Miller

Name: William Kinard

Date: 1-29-23

Unit & Room Number: C4-lower

Arresting Agency: City of Benn.

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:

Fax to City Police chufe

The Judge Didnt Believe it that why it Adm Cl
No investigation

BPO

Specific Information Concerning The Item Checked:

I Need Your help in this matter case 5292-22. Invol in this matter that Me
appen. My wife, came to the station with shy who spoke to CPL Brigman on
8-2-22, and state the truth, I never pull No gun on her, she never seen me on
8-1-22. Her mother, made her tell a lie, Quiana Morrison, been trying to set
me up and try to use her kid and the city police to do it. Not only that she
old the truth, but the city has Adm closed this case. But My parole office
Corra Funderbark 843-479-3041. has a copy of this incident report and has turn it
into the parole Board. I try to Explain to her I never Done this, its lie damn
set up by Quiana Morrison. (She Dont Believe Me) and turn this report in any way. I use
CPL Brigman to speak to Tara. And tell her fact, I never Done this, get Parole
Hearing coming up 2-7-23. Need help in this matter Now. Please, I did not do anything
Staff Response: it a lie

boxed

Referred to: _____
Date: _____

Staff Signature: _____
Printed Name: _____

Form 0103

Fax to City. To. Sgt. Robert Hale
CPL. Katrina Brigman

She Refuse come to hearing?

Need to see Both people A.S.A.P Please.

Never Done this I was lie.

AGENCY I.D.
SC0350100

CITY OF BENNETTSVILLE
INCIDENT REPORT

CASE NUMBER

5 2 9 2 - 2 2

NCIC
INQ. ENTD.

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM					
1. 13A - POINTING / PRESENTING A FIREARM				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	13		<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.					
2.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO								
3.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO								
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE						
313 REDBUD ST, BENNETTSVILLE SC						29512	12						
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK			LOCATION NO.					
08/01/2022	1505		08/01/2022	1505	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME					
					08/01/2022	1512	1515	1537	02				
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
MORRISON, QUIANA LAQUAYA			#1 OK	#2	#3	J S O U	B	F	41	N	(843) 206-6319 B		
ADDRESS				CITY		STATE	ZIP CODE	LOCATION NO.					
313 REDBUD ST				BENNETTSVILLE		SC	29512	02					
VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
KOLLOCK, LAQUAYA			#1 OK	#2	#3	J S O U	B	F	14	N	843-535-2886 535-2886		
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.									
5-3	125	BLK	BRO	MOTHER: QUIANA MORRISON (PH:843-206-6319) (grandmother 843-535-2886) (you) mother									
ADDRESS				CITY		STATE	ZIP CODE	LOCATION NO.					
102 FLEET ST				BENNETTSVILLE		SC	29512	02					
VISIBLE INJURY (VICT. 1) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO EXPLAIN...													
VICTIM (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.													
<input type="checkbox"/> TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/SPL ASMT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/> J - This Jurisdiction S - State O - Out of State U - Unknown													
SUSPECT	SUBJECT NAME (LAST, FIRST, MIDDLE)				RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
	KINARD, WILLIAM				B	M	57	N	07/16/1965	5-10	190	BLK	BRO
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.												
	ADDRESS				CITY		STATE	ZIP CODE	LOCATION NO.				
102 FLEET ST				BENNETTSVILLE		SC	29512	02					
#1	SUBJECT (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK.				ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST				
	DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK. TYPE:				TOTAL # ARRESTED		08/01/2022		1505				

Offenses:
POINTING / PRESENTING A FIREARM

ON 08/01/2022, I (CPL KT BRIGMAN) RESPONDED TO 313 REDBUD ST (WITHIN THE CITY LIMITS OF BENNETTSVILLE, SC) IN REFERENCE TO AN INDIVIDUAL WITH A FIREARM. UPON ARRIVAL, I MADE CONTACT WITH THE COMPLAINANT (QUIANA MORRISON). THE COMPLAINANT STATED A FEW MOMENTS PRIOR TO CONTACTING LAW ENFORCEMENT, HER JUVENILE DAUGHTER (VICTIM) ADVISED HER THAT A BLACK MALE INDIVIDUAL NAMED WILLIAM SMITH POINTING A HANDGUN AT HER. THE COMPLAINANT STATED SHE WAS NOT OUTSIDE WITH THE JUVENILE VICTIM WHEN THE INCIDENT TOOK PLACE. THE JUVENILE VICTIM WAS ON SCENE, AND I SPOKE WITH THE JUVENILE VICTIM IN THE PRESENCE OF HER MOTHER (COMPLAINANT).

THE JUVENILE VICTIM STATED WHILE SHE WAS ON THE FRONT PORCH OF 313 REDBUD ST, SHE OBSERVED MR. WILLIAM SMITH OPERATING A LIGHT BLUE IN COLOR SMALL SUV TRAVELING WEST ON REDBUD ST. THE JUVENILE VICTIM STATED MR. WILLIAM SMITH STOPPED AT THE REDBUD ST / COTTINGHAM BLVD STOP SIGN LOCATED IN FRONT OF 313 REDBUD ST RESIDENCE AND TURNED RIGHT ON TO COTTINGHAM BLVD. THE JUVENILE VICTIM STATED MR. WILLIAM SMITH THEN TURNED LEFT ON TO W. MAIN ST FROM COTTINGHAM BLVD AND CONTINUED TRAVELING OUT OF SIGHT.

THE JUVENILE VICTIM STATED A SHORT TIME LATER, SHE OBSERVED MR. WILLIAM SMITH AGAIN TRAVELING WEST ON REDBUD ST BEFORE STOPPING IN REDBUD ST ROADWAY AT THE REDBUD ST / COTTINGHAM BLVD STOP SIGN LOCATED IN FRONT OF 313 REDBUD ST

Date Entered: 08/01/2022 05:11:32 PM		Last Modified: 08/01/2022 05:18:36 PM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
Print Date: 11/12/2024 09:21:31 AM								
P	TYPE (GROUP)						TOTAL VALUE	
R	Burned							
O	Count / Forged							
P	Dest./Damaged							
E	Recovered							
R	Seized							
T	Stolen							
Y	Unknown							
A	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 18	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER	
M	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY							
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
CPL. KATRINA BRIGMAN		08/01/2022	212	SGT. ROBERT HALE		08/01/2022	208	
				FOLLOW-UP INVESTIGATION OFFICER		Bennettsville_0006		
				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				

AGENCY ID:
SC0350100

CITY OF BENNETTSVILLE
INCIDENT REPORT

CASE NUMBER		NCIC	
5 2 9 2 - 2 2		INQ	ENTD

RESIDENCE. THE JUVENILE VICTIM STATED AS MR. WILLIAM SMITH STOPPED THE LIGHT BLUE IN COLOR SMALL SUV, HE POINTED A SMALL BLACK IN COLOR HANDGUN OUT THE DRIVER WINDOW WITH HIS LEFT HAND AND POINTED THE HANDGUN AT HER. THE JUVENILE VICTIM COULD NOT GIVE ANY FURTHER INFORMATION IN REFERENCE TO THE DESCRIPTION OF THE HANDGUN. THE JUVENILE VICTIM PROVIDED A RECORDED VIDEO STATEMENT WHILE IN THE PRESENCE OF HER MOTHER (COMPLAINANT).

THE COMPLAINANT STATED MR. WILLIAM SMITH POINTED A BLACK IN COLOR HANDGUN AT HER THE PREVIOUS SATURDAY AT THE BENNETTSVILLE MOTEL, AND SHE WAS IN FEAR OF HER SAFETY AT THAT TIME. I ADVISED THE COMPLAINANT THAT AN INCIDENT REPORT WOULD BE COMPLETED AND ON FILE WITH THE BENNETTSVILLE POLICE DEPARTMENT IN REFERENCE TO THE INCIDENT. I ADVISED THE COMPLAINANT THAT THE ONCOMING SHIFT WOULD BE BRIEFED ON THE INCIDENT AND ADVISED TO MAKE FREQUENT PATROLS OF HER RESIDENCE. I ADVISED THE COMPLAINANT THAT I WOULD ATTEMPT TO OBTAIN AN ARREST WARRANT IN REFERENCE TO POINTING / PRESENTING A FIREARM. I ADVISED THE COMPLAINANT TO CONTACT LAW ENFORCEMENT IF ASSISTANCE WAS FURTHER NEEDED UPON MY DEPARTURE FROM HER RESIDENCE. I CLEARED THE CALL AND RESUMED PATROL OPERATIONS.

I SPOKE WITH OFC SMITH IN REFERENCE TO THE INCIDENT FROM THE PREVIOUS SATURDAY. OFC SMITH ADVISED THAT MR. WILLIAM SMITH WAS NOT THE NAME OF THE SUBJECT IN REFERENCE TO THE INCIDENT. OFC SMITH ADVISED THAT THE CORRECT NAME FOR THE SUBJECT WAS WILLIAM KINARD AND NOT WILLIAM SMITH. I THEN MADE CONTACT WITH JUDGE MCQUEEN IN REFERENCE TO THE INCIDENT. I ADVISED JUDGE MCQUEEN OF THE DETAILS SURROUNDING THE INCIDENT. AFTER SPEAKING WITH JUDGE MCQUEEN IN REFERENCE TO THE INCIDENT, THE DETERMINATION WAS MADE NOT TO OBTAIN AN ARREST WARRANT FOR THE SUBJECT FOR POINTING / PRESENTING A FIREARM DUE TO LACK OF SUFFICIENT PROBABLE CAUSE. I ATTEMPTED TO MAKE CONTACT WITH THE COMPLAINANT VIA TELEPHONE IN REFERENCE TO PROVIDING AN UPDATE ON THE RESOLUTION DETERMINED, BUT I COULD NOT MAKE CONTACT WITH THE COMPLAINANT AT THAT TIME. A VOICEMAIL WAS LEFT ON THE COMPLAINANT'S PHONE ADVISING THE RESOLUTION DETERMINED IN REFERENCE TO THE INCIDENT. THIS REPORT IS ON FILE AT THE BENNETTSVILLE POLICE DEPARTMENT.

Date Entered: 08/01/2022 05:11:32 PM Print Date: 11/12/2024 09:21:31 AM		Last Modified: 08/01/2022 05:18:36 PM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
P	TYPE (GROUP)						TOTAL VALUE
R	Burned						
O	Count /Forged						
P	Dest./Damaged						
E	Recovered						
R	Seized						
T	Stolen						
Y	Unknown						
A	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
M	REASON FOR EXCEPTIONAL CLEARANCE. 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY						
I	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
N	CPL. KATRINA BRIGMAN	08/01/2022	212	SGT. ROBERT HALE	08/01/2022	208	
I				FOLLOW-UP INVESTIGATION OFFICER			
S				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
T					Bennettsville_0007		

MARLBORO COUNTY SHERIFF'S OFFICE DETENTION FACILITY

Bragg

1-29-23

Fax to City
Chief K. Miller

Inmate Request Form

Name:

William Kinard

Date:

1-30-23

Unit & Room Number:

C.4. lower

Arresting Agency:

City

General Reason for Request:

- Inmate Case File
- Classification Information
- Personal Property
- Inmate Worker Status
- Inmate Account
- Program Services
- Other
- Plea
- Warrant or
- Public Defender

MARLBORO COUNTY, S.C.
 ANNE H. WILLIAMS
 DEPT. OF COURT
 824 NOV 8 A 11:11
 FILED
 Ticket Number:

Fax to Chief

Specific Information Concerning The Item Checked:

Chief Kevin Miller, I Need Your help. I Need to See You. RE. 2 incident Report, Invol 2 case that is adm. close. ① 5292-22 By Sgt. Robert Hale and CPL Katrina Brigman, ② case 263-22. By PTH, Tyler G Smith. Both incident state Adm close. But for whatever reason. These incidents left the city Jail, into the hands of My parole officer Funderberk, who has turn them into the S.C. parole Board. I got a parole hearing on 2-7-23. (I Need to get this clear a statement showing the parole Board the case, it should not be in any parole report. I have sent a request to CPL K. Brigman for her help. Because, My wife who is this the legal guardian of the Juvenile. His bring the juvenile to the Stanton on 8-2-22, and she told CPL. Brigman. I never found no gun other was there. Her mother (Quiana Morrison) told her to lie (Quiana Morrison) is lying to PTH. Tyler G Smith. First she said I pull a gun on her then she said, I hit and run a car (not my car). This person is a crack head and is lying using the police trying to send me back to prison, because I am marry to her mother and don't talk to her at all, they are trying to violate my parole because of these report, I have not been found guilty of nothing yet. (And she still trying to set me up and your off. Be following this crack head. She a lying she lie to CPL Brigman. Now no one want to speak up and say this is not suppose be in any body, it adm close, so how it, its in my parole office hands, to be use against me. I never do this but I got a copy from my

Referred to:

Date:

SAFE SIGNATURE TRUE COPY

Printed Name:

Form 0103

Fax to chief Kevin Miller

Quiana Morrison. And both case is adm close. So how come I got a copy. MARLBORO COUNTY

I need your help I am being set up. they trying to violate my parole

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JODI D. GALLMAN
Acting Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

February 29, 2024

Mr. William Smith #00161838
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

RE: NOTICE OF REJECTION

Dear Mr. Smith:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

- 01 Nature And Seriousness Of Current Offense
 - 03 Use Of Deadly Weapon In This Or Previous Offense
 - 04 Criminal Record Indicates Poor Community Adjustment
 - 05 Failure To Successfully Complete A Community Supervision Program
 - 06 Institutional Record Is Unfavorable
- Vote Count: Unanimous To Reject

Now All charge Been Dismiss
Don't have a weapon charge or any

Sincerely,

Valerie Suber
Associate Deputy Director for Paroles, Pardons and Release Services

March 8, 2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 RECORD SUMMARY REPORT DATED 07/29/24

C066394

SMITH, WILLIAM - FBI # 177569X4 SID# SC00714554 SCDC # 00161838

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: LEE CORR INST

DORM.....: F3A2140B

SECURITY/CUST.: CL GENERAL POPULATION

RACE....:B SEX...:M

CURR INCARC SENT...:999 YRS 0 MOS 0 DYS

PROJ MAXOUT DATE: 99/99/9999

CENTRAL MONITORING.: NO

PROJ PAROLE DATE: 02/28/2026

SOCIAL SECURITY #...: [REDACTED]

EWC JOB...: WARDKEEPER ASSISTANT

EDUC PGM.: NO CURR EDUC PROGRAM

CURRENT PROGRAM...: NO CURRENT PROGRAM

EWC LEVEL: 2F5 EEC LEVEL:

AGE...: 59 DATE OF BIRTH..: [REDACTED]

ASSIGNMENT...: BLDG DETAIL

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE				SENTENCE				
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY		
KIDNAPPING	999	99	999	MARLBORO	9/ 3/1989	V	5		
PRIOR COMMITMENTS OVER 90 DAYS:									
12/14/88	*DIST-IMITATION	CNTRLD	SUB	4	YRS	0	MOS	0	DYS
7/ 4/83	*COMMON LAW	ROBBERY		10	YRS	0	MOS	0	DYS
7/ 4/83	*GRAND LARCENY			10	YRS	0	MOS	0	DYS
5/ 3/83	*POSSESS	STOLEN	PROPERTY	1	YRS	0	MOS	0	DYS

DETAINERS (HOLD, WANTED, NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ACCUMULATIVE DISCIPLINARIES:

HISTORY OF MOVEMENTS:

7/ 3/23	LEE	INCARCERATED	ADMINISTRATIVE
2/ 8/23	KIRKLAND	INCARCERATED	PAROLE VIOLATOR
9/ 7/22	MARLBORO CO	AUTH ABSENCE (AWL)	LOCKUP-FRM EPA, SF, PAR, PRB
9/ 7/22	UNK	DEAD TIME	WARRANT ISSUED
2/11/16	MARLBORO CO	PAROLE	PAROLE BOARD ACTION
2/ 2/15	BROAD RIVER	INCARCERATED	MEDICAL
12/31/14	LIEBER	INCARCERATED	ADMINISTRATIVE
5/27/14	LEE	INCARCERATED	RETURN FROM COURT
5/27/14	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
5/20/13	LEE	INCARCERATED	RETURN FROM COURT
5/20/13	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
10/22/12	LEE	INCARCERATED	RETURN FROM COURT
10/22/12	MCCORMICK CO	AUTH ABSENCE (AWL)	TO COURT
8/24/10	LEE	INCARCERATED	RETURN FROM COURT
8/24/10	LEXINGTON CO	AUTH ABSENCE (AWL)	TO COURT

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JODI GALLMAN
Acting Director

293 GREYSTONE BOULEVARD
COLUMBIA, SOUTH CAROLINA 29210
Telephone: (803) 734-9220 / Facsimile: (803) 734-9440
www.dppps.sc.gov/
MAILING ADDRESS: P.O. BOX 207
COLUMBIA, SOUTH CAROLINA 29202

April 03, 2024
SMITH, WILLIAM (SCDC ID: 00161838)
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

This letter is in response to your correspondence which was received in our office on 3/5/2024. We have received your correspondence as an official request for reconsideration of the Board's decision handed down on 2/28/2024, which denied parole. The SC Board of Pardons and Paroles has established guidelines regarding the reconsideration of parole decisions. Your request does not meet the criteria established as grounds for reconsideration. The hearing and file have been reviewed. There is no evidence to support reconsideration of the Board's ruling in this case. This decision is final.

Please note, there is no rehearing/appeal process for the routine denial of parole.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie Suber".

Valerie Suber

Associate Deputy Director of Pardons, Paroles and Release Services
SC Department of Probation, Parole and Pardon Services
Office Number: (803) 734-5188
Mobile Telephone: (803) 609-3973
E-mail: Valerie.Suber@dppps.sc.gov

Valerie Suber
Associate Deputy Director
(803) 609-3973
vsuber@sc.gov



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME: <u>Stacy E Richardson</u>		STAFF TITLE: <u>HQ Deputy Dir of Classification</u> <small>Inmate Record</small>	DATE: <u>6-18-24</u>
INMATE NAME: <u>William Smith</u>		SCDC #: <u>161838</u>	
INSTITUTION: <u>LEE CT</u> <u>F3A2134</u>	DORM/SIDE/BED: <u>F3A2134</u>	HOUSING TYPE: <input checked="" type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATH ROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input type="checkbox"/> N/A	
REASON FOR PAPER REQUEST: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> DENTAL F3 <input type="checkbox"/> MEDICAL COPAY <input type="checkbox"/> MEDICAL RECORDS <input type="checkbox"/> KIOSK INACCESSIBLE (EXPLAIN): <u>kiosk Broken</u>			
YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.			
<p><u>I NEED 1 copy From file or copy of information from on My Classification Management screen that show I Don't have NO Victim witness and NO kind Weapon or weapon conviction.</u></p> <p><u>The caseworker here here Lee CT, Show it to me on My screen, But state I had to get a copy of Any information, From classification and Inmate Record. She could give it to me.</u></p> <p><u>I Need 1 paper copy to show the Judge in my up coming P.C.R. that coming up. For my Parole Reinstatement hearing coming up.</u></p> <p><u>My case 89-65-34-559. IS 35 year old. I have 5 point they have me in close custody on Parole Violation, when all charge have been Dismiss on 1-10-24. For Being arrest on 8-9-22.</u></p> <p style="text-align: right;"><u>Thank You Here is Bless Day W. Smith</u></p>			
DISPOSITION BY STAFF MEMBER: <u>Your attorney can request this info. DAPPS has access to SCDC Information.</u>			
DATE: <u>6/25/24</u>		STAFF SIGNATURE: <u>SR</u>	

Motion to Marlboro County Court

12-9-24

William Smith #161838
AKA. William Kinard

v

S.C. Dept of Parole Pardon Service
S.C. Attorney General

P.C.R. Case No. 2024-CP-34-00199
Rule 60 B Amendment to P.C.R. Case law
to Support the Fact of Reinstatement
And Seeking Immediately Release Back
to the Community per Court order.

I hereby, parolee, William Smith #161838, AKA. William Kinard Amend, this 60 A to the Hon. Judge and Court. to Show the Fact of case how to Support. Reinstatement Back on parole. *Karr v. State* 345 S.C. 183, 547 SE2d 494 (2001) And a U.S. case *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) The Supreme court distinguished *Belton v. State Prisoners* challenging that he was being unlawfully held in confinement in State A. State prisoners challenging that he was being unlawfully held in confinement in State Custody. For No Just Cause Person and was Seeking Immediate Release.

As this parolee William Smith #161838 Seeking Immediately Release Back on Reinstatement, Back on Parole. Because the S.C. Dept of Parole is in violation the law. 17-27-20 (A)(5)(B) unlawfully holding parolee on a parole violation when there is No Just Cause to Do So. Because the Solicitor of Marlboro county Dismiss all criminal charge against the parolee on 1-10-24. So this Show the Fact, this parolee is innocent, and has No Broken No, State, Federal or local laws. to Violate his parole.

And Art. 1. 19. S.C. Constitution State: Imprisoned for debt,

* No Person Shall be imprisoned for Any Debt Except ~~in~~ in Case of Fraud

And the main issue at hand is this parolee was on Parole 6 year 9 month and 20 days. Never miss a Report or all that time. even if he didn't have fund to pay he Show up in Report, Never give the Parole Agent Any Trouble, they was looking for him ①

FILED
JUN 10
2024

And the Document he has sent to the Court on his Behalf
Show, his proof of Burden, that he has Not Broken Any
Kind of State law, Federal or local laws. He has Not Been
Convicted of Any Kind of New Crime By the Court of law.
And he has No pleas guilty to Any Kind of Crime to Break
his parole agreement. (And when Solicitor Dismiss all the
Charge. the S.C. Dept Parole was Suppose Revoke this
parolee Back or parole. they Refuse. this a Violation
of the parole guideline. 24-21-680. By taking the parolee
to A Final Revoke hearing, Before he went Back to
Court, to See what the Disposition from the Court of
law was going to Be. the Violated this Parolee for
Being arrested on 8-9-22. (the law State says when a
Person is arrested. They are still innocent until
they are Found guilty By the Court of law. in
this Case, the parolee is innocent, the Solicitor
Dismiss all charge on 1-10-24. Look at all the
Document, as his proof to Support his Burden
the State is unlawfully holding him on a Parole
Violation. when there No Just cause or Any how
Being Broken to keep holding him in S.C.P.C.
this parolee should Be Revoke Back or Parole
and Release immediately. By this Court
the S.C. Dept Parole Refuse to correct this mistake, State let correct
Do it.

William Smith