

Motion to the Court Marlboro County

William Binard
AKA William Smith

V

State

Case 89-GS-34-559 Rule
Motion Rule. Parole Rule
3(B) to Request that counsel
Be appointed if the person
cannot obtain counsel for himself

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. Some one to help him.
This Defender has Not Been found guilty of Any New crime Yet. Case is pending

RECEIVED

JUN 26 2025

S.C. SUPREME COURT

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

2025 JAN 26 P 2:25

FILED

A CERTIFIED TRUE COPY

Antia M. Williams

CLERK OF COURT
MARLBORO COUNTY

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

HENRY McMASTER
Governor



JODI D. GALLMAN
Acting Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

November 15, 2023

William Smith #161838
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina 29010

Dear Mr. Smith:

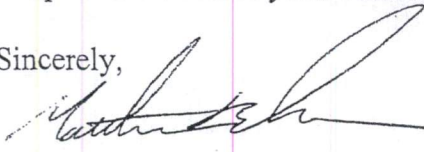
This letter is in response to your letter dated November 7, 2023. In your letter, you raise several issues which you claim to support your belief that your parole was improperly revoked. You also ask for me to do additional research into your case so you can have your parole reinstated.

Please be aware that I do not have the authority to reinstate your parole. Therefore, I am under no obligation to conduct any investigation beyond what I have already done in response to your previous letters. I have already concluded that your due process rights were met. Thus, all that remains is a question of the facts regarding your violation, which you obviously dispute. However, the Parole Board is the determiner of fact regarding whether the conditions of parole were violated.

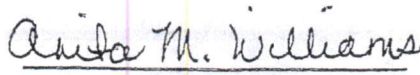
Please be aware you do have the right to file a post-conviction relief action pursuant to S.C. Code 17-27-20 if you wish to challenge the revocation of your parole.

I hope this addresses your concerns.

Sincerely,


Matthew C. Buchanan
General Counsel

A CERTIFIED TRUE COPY


CLERK OF COURT
MARLBORO COUNTY

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

2024 JUN 13 A 1:43

FILED

WB

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

2025 FEB 25 AM 11:31

FILED

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, Lee County, SC this 23 day of January, 2025.

s/ William Smith
Inmate SCDC Inmate #: 161838
A CERTIFIED TRUE COPY

Marquita McFain
CLERK OF COURT
MARLBORO COUNTY

6 month Judge Sign Aug 21 2024

got ok 1-26-25 put this in mail to ok 2-14-25

with r...

This the Administrative hearing with
 Judge Pope, when the State if I Beat
 all charge My Parole would Be Reinstate.

Exhibit F.

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

look Tape
 hearing 11-23-22

[For Parole and Supervised Furloughs I & II Only]

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

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

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

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

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

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

Agent's Signature	Date
Offender's Signature	Date

STATE OF SOUTH CAROLINA)
COUNTY OF MARLBORO)

IN THE COURT OF GENERAL SESSIONS

FILED Indictment No. 89-65-34-0559

2022 ~~Parole~~ Violation 28
Warrant # W-35-22-0022
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

State of South Carolina,

v.

~~VOA~~ PAROLE / PAROLE BOND

William Smith
Defendant.

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

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

No Signature
Required on Denial
Defendant's Signature

09/28/22
Date

Tara Funderbunk
Parole Agent's Signature

09/28/22
Date

Michael [Signature]
Presiding Judge's Signature

9-28-22
Date

MARLBORO COUNTY SHERIFF'S OFFICE DETENTION FACILITY

Inmate Request Form

Fax to Parole

T. Funderberk.

Name:

William Kincaid

Date:

1-29-23

Arresting Agency:

C4 lower

Unit & Room Number:

General Reason for Request:

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

Specific Information Concerning The Item Checked:

Mrs. Tara Funderberk. I need of you to bring me a copy of everything you sent to parole Board I need a copy of all, PTH, 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 don't 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 PTH, 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:

Staff Signature:

Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY

Form 0103

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

2023 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

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.

County of **MARLBORO**


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

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

-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

Mouki 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. Funderbark

Agent

William Smith

Parolee

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 #...: ██████████

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...: ██████████

ASSIGNMENT...: BLDG DETAIL

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			SENTENCE		
	YRS	MOS	DYS	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

DETAINEES (HOLD, WANTED, NOTIFY):

NO DETAINEES

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

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

P.C.R. Case

2024-CP-341

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. Simmons

Grand Jury Foreperson

9-6-2022

Date

VERDICT

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY

Petit Jury Foreperson

Date

DOCKET NUMBER:

2022-GS-34-0550

RECEIVE

The State of South Carolina

APR 14 2025

GENERAL COUNS

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

1/10/24 Dismiss w/ leave to restore

Elizabeth R. Munnery

William B. Rogers, Jr., Solicitor

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

Antia 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

Anna 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
Elizabeth R. Munnerley*

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

A. Simmons
Grand Jury Foreperson

9-6-2022
Date

VERDICT

A CERTIFIED TRUE COPY

Anita 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

*11/10/24 Dismiss w/ leave
to restore
Elizabeth R. Munnely*

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

Anita 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. Munnely

William B. Rogers, Jr., Solicitor

The Supreme Court of South Carolina

William Smith, Petitioner,

v.

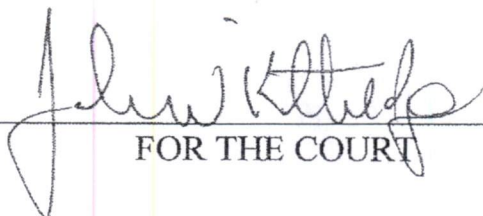
State of South Carolina, Respondent.

Appellate Case No. 2025-000513

ORDER

Petitioner has filed several documents that are being construed as a motion to recall the remittitur and reinstate this appeal. Because the final order of dismissal in this post-conviction relief case was not posted on the public index when it was issued on March 13, 2025, the motion is granted. The Marlboro County Clerk of Court is directed to return the remittitur to this Court within ten days of the date of this order.

Petitioner must serve and file an amended notice of appeal, proof of service, and an explanation pursuant to Rule 243(c), SCACR, within twenty days of the date of this order.



FOR THE COURT C.J.

Columbia, South Carolina
June 4, 2025

cc: D. Russell Barlow, II
William Smith, 00161838
The Honorable Marquita McLain

Got em Mail today
6-18-25.