RECEIVED
MAR 10 2026
SC Court of Appeals

EXHIBIT

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott, Petitioner,	Case Action No.: 2024-CP-35-00052
v.	MOTION FOR LEAVE TO AMEND OR ALTER JUDGMENT
South Carolina Department of Corrections, et al., Respondents.	

TO: DEFENDANTS AND DEFENDANTS' ATTORNEY

COMES NOW Petitioner Kevin E. Herriott in pro se, in necessity, moves before this Honorable Court asking for the Court to grant motion for leave to amend or alter judgment, pursuant to Rule 59(e), SCRCP, or release Plaintiff's party from a(n) order denying motion for default judgment, pursuant to Rule 60(b)(3), SCRCP.

The Petitioner directs the Court's attention to "Fraud on the Court" for purposes of reversing judgment. The Petitioner aver that the Respondents has sentiently set in motion an unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier upon misrepresentation and other misconduct from the adverse party. See Rule 60(b)(3), SCRCP.

K. K.H.

The Petitioner demonstrates to the Court that on April 07, 2025, Plaintiff, a pro se litigant, demonstrated to the trial Court during oral motions hearing to defeat Respondents Motion to Dismiss Summons and Complaint, the Plaintiff had proffer substantial evidence for the trial Court to order Respondents thirty (30) Calender days to respond and answer to Plaintiff's party interrogatories and discovery requests. At this particular hearing, the defendants agreed to give oral answer and respond to Plaintiff's Additional Request for Production of Documents, Plaintiffs First Request for Production and First Set of Interrogatories.

The Plaintiff/Petitioner over that the Respondents/Defendants did not respond nor give oral answer timely to Plaintiff's First Request for Production, First Set of Interrogatories, and Plaintiff's Additional Request for Production of Documents, stamped dated filed on May 19, 2025, and December 27, 2024.

The Plaintiff had put Defendants on notice, notifying Defendants to give an answer and serve the Plaintiff's party with answers to interrogatories of discovery requests by letter correspondence dated April 23, 2025, and failure to do so with the Judge's instructions, the Plaintiff will request for sanctions

L. Kitt.

whereas the Court award such other and further relief as the Court deems just and appropriate.

On May 08, 2025, the Respondents had not given an answer nor respond in the allotted time frame to Plaintiff's discovery requests dated December 11, 2024, and November 05, 2024. The Petitioner, then, moved to compel response to interrogatories and production of documents on May 08, 2025, Stamp-dated filed on May 19, 2025.

On June 09, 2025, Petitioner received Defendants untimely and evasive answers, boiler plate objections, and untimely responses to Plaintiff's first set of production of documents, Plaintiff's first set of interrogatories, and additional requested production of documents. These discovery requests were collectively the Plaintiff's Party first set of requests.

On June 10, 2025, Petitioner refiled motion to compel and amended motion to compel based on several factors. See Attached. On June 13, 2025, Petitioner served on Defendants, Plaintiff's second set of interrogatories and Inter alia. The Respondents, however, did not respond to these second set of interrogatories, none at all, nor the second set of production of discovery requests.

B. K.H.

The Petitioner aver that the Court misinterpreted who was being sued and what individual persons were being held liable to the governance of the rules of discovery in which were required to give an answer to the interrogatories and discovery requests. The Petitioner further aver that Plaintiff is suing SCDC Agency individually, and two (2) SCDC Agency's employees in their official capacity individually. The Court also misconstrued Plaintiff's claims and causes of action as it relates to damages and loss.

This nature of action is a constitutional tort, involving improper intent of conversion, bad faith, breach of contract, gross negligence, actual and/or constructive bailment, and spoliation of evidence. SCDC Agency and its employees made a decision to convert, and deliver Plaintiff belongings to a relative was motivated by a desire to punish Plaintiff for previous interviews with law enforcement he had given and lawsuits he had filed transformed a routine action in the course of prison administration into a constitutional tort. Crawford-EL v. Britton, 523 US. 574, 118 S.Ct. 1584, 140 L.Ed. 2d 759.

However, on February 23, 2026, the Petitioner informed the Court that Respondents misled the Court by acknowledging the Defendants' Party answered

H. K.H.

Plaintiff discovery requests and these events were not accurate. For a party to provide another party with evasive answers, boiler plate objections, and untimely responses are considered invalid and stricken. This misconduct is warranted sanctions. See Rule 37, SCRCP; Rule 26(b)(1)&(3), SCRCP; Rule 33, SCRCP.

The Petitioner raised specific objections that the trial Court abused its discretion and ruled contrary to Samples v. Mitchell, 329 S.C. 105, 495 S.E.2d 213, 1997 WL 785539.

The Court held that the Respondents were an entity and could not be held in default for which is erroneous. In Accordance to § 15-78-70, gives the exclusive remedy for torts committed by employees of government entities as long as the employees conduct was within the scope of his/her official duties. See also, Arthurs ex rel. Estate of Mann v. Aiken County, Tort Claims Act (TCA) does not create causes of action, but removes the common law bar of sovereign immunity in certain circumstances, 346 S.C. 97, 551 S.E.2d 579.

SCDC Agency is considered a person under common law, and subjected to § 15-69-210, Judgment, that states in relevant part:

> "In an action to recover the possession of personal property judgment for the Plaintiff may be for the possession for the recovery of possession or for the value thereof and for damages"
>
> S. K.H.

The Petitioner sought relief by default judgment based on the Respondents bad faith during the discovery process and misconduct as and obstructionist throughout this litigation. The Respondents admitted in open Court during the April 07, 2025, motions hearing, September 15, 2025, motions hearing, and again on February 23, 2026, motions hearing that SCDC Agency is not in control of documents the Plaintiff has requested. This assertion by the Respondents is misleading. How can the defendants assert this to the Court and possess Plaintiff's medical records, mental health records, SCDC Police Services call logs, and video surveillance of SCDC employees giving other SCDC Inmates Plaintiff's property to known gang affiliated inmates?

The SCDC Agency and the two (2) SCDC Officials and Director possessed classification records and SCDC policies as it relates to the subject matter and the Respondents withheld all these requested documents. According to Rule 55, the default procedure offers a useful remedy to a good faith litigant who is confronted by an obstructionist adversary. To mislead the Court is actual fraud. See Rule 55, SCRCP.

The Plaintiff has suffered prejudice by setting aside of default when the Defendants first elected to default and were only subjected

to two(2) courses of action. The Defendants failed to show good cause and bad faith existed to defeat Plaintiff's lawsuit complaint by spoliation of evidence, altering Plaintiff medical records, classification file, warden jacket, request to staff member (form 19-11) dispositions, contracts or agreements, and PREA records. This is a gross indifference to Plaintiff's party rights. How can Plaintiff prepare for trial when the discovery process was made unavailable to him?

In Accordance to Samples v. Mitchell, 329 S.C. 105, 495 S.E. 2d 213, 1997 WL 785539, "In deciding what sanction to impose for failure to disclose evidence during the discovery process, the trial court should weigh the nature of the interrogatories, the discovery posture of the case, willfulness, and the degree of prejudice. Essentially, the rights of discovery provided by the rules give the trial lawyer the means to prepare for trial, and when those rights are not accorded, prejudice must be presumed." See also Orlando v. Boyd, 1996 WL 29285, 320 S.C. 509, 466 S.E. 2d 353 (1996), "Severe sanctions, such as dismissal of action, should only be imposed in cases involving bad faith, willful disobedience, or gross indifference to the party's rights."

K.H.

WHEREFORE UPON, the Petitioner request for the Court to consider the merits and adjudicate the law based on the set of facts of this case.

Done This 25th Day of February, 2026.
Respectfully Submitted,

/s/ K E Herriott

Kevin E. Herriott #313862
Lieber Corr. Inst.
Post Office Box 205
Ridgeville, SC 29472

RECEIVED
MAR 10 2026
SC Court of Appeals

EXHIBIT

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott,
Plaintiff

CA No.: 2024-CP-35-00052

v.

South Carolina Department of Corrections,
Defendants

NOTICE OF DEFAULT JUDGMENT

TO: DEFENDANTS AND DEFENDANTS' ATTORNEY

WOULD YOU PLEASE TAKE NOTICE, that

Plaintiff Kevin E. Herriott, hereby notify the defendants South Carolina Department of Corrections and its representatives, attorneys, directors, employees, agents, correctional officers, and servants that an default judgment is being filed within this case action in the jurisdiction of McCormick County Eleventh (11th) Judicial Circuit, in the Court of Common Pleas, for failure to answer, produce, nor respond to Plaintiff's First (1st) and Second (2nd) Set of Discovery Requests withholding electronic evidence, and a deliberate pattern of discovery abuse.

Done This 15th Day of July, 2025.
Respectfully Submitted,

/s/ K E Herriott
Kevin E. Herriott
SCDC# 313962

Exhibit C

Richland County Sheriff's Department

LEON L. LOTT, JR.
Sheriff

Kevin E. Herriott, #313862
McCormick Correctional Inst.
386 Redemption Way
Mc Cormick, SC 29899

October 7, 2024

Re: SCDC
Director Bryan P. Stirling

Dear Sir/Madam:

On 9/30/2024, this department received a civil paper from your office. Please find the enclosed Affidavit of Service/Non Service for the above reference case.

I am pleased to be of service and if my Department can assist you in the future, please call upon my Civil Process Division at (803) 576-3151.

Sincerely,

Leon Lott
Richland County Sheriff

P18

P.14 KA

P.O. Box 143, Columbia, SC 29202
Office: (803) 576-3151 Fax: (803) 576-1898

Richland County Sheriff's Department

LEON L. LOTT, JR
Sheriff

Kevin E. Herriott, #313862
McCormick Correctional Inst.
386 Redemption Way
Mc Cormick, SC 29899

November 25, 2024

Re: Alan Wilson

Dear Sir/Madam:

On 11/19/2024, this department received a civil paper from your office. Please find the enclosed Affidavit of Service/Non Service for the above reference case.

I am pleased to be of service and if my Department can assist you in the future, please call upon my Civil Process Division at (803) 576-3151.

Sincerely,

Leon Lott
Richland County Sheriff

P19
P15 K.H.

P.O. Box 143, Columbia, SC 29202
Office: (803) 576-3151 Fax: (803) 576-1898

Richland County Sheriff's Department

LEON L. LOTT, JR.
Sheriff

Kevin E. Herriott, #313862
Turbeville Corr. Inst.
1578 Clarence Coker Hwy
PO Box 252
Turbeville, SC 29162

August 27, 2025

Re: Annie Rumler

Dear Sir/Madam:

On 8/25/2025, this department received a civil paper from your office. Please find the enclosed Affidavit of Service/Non Service for the above reference case.

I am pleased to be of service and if my Department can assist you in the future, please call upon my Civil Process Division at (803) 576-3151.

Sincerely,

Leon Lott
Richland County Sheriff

P20
R. Kth

P.O. Box 143, Columbia, SC 29202
Office: (803) 576-3151 Fax: (803) 576-1898

Richland County Sheriff's Department

AUG 2 6 2025

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date 8-25-25/12:09pm

Date Entered:	08/25/2025
File Number:	C202505081
DSS Number:	0
Foreign Case #:	2024CP3500052

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Plaintiff Kevin E. Herriott, #313862 Turbeville Corr. Inst. 1578 Clarence Coker Hwy PO Box 252 Turbeville, SC 29162

Person Served Annie Rumler Office of General Counsel SCDC 4444 Broad River Rd Columbia, SC 29210

Defendant(s) SCDC , 0

PERSONALLY APPEARED Before Me T. White, duty sworn says that he/she served, or attempted to serve, the following civil paper(s):

Subpoena 1

on the defendant, Annie Rumler, as follows:

( ) By personally handing the process to the defendant at _____ (Street), _____ (City), SC on _____ (Date/Time).

( ) By handing the process to _____ (Name of Person Served/Relationship) at _____ (Street), _____ (City), SC on _____ (Date/Time), a person of suitable age and discretion then residing in the defendant's usual place of abode.

( ) By handing the process to _____ (Name of Person Served/Company Name), the registered corporate agent or officer of the company at _____ (Street), _____ (City), SC on _____ (Date/Time) and leaving him/her a copy.

(✓) WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

(✓) COMMENTS: Per Marcie Lawrence, SCDC, the Def. no longer works there.

Deponent knows the person served to be the defendant and Deponent is not a party to the action.
SWORN TO Before me this

25 day of August, 2025.

T. White
1260
Deputy Sheriff, Richland County

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____
P.O. Box 143 Columbia, SC 29202
My Commission Expires March 23, 2028
Office: (803) 576-3151 Fax: (803) 576-1898

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Richland County Sheriff's Department

OCT 0 1 2024

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date _____

Date Entered:	09/30/2024
File Number:	C202406859
DSS Number:	0
Foreign Case #:	2024CP35052
Court Date:	01/01/1900

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Plaintiff Kevin E. Herriott, #313862 McCormick Correctional Inst. 386 Redemption Way Mc Cormick, SC 29899

Defendant(s) SCDC Director Bryan P. Stirling 4444 Broad River Rd Columbia, SC 29210

PERSONALLY APPEARED Before Me T. White, duty sworn says that he/she served, or attempted to serve, the following civil paper(s):

Summons & Complaint 1

on the defendant, SCDC Director Bryan P. Stirling ,as follows:

( ) By personally handing the process to the defendant at _____ (Street), _____ (City), SC on _____ (Date/Time).

( ) By handing the process to _____ (Name of Person Served/Relationship) at _____ (Street), _____ (City), SC on _____ (Date/Time), a person of suitable age and discretion then residing in the defendant's usual place of abode.

(✓) By handing the process to Regina Lane / SCDC (Name of Person Served/Company Name), the registered corporate agent or officer of the company at 4444 Broad River Rd. (Street), Columbia (City), SC on 10-3-24/12:25pm (Date/Time) and leaving him/her a copy.

( ) WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

( ) COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action.
SWORN TO Before me this

3 day of October, 2024.

T. White 220
Deputy Sheriff, Richland County

Kenneth Coleman
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES
P.O. Box 143 Columbia, SC 29202

KENNETH COLEMAN
Notary Public
State of South Carolina
My Commission Expires May 28, 2034

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NOV 20 2024

Richland County Sheriff's Department

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date _____

Date Entered:	11/19/2024
File Number:	C202408030
DSS Number:	0
Foreign Case #:	2024CP3500052

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Plaintiff Kevin E. Hermott, #313862 McCormick Correctional Inst. 386 Redemption Way Mc Cormick, SC 29899

Defendant(s) Alan Wilson SC Attorney General Office 1000 Assembly St. Columbia, SC 29201

PERSONALLY APPEARED Before Me P. Wilkes, duty sworn says that he/she served, or attempted to serve, the following civil paper(s):

Summons & Complaint 1

on the defendant, Alan Wilson S.C. Atty. General office, as follows:

( ) By personally handing the process to the defendant at _____ (Street), _____ (City), SC on _____ (Date/Time).

( ) By handing the process to _____ (Name of Person Served/Relationship) at _____ (Street), _____ (City), SC on _____ (Date/Time), a person of suitable age and discretion then residing in the defendant's usual place of abode.

McCormick Co Clerk Gwendolyn Chiles 2025 APR 7 AM 10:49

(✓) By handing the process to Nache Moultry - Adm. Asst. (Name of Person Served/Company Name), the registered corporate agent or officer of the company at 1000 Assembly St. (Street), Columbia (City), SC on 11/22/24 8:46 AM (Date/Time) and leaving him/her a copy.

( ) WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

( ) COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action.
SWORN TO Before me this

22 day of NOV, 2024.

Deputy Sheriff, Richland County

P. WILKES
S# 1195

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____
P.O. Box 143 Columbia, SC 29202

Matthew S. Aul
Notary Public, State of South Carolina
My Commission Expires July 11, 2032

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STATE OF SOUTH CAROLINA
COUNTY OF McCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Keith E. Herriott #313862
Plaintiff,

v.

Bryan P. Stirling,
Defendant.

C/A No: 2024-CP-35052

AFFIDAVIT OF
Keith E. Herriott

COMES PERSONALLY BEFORE ME One Affiant Keith E. Herriott, depose and State upon oath that:

1. On April 15, 2024, I, Keith E. Herriott served the Court of Common Pleas, for the 11th Judicial Circuit in McCormick County, SC, Bryan P. Stirling, director of South Carolina Department of Corrections, an Summons, civil lawsuit complaint, and coversheet with attachments of affidavit by Keith Herriott and motion to proceed pro se without prepayment of Court Costs and Filing Fees.

2. On July 12, 2024, I, Keith E. Herriott served the McCormick County Sheriff's Office to serve defendant Bryan P. Stirling.

3. On September 09, 2024, Office of the Sheriff McCormick County, S.C., Clarke Stearns informed me, that the address I submitted is not in McCormick County Sheriff's Office Jurisdiction.

4. On September 11, 2024, I received, Clarke Stearns, notification dated September 09, 2024, and immediately served Richland County Sheriff's Office two (2) Summons and Civil lawsuit Complaint, to be served on defendant Bryan Stirling and Attorney General Alan Wilson.

5. Since the filing of the service of the two (2) Summons and Civil lawsuit Complaint upon the Richland County Sheriff's Department, they have not replied to notification as I am preparing affidavit on October 12, 2024.

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K.H.

LEGAL MAIL

6. The facts aforementioned in this affidavit are true, correct, and honest under penalty of perjury.

7. I am above the age of 21 and I am competent to testify to these facts within this affidavit.

— THE AFFIANT FURTHER SAYETH NOT —

SWORN AND SUBSCRIBED BEFORE ME
on this 10th Day of October, 2024.
Rebecca [illegible] (L.S.)
Notary Of Public
My Commission Expires On: 01/18/30.

Id K E Herrott
Kevin E. Herrott #318862
McCormick Corr. Inst.
386 Redemption Way
McCormick, SC 29899
Pro Se

Pursuant to 28 U.S.C. §1746; 18 U.S.C. §§1621 & 1622, I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 12, 2024.
Id K E Herrott

L. KH.

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott, #313862
Plaintiff

v.

South Carolina Department of Corrections,
Defendant

C/A No.: 2024-CP-35-00052

AFFIDAVIT OF
KEVIN E. HERRIOTT

COMES PERSONALLY BEFORE ME One Affiant

Kevin E. Herriott, depose and State upon oath that:

1. On November 4, 2024, Honorable Judge McCaskill ordered me to serve or provide the Court with a copy of service that Attorney General Alan M. Wilson was served according to South Carolina Court Rules of Civil Procedure, Rule 4(G).

2. On September 11, 2024, I served Richland County Sheriff's Office two (2) Summons and (2) Civil lawsuit Complaints to be served on Defendant Bryan P. Sterling and Attorney General Alan Wilson on behalf of the South Carolina Department of Corrections, to which is an agency and/or entity.

3. On November 12, 2024, I resubmitted and serve Richland County Sheriff's Office one (1) Summons and (1) Civil lawsuit Complaint to be served on Defendant Alan M. Wilson, A.G., on behalf of the South Carolina Department of Corrections.

4. Since the filing of ~~the~~ service of the two (2) Summons and (2) Civil lawsuit Complaint upon the Richland County Sheriff's Department, I received a reply to notification and/or correspondence on or after October 16, 2024, by Deputy Sheriff T. White of affidavit of service to Defendant Bryan P. Sterling without further notification of processing service on Alan M. Wilson, A.G. of the South Carolina Attorney General's Office.

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5. Since the filing of the service of the one (1) Summons and Civil Lawsuit Complaint upon the Richland County Sheriffs Department, they have not replied to notification nor correspondence as I am pro-party affidavit on December 2, 2024.

6. The facts aforementioned in this affidavit are true, correct, and honest under penalty of perjury.

7. I, Kevin E. Herrott am above the age of 21 and I am competent to testify to these facts within this affidavit.

— THE AFFIANT FURTHER SAYETH NOT —

SWORN AND SUBSCRIBED BEFORE ME
on this 2nd Day of Dec, 2024.
Lakisha Olsen (L.S.)
Notary of Public

My Commission Expires On: 01/13/30

/s/ K E Herrott
Kevin E. Herrott #313862
McCormick Corr. Inst.
386 Redemption Way
McCormick, SC 29899
Pro Se.

Pursuant to 28 U.S.C. §1746; 18 U.S.C. §§1621, & 1622, I declare under the penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on 12/2/24.

/s/ K E Herrott

RECEIVED
FEB 01 2021
ASSOCIATE WARDEN OF PROGRAMS

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Copy

2025 APR 7 AM 11:
McCormick Co Clerk

INMATE NAME: Kevin E. Herriott
SCDC NUMBER: 313862
INSTITUTION: McCormick C.I.
HOUSING UNIT: F5A
WORK ASSIGNMENT: Not Applicable

Warden's Area
NOV 09 2020
RECEIVED

OFFICE USE ONLY
Grievance No. ~~MCCI-0050-20~~ KCI-00744
Code: General IS | PR
Policy
Disc. Hear.
Class.
PREA
Date Received NOV 10 2020
IGC Initials

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

see Kiosk reference No.'(s): 20-01678949, 20-01744950, 20-01746615

On September 2, 2020, I above-named grievant filed formally requesting for my property, (20-01678949) (Kiosk reference), but there was no reply. On November 01, 2020, I above-named grievant wrote McCormick's personal property (20-01744950) and on November 2, 2020, received response that were inquiring about "do I know where my property is." On November 04, 2020, I was instructed to write a staff request to Kirkland. (20-01746615) (Kiosk reference).

However, in accordance to SCDC Policy OP-22.03, section 8.4.2. "An inmate's property that is not authorized in any SMU/RHU or MSU will be placed in a duffel bag in the Property Control Room or another secure location . . . and will be returned to the inmate once s/he has been released from SMU/RHU or MSU."

I, grievant was released from Kirkland's Transitional Unit at Kirkland D-Dormitory an RHU and transferred to McCormick without my property that was sent from Lee Correctional Institution arriving at Kirkland on March 4, 2020. I was then transferred on August 28, 2020, without receiving none of my personal property from duffel bag seal number 0048551. Arriving at McCormick C.I., Kirkland did not forwarded my property and I want my property or just compensation.

K. E. Herriott 11/5/2020
Grievant Signature Date

ACTION REQUESTED: To return my property or just compensation. (see OP-22.03, Section 7. and grievance procedure GA-01.12).

ACTION TAKEN BY IGC: ☑ PROCESSED ☐ UNPROCESSED ☐ OTHER

See Warden's Decision

J. Nelson 2/3/21
IGC Signature Date

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(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Kevin Harriott #313862 **Grievance No. KCI-0071-21**

I have reviewed your concern. In your grievance you stated that you were released from Kirkland's Transitional Unit (RHU) and transferred to McCormick C.I without your property that was sent from Lee C.I on March 4, 2020. You stated that you were transferred on August 28,2020 without receiving any of your personal property from duffle bag seal number 0048551. You further stated that Kirkland C.I did not forward your property to McCormick C.I. You requested your property or compensation. After a review of your concerns, Kirkland Correctional Institution's property room was contacted. Your property was found at Kirkland C.I and shipped to McCormick C.I on February 4, 2021. If you have any further concerns, please confer with McCormick C.I property staff members.

Therefore, your grievance is upheld.

If you are not satisfied with my decision, you may file a Step 2 Grievance Appeal by completing SCDC Inmate grievance Form 10-5a, which is provided to you while serving you this Decision, and placing it in the grievance box within five (5) days of your receipt of this decision.

Jerrie Wallace 2/3/2021

Warden Signature **Date**

☒ **I accept the Warden's decision and consider the matter closed.**

☐ **I do not accept the Warden's decision and wish to appeal.**

K. C. Harriott 2/18/2021

Grievant Signature **Date**

J. Hickson 2/3/2021

IGC Signature **Date**

Served By [illegible] 2/18/21

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. **An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.**
2. **Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.**
3. **Only one (1) issue is to be addressed on each form.**
4. **Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.**
5. **If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.**

RECEIVED
FEB 24 2021

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE GRIEVANCE
INMATE NAME: Kevin E. Herriott
SCDC NUMBER: 313862
INSTITUTION: McCormick Corr. Inst.
HOUSING UNIT: FSA
WORK ASSIGNMENT: Not Applicable

Warden's Area
FEB 19 2021
RECEIVED

Grievance No. MCI-0071-21
Code: General PR/IS
Policy
Disc. Hear.
Class
PREA
Date Received:
IGC Initials:
Date Received: KH
IGA Initials: 2/24/21

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):
On February 17, 2021, I was informed that my property from Kirland C.I., duffle bag seal number 0048551 was forward to McCormick C.I., on February 4, 2021. I am appealing the decision of the Warden because (1) I do not have my property, yet, (2) I haven't done a full inventory inspection of my property to determine items not logged that should have been or what has been recovered, and (3) this matter is not closed. I have been deprived of my property since July 27, 2018.

Grievant Signature K.E. Herriott Date 2/18/2021

RESPONSIBLE OFFICIAL'S DECISION AND REASON:
I have reviewed your concern. In your grievance you state you were released from Kirkland's Transitional Unit (RHU) and transferred to McCormick CI without your property that was sent from Lee CI on March 4, 2020. You were transferred on August 28, 2020 without receiving any of your personal property from your duffle bag seal number 0048551. Kirkland did not forward your property to McCormick CI. You request your property or compensation. The Warden responded to your concern on February 3, 2021. Documentation provided reveals a portion of your property was discovered at Kirkland on February 4, 2021. It was shipped to McCormick accordingly. If you are not in receipt of your property you must contact Property Control at McCormick to determine if your current housing assignment allows for the same. You have not shown SCDC Staff have performed their duties inappropriately.

Therefore, your grievance is resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature [signature] Date 3-4-21

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

K.E. Herriott 3/17/2021
Grievant Signature Date

[signature]
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SCDC 10-5A (Rev May 2015)

P30

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.

2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.

3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.

4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott, #313862
Plaintiff,

v.

South Carolina Department of Corrections,
Defendants.

C/A No.: 2024-CP-35-00052

MOTION FOR LEAVE FOR ENTRY OF DEFAULT JUDGMENT

TO: DEFENDANTS AND DEFENDANTS' ATTORNEY

NOW COMES Plaintiff Kevin E. Herriott in pro se, in necessity, moves this Honorable Court for an Court Order granting default judgment against the Defendants pursuant to South Carolina Court Rules of Civil Procedure, Rule 55.

The basis for this motion the Plaintiff asserts that the defendants specific conduct of bad faith, willfull disobedience or gross indifference to the party's rights, and a deliberate pattern of discovery abuse requires the Court to interject fair competition in the adversary system where the evidence in this case is not being marshaled competively by the defendants who is an contending party. See Memorandum In Support.

WHEREFORE UPON, the above legal premise the Plaintiff ask the Court for entry of default judgment and a favorable ruling for Plaintiff against Defendants.

P32

T. K.H.

Done This 18th Day of July, 2025.
Respectfully Submitted,

/s/ [signature]
Kevin E. Herrold
SCDC# 313862

K. H.

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott,
Plaintiff,

v.

South Carolina Department of Corrections,
Defendants.

C/A No.: 2024-CP-35-00052

MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE FOR ENTRY OF DEFAULT JUDGMENT

MEMORANDUM OF LAW

The Plaintiff Kevin E. Herriott demonstrates to the Court that on June 09, 2025, Plaintiff was in receipt of Defendants' Response dated June 05, 2025, to Plaintiff's Additional Request for Production and Plaintiff's First set of Interrogatories.

The Plaintiff contends that the Defendants' June 05, 2025, response were untimely and evasive. See Plaintiff's Request for Sanctions. The Plaintiff, nonetheless, show the Court that the Defendants did not respond to the Plaintiff's First Set of Production of Documents Request. See Plaintiff's Amended Motion To Compel Discovery and its attached exhibit(s). The Defendants failed to respond to Plaintiff's Second Set of Discovery Requests entirely.

The Plaintiff further contends that the Defendants' June. 05, 2025, response to Plaintiff's First Set of Interrogatories were evasive or provided incomplete answers or responses in such regard to be treated as a failure to disclose, answer, or

p34

K.H.

respond. See SCRCP, Rule 37(a)(3). The Plaintiff also show the Court that the Defendants failed to conduct a 'reasonable inquiry' before objecting to Plaintiffs First Set of Interrogatories and Plaintiff's documents requests. The Defendants failed to disclose Plaintiffs medical records, mental health records, classification documents, withholding electronic evidence, and non-disclosing the South Carolina Department of Corrections Agency Policies such as Policy Numbers: ADM-15.14; OP-22.10; OP-22.11; OP-22.12; OP-22.14; OP-22.23, and OP-22.38.

The Plaintiff avers that Plaintiffs medical and mental health records disclosure will prove injury as it relates to pain and suffering, mental anguish, and the Defendantes are concealing proof of facts of injury. The Plaintiff requested for his classification documents to offer proof of facts that prison officials transferred Plaintiff to another prison and had his property shipped elsewhere in retaliation for the exercise of his First Amendment Rights. These acts were retaliatory punishment. This was just one form of retaliation occurrences. Another form is when Plaintiff suffered theft and or destruction to his legal documents that irrevocably hinder Plaintiffs efforts to vindicate legal rights.

The Plaintiff demonstrates that the withholding of electronic evidence shows a willful disobedience to Plaintiff's party. See Model Rules of Professional Conduct Rules 3.4 cmt. [1] (2007) ("The procedure of the adversary system contemplates that the evidence in a case is to be marshaled competitively by the contending parties. Fair competition

H. K.H.

in the adversery system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedures).

The aforementioned SCDC Agency Policies defines the custody of an inmate or prisoner within the confines of SCDC who are identified for classification purposes and privileges purposes to obtain, restrict, or limit an inmate's or prisoner's legal property, personal property, and personal belongings and effects. The non-disclosure of these policies will limited the fact finder(s) to determine whether Plaintiff's properties were illegally detained and what performance by the SCDC Agency and its employees, directors, agents, correctional prison guards, and servants is required. The Plaintiff, however, show that the needs of the case outweighs the Defendants' responses that it will be unduly burdensome or expensive to defendants when the Plaintiff contentions are that the defendants are at fault and should be liable to cover all expenses their conduct was an direct causation.

The Plaintiff ask the Court to consider the importance of the issues at stake in this action, the amount in controversy, prior discovery abuses in the case, and the needs of the case in addition to Defendants' bad faith, other litigation abuses, the destruction, concealment, or falsification of evidence when holding defendant in contempt.

Done This 13th Day of July, 2025.

Respectfully Submitted,

/s/ K E Herrnitt

Kevin E. Herrnitt #313862

p36

EXHIBIT

p37
p6. K.H.

ELECTRONIC EVIDENCE
NON-DISCLOSED

1) Kiosk Requests

Kiosk Reference Numbers	Location	Answered/or Pending Date(s)
23-03106111,	personal property answered	2/5/2024
23-03108211,	personal property answered	2/5/2024
23-03113563,	security answered	5/25/2023
23-03116873,	security answered	5/18/2023
23-03126210,	commissary answered	6/30/2023
23-03145057,	security answered	6/21/2023
23-03162710,	investigations answered	7/12/2023
23-03176727,	legal answered	7/24/2023
23-03274238,	contraband answered	2/28/2024
24-03371525,	personal property answered	2/5/2024
24-03371535,	personal property answered	2/5/2024
24-03420757,	personal property answered	2/29/2024
24-03425632,	personal property answered	7/12/2024
24-03473646,	legal answered	6/7/2024
24-03515411,	grievance answered	5/22/2024
24-03518550,	grievance answered	5/24/2024
24-03519335,	mail answered	6/20/2024
24-03519841,	grievance answered	5/29/2024
24-03522630,	grievance answered	5/29/2024
24-03525227	mail answered	6/20/2024
24-03607922	personal property answered	8/29/2024
25-03985571	personal property pending	6/19/2025
25-03985577	personal property pending	6/19/2025
25-03985588	privilege reinstatement pending	6/25/2025
25-03996920	legal materials pending	6/30/2025
25-04011086	grievance answered	7/10/2025

2) Medical Records

3) Mental Health Records

4. South Carolina Department of Correction Policy

A) OP-21.03
OP-22.10
OP-22.11
OP-22.12
OP-22.23
OP-22.38
ADM-15.14

B) Created A Policy or Custom under which Unconstitutional Practices Occurred

GA-01.12
GA-06.04
OP-22.23
OP-22.38
OP-22.14

5. Kevin E. Herrlott
SCDC # 313862
Inter State Compact # T97826
Classification Records

6. SCDC Police Services Call Logs, Reports, and Documents filed by Kevin E. Herrlott, SCDC # 313862 From May 10, 2018, to December 31, 2024

STATE OF SOUTH CAROLINA
COUNTY OF McCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

FILED
GWENDOLYN D. CHILES
2025 JUL 22 A 9:58
CLERK OF COURT
McCORMICK COUNTY, SC

Kevin E. Herriott,
Affiant,

v.

South Carolina Department of Corrections,
Defendants.

C/A No.: 2024-CP-35-00052

AFFIDAVIT OF DEFAULT

PLAINTIFF KEVIN E. HERRIOTT PERSONALLY APPEARING BEFORE ME, who being duly sworn, depose and states that two (2) sets of discovery requests for production of documents and interrogatories in this action was served on the defendants, The South Carolina Department of Corrections, Director Bryan P. Sterling, and Correctional Property Control Officer S. Cooper, on the following dates:

1. On or About June 10, 2025; and
2. On or About November 08, 2024;

which required that defendant(s) to answer, respond, or produce on the July 10, 2025, and December 08, 2024 or May 07, 2025, after an Court Order dated April 07, 2025. The Defendants failed to answer, respond, or produce documents as required and is now in default.

— THE AFFIANT FURTHER SAYETH NOT —

p 40
~~p.9~~ K.H.

1 of 2 K.H.

SWORN AND SUBSCRIBED BEFORE ME
on this 8th Day of July, 2025.

_____ (L.S.)
NOTARY OF PUBLIC

My Commission Expires On: _____

/s/ _____
Kevin E. Herrold #313862
Turbeville Corr. Inst.
Post Office Box 252
Turbeville, SC 29162
Affiant.

2 ~~out of~~ 2. K.H.

p 41

~~p10~~. K.H.

Certificate of Service

I, Kevin E. Herriott, do hereby, certify that on this 14th day of July, 2025, served the foregoing instruments, "Notice of Default Judgment, Motion for Leave for Entry of Default Judgment, Memorandum In Support of Motion for Leave for Entry of Default Judgment and Affidavit of Default", upon The Clerk of This Court and Defendants and Defendants' Attorney Michael LaubShire at The LaubShire Law Firm, LLC, 459 St. Andrews Road, Columbia, SC 29210, by depositing a true copy of the same in the internal mailing system at Turbeville C.I. First Class postage is either being prepaid by me or prepared by the institution on my behalf.

/s/ K E Herriott
Kevin E. Herriott

cc: \ Michael LaubShire
date sent: 7/22/25
clerk of Court 7/14/25 Monday

p 42

Kevin E. Herriott
SCDC. # 313862
Turbeville Correctional Institution
Post Office Box 252
Turbeville, SC 29162

FILED
GWENDOLYN D. CHILES
2025 JUL 22 A 9:54
CLERK OF COURT
McCORMICK COUNTY, SC

July 14, 2025

Gwendolyn D. Chiles, Clerk
McCormick County Clerk's Office
133 South Mine Street, Room 102
McCormick, SC 29835

Re: Kevin E. Herriott v. South Carolina Department of Corrections
Case Action No.: 2024-CP-35-00052

Dear Madam Clerk:

WOULD YOU PLEASE FIND ENCLOSED One (1) notice of default judgment, motion for leave for entry of default judgment, and memorandum in support of motion for leave for entry of default judgment with attached affidavit of default. I ask that this Office file these aforesaid documents with the Court in the above referenced case action and please make an entry for default judgment. Thank you in advance and again for your cooperation and service.

Yours Truly,

/s/ K E Herriott

Kevin E. Herriott, #313862
Pro Se.

R.S.V.P.
I did receive June 18, 2025, filing. It was forwarded from Evans Correctional.

Certificate of Service

I, Kevin E. Herrlott, do hereby certify that on this 14th day of July, 2025, served the foregoing instruments, Notice of Default Judgment, Motion for Leave for Entry of Default Judgment, Memorandum In Support of Motion for Leave for Entry of Default Judgment, and Affidavit of Default, upon the Clerk of This Court and Defendants and Defendants' Attorney Michael LaubShire at The LaubShire Law Firm, LLC, 459 St. Andrews Road, Columbia, SC 29210, by depositing a true copy of the same in the internal mailing system at Turbeville Corr. Inst. First Class postage is either being prepaid by me or prepared by the institution on my behalf.

/s/ K E Herrlott
Kevin E. Herrlott

FILED
GWENDOLYN D. CHILES
2025 JUL 22 A 9:54
CLERK OF COURT
McCORMICK COUNTY, SC

Kevin E. Herriott
SCDC #312862
Tyger-River Correctional Institution
200 Prison Road
Enoree, SC 29335

August 21, 2025

Buffey Hodges, Chief Deputy Clerk
McCormick County, Clerk's Office
133 South Mine Street, Room 102
McCormick, SC 29835

Re: Kevin E. Herriott vs. South Carolina Dept. of Corrections, et al.
Case No.: 2024-CP-35-00052

Dear Madam Clerk:

ENCLOSED PLEASE WILL YOU FIND One (1) Notification of Change of Address and one (1) Pleading for full Compensation and Plaintiff's Notice of Damages. I ask this Office to please file the aforesaid documents within this Court by the Office Clerks Staff. I further ask for a hearing to be scheduled at the next Court Term to present evidence to determine default judgment. Thank-you in advance and again for your cooperation and service.

Yours Truly,

Kevin E. Herriott
Pro Se

Kevin E. Herriott
SCDC #313362
Tyger-River Correctional Institution
200 Prison Road
Enoree, SC 29335

August 21, 2025

Buffy Hodges, Chief Deputy Clerk
McCormick County Clerk's Office
133 South Mine Street
McCormick, SC 29835

Re: Kevin E. Herriott vs. South Carolina Dept. of Corrections
Case No.: 2024-CP-35-00052
Change of Adress

Dear Madam Clerk:

I am writing this Office and Court for the sole purpose of informing the Court and Clerk's Staff that my current address has changed. I am no longer housed at Turbeville Correctional Institution. Would you please forward all correspondences, notifications and notices, court orders and rulings, and motions to:

Kevin E. Herriott, #313362
Tyger-River Corr. Inst.
200 Prison Road
Enoree, SC 29335.

Done This 21st Day of 2025,
Respectfully Submitted,
/s/ [signature]
Kevin E. Herriott
Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF McCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 14th JUDICIAL CIRCUIT

Kevin E. Herriott,
Plaintiff,

v.

South Carolina Department of Corrections et al.
Defendants.

Case Action No.: 2024-CP-35-00052

TO: DEFENDANTS AND DEFENDANTS' ATTORNEY

PLEASE TAKE NOTICE, Plaintiff Kevin E. Herriott in pro se, in necessity, give notice to named Defendants, the South Carolina Department of Corrections, an entity, is being sued individually in its individual agency capacity and official capacity, Mr. Bryan P. Sterling is being sued individually in his official capacity, and Ms. S. Cooper is being sued individually in her official capacity and Plaintiff has requested default judgment be filed against this adverse party and sought prejudgment interests in damages a sum certain proven at the hearing scheduled by the McCormick County Court Clerk's Office to be determined by the presiding Honorable Judge Pursuant to SCRCP Rule 55(a), (b)(1) & (3).

The Plaintiff aver that the Defendants' misconduct were calculated and deliberate when failing to permit Plaintiff to inspect upon entry production of documents or things. See Rule 26, SC RCP. Defendants' failure to produce

K.H.

production of documents and electronic stored information nor did the defendants answer or respond to Plaintiff's First Set and Second Set of Discovery Requests. The Defendants withheld electronic evidence, provided evasive responses, boiler plate objections, and shown a deliberate pattern of discovery abuse. The Plaintiff show the Court that reasonable grounds do exist for default judgment and award in favor Plaintiff the desired relief of sanctions and awards of monetary damages is warranted.

The Plaintiff aver that the named Defendants in their individual and official capacity concede to the Court having gained personal jurisdiction over defendants, that subject-matter jurisdiction is sufficient, and venue is proper for the Court's power to render the particular judgment requested. The Plaintiff asserts further that the Defendants has conceded to liability and admitted the truth of Plaintiff's allegations in addition to fraudulent concealment and spoliation by suffering default. See Howard v. Holiday Inns Inc., 271 S.C. 238, 246 S.E. 2d 880; Wells Fargo Bank, N.A. v. Marion Amphitheatre LLC, 408 S.C. 87, 757 S.E. 2d 557; Roche v. Young Bros. Inc., of Florence, 332 S.C. 75, 504 S.E. 2d 311, 314 (1998) ("It is well-settled that by suffering a default, a defaulting party conceded liability and admitted truth of plaintiff's allegations.")

Z. K.H.

The Plaintiff seeks the following prime cost or value of property lost at the time of the loss, in addition in a sum certain to injury by reason of the diminution and or injury resulting from the proximate causation of Defendants awarding a sum certain of $140,149.86, one-hundred and forty thousand, one hundred forty-nine dollars and eighty-six cents of recovery or in the amount of damages.

The Plaintiff further ask that judgment be awarded in prejudgment interest against Defendants in favor of Plaintiff for an additional sum certain of $162,649.86, one-hundred and sixty-two thousand, six-hundred forty-nine dollars and eighty six cents for the loss of use of money and interest that was deducted from Plaintiffs E. H. Cooper Trust Fund Accounts that is being levied against his personal accounts in proceeds of 60%, sixty percent deductions in monies from May 10, 2018, the time the claims accrues until judgment is entered in addition to co-pay fees totaling two ($2.00) to ten ($10.00) dollars for the cost of medication and sick call appointments; attorney fees, and the defendants willfulness to destroy, conceal, and falsify evidence resulting in foreclosed previous litigations or disproof of facts and injuries within this case action due to the defendants' spoliation. The Plaintiff seeks a sum certain in total of $302,799.72, three-hundred and two thousand, seven-hundred and ninety-nine dollars and seventy-two cents and any further relief in recovery the Court deems appropriate or just.

S. K.H.

WHEREFORE UPON, the above legal premise, the Plaintiff Kevin E. Herriott ask the Court to grant full compensation in favor of Plaintiff against Defendants.

Done This ___ Day of August, 2025.
Respectfully Submitted,

/s/ K E Herriott

Kevin E. Herriott #313862
Tyger-River Corr. Inst.
200 Prison Road
Enoree, SC 29335
Pro Se.

FILED
GWENDOLYN D. CHILES
2025 SEP -3 A 10:59
CLERK OF COURT
McCORMICK COUNTY, SC

Certificate of Service

I, Kevin E. Herriott do hereby, certify that on this 22nd day of August 2025, served the foregoing instrument "Notice of Damages" upon the Defendants and Defendants' Attorney Michael Laubshire at The Laubshire Law Firm, LLC, 4590 St. Andrews Road, Columbia, SC 29210, by depositing a true copy of the same in the internal mailing system at Tyger-River Correctional Institution. First-Class postage is either being prepaid by me or the Institution on my behalf.

/s/ K E Herriott
Kevin E. Herriott

K.A.

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EXHIBIT A

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME: M. Cullars	STAFF TITLE: Caseworker I	**DATE:** Monday, 12/9/24
INMATE NAME: Herriott, Kevin		**SCDC #:** 313862
INSTITUTION: McCormick CI	**DORM/SIDE/BED:** A/121	**HOUSING TYPE:** ☑ RHU ☐ R&E ☐ INFIRMARY ☐ SSR ☐ DEATH ROW ☐ ASSISTED LIVING UNIT (ALU) ☐ N/A

REASON FOR PAPER REQUEST: ☐ PREA ☐ MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICAL COPAY ☐ MEDICAL RECORDS ☐ KIOSK INACCESSIBLE (EXPLAIN): _____

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

The response from Property:
I have been looking into the staff request that inmate Herriott, Kevin #313862 sent. Unfortunately, the electronic information he is requesting is out of my control and I don′ t know who could provide him with such, other than the staff that handles inmate financial accounts, Mrs. Phillips because I don′ t have access to maneuver through the adds, ins, and outs of inmate accounts. However, if he needed information on items he purchased, it would be in the system labeled ″ property″ with the price of the item (not the name of the item) out to the side. Those purchases would also have been made with him signing and receiving a copy of the form 20-18, which is Request to Purchase Personal Equipment. A copy of this form for anything he purchased would be in his institutional file. Unfortunately, upon checking his file, there are no forms indicating such purchases; if they were, I would′ ve been able to provide him with copies. Also, the inventories in his file or dated from the year 2022-2023, there is nothing from the time frame of October 15, 2012, through July 17, 2017, that he is requesting documentation for. I spoke with Mrs. Phillips who informed me that he will have to contact inmate financial accounting in Columbia because she can only see back so far, perhaps RIM would have to get involved for longer dated material, because we don′ t have it here in our systems and cannot print out anything either.

The response from Business is on the back of the form:

DISPOSITION BY STAFF MEMBER:
Herriott - I received your Automated Request to Staff (Reference # 24-03730636) regarding your requests. As Classification, I couldn't assist so I forwarded the request to the appropriate departments for further review. See above for the responses from Property and Business.

If you have further questions/concerns, please contact Business or Property.

12-9-24	
DATE:	**STAFF SIGNATURE:** M Cullars

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X.5 K.A.

SCDC FORM 19-11 (REV.JULY 2020)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME: Mrs. Dawkins	STAFF TITLE: Warden Secretary	DATE: August 12, 2024
INMATE NAME: Kevin E. Herrlott		SCDC #: 313862
INSTITUTION: McCormick Corr. Inst.	DORM/SIDE/BED: FSA 121	HOUSING TYPE: ☑ RHU ☐ R&E ☐ INFIRMARY ☐ SSR ☐ DEATH ROW ☐ ASSISTED LIVING UNIT (ALU) ☐ N/A

REASON FOR PAPER REQUEST: ☐ PREA ☐ MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICAL COPAY ☐ MEDICAL RECORDS ☑ KIOSK INACCESSIBLE (EXPLAIN): On Tablet

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

I am requesting to receive a copy of OMS Kiosk Reference No. 24-03578474, and 24-03577201. Would you please provide me a copy for these two(2) request for a pending case and my records. Thank you!

DISPOSITION BY STAFF MEMBER:

General Counsel informed me that I can't give you copies.

DATE: 8-15-24 **STAFF SIGNATURE:** [signature]

SCDC FORM 19-11 (REV.JULY 2020)

P53
JOB KIA

EXHIBIT B

P54
X-KA

Kevin E. Herriott
SCDC # 313862
Turbeville Correctional Institution
Post Office Box 252
Turbeville, SC 29162

July 03, 2025

Michael LaubShire, Esq.
The LaubShire Law Firm, LLC
459 St. Andrews Road
Columbia, SC 29210

Re: Kevin E. Herriott v. South Carolina Dept. of Corrections
Case No.: 2024-CP-35-00052

Dear Mr. LaubShire:

PLEASE TAKE NOTICE that the defendants have within one (1) week, seven calender days to respond to Plaintiff's Second Set of Discovery Request. You have been notified of such performance and your reasonable duty to do so. If no response is given to Plaintiff before July 13, 2025, the Plaintiff will Submit and file Motion to default, judgment and requesting attorney fees, and compelling discovery.

Yours Truly,

/s/ K E Herriott
Kevin E. Herriott
Pro Se. Litigant.

p55
8 K.H.

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

FILED
GWENDOLYN D. CHILES
2025 SEP -3 A 11:00
CLERK OF COURT
McCORMICK COUNTY, SC

Kevin E. Herriott,
Plaintiff,

v.

South Carolina Department of Corrections,
Defendants.

Case Action No.: 2024-CP-35-00052

DECLARATION FOR MAILING SERVICES
BY
KEVIN E. HERRIOTT

I am an inmate confined to an institution. Today July 08, 2025, I am depositing "Updated change of current address, notification of default judgment, and protective order" in this case, in the institution's internal mailing system at Turbeville Correctional Institution. First-class postage is being prepaid either by me or prepared by the institution on my behalf.

I declare under penalty of perjury that the foregoing is true and correct. (See 28 U.S.C. §1746; 18 U.S.C. §1621 & 1622).

/s/ K E Herriott
Kevin E. Herriott #313862

July 03rd, 2025
Dated

SWORN AND SUBSCRIBED BEFORE ME
on this 8th day of July, 2025,
_____ (L.S.)
Notary of Public
My Commission Expires On: _____

cc: 11 Defendants
Defendants' Attorney
Clerk of Court

p56
KIA

VERIFICATION

I, Kevin E. Herriott, have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to these, I believe them to be true. I do hereby, certify that under penalty of perjury the foregoing is true and correct.

Executed at Enoree, South Carolina on August 22, 2025.

SWORN AND SUBSCRIBED BEFORE ME
on this 22 day of August, 2025.
(L.S.)
NOTARY OF PUBLIC
My Commission Expires On: JAN. 2 2031

Kevin E. Herriott
SCDC# 313862
Tyger-River Corr. Inst.
200 Prison Road
Enoree, South Carolina 29335

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

FILED
GWENDOLYN C. CHILES
2025 SEP -3 A 11:00
CLERK OF COURT
McCORMICK COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

FILED
GWENDOLYN D. CHILES
2025 SEP -3 A 11:00
CLERK OF COURT
McCORMICK COUNTY, SC

Kevin E. Herriott, Plaintiff,

vs.

South Carolina Department of Corrections, et al., Defendants

Case Action No.: 2024-CP-35-00052

DECLARATION FOR MAILING SERVICE BY KEVIN E. HERRIOTT

I am an inmate confined to an institution. Today August 22, 2025, I am depositing "Notification of Change of Address" and "Plaintiff's Notice of Danger Pleading For Full Compensation" in this case, in the institution's internal mailing system at ~~Turbeville~~ Tyger-River Correctional Institution. First-Class postage is being prepaid either by me or prepared by the institution's mailroom personnel on my behalf.

I declare under penalty of perjury that the foregoing is true and correct. (See 28 U.S.C. § 1746; 18 U.S.C. § 1621, § 1622).

/s/ Kevin E. Herriott
Kevin E. Herriott #313862

August 21, 2025
Date

SWORN AND SUBSCRIBED BEFORE ME
on this 22 day of Aug, 2025,
Paul Dennis Crider (L.S.)
NOTARY OF PUBLIC

My Commission Expires On: JAN 24 2026

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

cc: 11 Defendants
Defendants' Attorney
Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Kevin E. Herriott, Plaintiff,

v.

South Carolina Department of Corrections et al., Defendants.

Case Action No.: 2024-CP-35-00052

DECLARATION FOR MAILING SERVICES BY

KEVIN E. HERRIOTT

I am an inmate confined to an institution. Today August 22nd, 2025, I am depositing 'Notification of Change of Address' and 'Plaintiff's Notice of Damages Pleading For Full Compensation' in this case, in the institution's internal mailing system at Tyger-River Correctional Institution. First-Class postage is being prepaid either by me or prepared by the institution's mailroom personnel on my behalf.

I declare under penalty of perjury that the foregoing is true and correct. (See 28 U.S.C. §1746; 18 U.S.C. §1621, §1622).

/s/ K E Herriott
Kevin E. Herriott #313862

August 21, 2025
Date

SWORN AND SUBSCRIBED BEFORE ME
on this 22 day of Aug., 2025.
Paul Dennis Crider (LS)
NOTARY OF PUBLIC
My Commission Expires On: 1-24-2031

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

cc: 11 Defendants
Defendants' Attorney
Clerk of Court

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STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Case Action No.: 2024-CP-35-00052

Kevin E. Herriott, Plaintiff,

v.

South Carolina Department of Corrections et al., Defendants.

DECLARATION FOR MAILING SERVICE BY

KEVIN E. HERRIOTT

I am an inmate confined to an institution. Today August 27th, 2025, I am depositing "Notification of Change of Address" and "Plaintiff's Notice of Damages Pleading For Full Compensation" in this case, in the institution's internal mailing system at Tyger-River Correctional Institution. First-Class postage is being prepaid either by me or prepared by the Institution's mailroom personnel on my behalf.

I declare under penalty of perjury that the foregoing is true and correct. (See 28 U.S.C. §1746; 18 U.S.C. §1621, §1622).

/s/ Kevin E. Herriott
Kevin E. Herriott

August 21, 2025
Date

SWORN AND SUBSCRIBED BEFORE ME
On this 27 Day of August, 2025.

Paul Dennis Crider (L.S.)
NOTARY OF PUBLIC
My Commission Expires On.: JAN. 24, 2035

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

cc: 11 Defendants refiled 8/27/25
Defendants' Attorney refiled 8/27/25
Clerk of Court

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EXHIBIT B (11)

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Pgt. KMo

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT 2
9.15 2025
DCRP

RECEIVED

AUG 07 2025

INMATE GRIEVANCE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME:	STAFF TITLE:	DATE:
Ms. Felicia McKie	Inmate Grievance Branch Chief	July 24, 2025
INMATE NAME: Mr. Kevin E. Herriott		SCDC #: 313862
INSTITUTION: Turbeville Corr. Inst.	DORM/SIDE/BED: NU 136 South Wing	HOUSING TYPE: ☑ RHU ☐ R&E ☐ INFIRMARY ☐ SSR ☐ DEATH ROW ☐ ASSISTED LIVING UNIT (ALU) ☐ N/A

REASON FOR PAPER REQUEST: ☐ PREA ☐ MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICAL COPAY ☐ MEDICAL RECORDS ☑ KIOSK INACCESSIBLE (EXPLAIN): Notice of Appeal Grievance Step 2

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

This appeal is being submitted appealing grievance number TCI-0373-25; see kiosk reference numbers in support: 25-04000797, 25-03993761, 25-03985588, and 25-03985577. PLEASE TAKE NOTICE that I arrived at Turbeville Correctional on June 17, 2025, and I had my property and legal property inventoried prior to being housed in Turbeville's RHU after requesting protective custody and transfer. To wit: Sgt. Matthews was supposed to conduct another inventory and seal my property and legal papers in the appropriate bags and boxes, once admitted to RHU. I never received Sgt. Matthews inventory forms. However, while on RHU, I witnessed and observed that my property was being given to Daniel Miller as Blood Affiliated Inmate by RHU Officer Sgt. Miller. I recall that when I was transferred to Turbeville I arrived with an extra-large duffle bag. Upon arrival I had my property inventoried by Officer Lloyd and each item was placed in several trash bags and placed in a transportable buggy carted by Lieutenant Miller alongside me upon placement in RHU. Also, within the buggy was placed two (2) duffle bags because Sgt. Sampson broken one of the duffle bag zippers when he initially removed the seal to have Officer Lloyd inventoried my property in operation. Weeks went by and I was finally permitted access to my legal property where I later identified that my property was not located in two (2) duffle bags, but placed in my original duffle I had arrived with at Turbeville. I initially wrote Security by Kiosk informing Warden Sharp that my property was being stolen. Absent my doing, this request has forward to privilege reinstatement to substantiate my claims. I wrote legal to correct the wrong doing. I am requesting full compensation for damages

DISPOSITION BY STAFF MEMBER:

This is improperly submitted. You have included multiple kiosk #s and written in areas designated for staff on the front and back of a grievance form that does not have the IGC's response on there to you for me to review.

DATE: 8/11/25 STAFF SIGNATURE: [signature]

SCDC FORM 19-11 (REV. JULY 2020)

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pg 2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

JUL 11 2025

INMATE GRIEVANCE FORM

STEP 1

AC

INMATE NAME: Keiron E. Herrfolt	**OFFICE USE ONLY**
SCDC NUMBER: 313862	**Grievance No.** TCI-0373-25
INSTITUTION: Turbeville Corr. Inst.	**Code: General** PRIS
HOUSING UNIT: MU South 136	**Policy**
WORK ASSIGNMENT: None	**Disc. Hear.**
See also 25-04024751, Investigations; 7/20/25	**Class.**
	PREA
	Date Received 07/11/25
	IGC Initials AP

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) See Kiosk Reference # 25-04000797, Investigations. I am challenging SCDC Policy GA 1.12, "Staff actions towards an inmate." I observed and witness SGT Miller approached Daniel "D-Mar" Miller's cell handing him a trash bag full of my personal property, who later passed some of the contents to Inmate Mingo "WOP" in 156. Inmate Mingo has in his possessions my radio which is a Diamond Back tactical radio and some of my hygiene items that were removed from my duffle bags without my consent. I did not consent to any RHU Officer at any time whatsoever to have my seal broken to my duffle bags. Grievant avers that this conduct by SCDC RHU Officials is a lack of due care when acting in their official capacity when violating SCDC Policies, Regulations, and State and Federal Laws. As a proximate result of RHU Officials Gross Negligence after being made aware of being protected, I am being subjected to undue hardship, by Officials placing my legal property in illegal detention, as a form of retaliatory punishment. Officials practices are negligent to the prevention of theft and/or destruction when storing my property without any safeguards in place restricting or limiting inmate/staff access to the designated storage room. Injury and harm is foreseeable where I have already suffered occurrences of loss, injury, and damages.

K E Herrfolt July 7, 2025
Grievant Signature Date

ACTION REQUESTED: To take immediate action. To replace my items with like said items or, due compensation. GA 1.12 Section 10. Reprimand Correctional Officer Sgt Miller and Sgt Sampson who broke the seal on my property duffle bag without consent.

ACTION TAKEN BY IGC: ☐ PROCESSED ☑ UNPROCESSED ☐ OTHER

This grievance is being Processed (Reviewed) and Returned (No Wardens Decision) for, but not limited to, the following reason(s): 1.) You have failed to provide an **answered** RTSM. Inmates must make an effort to informally resolve a grievance by submitting a Request to Staff Member Form (RTSM) to the appropriate supervisor/staff within eight (8) working days of the incident. Once the kiosk request is responded to, you have eight (8) working days to file a Step 1 Grievance. You must provide the answered paper RTSM or KIOSK reference number with the grievance when submitted. However consistent with SCDC GA-01.12 Inmate Grievance System, if you deem necessary you may refile a new grievance within eight (8) working days after you have received an answered RTSM regarding this matter. **Staff has 45 days to respond to the kiosk request.**

AR Allen 07/17/25
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

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INMATE COPY

WARDEN'S DECISION AND REASON:

Warden Signature **Date**

- ☐ **I accept the Warden's decision and consider the matter closed.**
- ☐ **I do not accept the Warden's decision and wish to appeal.**

Grievant Signature **Date** **IGC Signature** **Date**

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. **An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.**
2. **Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.**
3. **Only one (1) issue is to be addressed on each form.**
4. **Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.**
5. **If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.**

Kevin E. Herriott
SCDC #313862
Tyger-River Correctional Institution
200 Prison Road
Enoree, SC 29335

August 26, 2025

T. Cruise Mitchell, A.A.G.
S.C. Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, SC 29211-1549

Re: Kevin E. Herriott v. The State of South Carolina
2018-GS-31-0120

Dear Madam Mitchell:

PLEASE TAKE NOTICE that I am the convicted prisoner who was tried by twelve (12) petit jurors and sentence to serve six years and five years ran-concurrent to a consecutive (18) eighteen year sentence.

The sole purpose of writing this office to inform you that my legal property was placed in illegal detention and prison officials are seizing evidence without due process of law while I was housed at Turbeville C.I., including one having to report theft of evidence I had preserved on appeal while being housed both at Tyger-River Corrections and Turbeville Corrections. See Camera Video Surveillances

I am informing this office that out of those documents reported stolen were my case action appeal to PCR, my ~~lawyer~~ address in which is compromised. I do not have my PCR docket case numbers nor the recently file motions

p64
p65 K.H.

I submitted July 09, 2025, and July 17, 2025 and processed. I do not have my court appointed lawyer address to inform him nor the Court.

Nevertheless, I have reported both incidents to the Wardens and Administration Staff at both prisons. I do know that there is cameras within both housing units when the activities of theft were captured on video surveillance footage that is available. I had requested to place legal phone calls to this office, but was not placed. See Affidavit In Supp.

Would you please kindly forward this letter correspondence to the presiding Judge of the Third Judicial Circuit and inform my court appointed attorney due to not having their addresses. Thank you in advance and again for your cooperation and service.

Yours Truly,

/s/ K. E. Herriott

Kevin E. Herriott

Certificate of Service

I, Kevin E. Herriott, do hereby, certify that on this day, 27th of August, 2025, I have served the foregoing instrument "Property Theft" upon Assistant Attorney General T. Craig Mitchell, by depositing a true copy of the same in the internal mailing system at Tyger-River Correctional Institution. First Class postage is either being prepared by me or the Institution on my behalf.

/s/ K. E. Herriott

Kevin E. Herriott

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p6 KH

K. KH.

Return to
Kevin Herriott
#313862
13B-25A

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME:	STAFF TITLE:	DATE:
(PCO) SGT Hall	Security Property Control Officer	August 16, 2025
INMATE NAME: Kevin E. Herriott		SCDC #: 313862
INSTITUTION: Tyger - River Corr Inst	DORM/SIDE/BED: RHU 25	HOUSING TYPE: ☑ RHU ☐ R&E ☐ INFIRMARY ☐ SSR ☐ DEATH ROW ☐ ASSISTED LIVING UNIT (ALU) ☐ N/A

REASON FOR PAPER REQUEST: ☐ PREA ☐ MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICAL COPAY ☐ MEDICAL RECORDS ☑ KIOSK INACCESSIBLE (EXPLAIN): No Tablet
Placed Step 22 call to Police Services on September 11, 2025 of theft at Tyger - River C.I.

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

I am writing this request for the sole purpose to inform security that my inventory sheet, SCDC Form 19-2, dated August 14, 2025, have been falsified and fabricated. On August 14, 2025, SGT Lowery of Turbeville Correctional Institution conducted an inventory of my personal and legal property and searched due to me being scheduled for an transfer. Prior to being packed up I instructed SGT. Lowery to only document what was in my cell and placed it in another duffle bag separate from the other duffle I had in RHU Storage. The reason being because of theft and I did not had a chance to conduct a thorough assessment of the damages. SGT Lowery agreed to only inventory what was removed from my cell and placing the items in a separate duffle bag. When I signed the inventory sheet dated August 14, 2025, my personal property and legal property was catalogued reflecting what was removed out of my cell. When I departed Turbeville arriving at Tyger River, there were items added to my inventory and major deletions comparing June 17, 2025 inventory

DISPOSITION BY STAFF MEMBER:

So what is your Question?

DATE: 8/21/25 STAFF SIGNATURE: Sgt Hall

SCDC FORM 19-11 (REV.JULY 2020)

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Return to
Kevin Merriott
#313862
13B-25A

Kevin E. Herriott
SCDC# 313862
Tyger-River Correctional Institution
200 Prison Road
Enoree, SC 29335

September 10, 2025

Teresa A. Brown, Clerk
Clerk of Court
Lee County Clerk of Court Office
Post Office Drawer 387
Bishopville, SC 29010

Re: Kevin E. Herriott v. The State of South Carolina
Case No.(s): 2025-CP-31-00162; 18-GS-31-0120
Ex Parte Communications

Dear Madam Brown:

WOULD YOU PLEASE ACCEPT THIS Ex Parte Communications by legal letter correspondence in lieu of an formal document. I am the Petitioner and convicted defendant in the above reference case action(s) and I am writing this Office and Court for the sole purpose of the following herein and below:

PLEASE TAKE NOTICE that my legal property has been placed in illegal detention at Tyger-River Correctional and prison officials are seizing evidence without due process of law. I am informing this Office and Court that my legal case files and evidence to the above aforementioned case have been stolen, my lawyer address has been compromised, and I recently found out my PCR docket number to adequately inform the Court of what case is impacted the most.

K. K.H.

p68
pg 8 K.H.

On August 26, 2025, I wrote Assistant Attorney General T. Cruise Mitchell of the South Carolina Attorney General's Office and at that time I only had my general sessions court docket number, while informing the prosecutor that my Property has been placed in illegal detention twice. Once at Turbeville Correctional and Once at Tyger-River Correctional and I suffered injury, by the lost property that was taken without due process of law and theft.

I am asking this Office to inform the Court and assigned Judge requesting a(a) hearing to resolve these heinous acts by governmental officials within the Department of Corrections at the Court most earliest Court Term.

Done This 10th Day of September, 2025.
Respectfully Submitted,

Kevin E. Herbert

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KRA

STATE OF SOUTH CAROLINA
COUNTY OF LEE

IN THE COURT OF COMMON PLEAS
FOR THE 3rd JUDICIAL CIRCUIT

Case Action No.: _____

Kevin E. Herriott, Petitioner,

v.

The State of South Carolina, Respondent.

AFFIDAVIT OF
KEVIN E. HERRIOTT

COMES PERSONALLY BEFORE ME APPEARING PROSE Litigant Kevin E. Herriott, who being duly sworn affirms upon oath depose and states:

1. I, Kevin E. Herriott am above the age of 21 and I am competent to testify that the following legal matters is true, honest, without fear or threat or coercion to the facts herein below.

2. On July 31, 2025, I reported officially that I witnessed and observed my legal property and personal property were being illegally disbursed to Restrictive Housing Units at Turbeville Correctional, RHU SCDC Inmates. See Camera Video Surveillance

3. I attempted to alert Turbeville Correctional Administrators, and I did confronted Sgt. Miller's misconduct upon confrontation.

4. On August 21, 2025, and on August 23, 2025, I reported that my legal papers were stolen by restrictive housing SCDC Inmates at Tyger-River Correctional to Tyger-River Correctional Administrators. See Camera Video Surveillance

5. The property that were stolen consisted of my 2019 June 04, 2019, trial transcript, pro se motions filed and its drafts, evidence, and my court-appointed attorney address as well as legal letter correspondences between Assistant Attorney General T. Crause Mitchell, Clerk's Office Staff, and me. As the legal documents pertains to this case.

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K.H.

S. K.H.

— THE AFFIANT FURTHER SAYETH NOT —

SWORN AND SUBSCRIBED BEFORE ME
on this 27 day of Aug. 2025, 2025.
(L.S.)
NOTARY PUBLIC

My Commission Expires On: JAN. 24, 2035

By: K E Herrott
Kevin E. Herrott
SCDC # 313862
Tyger-River Corr. Inst.
200 Prison Road
Enoree, SC 29335

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

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PLAINTIFF'S EXHIBIT 3 9-15 2025 DCRP

PENGAD 800-631-6989

STATE OF SOUTH CAROLINA
COUNTY OF LEE

IN THE COURT OF COMMON PLEAS
FOR THE 3rd JUDICIAL CIRCUIT

In Re Kevin E. Herriott, Petitioner,

v.

The State of South Carolina, Respondent.

Case Action No.: 2025-CP-31-00162

DECLARATION FOR MAILING SERVICE BY

KEVIN E. HERRIOTT

I am an inmate confined to an institution. Today, September 10th, 2025, I am depositing "Ex Parte Communication" in this case, in the institution's internal mailing system at Tyger-River Correctional Institution. First-Class postage is being prepared either by me or prepared by the Institution's mailroom personnel on my behalf.

I declare under penalty of perjury that the foregoing is true and correct (See 28 U.S.C. §1746; 18 U.S.C. §1621, §1622).

/s/ [signature]
Kevin E. Herriott, #313862

September 10, 2025
Date

SWORN AND SUBSCRIBED BEFORE ME
on this 10 Day of Sept., 2025.
[signature] (L.S.)
NOTARY OF PUBLIC

My Commission Expires On: JAN. 24, 2035

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

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p.12 [illegible]