

(2b)



ALAN WILSON
ATTORNEY GENERAL

July 27, 2026

Kevin L. Lee, #285227 (N4-0016-A)
Livesay Correctional Institution
Post Office Box 580
Una, SC 29378

Re: Kevin L. Lee, #285227 v. State of South Carolina
2024-CP-23-00478

Dear Mr. Lee,

Enclosed is a copy of the filed Final Order Regarding Motion to Reconsider for the above-captioned case signed by the Honorable Jessica A. Saivini and filed with the Greenville County Clerk of Court.

Sincerely,

Sydney N. Willingham
Assistant Attorney General

SNWzew
Enclosure

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS FOR THE THIRTEENTH JUDICIAL CIRCUIT

KEVIN L. LEE, #285227

Applicant,

v.

STATE OF SOUTH CAROLINA,

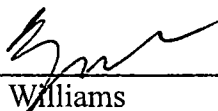
Respondent.

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that a true copy of the filed Final Order Regarding Motion to Reconsider has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

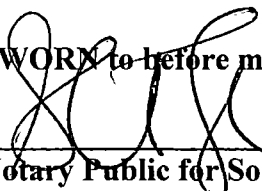
Kevin L. Lee, #285227 (N4-0016-A)
Livesay Correctional Institution
Post Office Box 580
Una, SC 29378

This 27th day of July, 2026.



Z. Williams
Legal Assistant for Respondent

SWORN to before me this 27th day of July, 2026.



Notary Public for South Carolina
My Commission Expires: 3/14/2032

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

FINAL ORDER REGARDING MOTION TO RECONSIDER

Case No.: 2024-CP-23-00478

FILED: '26 JUL 24 PM 4:48
COC JAY GRESHAM GUL SC

A motion to reconsider or to alter or amend has been filed with the Court on May 6, 2026. As previously explained, pursuant to Rule 59(f), SCRCPP, the Court, in its discretion, may decide the motion based on briefs without oral argument. The Court indicated to the parties by prior order in the Initial Order Regarding Motion for Reconsideration that it would decide the issues on written submissions. Further, the Court informed the parties that written submissions were not required by the non-moving party, and that the moving party could rely upon its filings or supplement. The deadlines to file written submissions regarding these motions have now passed.

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Motion for Reconsideration made pursuant to Rule 59, SCRCP, ¹ is respectfully DENIED.

AND IT IS SO ORDERED.

7/24, 2026
Greenville, SC

Judge Jessica A. Salvini

¹ The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(f), SCRPC.

(2b)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Kevin Lamont Lee #285227,

Plaintiff,

vs.

State of South Carolina,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

FINAL ORDER REGARDING
MOTION TO RECONSIDER

Case No.: 2024-CP-23-00478

FILED: 26 JUL 24 PM 4:48
COC JAY GRESHAM GVL SC

A motion to reconsider or to alter or amend has been filed with the Court on May 6, 2026. As previously explained, pursuant to Rule 59(f), SCRCP, the Court, in its discretion, may decide the motion based on briefs without oral argument. The Court indicated to the parties by prior order in the Initial Order Regarding Motion for Reconsideration that it would decide the issues on written submissions. Further, the Court informed the parties that written submissions were not required by the non-moving party, and that the moving party could rely upon its filings or supplement. The deadlines to file written submissions regarding these motions have now passed.

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Motion for Reconsideration made pursuant to Rule 59, SCRCP,¹ is respectfully DENIED.

AND IT IS SO ORDERED.

7/24, 2026
Greenville, SC


Judge Jessica A. Salvini

¹ The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(f), SCRCP.

Kevin Lamont Lee

V. State of South Carolina

Case No.:2024-CP-23-0478

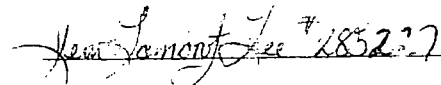
2024-03-20 10:00 AM
2024-03-20 10:00 AM
2024-03-20 10:00 AM

Dear Clerk,

Enclosed you will find my response to the Conditional Order of Dismissal that was served on March 20th 2026.

I am thanking you in advance for your time and efforts in this matter.

Respectfully


Kevin Lamont Lee #285227

(3)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF COMMON PLEASE
#2024-CP-23-0478

Kevin Lamont Lee #285227,
Applicant
v.

Applicant's Objection
To State Conditional
Order of Dismissal

State of South Carolina,
Respondent

2024
JAN 23
10 10 AM
CLERK
OF
COURT
GREENVILLE
SOUTH CAROLINA

Applicant Kevin Lamont Lee #285227 Filed the PCR application on January 23, 2024 in the Greenville County Clerk of Court some 26 months ago. The Attorney General's Office had caused an inordinate delay in failing to respond to the applicant's meritorious claims. Applicant specifically object to the respondents intention to have this case to be summarily dismissed.

The applicant will show that his PCR application and issues should not be barred as untimely, barred by the statute of limitations, res judicata, laches and failing to comply with S.C. Code Ann. § 17-27-10 et seq. The erroneous advice that was received by the applicant from his attorney violated his 6th Amendment rights of due process and equal protection. S.C. Const. Art I sec 2.3.

The applicant agree with the procedural history in the conditional order of dismissal from page #1-page #3. However, shortly after making the discovery, applicant filed his PCR application pursuant to the Discovery Rule in accordance to S.C. Code Ann. § 17-27-45 (c); McCoy v. State, 401 S.C. 363, 737 S.E.2d 623. See also Coates v. State, 575 S.E.2d 557 (S.C. 2003)

The issue raised herein is timely filed and a evidentiary hearing should be held with the appointment of counsel to assist the genuine issue of material facts exist which would warrant a hearing. Applicant avers that he have demonstrated sufficient reason why his claims was not included and adjudicated earlier. Based upon the factual dispute, a PCR hearing is necessary to resolve this critical issue with the appointment of counsel.

(1)

Applicant specifically object to the attorney general's finding of fact and conclusion of law. Failure to state a cognizable claim, Summary Dismissal Based Doctrine of Res Judicata and Frustration, of finality of convictions for the following reason:

Although The Attorney General's proposed order did not address the merits of the issue raised. The reasoning in the proposed order is entirely that of an advocate and not an independent Judicial Officer, which violates the separation of power. S.C. Const. Art. 1 §18. Addressing section 17-27-80, Our Supreme Court," strongly encourage PCR judges to draft their own findings of fact and conclusions of law, Hall v. Catoe, 360 S.C. 353, 601 S.E.2d 33 (2004), As a result of the errors in the proposed order, The order of dismissal reads like an advocate trying to "save" the conviction that a judicial officer safeguarding the rights of the applicant. State v. Langford, 400 S.C 421, (2012)

The applicant's allegation for PCR is premised on fundamental statutory rights. The PCR court must assume facts presented by the applicant as true and view those facts in the light most favorable to the applicant, Wilson v. State, 559 S.E.2d 581.

Allegations in applicant's PCR application must be deemed true until those allegations are controverted by the state. They are deemed to be true for purpose of determining whether on evidentiary should be held. The fundamental defects alleged in this PCR

action are standards that require, establishment of a complete miscarriage of justice and an omission inconsistent with the rudimentary of a fair procedure. It would be a denial of due process to herein on the within claims see § 17-27-20(A)(4) and § 17-27-45 ©

Applicant request this Honorable Court to appoint counsel pursuant to rule 71.1 (D) which provides, if after the state has filed it's return, as in the case at bar, the application presents question of law and facts, as in the case at bar. The court shall promptly appoint counsel to assist the applicant. As of date, applicant have not been appointed an attorney to assist in this case.

The applicant respectfully invoke the jurisdiction of Equity this case because of the misrepresentation of the true and accurate facts of the case by the Attorney General and the fraud on the court that the Attorney General have attempted to submit to this Honorable Court.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF COMMON PLEAS
#2024-CP-23-0478

FILED: 28 APR 24 10:44
Clerk of Court
Greenville, SC

Kevin Lamont Lee #285227,
Applicant

v.

State of South Carolina,
Respondent

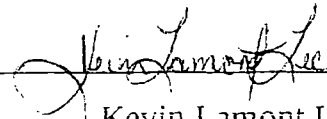
MOTION FOR HEARING

The Applicant in the above case respectfully petition this Honorable Court for a PCR hearing for the reason.

1. Applicant filed PCR January 23, 2024 Greenville County Clerk Of Courts
2. Applicant contend that his issues are timely filed.
3. Applicant should be granted attorney because genuine issue of material fact exist to warrant a PCR hearing.
4. Facts are in dispute which would also warrant a hearing.
5. Applicant found out about his claim on or about July 2023 Requested Relief: Grant PCR hearing.

I, Kevin Lamont Lee #285227 certify that I have served the respondents with a copy of applicant's objection to state's condition order of Dismissal by placing a copy in the Livesay C.I. hands for mailing, postage prepaid address as follows;

I, Kevin Lamont Lee certify and verify under the penalty of perjury that the foregoing is true and correct.



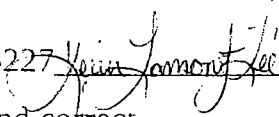
Kevin Lamont Lee #285227

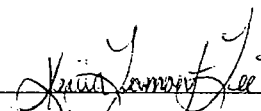
Re: Kevin Lamont# 285227

V. State of South Carolina

Dear Honorable Jessica Ann Salvini, Chief Administrative Judge Thirteenth Judicial Circuit

Enclosed you will find my response to the State 's Conditional Order of Dismissal, along with a motion / request for PCR hearing. Facts are in dispute which would warrant a hearing. I received the COD on March 13th, 2026 at the Livesay C.I. mail-room.

I, Kevin Lamont Lee# 285227  certify and verify under the penalty of perjury that the forgoing is true and correct.

 #285227

Kevin Lamont Lee #285227



ALAN WILSON
ATTORNEY GENERAL

March 11, 2026

The Honorable Jessica A. Salvin
Thirteenth Judicial Circuit Chief Administrative Judge
305 E. North Street
Greenville, SC 29601

via e-mail only - alan.wilson@ag.state.sc.us or alan.wilson@scbar.org (803) 255-1100, ext. 222

Re: Kevin L. Lee, #285227 v. State of South Carolina
2024-CP-23-00478

Dear Judge Salvin:

Enclosed please find the proposed Conditional Order of Dismissal in the above captioned case. I am also enclosing a copy of Respondent's Return and Motion to Dismiss for your consideration. If this proposed order meets your approval, please sign it and copy it to the Greenville County Clerk of Court to be filed and served.

If you have any questions regarding this matter, please let me know.

Sincerely,

Sydney N. Willingham
Assistant Attorney General

SNW:zew
Enclosure

cc: Kevin L. Lee #285227



ALAN WILSON
ATTORNEY GENERAL

March 11, 2026

The Honorable Jay Gresham
Greenville County Clerk of Court
305 E. North Street
Greenville, SC 29601-2121

Re: Kevin L. Lee, #285227 v. State of South Carolina
2024-CP-23-00478

Dear Mr. Gresham,

Enclosed please find the original Return and Motion to Dismiss of the Respondent, with three supporting attachments, in the above-captioned case, for filing in your office. Please forward proof of service and a time-stamped copy of the Return and Motion to Dismiss back to this office for our file using the following e-mail address: law@scbar.org.

If you have any questions regarding this matter, please let me know.

Sincerely,

Sydney N. Willingham
Assistant Attorney General

SNW:zaw
Enclosure

cc: The Honorable Jessica A. Salvi (via e-mail only)
Kevin L. Lee, #285227

(4)



ALAN WILSON
ATTORNEY GENERAL

June 30, 2026

The Honorable Jay Gresham
Greenville County Clerk of Court
305 E North Street
Greenville, SC 29601-2121

Re: Kevin L. Lee, #285227 v. State of South Carolina
2024-CP-23-00478

Dear Mr. Gresham,

Enclosed please find the original Return to Applicant's Rule 59(c) Motion to Alter and Amend of the Respondent in the above-captioned case, for filing in your office. Please forward proof of service and a time stamped copy of the Return to Applicant's Rule 59(c) Motion to Alter and Amend back to our office for our file using the following e-mail address: Thirteenthcircuitper@scag.gov.

If you have any questions regarding this matter, please let me know.

Sincerely,

Sydney N. Willingham
Assistant Attorney General

SNW/zew
Enclosure

cc: The Honorable Jessica A. Salvini (via e-mail only)
Kevin L. Lee, #285227

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

KEVIN L. LEE, #285227

Applicant,

v.

STATE OF SOUTH CAROLINA

Respondent.

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

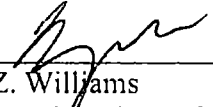
) 2024-CP-23-00478

) **CERTIFICATE OF SERVICE BY MAIL**

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to Applicant's Rule 59(e) Motion to Alter and Amend in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Kevin L. Lee, #285227 (N4-0016-A)
Livesay Correctional Institution
104 Broadcast Drive
Spartanburg, SC 29303-4711

DATED this 30th day of June, 2026



Z. Williams
Legal Assistant for Respondent

Regarding Motion to Reconsider on June 12, 2026, allowing additional written submissions by the parties.

Applicant requests that this Court reconsider the denial of relief pursuant to Rule 59(e), SCRCF. Specifically, Applicant argues this Court should reconsider its Order because Applicant did provide a response to the proposed Conditional Order of Dismissal. Respondent submits that the legal reasoning and holding of the Court is correct –Applicant was given the opportunity to show cause as to why the Conditional Order should not become final, however, he failed to present a response within twenty (20) days from the date of service. As evidenced by the filed Affidavit of Service, Applicant was served with the Conditional Order on March 20, 2026, therefore a response to the order was due on or before April 9, 2026. Applicant filed “Applicant’s Objection to State’s Conditional Order of Dismissal” on April 16, 2026—nine (9) days late. As the Conditional Order states, this Court will not consider any issues raised in Applicant’s response if not so timely filed and served. Applicant has failed to provide any sufficient reason in his motion to support that the Court should alter or amend its Order excusing Applicant from his failure to abide by procedural requirements.

CONCLUSION

WHEREFORE, for the reasons argued above, the Motion to Alter or Amend Judgment should be denied. In light of all of the findings of facts and conclusions of law reflected in the Order of Dismissal, Applicant has failed to show he is entitled to post-conviction relief. Applicant has likewise failed to identify any errors in the rulings set forth in the Order of Dismissal and therefore has failed to show cause for this Court to revisit its decision denying relief.

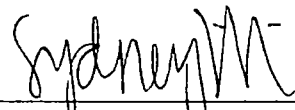
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

SYDNEY N. WILLINGHAM
Assistant Attorney General
SC Bar No: 106466
sydneywillingham@scag.gov

By: 
SYDNEY N. WILLINGHAM

P.O. Box 11549
Columbia, South Carolina 29211-1549
803-734-4437

June 30, 2026
Columbia, South Carolina

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COURT COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CASE NO. #2024-CP-0478

Kevin Lamont Lee #285227

Applicant

v.

State of South Carolina,

Respondent

Response to Respondent Return
By Way of Sworn Affidavit

I, Kevin Lamont Lee #285227 Kevin Lee #285227, Having been duly sworn,
depose and say the following.

This matter comes by way of a PCR application file on January 3rd 2026. The respondent file a
response on June 30th 2026 stating that the applicant failed to respond in (20) days to the Courts'
order.

The applicant would show this Honorable Court the following true and accurate facts of
applicant's response/ pleadings that was properly filed within the (20) days time limit.

- (1) Applicant received a copy the Honorable Jessica A. Salvini decision of which she signed the
Final Order of Dismissal (with prejudice) on March 11th 2026, granting the applicant (20) days
from the date of service March 20th 2026 to respond to applicant claims. See "Exhibit A"
- (2) Applicant filed his response by Certified Mail on the April 3rd 2026 which is (14) days counting
(7) day week, and (10) counting a (5) day work week. See "Exhibit B"
- (3) Applicant has proper documentation of mailing transaction attached to this response as well as.
On applicant 59 (e) motion, has presented the following mailing transaction.
- (4) Applicant is aware of the Attorney General Return to Applicant's Rule 59 (e) Motion to Alter
and Amend of saying applicant didn't respond in time to the Honorable Jessica A. Salvini
decision of (20) days, as being untrue and dishonorable to the courts.
- (5) Applicant has no control over the mail system which is why applicant mailed it out through
Certified Mail within proper time to avoid any discrepancies to The Honorable Jessica A.
Salvini, and the Attorney General Office, and The Honorable Jay Gresham of Greenville Count
Clerk of Court. See "Exhibits"

I, Kevin Lamont Lee #285227 certify and verify under the penalty of perjury that the foregoing is true and correct.

Kevin Lee #285227

Kevin Lamont Lee #285227

(5)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Kevin Lamont Lee #285227

Applicant

v.

State of South Carolina,

Respondent

IN THE COURT OF COURT COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CASE NO. #2024-CP-0478

Response to Respondent Return
By Way of Sworn Affidavit

I, Kevin Lamont Lee #285227 Kevin Lee #285227, Having been duly sworn,
depose and say the following.

This matter comes by way of a PCR application file on January 3rd 2026. The respondent file a
response on June 30th 2026 stating that the applicant failed to respond in (20) days to the Courts'
order.

The applicant would show this Honorable Court the following true and accurate facts of
applicant's response/ pleadings that was properly filed within the (20) days time limit.

- (1) Applicant received a copy the Honorable Jessica A. Salvini decision of which she signed the
Final Order of Dismissal (with prejudice) on March 11th 2026, granting the applicant (20) days
from the date of service March 20th 2026 to respond to applicant claims. See "Exhibit A"
- (2) Applicant filed his response by Certified Mail on the April 3rd 2026 which is (14) days counting
(7) day week, and (10) counting a (5) day work week. See "Exhibit B"
- (3) Applicant has proper documentation of mailing transaction attached to this response as well as.
On applicant 59 (e) motion, has presented the following mailing transaction.
- (4) Applicant is aware of the Attorney General Return to Applicant's Rule 59 (e) Motion to Alter
and Amend of saying applicant didn't respond in time to the Honorable Jessica A. Salvini
decision of (20) days, as being untrue and dishonorable to the courts.
- (5) Applicant has no control over the mail system which is why applicant mailed it out through
Certified Mail within proper time to avoid any discrepancies to The Honorable Jessica A.
Salvini, and the Attorney General Office, and The Honorable Jay Gresham of Greenville Count
Clerk of Court. See "Exhibits"

I, Kevin Lamont Lee #285227 certify and verify under the penalty of perjury that the foregoing is true and correct.

Kevin Lee #285227

Kevin Lamont Lee #285227

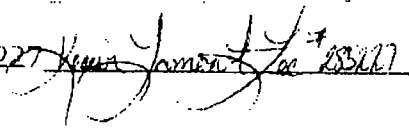
STATE OF SOUTH CAROLINA
County of Greenville

Kevin Lamont Lee #285227
Applicant

Vs
State of South Carolina
Respondent

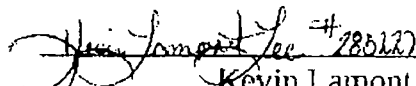
Greenville County of Common Pleas
2024-CP-23-00478

Sworn Affidavit

I, Kevin Lamont Lee # 285227  #285227, having been duly sworn, depose and say the following.

- (1) I am the applicant in this PCR action in the above matter.
- (2) Enclosed is a copy of applicant's PCR application that was filed in the Greenville County Clerk of Court's Office.
- (3) More than 30 days have elapsed since service of the above-mention pleading/PCR, and no notice of appearance have answered, responsive pleading, or request for an extension of time to answer has been made.
- (4) This PCR application was filed in the Greenville County Clerk of Court's Office on January 23rd 2024, Counsel have not been appointed in this case of date.
- (5) The defendant/ SC Attorney General is now in default.

I, Kevin Lamont Lee # 285227 certify and verify under the penalty of perjury that the foregoing is true and correct.

 #285227
Kevin Lamont Lee #285227

FILED 2024-01-23
CLERK OF COURT
GREENVILLE, SC

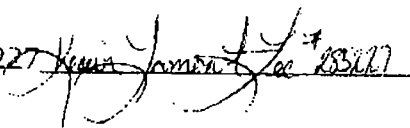
STATE OF SOUTH CAROLINA
County of Greenville

Kevin Lamont Lee #285227
Applicant

Vs
State of South Carolina
Respondent

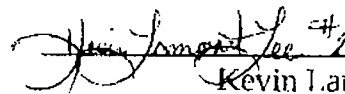
Greenville County of Common Pleas
2024-CP-23-00478

Sworn Affidavit

I, Kevin Lamont Lee # 285227 , having been duly sworn,
depose and say the following.

- (1) I am the applicant in this PCR action in the above matter.
- (2) Enclosed is a copy of applicant's PCR application that was filed in the Greenville County Clerk of Court's Office.
- (3) More than 30 days have elapsed since service of the above-mention pleading/PCR, and no notice of appearance have answered, responsive pleading, or request for an extension of time to answer has been made.
- (4) This PCR application was filed in the Greenville County Clerk of Court's Office on January 23rd 2024, Counsel have not been appointed in this case of date.
- (5) The defendant/ SC Attorney General is now in default.

I, Kevin Lamont Lee # 285227 certify and verify under the penalty of perjury that the foregoing is true and correct.

 #285227
Kevin Lamont Lee #285227

FILED 2024-01-24 11:12
VICTOR GREENE, CLERK

(6)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF COMMON PLEASE
#2024-CP-23-0478

Kevin Lamont Lee #285227,
v. Applicant

59(e) Motion to Alter/Amend
Judgment

State of South Carolina,
Respondent

Applicant Kevin Lamont Lee #285227 Respectfully motion this Honorable Court to Alter/ Amend it's judgment (Final Order of Dismissal that was signed on April 16th,2026 and filed on April 22nd,2026 Received by applicant on April 30th, 2026

The applicant would show this Honorable Court that false and misleading facts was included in The Final Order of Dismissal on Page #1 last sentence.

Applicant did in fact provide a response to the Proposed Conditional Order of Dismissal, See attached objection COD.

Applicant have also attached copies of the USPS Certified Mail Receipts where the objection was sent to all parties, including Your Honor Salvini. See attached certified return receipts.

The applicant would show This Honorable Court the following facts that the Attorney General's or have committed fraud on the Court. Applicant is requesting a PCR hearing because facts are in dispute

The applicant will show that his PCR application and issues should not be barred as untimely, barred by the statute of limitations, res judicata, laches and failing to comply with S.C. Code Ann.§ 17-27-10 *et seq.* The erroneous advice that was received by the applicant from his attorney violated his 6th Amendment rights of due process and equal protection. S.C. Const. Art I sec 2.3.

(1)

The applicant agree with the procedural history in the conditional order of dismissal from page #1-page #3. However, shortly after making the discovery, applicant filed his PCR application pursuant to the Discovery Rule in accordance to S.C. Code Ann. § 17-27-45 (c); McCoy v. State, 401 S.C. 363, 737 S.E.2d 623. See also Coates v. State, 575 S.E.2d 557 (S.C. 2003)

The issue raised herein is timely filed and a evidentiary hearing should be held with the appointment of counsel to assist the genuine issue of material facts exist which would warrant a hearing. Applicant avers that he have demonstrated sufficient reason why his claims was not included and adjudicated earlier. Based upon the factual dispute, a PCR hearing is necessary to resolve this critical issue with the appointment of counsel.

Applicant specifically object to the attorney general's finding of fact and conclusion of law. Failure to state a cognizable claim, Summary Dismissal Based Doctrine of Res Judicata and Frustration, of finality of convictions for the following reason:

Although The Attorney General's proposed order did not address the merits of the issue raised. The reasoning in the proposed order is entirely that of an advocate and not an independent Judicial Officer, which violates the separation of power. S.C. Const. Art. 1 §18. Addressing section 17-27-80, Our Supreme Court," strongly encourage PCR judges to draft their own findings of fact and conclusions of law, Hall v. Catoe, 360 S.C. 353, 601 S.E.2d 33 (2004), As a result of the errors in the proposed order, The order of dismissal reads like an advocate trying to "save" the conviction that a judicial officer safeguarding the rights of the applicant. State v. Langford, 400 S.C 421, (2012)

The applicant's allegation for PCR is premised on fundamental statutory rights. The PCR court must assume facts presented by the applicant as true and view those facts in the light most favorable to the applicant, Wilson v. State, 559 S.E.2d 581.

Allegations in applicant's PCR application must be deemed true until those allegations are controverted by the state. They are deemed to be true for purpose of determining whether on evidentiary should be held. The fundamental defects alleged in this PCR

action are standards that require, establishment of a complete miscarriage of justice and an omission inconsistent with the rudimentary of a fair procedure. It would be a denial of due process to herein on the within claims see § 17-27-20(A)(4) and § 17-27-45 ©

Applicant request this Honorable Court to appoint counsel pursuant to rule 71.1 (D) which provides, if after the state has filed it's return, as in the case at bar, the application presents question of law and facts, as in the case at bar. The court shall promptly appoint counsel to assist the applicant. As of date, applicant have not been appointed an attorney to assist in this case.

The applicant respectfully invoke the jurisdiction of Equity this case because of the misrepresentation of the true and accurate facts of the case by the Attorney General and the fraud on the court that the Attorney General have attempted to submit to this Honorable Court. The applicant would show this Honorable Court the following relevant facts and arguments:

The applicant is respectfully requesting that This Honorable Court Alter/ Amend it's final judgment and grant a PCR hearing out of the interest of justice.



Kevin Lamont Lee #285227

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 Sgt P Sawyer (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 Spauldingburg)

AFFIDAVIT OF PERSONAL SERVICE

On this 20 day of March 2026, I served the Conditional Order of Dismissal (2024-CP-23-00478), on Inmate KEVIN L. LEE, SCDC Inmate #285227, Room/Bay #N4-0016-A by delivering personally and leaving a copy of the same at LIVESAY Correctional Institution. Deponent is not a party to this action.

s/ Sgt P Sawyer

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 20 day of March, 2026

Audrey Aileen Webster Horton (L.S.)

Notary Public for South Carolina

My Commission Expires: 05-22-2034

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2024-CP-23-00478) is admitted at the South Carolina Department of Corrections

(Livesay Correctional Institution),
504 Broadcast Dr, Spauldingburg County, SC this
20 day of March, 2026.

s/ Kevin L. Lee
Inmate
SCDC Inmate #: _____

2024-CP-23-00478



AUDREY AILEEN WEBSTER HORTON
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 05-22-34

Tracking Number:

Remove X

9589071052701506999529

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

April 24, 2026

Arrived at USPS Regional Facility

COLUMBIA SC PROCESSING CENTER

April 8, 2026, 9:17 pm

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



Tracking Number:

9589071052701506999567

Remove X

Copy Add to Informed Delivery
(<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 9:06 am on April 17, 2026 in GREENVILLE, SC 29601.

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
GREENVILLE, SC 29601
April 17, 2026, 9:06 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Feedback

Tracking Number:

Remove X

9589071052701506999567

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 9:06 am on April 17, 2026 in GREENVILLE, SC 29601.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

GREENVILLE, SC 29601

April 17, 2026, 9:06 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

"Exhibit A"

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 Sgt P Sawyer (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 Spandanburg)

AFFIDAVIT OF PERSONAL SERVICE

On this 20 day of March, 2026, I served the Conditional Order of Dismissal (2024-CP-23-00478), on Inmate KEVIN L. LEE, SCDC Inmate #285227, Room/Bay #N4-0016-A by delivering personally and leaving a copy of the same at LIVESAY Correctional Institution. Deponent is not a party to this action.

s/ Sgt P Sawyer
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 20 day of March, 2026

Audrey Aileen Webster Horton (L.S.)
Notary Public for South Carolina

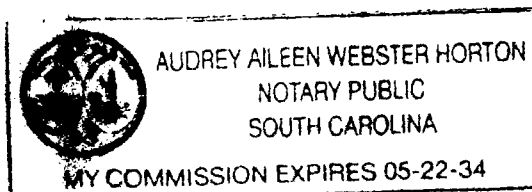
My Commission Expires: 05-22-2034

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2024-CP-23-00478) is admitted at the South Carolina Department of Corrections (Livesay Correctional Institution), 504 Broadcast Dr, Spandanburg County, SC this 20 day of March, 2026.

Kevin L Lee
Inmate
SCDC Inmate #: _____

2024-CP-23-00478



3. Exhibit III

9589 0710 5270 1506 9995 67

[illegible]

9589 0710 5270 1506 9995 36

[illegible]

9589 0710 5270 1506 9995 29

U.S. Postal Service CERTIFIED MAIL RECEIPT PS Form 3849, April 2004		
For delivery to addressee, use ZIP code 31111. Do not staple or fold.		
Registered Mail Fee: \$10.50		
Insured for up to \$500.00 (over \$500.00, see PS Form 3849) ☐ Insured for up to \$500.00 ☐ Return Receipt (hardcopy) ☐ Certified Mail Restricted Delivery ☐ Signature Required ☐ Adult Signature Required (over 21 years old)	\$ \$ \$ \$ \$	
APR 03 2006 POSTAGE HERE MAIL ROOM		
Registered Mail Fee: \$10.50		
Insured for up to \$500.00 (over \$500.00, see PS Form 3849) ☐ Insured for up to \$500.00 ☐ Return Receipt (hardcopy) ☐ Certified Mail Restricted Delivery ☐ Signature Required ☐ Adult Signature Required (over 21 years old)		\$ \$ \$ \$ \$
APR 03 2006 POSTAGE HERE MAIL ROOM		

USPS Tracking®

Remove X

Tracking Number:

9589071052701506999536

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 9:40 am on April 13, 2026 in GREENVILLE, SC 29601.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

GREENVILLE, SC 29601

April 13, 2026, 9:40 am

[See All Tracking History](#)

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

"Exhibit B"

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9589071052701506999529

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

April 24, 2026

Arrived at USPS Regional Facility

COLUMBIA SC PROCESSING CENTER

April 8, 2026, 9:17 pm

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



(7)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Court Of Common Pleas
#2024-CP-23-047B

Kevin Lamont Lee #285227,

Applicant

v.

State of South Carolina,

Respondent

Petitioner's
243(c) Explanation

Applicant Kevin L. Lee #285227 filed his PCR application on January 23rd 2024 in the Greenville County Clerk of Court's Office over 2 years ago. Applicant's Reply/Response will show that his PCR application and claim should not be denied and dismissed with prejudice for the foregoing reason.

Applicant Lee was informed by SCDC classification on or about July 2023 that his 30 year sentence was not a 85% sentence and that he was serving a day for day 100% 30 year sentence.

As stated above, applicant filed his PCR application within one year of findings out that his sentence had changed after being notified and informed by SCDC classification that he was receiving good time, work and education credits being applied towards a reduction of his sentence at his classification annual review, thus making his sentence 85%.

Applicant plea sheet and sentencing sheet state 30 years thus proving applicant's 30 year negotiated plea was 30 years at 85%. See attached plea sheet & sentencing sheet.

Applicant filed his PCR application after making the discovery, pursuant to the Discovery Rule in accordance to S.C Code Ann. 17-27-45 (c); McCoy v. State, 401 S.C.363, 737 S.E.2d 623; Coates v. State, 575 S.E.2d 557 (S.C.2003).

The erroneous advice that Applicant received from his attorney violated his 6th Amendment rights of due process and equal protection, S.C. Const. Art I, Sec 2,3.

The applicant is not attacking his conviction directly or collaterally. Applicant is attacking the Structure and Service of the negotiated sentence that was agreed upon by all parties.

Applicant avers that he have demonstrated sufficient reason why his claims was not included and adjudicated earlier. Based upon the factual dispute, a PCR hearing is necessary to resolve this critical issue with the appointment of counsel.

Applicant specifically object to the attorney general's finding of fact and conclusion of law, Failure to state a cognizable claim, Summary Dismissal Based on statute of limitations. Successiveness, Doctrine of Res Judicata and frustration, of finality of convictions for the following reasons:

Although the Attorney General's Proposed order did not address the merits of the issue did not address the merits of the issue raised. The reasoning in the proposed order is entirely that of an advocate and not an independent Judicial officer, which violates the separation of powers. S.C. Const. Art. 1§18. Addressing section 17-27-80, our Supreme Court "strongly encourage PCR judges to draft their own findings of fact and conclusions of law, Hall v. Catoe, 360 S.C. 353, 601 S.E.2d 33 (2004). As a result of the errors in the proposed order, The Order of dismissal reads like an advocate trying to "save" the convictions that a judicial officer safeguarding the rights of applicant State v. Langford, 400 S.C 421 (2012)

The applicant's allegation for PCR is premised on fundamental statutory rights, The PCR court must assume facts presented by the applicant as true and view those facts in the light most favorable to the applicant Wilson v. State 559 S.E.2d 581.

Allegations in applicant's PCR applicant must be deemed true until those allegation are controverted by the state. They are deemed to be true for purpose of determining whether on evidentiary hearing should be held. The fundamental defects alleged in this PCR action are standards that require, establishment of a complete miscarriage of justice and an omission inconsistent with the rudimentary demands of a fair procedure. It would be a denial of due process to not give the applicant a evidentiary hearing on the within claims, See § 17-27-20 (A) (4) and § 17-27-45 (C)

Applicant request this Honorable Court to appoint Counsel pursuant to rule 71.1 (D) which provides, if after the state has filed it's return, as in the case at bar, The court shall promptly appoint counsel to assist the applicant. As of date, applicant have not been appointed on attorney to assist in this case.

The applicant respectfully invoke the jurisdiction of Equity in this case because of the misrepresentation of the true and accurate facts of the case by the Attorney General and the fraud on the court that the attorney general have attempted to submit to this Honorable Court.

The applicant would show this Court the following relevant facts and argument:

The petitioner is entitled to have his sentence of 30 years changed to the negotiated plea bargain of 30 years to which petitioner was required to only serve 85% of his sentence. Petitioner's plea counsel was ineffective for giving petitioner erroneous sentencing advice and plea counsel was ineffective for failing to ensure that the State adheres to the original negotiated plea agreement. "A plea agreement rests on contractual principles and each party should receive the benefit of their bargain," Thrift v. State, 440 S.E. 2d 341 (1994) when an accused pleads guilty upon a promise of the prosecutor, the agreement must be fulfilled." State v. Thompson, 292 S.E. 2d 581 (1982)" When the State's Attorney has given his word in the form of a plea bargain and that bargain is accepted by the trial court, it behooves the States Attorney to make every reasonable effort to correct any deviation from the bargain when the deviation is called to his attention. Alston v. State, 38 MD. App. 6113,379 A. 2d 754, 757 (App. 1978)." Once a court accepts a plea agreement, it is bound to honor its promise to fulfil the agreement, insofar as the terms of the agreement are within the power of the court to order. State v. Reinhart, 430 S.E. 2d 536 (ct. App. 1993)". A recognized corollary to the principle that a guilty plea must be shown to have been intelligently and voluntarily entered it is the rule that if the plea is based on a plea bargain which is not fulfilled or is unfulfillable, then the guilty plea cannot stand." State, ex. rel. Morris v. Mohn, 267 S.E. 2d 443,445 (1980)." A plea of guilty entered by one fully aware of the direct consequences, including the actual value of any commitments made to him by the court, prosecutor, or his own council, must stand unless induced by threats (or promises to discontinue, improper harassment), misrepresentation, (including unfulfilled or unfulfillable promise), or perhaps by promises that are by their nature improper as having no proper relationship to the prosecutor's business. "Brady v. United States 397 U.S. 742,755 (1970)."

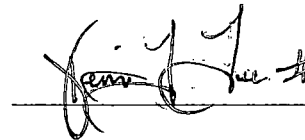
Applicant respectfully requested that this Honorable Court invoke the Jurisdiction of Equity in his objection to the State's Conditional Order Of Dismissal.

The record will show that by the attorney general's purpose find order of Dismissal that they did not object to the Court invoking the Jurisdiction of Equity , Thus conceding to the misrepresentation of the true and accurate fact of the case by the attorney general and the foreseeable fraud on the Court that the attorney general have attempted to present and submit to this Honorable Court.

The attorney general failed to reply/respond to the applicant's objection to the Conditional Order Of Dismissal or make any mention of applicant's claims.

Applicant request the appointment of Counsel pursuant to rule 71.1 (D) and a PCR hearing because facts are in dispute which would warrant a hearing under the Jurisdiction of Equity.

The Due Process clause of the 14th Amendment to the U.S. Constitution protects citizens against state action. When the U.S. Supreme Court enunciates a rule based upon the 14th Amendment, That Rule is binding upon state Courts through the Supremacy clause, Henry v. City of Rock Hill, 376 U.S. 776.

 #285227 8/10/26

Kevin L. Lee #285227

Livesay C.I.
P.O. Box 580
Una, Sc 29378