

South Carolina Supreme Court
Appeal From Greenville County
Court of Common Pleas

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SEP 03 2026

S.C. SUPREME COURT

#2026-001815

Kevin Lamont Lee #285227..... Petitioner

Vs.

State Of South Carolina.....Respondent

Reply/ Response to Letter of Prohibition

Other Counsel of Record
Sydney Willingham
Att. General's Office
P.O. Box 11549
Columbia, SC 29211-1545

Kevin Lamont Lee
Livesay CI
P.O. Box 580
Una, SC 29378

In the instant case, petitioner's plea Counsel gave petitioner erroneous advice about the negotiated sentence agreed upon by all parties. Counsel failed to insure that the state adhere to the original negotiated plea agreement of a sentence of 30 years at 85% of prison time. Petitioner had a detrimental reliance upon the negotiated 30 years sentence at 85%. Petitioner is not attacking his conviction directly or collaterally. Petitioner is attacking the structure and service of the negotiated sentence that was agreed upon by all parties.

Petitioner was informed at several classification reviews that he was automatically receiving good time, work and education credits to be applied toward his sentence, Thus making his sentence 85%. See Attached Work Credit Information

However, on or about July 2023, Petitioner was informed by the head classification case worker that his 30 year sentence was not a 85% sentence. He would have to serve a day for day sentence at 100%.

Petitioner filed his presented PCR application within one year of actual discovery on January 23rd, 2024 See McCoy v. State 401 S.C. 969,737 SE2d 623 Coates v. State 575 SE2d 557.

Petitioner argues principally that his PCR application filed on July 2023 is timely and satisfies S.C Code Ann. 17-27-20 (A)(4) and 17-27-45(c) making it timely filed. Petitioner PCR applications previously and present has not been " proven to be frivolous or without merit.

The Petitioner PCR application and appeal should not be barred as untimely, barred by statute of limitation res judicata, laches and failing to comply with S.C. Code Ann. 17-27-10 et seg.

This explanation reply and response have contained sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper.

The petitioner in this case respectfully reply and respond to the letter from the S.C. Supreme Court implying prohibition to any and all future filings from petitioner date August 17th 2026 and received by petitioner on August 20th 2026. The S.C. Supreme Court's decision to prohibit the petitioner on this case and any future filing is and unreasonable determination of the facts submitted and presented pursuant to S.C. Code Ann. 17-27-20 (A) (4) and 17-27-45 (c) on the instant claim. Tithe 17-27-20 (A)(4) reads as follows: Any person who has been convicted of, or sentenced for a crime and claims. (4) That there exist evidence of material facts not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice. Tithe 17-27-45(c) read in part; the application must be filed under this chapter within one year after date of actual discovery of the facts by the applicant or after the date when facts could have been ascertained by the exercise of reasonable diligence. See Attached Affidavit

The above South Carolina Statutes have allowed the petitioner to raise his pending claims in the PCR proceeding. The lower Court failed to consider the abode statutes and the legislative intent of the above statutes.

Petitioner will show this Honorable Court the following in his Reply/ response:

The Process clause of the fourteenth Amendment to Constitution of the United States Protects citizens against state action. When the U.S. Supreme Court enunciates a rule based upon the Fourteenth Amendment, that rule is binding upon state Courts through the Supremacy Clause. Henry v. City of Rock Hill, 376 U.S. 776, 54 S. Ct. 1042 (Percuriam), See also Keeler v. Maurey, 500 S.E.2d 123 (S.C. App. 1998)

The issue raised herein is timely filed and a evidentiary hearing should have been held with the appointment of counsel to assist because genuine issues of material facts exist which would have warrant a PCR hearing. Petitioner avers that he have demonstrated sufficient reason why his claims were not included in prior PCR and adjudicated earlier. Based upon the factual dispute, a PCR hearing is necessary to resolve his claim with the appointment of 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 PCR application presents question of law and facts, as in the case at bar. The court failed to appoint counsel to assist the petitioner, in violation of the S.C. Code of law and court rules

The petitioners allegation /claim for PCR is premised an fundamental statutory rights. The PCR court must assume facts presented by the petitioner as true and view those facts in the light must favorable to the petitioner, Wilson v. State, 599 SE2d 581

Petitioner's PCR application and appeal to this Honorable Court must be deemed true until/ those allegation are controverted by the state. They are deemed to be true for purpose of determining whether an evidentiary should be held. The fundamental defects alleged in this Reply/ Response are standards that require establishment of a complete miscarriage of justice and a omission inconsistent with the rudimentary of a fair procedure.

Petitioner request this Honorable Court to invoke the Jurisdiction of Equity pursuant to equitable tolling, fairness and impartiality.

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

EWCI100D
EWCI100M
OMEWCA

SCDC OFFENDER MANAGEMENT SYSTEM
EARNED WORK CREDIT ASSIGNMENT
HISTORY OF EWC ASSIGNMENTS

08/26/26
C059302

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SEP 03 2026

SCDC #> 285227
LEE, KEVIN LAMONT

CURR LOC.....: LIVESAY

POP ASSIGN....: GP

ASSIGNED CUSTODY.....: MI

CUSTODY LIMITATIONS...

S.C. SUPREME COURT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
ASSIGNMENT...: 8006 CHAPLAIN AIDE

JOB	START	END	TERMINATION	JOB	EWC	TOT
DESCRIPTION	DATE	DATE	REASON	LVL DYS F/P	EWC	
CHAPLAIN ASSISTANT	03/07/24			2 5 F		0.000
WARDKEEPER	09/21/23	03/06/24	LATERAL TRANSFE	2 5 F		60.000
PEER SUPPORT SPECIALI	11/02/21	09/19/23	INSTIT TRANSFER	2 7 F		343.500
TEACHER AIDE	02/18/20	11/01/21	LATERAL TRANSFE	2 5 F		222.500
TEACHER AIDE	01/14/20	02/17/20	POLICY CHANGE	2 3 5 F		8.333
WARDKEEPER	05/21/18	01/13/20	INMATE REQUEST	3 5 F		143.571
CHAPLAIN ASSISTANT	03/09/10	04/19/18	INSTIT TRANSFER	3 5 F		705.714
CANTEEN OPERATOR	07/25/07	03/08/10	LATERAL TRANSFE	3 5 F		228.095
RUNNER/MESSENGER	05/26/05	07/24/07	LATERAL TRANSFE	3 5 F		188.095
GENERAL WORKER	12/09/03	05/25/05	INMATE REQUEST	3 5 F		127.142
GENERAL WORKER	08/08/03	12/08/03	INSTIT TRANSFER	3 5 F		29.285
GENERAL WORKER	08/15/02	08/07/03	INMATE REQUEST	3 5 F		85.238

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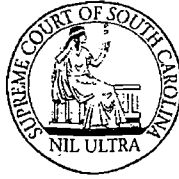
SELECT A RECORD AND PRESS <ENTER>...

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

BLAIRE CANN
CHIEF DEPUTY CLERK

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www.sccourts.org

August 17, 2026

Kevin L. Lee, 285227
Livesay Pre-Release
PO Box 580
Una, SC 29378

Re: Kevin Lamont Lee v. State
Appellate Case No. 2026-001815

Dear Mr. Lee:

This Court has received your notice of appeal and your explanation pursuant to Rule 243(c) of the South Carolina Appellate Court Rules. The case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

Since you have filed multiple post-conviction relief applications challenging the underlying criminal conviction, the Court, if it determines that you have failed to provide an adequate explanation under Rule 243(c), SCACR, may decide to prohibit you from filing a post-conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court challenging this conviction and sentence (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. If you believe that there is some reason(s) why such a prohibition should not be imposed on future filings by you in the circuit court, those reasons should be provided within twenty (20) days of the date of this letter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02.

Please note that the responsibility for ensuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Sincerely,

Patricia A. Howard

CLERK

cc: Sydney Nicole Willingham

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S.C. SUPREME COURT

SOUTH CAROLINA SUPREME COURT
Court Of Common Pleas

Kevin Lamont Lee #285227
Applicant

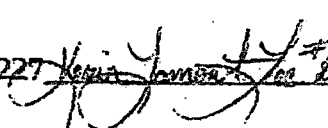
Vs

State of South Carolina
Respondent

Greenville County of Common Pleas

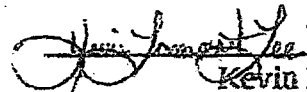
2026-001815

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-mentioned 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

Kevin L. Lee
285227 416A
Livesay CI
P.O. Box 580
Una, SC 29378

CERTIFIED MAIL



9589 0710 5270 1506 9827 81

FIRST CLASS



US POSTAGE PITNEY BOWES

ZIP 29305 \$ 007.53⁰
02 TH 0006024303 AUG 31 2026



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Patricia A. Howard Clerk of Court
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Columbia, South Carolina 29211