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S.C. Supreme Court

The State Of South Carolina
In The Supreme Court

Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

Mr. William C. McKinnedy, III
#256024
Allendale Corr. Inst.; F-5, B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

November 29th 2012

RE: Mr. William C. McKinnedy, III #256024 vs The South Carolina Department of Corrections ("S.C.D.C.") C/A No.: 2011-201846

Dear Mr. Shearouse (Clerk):

Enclosed you(s) shall find the Petitioner's [Mr. McKinnedy, III's] Appendix, p. i-iii (without exhibits), because I was not given the right to get the Record of Appeal nor transcripts from the S.C. Court of Appeals, nor the right to go through my legal boxes - Mess-Bags at the Allendale Corr. Insts, (Property Control or SALU) to get any or all of above mentioned legal documents and is a denial of "Access to the Courts" by S.C.D.C. or "et. al."), Writ of Certorari, pp. 1-17 of 17, Certificate of Compliance, and two (2) Proofs of Services and two (2) letter heads, which I am requesting for an extra copy(s) of the Writ of Certorari, p. 1-17 of 17 to be forward back with the extra copy(s) mentioned above clocked/stamped for my file. I have met the informa pauperis status is why I am unable to get copys for myself. It would all be greatly appreciate, once I I have received my requests, that have been done, with my warmest regards.

Sincerely,

Mr. William C. McKinnedy III #256024
WMCM/III/CC file
Supreme Court/Clerks

11/29/12
Fairfax, S.C.

1 of 1

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#256024
Allendale Corr. Inst., BF-5, B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

November 29th 2012

RE: Mr. William C. McKennedy, III #256024 vs. The South Carolina Department of Corrections ("SCDC") C/A No.: 2011-201846

Dear Clerk: Your(s) shall find enclosed inside is an Appendix, p. 1-pii (without Exhibits, because I was not given the right to get the Record of Appeal nor transcripts from the S.C. Court of Appeals nor the right to go through my legal boxes Mess-baggs at Allendale Corr. Inst. to get any or all legal documents mentioned, and is a denial of access to the Courts by "SCDC" personnel("etial"), Writ of Certiorari, p. 1-17 of 17, Certificate of Compliance and two (2) Proofs of Services and two (2) letter heads, which I am requesting for an extra copy(s) of the Writ of Certiorari, p. 1-17 of 17 to be forward back to me as well as the above mentioned extra copy(s) for my file due to the Court granting me the right to proceed in forma pauperis I am unable to get another copy(s) done in a timely manner. So, I would appreciate it greatly, if my requests are honored, that all have been done with my warmest regards.

Sincerely,

Mr. William C. McKennedy III
WMCKETE/ccfile

Extra Copy(s) forward back Clocked/Stamped for the record, ok!!

11/29/12
Fairfax, S.C.

The State of South Carolina
In The Supreme Court

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S.C. Supreme Court

Appeal from Administrative Law Court
John D. McLeod and/or Ralph K. Anderson, III
Administrative Law Court Judges

Case No.: 2009-ALJ-04-00631-AP;
and/or No.: 2011-201846

Mr. William C. McKinnedy, III #256024 .... Petitioner

South Carolina Department of Corrections .... Respondents

Petition For A Writ Of Certorari

Mr. William C. McKinnedy, III
#256024
Allendale Corr. Inst.: E-5; B-139
1057 Revolutionary Trial
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827
(Pro Se)

Other Counsel of Record:
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Columbia, S.C. 29221-1787
(Attorney for Respondents)

Index

Questions Presented ________________ p. 1 of 17
Statement Of The Case ______________ p. 2 of 17

Argument(s):

I. The Administrative Law Court ("ALC's") Judge(s) (John D. McLeod & Ralph K. Anderson, III) (And The South Carolina Court of Appeals, Chief Judge: John C. Few) Incorrectly Dismissed with or without prejudice the Appeal of the Petitioner [Mr. McKinnedy, III] for the Miscalculation of Sentence and/or Good time etc... And is an Error(s) of Law or etc... — 3-13 of 17

II. The Administrative Law Court ("ALC's) Judge(s) John D. McLeod & Ralph K. Anderson, III) (And the South Carolina Court of Appeals, Chief Judge: John C. Few, that would not Recuse himself off of the instant case) Abuse (Their) His Discretion(s) When (they) He Have Been Recused Off of All of the Petitioner's [Mr. McKinnedy, III's] Past Cases, And (they) Have Prejudiced the Petitioner By hearing and ruling on the Merits of the instant case or etc... And is an Error of Law or etc... ______________ 14-17 of 17

Conclusion ______________ 17 of 17
Certificate Of Compliance ______________ 18 of 18
Proof of Service ______________ 19 of 19

Questions Presented

I. Did The Administrative Law Court Judges John D. McLeod & Ralph K. Anderson III (And The South Carolina Court of Appeals, Chief Judge: John C. Few) Incorrectly Dismiss with or without Prejudice the Appeal of The Petitioner [Mr. McKinney, III] for The Miscalculation of the Sentence and/or Good time etc... And is an Error(s) of Law or etc...?

II. Did The Administrative Law Court ("ALC") Judges John D. McLeod & Ralph K. Anderson, III (And the South Carolina Court of Appeals, Chief Judge: John C. Few, that would not Recuse himself off of the instant case) Abuse (Their) His Discretions When He (They) Have Been Recused off of All of the Petitioner's [Mr. McKinney, III's] past cases. And, (They) He have Prejudiced the Petitioner in hearing and ruling on the Merits of the instant case or etc... And is an Error of law or etc...?

Statement Of The Case

This instant case is before this Supreme Court of South Carolina pursuant to the Petitioner [Mr. McKinnedy III] appeals from the filing of a grievance (Grievance Nos. KRCI-1523-08) for the "Miscalculation of Sentence credits" by the South Carolina Department of Corrections ("SCDC") Inmate Records of Classification on or by 12/13/08, that both Step 1 & 2's was denied and I appealed to the Administrative Law Court ("ALC"), that dismissed it with prejudice by the Hon. John D. McLeod, that had been "Recused" from hearing any of the Petitioner's past, present, or future cases, so the Petitioner motioned for recusal to the Chief Judge (Hon. Kittredge) of the "ALC", and he re-assigned "ALC's" Judge: Ralph K. Anderson, III to hear the same case and he substituted his decision with that of the Hon. John D. McLeod, but he dismissed it without prejudice. So, the Petitioner appealed to the South Carolina Court of Appeals, that affirmed the lower courts decisions. And, the Petitioner [Mr. McKinnedy III] motioned for a "Recusal" of the Chief Judge (Hon. John C. Few) of the South Carolina Court of Appeals and he refused to "Recuse" himself off of the instant case. And he denied the Petitioner's petition for rehearing. And thus, Petition for a Writ of Certiorari follows.

Argument(s)

I. The Administrative Law Court Judges (John D. McLeod & Ralph K. Anderson, III) (And The South Carolina Court of Appeals, Chief Judge; John C. Few) Incorrectly Dismissed with or without Prejudice the Appeal of the Petitioner [Mr. McKinnedy, III] for the Miscalculation of Sentence and/or Good time etc... And as an Errors of Law or etc...

Because it is apparent that the legislatures intended for the Administrative Law Court ("ALC") Judges to hear cases about constitutional and statutory **violations** as well as sentence related credits as in the Administrative Procedure Act (A.P.A.) for Al-Shabazz vs State, 527 SE2d 742 (2000)), Which the Petitioner [Mr. McKinnedy, III] is claiming that the South Carolina Department of Corrections ("SCDC") Inmate Classification of Records have "Miscalculated the Sentence" imposed by the trial (guilty plea) court, when all of the Petitioner's good time or Earned Work Credits ("EWC's") was taken away and re-adjusted to meet a No-Parole Offense (See. Appendix, Index, p. ii-#8; 52 of 52) (Which all documents mentioned in Appendix should already be on the Record of Appeal in the S.C. Court of Appeals - Transcript(s) or etc... or "et seq") also see. Appendix, Index, p. ii #9 & 10; 53-54 of 54) and for the Petitioner to serve 85% of an "Excessive Sentence" of (18) Years already imposed by the Court on 02/03/99, that was considered as being a paroleable offense by the Court (See. Appendix, **Index**, p. i-#5 (State vs McKennedy) Tr Trans. pp. 14; 4-21; & 38; 10-14) also see. Sentencing Sheet, p. #6-50 of 50 (Does not mention any special release conditions such as community supervision; nor restrictions as one would get when sentence to an 85% No-Parole Offense). Which the CDR Codes was; 0112, that is for

a paroleable offense as I was indicted for by the "Original Indictments", that was "True Billed" by the Grand Jury of Greenville County on June 6th 1998 (See, Appendix, Index, p. i #3, p. 7-8 of 8 (Original Indictments - Face & Body) The CDR-Codes of 112 is the original CDR-Codes and CDR-Codes 113 was "Amended" to the indictments after trial (guilty plea). Because the only "Amendments" was done on 02/03/99 on Trial day/date was for the misspelling of the Petitioner's Mr. McKennedy, M.S. middle name (Clayton) (See, Appendix, Index, p. i #5, p. Tr Trans. p. 13:3-9; also see, Appendix, Index, p. i #4, p. 9-10 of 10 (Amended Indictments - Face & Body), and not for the CDR-Codes of 112 to be changed for the record to CDR-Codes 113 (A No-Parole Offense), that enhanced the Petitioner's sentence to a No-Parole Offense and the Petitioner's parole eligibilities and max-out dates changed (See, Appendix, Index, p. ii #8, p. 52 of 52 (No-Parole Offense Date Changed), Dated: 6/23/00; also see, Appendix, Index, p. ii #9, p. 53-54 of 54; Day/Date Calculation Worksheet(s) Dated: 10/17/00 & 11/1/00) for the Petitioner to do 85% of the already "Excessive Sentence" of (18) years. Because I was indicted on 6/9/98 by the Grand Jury for being in violation of §44-53-110 "et. seq" for the quantity of less than one (1) gram. A charge that carries less than (20) years and is a paroleable offense and "SCDC's" "Inmate Classification of Records should have left it as it was, because when they ("SCDC") lifted the lid on it ("Pandora's Box") all of the evils came out, that I had been over sentenced by the Court on or by 02/03/99. Because I was indicted for being in violation for §44-53-110 "et. seq" (Body of Indictment, Dated: 6/9/98) is for the quantity of less than a gram (.15 of a gram), and it was True Billed" (Face of Indictments, Dated: 6/9/98) reads: CDR-Codes: 112 (Paroleable Offense) §44-53-375 without a sub-

sections). But, I am accused of a second offense for less than a gram (quantity) .15 of a gram (Not .15 grams it would be a "Trafficking Crack Cocaine" charge and I was not indicted for being in violation of §44-53-370(B)(2) "et seq", ok!) (See. Appendix, Index, p. i #1, p. 1-5 of 5 (Lab, Incident, Supplemental, reports or etc.., also see. Arrest Warrant, Index, i, p. #2 place to; & Appendix, Index p. #5 p, Tr. Trans. p. 29: 5-7) So under the South Carolina Code of Laws 1998 Title 44 would show and prove, that the Petitioner's [Mr. McKinnedy, III's] original indictments would be found under CDR-Codes: 0112 §44-53-375(A)(2) §44-53-110 "et seq", that carries a maximum sentence of ten (10) years and/or a ten-thousand fine (dollars) or both. And the above mentioned statute(s) is not listed under S.C. Code of Laws 1998 §24-13-100, that defines a No-Parole offense(s) as a Class A, B, C felonies or an offense exempt from classification as enumerated in §16-1-10(d). (See. §24-13-150; §24-13-175; & §24-13-230(B); also see. S.C. Code of Laws 1998 § Title 16 §16-1-20(A), as a class (F) felony and its maximum sentences and nothing more.

Therefore, what the Petitioner [Mr. McKinnedy, III] was indicted for on 6/9/98 as mentioned above carries less than (20) years and is a paroleable offense and it makes the Petitioner [Mr. McKinnedy, III] eligible for all of the benefits that was taken away from the Petitioner on or by 6/23/00. Since its a State (S.C.) law **issue**. Thus, Supreme Court of South Carolina have Subject Matter Jurisdiction to grant the Petitioner Certiorari for the reasons mentioned above and ruled on its merits or etc.,.. for the "<u>Malicious Prosecution</u> and/or <u>Extrinsic Fraud</u>" upon the Court(s) by the Respondents ("SCDC") or "et. al", when my CDR-Codes: 112 was changed to 113 on or by 6/23/00 placed the Petitioner [Mr. McKinnedy, III] in "Double Jeopardy"

(See, Garrent vs U.S., 471 US 773, 793 (1985) (double jeopardy prevents courts from imposing greater sentences than legislatures intended with all cases cited with emphasis added). The prohibition against re prosecution after acquittal or conviction protects individuals from the continued embarrassment, anxiety, and expense of representation, while increasing, the risk of an erroneous conviction or an impermissibly enhanced sentence as mentioned above by the Petitioner [Mr. McKinnedy, III] (See, Ohio vs. Johnson, 467 US 493, 498-499; Benton vs Md, 395 US 784, 794; Crist vs. Bretz, 437 US 28, 37-38; Ex parte Lange, 85 US (18 Wall.) 163, 168-169 (1873) (double jeopardy protections applies to every indictment or information charging party with crime or misdemeanor), So, once the indictments CDR Codes was changed from 112 (A Paroleable Offense) to 113 a No-Parole Offense, that made the Original Indictments (Defective) Insufficient or invalid period once it was "Amended" CDR-Code of 113, So, a "Courts' Lacks jurisdiction to enter a criminal judgment, if the judgment is predicated upon an unconstitutional or otherwise invalid statute or ordinance". (See, Cf. Fraser vs Com, 443 SE2d 37, 38; also see Ex parte Siebold, 100 US 371, 376-377 (1879) ("An unconstitutional law is void and is not law. An offense created by it is not a crime. A conviction under it is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment"); Cf. U.S. vs. Baucum, 80 F3d 539, 540-541, D.C. Cir. 1996) ("[O]nce a statute has been declared unconstitutional, the Court(s) thereafter have no jurisdiction over alleged violations, since there is no valid 'law...' to enforce)...."). So, SCDC'S Inmate Classification.

Records is stating that I was sentenced under the 1996 Crime Bill as imposed by the Court for a sentence of (18) years, that was told I was facing (25) years, and for the Petitioner [Mr. McKinnedy, III] to serve 85% of it would be "Absurd", when the Grand Jury indicted the Petitioner [Mr. McKinnedy, III] for what the statutory constructions means for such violations and not any more pursuant to South Carolina Code of Laws 1998 – CDR Codes; 0112 §44-53-375(A)(2) §44-53-110 "et seq", And I was not indicted on 6/9/98 for CDR-Codes; 113 §44-53-375(B)(2) §44-53-370 for Manufacturing, Distribution or Trafficking Crack Cocaine in violation of §44-53-370 "et seq" (for the quantity in the Body of Indictment) for saling, manufacturing, distribution or Trafficking one (1) gram or more is not what I was indicted for at all, ok! It follows that such a literal reading would not be possible or permissible under the rules of construction for less than a gram or S.C. Code of Laws 1998 §44-53-375(A)(2) §44-53-110 "et seq" (See, Unison Inc. Co., 529 S.E.2d 280, 283 (2000) ("We will reject a statutory interpretation when to accept it would lead to a result so plainly absurd, that it could not have been intended by the legislatures, or would defeat the plain legislative intention."), as the "Amended" indictment reads; CDR-Codes; 0112 0113 §44-53-375 §44-53-110 "et. seq" for the sale, possession, manufacturing or distribution of less than a gram of crack cocaine that was allegedly purchased with thirty-dollars ($30.00) of U.S. Currency does not carry a sentence of (25) years and a $50,000 dollar fine or both as I was told at trial (Guilty plea) day/date; 02/03/99 (See, Appendix, Index, p. i #5 Tr. Trans. p. 13; 20–25; 14; also see, Appendix, Index, p. i #1–5 of 5 (Lab, Supplemental, Incident & etc. reports

(All Lab reports or etc... was falsified for the record) Which none of the above mentioned issues was presented by the South Carolina Appellate (Indigent) Defense Counsel (Ms. Aileen P. Clare) on Direct Appeal, nor on Writ of Certorari in 2000 to the Supreme Court of South Carolina. The Writ of Certorari "was granted for an "Exhaustion of Remedies or etc..." In McKennedy vs State, 559 SE2d 850-859. Which all mentioned above was viable issues for getting an "Illegal Sentence and/or Conviction" overturned and dismissed or ruled as being invalid or void. Because "SCDC's" Inmate Classification Records had not done it until after the final briefs was submitted to the Courts by the State (S.C.). Which also shows that I was deprived of constitutional rights guaranteed that cannot be waived even on a guilty plea for the following; U.S. Constitutional Rights – The 14th Amendment applies to all amendments such as; 6th Amendment (Effective Assistance of Counsel, and Fair and Impartial Trial (guilty plea); 8th Amend. (Excessive Sentence or Cruel and Unusual Punishment; and 1st Amend. (Access to the Courts) and the same applies to South Carolina Constitution's Art. I § 3 (Due Process & Equal Protections of the laws applies to all of its articles as well) S.C. Const. Art. I § 14 (Effective Assistance of Counsel, Fair and Impartial Trial (guilty plea) (Hearings or etc...)); S.C. Const. Art. I § 15 (Cruel and Unusual Punishment & Excessive Sentence); S.C. Const. Art. I § 2 (Access to the Courts); & Art. I § 12 (Double Jeopardy & Self Incrimination) Also see. 5th & 14th of the U.S. Const.), that Art. I § 3. Which when "SCDC's" Inmate Classification Records "Miscalculated The Petitioner's [Mr. McKennedy, III's] Sentence" they also deprived me of immunities of Due Process and Equal Protection Clauses, that guarantees, that I be given-

the rights to a fair notice before any decisions
are made, an opportunity to defend, or to be heard in
a timely manner, or judicial review and none of the above
mentioned was afforded to the Petitioner [Mr. McKinnedy],
[I] before my sentence was adjusted and my parole
eligibilities and earlier max-out dates all taken away
on or by 06/23/00 with all of my good time or earned
work credits (EWC's) (See, Appendix, Index, p. #7, #8, 51 of 51;
#9, 52 of 52, p. 53-54 of 54, Index, p. ii) (See, Wolff 94 S.Ct.
at 2963, 2970-80, 2987) The Due Process requirements
established in Wolff and reiterated in Freeman vs. Rideout,
808 F.2d 949 (2nd Cir. 1986) cert. denied, 108 S.Ct. 1273 (1987))
"SCDC's Inmate Classification of Records" did not have "Sub-
ject Matter Jurisdiction" to had adjusted or enhanced the
Petitioner's sentence at all nor did the trial (guilty plea) court
after ten (10) days as required by Rule 29 "et seq" South
Carolina Rules of Criminal Procedures ("SCR. Crim. Proc.") which
that window (Portal) for "SCDC's" Inmate Classification Re-
cords went through was closed. Because it had "Crystallized"
after the first ten (10) days had elapsed after I had been
sentenced on 02/03/99 pursuant to Rule 29 "et seq" SCR Crim.
Proc., that had to be motioned to the trial court before the
Direct Appeal was responded to by the Respondents. It simply
was not done, because on 2/15/99 I was at the "SCDC's" R&E
Center located at Kirkland Corr. Inst. in which I submitted a
Request to Staff Member (See, Appendix, Index, p. ii #8, 51 of 51
or Exhibit: A II), And I was told that my max-out is 2009,
Parole eligibilities 2002, and I would be sent to Kershaw
Corr. Inst. I got a job and I started earning work credits

(EWC's) the Petitioner's [Mr. McKinnedy, III's] max-out went from 2/2009 to 2/2007, Parole eligibilities from 9/2002 to 9/2000 and it (Parole & Earlier Release Day/Date) was all taken away on or by 6/23/00 or three (3) months before my first scheduled parole hearing eligibility, and my max-out went from 2007 to 2014 (or 2013) is a "Miscalculation of my Sentence, parole eligibilities, max-out date that deals with my good time or earned work credits (EWC's). I was told that I could only earn three (3) days credits per month and seventy-two (72) credits (days) per year for being sentenced allegedly to an 85% No-Parole Offense pursuant to S.C. Code of Laws 1998 Title 24 § 24-13-100 and/or §16-1-60(d) (See, Appendix, Index, p. ii #8, p. 52 of 52; #9, p. 53-54 of 54; also see. §24-13-175; Calculation of Sentence imposed and time served based on 365 day(s) year) (Under 51% All inmates get (20) days per month good time, in which I was sentenced under for the CDR-Codes of 0112 by the Grand Jury's Indictments Dated: 6/09/98 by the trial (guilty plea) court on or by 02/03/99), and I should be eligible for those benefits as well as to serve 51% of my sentence to max it out (See, S.C. Code of Laws 1998 § 24-13-150; §24-13-175; §§ 24-13-230 (B) or §16-1-20(a), with what it provides for its statutory constructions), and I have been locked-up for almost (15) years day for day, and I have not one (1) day of good time nor earned work credits (EWC's) in the "SCDC's" Inmate Classification Records and I have worked every year since 2/99.

And the Petitioner's [Mr. McKinnedy, III's] case was dismissed with prejudice by a bias or prejudice "ALC's" Judge (John D. McLeod), that influenced the "ALC's" Judge (Ralph K. Anderson, III) to follow suit or to substitute his order and dismissed it as well, but without prejudice, as if, the instant case had

had no merit(s). And, it was "affirmed" by the S.C. Court of Appeals, Chief Judge (John C. Few), that refused to recuse himself. When he had ruled on similar (same) claims when he (John C. Few) was a Circuit Court Judge (Common Pleas) in Greenville (S.C.) County he ruled on the PCR (No.: 2009-CP-23-1433). So, he denied the Petitioner's (Mr. McKinnedy, III's) petition for a rehearing for this instant case and not on the merits, But simply, because the lower court ("ALC") dismissed it, as if, it did not meet the Al-Shabazz Standard, and was not considered and is a plain error of law, that has to be considered as a reversible error(s) (See, Duckett vs Payne, 302 SE2d 342, 343). Pursuant to S.C. Code Ann. § 1-23-600 (D) "et seq" an "ALC's" Judge also shall preside over all appeals from final decisions (See, "ALC's Rules 31, & 33" et seq") of contested cases pursuant to the Administrative Procedure Act ("A.P.A"), and Art. 1 § 22 of the S.C. Const. and Art. 1 § 3. Which it's an error of law for either of the "ALC's" Judges (McLeod or Anderson, III) to had dismissed the instant appeal or the S.C. Court of Appeals, Chief Judge (John C. Few). Because of the U.S. and/or S.C. Constitutional immunities for the above mentioned statutory provisions or constructions "Must" be obeyed by all Courts or tribunals of South Carolina or the U.S. period.

The Cardinal Rule(s) of statutory constructions for the State of S.C. is to ascertain and effectuate the intent of the legislatures (See Hodges vs. Rainey, 533 SE2d 578, 581 (2000)). All rules of statutory construction are subservient to the one that the legislatures intended "Must" prevail, if it can be construed in light of the intended purpose of the statutes mentioned above. Under the "plain meaning rule" it is not the "SCDC's", nor the "ALC's" or the S.C. Court of Appeals place to change the meaning of a clear and ambiguous

statutes by dismissing, denying, or affirming decision that is in "conflict or contradicts" the Court's Rulings or the Statutes themselves (See, Jones, 612 SE2d 719, 724 (Ct. App. 2005); Vaughn, 547 SE2d 869, 870 (2001) (Where the statutes language is plain and ambiguous, and conveys a clear definite meaning the rules of statutory interpretation are not needed and neither of the Courts, nor "SCDC's" Inmate Classification Records have a right to impose another meaning") (See, Appendix, Index, i, #3 - p. 7-8 of 8 (Original Indictments); #5 (Tr. trans. p. 38: 10-14); #6 - p. 50 of 50; & #7, p. 51 of 51).
Furthermore, if the language of a statute is clear, it must be held to mean what it plainly says (See, Detyens vs. C.E. Maguire, Inc., (1984); also see. Citizens and Southern Systems, Inc. vs. South Carolina Tax Commission, 311 SE2d 717 (1984) (In construing a statute, this Court must give prime consideration to the intention of the legislature.) The Petitioner (Mr. McKennedy, III) have pointed directly to the evidence on the record (As well as for the Record already on the Appeal), that conclusively demostrates that the "ALC" Judges (McLeod & Anderson, III), And, the S.C. Court of Appeals Chief Judge (John C. Few) findings are "Incorrect", and is considered as being "Errors of Law", and is prejudicial (See, Gardner, 170 SE2d 372-376 (1969)). The reviewing of the "ALC's" judges orders (Already on the Record of Appeal) (See, Exhibit(s): D(1), (2) & (3) Orders of Dismissal with Prejudice - John D. McLeod); Exhibits: (F)(1) Orders of Dismissal without Prejudice - Ralph K. Anderson, III); & the order(s) of the Chief Judge: John C. Few of the S.C. Court of Appeals dated: 12/10/11 for rehearing, that all judgments mentioned above was substituted for the "ALC's" judges as to the weight of the above mentioned

evidence on questions of fact(s). Thus, the Supreme Court shall grant Writ of Certorari to the Petitioner [Mr. McKinnedy III] for all of the reasons mentioned above and for the "**Ends of Justice**". (See, Baily, (S.C. App. 2010) 693 S.E.2d 246).

Under the APA a reviewing tribunal may reverse or modify the decision of the agency ("SCDC's" Inmate Records for Classification) where it has been shown above that their decision to adjust the Courts sentence for a paroleable offense as indicted by the Grand Jury to a No-Parole offense and changed the Petitioners [Mr. McKinnedy III's] established earlier release date/day, parole eligibilities is arbitrary or capricious and constitutes an abuse of discretion(s) by the Respondent(s) or "et.al", with the "ALC's" Judges (McLeod & Anderson III) and the South Carolina Court of Appeals, Chief Judge (John C. Few), (See, McEachern, (S.C. App. 2006) 635 SE2d 644), and that shows and proves the errors of law for the record(s) (See, Original Blue Ribbon Taxi Corp., 670 SE2d 674; & Brownlee, 676 SE2d 116).

The Administrative Law Court ("ALC") Judges (John D. McLeod & Ralph K. Anderson, III) And The South Carolina Court of Appeals, John C. Few, CJ, that would not recuse himself off of the instant case) Abused (Their) His Discretions When (They) He Have Been Recused off of All of The Petitioners [Alan McKinnedy, III's] past cases, And, he (They) have prejudiced the Petitioner by **hearing** and ruling on the merits of the instant case or etc... And is an Error(s) of Law(s) or etc...
Because the "ALC's" Judges (McLeod's) impartiality had been reasonably questioned on past cases with the Petitioner, And, I motioned to have him recused off of this instant case and the Chief Judge of the "ALC" (Hon. Kittredge) **recused** him (See, Ellis, 433 SE2d 856), And, "ALC's" Judge McLeod still took it upon himself to hear the instant case. And, he dismissed it with prejudice in retaliation for getting him recused on a past case. (See, Floyd vs State, 400 SE2d 145), So, I received the order (See, Exhibit(s) 3 B(1), (2), & (3); Order by the Hon. John D. McLeod) after I submitted the motion for recusal before the "ALC's" Judges McLeod made his ruling on the merits, once I saw that, he was assigned to hear the case and Chief Judge (Kittredge) granted the motion for recusal and he (Hon. Kittredge) re-assigned the "ALC's" Judge Ralph K. Anderson, III to hear the above mentioned case and he followed suit by substituting with the "ALC's" Judge's McLeod's order by dismissing the instant case without prejudice and

It was affirmed by the S.C. Court of Appeals, Chief Judge (Few), and he denied the rehearing on or by 12/10/11. Which is an error of law (See. Argument(s) I, II, 3-13 of 17, and what it states for the record. Which it's too voluminous to repeat it over again, ok!) or his (their) prejudice and biasness that kept the Petitioner Mr. McKinney III from having a fair and impartial hearing and is a showing of an abuse of discretions and his rulings on the merits was arbitrary or capricious, Because all of the above mentioned rules of statutory construction are subservient to the one that the legislative intent must prevail, if it can be reasonably discovered in the language used and that language used, and that language must be construed in light of the intended purposes of the above mentioned statutes (See. Broadhurst vs City of Myrtle Beach Election Comm'n, 537 S.E.2d 543, 546 (2000)) when all of the statutes such as the following: S.C. Code of Laws 1998, CDR-Codes: 112 (Paroleable Offense) §44-53-375(A)(2), §44-53-110 "et seq" is for the "quantity" of saling, possession, manufacturing or distributing Crack Cocaine for less than a gram or as indicted by the Grand Jury of Greenville (S.C.) County on June 6th, 1998 was for a violation that only carries a maximum sentence of ten (10) years or a ten thousand dollar fine or both, And, "SCDC's" Inmate Classification Records re-adjusted an "Excessive Sentence" of (18) years without "Subject Matter Jurisdiction" at all to had changed a paroleable offense to a No-Parole Offense and for the Petitioner Mr. McKinney, III, to do 85% of it pursuant to S.C. Code of laws 1998 §24-13-100 or §16-1-10 (d). Which what I was indicted for

as mentioned above is not listed under a No-Parole Offense(s) as the statutes mentioned above is in its plain meaning, and it was not considered at all by the "ALC's" Judges (McLeod, nor Anderson, III), nor by the S.C. Court of Appeals, Chief Judge (John C. Few), when he has ruled on the same claims and its merits in a PCR (No.: 2009-CP-23-1433 (Dismissal by John C. Few)) setting when he was at the Greenville County Courthouse of Common Pleas. So, I motioned for him to recuse himself since he was the Chief Judge of the S.C. Court of Appeals. He also affirmed or dismissed all of the Petitioner's [Mr. McKinnedy, III's] motions or etc... (See. Opinion No.: 2011-UP-400 (S.C. App. 2011), and he refused to recuse himself. And, that made his impartiality reasonably questioned. (See. Ellis, 433 SE2d 856) Also its a possibility that its also a "Conflict of Interest", as well. That needs to be addressed as such, an abuse of discretion. When the evidence on the record as mentioned above conclusively demonstrates that all Judges findings are "Incorrect", and the errors made above are prejudicial. (See. Gardner, 170 SE2d 372-376 (1969)). Under the APA a reviewing tribunal may reverse or modify the decision of the agency ("SCDC") where it is arbitrary or capricious and constitutes an abuse of discretion (See. McEachern, (S.C. App. 2006) 635 SE2d 644), and for the errors of law they [all] lower court Judge(s) made.

(See. Original Blue Ribbon Taxi Corp., 670 SE2d 674; Brownlee, 676 SE2d 116), and should be considered as reversiable errors (See. Duckett vs Payne, 302 SE2d 342, 343 (1983)).

Conclusion

The Petitioners (Mr. McKinnedy, III's) petition for a Writ of Certorari shall be granted for the above mentioned reasons.

Respectfully Submitted,

Mr. William McKinnedy III #256024

Mr. William C. McKinnedy, III
#256024
Allendale Corr. Inst.; F-5; B-139
1057 Revolutionary Trial
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827
WMCMIII/CC File

November 22nd, 2012
Fairfax, S.C.

RECEIVED
DEC - 5 2012
S.C. Supreme Court

Certificate Of Compliance

The Undersigned Hereby Certifies That This Petition For A Writ Of A Certorari Complies With Rule 211(b), SCACR And The Supreme Courts Order Of August 13th, 2007

[signature]

11/22/12
Fairfax, S.C.

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The State Of South Carolina
In The Supreme Court

Appeal From Adm. Law Court
John D. McLeod & Ralph K. Anderson, III
Administrative Law Court Judge(s)

Case Nos.: 2009-ALJ-04-00631-AP
or Nos.: 2011-201846

Mr. William C. McKinnedy, III #256024 ......Petitioner
South Carolina Department of Corrections ("SCDC"). Respondents

Proof Of Service

The Petitioner certifies that I, Mr. William C. McKinnedy, III #256024 have placed an Appendix, p. i-iii, Writ of Certiorari, pp. 1-17 of 17, with Certificate of Compliance p. 18 of 18 addressed to Respondents attorney of record: Christopher D. Florian, Staff Attorney, S.C. Dept. of Corrections, P.O. Box 21787, Columbia, S.C. 29221-1787 and to The Supreme Court of South Carolina, Daniel E. Shearouse - Clerk Of Court, P.O. Box 11330, Columbia, S.C. 29211 all in the Allendale Corr. Inst's. mailroom system, with first-class postage prepaid for the U.S. Postal Services to serve the above mention. "If the mailroom sends it Inter Agency Mail is not what I requested, ok!

I declare Under the Penalty Of Perjury The Foregoing Is True And Correct to the Best Of the Undersigned Knowledge.

11/29/12
Fairfax, S.C.
WMCall III/CC:file
Supreme Courts/Clerk

19 of 19

Respectfully Submitted
[signature] #256024
Mr. William C. McKinnedy, III #256024
Allendale Corr. Inst.: E5 B-139
1057 Revolutionary Trail
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

The State Of South Carolina
In The Supreme Court

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DEC - 5 2012
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Appeal From Adm. Law Court
John D. McLeod & Ralph K. Anderson, III
Administrative Law Court Judges

Case No.: 2009-ALJ-CH-00631-AP
or No's.: 2011-201846

Mr. William C. McKinnedy, III #256024 .... Petitioner
South Carolina Department of Corrections .... Respondents

Proof Of Service

The Petitioner certifies that I, Mr. William C. McKinnedy, III, #256024 have placed an Appendix, p. i-iii, Writ of Certiorari p. 1-17 of 17, with Certificate of Compliance, p. 18 of 18 and addressed to The Supreme Court of South Carolina, Daniel E. Shearouse, Clerk of Court, P.O. Box 11330, Columbia, S.C. 29211; and Respondents attorney of record; Christopher D. Florian, Staff Attorney, S.C. Dept. of Corrections, P.O. Box 21787, Columbia, S.C. 29221-1787. All in the Allendale Corr. Inst.'s mailroom system with first-class postage prepaid for the US Postal Services to serve the above mentioned ("If" the mailroom at Allendale Corr. Inst. sends this (above documents) Inter-Agency Mail, its not my request for the record, ok.)
I declare Under The Penalty Of Perjury Foregoing Is True And Correct To The Best Of The Undersigned Knowledge.

Respectfully Submitted,
Mr. William C. McKinnedy III #256024

Mr. William C. McKinnedy, III #256024
Allendale Corr. Inst.; F-5, B-139
P.O. Box 1151, Hwy 47
Fairfax, S.C. 29827

11/29/12
Fairfax, S.C.
* [illegible]
Extra Copy for Petitioner, ok!

Interdepart Mail

Mr. William C McKinnedy III
#256024
Allendale Corr. Inst.; F-5; B-139
1057 Revolutionary Trial
P.O. Box 1151, Hwy 47
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RECEIVED
NOV 29 2012
MAILROOM
ACI

The Supreme Court of South Carolina
Hon. Daniel E. Shearouse, Clerk
P.O. Box 11330
Columbia, S.C. 29211