

Kevin Wayne McDaniels  
Reg # 14256-171  
F.C.I. Otisville  
P.O. Box 1000  
Otisville, N.Y. 10963

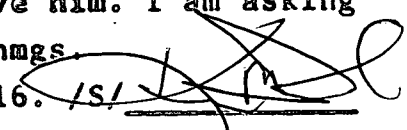
RE: FACTUALLY INNOCENT.

INEFFECTIVE ASSISTANCE OF COUNSEL./DENIED ACCESS TO THE COURTS  
BY CIRCUIT JUDGE DERHAM COLE. Case No: 2014-CP-42-0506

TO: South Carolinaa Supreme Court-Clerk of Court

Pro Se 12159  
Columbia S.C. 29211

Dear Clerk & Honorable Presiding Judges

I am respectfully filing the attached Pleadings ProSe- by and through Counsel Brandt Rucker- who has done absolutely nothing to defend me since the court appointed him. I have been factually Innocent since march 11, 2006-over Ten Years, in which Circuit Judge Derham Cole denied me access to the courts in 2009- because I am in federal custody, then on January 11, 2016 I was finally given a TELECONFERENCE, with me being here in NEW YORK and the court hearing in spartanburg South Carolina, Judge Ralph Cothran denied my PCR and Robert Hall[Original Atty-for august 26, 2008 trial] clearly omitted that he did not ask for a One Hour continuance on the day of trial, august 26, 2008-Ineffective Assistance of counsel, I have been mentally and physically tortured since march 11, 2006-I have filed numerous Lawsuits/2254/writ of certiorari etc. Only to be denied for failure to exhaust state remedies, IF JUDGE COLE REFUSED TO ALLOW ME TO EXHAUST THEM IN 2009 it is not my fault, I am being held false Imprisonment. My Atty Brandt Rucker has done absolutely nothing, I tried to fire him once had a hearing, but the court did not relieve him. I am asking the Supreme court to entertain my Pro-Se pleadings. I declare under penalty of perjury: April 19, 2016 /s/ 

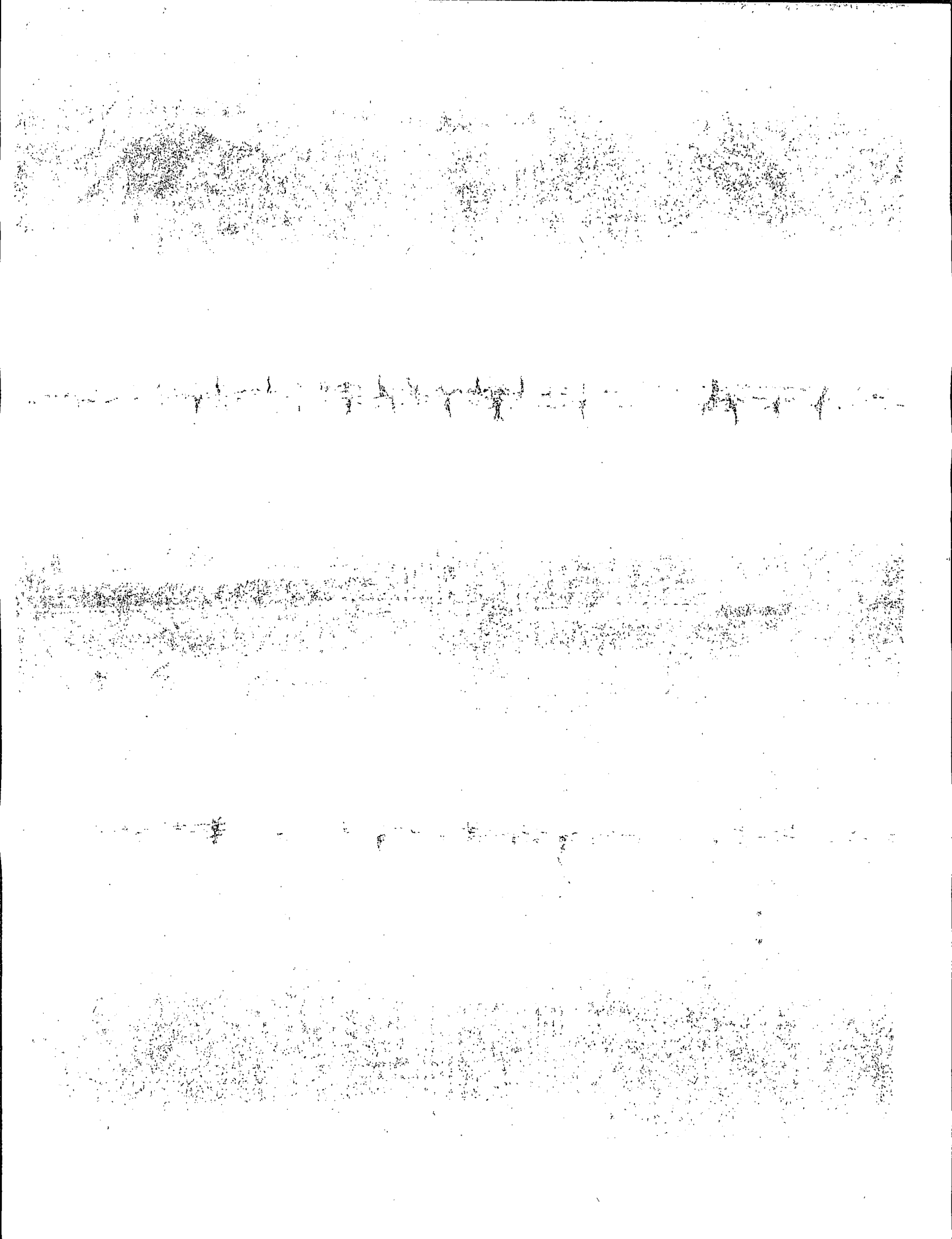
kevin W. mcDaniels



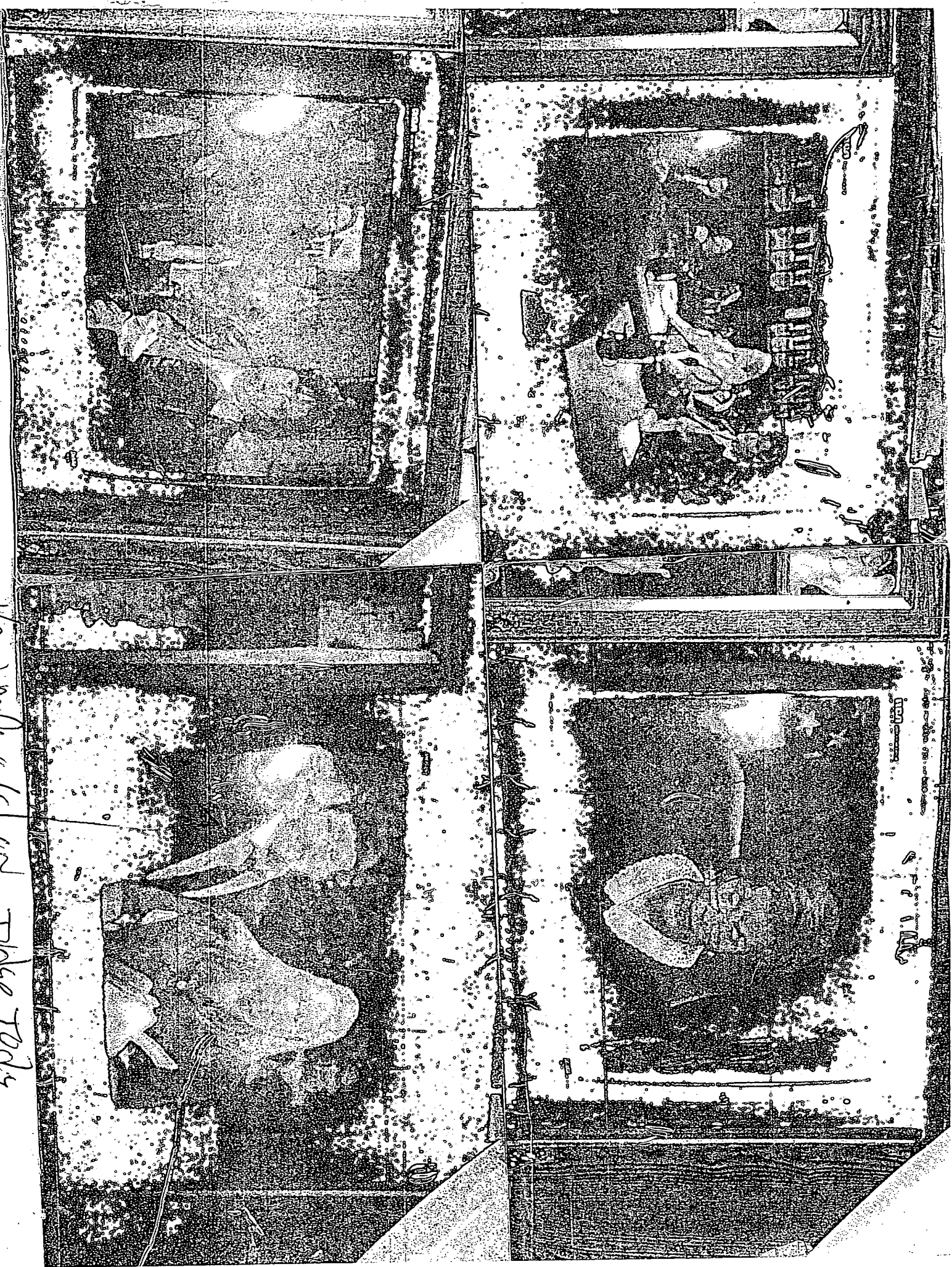
Exhibit A: Other Federal Actions

1. *McDaniels v. United States*, 16 Civ. 408 (D.S.C.)
2. *McDaniels v. Baltazar*, 15 Civ. 6486 (S.D.N.Y.)
3. *McDaniels v. Baltazar*, 15 Civ. 5756 (S.D.N.Y.)
4. *McDaniels v. South Carolina*, 15 Civ. 4948 (D.S.C.)
5. *McDaniels v. South Carolina*, 15 Civ. 4905 (D.S.C.)
6. *McDaniels v. United States*, 15 Civ. 2671 (D.S.C.)
7. *McDaniels v. Goff*, 14 Civ. 124 (D. Utah)
8. *McDaniels v. Hufford*, 14 Civ. 6471 (S.D.N.Y.)
9. *McDaniels v. Hodges*, 14 Civ. 4636 (D.S.C.)
10. *McDaniels v. South Carolina*, 14 Civ. 4197 (D.S.C.), *petition for mandamus denied*, *In re* *McDaniels*, 608 F. App'x 155 (4th Cir. 2015)
11. *McDaniels v. Wright*, 14 Civ. 3728 (D.S.C.)
12. *McDaniels v. Spartanburg Cnty. Sheriffs Dep't*, 14 Civ. 2220 (D.S.C.)
13. *McDaniels v. Hufford*, 14 Civ. 1023 (D.S.C.)
14. *McDaniels v. United States*, 14 Civ. 646 (D.S.C.)
15. *McDaniels v. Hufford*, 13 Civ. 8100 (S.D.N.Y.)
16. *McDaniels v. South Carolina*, 12 Civ. 975 (D.S.C.), *appeal dismissed*, 479 F. App'x 511 (4th Cir. 2012)
17. *McDaniels v. Owen*, 12 Civ. 642 (D.S.C.), *appeal dismissed*, 505 F. App'x 269 (4th Cir. 2013), *cert. denied*, 134 S. Ct. 424 (2013)
18. *McDaniels v. Richland Cnty. Pub. Defenders Office*, 12 Civ. 6 (D.S.C.)
19. *McDaniels v. United States*, 11 Civ. 3128 (D.S.C.)
20. *McDaniels v. United States*, 10 Civ. 70201 (D.S.C.), *appeal dismissed*, 437 F. App'x 264 (4th Cir. 2011)
21. *McDaniels v. South Carolina Dep't of Corr.*, 09 Civ. 1732 (D.S.C.)
22. *McDaniels v. United States*, 08 Civ. 70005 (D.S.C.)
23. *McDaniels v. United States*, 07 Civ. 3386 (D.S.C.), *judgment aff'd*, 329 F. App'x 443 (4th Cir. 2009)
24. *McDaniels v. Powers*, 01 Civ. 3472 (D.S.C.)
25. *McDaniels v. Jones*, 00 Civ. 899 (M.D. Fla.)

As previously noted, at least two of Plaintiff's cases included claims premised on the treatment of his nasal condition, both of which were resolved against Plaintiff. (See Dkt. No. 84, at 3-4.)



Levin and Andrews on Judge Todd



SUPREME COURT OF SOUTH CAROLINA

C

KEVIN WAYNE MCDANIELS

vs.

STATE OF SOUTH CAROLINA

ON APPEAL FROM THE SPARTANBURG CO. COURT OF COMMON PLEAS  
2014-CP-42-0506

MOTION FOR AN EVIDENTIARY HEARING ON THE FACTUAL  
INNOCENT EVIDENCE THAT KEVIN MCDANIELS HAS PRESENTED  
PROVING HE WAS IN FLORIDA 12/27/2005 & 1/14/2006-FACTUALLY INNOCENT

MAY IT PLEASE THIS COURT, kevin W. McDaniels hereby moves this court for AN EVIDENTIARY HEARING ON THE FACTUAL INNOCENT EVIDENCE THAT MCDANIELS HAS PRESENTED Proving he was in florida not south carolina on december 27, 2005 & January 11, 2006.

Mr. McDaniels has presented Overwhelming evidence Alibi witness affidavits/Photo's of Kevin McDaniels in florida/ Depositions by FBI/ATF/U.S. MARSHALS/SECRET SERVICE stating that kevin McDaniels was in florida during the two burglaries that occurred in spartanburg South Carolina ONLY TO BE DENIED ACCESS TO THE COURTS-ONLY TO HAVE HIS SIXTH AMENDMENT RIGHTS VIOLATED, and to be mentally tortured over 10 years, he is asking for an EVIDENTIARY HEARING, AND GRANT A TELECONFERENCE TO allow McDaniels to personally provide his deposition to all Supreme Court judges, McDaniels has shown several constitutional violations, how can any judge tell a Factually Innocent Pro-Se litigant that he must wait until 9/11/2020-then he can file an appeal, because he is in federal custody, clearly a constitutional violations.

CONCLUSION

GRANT AN EVIDENTIARY HEARING & TELECONFERENCE BY CALLING 845/386-6700-A HEARING ON THE FACTUAL INNOCENT EVIDENCE PRESENTED PROVING MCDANIELS WAS IN FLORIDA.

I declare under penalty of perjury: 1/11/16 2016.

Kevin W. McDaniels  
Kevin W. McDaniels

SUPREME COURT OF SOUTH CAROLINA

---

KEVIN WAYNE MCDANIELS

vs.

STATE OF SOUTH CAROLINA

---

ON APPEAL FROM THE SPARTANBURG COUNTY COURT OF  
COMMON PLEAS  
2014-CP-42-0506

---

MOTION TO APPOINT PRIVATE INVESTIGATOR FOR THE  
PURPOSE OF FACTUALLY INNOCENT INVESTIGATION  
IN WHICH KEVIN MCDANIELS WAS NOT IN THE STATE WHEN  
THE CRIMES OCCURRED ON 12/27/05 & 1/14/06

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MAY IT PLEASE THIS COURT, Kevin McDaniels, acting Pro-Se by and through Atty "Brandt Rucker" moves this Court to "Appoint a Private Investigator" to Prove Mr. McDaniels was in Florida on December 27, 2005 & January 14, 2006-Not in Sptg. McDaniels has been Factually Innocent since March 11 2006, he has consistently filed ligation only to be IMPEDED by the Courts. Recently "Judge Ralph Cothran" denied McDaniels PCR, in which he did NOT reveiw all the evidence, and Affidavits and depositions from the FBI/ATF/ U.S. Marshals stating McDaniels was in florida on above dates.

McDaniels has suffered over 10 years being mentally and Physically tortured, a Factually Innocent man.

RELIEF REQUESTED

WHEREFORE, Mr. McDaniels moves this Court to "APPOINT A PRIVATE UNVESTIGATOR" to investigate McDaniels being in florida Factually Innocent, then provide the Supreme Court with Findings.

"I declare under penalty of perjury.

EXECUTED ON: April 19th 2016.

/s/ 

Kevin W. McDaniels



SUPREME COURT OF SOUTH CAROLINA

---

KEVIN WAYNE MCDANIELS

vs.

STATE OF SOUTH CAROLINA

---

ON APPEAL FROM THE SPARTANBURG COUNTY COURT OF COMMON PLEAS  
2014-CP-42-0506

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NOTICE OF MENTAL AND PHYSICAL TORTURE BY THE  
STATE OF SOUTH CAROLINA AND BY CIRCUIT JUDGE  
DERHAM COLE AND PROSECUTOR BARRY BARNETTE

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THIS MATTER IS BEFORE ALL SUPREME COURT JUDGE, in which Kevin McDaniels places them on Notice that McDaniels has been mentally and physically tortured since March 11, 2006, he had been denied ACCESS TO THE COURTS by Judge Derham Cole since 2009-McDaniels has filed numerous Pleadings to include Lawsuits/2254/Writ of Certioraris etc. only to be told-Failure to EXHAUST STATE REMEDIES, Finally McDaniels receives a TELECONFERENCE on January 11, 2016, and Atty Robert Hall admits he did not ask for a One Hour Continuance, showing Ineffective Assistance of Counsel, and still Judge "Ralph Cothran" dismisses his PCR, and absolute Misadministration of Justice, in which McDaniels has been Mentally and Physically tortured over ten years, and the Atty Brandt Rucker has not done anything in assisting McDaniels to prove his Innocence.

CONCLUSION

Mr. Kevin W. McDaniels hereby notifies all South Carolina Supreme Court Judges that I have been mentally and physically tortured since March 11, 2006, I am factually Innocent, I have proven a Constitutional violation. . . .

I declare under perjury:

*Kevin W. McDaniels*  
April 18th 2016. 1st

Kevin W. McDaniels

V

SUPREME COURT OF SOUTH CAROLINA

KEVIN WAYNE MCDANIELS

VS.

STATE OF SOUTH CAROLINA

ON APPEAL FROM THE SPARTANBURG CO. COURT OF COMMON PLEAS  
2014-CP-42-0506

MOTION TO RELIEVE COUNSEL BRANDT RUCKER  
AND APPOINT COMPETENT COUNSEL WHO HAS EXPERIENCE  
IN FACTUALLY INNOCENT CASES

MAY IT PLEASE THE S.C. SUPREME COURT JUSTICES, I Kevin McDaniels hereby move the court to Relieve Counsel Brandt Rucker and appoint competent counsel that is experienced in Factually Innocent cases, based upon the below listed facts:

Mr. McDaniels has been factually Innocent from the day of arrect March 11, 2006-over Ten Years. McDaniels has continously filed litigations, and provided 16 alibi witness affidavits and photos of McDaniels in florida, depositions from the FBI/ATF/U.S. MARSHALS/SECRET SERVICE etc. proving he was in florida, still denied his constitutional rights.The Circuit court appoints Bttorney Brandt Rucker, who has done absolutely NOTHING period for McDaniels.

Mr. McDaniels has mentally and physically suffered over ten years from Ineffective Assistance of Counsel[Court appointed counsel], denied access to the courts since 2009-by circuit judge Derham Cole- a Factually Innocent man should not have to spend over 10 years in prison, while his family suffers at home with amputated leg, and other health Issues.Please grant below relief.

CONCLUSION

WHEREFORE, RELIEVE BRANDT RUCKER AND APPOINT COMPETENT COUNSEL THAT IS EXPERIENCED IN FACTUALLY INNOCENT CASES.

I declare under penalty of perjury

4/18

2016

Kevin McDaniels



CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR

Subject: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

Kevin Wayne McDaniels  
Reg #14256-171  
Federal Correctional Institution  
Post Office Box 1000  
Otisville, N.Y. 10963  
Tel# 854/386-6700

RE: Factually Innocent since March 11, 2006-Mentally and Physically Tortured by the State of South Carolina/Circuit Judge Derham Cole-Tel# (864)596-2685/E-Mail-jcoled@sccourts.org.and The Atty General of South Carolina.

Procedural History:

Arrested 3/11/2006-Richland Co. Public Disorderly conduct-awaiting Court-Spartanburg S.C. placed warrantive counts-Burglary & two Counts-Grand Larceny;Case No.2008-GS-42-1743,1744,1745,1746.I spent 10 days in jail. On August 26, 2009-Day of Trial[Robert Hall-coo] awaiting Alibi witnesses[father & step mother-drove 10 straight hours from Fla-to testify],they call my mother who was downstairs at courthouse-she comes upstairs tell me and Atty Robert Hall-we tell Atty Hall to ask for continuance,he refused to On January 11, 2016, finally after filing three PCR's- I RECEIVE A TELECONFERENCE [Me in New York-while court held in sptg],Robert Hall is cross examined by Brandt Rucker[my atty-866)271-9923],he is asked did Mr. McDaniels ask you for a One-Hour continuance on day of trial while in the courtroom:ROBERT HALL: YES HE DID BUT I DID NOT PURSUE IT--DID YOU ROBERT HALL SERVE A NOTICE OF ALIBI DEFENSE ON PROSECUTOR BARRY BARNETTE: ROBERT HALL--NO I DIDN'T.COMpletely INEFFECTIVE ADMITTING THIS ON JANUARY 11, 2016.Judge "Ralph Cothran" presided over this PCR[Judge Cothran-#803)435-2450],april 2016 Judge Cothran denied PCR-Case# 2014-CP-42-0506--when I filed several PCR's prior to this[Original PCR#2009-CP-42-3350],Judge Derham Cole and the S.C. Atty General in 2010-ORDERED THAT I WAIT UNTIL SEPTEMBER 11, 2020-WHEN I AM BACK IN STATE CUSTODY THEN I CAN FILE AN APPEAL-COMpletely DENYING ME ACCESS TO THE COURTS.Prior before this,I filed a Motion to relieve Brandt Rucker-Conflict of Interest-there was a hearing but the judge would not relieve him. I TOLD BRANDT RUCKER TO CONTACT THE FBI/ATF/U.S. MARSHALS/SECRET SERVICE ETC. WHO HAVE VIDEO SURVEILLANCE OF KEVIN WAYNE MCDANIELS IN FLORIDA ON DECEMBER 27, 2005 & JANUARY 14, 2006-THE SAME DAY THE BURGLARIES TOOK PLACE IN SPARTANBURG-COUNSEL REFUSED TO DO THIS-EACH YEAR A FAMILY MEMBER DIES, AT THIS PRESENT TIME MY FATHERS LEG IS AMPUTATED/MY MOTHER HAS PLATES AND SCREWS IN HER LEGS FROM FALLING AND BREAKING THEM, HOW MUCH MENTAL AND PHYSICAL TORTURE DO WE HAVE TO GO THROUGH???I WAS NOT EVEN IN THE STATE, AND ALL IT TAKES IS A FEW PHONE CALLS TO FEDERAL AGENTS IN FLORIDA WHO CAN PROVIDE SURVEILLANCE OF ME IN FLOIRDA, I WAS OUT ON BAIL FROM S.C. AND WENT TO FLORIDA FROM AUGUST 2005 UNTIL JANUARY 20, 2006-AN EXTENSIVE PAPER-TRAIL..WHY DOES MY FAMILY HAVE TO SUFFER-I AM FACTUALLY INNOCENT,JUDGE DERHAM COLE DENIED ME COURT ACCESS SINCE 2009-THEN ATTY ROBERT HALL ADMITTED ON JANUARY 11, 2016 that HE DID NOT ASK FOR A ONE HOUR CONTINUANCE. I HAVE MENTALLY AND PHYSICALLY TORTURED LONG ENOUGH.CONTACT My Mother:Nancy Griffin at:(864)574-9597/ceel #864)921-7254,I have been mentally tortured over ten years.  
Kevin Wayne McDaniels/DOB 8/19/69/SS#589-03-2274.

Kevin W. McDaniels  
Reg#14256-171  
F.C.I. Otisville  
P.O. Box 1000  
Otisville, N.Y. 10963  
Tel# 845-386-6700

**RE: HELD FALSE IMPRISONMENT/MENTALLY & PHYSICALLY TORTURED.**

I, Kevin W. McDaniels hereby request your assistance in the below listed facts:

I have been held False Imprisonment since March 11, 2006, I filed numerous Pleadings and PCR's IN THE COURT OF COMMON PLEAS SPARTANBURG COUNTY since June 16, 2009. Only to be told by Judge Derham Cole and the S.C. Atty General that I have to wait until 9/11/2020-when my federal sentence expires & I am back in state custody, then I can file another PCR. I filed another PCR-Case No: 2014-CP-42-0506, and on January 11, 2016, I was finally given an Evidentiary hearing in spartanburg While I was on TELECONFERENCE IN NEW YORK. Atty Brandt Rucker represented me and the Honorable "Ralph Cothran" presided over the case, also present was original Trial Atty "Robert Hall" & S.C. Atty General "Alicia Olive". My Atty Cross-Examined "Robert Hall" who admitted he did not pursue a One-Hour Continuance while in the courtroom day of trial 8/26/2008, long enough for my mother to drive ten minutes away to pick up Alibi witnesses who drove 10 hours from florida-to sptg, to testify that I was in florida on 12/27/2005 & 1/14/2006, factually Innocent.

**Robert Hall**, admitted he was Ineffective during the Evidentiary hearing on January 11, 2016, regardless of Judge "Ralph Cothrans" ruling I should be Compensated for spending over Ten Years in prison factually Innocent on Sptg. Case # 2008-GS-42-1743, 1744, 1745, 1746.

I filed numerous Lawsuits in the federal courts charged filings fee's and the court not entertain my case because "Failure to Exhaust my state remedies" Judge Derham Cole & S.C. Atty Generals Office denied me access to the courts, they should be held liable.

Again, I file another PCR February 10, 2014, and finally receive a "Evidentiary Hearing" on 1/11/2016, and "Robert Hall" admits he failed to move for a continuance on day of trial while I along with my mother & Step Father were in the Courtroom awaiting for my father and step mother to appear with 16 affidavits & Photo's of me proving Factual Innocence. I should not have to continue to go through anymore litigation, regardless of "Judge Ralph Cothrans" fact findings, **I should be Immediately released and the State of South Carolina shall REIMBURSE me all filing fees paid in the Lawsuits I've filed in State & Federal Courts arguing "Factual Innocent" and Ineffective Assistance of counsel.** Especially when I have been denied **ACCESS TO THE COURTS in original PCR-Case No. 2009-CP-42-3350, file June 16, 2009.** Once I was given a TELECONFERENCE ON 1/11/2016-me being in NEW YORK & Court being held in spartanburg South Carolina, that proves I have been denied access to the courts-I should have been given a TELECONFERENCE in 2009, in which all 16 Alibi witnesses could have been present. I am asking that you please Act on this, I have been Mentally & Physically Tortured since March 11, 2006, by the **State & Judge Derham Cole.** I declare under penalty of perjury: March 8, 2016. Kevin Wayne McDaniels  
**please ACT ON THIS BY CALLING ME 845-386-6700...Thank You.**

Kevin W. McDaniels  
Reg # 14256-171  
F.C.I. Otisville  
P.O. Box 1000  
Otisville, NY 10963

RECEIVED

APR 21 2016

OFFICE OF  
DISCIPLINARY COUNSEL

CERTIFICATE OF MAILING

RECEIVED

APR 21 2016

I, Kevin W. McDaniels certify that I have mailed the enclosed **S.C. SUPREME COURT**  
MOTION TO APPOINT PRIVATE INVESTIGATOR FOR THE PURPOSE OF FACTUALLY  
INNOCENT INVESTIGATION/NOTICE OF BEING MENTALLY AND PHYSICALLY  
TORTURED, mailing such to the below listed address on this  
18th day of April 2016.

TO: South Carolina Supreme Court

P.O. Box 12159  
Columbia SC 29211

TO: ~~Esq. Scott Tucker~~

SC. Court of Appeals  
1224 Sumter St  
Columbia SC 29211

I declare under penalty of perjury  
the above is true and correct.

*[Signature]*  
/s/ Kevin W. McDaniels  
Kevin W. McDaniels

PLEASE PROVIDE  
Scott Tucker-Esq-  
With Copy Thank you

I WAS NOT  
EVEN IN THE  
STATE  
I Actually Forwarded

*[Handwritten: Actually Innocent]*

NAME KEVIN McANERS  
REGISTER NO. 14256171  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 1000  
OTISVILLE, NY 10963

LEGAL MAIL



⇨ 14256-171 ⇨  
Sc Supreme Court  
PO BOX 12159  
Columbia, SC 29211  
United States

2921132159 8022

FEDERAL CORRECTIONAL INSTITUTION  
OTISVILLE, NY 10963

DATE:

4-18-10

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question of problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another addressee, please return the enclosure to the address above.