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THE SOUTH CAROLINA SUPREME COURT  
Case No;

MAY 04 2016

KEVIN WAYNE MCDANIELS, # 254398, Petitioner  
S.C. SUPREME COURT

vs.

STATE OF SOUTH CAROLINA

Appellate Case No: 2016-000807

MOTION FOR EMERGENCY RELEASE BASED UPON FACTUALLY INNOCENT  
DENIED ACCESS TO THE COURTS' INEFFECTIVE ASSISTANCE  
OF COUNSEL

MAY IT PLEASE THIS COURT, the above said Kevin W. McDaniels acting Pro-Se hereby sets forth the following Arguments and supporting Case Law, moving this Court to REVERSE the Court's Prior decisions based as followed.

Mr. McDaniels has continuously filed litigation arguing "Ineffective Assistance of Counsel" "Due Process Violation by Judge derham Cole" "Malicious Prosecution" and "Factually Innocent since March 11, 2006."

Mr. McDaniels filed State PCR Litigation [See Attached Exhibits], and then 28 U.S.C. § 2254/Writ of Certiorari all the way to the U.S. Supreme Court, only to be told failure to exhaust state remedies. Circuit Court Judge "Derham Cole [Tel#864)596-2685-Email-jcolej@sccourts.org], Issued an ORDER in PCR Case Number: 2009-CP-42-3350- ORDER OF DISMISSAL WITHOUT PREJUDICE: telling McDaniels he must wait until 9/11/2020-then he can file an appeal because of McDaniels being in Federal Custody, completely denying McDaniels ACCESS TO THE COURTS, and the Federal Courts charged McDaniels filing fees, and refused to entertain McDaniels Due Process and Ineffective Claims, in which finally of 1/11/2016, McDaniels receives a Evidentiary Hearing [by TELECONFERENCE], which Circuit Judge "Ralph Cothran" presided [Tel# 803)435-2450], and Atty Brandt Rucker [Tel # 864)271-9925], represented McDaniels during this Evidentiary Hearing cross examining McDaniels original Atty "Robert Hall" who admitted that on August 26, 2008 [day of trial], he was ask by McDaniels for a One Hour continuance for McDaniels Stranded Alibi witnesses to appear, and He failed

to pursue a One Hour continuance for Alibi witnesses would have testified that McDaniels was in florida on 12/27/05 and 1/14/06-the day two burglaries were committed in spartanburg South Carolina, McDaniels coerced into entering an ALFORD PLEA MAINTAINING HIS INNOCENCE. Then McDaniels files PCR Appeal-DENIED ACCESS TO THE COURTS BY Judge Derham Cole and the State of South Carolina[Attorney Generals Office],leaving McDaniels no choice but to reach to the Federal Courts for assistance, presenting Federal Constitutional Violations, only to be ignored and the door slammed in my face, a **FACTUALLY INNOCENT MAN**, who has been wrongfully Imprisoned over ten years[since March 11, 2006],how can any Judge have a Pure Heart and call himself a religious man/A Father & Husband- and allow a "FACTUALLY INNOCENT MAN" who has presented 16 Alibi witness statements who were with McDaniels in florida, and depositions from FBI/ATF/SECRET SERVICE/U.S. MARSHALS- stating that they have video surveillance of kevin Wayne McDaniels in florida on December 27, 2005 & January 11, 2006, the same day as the South Burglaries took place, AND TO HAVE A STATE JUDGE "DERHAM COLE" AND THE S.C. ATTY GENERAL IN 2009- to jointly conspired to not allow McDaniels ACCESS TO THE COURTS Because he is in federal Custody-how can any State judge period-DENY A PROSE LITIGANT WHO IS FACTUALLY INNOCENT AND WAS NOT IN THE STATE-AND HAS HAD FBI/ATF/SECRET SERVICE/U.S. MARSHALS- PRESENT EVIDENCE TO THE STATE PROSECUTOR Barry Barnette and Atty General Alan Wilson proving Kevin McDaniels was in florida- AND STILL EVEN AFTER DERHAM COLE WOULD NOT ALLOW MCDANIELS IN THE COURTROOM-ALLOW MCDANIELS TO SPEND OVER TEN YEARS IN PRISON, Losing most of his family from cancer and diabetes etc. Now his fathers leg was amputated[Diabetes], and his mother[McDaniels mother], fell broke both legs has plates and screws holding them together, HOW CAN ANY STATE OR FEDERAL JUDGE CALL HIMSELF A RELIGIOUS MAN to allow a Factually Innocent Man to sit in prison, covering up for Judge Cole, knowing there has been a "Miscarriage of Justice".

I am moving the South Carolina Supreme Court/The United States District Court/The U.S. Court of Appeals to Act upon this pleading, I along with my family has suffered enough mental and physical torture, I myself live on a breathing machine, My health was perfect before I was falsely Imprisoned March 11, 2006. In the Name of Jesus Christ, I am moving all Judge's to have a Pure Heart-and be an Honest man, how can any Judge call himself a Judge-knowing there is a factually Innocent man in prison over ten years, and that a Circuit judge "Derham Cole" would not allow McDaniels to file an appeal because he is in federal Custody THAT EXCUSE DOES NOT CUT IN IN THE SOUTH CAROLINA RULE OF COURT-OR THE BAR ASSOCIATION. I am respectfully asking for the below listed relief.

RELIEF REQUESTED

WHEREFORE, I kevin McDaniels hereby move this court to ISSUE AN ORDER THAT KEVIN WAYNE MCDANIELS CRIMINAL CHARGES BE IMMEDIATELY DISMISSED/THAT KEVIN MCDANIELS BE REIMBURSED FOR ALL THE FILING FEES, AND THIS COURT ORDER THAT MCDANIELS BE COMPENSATED FOR THE TEN YEARS THAT HE HAS BEEN MENTALLY AND PHYSICALLY TORTURED, KNOWING HE IS FACTUALLY INNOCENT.

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

Prayed for on this 28th day of April 2016. TS/ [Signature]  
Kevin McDaniels

THE FBI/ATF./SECRET SERVICE/  
U.S. MARSHALS HAS NOTIFIED THE SC ATTY GENERALS  
OFFICE THAT KEVIN MCDANIELS WAS IN FLORIDA..  
STILL MCDANIELS SUFFERS MENTAL AND PHYSICAL TORTURE  
OVER TEN YEARS....WBY WHY??

WHERE ARE THE JUDGE WHO HAVE A PURE HEART??????????????????

CT



THE STATE OF SOUTH CAROLINA

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KEVIN WAYNE MCDANIELS, #254398, Petitioner.

MAY 04 2016

-vs-

STATE OF SOUTH CAROLINA

**S.C. SUPREME COURT**

Appellate Case No: 2016-000807

MOTION FOR AN ORDER APPOINTING PRIVATE INVESTIGATOR  
FBI/ATF/U.S. MARSHALS TO PRESENT EVIDENCE THAT KEVIN  
MCDANIELS WAS IN FLORIDA 12/27/05 & 1/14/2006, AND  
PRESENT THESE FINDING TO THE COURT

MAY IT PLEASE YOURS COURT, kevin mcDaniels acting ProSe by and through ABANDONED ATTY BRANDT RUCKER, hereby moves the S.C. Supreme Court Judges to ORDER that a private Investigator/FBI/ATF/U.S. MARSHALS, conduct an Investigation as to kevin Wayen McDaniels DOB 8/19/69--SS# 589-03-2274, being in florida on december 27, 2005 & January 14, 2006, not spartanburg S.C. Provide their findings to the Supreme Court Judges so t hat Mr. McDaniels CAN BE EXONERATED.....He has been mentally and physically tortured over ten years....he has proved that Atty Robert Hall was ineffective, this was proven on January 11, 2016 at a Evidentiary hearing in spartanburg.

Judge Ralph Cothran dismissed the PCR-Case No 2014-CP-42-0506, Miscarriage of Justice, if I was given access to the courts in 2009-all alibi witnesses could has testified, denied access to the courts by Judge Cole has caused me to mentally and physically suffer.

RELIEF REQUESTED

APPOINT PRIVATE INVESTIGATOR/FBI/ATF/U.S. MARSHALS-to conduct Investigation, and submit report that McDaniels was in florida on 12/27/2005 & 1/14/06- factually Innocent.

I declare under penalty of perjury.: April 28 2016.



kevin McDaniels



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STATE OF FLORIDA

NOV 10 1906

IN SENATE

REPORT

OF THE

COMMISSIONERS OF THE LANDS

AND

IN RESPONSE TO RESOLUTION PASSED BY THE SENATE

ON DECEMBER 27, 2005 & JANUARY 14, 2006, NOT SPARTANBURG

2006. REPORT OF THE COMMISSIONERS OF THE LANDS

AND

IN RESPONSE TO RESOLUTION PASSED BY THE SENATE

ON DECEMBER 27, 2005 & JANUARY 14, 2006, NOT SPARTANBURG

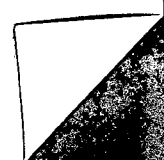
2006. REPORT OF THE COMMISSIONERS OF THE LANDS

AND

IN RESPONSE TO RESOLUTION PASSED BY THE SENATE

ON DECEMBER 27, 2005 & JANUARY 14, 2006, NOT SPARTANBURG

2006. REPORT OF THE COMMISSIONERS OF THE LANDS



Cover

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CERTIFICATE OF MAILING

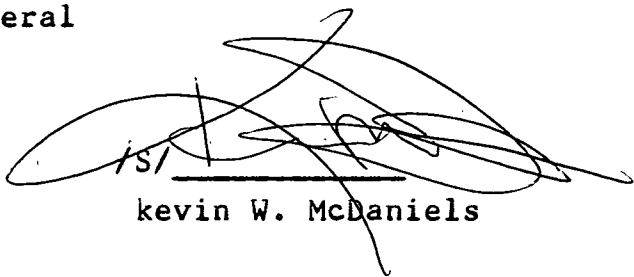
S.C. SUPREME COURT

I, Kevin Wayne McDaniels, certify that I have mailed the enclosed, MOTION FOR EMERGENCY RELEASE BASED UPON FACTUALLY INNOCENT/INEFFECTIVE ASSISTANCE OF COUNSEL/DUE PROCESS VIOLATION BY JUDGE DERHAM COLE, mailing such to the below listed address on this 29th Day of April 2016.

To South Carolina Supreme Court  
Clerk of Court & All Judges  
P.O. Box 12159  
Columbia, S.C. 29211

TO: South Carolina Attorney general  
Attn: Alan Wilson

\_\_\_\_\_  
\_\_\_\_\_

  
/s/ \_\_\_\_\_  
kevin W. McDaniels

✓

CT

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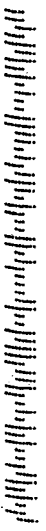
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⇔ 14256-171 ⇔

Sc Supreme Court  
Factually Innocent  
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FEDERAL CORRECTIONAL INSTITUTION

OTISVILLE, NY 10963

DATE: 4-28-66

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