

RECEIVED

JUN 24 2016

SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY

The Honorable Roger L. Couch, Circuit Court Judge

Appellate Case No: 2014-002693

KENNETH HILTON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
P.O. Box 115849
Columbia, SC 29211

ALICIA A. OLIVE
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

MOTION TO RELIEVE COUNSEL FILED FEBRUARY 7, 20141

MOTION TO RELIEVE COUNSEL FILED APRIL 1, 2014.....7

MOTION TO RELIEVE COUNSEL TRANSCRIPT22

ORDER RELIEVING COUNSEL.....33

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE
7th. JUDICIAL CIRCUIT

NON JURY DOCKET

TO BE HEARD IN CHAMBERS, SCRPC Rule 77 (b)

DATE 2/3 2014

HILTON -VS- STATE OF SOUTH CAROLINA
C/A No. 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 FEB 7 AM 9 00
BRANDY W. MCBEE

Honorable Brandy McBee, Clerk

SUBJECT: Motion to Dismiss Court appointed Attorney, in above action.
Mr. Leah Moody, esq.

Dear Ms McBee:

Please find enclosed for filing and processing the originals. Please bring this matter to the attention of the Honorable Presiding Judge. Also find Two Copies of the Proposed Order.

CONSOLIDATED, NOTICE & MOTIONS

1. Motion to Dismiss above cited Court Appointed Attorney.
2. Pro Se Waiver & Sworn affidavit, [With] Proposed Order of Dismissal
3. Certificate of Service, SCRPC Rule (5).

NOTICE

Respectfully, Ms McBee, be advised that I do not accuse you of any **willful wrong doing**; However, intentional or not I have a Constitutional 1st. Amendment Right to access of Court, after all it's I who has the burden of establishing my entitlements to the Relief I seek, Not ~~the~~ Attorney, SCRPC Rule 77 (e). Wherefore, I request in good faith the Mr. Moody be relieved as Attorney.

Oh Yes! I thank you for assisting my Mother in obtaining my Trial Transcripts ! Which reminds me, is Mr. Watts the same Reporter who would have Transcripts of the Motion I had heard before the Honorable Judge Hayes, to dismiss Mr. Thompson ?

Thank you again for your assistant; and be assured I have no Animosity toward any parties involved in my offense.

Respectfully


Kenneth L. Hilton

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
GLENVILLE COUNTY, S.C.
2014 FEB 7 AM 9 00
BRANDY W. HOBBE

DATE 2/3 2014

Kenneth Hilton

Applicant

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CONSOLIDATED NOTICE AND MOTION TO DISMISS IMPROPER COURT APPOINTED PCR ATTORNEY FOR ABOVE CITED ACTION "MR. LEAH MOODY, ESQ.

MOTION TO BE HEARD IN CHAMBERS, SCRPC RULE 77 (b).

NOTICE IS FURTHER GIVEN THAT TO FILE A COMPLAINT, OR MOTION TO DISMISS COUNSEL, DOES NOT REQUIRE COUNSEL'S SIGNATURE OR APPROVAL.

FACTS

1. Upon Applicant's attempt to file a Pro Se Amendment to his original PCR Application, the Gaffney County Clerk of Court denied Applicant access to the Court, by Negligent Conduct, that said violations took place during Public Duty Work hours.
2. Instead, Clerk of Court prematurely, inappropriately appointed an Attorney in violation of SCRPC Rule 71.1 (d) which (provides in relevant part...Appointment of counsel, after the Respondents have made their return, if there is a material issue requiring a hearing).
3. Clerk fail to obtain the Administrative Judge's signature of approval. Therefore, PCR Counsel has not properly appointed to applicant's Action. (APPENDIX (A).
NOTE: (if Clerk could appoint attorneys without the Administrative Judge's approval, then SCRPC Rule 11 would be unnecessary).
4. Applicant further asserts that PCR Court Appointed Counsel's "Lack of Performance, acts & omissions has contributed to an unnecessary delay causing needless Anxiety, resulting in Lack of Confidence and trustworthiness, See Professional Code of Conduct 407 Rule 1.3
5. Wherefore Applicant hereby Motions the Honorable Court to dismiss PCR Counsel, Mr Leah Moody esq.

Sworn affidavit & Waiver hereby submitted in good faith, and Hereby states that he understands there is no Constitutional Right to PCR Court appointed, Counsel and actual Burden of Proof is his, not the PCR Attorney, SCRPC Rule 71.1 (e).

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302
DATE 2/3 2014

FILED IN THE COURT OF COMMON PLEAS
CLERK OF COURT
CLOCKED IN ERROR
2014 FEB 9 9 00 AM
BRANCH 11, NCBE

Kenneth Hilton

Applicant

-VS-

RESPONDENTS

STATE OF SOUTH CAROLINA

CONSOLIDATED AFFIDAVIT & WAIVER TO DISMISS COURT APPOINTED ATTORNEY
TO BE HEARD IN CHAMBERS, SCRCP Rule 77 (b)

Waiver of Right for Dismissal of PCR Counsel sworn affidavit in support submitted in good faith.

I Kenneth L. Hilton, Applicant in above cited action does hereby state under the penalty of perjury that I make this waiver, to dismiss my Court appointed Attorney, with the full understanding of the dangers of self-representation and the consequences of proceeding Pro Se.

Although, I had some mental problems dealing with the alleged issues of my offense, and pursuant to my Trial Waiver, Then Court Room Experience dismissing the Motion to Dismiss Trial Counsel, before the Honorable Judge Hayes. I know now what a Waiver consist of .

I further hereby state that I full understand my claims & issues that I intend to raise. Believe me I have been studing every day since Trial. I have the ability to prepare & represent my own claims before the Honorable Court.

WHEREFORE, Applicant request the Honorable Court to dismiss my Court Appointed Attorney, and allow him to proceed Pro Se in the above action. See APPENDIX (A), Notice it Lacks Judge's Approval.

IT IS SO ORDERED ON THIS _____ DAY OF _____ 2014. Applicant's Waiver is hereby accepted, PCR Counsel Mr. Leah Moody esq is hereby dismissed. It is further ordered that PCR Counsel return all Trial Records and Documents to Applicant.

Sworn to and subscribed before me
this 3rd day of Feb., 2014

Susan N. Dye

Notary Public Commission Expires
March 5, 2018

Commission expires

Respectfully

[Signature]
In Court of Common Pleas

Presiding Judge
7th Judicial Circuit
Caffney S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

Kenneth L. Hilton,)
Plaintiff(s),)
-vs-)
State of South Carolina,)
Defendant(s).)

IN THE COURT OF (Select one.)
 COMMON PLEAS FAMILY COURT
7th JUDICIAL CIRCUIT
CASE NO.: 2013-CP-11-302
APPOINTMENT OF COUNSEL OR GAL
(Select one.)
 ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- SVP case
- Minor Name Change
- Adoption
- Custody and/or Visitation
- Other:
- Juvenile
- Abuse and Neglect

It appears that the above plaintiff, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on: _____
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained _____, Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other:

Therefore, it is ordered that Leah Moody, hereby is appointed as (Select one.)
 counsel lead counsel (if capital PCR case) guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that _____, Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED THIS 10th DAY OF June, 2013.

Jandy H. Moore
 Circuit Judge Clerk of Court

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

Mr Leah Moody, esq
235 E. Main St.
P.O. Box 1015
Rock Hill, S.C. 29731

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
JENNIFER L. HARRIS, S.C.
2014 FEB 7 AM 9 00
BRANDY W. MCBEE

DATE 2/3, 2014

Kenneth Hilton

Applicant

-vs-

STATE OF SOUTH CAROLINA

RESPONDENTS

CERTIFICATE OF SERVICE

I Kenneth Hilton Applicant in above cited action, does hereby state under the penalty of perjury that I have personally served upon below a true copy of Notice & Motion to dismiss Court Appointed Attorney of above cited action.

Included sworn intelligent waiver, and proposed order of dismissal of court appointed Counsel. by placing the same in the United Postal service at the Broad River Corrections institutional mail; Postage Prepaid; SCRCP Rule (5); Original to Court.

Respectfully submitted

Kenneth Hilton
Kenneth Hilton

cc: Mr Leah Moody esq
State Att. General's Office,

Ms Suzanne White esq
files

Sworn to and subscribed
before me 3 this Feb day 2014

Eugene [Signature]
Notary Public

My Commission Expires April 4, 2018

Court

My Commission expires

|

|

SOUTH CAROLINA DEPT. OF CORRECTIONS
KENNETH L. HILTON, # 354034
WATEREE UNIT 162
4460 BROAD RIVER ROAD
COLUMBIA S.C. 29210

2/3/14

Mr. Leah Moody, Esq.

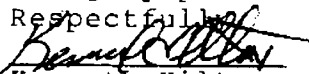
Sir, Please find enclosed true copies of the original, Motion to have you relieved as my Counsel, Please understand that the true Burden is on me to establish the proof of my entitlements, SCRPC Rule 77.1 (e), not the attorney. Also, inmates have no Constitutional Right to PCR Attorneys, thus it's not a claim for relief.

Therefore, I have the ability to present my own claims, and this is what I want; So please don't take it personal, and thank you for the assistant.

Please be advise I do not require your approval to file a complaint or Motion to have you relieved; Also, Please do not file any Legal actions into my Case; pending the Administrative Judge's Ruling on the Proposed Order of Dismissal.

Oh Yes, Please return the legal Photographs and Documents I sent you.

Thanking you again for our understanding my position.

Respectfully,


Kenneth Hilton.

CC: Ms White, S.C. State Att. General's Office
Honorable Brandy McBee
files.

RECEIVED
CLERK OF COURT
OFFICE OF JUDICIAL ADMINISTRATION
S.C.
2014 FEB 7 AM 9 00
GRANDY W. MOBEE

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
SPARTANBURG COUNTY
7th. JUDICIAL CIRCUIT

TO: SPARTANBURG COUNTY COURT HOUSE,
CLERK OF COURT
7th. JUDICIAL CIRCUIT
MAGNOLIA STREET
SPARTANBURG, SOUTH CAROLINA, 29303

March 31, 2013

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 APR - 11 P 1:41
BRANDY W. MCBEE

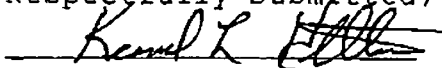
RE: KENNETH HILTON, V. STATE OF SOUTH CAROLINA
C/A NO: 2013-CP-11-302
PCR HEARING DATED APRIL 10, 2014

Dear Clerk:

Please bring this matter to the attention of the Honorable Administrative Judge. The Judge may wish to consolidated this matter, to be heard with the above scheduled PCR Hearing.

Find enclosed the Original Consolidated Notice and Motion for Court Order, seeking Transfer of Venue, SCRPC Rule 82 (a)(b);, of pending Motion in Cherokee County Court; for the dismissal of Court Appointed PCR Attorney, Mr. Leah Moody Esq. From Cheorkee County Court, to spartanburg County Court, for final Disposition, before this Honorable Court.

Thanking you in advance for your services !

Respectfully Submitted,

Kenneth L. Hilton

cc:
S.C. State Att'y General
Mr. Alan Wilson
PCR, Counsel, Mr. Leah Moody, Esq
Honorable Brandy McBee
Cherokee County Clerk of Court
Files

LB 8.

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG
7th JUDICIAL CIRCUIT
C/A NO: 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 APR - 1 P 1:40
BRANDY W. MCBEE

NON JURY DOCKET

BEFORE THE HONORABLE ADMINISTRATIVE JUDGE
TO BE HEARD IN CHAMPERS, SCRCP RULE 77(b)

KENNETH L. HILTON,

APPLICANT

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CERTIFICATE OF SERVICE

I Kenneth L. Hilton, Applicant in above cited Action, does hereby state under the penalty of perjury that I have on cited date hereof personally served upon named Respondents and Parties thereof, true copies of the Consolidated Notice and Motion for Court Order seeking Transferring Venue of the Pending Motion for dismissal of PCR Court Appointed Attorney, Mr. Leah Moody, Esq, from Cherokee County, to spartanburg County for final disposition.

On this date cited hereof by placing the same in the United states POstal Service of institutional Postal Office Postage

Prepaid.
ON THIS 31 2014
COLUMBIA, S.C. 29210

Respectfully Submitted,
Kenneth L. Hilton
Kenneth . Hilton

S.C. Att'y General
Mr. Alan Wilson, Esq
Mr. Leah Moody Esq
Honorable, Brandy McBee,
Cherokee County Clerk of Court

Files
Mr. Leah Moody Esq
235 E. Main St
Rock Hill, SC, 29731

Sworn and subscribed before me
on 31st this March day of
2014
Justin A. Frye
NOTARY PUBLIC
My Commission Expires
March 5, 2018
My commissions expires

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG
7th. JUDICIAL CIRCUIT
C/A NO: 2013-CP-11-302

NON JURY DOCKET

BEFORE THE HONORABLE ADMINISTRATIVE JUDGE
TO BE HEARD IN CHAMBERS, SCRCPRULE 77(b)

KENNETH L. HILTON,

APPLICANT

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

BRANDY W. MCBEE

2014 APR - 11 P 1:40

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

CONSOLIDATED

NOTICE & MOTION FOR COURT ORDER TO TRANSFER PENDING COMPLAINT & MOTION FOR DISMISSAL OF COURT APPOINTED ATTORNEY, FROM GAFFNEY COUNTY COURT, TO BE HEARD BEFORE THIS HONORABLE COURT, PURSUANT TO SCHEDULED PCR HEARING OF APRIL 10, 2014.

South Carolina provisions of SCRCPRule 82 (a)(b) provides for "change of venue by means of transfer, instead of dismissal.

Also, both Courts are under the 7th Judicial circuit. Therefore, it would appear more appropriate entertained in the same Court with Subject Matter Jurisdiction of the PCR Case, and scheduled hearing of April 2014.

Furthermore, the Gaffney County Clerk deprived the Honorable Presiding Judge of Jurisdiction to approve the Proposed Order of Dismissal. The Error obstructed the disposition; Arbitrarily, Capricious or not, deprived the Court of the Proposed Order of dismissal.

Therefore, upon transfer of venue, this Honorable Court has Proper Jurisdictional authority to rule on this matter.

WHEREFORE, Applicant respectfully Provides this Honorable Court , another Original Proposed Order for the Court's consideration, and renews his Request to respectfully Dismiss his Court Appointed Attorney, and allow Applicant (30)thirty days to file his own PRO SE Amendment to his Application. Any further delay is unnecessary. Applicant should not be compelled to seek a Writ of Mandamus for a simple matter of Dismissal of an Attorney who was not properly appointed, not having the Judge's approval. See Appendix (A).

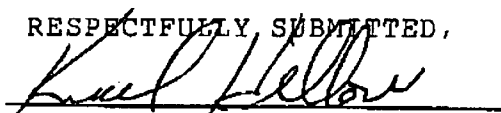
Please take notice Applicant respectfully renews his original request, that Counsel not file any pleads into his Case, Pending Final disposition of the above Motion.

Please be advised Applicant makes the above request, voluntarily, knowingly, with full knowledge of the dangers of proceeding Pro Se. HOWEVER: Applicant respectfully prays the Honorable Court will grant the Transfer of Venue and entertain the above motion. SCRCP Rule 82 (a)(b).

ON THIS 31 DAY OF MARCH 2014.

COLUMBIA, SOUTH CAROLINA

RESPECTFULLY SUBMITTED,



CC: Original, Spartanburg
County Courthouse, Clerk of Court
7th judicial Circuit
Magnolia St.
Spartanburg, S.C. 29303

Kenneth . Hilton
BRCI Wat- 162
4460 Broad River Road
Columbia, S.C. 29210

Mr. Leah Moody, Esq,
235 E. Main St.
P.O. Box 1015
Rock Hill, S.C. 29731
Honorable, Brandy McBee
Cherokee County Clerk of Court

S.C. State Att'y General
Mr. Alan Wilson Esq.
Rembert Dennis Bldg. 1000 Assemble St.
P.O. Box 11549 29211

Files

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 APR - 11 P 1:40
BRANDY W. MCBEE

Kenneth L. Hilton, #354034
BRCI Wa-162
4460 Broad River Road
Columbia, S.C. 29210

March 31, 2014

Mr. Leah Moody, Esq,
235 E. Main St.
P.O. Box 1015
Rock Hill, S.C. 29731

RE: Hilton V. State of South Carolina
PCR C/A 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 APR 11 PM 4:11
BRANDY W. MCBEE

Subject: Motion for Change of Venue, of Motion to Dismiss Court
appointed PCR Attorney; SCRCP Rule 82 (a)(b).

Dear Mr. Moody:

In receipt of your letter dated March 24, 2014, In Response,
please find enclosed a Motion addressed to the Honorable
Administrative Judge, Spartanburg County, for an Order requesting
Transfer / Change of Venue, of the pending Motion for your
dismissal, from Cherokee County to Spartanburg County, for final
disposition.

IT would be inappropriately for Cherokee County to entertain
a matter pending in another court.

As for a telephone conference to discuss my case/issues.
Don't waste your time . You have repeatedly told me that you
don't accept phone calls from inmates. That's irrelevant, I have
no intentions of discussing my offense/issues over the phone,
with you or anyone else.

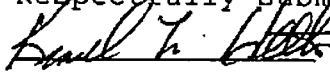
Your acts and omissions created a distrust , and after Mr
Thompson incompetent representation. I'm sorry I just don' trust
you, and don't require your skills. I can read and write. I
understand my Case issues sufficient to present my own claims.

My mother got the trial transcripts for me and the
Fabrications of evidence and Conclusions of Law supports my
facts.

This being said, I request again; Please don't file any pleadings into my case, pending the Court's decision on Motion to Dismiss you, which may be resolved at the PCR Hearing next month; See you then, and be assured I have no ill feeling or any animosity toward you or any of your staff. I also apologize if I gave the impression of an attitude on the phone march 27, 2014.

Thank you again for your kindness, and I look forward to seeing you at the PCR hearing.

Respectfully Submitted



Kenneth L. Hilton

CC:

Spartanburg County
Clerk of Court,
Ms, Brandy McBee, Gaffney
County Clerk of Court,
S.C. State Attorney General,
Mr. Alan Wilson
Files

BRANDY W. MCBEE

2014 APR -11 PM 11:14:11

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

Kenneth L. Hilton, #354034
 BRCI Wa-162
 4460 Broad River Road
 Columbia, S.C. 29210

March 31, 2014

Honorable, Brandy McBee
 Cherokee County Clerk of Court
 P.O. Drawer 2289
 Gaffney South Carolina, 29342

BRANDY W. MCBEE

2014 APR - 11 P 11:41

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.

RE: Hilton V. State of South Carolina
 PCR A/A 2013-CP-11-302

Subject; Motion for Change of Venue, of Motion to Dismiss Court
 appointed PCR Attorney; SCRCP Rule 82 (a)(b).

Dear Ms, McBee:

Please find enclosed copy of Motion addressed to the Spartanburg
 county, Administrative Judge, for a Order of Transfer/ Change of
 Venue of the Motion for Dismissal of Court Appointed Attorney,
 Mr. Moody , from Gaffney , to Spartanburg, for final disposition,
 Pending PCR Hearing in Spartanburg County.

Also, it would be inappropriately for Cherokee County to
 entertain a matter pending in another County Court.

I thank you for your kind and Prompt services,

Respectfully Submitted,


 Kenneth Hilton

CC:

Spartanburg County Clerk of Court
 S.C. State Attorney General

Mr. Alan Wilson

Mr. Leah Moody, Esq

files

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302
DATE 2/3 2014

Kenneth Hilton

Applicant

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CONSOLIDATED AFFIDAVIT & WAIVER TO DISMISS COURT APPOINTED ATTORNEY
TO BE HEARD IN CHAMBERS, SCRPC Rule 77 (b)

Waiver of Right for Dismissal of PCR Counsel sworn affidavit in support submitted in good faith.

I Kenneth L. Hilton, Applicant in above cited action does hereby state under the penalty of perjury that I make this waiver, to dismiss my Court appointed Attorney, with the full understanding of the dangers of self-representation and the consequences of proceeding Pro Se.

Although, I had some mental problems dealing with the alleged issues of my offense, and pursuant to my Trial Waiver, Then Court Room Experience dismissing the Motion to Dismiss Trial Counsel, before the Honorable Judge Hayes. I know now what a Waiver consist of .

I further hereby state that I full understand my claims & issues that I intend to raise. Believe me I have been studding every day since Trial. I have the ability to prepare & represent my own claims before the Honorable Court.

WHEREFORE, Applicant request the Honorable Court to dismiss my Court Appointed Attorney, and allow him to proceed Pro Se in the above action.

IT IS SO ORDERED ON THIS _____ DAY OF _____ 2014. Applicant's Waiver is hereby accepted, PCR Counsel Mr. Leah Moody esq is hereby dismissed. It is further ordered that PCR Counsel return all Trial Records and Documents to Applicant.

Sworn to and subscribed before me this 3rd day of Feb., 2014

Kenneth Hilton
Respectfully

Kenneth Hilton

In Court of Common Pleas

Notary Public

My Commission Expires
March 5, 2018

Presiding Judge

7th Judicial Circuit

Caffney S.C.

Commission Expires

Kenneth Hilton

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 FEB 7 AM 9 01
BRANDY W. HOBBEE

DATE 2/3 2014

Kenneth Hilton

Applicant

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CONSOLIDATED NOTICE AND MOTION TO DISMISS IMPROPER COURT APPOINTED PCR ATTORNEY FOR ABOVE CITED ACTION, MR. LEAH MOODY, ESQ.

MOTION TO BE HEARD IN CHAMBERS, SCRPC RULE 77 (b).

NOTICE IS FURTHER GIVEN THAT TO FILE A COMPLAINT, OR MOTION TO DISMISS COUNSEL, DOES NOT REQUIRE COUNSEL'S SIGNATURE OF APPROVAL.

FACTS

1 Upon Applicant's attempt to file a Pro Se Amendment to his original PCR Application, the Gaffney County Clerk of Court denied Applicant access to the Court, by Negligent Conduct, that said violations took place during Public Duty Work hours.

2. Instead, Clerk of Court prematurely, inappropriately appointed an Attorney in violation of SCRPC Rule 71.1 (d) which (provides in relevant part.....Appointment of counsel, after the Respondents have made their return, if there is a material issue requiring a hearing).

3. Clerk fail to obtain the Administrative Judge's signature of approval. Therefore, PCR Counsel has not properly appointed to applicant's Action. See Appendix (A) incorporated hereof. Form Lacks Judge's Approval.

NOTE: (If Clerk could appoint attorneys without the Administrative Judge's approval, then SCRPC Rule 11 would be unnecessary).

4. Applicant further asserts that PCR Court Appointed Counsel's "Lack of Performance, acts & omissions has contributed to an unnecessary delay causing needless Anxiety, resulting in Lack of Confidence and trustworthiness, See Professional Code of Conduct 407 Rule 1.3

5. Wherefore Applicant hereby Motions the Honorable Court to dismiss PCR Counsel, Mr Leah Moody esq.

Sworn affidavit & Waiver hereby submitted in good faith, and Hereby states that he understands there is no Constitutional Right to PCR Court appointed, Counsel and actual Burden of Proof is his, not the PCR Attorney, SCRPC Rule 71.1 (e).

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302
DATE 2/3 2014

FILED IN CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 FEB 9 9 00 AM
BRYAN W. MCBEES
LOCKED IN ERROR

Kenneth Hilton

Applicant

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CONSOLIDATED AFFIDAVIT & WAIVER TO DISMISS COURT APPOINTED ATTORNEY
TO BE HEARD IN CHAMBERS, SCRPC Rule 77 (b)

Waiver of Right for Dismissal of PCR Counsel sworn affidavit in support submitted in good faith.

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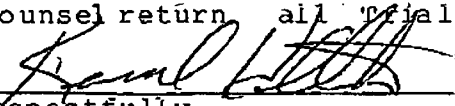
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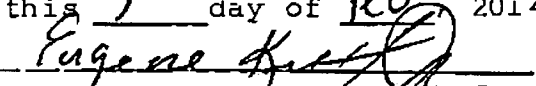
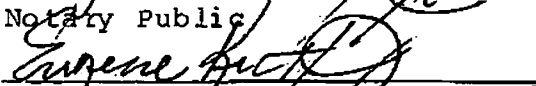
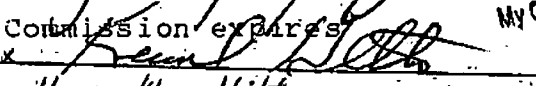
I further hereby state that I full understand my claims & issues that I intend to raise. Believe me I have been studding every day since Trial. I have the ability to prepare & represent my own claims before the Honorable Court.

WHEREFORE, Applicant request the Honorable Court to dismiss my Court Appointed Attorney, and allow him to proceed Pro Se in the above action.

IT IS SO ORDERED ON THIS ____ DAY OF ____ 2014. Applicant's Waiver is hereby accepted, PCR Counsel Mr. Leah Moody esq is hereby dismissed. It is further ordered that PCR Counsel return all Trial Records and Documents to Applicant.

Sworn to and subscribed before me
this 3 day of Feb 2014


Respectfully


Notary Public

Commission Expires

Kenneth Hilton

In Court of Common Pleas

Presiding Judge
7th Judicial Circuit
Caffney S.C.

My Commission Expires April 4, 2019

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

IN THE COURT OF (Select one.)

COMMON PLEAS FAMILY COURT
7th JUDICIAL CIRCUIT

Kenneth L. Hilton,
Plaintiff(s),
-vs-

CASE NO.: 2013-CP-11-302
APPOINTMENT OF COUNSEL OR GAL
(Select one.)

State of South Carolina,
Defendant(s).

ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- SVP case
- Minor Name Change
- Adoption
- Custody and/or Visitation
- Other:
- Juvenile
- Abuse and Neglect

It appears that the above plaintiff, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on: _____
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained _____, Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other:

Therefore, it is ordered that Leah Moody, hereby is appointed as (Select one.)
 counsel lead counsel (if capital PCR case) guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that _____, Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED THIS 10th DAY OF June, 2013.

Bandy W. McBe

Circuit Judge Clerk of Court

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

Mr Leah Moody, esq
235 E. Main St.
P.O. Box 1015
Rock Hill, S.C. 29731

SCCA/267 (03/07)

APPENDIX (A)

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE
7th. JUDICIAL CIRCUIT
CASE NO. 2013-CP-11-302

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 FEB 7 AM 9 00
BRANDY W. HOBBE

DATE 2/3, 2014

Kenneth Hilton

Applicant

-VS-

STATE OF SOUTH CAROLINA

RESPONDENTS

CERTIFICATE OF SERVICE

I Kenneth Hilton Applicant in above cited action, does hereby state under the penalty of perjury that I have personally served upon below a true copy of Notice & Motion to dismiss Court Appointed Attorney of above cited action.

Included sworn intelligent waiver, and proposed order of dismissal of court appointed Counsel. by placing the same in the United Postal service at the Broad River Corrections institutional mail; Postage Prepaid; SCRCF Rule (5); Original to Court.

Respectfully submitted

[Handwritten Signature]
Kenneth Hilton

cc: Mr Leah Moody esq
State Att. General's Office,

Ms Suzanne White esq
files

Sworn to and subscribed
before me 3 this Feb day 2014

[Handwritten Signature]
Notary Public

My Commission Expires April 4, 2018

Court

My Commission expires

COPY

SOUTH CAROLINA DEPT. OF CORRECTIONS
KENNETH L. HILTON, # 354034
WATEREE UNIT 162
4460 BROAD RIVER ROAD
COLUMBIA S.C. 29210

2/3/14

Mr. Leah Moody, Esq.

Sir, Please find enclosed true copies of the original, Motion to have you relieved as my Counsel, Please understand that the true Burden is on me to establish the proof of my entitlements, SCRCF Rule 77.1 (e), not the attorney. Also, inmates have no Constitutional Right to PCR, Attorneys, thus it's not a claim for relief.

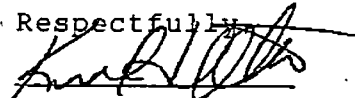
Therefore, I have the ability to present my own claims, and this is what I want; So please don't take it personal, and thank you for the assistant.

Please be advise I do not require your approval to file a complaint or Motion to have you relieved; Also, Please do not file any Legal actions into my Case; pending the Administrative Judge's Ruling on the Proposed Order of Dismissal.

Oh Yes, Please return the legal Photographs and Documents I sent you.

Thanking you again for our understanding my position.

Respectfully,



Kenneth Hilton.

CC: Ms White, S.C. State Att. General's Office
Honorable Brandy McBee
files.

APPENDIX B-1
B-1

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE.

7th. JUDICIAL CIRCUIT

NON JURY DOCKET

TO BE HEARD IN CHAMBERS, SCRPC Rule 77 (b).

DATE 2/3 2014

HILTON -VS- STATE OF SOUTH CAROLINA
C/A No. 2013-CP-11-302

Honorable Brandy McBee, Clerk

SUBJECT: Motion to Dismiss Court appointed Attorney, in above action.
Mr. Leah Moody, esq.

Dear Ms McBee:

Please find enclosed for filing and processing the originals.
Please bring this matter to the attention of the Honorable Presiding
Judge!

CONSOLIDATED, NOTICE & MOTIONS

- 1. Motion to Dismiss above cited Court Appointed Attorney!
- 2. Pro Se Waiver & Sworn affidavit, [With] Proposed Order of Dismissal
- 3. Certificate of Service, SCRPC Rule (5)!

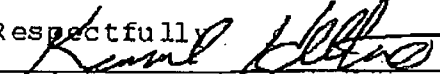
NOTICE

Respectfully, Ms McBee, be advised that I do not accuse you of any willful wrong doing; However, intentional or not I have a Constitutional 1st. Amendment Right to access of Court, after all it's I who has the burden of establishing my entitlements to the Relief I seek, Not the Attorney, SCRPC Rule 77 (e).

Wherefore, I request in good faith the Mr. Moody be relieved as Attorney.

Oh Yes, I thank you for assisting my Mother in obtaining my Trial Transcripts! Which reminds me, is Mr. Watts the same Reporter who would have Transcripts of the Motion I had heard before the Honorable Judge Hayes, to dismiss Mr. Thompson?

Thank you again for your assistant; and be assured I have no Animosity toward any parties involved in my offense.

Respectfully

Kenneth Hilton

Appendix B-2

Law Office of Leah B. Moody, LLC

235 East Main Street
Post Office Box 1015
Rock Hill, South Carolina 29731
LBMatty@comporium.net

Phone: (803) 327-4192

Fax: (803) 329-1344

February 20, 2014

Kenneth L. Hilton, #354034
Broad River Correctional Institution
4460 Broad River Road
Columbia, South Carolina 29210

RE: Kenneth L. Hilton v. State of South Carolina
C.A. No.: 2013-CP-11-302

Dear Mr. Hilton:

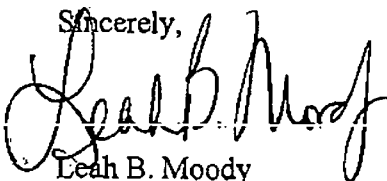
I am in receipt of your letter dated February 3, 2014 and will address your concerns in the order as presented in that letter.

I will not object to your filing your motion. You have written me four letters dated (1) June 17, 2013; (2) July 1, 2013; (3) December 12, 2013; and (4) dated February 3, 2014. I received your letters, researched any questions you presented in those letters, and responded to you. As to delay, I do not set your hearing date. The Attorney General controls the docket. I have been working on your file and your case has not been docketed.

When I have received documents, you are sent those documents. With that being said, please find enclosed a copy of the documents I received from the Attorney General's Office (bate stamped LBM2014AG0001 through LBM2014AG0040) regarding your case with my office. Also, please find enclosed your documents you sent to me on July 1, 2013.

Please be advised that as of today's date, I will not be working on your file except as necessary. If you have any questions or concerns, please feel free to contact my office in writing. Please be advised that I do not accept collect calls. Thank you.

Sincerely,



Leah B. Moody

LBM/res

Enclosures

APPENDIX C

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF CHEROKEE) IN THE COMMON PLEAS COURT
 3
 4 Kenneth L. Hilton,)
 5 Applicant,) TRANSCRIPT OF RECORD
 6 -vs-) 2013-CP-11-0302
 7 The State.) April 10, 2014
) Spartanburg, South Carolina

8
9

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE

12
13

14 A P P E A R A N C E S:

15 LEAH B. MOODY, ESQUIRE
16 Attorney for the Applicant

17 SUZANNE H. WHITE, ESQUIRE
18 Attorney for the State

19
20

21 Linda D. Moffitt
22 Circuit Court Reporter

23
24

25

INDEX

- 1
- 2 Motion -- page 3.
- 3 No sworn testimony; no exhibits entered into evidence.
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
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1 MS. WHITE: Your Honor, we're before you today on
2 Kenneth Hilton vs. the State. It's case
3 No. 2013-CP-11-302.

4 Mr. Hilton has filed a motion to relieve counsel, and
5 therefore I will turn it over -- he's currently represented
6 by Ms. Leah Moody. And I will turn it over to her and
7 Mr. Hilton at this time.

8 THE COURT: Ms. Moody.

9 MS. MOODY: Thank you, Your Honor. May it please the
10 Court.

11 This is Mr. Hilton as stated. He's filed his motion.
12 I believe he filed a motion with the Court, and he filed
13 it -- I'm not sure. I cannot speak exactly on his behalf
14 as to whether he understood he couldn't file pro se
15 motions.

16 My office has communicated with him since May 1st, of
17 being appointed as his counsel May 1st of 2013. We have
18 sent him all documents that we had in our possession, as
19 well as the documents that were requested from his previous
20 attorney, Don Thompson.

21 We sent Mr. Thompson a second letter requesting a copy
22 of his file based on the fact that he had alleged
23 ineffective assistance of counsel which meant he waived all
24 attorney-client privilege based on The State vs. Binney
25 case. So we sent that out to Mr. Thompson on

1 December 23rd of 2013 requesting a copy of his file.

2 we also sent the client a copy of that letter letting
3 him know that I did not have any documents from his prior
4 attorney, nor did I have his transcript.

5 He's written back and forth with me regarding -- and I
6 received his motion to relieve me as counsel. In part of
7 his motion he moved that -- I guess he found that the clerk
8 of court had appointed me prematurely to his case.

9 He indicated to me through a letter that he did not
10 want me to do any more work on his case on his behalf.
11 However since I'd already undertaken representation
12 according to the court order I did send him all documents
13 that I received, which was February 4th of 2014.

14 And on February 20th we received a transcript and some
15 other documents from the attorney general's office. And we
16 sent him notice that we would be here before the Court
17 today's date on March 17th.

18 we scheduled a conference call with him based on the
19 documents that he presented to me and all of those letters
20 where he indicated that he did not want me to represent
21 him.

22 He waited for the phone conference. He got on the
23 phone and identified that he was Mr. Hilton. And at that
24 point he hung up on me and told me he did not want to
25 talk -- well, told me he didn't want to talk to me, and

1 then he hung up on me.

2 So I did not have opportunity to talk to him further
3 as to this motion to be relieved, but I did not object to
4 him representing himself pro se. However, I needed to come
5 before the Court to discuss this matter.

6 At this time, Your Honor, we take -- we have no
7 problem with not being his counsel. He tells me that he
8 wishes to be able to proceed on his own. He already had a
9 transcript that his family ordered and purchased on his
10 behalf, and that he wants to be able to file his motions
11 pro se. And with that, I'll turn it over to Mr. Hilton.

12 THE COURT: All right. You're Kenneth L. Hilton.

13 THE APPLICANT: Yes, I am, yes, sir.

14 THE COURT: All right. Mr. Hilton, you have asked for
15 your lawyer to be relieved from any further obligation to
16 represent you.

17 THE APPLICANT: Yes, sir, I certainly have.

18 THE COURT: Do you understand under the law you have a
19 right to have court-appointed counsel to assist you in a
20 post conviction action relief.

21 THE APPLICANT: Yes, sir.

22 THE COURT: But you don't have to have one if you
23 don't one want.

24 THE APPLICANT: Yes, sir.

25 THE WITNESS: You don't want Ms. Moody to represent

1 you?

2 THE APPLICANT: No, sir. I'd like to do this myself,
3 sir.

4 THE COURT: You're going to represent yourself?

5 THE APPLICANT: Yes, sir.

6 THE COURT: Do you understand if I relieve her today
7 you won't be able to ask me later to give you another
8 lawyer.

9 THE APPLICANT: I know. I understand that, sir.

10 THE COURT: You're representing yourself.

11 THE APPLICANT: Yes, sir.

12 THE WITNESS: All right. Motion to relieved is
13 granted.

14 MS. MOODY: Thank you, Your Honor.

15 MS. WHITE: Thank you, Your Honor.

16 THE APPLICANT: Your Honor, is it possible my -- my --
17 my amendment or my -- my claims and issues have not yet
18 been filed. Is it possible to get a continuance for --
19 this is for the attorney general and this is for the Court
20 and there's jurisdictional issues -- and file them in the
21 clerk of court? I mean, file them in the court today.

22 THE COURT: You want to file? You've got some
23 documents you want to file?

24 THE APPLICANT: I want to file. I want these filed,
25 yes, sir.

1 THE COURT: Okay. well, sure. Hand those to the
2 deputy right there. Excuse me. Hand those to the bailiff.

3 THE APPLICANT: There is a service. There is a
4 service on the inside.

5 THE COURT: You want to serve -- you want to serve
6 Ms. White with it?

7 THE APPLICANT: On the inside of the envelopes there
8 is a service certificate, on the inside of each of those
9 envelopes, that I would like to get stamped or taken out of
10 the inside. There's a service certificate on the inside on
11 it. I would like to have a copy of that for my own
12 records, please.

13 THE COURT: Is there a copy of these documents in this
14 envelope?

15 THE APPLICANT: I've got my copies but --

16 THE COURT: well, do you want them clocked by the
17 clerk?

18 THE APPLICANT: All that -- all I need is that
19 certificate service, that service of certificate, a copy of
20 that, sir, for my record that I did -- I did give you a
21 copy of these and the pleadings, and the attorney general a
22 copy.

23 THE COURT: well, they'll file it and you can get a
24 copy back.

25 THE APPLICANT: That's fine.

1 THE COURT: But is there a copy of the document
2 besides the certificate of service? This is your
3 application for post conviction relief. Do you want a
4 clocked copy back, or are you satisfied with the copy you
5 have?

6 THE APPLICANT: I'm satisfied with the one I've got,
7 but, yeah, if you can give me a copy of it.

8 THE COURT: well, if you give me a copy I'll have it
9 clocked.

10 MS. WHITE: Your Honor, this a Cherokee County case
11 too.

12 THE COURT: Oh, I'm sorry. It's got to be filed in
13 Cherokee. I can't help you today with that, Mr. Hilton. I
14 forgot. This is a Cherokee case.

15 Now, you can serve the attorney general.

16 THE APPLICANT: Hold on just -- excuse me, sir. I'd
17 like to show you something if I may. Please let me show
18 you something.

19 THE COURT: Tell me what it is first.

20 THE APPLICANT: I wrote to Ms. Brandy McBee.

21 THE COURT: All right.

22 THE APPLICANT: And I tried to -- I tried to send this
23 to her.

24 THE COURT: She wouldn't take it --

25 THE APPLICANT: And --

1 THE COURT: -- because you had a lawyer?

2 THE APPLICANT: No. I didn't have no lawyer at this
3 time here and she --

4 THE COURT: Okay. Well, don't worry about that. You
5 keep that, and you file it. Now, you're going to be
6 representing yourself. She'll accept those things now.
7 She didn't accept them before likely because Ms. Moody was
8 representing you. You can't file things if you have a
9 lawyer. But now that you don't you can file it. She'll
10 take them now.

11 THE APPLICANT: So send all of it back.

12 THE COURT: Right. She'll take them now.

13 THE APPLICANT: I would have to send it all back to
14 Cherokee County.

15 THE COURT: To the clerk of court, that's right.

16 THE APPLICANT: Okay. And do I have the state served
17 and the attorney general served?

18 THE COURT: Well, you don't have the state served.
19 This is going to have to be filed in Cherokee County, but
20 you do have the attorney general served because she's here
21 and she's the one that's going to be handling it over
22 there.

23 THE APPLICANT: Okay.

24 THE COURT: Do you need -- do you need to sign
25 something? Do he have something there for you to sign?

1 MS. WHITE: It's a certificate. I don't think it's
2 for me to sign. I think it just states that I was
3 personally served.
4 THE COURT: All right. Well, she has it. So she --
5 you'll have to file the other original in Cherokee.
6 THE APPLICANT: Back to Cherokee County, correct?
7 THE COURT: Right.
8 THE APPLICANT: Thank you so very much.
9 THE COURT: Okay.
10 END OF REQUESTED TRANSCRIPT OF RECORD
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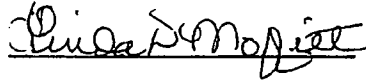
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Cherokee County, South Carolina, on the 10th day of April 2014.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 16, 2014



Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF CHEROKEE)

Kenneth Hilton, #354034,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2013-CP-11-030

ORDER RELIEVING COUNSEL

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
JUL 22 AM 11:11
BRANDEN W. MCBEE

This matter comes before the Court by way of an application for post conviction relief. An evidentiary hearing was convened on April 10, 2014, at the Spartanburg County Courthouse. Applicant was present and represented by Leah B. Moody, Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office represented Respondent. The Applicant requested to relieve counsel and proceed *pro se*. The Respondent took no position on the motion. This Court granted the motion and instructed Applicant that if he chose to relieve his appointed counsel in this matter, the Court **would not** appoint further counsel and Applicant will be required to proceed *pro se* in this matter.

IT IS THEREFORE ORDERED:

1. That this post-conviction relief matter shall be continued until the next appropriate post-conviction relief term of court for the Seventh Circuit;
2. Ms. Leah B. Moody is relieved from the representation of the Applicant and there will be no other appointed attorney;
3. The Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED this 18 day of July, 2014.



J. Derham Cole
Presiding Judge

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 24 2016

SC SUPREME COURT

Appeal from Cherokee
The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2015-002140

KENNETH HILTON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Supplemental Appendix has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Robert M. Pachak, Esquire
SC Commission of Indigent Defense
Appellate Defense
Post Office Box 11589
Columbia, SC 29211

This 24th day of June, 2016



ASHLEY HAWORTH
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

JUN 24 2016

SC SUPREME COURT

June 24, 2016

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

RE: Kenneth Hilton v. State of South Carolina
Appellate Case No.: 2015-002140

Dear Mr. Shearouse:

Enclosed for filing are the original and one bound copy of the **Supplemental Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

Alicia A. Olive
Assistant Attorney General
SC Bar No. 102089

AAO/ah
Enclosures

cc: Robert M. Pachak, Esquire