

IN The Supreme Court of South Carolina

Kevin C. Casey 349715, Pro se, Petitioner

RECEIVED

AUG 15 2016

-VS-

Alan Wilson - ~~Attorney~~ Atty General for South Carolina, Respondents

Spartanburg, County South Carolina

Term June 12, 2015

Honorable Judge R. Scott Sprouse

Docket No: 2012-CP-42-4389 PCR

Pro se Files His Intent to Appeal of denial
Order of July 17, 2015 Received July 28, 2016
One year 11 days later By Rule 203 SCACR
and 71(g) SCRCP and 243

Respondents;

Petitioner

MS. Alicia A. Olive
Assist. Atty General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3970

Pro se; Kevin C. Casey 349715
Perry Correctional Institution
Q1A - Rm 26
430 Oaklawn Rd
Pelzer, SC. 29669
Pages 26 Aug 5, 2016

INDEX

Pages

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INDEX;

Statement of History of Cases, 1

1-3.

Prose issues for Appeal are 1

1-3

Supplemental Amend to PCR 2012-CP-42-4389
of 18 pages Attached; hereto;

18

Motion for appointed Appellant's Defense; of 2
pages Attached; hereto;

2

Conclusion;

3.

Certificate of Services

4

Clerks letters; for all

3-4

I 1

Statement of History of Cases

① Prose was indicted No; ~~10-106~~ 2011-GS-4206361 and 6362 and 6363 at Spartanburg S.C. on date Nov 22, 2011 and went to trial 2-14-12, and heard by Judge J. Mark Hayes, II and filed appeal on unknown and ~~Prose~~ trial lawyer was Richard Warden Esq. and denied? on ? unknown if Warden, Filed direct appeal, Prose wanted Filed

② Prose filed PCR 2012-CP-42-4389 on Oct 18, 2012 and hearing held on June 12, 2015 and Prose had to represent himself reason (Forced to, ONCE Atty removed) and State represented by Atty General assistant Suzanne White and PCR Judge was R. Scott Sprouse whom denied PCR on 7-17-2015, received order July 28, 2016 after waiting 1 year 11 days for order, and Counsel was removed by honorable Judge Roger L. Couch on Nov 24, 2014 and Judge refuse to appoint Prose another Counsel I ask on 11-16-15, and before PCR hearing June 12, 2015 refused several times. --

(Prose's issues For Appeal are);

- ① Did said (victims set accident in motion) there by Prose committed no crimes; Counsel failed to raise nor advise Prose of defense;
- ② and Jeopardy violation and forced to plea guilty by State ~~Added~~ 2-Charges of reckless Homicide which had to be removed, by Prose Cause Not be Charged with same death, but Counsel Warden was ineffective Assist and never advised Prose; ③ and Prose got the max 25 years, 25 years, 15 years gain nothing

by pleading guilty, after saving state Jury trial, Prose was entitled to
 1/3 of 25 years equal to 8 years 4 months; ⁽⁴⁾ if at all; and (Pleas-3)
 not knowingly and Voluntarily given, by Warder; Ineffective assistance
 misled Prose Prose would have been better off taking Jury trial
 he would have gotten the same or less; ⁽⁵⁾ and PCR - Judge
Sprouse Forced Prose to Proceed Prose all though I Filed
 and ask over three times; for new Counsel could he do it
 (6) And was Prose entitled to with-draw his three guilty Pleas
 12:13 A.M.
 (7) and could 3 victims be on the road with Dirt Bike without
 Insurance, helmets and 3 on one Bike motorcycle and drunk
 and no lights working on on it; missing because its a dirt
 Bike for off road travels; Nor Highways; ⁽⁸⁾ and could victim
 Mr. ~~Mills~~ Mills, be driving whom was 20 years old but ~~acted~~
acted
to be 12 years old was he mental incompetent? by his mother's
Statement; Did he have motorcycle license? ⁽⁹⁾ and why would
 Mr. Simmons Swith himself not driving to Mr. Mills was
 driving. Once he and family of victims Lawyered up for
 Insurance purpose and to stop his arrest to; ⁽¹⁰⁾ and was
 all 3-victims drunk or drinking, by Simmons and others
 medical reports making them cause accident; ⁽¹¹⁾ and was
 the three indictments properly grand Juried by Just (2 mark
 For Farmer signature was it forged by solicitor as thousands
 were in Greenville, Spartanburg every 20 seconds Greenville
 news reported Aug, 2003 by motor stamp machines; ⁽¹²⁾ and was
 PCR-order a Sham one and did Judge Sprouse error by
 issuing it and not granting Prose's netifs; ⁽¹³⁾ and did PCR
 Judge error not raising victims caused accident.

- there by, he had no Jurisdiction ~~over~~ ^{over} Prose, and Fail to dismiss Charges, by there were 2 possible verdicts (Innocence or both parties Victims and Prose equally to blame?) and did Judge Hayes void all 3-Sentences by him running all concurrent to each other, by his Sign 3-orders and what he ruled at 2-14-15 trial and does that required Prose to be released are at the least a new trial?
- (15) And was Counsel warden- ineffective assistance of Counsel on Prose behalf by 6th Amendment. Strickland, Standard? (16) See the Suppl- Amendment of 18 pages Prose Filed once he discovered he could raise (Victims Set accident in motion) there by Prose did not Commit crime and were Prose and 3 Victims were equal the cause of it? Filed Aug 5 2016 For Appellate Defense to brief on Prose will.
- (17) See motion for appellate Defense to be appointed of 2 pages Prose served them to Shearouse, and Clerk Blackley and Attorney General Alica A. Olive each a copy.

Conclusion

- (18) Prose Prays Court will grant appeal in emergency proceedings and give Counsels

Dated Aug 5 2016,

Respectfully Submitted,
x Kevin C. Casey

"Certificate of Services"

(19) Prose certifies he served Alicia A. Olive Atty Gen at P.O. Box 11549 Columbia SC. 29211 on Aug ~~9~~ 2016 one copy of Intent to appeal of 26 pages; and Clerk of Court M. Hope Blackly at P.O. Box 3483 Spartanburg, SC. 29304 and Appellate Defense at P.O. Box 11589 _____ Columbia S.C. 29211 and Clerk D.E. Shearouse at S.C. Supreme Ct. P.O. Box 11330, Columbia, S.C. 29211 each a copy. By Ms. Merchant Mail Director by U.S. Mail Index agency, From address below, sworn under penalty of perjury as true and correct best of my knowledge. Respectfully Submitted Sincerely Kevin C. Casey

Dated Aug ~~5~~, 2016, (4-22) ~~Kevin C. Casey~~

Perry Correctional Institution / Q1A Rm 216 / 430 Oaklawn Rd / Pelzer, SC 29669

Sworn before me this Date on; (4-22) ~~9th of August, 2016~~

Pro se
Aug 9 2016
~~Kevin C. Casey~~ ✓

Notary Public For South Carolina;
~~Nancy E. Merchant~~

Perry Correctional Inst. Q1A Rm 216
430 Oaklawn Rd.
Pelzer, S.C. 29669

my commission expires;
1-23-2023

*Dear Clerk Shearouse, and Clerk Blackly and Alicia A. Olive Atty General and Appellate Defense Aug ~~5~~ 2016

4-4 Please File my Intent to Appeal of 26 pgs Thanks
~~Kevin C. Casey (4-22)~~ 4-4 sincerely # 349715

6.
4
230

STATE OF: So. Carolina.
COUNTY OF: Spartanburg, S.C.

Kevin C. Casey, #349715
(Pro Se - Petitioner);
vs. —

STATE OF: So. Carolina; Atty Gen. Alan Wilson
(Defendants)

C/A No: 12-CP-42-4389 —
Supplemental Amend to PCR
Motion to set Aside 7-17-2015
Sham Order gotten 7-28-2016
and seeks to withdraw his
3-Guilty pleas by (Victims set
Accident in Motion).

- 1) - Pro Se replies to Ms. Olive - Asst. Atty. Gen. to Judge R.S. Sprouse
7/17/15 order gotten 7/28/16 and Supplemental Amend his PCR
to set aside Judgement by it's a sham one, and seek to raise Pro Se
is held illegally under said 3 Victims (Set ~~Accident~~ Accident in Motion)
by being drunk, and on road on dirt bike - motorcycle with No lights
on at 12:13 A.M., no Insurance to be on highway (road), no helmet
on, (too many persons on dirt bike, over loaded, which will cause front
wheel not to be properly down on road and hard to controls and would
weaves); AND
- 2) - Pro Se seeks by Supple. - Amend. to (Withdraw his 3-guilty pleas of
Feb. 14, 2012) by (said 3-Victims set Accident in Motion), there by, their
no crimes committed by Pro Se, and at trial Mr. Simmons, switched himself
as not the driver of the dirt bike, Trial Transcript page 22 Ls. 1-25,
to Mr. Mills, whom his mother said was (20 yrs. old, but acted like,
probably like, "a 12 year-old"); Shouldn't have been driving, See trial Trans -
pages 17 Ls. 22-25 and page 18 Ls. 1-5; AND
- 3) - But even if he wasn't, and Simmons was driving, he was drunk also,
See Exhibits pages 6-18 below; put up at PCR hearing 6-12-15,
as proof; and he Simmons, and family's had lawyered up for Insurance,
liable - Whoms driving?; and Plus 3-persons were not walking to be legally
on the road, but drinking and driving to set accident in Motion on
(dirt bike); see; Fraiser, 306 S.C. 158, 410 S.E. 2d 572 (1991) there's no
crimes committed if victims set acts in Motion no matter what the Nature
of acts, (When caused by response - to a set of circumstances already set
in Motion by Nature or by human agency); see; Eg. The William Gray -
29 F. Cas. 1300 C.C. N.Y. 1810) Master of Ship was exonerated of Charges
of entering an embargoed port when he did so to seek shelter from A Storm
(threatening his ship); See; Sullivan 345 S.C. 169, 547 S.E. 2d 183 (2001)
a defendant charged with unlawful possession of pistol by a person under
age 21, was entitled to (instruction - or - defense,) on the defense of Necessity,
when it appeared that he may have been using the gun in self-defense);
also see; Kidnapping 69 A.L.R. 4th 1005 (1989); See Colo, 403 S.E. 2d 117-
119 (S.C. 1991), Qt. Robinson 363 S.E. 2d 104 (S.C. 1987) Act already set in Motion
there no crime by Def.); See; Russell 411 N.S. 423 (1973) He reaffirm the
principle laid down in Sorrells and Sherman, the def must prove he was induced
to comitt the Act for which he is being prosecuted, Qt.; see;

See; Babb, 125 S.F. 2d 467 (1962), Cert. denied, 375 U.S. 979 (1964) (Emphasis added); see; Twiggs, 588 F. 2d 373 (3rd Cir. 1987) We hold the due process clause is found to be violated by egregious Gov. are any ones behavior, by causing a crime to happen, by their Actions set in Motion (then there's no crime committed by Def.).

4. - Pro Se states, he saved the STATE the Costs of a Jury trial and was entitled to 1/3 sentence, but was given the Max on all 3-Indicts, 25 yrs.; 25 yrs.; and 15 yrs.; and Judge Hayes II, also ran all sentences into each other Concurrent, which left none Active. (NO sentences exist), See Trial Trans. pages 32 Ls. 14 - 25 and page 33 Ls. 1-17,; but see sentencing sheet orders as proof Hayes dated 2-14-12, all 3 are Concurrent Sentences, and since there's no active sentences, Pro Se seeks to with draw his 3 guilty pleas again,; and so he can go to Jury Trial if need be,; And

5. - Pro Se also states Judge Hayes, II, never actually let him enter these 3 Guilty pleas 2-14-12, Pro Se just got to say (Yes Sir.). See Full trial transcript pages 1-34 as proof,;

6. - And the Indictments 11-6361(A) and 6362(A) violated Jeopardy Clause and were used to force him to plead guilty, to remove 2-counts of reckless homicide, see Trial Trans. page 4 Ls. 12-25,

which had to be removed, because one can't be charged with death of same person by 5th Amend.; and since all charges flawed from same acts, only one could be used to sentence Pro Se and that would have been 25 yrs.; 1/3 of that 8 yrs., 4-mos. for saving STATE Jury trial, which Pro Se would have been better off taking a jury trial, but Counsel Warden, was Ineff, Assist. on above and gave wrong Advice, and the ? grand jury person signature isn't readable and not illegal (just 2 marks), IF he or she even saw Indicts. ? They could be forged ? by Solicitors as in 2003 110005 were. See; Dutton 654 S. Ed. 2d 870, 874 (Ct. App. 2007)

Ot, Blackledge, 431 U.S. 63 (1977). (Admission made during A guilty plea should be considered conclusive unless (Pro Se) present valid reasons why he should be allowed to depart from the truth of his statements, citing Crawford, 519 F. 2d 347 (4th Cir. 1975); Edmonds, 546 F. 2d 566 (4th Cir. 1976) Pro Se has a right to with draw their guilty plea when Induced by Solicitor or Counsel (Ineff. assist.)).;

7). - And Court Judge Sprouse, Order, Quating Pro Se not credible, when Pro Se did prove right to reliefs he sought and court errored.

See; Pelzer, 662 S.E. 2d 618 (S.C. App. 2008) also Leaman, 611 S.E. 2d - 494 (S.C. 2005) When court consider state motion to dismiss PCR, it must assume facts presented by Pro Se are true and review them in the light most favorable to Pro Se

See; Gardner, 636 S.E. 2d 860 (S.C. 2006) PCR-orders must cover all issues; see; Andrades, 169 F. 3d 131 (2d Cir. 1999)

despite addressing def. in Open Court of Charges, plea invalid where only response elicited from defendant was "yes-sir"

See; Edwards, 175 S.E. 2d 224 (S.C. 1970) Pro Se has meritorious defense for reopening Judgt. C.C. code 15-13-240 (6) and (7)

See; Miller 55 S.E. 310 (S.C. 1906) Limitation doesn't apply to A specific performance sought from court or party

See; Green 26 S.E. 224 (S.C. 1897) Pro Se may obtain any relief appropriate on the pleadings without regards to form of prayers, 15-13-220 (10)

See; Rochester, 169 S.E. 2d 387 (S.C. 1969) 15-27-130 (15) Motion to reopen and vacate and set aside Judgt. by Order Contrated by error of law or facts, without or legal evidentiary support, are unsupported facts, and to premate Justice;

See; Creech, 441 S.E. 2d 635 (Ct. App. 1993) Evidence of Both Innocence and Guilty, Pro Se can't be convicted

Put 3
with sec

⑧ Prose has shown good cause to reopen PCR and its order by Above facts and still seeks appointed Counsel to argue them So Prose will have fair proceedings and issues will be saved for any appeals ~~or~~ or Federal Habeas reviews: and Prose prays Court will grant relief in speedy manner within 20 days or less .S.C. Code 15-27-390 and 420 motion to modify or vacate a provisional remedy have preferred over all other motions and Prose just discovered these issues could be raised 8-1-2016 from another inmate and do so now to gain his freedom.

Dated Aug 5 2016

Respectfully Submitted #
Kevin C. Casey # 349715
Kevin C. Casey

Perry Correctional Institution / Q1A Rm 216 / 430 Oaklawn Rd / Pelzer, SC 29666

"Certificate of Services"

Pro se Certifies he served Alicia A. Olive assistant Attorney General at P.O. Box 11549, Columbia S.C. 29211 one copy of motion to ~~reopen~~ reopen of 26 pages on Aug 9 2016 and Clerk M. Hope Blackley at Spartanburg Clerk of Court ~~3483~~ P.O. Box 3483 Spartanburg S.C. 29304 From address below and sworn to under penalty of perjury as true by ms. Merchant Mail Director of Perry Correctional Institution - amend PCR 2012-CP-42-4389 Respectfully Submitted

Date Aug 5, 2016, X Kevin C. Casey

Perry Correctional Institution - Q1A Rm 216 - ⁴³⁰ Oaklawn Rd / Pelzer, SC. 29669

9-22

Sworn before me this date on the 9th day of August, 2016
Notary for South Carolina
X Nancy C. Merchant
My commission expires
X 1-23-2023

Pro se
Aug 9 2016
X Kevin C. Casey 349715
Perry Correctional Inst. / Q1A Rm 216
430 Oaklawn Rd.
Pelzer, SC 29669

* Dear Clerk Blackley and Alicia A. Olive assistant atty. General
Aug 5, 2016 C/A 2012-CP-42-4389

1. Please file my Pro se Suppl - Amend motion to reopen PCR Order of 26 pages and place before and reserve Ms. Alicia Olive
Thanks and acknowledge and send me a filed copy stamped Court Seal and "God Bless!" Sincerely:

6-6

(9-22)

5

X Kevin C. Casey #349715
Kevin C. Casey

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

Computer

COUNTY OF SPARTANBURG
 STATE VS.
Kevin Charles Casey
 AKA:
 Race: BLACK Sex: M Age: 39
 DOB: 02-01-1972 SS#:
 Address: E. Jr High Road
 City, State, Zip: Gaffney, SC 29340-0000
 DL#: 003938428 SID#:

INDICTMENT/CASE#: 2011GS4206361
 A/W#: F281027
 Date of Offense: 10/15/2011
 S.C. Code §: 56-05-2945(A)
 CDR Code #: 0395

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: DUI / Felony driving under the influence, death results

CONVICTED OF or PLEADS

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0395
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Barry Barnett 13039 Kevin C Casey Michael Walker 005827
 BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ 10,000; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Sued 10/15/11
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: ATU vehicle in the DOC.

*Fine:		\$ <u>10,000.00</u>
§ 14-1-206 (Assessments 107.5%)		\$ <u>10,750.00</u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u>100.00</u>
§ 56-5-2995 (DUI Assessment)	\$12	\$ <u>12.00</u>
§ 36-1-236 (DUI Breath Test)	\$25	\$ <u>25.00</u>
Proviso 47.9 (Public Def/Prob)	\$500	\$ _____
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$ _____
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
Photo County (if paid in installments)		\$ <u>1030.51</u>
TOTAL		\$ <u>21,647.51</u>

Appointed PD or appointed court counsel.
 § 47.12 requires \$500 be paid to Clerk during probation.
 Presiding Judge _____
 Judge Trial Referee _____
 Sentence Date: 11-30-11
11-14-12

SPARTANBURG COUNTY
 CLERK OF COURT
 11-14-12

Exhibit 10-22
 6.9

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG VS. Kevin Charles Casey

INDICTMENT/CASE#: 2011GS4206362
A/W#: F281026
Date of Offense: 10/15/2011
S.C. Code §: 56-05-2945(A)
CDR Code #: 0395

AKA:
Race: BLACK Sex: M Age: 39
DOB: 02-01-1972 SS#:
Address: E. Jr High Road
City, State, Zip: Gaffney, SC 29340-0000
DL#: 008938428 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: DUI / Felony driving under the influence, death results

CONVICTED OF or PLEADS

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0395
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the Stat.

ATTEST: BARRY B. BARNETT, SC Bar# 13039, Kevin C. Casey, Defendant, Richard W. Walker, Attorney for Defendant, SC Bar# 05827

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 10,000; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Since 10/15/2011
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211 (A)(1) (Conv. Surcharge) \$100, § 14-1-211 (A)(2) (DUI Surcharge) \$100, § 56-5-2925 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-1.4 (BUI Breath Test Fee) \$30, § 56-5-2942(1) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to Court (if paid in installments) \$21,047.51

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund

Other:
ATO while in the DOC

Appointed PD or appointed other counsel. § 47.12 requires \$500 to be paid to Clerk during probation.

Presiding Judge in the Court:
Sentence Date: 2-14-13

Cl. W. Seaman
A. J. Pitt

Exhibits. 2.

11-22

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Kevin Charles Casey

AKA:

Race: BLACK Sex: M Age: 39

DOB: 02-01-1972 SS#:

Address: E. Jr High Road

City, State, Zip: Gaffney, SC 29340-0000

DL#: 008938428 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, great bodily injury results

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4206363

A/W#: F281028

Date of Offense: 10/15/2011

S.C. Code §: 56-05-2945(A)

CDR Code #: 0406

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0406

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Barnette Barry 13039 Kevin C Casey Richard Warden 005827
BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 10,000; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 10/15/11

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$ 10,000.00
§ 14-1-206 (Assessments 107.5 %)		\$ 10,750.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§ 56-1-286 (DUI Breath Test)	\$25	\$ 25.00
Proviso 4-7.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 36-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 9-0.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 100.51
TOTAL		\$ 21,047.51

Clerk of Court Deputy Clerk

at the office of _____

01/11/2012

Exhibits
8

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning _____
Substance Abuse Counseling: 2-14-12
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: ATV while in the OCC

Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Residing Judge

Judge Code: 132

Number of Sessions: 25/12

12-22

12/11/2011



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF Spaulding

PERSONALLY appeared before me Donald Moore

Case Number _____

, who states:

I reside at Bessie Ave in Greer

SC

State

Telephone: _____

Work: _____

Home: _____

Date of Birth: _____, Social Security Number _____

I have _____ years of education, and I can/cannot read and write. This statement is given on 10/15/, 2011 at 0225 am/pm in the presence of P.B. Thomas who has officially identified himself/herself as an officer of the SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY.

As I approached the scene a lady was flashing her lights saying please check I think theres a accident, "I'm by myself im afraid to get out" I ran up to the vehicle and the driver was unconscious. Victim under the car was dead on arrival.

I beat on the window to try and get the driver concious. (No response) There for I seen a near by neighbors door open and I went and spoke to him. (He said he jus heard the impact) After a friend Courtney said some one was in the field up above so I rushed to assist there. I sat with him until first responder showed up. Then me and vince ran got gloves and helped assist the medic load the driver on the stretcher (never smell Alcohol) my buddy vince heard him say im not drunk. After we assisted All we could we jus stood by for questioning.

(The drive of the Car never got out)

The guy in the field that was concious said he was the driver and I did smell Alcohol. "we are behind the store is wat" he said

I have read each page of this statement of 1 page(s). Each page of which bears my signature, and corrections, if any, bear my initials. I certify that this statement is true and correct to the best of my knowledge and belief. I also declare that I was not told or prompted what to say in this statement and that I give the above statement of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor, and without leniency or offer of leniency, by any person or persons whomever.

This statement was completed at 0247 am/pm on the 15 day of October, 2011.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 20 _____

Notary Public For South Carolina

My Commission Expires _____

Donald Moore
Affiant

P.B. Thomas
Witness

Witness

Page 1 of 1 pages

3/26/2014

I Donald A. Moore am a witness of a accident that took place on highway 417 on the night of 10/15/2011. When I pulled up to the scene I witnessed a young man dead under the front of a white sedan. There was a black male in the sedan unconscious. From a nearby field I heard yelling. So me and Vince Sloan rushed over to see. There was a white male in the field laying on a fire ant hill with his leg bent at the knee level behind his back. Wasnt sure what was broke so we urged him to lay still and try and keep calm with deep breathes. While talking with him he told me he was driving the motorcycle and was threw into the field on impact. He said they all had been drinking and were on their way to the store to get more beer. If there is any more questions I can help with in this matter please contact me at (804) 907-

Thank You!

Donald A. Moore

Exhibit
10

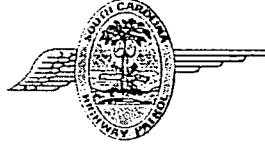
14-22

Ekh
A

1042

SOUTH CAROLINA HIGHWAY PATROL

MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM



Leroy Smith
Director

F.K. Lancaster, Jr.
Colonel

INVESTIGATIVE REPORT

The South Carolina Highway Patrol Multi-Disciplinary Accident Investigation Team reserves the right to amend, correct, or detract any or all inferences, conclusions, or opinions presented in this report. This report is the intellectual property of the South Carolina Department of Public Safety and shall not be duplicated or copied for distribution, unless written permission is granted by the Office of General Counsel.

MAIT CASE NO:	PF-161-11	CAD/CASE NO:	11GV115917
REQUESTING AGENCY:	SCHP		
TROOP:	3		
COUNTY:	SPARTANBURG	COLLISION LOCATION:	S.C. PRIMARY 417
INVESTIGATING OFFICER:	L/CPL. R.B. THORNTON	Investigated	
DATE:	10-15-11		
MAIT REGION:	PIEDMONT	TEAM LEADER:	SGT. B.S. BROCK

1. INVESTIGATIVE SUMMARY.

Unit's #1 and #2 were traveling west on South Carolina Primary 417. Unit #2 struck unit #1 from the rear. Unit #1 was a motorcycle with a total of three occupants at the time of the collision. The driver of unit #1 and one of the occupants were ejected onto the eastbound shoulder. The third occupant remained with both units #1 and #2 until they came to a stop also on the eastbound shoulder.

2. SPEED CALCULATION.

The speed for unit #2 was calculated to be approximately 91 miles per hour at impact. The speed limit for South Carolina Primary 417 is 45 miles per hour.

3. MAPPING / CAD.

MAIT completed a forensic mapping and CAD of the collision scene.

4. LANE LOCATION.

The collision occurred in the westbound lane of South Carolina Primary 417.

5. LAMP EXAMINATION.

The headlight was removed from unit #1. The examination revealed inconclusive evidence if the lamp was working at the time of the collision. No evidence of a rear light or bracket could be located from unit #1.



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016

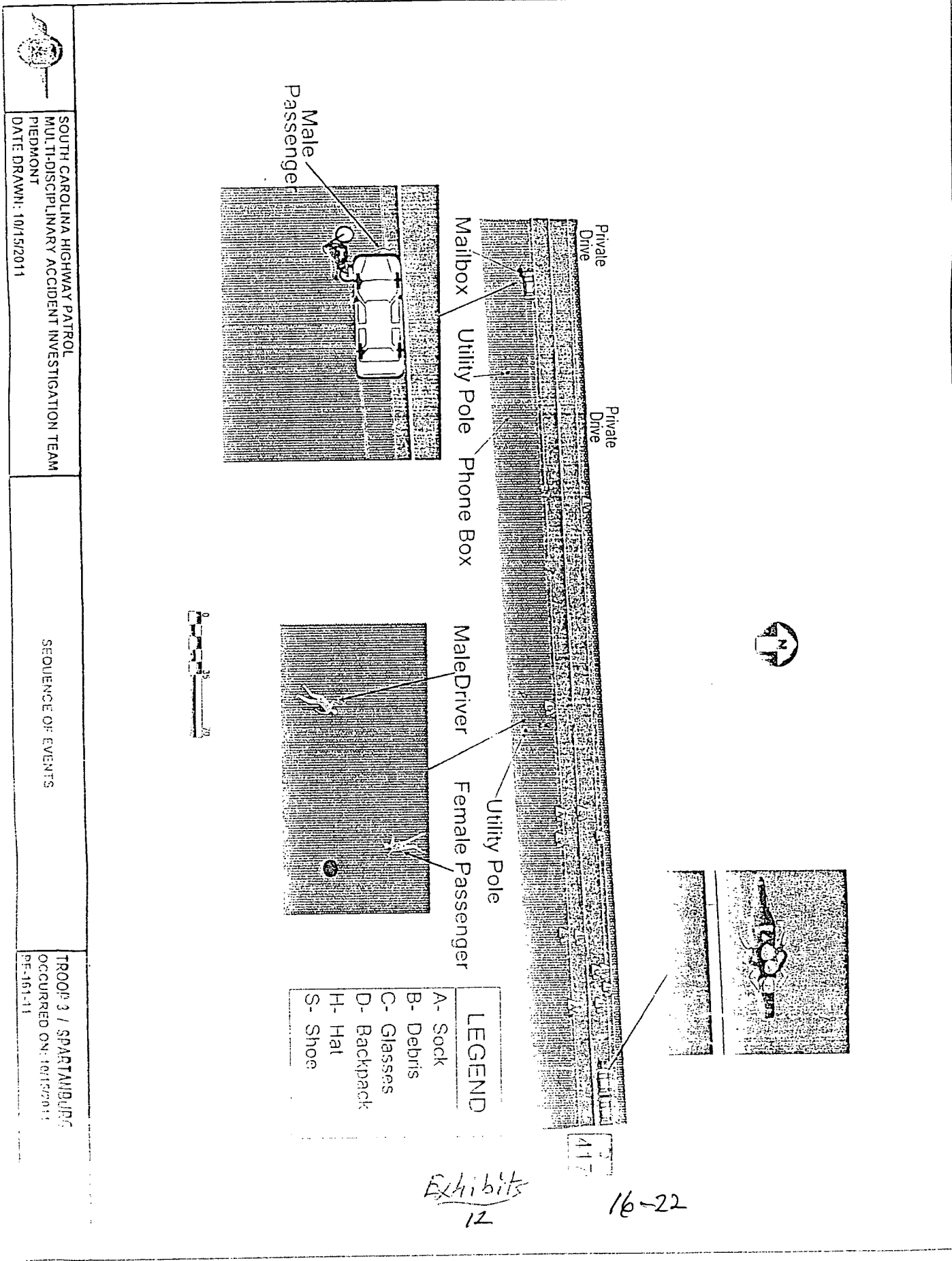


Exhibits
11

15-22

C

Exh (6)



SOUTH CAROLINA HIGHWAY PATROL
 MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM
 PIEDMONT
 DATE DRAWN: 10/15/2011

SEQUENCE OF EVENTS

TROOP 3 / SPARTAN/DJDS
 OCCURRED ON: 10/15/2011
 PF-161-11

DOCKET NO. **11-GS-42-6361(A)**

The State of South Carolina
County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

WITNESSES

[Signature]

SCHP 1. SENTENCE MADE

2. REPORT END **Computer**

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT MADE **Computer**

8. FINE CARD MADE

9. FILING PHOTOGRAPH

ARREST WARRANT NUMBER

F281027 & Direct Indictment

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:36
K. HOPE BLACKLEY

Exhibit

SPARTANBURG COUNTY

in dup - blank

CLERK OF COURT
SPARTANBURG COUNTY
SPARTANBURG, S.C.
DATED 11-28-12

KEVIN CHARLES CASEY

*Defendant pled guilty to
COUNT TWO - RECKLESS HOMICIDE - NP -
Felony DUI (Death) on Court One in front of Judge Mark Stuyvesant
on 2-14-2012 and received a Twenty Five (25) year jail sentence.*

The Defendant also pled to

Indictment for

CAUSING DEATH BY OPERATING ANOTHER COURT OF FELONY DUI (DEATH)
VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL
(FELONY DUI - DEATH)
and, received a concurrent 25 year
jail sentence and entered Court of
RECKLESS HOMICIDE
Felony DUI (GOB) on Ind. No. 11-GS-42-6362
and, received a concurrent 25 year
jail sentence and entered Court of

SC Code: 56-5-2945(A)(2) and 56-5-2910
CDR Code(s): 0395 and 3097

11-GS-42-6363 and received a 15 year
jail sentence and entered Court of
Felony DUI (GOB) on Ind. No. 11-GS-42-6362
and, received a concurrent 25 year
jail sentence and entered Court of

JAIL SENTENCE CONCURRENT - Day - 2145012

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 22 2011 the

Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE - FELONY DUI - DEATH

That, Kevin Charles Casey, did in Spartanburg County on or about October 15, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Failure to maintain proper control of vehicle, and/or
- (2) Driver's failure to exercise due care (56-5-3230) and/or
- (3) Failure to follow right of way restrictions (Art 17, Section 56), and/or
- (4) Driving too fast for conditions (Section 56-5-1560); and/or
- (5) Failure of driving on roadway laned for traffic (Section 56-5-1900).
- (6) Failure to maintain a proper lookout for other traffic and/or pedestrians

which proximately caused death to Megan Celeste Warren, in violation of §56-05-2945 (A) (2), of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

COUNT TWO - RECKLESS HOMICIDE

That Kevin Charles Casey, did in Spartanburg County on or about October 15, 2011, drive a motor vehicle in reckless disregard for the safety of others and such driving proximately caused the death of Megan Celeste Warren, in violation of Section 56-5-2910, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

Exhibits
14

18-22

DOCKET NO. **11-GS-42-6362(A)**

The State of South Carolina
County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 29 2011 TERM

WITNESSES

[Signature]

- 1. SENTENCE MADE **Computer**
- 2. REPORT ENDED **Computer**
- 3. CARD PULLED
- 4. INDEXED
- 5. CHECKED WARRANTS
- 6. CHECKED SIGNATURE **Computer**
- 7. ASSESSMENT FINE CARD MADE
- 8. TRANSFER WARRANT NUMBER

F281026 & Direct Indictment

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4: 36
M. HOPE BLACKLEY

CLERK OF COURT
SPARTANBURG COUNTY
BY: *[Signature]* DA
DATED 11-28-12

KEVIN CHARLES CASEY

COUNT TWO - RECKLESS HOMICIDE - NPE Defendant pled to Felony
DUI (DEATH) on Count One in front of Judge Frank Hayes on
2-14-2012 and received a Twenty-Five (25) YEAR JAIL SENTENCE.

Indictment for

CAUSING DEATH BY OPERATING
VEHICLE WHILE UNDER THE
INFLUENCE OF DRUGS OR ALCOHOL
(FELONY DUI - DEATH)
RECKLESS HOMICIDE

SC Code: 56-5-2945(A)(2) and 56-5-2910
CDR Code(s): 0395 and 3097

The Defendant also pled to
another Count of Felony DUI (DEATH)
ON Indictment No.: 11-GS-42-6361
and received a concurrent 25 year
jail sentence and another count of
Felony DUI (GBI) on Ind. No.: 11-GS-42-
6363 add received a concurrent 15 year
JAIL sentence. - King Dennis - 2/14/2012

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 27 2011

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE - FELONY DUI - DEATH

That, Kevin Charles Casey, did in Spartanburg County on or about October 15, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Failure to maintain proper control of vehicle, and/or
- (2) Driver's failure to exercise due care (56-5-3230) and/or
- (3) Failure to follow right of way restrictions (Art 17, Section 56), and/or
- (4) Driving too fast for conditions (Section 56-5-1560); and/or
- (5) Failure of driving on roadway laned for traffic (Section 56-5-1900).
- (6) Failure to maintain a proper lookout for other traffic and/or pedestrians

which proximately caused death to Steven Ray Mills, in violation of §56-05-2945 (A) (2), of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

COUNT TWO - RECKLESS HOMICIDE

That Kevin Charles Casey, did in Spartanburg County on or about October 15, 2011, drive a motor vehicle in reckless disregard for the safety of others and such driving proximately caused the death of Steven Ray Mills, in violation of Section 56-5-2910, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

Exhibits.

16

20-22

DOCKET NO.

11 GS 12 6363

The State of South Carolina

County of Spartanburg

SCHP

WITNESSES

[Signature]

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

1. SENTENCE MADE

2. REPORT ENDED Computer

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANT

ARREST WARRANT NUMBER

F-281028 7. ASSESSMENT FINE CARD NUMBER Computer

8. TRAFFIC VIOLATION COPY

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

[Signature] 2011 2 2 2011

VERDICT

Foreperson of Petit Jury

Date:

THE STATE

v.

KEVIN CHARLES CASEY

Indictment for

FELONY DUI - GREAT BODILY INJURY

SC Code: 56-5-2945 (A) (1)

CDR Code: 0406

Class FEL-D

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:37
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 22 2011 the
Grand Jurors of Spartanburg County present upon their oath:

FELONY DUI – GREAT BODILY INJURY

That, Kevin Charles Casey, did in Spartanburg County on or about October 15, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care and/or

Which proximately caused Great Bodily Injury to Jason Matthew Simmons, in violation of §56-05-2945 (A) (1), of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

Exhibits
18

22-22

Certificate of Services

③ Pro se certifies he served ms. Alicia A. Olive, Assistant Atty General at P.O. Box 11549, Columbia S.C. 29211 on Aug 9 2016 one copy of motion for Counsel and Intent to Appeal 26 pages and Clerk M. Hope Blackley of Spartanburg County Court House at P.O. Box 3483 Spartanburg S.C. 29304 and one copy to S.C. Appellate Defense Office P.O. Box 11589, Columbia S.C. 29211 and Clerk Shearouse at S.C. Supreme Court P.O. Box 11330, Columbia S.C. 29211 From address below, sworn to under penalty of perjury as true and correct on Aug 5 2016.

Respectfully Submitted;

Dated Aug 5 2016 x Kevin C. Casey
 Kevin C. Casey # 349715

Perry Correctional Institution / Q1A-Rm 216 / 430 Oaklawn Rd. Pelzer, SC. 29669

*Dear Clerks Shearouse; and Clerk M. Hope Blackley and Appellate Counsel of Defense and ~~Attorney~~ Assistant Attorney General ms. Alicia A. Olive;

Aug 5 2016

① Please File my Intent to appeal $\frac{1}{2}$ motion for Counsel of 24 pages and 2 pages and place before honorable Court for rulings and acknowledge, Thanks to all and God Bless

Sincerely;
 x Kevin C. Casey # 349715

~~Perry Correctional~~
 Sworn before me this date on 9th of August 2016
 Notary Public for South Carolina
Nancy C. Marshall
 My Commission expires 1-23-2022 1-2

Pro se
 Aug 9 2016
 x Kevin C. Casey # 349715
 PCT Q1A Rm 216
 430 Oaklawn Rd
 Pelzer, S.C. 29669 2/26

*goes
supreme
court*

Kevin C. Casey, SCDC # 349751)
Prose Petitioner)

V.)

Alan Wilson-Atty, General, State)
Respondents)

C/A NO: PCR 12-CP-42-4389
Motion for appointment of appellate Defender Counsel to do appeal by prose is indigent and can not pay cost.

RECEIVED
AUG 15 2016
S.C. SUPREME COURT

- ① Prose seek for the court to appoint him a appellate defender counsel to handle his appeal because he is indigent and ~~doesn't~~ have the funds to pay counsel to do his PCR-12-CP-42-4389. And trial issues attached here. See pages 24 .
See: Bailey, 424 S.E.2d 503 (SC, 1992) 6th and 14th Amends. to Const. Compel every state to provide counsel to indigent prose and ensure compellant counsel, so Indigent will have a fair oppunity for a adaquate defense to raise their issues.
- ② Prose prays this Honorable Court grant his request for appointed counsel, and waive cost. See; Austin, 409 S.E 2d 395 (1991). Prose has the rights to appllate counsel. Rule 71.1 (g) SCR.P).

Respectfully Submitted:

Kevin C. Casey

Dated Aug 5 2016

x Kevin C. Casey

Perry Correctional Institution Q1A-Rm-26 / 430 oaklawn rd / Pelzer SC 29669

1-2

1-2-26

*(goes
supreme
court)*

Receipt of Legal Correspondence
Verification

RECEIVED
AUG 15 2016
S.C. SUPREME COURT

This is to verify that legal correspondence from the following :

South Carolina
Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

addressed to:

Kevin Casey #349715
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

was received and logged in on SCDC form 10-12 (Legal Correspondence Log) at the
Perry Correctional Mailroom on :
July 28, 2016 .

On July 28, 2016 the above referenced correspondence was delivered to Mr. Casey, and
his signature was obtained on SCDC form 10-12 (Legal Correspondence Log).

Note: The dorms were locked down and inmates were unable to come to the mailroom to
send out legal correspondence from July 29, 2016 through August 1, 2016.

N.C. Merchant
N.C. Merchant – Postal Director
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

August 9, 2016
Date

Hevin C. Casey #349715

PCT Q1 A 216

430 Oaklawn Rd.

Pelzer, S.C. 29669

AMS

RECEIVED

AUG 01 1979

P.C.I. MAIL ROOM

S.C. Supreme Ct.

Clerk of Shearouse

P.O. Box 11330

Columbia, S.C. 29211

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS
NOT INSPECTED OR CORRECTED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR DEFICIENTS.
PENNY CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS