

State of South Carolina

County of Greenville

Kenneth Whitmore,

Petitioner,

vs.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS

CASE # 2006-GS-23-8929

Certificate of Service

I, Kenneth Whitmore, DO HEREBY CERTIFY THAT I HAVE CAUSE, AND HAVE PLACED THE ORIGINAL COPY OF REMITTITUR WITH ORDER FROM THE SUPREME COURT OF SOUTH CAROLINA, STATING THAT THIS IS A PENAL ACTION FOR CIVIL COURT, TO BE MAILED BY FIRST-CLASS POSTAGE TO THE PARTY LISTED BELOW IN THIS MATTER ON THE 22<sup>ND</sup> DAY OF NOVEMBER 2016, AND ASKING FOR A RETURNED COPY, STAMPED-CLOCKED DATED AND ENTERED TO THE COURT.

Greenville County Clerk of Court

Paul B. Wickensimer - Clerk

305 East North Street

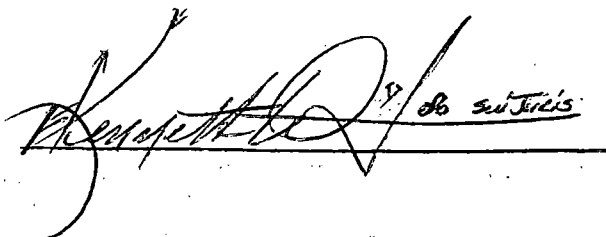
Greenville, S.C. 29601

**RECEIVED**

NOV 28 2016

S.C. SUPREME COURT

DATE NOVEMBER 22, 2016

 Kenneth Whitmore  
do submit

cc: Karen C. Rotigan

cc: Supreme Court of South Carolina

State of South Carolina

County of Greenville

Kenneth Whitmore,

Petitioner,

vs.

State of South Carolina,

Respondent.

In the Court of Common Pleas

Case # 2006-GS-23-8929


Summons

You are hereby summoned and required to answer Petitioner's Remittitur with Order from the Supreme Court of South Carolina enclosed, to the Request or Damages which is herewith served upon you within 30 days after service. If you fail to do so, Summary Judgment will be taken against you for the relief demanded in the action.

Clerk of Court in Greenville County

Paul B. Wickensimer - Clerk

Date November 23, 2016

 Kenneth Whitmore

**RECEIVED**

NOV 28 2016

S.C. SUPREME COURT

State of South Carolina )

County of Greenville )

Kenneth Whitmore, )

Petitioner, )

vs. )

State of South Carolina, )

Respondent. )

In the Court of Common Pleas

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RULE 221(b) Remittitur

**RECEIVED**

NOV 28 2016

S.C. SUPREME COURT

(b). Remittitur. The Remittitur shall contain a copy of the Judgment of the appellate court, shall be sealed with the seal and signed by the clerk of court or Administrative Tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal.

The Judgment is void in Petitioner's case, newly discovered evidence, and fraud upon the court. These issues have not been ruled upon by any court, this is a civil matter. There is no time limit upon any court for its correction and vindication of extrinsic fraud.

Fraud upon the court makes void the orders and judgment of that court. It is also clear and well-settled that any attempt to commit "fraud upon the court" vitiates the entire proceeding. This is why Petitioner is seeking a new trial for fundamental fairness.

Petitioner is asking the lower court and tribunal to stop stonewalling with frivolous malicious accusation denying Petitioner access to the court.

PETITIONER SEEK RELIEF IN A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HAS VIOLATED PETITIONER'S CIVIL RIGHTS UNDER THE CONSTITUTION AND STATUTE LAWS OF SOUTH CAROLINA AND THE UNITED STATES. PETITIONER IS SEEKING FROM THIS TRIBUNAL A PRELIMINARY AND PERMANENT INJUNCTION ORDERING RESPONDENT TO IMMEDIATE RELEASE PETITIONER AND VACATE HIS SENTENCE, WITH LOST WAGE COMPENSATION, PAIN AND SUFFERING AND ANY ADDITIONAL RELIEF THIS TRIBUNAL DEEMS JUST, PROPER AND EQUITABLE, OR A NEW TRIAL.

DATE NOVEMBER 22, 2016

St. Kenneth D. [Signature]  
St. Kenneth D. [Signature]

# The Supreme Court of South Carolina

Kenneth W. Whitmore, Petitioner,

v.

State of South Carolina, Respondent.

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Appellate Case No. 2016-002039

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## ORDER

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Petitioner has filed a notice of appeal with this Court. While it is unclear whether this appeal is from the denial of a post-trial motion in his criminal case<sup>1</sup> or from the denial of relief in a post-conviction relief case,<sup>2</sup> petitioner has failed to provide the following as required by Rules 203 or 243 of the South Carolina Appellate Court Rules (SCACR):

- (1) A copy of the order(s) on appeal; and,
- (2) A proof of service showing that a copy of the notice of appeal has been served on opposing counsel.

Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221, SCACR.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

October 3, 2016

cc: Mr. Kenneth Whitmore

Karen C. Ratigan, Esquire

The Honorable Paul B. Wickensimer

<sup>1</sup> *State v. Kenneth Whitmore*, 2006GS2308929.

<sup>2</sup> *Kenneth Whitmore v. State*, 210CP2302905 and *Kenneth Whitmore v. State*, 2013CP2306848.



Office of the Clerk of Court

Paul B. Wickensimer  
Clerk of Court for Greenville County  
Greenville, South Carolina

[www.greenvillecounty.org](http://www.greenvillecounty.org)

November 16, 2016

Kenneth Whitmore  
1009 David L Coffee Place  
Anderson SC 29625

Mr. Whitmore

The number provided 2016-002039 is a Supreme Court number and this court has no jurisdiction with Supreme Court filings. You may wish to send this to that court or provide a Greenville County General Sessions number or a PCR number so we may process the paperwork to the correct case.

Thank you for your attention in this matter.

*Greenville County Clerk of Court Office.  
Civil Records*

KENNETH WHITMORE  
1009 DAVID L. COFFEE PL.  
ANDERSON, S.C. 29625

GREENVILLE SC 296

23 NOV 2016 PM 4 L



Supreme Court of South Carolina  
DANIEL E STEAROUSE - CLERK  
P.O. Box 11330

COLUMBIA, S. CAROLINA 29201-1330