

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH WHITMORE

Plaintiff(s)

vs.

State of South Carolina

Defendant(s)

Submitted By: KENNETH WHITMORE
Address: 1009 DAVID L. COFFEE PLACE
ANDERSON, S. CAROLINA
29625

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2006 -CP- 23 - 8929

RECEIVED

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

JAN - 5 2017

S.C. SUPREME COURT

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 ____ -NI- ____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input checked="" type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | |

Submitting Party Signature: _____

Kenneth Whitmore
S. Whitmore

Date: January 3, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

State of South Carolina
County of Greenville
KENNETH WHITMORE,

PETITIONER,

VS.

State of South Carolina,
RESPONDENT.

) IN THE COURT OF COMMON PLEAS

)

) CASE # 2006-CP-23-8929

)

) CERTIFICATE OF SERVICE

)

)

)

I, KENNETH WHITMORE, DO HEREBY CERTIFY THAT I HAVE CAUSE, AND HAVE PLACED THE ORIGINAL COPY OF SUMMARY JUDGMENT WITH COMPLAINT AND SUMMONS, TO BE MAILED BY FIRST-CLASS POSTAGE TO THE PARTY LISTED BELOW TO BE SUBMITTED AND ADDRESSED TO THE COURT BY CLERK OF COURT PAUL B. WICKENSIMER.

THIS MATTER HAS BEEN PLACED IN FIRST-CLASS POSTAGE ON THE 3RD DAY OF JANUARY 2017, AND PETITIONER IS ASKING FOR A RETURNED COPY, STAMPED-CLOCKED DATED AND ENTERED TO THE COURT.

Greenville County Clerk of Court

PAUL B. WICKENSIMER - CLERK

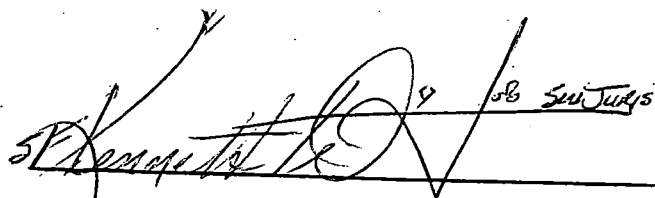
305 East North Street

Greenville, S.C. 29601

DATE JANUARY 3, 2017

cc: Karen C. Rotigan

cc: Supreme Court of South Carolina

 9 JB SWJ/JS

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JAN -5 2017

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

CASE # 2006-CP-23-8929

SUMMONS with
COMPLAINT

RECEIVED

JAN - 5 2017

S.C. SUPREME COURT

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER PETITIONER'S
 SUMMARY JUDGMENT, BY THE CLERK OF COURT, PAUL B. WICKENSIMER,
 MINISTERIAL DUTY TO SUBMIT AND ENTER PETITIONER SUMMARY
 JUDGMENT WHICH IS PETITIONER CORRESPONDING RIGHT.

COMPLAINT

THE CLERK OF COURT OF GREENVILLE COUNTY NEVER RESPONDED
 BACK TO PETITIONER WITH REMITTITUR STAMPED-CLOCKED AND DATED
 AND ENTER TO THE COURT.

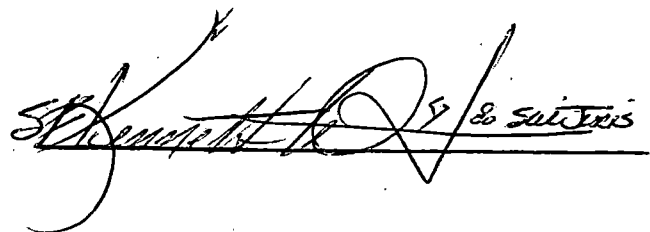
PETITIONER RECEIVED A LETTER FROM GREENVILLE COUNTY CLERK
 OF COURT OFFICE ON NOVEMBER 3, 2016, ASKING PETITIONER TO MAKE
 IT CLEAR WHAT YOU WANT A NEW TRIAL ON. IS IT THE CRIMINAL CHARGE
 OR POST CONVICTION RELIEF CIVIL ACTION? NO RESPONSE BACK FROM
 THE CLERK OF COURT.

PETITIONER RECEIVED A LETTER FROM GREENVILLE COUNTY CLERK
 OF COURT OFFICE ON NOVEMBER 16, 2016, STATING THE NUMBER

PROVIDED 2016-002039 IS A SUPREME COURT NUMBER AND THIS COURT HAS NO JURISDICTION WITH SUPREME COURT FILING. YOU MAY WISH TO SEND THIS TO THAT COURT OR PROVIDE A GREENVILLE COUNTY GENERAL NUMBER OR A PCR NUMBER SO WE MAY PROCESS THE PAPERWORK TO THE CORRECT CASE. PETITIONER SENT HIS INDICTMENT NUMBER 2006-GS 23-8929, NO RESPONSE BACK FROM THE CLERK OF COURT. NOW CAN PETITIONER SUBMIT A RULE 59 NEW TRIAL, WITH NO CASE NUMBER TO BE PLACED ON THE DOCKET.

PETITIONER CAN PROVE ACTUAL MALICE, AS ELEMENT FOR A DEFAMATION ACTION BY A PUBLIC OFFICIAL OR PUBLIC FIGURE, IT SHOULD GRANT SUMMARY JUDGMENT FOR THE PETITIONER.

DATE JANUARY 3, 2017

 St. Kenneth R. Davis

State of South Carolina)	IN THE COURT OF COMMON PLEAS
County of Greenville)	
KENNETH WHITMORE)	CASE # <u>2006-CP-23-8929</u>
Petitioner,)	RULE 56.(a)
vs.)	<u>SUMMARY JUDGMENT</u>
State of South Carolina,)	
<u>Respondent.</u>)	

(a) For Claimant. A Party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of 30 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

Once the party moving for summary judgment meets the initial burden of showing an absence of evidentiary support for the opponent's case, the opponent cannot simply rest on mere allegations or denials contained in the pleadings but rather must come forward with specific facts showing there is a genuine issue for trial. SINGLETON V. SHERER (S.C. App. 2008) 377 S.C. 185, 659 S.E.2d 196. JUDGMENT (KEY) 185 (2)

The party seek summary judgment has the burden of clearly establishing the absence of a genuine issue of material fact. BRANDT V. GOODING (S.C. 2006) 368 S.C. 618, 630 S.E.2d 259.

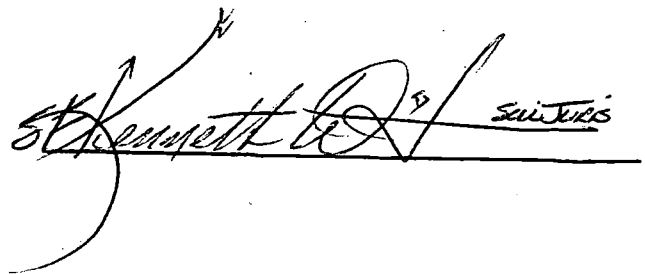
PETITIONER, SEEK TO ATTACK THE JUDGMENT BASED ON DOCUMENT WHOSE GENUINENESS OR VALIDITY WAS IN ISSUE, AND WHICH ARE AFTERWARDS ASCERTAINED TO BE FRAUDULENT, AS TO PHYSICAL EVIDENCE THAT ITSELF PLAYS A DIRECT PART IN THE INCIDENT IN QUESTION.

THE COURT BASED ITS RULING ON INCOMPETENT AND INADMISSIBLE EVIDENCE, THE COURT RELIED ON EVIDENCE THAT IS NOT SUPPORTED BY THE RECORD. STATE V GAMBLE (OPINION NO. 27307, AUG. 28, 2013)

WHEREFORE, PETITIONER RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGMENT GRANTING PETITIONER SUMMARY JUDGMENT:

A NEW TRIAL OR A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PETITIONERS RIGHTS UNDER THE CONSTITUTION AND LAWS OF S.C. AND THE UNITED STATES. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING RESPONDENT TO IMMEDIATE RELEASE PETITIONER AND VACATE HIS SENTENCE WITH LOST WAGE COMPENSATION AND ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE, UNDER SECTION 16-5-60.

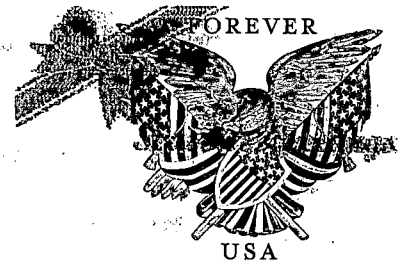
DATE JANUARY 3, 2017

 Kenneth A. Smith Attorney

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

GREENVILLE SC 29601

03 JAN 2017 PM 5 T



THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE - CLERK
P.O. BOX 11330
COLUMBIA, S.C. 29211-1330