

COURTS
PLEASE RETURN
CLOCKED COPY
THANK YOU -

KEVIN W. McDaniel #254398
KEESHAM CORR. INST. McDaniel #2
4848 Goldmine Hill
KEESHAM, S.C. 29067
Feb 28, 2017

RECEIVED

MAR 02 2017

S.C. SUPREME COURT

CERTIFICATE OF MAILING

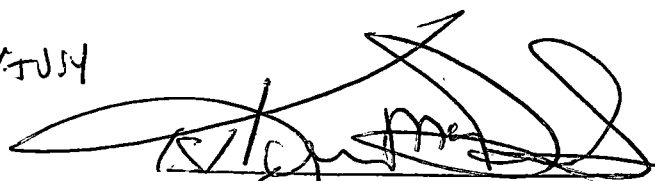
I, Kevin McDaniel, Certify that I have mailed
the enclosed MEMORANDUM to the below
listed address by Plains said in an envelope
with postage pre-paid and advised for delivery on
this 27th day of February 2017.

TO: South Carolina Supreme Court
CLERK OF COURT
1231 GERVAIS STREET
COLUMBIA, S.C. 29201

TO: Alicia Olive
Assistant Pith General
1855 Assembly St. Rm 519
Columbia S.C. 29201

I declare Under Penalty of Perjury
the Above to be true and correct.

Dated February 27 2017.


Kevin McDaniel (Pro-Se)

Also Attached: APPENDIX CITATIONS IN SUPPORT
OF MEMORANDUM



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 22, 2017

Mr. Kevin Wayne McDaniels, #254398
Kershaw Correctional Institution
4848 Gold Mine Highway
Kershaw, SC 29067-8069

Re: Your appeal

Dear Mr. McDaniels:

Enclosed please find a copy of the Johnson Petition for Writ of Certiorari and a copy of the Appendix in your case, which I have filed with the South Carolina Supreme Court. The Court will write to you in the future eliciting any **written memorandum** you may want to submit for the Court's consideration of your appeal. That memorandum should be sent to the Supreme Court, and not to me. Please understand that the State does **not file a return** when a Johnson petition is filed. The petition to be relieved is a standard part of the Johnson procedure, it does not mean that I do not wish to represent you.

Please contact me if you have any questions.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/pm

Enclosure

PLEASE RETURN
CLOCKED COPY

KEVIN W. McDANIELS #254398
KEESHAM CORR. INST. MAGNOLIA-A-2
4848 Goldmine Hwy.
KEESHAM, S.C. 29067
Feb 27, 2017

South Carolina Supreme Court
ATTN: CLERK OF COURT
1231 Gervais Street
Columbia, S.C. 29201

RE: CLOCKING IN ENCLOSED MEMORANDUM - RETURNING CLOCKED COPY -
VERIFICATION THAT SUCH HAS BEEN FILED

DEAR CLERK:

PLEASE FIND ENCLOSED ORIGINAL MEMORANDUM IN
WHICH COUNSEL Katherine Hudson & I FILED A Johnson Petition
on Feb 22, 2017, NOTIFYING ME TO FILE A MEMORANDUM
DIRECTLY TO SC SUPREME COURT PRO-SE. THEREFORE, I ASK
"THAT YOU PLEASE PROCESS ENCLOSED MEMORANDUM AND
FORWARD SUCH TO PRESIDING JUDGE" - RETURN A CLOCKED
COPY - VERIFICATION THAT SUCH HAS BEEN PROCESSED.

I THANK YOU SO MUCH FOR YOUR ASSISTANCE IN
THE ABOVE MATTER. HAVE A BLESSED DAY.

I declare Under Penalty of Perjury the
above IS true and Correct.

Dated Feb 27 2017


Kevin W. McDaniels
(PRO-SE)

ALSO ATTACHED: APPENDIX CITATIONS
IN SUPPORT OF MEMORANDUM

ATTN: → PLEASE RETURN CLOCKED COPY

YOUR HONOR I TOLD COUNSEL KATHERINE HICKS - DETAIL FOR DETAIL
INCrimINATING STATEMENTS & EVIDENCE PLACING ME
IN FLORIDA DEC 27, 2005 & JAN 13, 2006. ASKING HER TO
CONTACT THE FBI-ATF - SHE REFUSED TO DO SO. PLEASE
YOUR HONOR. FLORIDA LAW ENFORCEMENT HAS INCrimINATING
EVIDENCE TO PLACE ME IN FLORIDA 12-27-05 / 1-13-06. I
AM RESPECTFULLY ASKING THAT YOU GRANT A NEW
TRIAL SO THEY CAN PROVE MY INNOCENCE - YES, HONOR -
I WANT THE FEDERAL GOVERNMENT FBI-ATF-US MARSHALS
AS MY ALIBI WITNESSES PROVING I WAS IN FLA
DEC 27, 2005 & JAN 13, 2006. PLEASE GRANT
THE ENCLOSED MOTION TO APPOINT PRIVATE
INVESTIGATOR - FBI-ATF-US MARSHALS TO SPEAK
WITH ME SO I CAN PROVIDE ADDITIONAL INCrimINATING
EVIDENCE TO PLACE ME IN FLA 12-27-05 / 1-13-06.
I DID NOT COMMIT THE BURGLARIES IN SOUTH
CAROLINA. I WAS IN FLORIDA COMMITTING CRIMINALS
PLEASE ON DEC 27, 2005 & JAN 13, 2006. THE FBI-ATF
CAN PROVIDE THESE COME WITH PHYSICAL PROOF
AND EVIDENCE - PROVING MY INNOCENCE IN S.C.
PLEASE YOUR HONOR - I'M COMPLETELY INNOCENT - I WAS
IN FLA - THE FBI-ATF-US MARSHALS CAN PROVIDE
YOU WITH DOCUMENTS PROVING THIS. PLEASE GRANT
A NEW TRIAL - IN THE MEANTIME APPOINT INVESTIGATOR
FBI-ATF TO COME SPEAK WITH ME -
GOD BLESS - I'M INNOCENT OF THE
S.C. BURGLARIES I WAS IN FLORIDA

Feb 27, 2017

KEVIN WAYNE McDaniel #254398
Kershaw Corr. Inst. #254398
4848 Goldmine Hwy
Kershaw S.C. 29067

-Feb 27, 2017-

SOUTH CAROLINA Supreme Court
CHIEF JUDGE
1231 Gervais Street
Columbia, S.C. 29201

RE: Actually Innocent. I was in Florida Nov 9, 12-27-05 / 1-13-06
Your Honor: I was not in the State when these Burglaries took place.
LAW ENFORCEMENT FBI-ATF-US MARSHALS CAN TESTIFY THAT I WAS IN
FLORIDA. YOUR HONOR: I AM PROMISING TO YOU FOR A NEW TRIAL
SO THE FBI-ATF-US MARSHALS CAN PRESENT PHOTOS ETC.
PHYSICAL EVIDENCE OF ME IN FLORIDA. YOUR HONOR I HAVE
BEEN IN PRISON SINCE MARCH 11, 2006. FOR A CRIME I DID
NOT COMMIT. ALL OF MY FAMILY MEMBERS HAVE PASSED
AWAY - AND MOM IS PRESENTLY IN HOSPITAL - 64 STAPLES - HER
COLON EXPLODED. PLEASE DON'T LET AN INNOCENT MAN SIT
IN PRISON WHILE ALL HIS FAMILY MEMBERS PASS AWAY.
YOUR HONOR: I PROMISE YOU THE U.S. DEPT OF
JUSTICE - FBI-ATF-US MARSHALS CAN PROVE I WAS IN
FLORIDA. PLEASE I'M REQUESTING THIS COURT TO GRANT
A NEW TRIAL - AND ALLOW LAW ENFORCEMENT FBI-ATF-US
PRODUCE PHYSICAL EVIDENCE OF KEVIN McDaniel IN FLORIDA
AN ACTUAL INNOCENT MAN. YOUR HONOR - PLEASE YOU MUST
ALLOW THE FEDERAL GOVERNMENT FBI-ATF-US MARSHALS
TO PRESENT TO YOU PERSONALLY - DOCUMENTS SHOWING
I WAS IN FLORIDA DEC 27, 2005 & JAN 13, 2006.
DON'T LET MY MOTHER PASS AWAY WHILE I'M IN HERE
AN INNOCENT MAN. PLEASE YOUR HONOR - I'VE TOLD ALL
COURT APPOINTED ATTYS. ABOUT THIS ONLY TO BE IGNORED.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Certiorari to Spartanburg County
Honorable R. Ferrell Cathman, Circuit Court Judge
KEVIN WAYNE MC DANIELS - Petitioner.

VS.

STATE OF SOUTH CAROLINA. Respondent
Mediate Case No. 2016-001414

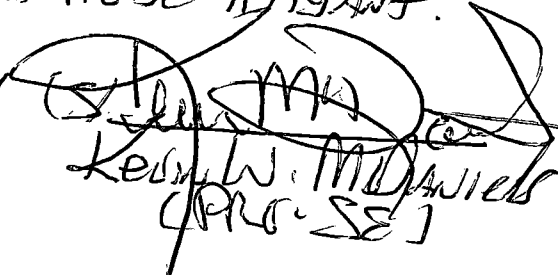
MOTION FOR LEAVE TO FILE ATTACHED
MEMORANDUM/APPENDIX CITATIONS IN
SUPPORT OF MEMORANDUM

MAJ IT PLEASE THIS COURT, Kevin McDaniel's moves
this Court to Grant Leave to file Attached Pleadings
Bases upon Counsel Katherine Hudgens Filed a Johnson
Petition on Feb 22 2017. Stating I needed to file a
Memorandum. THEREFORE Petitioner moves this
Court to Grant the below listed Relief.

RELIEF REQUESTED

PETITIONER MOVES THIS COURT TO GRANT LEAVE TO
FILE ATTACHED MEMORANDUM/APPENDIX CITATIONS IN
SUPPORT OF MEMORANDUM. ACCEPTING SUCH AS
FILED PROPERLY BASED UPON BEING A PRO-SE LITIGANT.

I declare Under Penalty of Perjury that
The Above is true and correct.
Dated ON Feb 27 2017,


Kevin W. McDaniel
(PRO-SE)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Certiorari to Spartanburg County
Honorable R. Ferrell Cochran, Circuit Court Judge
KEVIN WAYNE MCDANIELS. PETITIONER
VS.

STATE OF SOUTH CAROLINA. RESPONDENT
APPELLATE CASE NO: 2016-001414
MEMORANDUM

MAY IT PLEASE THE HONORABLE COURT, Kevin McDaniel's Acting Prose Hereby files this MEMORANDUM based upon Counsel Katherine H. Hodges filing a JOHNSON PETITION FOR WRIT OF CERTIORARI ON Feb 22, 2017. AND INFORMING PETITIONER THAT HE CAN FILE A MEMORANDUM WITH THE SUPREME COURT. THEREFORE PETITIONER SETS FORTH THE BELOW ISSUES AND MOVES THE COURT TO REVIEW THEM AS PART OF THE RECORD AS A WHOLE.

ISSUES PRESENTED

1. DID THE COURT ERR IN RULING THAT PETITIONER WAS NOT COERCED BY POLICE OFFICERS INTO MAKING COERCED CONFESSION.
2. DID THE COURT ERR IN RULING THAT ATTY ROBERT HALL AND BRADY RUCKER WAS NOT INEFFECTIVE PURSUANT TO STICKLAND V. WASHINGTON 466 U.S. 668 (1984)
3. DID THE COURT ERR IN RULING THAT PETITIONER'S PLEA WAS VOLUNTARY. ROSCOE V. STATE 546 S.E.2d 417 (2001).

4. DID THE COURT ERR IN THE NOVEMBER 5, 2010, ORDER OF DISMISSAL WITHOUT PREJUDICE (CASE # 2009-CP-42-3350) DENYING PETITIONER ACCESS TO COURTS CITING CLAYTON V STATE 278 S.P. 655, 658, 301 SE.2D 133134 (1981), BECAUSE PETITIONER WAS IN FEDERAL CUSTODY, EVEN THOUGH PER WAS FILED WHILE IN STATE CUSTODY, AND A TELECONFERENCE WAS HELD WHILE IN FEDERAL CUSTODY.
5. DID THE COURT ERR IN NOT ALLOWING "NEWLY DISCOVERED" EVIDENCE TO BE INTRODUCED PROVING PETITIONER IS ACTUALLY INNOCENT, WAS IN THE STATE OF FLORIDA DURING THESE EVENTS.

ARGUMENT

1. Police Coercion / Involuntary Confession

PETITIONER ARRESTED MARCH 11, 2006, RECHLAND CO. FOR PUBLIC DISORDERLY CONDUCT. HE WAS UNDER THE INFLUENCE OF DRUGS AND ALCOHOL HALLUCINATING. HE WAS TAKEN TO A MINI SUB STATION AND INTERROGATED FOR SEVERAL HOURS - EVEN AFTER REQUESTING AN ATTORNEY. PETITIONER WAS HALLUCINATING, DID NOT KNOW WHAT WAS GOING ON. PETITIONER CONFESSED TO TWO (2) MURDERS IN DETAIL - THAT NEVER EVEN OCCURRED. CONFESSING TO MURDERS ON THE SAME DAY THE BURGLARY HAPPENED IN THIS CASE. POLICE OFFICERS CONTINUED TO INTERROGATE PETITIONER EVEN AFTER REQUESTING COUNSEL. HE MOVES THIS COURT TO REVIEW THE INTERROGATION NOTES. SHOWING POLICE COERCED PETITIONER INTO MAKING AN INVOLUNTARY CONFESSION. PETITIONER CONTINUED TO INFORM POLICE THAT HE WAS IN FLORIDA FROM AUG 2005 THRU JAN 2006, THEY STILL CHOSE TO INTERROGATE PETITIONER FOR SEVERAL HOURS. THIS COURT SHALL GRANT A NEW TRIAL.

2. INEFFECTIVE ASSISTANCE OF COUNSEL - BY Robert A Hall

COUNSEL Robert Hall was Ineffective For Not Pursuing A ONE HOUR CONTINUANCE ON DAY OF TRIAL AFTER BEING INFORMED THAT PETITIONER'S ALIBI WITNESSES WERE BROKE DOWN IN WOODS AFTER DRIVING 11 HOURS FROM FLORIDA WITH PHOTOS/AFIDAVITS PROOVING PETITIONER WAS IN FLORIDA. PETITIONER PROVIDED PHYSICAL & INCRIMINATING EVIDENCE TO COUNSEL PROOVING HE WAS IN FLORIDA. PETITIONER WAS TOLD BY COUNSEL THAT BECAUSE HIS ALIBI WITNESSES WERE NOT PRESENT HE NEEDED TO PLEA. COMPLETELY ABANDONING PETITIONER IN THE COURTROOM DAY OF TRIAL FORCING PETITIONER TO PLEA. THEN MINUTES AFTER PLEA - ALIBI WITNESSES APPEAR IN COURT. COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS UNDER PREVAILING NORMS. THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S ERRORS. PETITIONER WOULD NOT HAVE PLEADED BUT WOULD HAVE INSISTED ON GOING TO TRIAL. Thompson v. State 340 S.C. 112, 116, 531 S.E.2d 294 (2000) Strickland v. Washington, 466 U.S. 668 (1984). PETITIONER PROVIDED MR HALL WITH NUMEROUS ALIBI WITNESS INFORMATION. COUNSEL FAILED TO SUBPOENA THEM. THE PETITIONER INFORMED COUNSEL THAT THE FBI, ATF, US MARSHALS COULD ALSO PROVE PETITIONER WAS IN FLORIDA. COUNSEL FAILED TO CONTACT THEM TO OBTAIN PHYSICAL EVIDENCE PROOVING PETITIONER WAS IN FLORIDA. COUNSEL COMPLETELY ABANDONED PETITIONER. COERCING PETITIONER TO PLEA. TELLING PETITIONER - IF YOU DON'T PLEA YOU WILL RECEIVE A LIFE SENTENCE. PETITIONER'S Sixth Amendment Rights were Violated AT ALL TIMES DURING these Events. THIS COURT SHALL GRANT A NEW TRIAL.

Ineffective Assistance of Counsel - BY BRANDT RUCKER

Court Appointed PER Counsel BRANDT RUCKER WAS Ineffective BY NOT SURPENA FBI-ATF-US MARSHALS AS REQUESTED TO PRODUCE EVIDENCE THAT PETITIONER WAS IN FLORIDA DEC 29, 2005 & JAN 13, 2006. PETITIONER CONTINUOUSLY ASK PER ATTY BRANDT RUCKER TO CONTACT FBI-ATF-US MARSHALS TO APPEAR AT PRR HEARINGS TO PRESENT PHYSICAL EVIDENCE THAT KEVIN MCANDREWS WAS IN FLORIDA. BRANDT RUCKER TOLD PETITIONER HE SHOULD WITHDRAW PRR AND CLEASH SENTENCE. THERE WAS A HEARING TO WITHDRAW COUNSEL BRANDT RUCKER - PETITIONER DID INFORM THE COURT THAT HE TOLD BRANDT RUCKER - HE WANTED THE FBI-ATF-US MARSHALS AS ALIBI WITNESSES AT JAN 2016 PRR HEARING. HE FAILED TO CONTACT THEM OR PURSUE THE PETITIONERS FACTUAL INNOCENCE CLAIM. PETITIONER CONTINUOUSLY REQUESTED ALL COURT APPOINTED ATTYS TO CONTACT THE Federal Government - FBI-ATF-US MARSHALS TO PRESENT PHYSICAL EVIDENCE/PHOTOS OF PETITIONER IN FLORIDA AND THEY HAVE FAILED TO PURSUE PETITIONERS FACTUAL INNOCENCE CLAIM. HE MOVES THIS COURT TO REVIEW THE ENTIRE RECORD INCLUDING THE ORIGINAL PRR FILED IN JUNE 16, 2009. PETITIONER CONTINUOUSLY PRESENTING 16 ALIBI WITNESS AFFIDAVITS/PHOTOS OF HIM IN FLORIDA.

COUNSEL BRANDT RUCKER WAS INEFFECTIVE AND THIS COURT SHALL GRANT A NEW TRIAL SO PETITIONER CAN HAVE THE FBI-ATF-US MARSHAL PRODUCE PHYSICAL EVIDENCE THAT HE WAS IN FLORIDA DURING THESE EVENTS

3. IN VOLUNTARY PLEA

PETITIONER WAS COERCED BY ROBERT HALL TO PLEA TO A CRIME HE COULD NOT HAVE COMMITTED. PETITIONER WAS IN FLORIDA AT THE TIME. COUNSEL CONTINUOUSLY TOLD PETITIONER IF HE DID NOT PLEA HE WOULD RECEIVE A LIFE SENTENCE. ATTY ROBERT HALL WAS NOTIFIED THAT ALIBI WITNESSES WERE BROKE DOWN IN WINDRIFT IS MINUTE FROM COURTROOM. ATTY ROBERT HALL WAS ASK TO REQUEST FOR A ONE-HOUR CONTINUANCE - HE REFUSED TO PURSUE SUCH. COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARDS OF REASONABLENESS. BUT FOR COUNSEL'S ERRORS PETITIONER WOULD NOT HAVE PLEAD GUILTY BUT WOULD HAVE INSISTED ON GOING TO TRIAL. RUSPOE V. STATE 546 S.E.2d 417 (2001) THOMPSON V. STATE 531 S.E.2d 294 (2000). PETITIONER'S PLEA WAS INDUCED BY INEFFECTIVE ASSISTANCE OF COUNSEL. COUNSEL'S ADVICE WAS NOT WITHIN THE COMPETENCE DEMANDED OF ATTORNEYS IN CRIMINAL CASES. STRICKLAND V. WASHINGTON 466 US 668 (1984): PETITIONER ASK COUNSEL ROBERT HALL TO CONTACT FBI-ATF-US MARSHALS IN FLORIDA TO PROVE PETITIONER WAS IN FLA - DEC 27 2005 (TAN 13 2006. COUNSEL FAILED TO CONTACT THEM AND SUBPOENA ADDITIONAL ALIBI WITNESSES TO PROVE FACTUALLY INNOCENT.

4. DUE PROCESS VIOLATION/DENIED ACCESS TO COURTS

THE STATE AND JUDGE DERHAM COLE JOINTLY CONSPIRED TO VIOLATE PETITIONER'S "DUE PROCESS RIGHTS" BY ISSUING AN ORDER OF DISMISSAL WITHOUT PREJUDICE ON NOV. 5, 2010. ON THE JUNE 16, 2009 PCR (2009-CP-42-3350) Citing CLAYTON V. STATE 278 S.C. 655, 658, 301 S.E.2d 133, 134 (1984) (stating because Petitioner is incarcerated in Federal Custody, outside the State of South Carolina he must wait until he returns to State custody (9-11-2020) then he can file a PCR. COMPLETELY DENYING PETITIONER HIS "DUE PROCESS RIGHTS." IF THAT'S THE CASE THEN PETITIONER WAS GIVEN A PCR TELECONFERENCE "WHILE IN FEDERAL CUSTODY" ON JAN 11, 2016. (This should have been done in original PCR filed JUNE 16, 2009 when all 16 Alibi Witnesses were ready to testify). BY PETITIONER GIVEN A TELECONFERENCE SHOWS CHIEF JUDGE DERHAM COLE AND THE STATE DENIED PETITIONER HIS "DUE PROCESS RIGHTS" FOR APPROX SEVEN (7) YEARS DURING THESE EVENTS FROM 2009, ALIBI WITNESSES CONTINUED TO CONTACT THE PROSECUTOR'S OFFICE & COURTS Informing THEM PETITIONER WAS IN FLORIDA. ONLY TO BE IGNORED. EVEN LAW ENFORCEMENT FROM FLORIDA Attempted to prove PETITIONER WAS IN FLORIDA. ONLY TO BE TOLD PETITIONER MUST WAIT UNTIL HE IS BACK IN STATE CUSTODY BEFORE THIS MATTER COULD BE ADDRESSED. PETITIONER HAS BEEN CONTINUOUSLY TRYING TO PRODUCE PHYSICAL EVIDENCE BY LAW ENFORCEMENT IN FLORIDA Proving Petitioner WAS IN FLA ONLY TO BE DENIED ACCESS TO COURTS.

YOUR HONOR. PETITIONER HAS PHYSICAL EVIDENCE BY FBI-ATF-US MARSHALS PHOTOS PROIVING HE WAS IN FLA Dec 27, 2005 & JAN 13 2006. BUT BECAUSE OF JUDGE DeRham Cole's Nov 5, 2010 ORDER-PETITIONER HAS NOT BEEN ABLE TO PRESENT THESE ALIBI WITNESSES AND FBI-ATF-US MARSHALS TESTIMONY. THE PETITIONER TOLD PCR ATTY BRANDT RUCKER TO SUBPOENA FBI-ATF-US MARSHALS FOR THE JAN 11, 2016 PCR HEARING HE REFUSED TO DO SO. YOUR HONOR, LAW ENFORCEMENT IN FLORIDA CAN PRODUCE PHYSICAL EVIDENCE THAT MR. MC DANIELS WAS IN FLORIDA HE HAS BEEN TRYING TO DO THIS SINCE THE ORIGINAL PCR FILED JUNE 16, 2009. ONLY TO BE DENIED ACCESS TO COURT- PETITIONER MOVES THIS COURT TO REVIEW THE ENTIRE APPENDIX ISSUED BY COUNSEL KATHERINE HUDGINS. SHOWING PETITIONER HAS CONSCIOUSLY TRIED TO PROVE FACTUAL INNOCENCE, PRESENTING 'NEWLY DISCOVERED EVIDENCE' AFFIDAVITS- PHOTOS ETC. ONLY TO HAVE THE COURT DENY HIM ACCESS TO THE COURTS. PETITIONER'S ORIGINAL [2009-CP-423350] PCR SITBOLD HAVE BEEN ENTERMINED, ALL 16 ALIBI WITNESSES AND FBI-ATF-US MARSHALS COULD HAVE APPEARED TO TESTIFY MR. MC DANIELS WAS IN FLA. PETITIONER SHOULD NOT HAVE BEEN DENIED ACCESS TO THE COURTS FOR SEVEN YEARS. THEN ALL OF A SUDDEN ALL ALIBI WITNESSES APPEAR AFTER BEING TOLD PETITIONER HAD TO WAIT UNTIL 9-11-2020 UNTIL HE COULD FILE ANOTHER PCR. PETITIONER HAS BEEN DENIED ACCESS TO THE COURTS SINCE 2009 BY THE ORDER OF DISMISSAL FILED NOV. 5, 2010 BY JUDGE COLE. PETITIONER MOVES THIS COURT TO REVIEW ALL RECORDS.

5. COURT ERROR BY NOT ALLOWING "NEWLY DISCOVERED EVIDENCE" TO BE INTRODUCED PROVEING ACTUAL INNOCENT.

PETITIONER SINCE April 2006 HAS PRESENTED Affidavits From Alibi Witnesses. THEN ON MARCH 2013 PRESENTED 16 ADDITIONAL Affidavits From Alibi Witness PROVEING PETITIONER WAS IN FLORIDA ONLY TO BE DENIED ACCESS TO COURTS AND DENIED HIS DUE PROCESS RIGHTS. PETITIONER AT THIS PRESENT MOMENT Feb 25, 2017 CAN HAVE THE FBI-ATF-US MARSHALS PRESENT "PHYSICAL EVIDENCE" - PHOTOS OF KENNETH WAYNE McMANIS IN Florida Dec 27, 2005 & JAN 13, 2006 the same day the Burglaries took place in South Carolina. PETITIONER ASK PER ATTY BRAD RUCKER TO CONTACT FBI-ATF-US MARSHALS TO APPEAR AT JAN 11, 2016 FOR HEARING - HE REFUSED TO CONTACT THEM OR SUBPOENA them (this is preserved on record), to testify PETITIONER WAS IN Florida. PETITIONER IS FACTUALLY INNOCENT. THE FEDERAL GOVERNMENT CAN TESTIFY TO THIS YOUR HONOR. PETITIONER HAS CONTINUOUSLY ATTEMPTED TO PRESENT "NEWLY DISCOVERED EVIDENCE" ONLY TO BE DENIED ACCESS TO COURTS. AND TO BE TOLD BY COURT APPOINTED ATTORNEYS THAT THEY CANNOT PRESENT THE FBI-ATF-US MARSHALS TESTIMONY IF IT WAS NOT PRESERVED ON RECORD. YOUR HONOR I AM FACTUALLY INNOCENT. THE FBI-ATF-HAVE INCREDIBLY EVIDENCE OF ME IN FLA. DEC 27, 2005 & JAN 13, 2006. I AM PLEADING & BEGGING THIS COURT TO GRANT ME A NEW TRIAL. SO I CAN PRESENT THE FBI-ATF ETC SO THEY CAN PRODUCE THE COPIES WITH PHYSICAL EVIDENCE OF ME IN FLA. THIS COULD HAVE BEEN DONE IN 2009 PER BUT JUDGE COLE DENIED PETITIONER ACCESS TO COURTS.

RELIEF REQUESTED

PETITIONER MOVES THIS COURT TO REVIEW ALL RECORDS TO INCLUDE ORIGINAL PCR filed June 16 2009 (2009-CF-43-3350), ALSO REVIEW TRANSCRIPT OF PETITIONERS RELIEVE OF COUNSEL HEARING, FOR PCR ATTY BRANT RUCKER NOT CONTACTING FBI-ATF-US MARSHALS FOR JAN 11, 2016 PCR Evidentiary HEARING.

PETITIONER MOVES THIS COURT TO GRANT A FULL HEARING AND NEW TRIAL SO THE FBI-ATF-US MARSHALS CAN PRESENT PHYSICAL EVIDENCE OF PETITIONER IN FLA Dec 27, 2005 & JAN 13, 2006 NOT SOUTH CAROLINA. PETITIONER WAS NOT IN THE STATE WHEN THESE BOONIES OCCURRED. BECAUSE JUDGE DECLAM COLE ISSUES AN ORDER NOV 5, 2010, DENYING PETITIONER ACCESS TO THE COURTS, HE HAS BEEN HELD IN PREIMPRISONMENT,

PETITIONER MOVES THIS COURT TO GRANT A NEW TRIAL BASED UPON THE ABOVE CONSTITUTIONAL VIOLATIONS. THEN THE FBI-ATF-US MARSHALS WILL BE ABLE TO PRESENT PHYSICAL EVIDENCE OF MR McDaniels IN FLORIDA. YES I HONOR-I WAS IN FLA NOT S.C. I HAVE BEEN HELD AGAINST MY WILL SINCE MARCH 11, 2006. THE FBI-ATF-DOJ PROVE MY INNOCENCE.

I declare Under Penalty of Perjury that
Above is true and correct. February 27, 2017/

I AM FACTUALLY INNOCENT-
I WAS IN FLA. THE FBI CAN
PROVE THIS.


KEVIN W. McDANIELS 254598
Kershaw Corr Inst.
4848 Goldmine Hwy
Kershaw S.C. 29067
(PRO-SE)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Certiorari to Spartanburg County
Honorable R. Ferrell Colman Circuit Court Judge
KEVIN WAYNE McDANIELS. Petitioner
VS.

STATE OF SOUTH CAROLINA. Respondent
Appellate Case No. 2016-001414

APPENDIX CITATIONS IN SUPPORT OF MEMORANDUM

MAY IT PLEASE THIS COURT, Petitioner Kevin McDaniels,
Directs this Courts Attention to the below APPENDIX
Citations in Support of Attached MEMORANDUM, AND ASK
the Court to Review the Original APPENDIX-CROSS-
REFERENCE TO SUPPORT PETITIONERS APPEAL.

* INEFFECTIVE ASSISTANCE OF COUNSEL BY "ROBERT HALL"

APPENDIX Pg 141, Direct Examination. Lines 14-22. Q. Mr Hall did you
File PAPERWORK showing you had informed the Solicitor's office
about an Alibi defense? A I CAN'T recall if I did. I know I spoke with
the Solicitor. I'd given him the names and information, which
Complies with what is required by the Statute. He had the dates
of birth. I think I had addressed in it, but-- Q. But you don't
by- in reviewing the file, you CAN'T find a document that says
you did that? A. NO, I CAN'T.

APPENDIX Pg 146 - CROSS EXAMINATION - Lines 18-23 Q. Kevin McDaniels
never told you he did these crimes, did he? A No he did not. Q he ALWAYS
asserted he WAS innocent of the underlying crimes correct? A Yes,
he is. Yes, he did.

APPENDIX Pg 143 - CROSS EXAMINATION lines 13-17. Q. OKAY, AND YOU UNDERSTAND KEVIN McDONALD IS ALLEGING THAT YOU REFUSED TO GET HIM A CONTINUANCE TO TRY TO PROFFER THOSE WITNESSES? A. THERE WAS NO NEED FOR A CONTINUANCE, THERE WAS NO NEED TO REFUSE OR SAY YES.

APPENDIX Pg 116 - Direct Examination - lines 21-24. Q. DID YOU ASK MR. HALL TO ASK FOR A CONTINUANCE SO THAT YOUR FATHER AND OTHER WITNESSES COULD APPEAR IN THE COURT? A. YES, I SURE DID.

APPENDIX Pg 120 - CROSS EXAMINATION lines 6-25 Q. MR. McDONALD, YOU PLED GUILTY UNDER NORTH CAROLINA VS. ALFORD, CORRECT? A. YES, MAM I MADE SURE THAT WAS CLEAR BECAUSE I WANTED TO MAINTAIN MY INNOCENCE MAM.

Q. OKAY, BUT AT ANY TIME DURING YOUR GUILTY PLEA, DID YOU EVER TELL THE JUDGE THAT YOU WANTED A CONTINUANCE SO THAT YOU COULD PROCEED TO TRIAL? A. I SPOKE TO MY ATTORNEY. I TOLD MY ATTORNEY THIS. Q. OK,

BUT YOU-- A. MR. HALL. Q. BUT YOU NEVER INDICATED TO THE JUDGE THAT YOU WANTED TO WITHDRAW YOUR PLEA? A. NO MAM. BASICALLY ITS LIKE YOU EITHER PLEAD THIS OR BASICALLY IF NOT, YOU'LL GET A LIFE SENTENCE.

Q. I'M SORRY. CAN YOU REPEAT THE LAST THING YOU SAID? A. I SAID BASICALLY ITS WE NEED TO PLEAD HERE. IF NOT, YOU WILL GET A LIFE SENTENCE. HE KEPT DANGLING THIS LIFE SENTENCE OVER TOP OF MY HEAD,

LIFE SENTENCE, LIFE SENTENCE. Q. WHO KEPT DANGLING THE LIFE SENTENCE OVER YOU? A. THAT WOULD BE ROBERT HALL, MAM MR. ROBERT HALL.

* INEFFECTIVE ASSISTANCE OF COUNSEL BY PER ATTY BRANDT RUCKER

APPENDIX - Pg 100. ORDER DENYING RELIEF - RELIEF OF COUNSEL.

PETITIONER REQUESTED BRANDT RUCKER TO SUBPOENA FBI-ATF & US MARSHALS TO TESTIFY AT JAN 11, 2016 PCR EVIDENTIARY HEARING. PROVIDING THE COURTS WITH PHYSICAL EVIDENCE THAT KEVIN McDONALD WAS IN FLORIDA - COUNSEL BRANDT RUCKER REFUSED TO CONTACT THE FBI-ATF-US MARSHALS TO PROVE ACTUAL INNOCENCE. THIS IS PRESERVED ON TRANSCRIPT.

PETITIONER CONTINUOUSLY PROVIDED BRANDT RUCKER WITH INCrimINATING INFORMATION - PLACING PETITIONER IN FLORIDA. BRANDT RUCKER TOLD PETITIONER HE NEEDED TO WITHDRAW PCR AND FINISH SENTENCE. COUNSEL REFUSED TO SUBPOENA FBI-ATF TO APPEAR AT PCR HEARING. PETITIONER SIXTH AMENDMENT TO COUNSEL WAS VIOLATED BY PCR COUNSEL.

* PETITIONER'S PLEA WAS INVOLUNTARY.

APPENDIX - PG 4 - TRANSCRIPT OF RECORD - Lines 17-23

THE COURT: THERE ARE SOME VAGARIES, BUT LET ME TELL YOU WHAT MY UNDERSTANDING OF IT IS. WHILE ALFORD, THE CASE ITSELF, THE PERSON WAS UNABLE TO INTELLIGENTLY MAKE A STATEMENT WHETHER WAS GUILTY OR NOT, MY CONCEPT OF THE ALFORD PLEA, AND THAT CASE IN ITS PROGENY, IS BASICALLY YOUR TELLING ME, I DIDN'T DO THESE CHARGES, I DIDN'T DO THES. MR. MCANDREWS: THAT'S CORRECT, YOUR HONOR.

APPENDIX - PG 36, P. 43. In both the Initial AND Amended Applications, Petitioner asserts actual innocence and that his plea was coerced.

APPENDIX - PP. 82-95 Petitioner additionally submitted 16 Affidavits from witnesses who would testify Petitioner was in Florida at the time the homes were burglarized in South Carolina.

APPENDIX ~~PP.~~ 77. Petitioner also ask for help of a private investigator to assist with the investigation into actual innocence.

APPENDIX - PG 118, lines 6-25: DIRECT EXAMINATION

Q. All right. Did you knowingly and voluntarily plead guilty to the underlying charges here? A. No. I did not knowingly plead to that period. Q. OKAY what you do. A. I'm not. Q. Do you disagree that it was voluntary? A. Yes. My guilty plea was involuntary and unintelligently mainly because the counsel and the prosecutor used coercive tactics to induce me into a guilty plea. Q. All right. At, at this point, is there any other information you want to give the judge through your testimony? A. Yes Your Honor, I WASN'T even in the state of South Carolina when this happened I was in Florida and even since then, sir. Since - in June I filed a PER June 16, 2009 presenting additional alibi witnesses and photographs of me in Florida, and it was denied, telling I could wait 4/2010 to file additional PERs. So, I've been denied access to the courts since 2009.

APPENDIX - PG 143 Lines 13-16 Q. OKAY, and you understand Kevin McAndrew is alleging that you refused to get him a continuance to try and produce those witnesses? A. There was no need for a continuance.

* THE COURT AND STATE DENIED PETITIONER ACCESS TO COURTS DENYING PETITIONER HIS DUE PROCESS RIGHTS

APPENDIX Pg 50. - RETUAL PCR Filed in State Custody June 16, 2009
ATTY General Oct 29, 2009 REQUEST Evidentiary HEARING on Ineffective Assistance of Counsel.

APPENDIX Pg 52-53 MOTION TO DISMISS BY STATE-Dated Oct 20, 2010
ASKING COURT TO DISMISS CASE Because Petitioner Transferred to Federal Custody.

APPENDIX Pg 54-55 PROX OF DESMISSAL DATED Nov. 5, 2010 BY
Chief Judge Durham (ble. Citing Clayton V. State 301 S.E.2d 133 (1981) because
Petitioner housed in Federal Custody Must wait Until 2020 then He
Could file PCR. DENYING ACCESS TO COURTS FOR SEVEN (7) YEARS.

* THEN PETITIONER RECEIVES PCR Evidentiary HEARING WHILE IN
Federal Prison. While Court Held in Sparsburg by Teleconference.
This should have been done in 2009 When all 16 Alibi Witnesses,
to include FBI, ATF, US marshals Could have Appeared And
testified that Kevin McDaniel was in Florida Dec 27, 2005 &
Jan 13, 2006. Each was Innocent. THIS IS A MISPERCEIVE
OF JUSTICE. LAW ENFORCEMENT From Florida Can testify that
Petitioner was in Florida - BUT THE COURTS AND STATE
OBSSE TO VIOLATE PETITIONER'S CONSTITUTIONAL RIGHTS.

Your Honor AS OF TODAY February 25, 2017, THE FBI, ATF,
U.S. marshals Can Produce PHYSICAL / INCREMENTING Evidence
THAT Kevin McDaniel was in Florida Not S.C. 12-27-05 / 1-13-06.
PETITIONER moves THIS COURT to GRANT A NEW TRIAL
BASED UPON BEING DENIED ACCESS TO COURTS for 7 YEARS,
TO ALLOW THE FBI, ATF, US marshals to PRESENT PHYSICAL
OF MR McDaniel in Florida factually Innocent He
has Been Unlawfully Imprisoned Since March 11, 2006.
He has continuously Attempted to present PHYSICAL Evidence BY
FBI, ATF, that He was in Florida But the Courts Have
Denied Him Access to the Court. HE moves THE COURT
TO GRANT A NEW TRIAL so He Can Prove FACTUAL Innocence.

* THE COURT HAS REFUSED TO ALLOW EVIDENCE OF MATERIAL FACTS, NEWLY DISCOVERED EVIDENCE TO BE PRESENTED IN THE INTEREST OF JUSTICE PROVEING FACTUAL INNOCENCE

APPENDIX-B 82-95. AFFIDAVIT FROM ALIBI WITNESS

FOURTEEN ALIBI WITNESSES WHO HAVE BEEN PREPARED TO TESTIFY IN ORIGINAL 2009 EP-42-3350 PCR EVIDENTIARY HEARING. BUT JUDGE DERRIN CALE REFUSED TO ALLOW THE PCR HEARING BECAUSE OF PETITIONER LIES IN FEDERAL POSTING. BUT PETITIONER WAS FINALLY GIVEN PCR HEARING IN JAN 11, 2016. SEVEN (7) YEARS LATER - EVEN AFTER NEWLY DISCOVERED EVIDENCE WAS INTRODUCED THE COURTS STILL CHOSE TO VIOLATE PETITIONERS DUE PROCESS RIGHTS.

APPENDIX D 122. LINES 4-21 CROSS EXAMINATION.

Q: OKAY, IN THOSE FACTS, SHE SAID THAT, THAT YOU HAD TOLD RICHLAND COUNTY OFFICERS THAT -- THAT YOU HAD CONFESSED TO ONE OF THESE BURGLARIES?

A: MA'AM WHEN THEY ARRESTED ME, I'D BEEN UP ON -- I WAS I'D BEEN UP FOR FOUR DAYS HIGH ON DRUGS. Q: JUST A. WHEN THEY ARRESTED

ME I WAS HARVESTED. YOU CAN SEE THE INTERROGATION IS SIX PAGES. AND YOU'LL SEE IN THAT INTERROGATION I CONFESSED TO TWO MURDERS

THAT PURPORTEDLY HAPPENED ON DECEMBER 27 2005, THE SAME

DAY THIS BURGLARY HAPPENED IN SPARTANBURG. I WAS

CONFESSING TO TWO MURDERS IN THERE. THIS IS A CAR SPEAKER,

IT'S ARMED ROBBERY. CONFESSED TO, SHUT IN PRISON. IF YOU HAVE

THAT RECORD BEFORE YOU, I'D LIKE TO PLEASE PRESENT IT TO MR. CATHAN.

Q: THAT -- A. I CONFESSED TO OTHER -- ALL KINDS OF CRIMES THAT I NEVER DID BECAUSE I'D BEEN UP FOR FOUR DAYS ON DRUGS.

* THE FBI, ATF, US MARSHALS ON THIS DAY FEBRUARY 25, 2017 CAN PROVIDE THIS COURT WITH PHOTOS / PHYSICAL EVIDENCE PROVING KEVIN MCDONALD WAS IN FLORIDA DEC 27, 2005 & JAN 13, 2006, PROVING FACTUAL INNOCENCE. PETITIONER MOVES THIS COURT TO GRANT A NEW TRIAL SO THE FEDERAL GOVERNMENT FBI, ATF, US MARSHALS CAN PRESENT PHYSICAL EVIDENCE PROVING PETITIONER WAS IN FLORIDA. PETITIONER HAS BEEN DENIED ACCESS TO COURTS SINCE 2009. THE GOVERNMENT CAN PROVE HE WAS IN FLORIDA. ACTUAL INNOCENT.

YOUR HONOR: I WAS IN FLORIDA DURING THESE EVENTS - THE FBI-ATF-
CAN PRODUCE INCREMENTAL EVIDENCE OF ME IN FLORIDA DURING
Dec 27, 2005 & JAN 13, 2006. I HAVE CONTINUOUSLY TOLD ALL COURT
APPOINTED ATTY'S TO INCLUDE KATHERINE HUGHES THAT I WAS IN
FLA COMMITTING CRIMINAL OFFENSES ON ABOVE DATES AND THE FBI CAN
VERIFY THIS. BUT COURT APPOINTED ATTY'S FAIL TO FOLLOW UP
ON THE INCREMENTAL INFORMATION I PRESENT TO THEM.
PETITIONER IS MOVING THIS COURT TO GRANT A NEW TRIAL
SO THE FBI-ATF-US MARSHALS CAN PRESENT PHYSICAL EVIDENCE
OF KEVIN LYNNE McDAWEL IN FLA Dec 27, 2005 & JAN 13, 2006
COMMITTING CRIMINAL OFFENSES. IMPOSSIBLE FOR MR McDAWEL TO
BE IN SOUTH CAROLINA Dec 27 2005 & JAN 13, 2006.

CONCLUSION

PETITIONER A PRO-SE LITIGANT MAKES THIS COURT TO
GRANT AND AMEND THIS "APPENDIX CITATION IN
SUPPORT OF MEMORANDUM" GRANTING A NEW TRIAL
BASED UPON THE CONSTITUTIONAL VIOLATIONS. AND
ALLOWS THE FBI-ATF-US MARSHALS TO PRESENT PHYSICAL
EVIDENCE - PHOTOS ETC OF KEVIN McDAWEL IN FLORIDA ON
Dec 27, 2005 & JAN 13, 2006. Actually Innocent. He Has
Been IN PRISON SINCE March 11, 2006. FOR A CRIME HE COULD
NOT HAVE POSSIBLY COMMITTED. THE FBI-ATF-US MARSHALS
HAVE PHYSICAL EVIDENCE OF HIM IN FLORIDA. Grant Such
Other Relief as this Court may deem just and proper.
I declare Under penalty of Perjury the
above is true and Correct.


KEVIN McDAWEL
PRO-SE

Dated On February 27 2017.

- Actually Innocent -
FBI Can Prove EVMS IN FLORIDA!

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Certiorari to Spartanburg County
Honorable R. Ferrell Cochran Circuit Court Judge.

KEVIN WAYNE MCOWENS, Petitioner.
VS.

STATE OF SOUTH CAROLINA, Respondent.
Appellate Case No. 2016-001414

MOTION FOR APPOINTMENT OF PRIVATE INVESTIGATOR
OR FBI-ATF-US MARSHALS TO PRODUCE
EVIDENCE THAT PETITIONER WAS IN FLORIDA
DEC 27, 2005 & JAN 13, 2006

MAH IT PLEASE THIS COURT, KEVIN MCOWENS MOVES THE COURT TO
APPOINT A PRIVATE INVESTIGATOR OR FBI-ATF-US MARSHALS TO PRODUCE
EVIDENCE THAT PETITIONER WAS IN FLORIDA 12-27-05/1-13-06.

MR MCOWENS NEEDS TO SPEAK WITH A PRIVATE INVESTIGATOR/
FBI-ATF-US MARSHAL TO PROVIDE THEM WITH DETAILED FACTS.
INCrimINATING EVIDENCE PLACING HIM IN FLA. THEREFORE.
HE MOVES THE COURT TO GRANT THIS MOTION AND ORDER THE
BELOW LISTED RELIEF.

RELIEF REQUESTED

KEVIN WAYNE MCOWENS MOVES THE COURT TO ISSUE AN ORDER-
APPOINTING A PRIVATE INVESTIGATOR-FBI-ATF-US MARSHAL TO COME
TO INSTITUTION TO SPEAK WITH MR MCOWENS SO HE CAN PROVIDE
INCrimINATING EVIDENCE PLACING HIM IN FLA. SO HE
CAN BE EXONERATED OF THE SOUTH CAROLINA CRIMES THEN ORDER
THE FBI-ATF-PRIVATE INVESTIGATOR PROVIDE THE COURT WITH
EVIDENCE PLACING MR MCOWENS IN FLORIDA.

I declare Under Penalty of Perjury the
Above is true and correct.

Dated On February 27 2017


Kevin Mcowens
PRO-SE

K109809

K109810

K109811

Kevin Wayne McDaniels
 Register # 14256-171
 Federal Correctional Institution
 P.O. Box 1000
 Otisville, N.Y. 10963
 Tel# 845/386-6700

TO: University School of Law/ Law Professor/Private Investigators/
 INNOCENCE PROJECT.

RE: I Kevin Wayne McDaniels have been Wrongfully Convicted and was not even in the state when the crime of Burglary Occurred. I was arrested on March 11, 2006, and while in custody I was charged with two burglaries in Spartanburg S.C. [Case No. 2008-GS-42-1743, 1744, 1745, 1746], I demanded a Jury Trial, on August 26, 2008, day of trial, I stood in court awaiting for alibi witnesses to appear after they drove 10 hours from Florida to testify that I was on Florida on 12/27/05 & 1/14/06- when they arrived in Woodruff, S.C. 10 minutes way from the courtroom, their truck breaks down, they call my mother who was downstairs-ask her to tell my atty Robert Hall-to ask for a One Hour continuance- I along with my mother ask for a One Hour Continuance to atty Robert Hall-he refuses to ask for continuance, forcing me to enter an alford plea to 15 years. I file a PCR June 16, 2009-ignored-I file another PCR- Judge Derham Cole [Tel# 864)596-2685--E-MAIL-jecolej@sccourts.org], ISSUES AN ORDER OF DISMISSAL TELLING ME BECAUSE I AM IN FEDERAL CUSTODY I HAVE TO WAIT UNTIL 9/11/2020-THEN I CAN FILE ANOTHER APPEAL, DENYING ME ACCESS TO THE COURTS, I file Lawsuits/2254's Writ of Certiorari- only to be told I have to EXHAUST STATE REMEDIES FIRST-IF JUDGE COLE AND THE S.C. ATTY GENERALS OFFICE IS TELLING ME I MUST WAIT UNTIL I AM BACK IN STATE CUSTODY 9/11/2020- THEN I AM BEING MENTALLY AND PHYSICALLY TORTURED, A FACTUALLY INNOCENT MAN. I FILE ANOTHER PCR AND THEN ON JANUARY 11, 2016-I AM GIVEN A TELECONFERENCE, ME IN NEW YORK, WHILE COURT IS HELD IN SPARTANBURG S.C. [Tel# 864)-596-2591 and Judge Ralph Cothran presided [Tel# 803)435-2450-], and Brandt Rucker esq- [Tel# 864)271-9925], at the TELECONFERENCE-ROBERT HALL WAS ASKED THE FOLLOWING: DID MCDANIELS ASK YOU FOR A ONE HOUR CONTINUANCE ON DAY OF TRIAL??YES HE DID-BUT I DID NOT PURSUE IT:DID MCDANIELS ASK YOU TO PLACE THE PROSECUTORS OFFICE ON NOTICE OF ALIBI WITNESS DEFENSE??YES-BUT I DID NOT DO IT..INEFFECTIVE ASSISTANCE OF COUNSEL-SINCE AUGUST 26, 2008-AND FINALLY ROBERT HALL ADMITS THIS, AND JUDGE RALPH COTHAN DENIED MY PCR..A FACTUALLY INNOCENT MAN, IF JUDGE DERHAM COLE WOULD HAVE GIVEN ME ACCESS TO THE COURTS IN MY ORIGINAL 2009 PCR-ALL 16 ALIBI WITNESSES WOULD HAVE APPEARED AND TESTIFIED, THAT I WAS IN FLORIDA FROM AUGUST 2005 THROUGH JANUARY 20, 2006-EVEN THE FBI/ATF/U.S. MARSHALS CAN TESTIFY TO THESE FACTS, I PROVIDED PHOTO'S OF ME IN FLORIDA. I ALONG WITH MY FAMILY HAS BEEN MENTALLY TORTURED BY THIS, MY FATHER RECENTLY LOST HIS LEG BECAUSE OF DIABETES, MY MOTHER HAS FALLEN AND BROKE BOTH OF HER LEGS-PLATES AND SCREWS HOLD THEM TOGETHER, I AM FACTUALLY INNOCENT I WAS NOT IN THE STATE AND BECAUSE OF BEING DENIED ACCESS TO THE COURTS, AND COUNSEL BEING INEFFECTIVE I HAVE TO SUFFER, PLEASE I AM FACTUALLY INNOCENT. Call My Mother:864)574-9597--or Call# 864)921-7254-- I declare under penalty of perjury. April 15, 2016

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2016 APR 16 AM 9:28

[illegible]

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

AFFIDAVIT OF:

Kevin W. McDaniels
NANCY L. GRIFFIN

I, NANCY L. GRIFFIN do hereby make this Affidavit Pursuant to
U.S.C. (ss) 1746 declaring under Penalty of Perjury:

1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmont Avenue, Springhill, Florida, 34610
4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
5. Kevin W McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
7. Kevin W. McDaniels is related to me as My Son. I have known Kevin W. McDaniels for 44 Years.
8. Please contact me at: 480 DELL STONE ROAD, ROXBURG, SC, 29376
Phone#: 864-574-9597 Cell#: 864-921-7254
9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct.

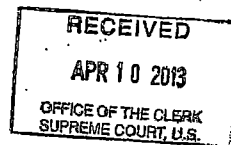
/s/ Nancy L. Griffin
Print

Date: 03-27-13

Appeared before me on the _____ Day of 20____

Notary Public

My commission expires: _____



STATE OF Florida
COUNTY OF St. Johns

AFFIDAVIT OF:

Ray Livingston

1. I, Ray Livingston do hereby make this Affidavit Pursuant to 28 U.S.C. (ss) 1746 declaring under Penalty of Perjury.
2. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
3. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
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Phone#: 864-574-9597 Cell#: 864-921-7254
10. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct.

Date: 3-22-13

The foregoing instrument was acknowledged before me this 22 day of March, 2013

who is personally known to me or who has produced

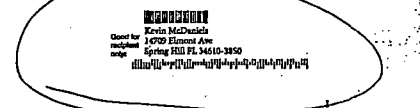
to me

Identification

Commission No. 22716495

Government Authorized VA Mortgage Low Rate & Payment Refinance Program

Close in an average of 8-10 days & skip your next monthly mortgage payment - CALL NOW!



Dear Kevin,

As a qualified veteran, you may be paying too much on your mortgage. Thanks to the Federal Reserve, low-interest funds are still available at our lowest interest rates in 75 years.

That's why we urge you to call Mortgage Investors Corporation (MIC) (DMLS #3510) today. We are a VA authorized direct lender. VA mortgage refinancing is our specialty - and we work hard to make refinancing easier for veterans.

Please have your Unique ID Code #6214292 available when you call. The toll-free number is 1 (866) 580-2996. We will be able to quote your approximate monthly savings right over the phone.

Taking advantage of this opportunity right now is important. No matter when you financed or refinanced your home, if you did not refinance with MIC, you are likely paying too much for your VA mortgage.

Even veterans with less-than-perfect credit may be eligible to receive the same low interest rates available to those with excellent credit.

This mortgage will be guaranteed by the Veterans Administration. Mortgage Investors Corporation (MIC) (DMLS #3510) is a direct lender, not a government agency.

Mobile homes and manufactured housing accepted.

You can choose to stop receiving "prescreened" offers of credit from this and other companies by calling toll-free 1-888-567-6688. See PRESREEN & OPT-OUT NOTICE on the back slide for more information about prescreened offers.

Call now to find out how easy it is to refinance with MIC and:

- Lower your monthly mortgage payments
- Skip your next mortgage payment*
- Close in an average of 8-10 days (others may take as long as 30, 60, and 90 days - or more!)
- No equity required
- Receive an escrow refund from your current lender**

To see how much YOU can save, call **1 (866) 580-2996**

8 a.m. - 11 p.m. (EST) 7 days a week including Saturday & Sunday
Be sure to reference your Unique ID Code #6214292 when you call.

This mortgage will be guaranteed by the Veterans Administration. Mortgage Investors Corporation (MIC) (DMLS #3510) is a direct lender, not a government agency.

Mobile homes and manufactured housing accepted.

You can choose to stop receiving "prescreened" offers of credit from this and other companies by calling toll-free 1-888-567-6688. See PRESREEN & OPT-OUT NOTICE on the back slide for more information about prescreened offers.

GOVERNMENT AUTHORIZED VA MORTGAGE LOW RATE & PAYMENT REFINANCE PROGRAM

Call today. Get your FREE approximate monthly savings quote NOW!
1 (866) 580-2996

Kevin, Take advantage of our lowest interest rates in 75 years!

Peace County Resident
Kevin McDaniels
14709 Elmont Ave
Spring Hill, FL 34610-3500
1-866-580-2996

NOTICE OF POSSIBLE MORTGAGE OVERPAYMENT

Dear Kevin,

Call (866) 580-2996 now - you don't want to miss out! As a qualified veteran, you may be paying too much on your VA mortgage. Thanks to this government program, our lowest interest rates in 75 years are still available.

That's why we urge you to call MORTGAGE INVESTORS CORPORATION (DMLS #3510) today. We are a VA authorized direct lender. VA guaranteed mortgages are our specialty - and we work hard to make refinancing easier for veterans.

Please have your Unique ID Code #6214292 available when you call. The toll-free number is 1 (866) 580-2996. We will be able to quote your approximate monthly savings right over the phone.

Taking advantage of this opportunity right now is important. No matter when you financed or refinanced your home, you are likely paying too much for your VA mortgage. Even veterans with less-than-perfect credit may be eligible to receive the same low interest rates available to those with excellent credit.

Benefits of this VA refinance program:

- Lower your monthly mortgage payments
- Skip your next payment*
- Close in an average of 8-10 days
- Get an escrow check from current lender**
- No equity required

YOUR UNIQUE ID CODE #6214292
Please call by March 15, 2013

To see how much YOU can save, call
1 (866) 580-2996

8 a.m. - 11 p.m. (EST) 7 days a week including Saturday & Sunday
Be sure to reference your Unique ID Code #6214292 when you call.

This mortgage will be guaranteed by the Veterans Administration. Mortgage Investors Corporation (DMLS #3510) is a direct lender, not a government agency.

Double wide mobile homes and manufactured housing accepted.

You can choose to stop receiving "prescreened" offers of credit from this and other companies by calling toll-free 1-888-567-6688. See PRESREEN & OPT-OUT NOTICE on the back slide for more information about prescreened offers.

Government Authorized VA Mortgage Rate & Payment Refinance Program	* Know your monthly mortgage payment
VA MIC Direct Lender 2010 BENTLEY AVENUE NW, SUITE 200 WASHINGTON, DC 20004	* Skip a mortgage payment*
* Address/Phone ID Number #6214292 (Please reference when calling.)	* Get an escrow refund back from your current lender.**
* Name, Address, and ZIP code Kevin McDaniels 14709 Elmont Ave Spring Hill, FL 34610-3500	* No equity, appraisal, or income verification required.
	* Call to find out your approximate monthly savings 1 (866) 580-2996

NOTICE OF POSSIBLE MORTGAGE OVERPAYMENT

PLEASE READ ENTIRE DOCUMENT CAREFULLY - NOT AN OFFICIAL GOVERNMENT DOCUMENT

As a qualified veteran, you may be paying too much on your mortgage. Low-interest funds are still available at our lowest interest rates in 75 years.

That's why we urge you to call Mortgage Investors Corporation (DMLS #3510) today. We are a VA authorized direct lender. VA mortgage refinancing is our specialty - and we work hard to make refinancing easier for veterans.

Please have your Unique ID Code #6214292 available when you call. The toll-free number is 1 (866) 580-2996. We will be able to quote your approximate monthly savings right over the phone.

No matter when you financed or refinanced your home, you are likely paying too much for your VA mortgage. Even veterans with less-than-perfect credit may be eligible to receive the same low interest rates available to those with excellent credit.

Call now to find out how easy it is to refinance and:

- Lower your monthly mortgage payments
- Skip your next payment*
- Get an escrow check from current lender**
- Close in an average of 8 to 10 days - in your home with the help of a local veteran loan specialist.

Call to find out YOUR approximate monthly savings
Call 1 (866) 580-2996 today for details.

8 a.m. - 11 p.m. (EST) 7 days a week including Saturday & Sunday

THIS MORTGAGE WILL BE GUARANTEED BY THE VETERANS ADMINISTRATION. Mortgage Investors Corporation is a direct lender, not a government agency.

Double wide mobile homes and manufactured housing accepted.

You can choose to stop receiving "prescreened" offers of credit from this and other companies by calling toll-free 1-888-567-6688. See PRESREEN & OPT-OUT NOTICE on back of back slip for more information about prescreened offers.

STATE OF Florida
COUNTY OF Polk

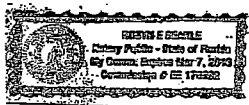
AFFIDAVIT OF:
Christopher Hendrix

- I, Christopher Hendrix, do hereby make this Affidavit Pursuant to 28 U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
 2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
 3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmout Avenue, Springhill, Florida, 34610
 4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
 5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
 6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
 7. Kevin W. McDaniels is related to me as Friend. I have known Kevin W. McDaniels for 10 Years.
 8. Please contact me at: 308 Lake Davis, Seale, FL
Phone#: 352 944-0518 Cell#: 352 944-0518
 9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-18-13

The foregoing Instrument was acknowledged before me this 18 day of March, 13 by Christopher Hendrix who, is personally known to me or who has produced



as Identification.
Robin E. Seale Notary Public
Robin E. Seale
Commission No. EE 176992

STATE OF Florida
COUNTY OF Polk

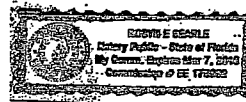
AFFIDAVIT OF:
Bryan Prescher

- I, Bryan Prescher, do hereby make this Affidavit Pursuant to 28 U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
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 6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
 7. Kevin W. McDaniels is related to me as Friend. I have known Kevin W. McDaniels for 9 Years.
 8. Please contact me at: 1854 Calhoun Rd, Brooksville, FL 34601
Phone#: 352 541-0441 Cell#: 352 541-0441
 9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-19-13

The foregoing Instrument was acknowledged before me this 19 day of March, 13 by Bryan Prescher who, is personally known to me or who has produced



as Identification.
Robin E. Seale Notary Public
Robin E. Seale
Commission No. EE 176992

STATE OF Florida
COUNTY OF Polk

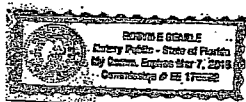
AFFIDAVIT OF:
Shawn Phillips

- I, Shawn Phillips, do hereby make this Affidavit Pursuant to 28 U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
 2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
 3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmout Avenue, Springhill, Florida, 34610
 4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
 5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
 6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
 7. Kevin W. McDaniels is related to me as Friend. I have known Kevin W. McDaniels for 10 Years.
 8. Please contact me at: 17534 Candela Ln Apt 10, Brooksville, FL
Phone#: 727 226-7492 Cell#: 727 226-7492
 9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-20-13

The foregoing Instrument was acknowledged before me this 20 day of March, 13 by Shawn Phillips who, is personally known to me or who has produced



as Identification.
Robin E. Seale Notary Public
Robin E. Seale
Commission No. EE 176992

STATE OF Florida
COUNTY OF Polk

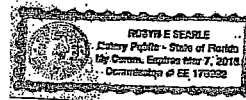
AFFIDAVIT OF:
Rachel Thompson

- I, Rachel Thompson, do hereby make this Affidavit Pursuant to 28 U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
 2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
 3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmout Avenue, Springhill, Florida, 34610
 4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
 5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
 6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
 7. Kevin W. McDaniels is related to me as a friend. I have known Kevin W. McDaniels for 10 Years.
 8. Please contact me at: 16629 Monteverde Dr
Phone#: (727) 226-7492 Cell#: (727) 226-7492
 9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-22-13

The foregoing Instrument was acknowledged before me this 22 day of March, 13 by Rachel Thompson who, is personally known to me or who has produced



as Identification.
Robin E. Seale Notary Public
Robin E. Seale
Commission No. EE 176992

STATE OF Florida
COUNTY OF Polk

AFFIDAVIT OF:

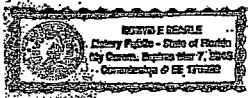
Jim Orey

- I, Jim Orey do hereby make this Affidavit Pursuant to 28
U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmont Avenue, Springhill, Florida, 34610
4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
7. Kevin W. McDaniels is related to me as Nephew. I have known Kevin W. McDaniels for 43 Years.
8. Please contact me at: 22204 37th St Lake City FL 32024
Phone#: 282 344 8954 Cell#:
9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-15-2013

The foregoing instrument was acknowledged before me this 15 day of MARCH, 2013
by _____
Name of Person Acknowledging
who is personally known to me or who has produced



as Identification, _____
Type of Identification
Robyn E. Searle Notary Public
ROBYN E. SEARLE
Name of Notary Typed, Printed or Stamped
Commission No. EE170992

STATE OF Florida
COUNTY OF Polk

AFFIDAVIT OF:

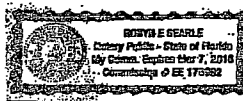
Helen Orey

- I, Helen Orey do hereby make this Affidavit Pursuant to 28
U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmont Avenue, Springhill, Florida, 34610
4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
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6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
7. Kevin W. McDaniels is related to me as Nephew. I have known Kevin W. McDaniels for 43 Years.
8. Please contact me at: 22204 37th St Lake City FL 32024
Phone#: 282 344 8954 Cell#:
9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-21-2013

The foregoing instrument was acknowledged before me this 21 day of MARCH, 2013
by _____
Name of Person Acknowledging
who is personally known to me or who has produced



as Identification, _____
Type of Identification
Robyn E. Searle Notary Public
ROBYN E. SEARLE
Name of Notary Typed, Printed or Stamped
Commission No. EE170992

STATE OF Florida
COUNTY OF Polk

AFFIDAVIT OF:

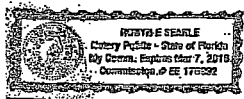
Dana Gregory

- I, Dana Gregory do hereby make this Affidavit Pursuant to 28
U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmont Avenue, Springhill, Florida, 34610
4. Kevin W. McDaniels DID NOT Burglarize the home of Timothy Ballard, 9980 Highway 9, Campobello, South Carolina, 29322, on December 27, 2005-Case # 2008GS201744 / K109811.
5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
7. Kevin W. McDaniels is related to me as Friend. I have known Kevin W. McDaniels for 25 Years.
8. Please contact me at: P.O. Box 11783 Spring Hill FL 34600
Phone#: 727 852 4546 Cell#:
9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 3-13-13

The foregoing instrument was acknowledged before me this 13 day of MARCH, 2013
by _____
Name of Person Acknowledging
who is personally known to me or who has produced



as Identification, _____
Type of Identification
Robyn E. Searle Notary Public
ROBYN E. SEARLE
Name of Notary Typed, Printed or Stamped
Commission No. EE170992

STATE OF Florida
COUNTY OF Polk

AFFIDAVIT OF:

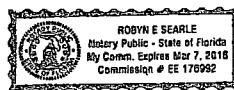
Joseph T. Hope III

- I, Joseph T. Hope III do hereby make this Affidavit Pursuant to 28
U.S.C. (ss) 1746 declaring under Penalty of Perjury:
1. This Affidavit is made in support of Kevin W. McDaniels, D.O.B. 08/19/1969, S.S. #589-03-2274.
2. Kevin W. McDaniels was in Florida on December 27, 2005, and January 14, 2006.
3. Kevin W. McDaniels was receiving his U.S. Mail, Paying Rent and residing at: 14709 Elmont Avenue, Springhill, Florida, 34610
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5. Kevin W. McDaniels DID NOT Burglarize the home of Christine Kimbrell, 132 Southland Avenue, Boiling Springs, South Carolina on January 14, 2006-Case # 2008GS4201743 / K109808.
6. Kevin W. McDaniels was Unlawfully sentenced to 15 years (No Parole) on Both charges August 26, 2008.
7. Kevin W. McDaniels is related to me as Cousins. I have known Kevin W. McDaniels for 31 Years.
8. Please contact me at: 14237 Elmont Ave Spring Hill FL 34610
Phone#: 752 732 2694 Cell#:
9. I will Testify in Court that Kevin W. McDaniels was in the State of Florida December 27, 2005 and January 14, 2006 and Not in South Carolina.

I declare under Penalty of Perjury
The above is True and Correct

Dated: 03-11-13

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2013
by JOSEPH T. HOPE III
Name of Person Acknowledging
who is personally known to me or who has produced



as Identification, _____
Type of Identification
Robyn E. Searle Notary Public
ROBYN E. SEARLE
Name of Notary Typed, Printed or Stamped
Commission No. EE170992

The Applicant filed an initial post-conviction relief application² on June 16, 2009, with an amendment filed April 22, 2010. The Respondent filed an Amended Return and Motion to Dismiss Without Prejudice on October 2010. Because the Applicant was housed out of state in a Federal facility, the Court dismissed the application without prejudice with leave to file when Applicant returns to state custody.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction(s), and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Actual Innocent (sic)," in that "Applicant was in the State of Florida when the S.C. crimes were committed;"
2. "Coerced," in that "Law enforcement and attorney coerced Applicant into pleading guilty to crime;" and
3. "Duress," in that "Applicant placed under duress by law enforcement and attorney to admit to a crime Applicant did not commit."

III.

Respondent submits that Applicant's first claim of actual innocent (sic) should be summarily dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160 (2003). An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

² Case No. 2009-CP-42-3350

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

Kevin Wayne McDaniels, #254398,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2014-CP-42-0506

RETURN

The Respondent, making its Return to the application for post conviction relief (PCR) filed February 10, 2014, would respectfully show this Court:

I.

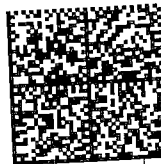
The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court¹. The Applicant was indicted at the March 2008 term of the Spartanburg County Grand Jury for burglary – 1st degree (2008-GS-42-1743), burglary – 2nd degree (2008-GS-42-1744), and two counts of grand larceny between \$1,000 and \$5,000 (2008-GS-42-1745, 1746). He was represented by Robert Hall, Esquire. On August 26, 2008, the Applicant pled to the charges as indicted pursuant to N.C. v. Alford. He was sentenced by the Honorable R. Markley Dennis, Jr., to confinement for a period of fifteen (15) years on each burglary charge and five (5) years on each grand larceny charges, all charges to run concurrent. The Applicant did not appeal his plea or sentence.

¹ Although Applicant is classified as a SCDC inmate, he is currently housed in the Federal Bureau of Prisons as a result of separate federal convictions.

KEVIN W. MCDANIELS #254398
KERSHAW Corr. Inst. Main Mail A
4848 Goldmine Hwy.
KERSHAW, SC. 29067

LEGAL MAIL

SOUTH CAROLINA SUPREME COURT
CLERK OF COURT
1231 GERVAIS Street
Columbia, S.C. 29201



UNITED STATES POSTAGE

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MAILED FROM ZIP CODE 29067



PITNEY BOWES

\$ 001.36⁰

MAR 01 2017

FOREVER

