

Kevin W. McDaniels #254398
Kershaw, Co. West Magnolia A 2
4848 Goldmine Hwy
Kershaw, S.C. 29067

JULY 1, 2017

RECEIVED

Supreme Court of South Carolina
ATTORNEY CLERK OF COURT
1231 GEORGE STREET
COLUMBIA, S.C. 29201

JUL 05 2017

S.C. SUPREME COURT

RE: KEVIN W. McDaniel v. State, Appellate No. 2016-001414

FILING PETITION TO DENY COUNSEL'S MOTION TO BE RELIEVED AS COUNSEL / DECLARATION OF KEVIN McDANIELS

DEAR CLERK:

Find enclosed PPOSE MOTION TO DENY COUNSEL Katherine Hudgins
PETITION TO BE RELIEVED AS COUNSEL / DECLARATION OF KEVIN
McDANIELS.

PLEASE PROVIDE MOTIONS TO PRESIDING JUDGE, THE FBI-ATF
AND Katherine Hudgins HAS EVIDENCE OF ME IN PLA JAN 13, 2006
COMMITTING FRAUD. COUNSEL Katherine Hudgins SHALL NOT
BE RELIEVED. I AM REQUESTING THE COURT TO DENY HER
MOTION, AND THE COURT ORDER HER TO PURSUE MY ACTUAL
INnocence CLAIM BY INTERVIEWING ME AND OBTAIN
DOCUMENTS FROM FBI-ATF PROVING MY INnocence. Providing
this evidence to the courts. I HAVE BEEN UNLAWFULLY
INcarcerated SINCE MARCH 11, 2006 (11 YRS) I WAS IN PLA
ON JAN 13, 2006 COMMITTING FRAUD NOT S.C. I NEED COUNSEL
TO PRODUCE THIS EVIDENCE. PLEASE ACCEPT ENCLOSED

MOTION TO DENY COUNSEL'S MOTION TO BE RELIEVED, PLEASE
SUBMIT MOTIONS / DECLARATION TO CHIEF JUDGE FOR ROLLING,
THE FBI-ATF HAS PROOF OF ME IN PLA COMMITTING FRAUD ON
JAN 13, 2006. Katherine Hudgins Refuses to Present this.

I declare Under Penalty of Perjury as Person
who Affirms to be true and correct.

JULY 1, 2017

(S) Kevin W. McDaniels
(PRO. PSE)

Kevin W. McDaniels #254398
Kershaw Corr. Inst. Magnolia A2
4848 Goldmine Hwy
Kershaw, S.C. 29067

JUL 1, 2017 RECEIVED

JUL 05 2017

South Carolina Supreme Court
→ ATTORNEY CHIEF JUDGE ←
1231 GERVAIS STREET
COLUMBIA, S.C. 29201

S.C. SUPREME COURT

RE: Kevin McDaniels v. State. Case No: 2016-001414

YOUR HONOR: THE FBI-ATF-US MARSHALS HAVE PHYSICAL EVIDENCE
OF ME COMMITTING FRAUD ON JAN 13, 2006 IN FLORIDA.
I WAS NOT IN S.C. JAN 13, 2006. I HAVE CONTINUOUSLY
TOLD ALL ATTYS TO INCLUDE Katherine Higgins who FBI-ATF
WAS EVIDENCE OF ME IN FLA. BUT ATTYS REFUSES TO
PRESENT IT TO THE COURTS. I KEVIN MCDANIELS HEREBY
NOTIFY THE S.C. SUPREME COURT CHIEF JUDGE THAT I
KEVIN MCDANIELS WAS IN FLA ON JAN 13, 2006 COMMITTING
FRAUD - THE FBI-ATF-US MARSHALS HAVE PROOF OF ME
COMMITTING CRIME (FRAUD) IN FLA ON JAN 13, 2006. AND
COURT APPOINTED ATTYS Katherine Higgins REFUSES TO
PRESENT THIS EVIDENCE TO THIS COURT WHICH WOULD
EXONERATE ME OF THE JAN 13, 2016 BURGLARY OF
THE RESIDENCE: Christine Kimbrell 132 Southland Ave, Bowling
Springs, S.C. 29814. I WAS IN FLORIDA ON JAN 13, 2006
COMMITTING FRAUD - THE FBI-ATF-US MARSHALS CAN
PROVIDE YOU 'CHIEF JUDGE' WITH EVIDENCE PLACING ME
IN FLORIDA - PLEASE ACT ON THIS BY ORDER COUNSEL
KATHERINE HIGGINS TO PURSUE MY INNOCENCE CLAIM
INTERVIEW ME I OBTAIN EVIDENCE FROM FBI-ATF-MARSHALS
PROVING I WAS IN FLA - ON JAN 13, 2006 NOT S.C. PLEASE
GRANT ATTACHED MOTIONS.

I declare Under Penalty of Perjury
the Above is true and correct July 1, 2017

Kevin W. McDaniels
21969-589-03-2274
DOB SSN

Kevin W. McDaniel #264398
Kershaw Corr. Inst. Mag A 2
4848 Goldmine Hwy
Kershaw, S.C. 29607
JULY 1, 2017

RECEIVED

JUL 05 2017

S.C. SUPREME COURT

CERTIFICATE OF MAILING

I, Kevin McDaniel hereby certify that I
have mailed the enclosed PRO SE PETITION
TO "DENY" COUNSEL KATHERINE HUDGINS PETITION TO BE
RELEASER AS COUNSEL // Declaration of Kevin McDaniel
to the below listed address on July 1, 2017
TO: South Carolina Supreme Court
ATTN: CLERK OF COURT
1231 GERVAIS STREET
COLUMBIA, S.C. 29201

I declare Under Penalty of Perjury
the Above is True and Correct

Kevin W. McDaniel
Kevin W. McDaniel

Dated on: July 1, 2017

I AM ASKING THE COURT TO
DENY COUNSEL'S MOTION TO BE RELEASED
THEREFORE THE COURT SHALL BE ABLE TO ENTER AN MOTION

RECEIVED

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

JUL 05 2017

Certiorari to Spartanburg County S.C. SUPREME COURT
Honorable R. Ferrell Cochran Circuit Court Judge

KEVIN WAYNE MCDANIELS.

PETITIONER.

VS.

STATE OF SOUTH CAROLINA. RESPONDENT.

APPELLATE CASE No: 2016-001414

PETITIONERS PRO-SE PETITION
TO DENY COUNSEL KATHERINE HUDGINS
PETITION TO BE RELIEVED AS COUNSEL

MAY IT PLEASE THIS COURT, KEVIN W. MCDANIELS, PRO-SE
MOVES THIS COURT TO DENY COUNSEL'S MOTION TO BE RELIEVED
AS COUNSEL BASED UPON THE BELOW LIST FACTS:

- (1) LAW ENFORCEMENT-FBI-ATF U.S MARSHALS HAVE PHYSICAL
EVIDENCE OF PETITIONER IN FLORIDA JAN 13, 2006, NOT S.C
AND COUNSEL IS AWARE OF THIS AND FAILS TO PRESENT SUCH
WHICH WOULD CLEAR PETITIONER OF THE INSTANT OFFENSE ON
APPEAL COUNSEL KATHERINE HUDGINS, BRAND RUCKER (PER ATTY)
HAVE BEEN NOTICED BY PETITIONER THAT THE FBI-ATF
HAVE EVIDENCE TO PLACE HIM IN FLORIDA AND STILL
COUNSEL FAILS TO AMEND THIS "SHOWING FACTUAL
INDEPENDENCE. LAW ENFORCEMENT HAS PHOTOS ETC. OF
PETITIONER IN FLORIDA COMMITTING FRAUD ON JAN 13, 06,
PETITIONER HAS BEEN IN PRISON SINCE MARCH 11, 2006,
ACTUALLY INNOCENT. COUNSEL KATHERINE HUDGINS CAN PROVE THIS.

- (2) YOUR HONOR, I UNDERSTAND AN ATTY CAN ONLY ARGUE WHATS ON RECORD. BUT I HAVE CONTINUOUSLY INFORMED ATTORNEYS (PER ATTY-BRAND RUCKER) THAT THE FBI-ATF-US MARSHALS HAVE EVIDENCE OF ME IN FLA COMMITTING TRAVEL ON JAN 13, 2006. PER COUNSEL TALKED TO PRESENT THIS MOTION TO RELIEVE BRAND RUCKER FILED. HEARING HELD. ON TRANSCRIPT PETITIONER INFORMS JUDGE FBI-ATF-US MARSHALS HAVE INCREASINGLY EVIDENCE OF KEVIN MEDONELLI IN FLORIDA JAN 13, 2006, COMMITTING FRAUD. PETITIONER NOTIFIED PROSECUTOR BARRY BENEITE IN WRITING ON JUNE 20, 2017, THAT THE FBI-ATF HAVE EVIDENCE OF PETITIONER IN FLA ON JAN 13, 2006 COMMITTING FRAUD, ONLY TO BE IGNORED. ACTUALLY INNOCENT.
- (3) YOUR HONOR, PETITIONER HAS BEEN FILING LITIGATION SINCE 2006, ARGUING HE WAS IN FLORIDA. SUBMITTED 16 ALLEGATIONS.
- (4) YOUR HONOR, MY FAMILY HAS DEED ON ME SINCE INCARCERATED (SINCE MARCH 11, 2006). MY MOTHER RECENTLY IN COMA. LAW ENFORCEMENT FBI-ATF-US MARSHALS HAVE PHYSICAL EVIDENCE OF ME IN FLA ON JAN 13, 2006, BUT COURT APPOINTED ATTY'S, KATHERINE HUDGINS, BRAND RUCKER (PER ATTY) REFUSE TO ADDRESS THIS TO THE COURT.
- (5) ACTIVE ATTY KATHERINE HUDGINS HAS BEEN INFORMED NUMEROUS TIMES AND ON JUNE 30, 2017 AT 1:00 PM BY PETITIONER THAT THE FBI-ATF-US MARSHAL HAS EVIDENCE OF PETITIONER IN FLA COMMITTING FRAUD ON JAN 13, 2006. IMPOSSIBLE FOR PETITIONER TO BE IN FLA. JAN 13 2006. HE WAS IN FLA. THIS HAS BEEN IGNORED SINCE MARCH 11, 2006.
- (6) PETITIONER'S ORIGINAL PER FILED JUNE 16, 2009 (2009-CP-42-3350) FILED WHILE IN STATE CUSTODY. THEN JUDGE COLE ISSUES AN ORDER TO DISMISS BECAUSE PETITIONER IN FEDERAL CUSTODY. PETITIONER ACTUALLY INNOCENT - DENIED ACCESS TO COURTS. EVIDENCE FBI-ATF MARSHALS CAN PROVE THIS.

- (7) Your Honor. How Can Any Prosecutor, Attorney General, or
Hold An Inmate In Custody Since March 11, 2006. After 11 Yrs
When The FBI-ATF-US Marshals Have Physical Evidence
Of Kevin Wayne McDaniels In Florida Committing Fraud.
- (8) Again I noticed PCR Atty Brandon Rucker 864-271-9925 Of
The FBI-ATF-US Marshals Having This Info. I Ask Him
To Contact Them So They Could Appear At The PCR
Hearing On Jan 11, 2016. To Present This Evidence
Because I Was In New York. A Teleconference Occured,
PCR Atty Brandon Rucker Refused To Contact Them.
This (FBI-ATF-US Marshal) Evidence Needs To Be
Presented By Katherine Hudgens - The Petitioner
Should "NOT" Have To Spend Another Minute In Prison
When The FBI-ATF-US Marshals Have Physical Evidence
Of Kevin Wayne McDaniels Committing Fraud On 1-13-06
In Florida - Same Day See Ruckers Jail Place
- (9) PETITIONER IS MOVING THIS COURT TO DENY COUNSEL
Katherine Hudgens Motion. ORDER HER TO INTERVIEW
PETITIONER IN PERSON SO HE CAN PROVIDE ADDITIONAL
FACT - IMPROVING EVIDENCE. PLACING HIM IN FLA
JAN 13, 2006. ORDERING Katherine Hudgens TO OBTAIN
DOCUMENTS / AGENTS ETC BY FBI-ATF-US MARSHALS
TO PROVE KEVIN MCDANIELS WAS IN FLA JAN 13, 2006
- (10) PETITIONER WAS IN FLA ON JAN 13, 2006 Committing Fraud.
COUNSEL "Katherine Hudgens" IS AWARE OF THIS. IT WOULD
BE IN THE "INTEREST OF JUSTICE" TO ORDER COUNSEL
TO CONTINUE REPRESENTATION IN INVESTIGATING THE
PETITIONER'S ACTUAL INNOCENCE CLAIM. CONTACTING
THE FBI-ATF-US MARSHALS, FURNISHING THE REPORT
DIRECTLY TO THIS COURT. PETITIONER WAS IN FLORIDA,
FBI-ATF-US MARSHALS CAN PROVE THIS YOUR HONOR.

(11). PETITIONER FILED A PROPR. MOTION TO APPOINT PRIVATE INVESTIGATOR" IN THIS COURT FOR THE PURPOSE OF CONTACTING FBI-ATF US MARSHALS TO PROVE PETITIONER WAS IN FLA 1-13-06. THE COURT ON APRIL 5, 2017 DENIED SUCH BECAUSE COUNSEL IS STILL APPOINTED. PETITIONER SPOKE WITH KATHERINE HIDDINGS ON JUNE 30, 2017 ABOUT THIS, SHE TOLD PETITIONER IF THE COURT DENIES HER MOTION TO BE RELIEVED, SHE WOULD PURSUE CONTACTING FBI-ATF FOR EVIDENCE PROVING I WAS IN FLORIDA JAN 13, 2006. THEREFORE, THE PETITIONER MOVES THIS COURT TO GRANT THE BELOW LISTED RELIEF.

RELIEF REQUESTED

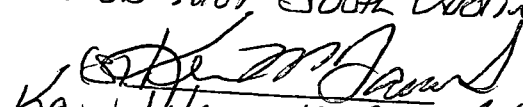
1. DENY Katherine H. Hiddings, esq. Feb 22, 2017 PETITION TO BE RELIEVED OF COUNSEL. ORDER COUNSEL Katherine Hiddings TO PURSUE PETITIONERS ACTUAL INNOCENCE CLAIM BY PERSONALLY INTERVIEWING PETITIONER, SO HE CAN PROVE FACTS THAT WILL PLACE HIM IN FLA JAN 13, 2006 COMMITTING FRAUD.
2. ORDER Katherine Hiddings to Contact the FBI-ATF-US Marshals TO PRODUCE EVIDENCE OF Kevin M. Daniels IN FLA JAN 13, 2006 COMMITTING FRAUD. PRODUCE THOSE RECORDS TO THE CHIEF JUDGE
3. ORDER Katherine Hiddings to obtain Case File from PER ATTY BRAND RUCKER, PRODUCE THIS TO THE COURTS WHICH WILL SHOW DOCUMENTS FROM FBI-ATF-US MARSHALS THAT PETITIONER WAS IN FLA JAN 13, 2006 COMMITTING FRAUD.

IN THE INTEREST OF JUSTICE, PETITIONER MOVES THIS COURT TO DENY COUNSEL'S MOTION TO BE RELIEVED; ORDER KATHERINE HIDDINGS TO PURSUE PETITIONERS ACTUAL INNOCENCE CLAIM, BY INTERVIEWING PETITIONER PERSONALLY, AND OBTAIN DOCUMENTS BY FBI-ATF-US MARSHALS PROVING PETITIONER WAS IN FLA JAN 13, 2006 COMMITTING FRAUD NOT SOUTH OREGON.

I declare Under Penalty of Perjury the
ABOVE IS true and correct

Dated: July 1, 2017

DOB: 8-19-69
SSN 589-03-2274


Kevin Wayne Daniels (Petitioner)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Honorable R. Ferrell Cochran Circuit Court Judge

KEVIN WAYNE McDAWEL, Petitioner

RECEIVED

VS.

STATE OF SOUTH CAROLINA. Respondent. 05 2017

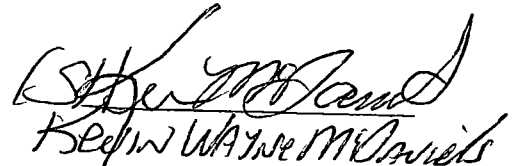
APPELLATE CASE NO: 2016-001414

DECLARATION OF KEVIN WAYNE McDAWEL S.C. SUPREME COURT

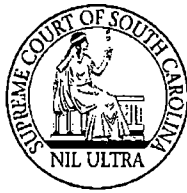
- (1) I Kevin McDawel declare Under Penalty of Perjury the below is true and correct.
- (2) I have told Katherine Higgins Numerous times and on June 30, 2017 THAT THE FBI-ATF HAS EVIDENCE OF ME IN FLA 1-13-06 COMMITTING FRAUD.
- (3) I have told PRO ATTY BRAD RUCKER Numerous times THAT THE FBI HAS EVIDENCE OF ME IN FLA 1-13-06 COMMITTING FRAUD.
- (4) I Kevin McDawel WAS IN FLA JAN 13, 2006 COMMITTING FRAUD. I HAVE CONTINUOUSLY INFORMED ALL COURT APPOINTED ATTORNEYS OF THE FBI HAVING EVIDENCE OF ME IN FLA 1-13-06 COMMITTING FRAUD. PROVING I WAS NOT AS S.C. THEY REFUSE TO PRESENT THIS TO THE COURTS.
- (5) ON JUNE 20, 2017 I NOTIFIED PROSECUTOR BARRY BROWNE AND SENY SHERIFF CHUCK WRIGHT THAT THE FBI HAS EVIDENCE OF ME IN FLA 1-13-2006 COMMITTING FRAUD. PROVING I DID NOT COMMIT BURGLARY TO S.C. ON 1-13-2006 ONLY TO BE IGNORED. I HAVE PLACED PROSECUTOR ON NOTICE THAT THE FBI HAS INCriminating EVIDENCE OF FRAUD (1-13-06) IN FLA THAT COULD EXONERATE ME OF THE S.C. BURGLARY AND TO BE IGNORED.
- (6) I DID NOT BURGLARIZE THE HOME OF JANE CHRISTINE KIMBELL AT 132 Southland Ave Bowling Springs S.C. 29314 ON JAN 13, 2006. I WAS IN FLORIDA ON JAN 13, 2006 COMMITTING FRAUD. THE FBI-ATF-US MARSHALS CAN CONFIRM I WAS IN FLA ON JAN 13, 2016. I AM INNOCENT OF THE S.C. BURGLARY.

I declare Under Penalty of Perjury
the ABOVE IS TRUE AND CORRECT.

DATED ON: JULY 1, 2017


Kevin Wayne McDawel

DOB 8-19-64. SSA 589-03-2274



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 05, 2017

Mr. Kevin Wayne McDaniels, #254398
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: Kevin Wayne McDaniels v. State
Appellate Case No. 2016-001414

Dear Mr. McDaniels:

Regarding your motion to amend, amended petition for a writ of certiorari, letter and affidavit, these documents will be considered as an additional *pro se* response to the *Johnson* petition submitted by your counsel.

As to your motion to appoint an investigator, I cannot accept motion for filing because you are represented by counsel in this matter. Therefore, no action will be taken on this motion by this Court. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

CLERK

cc: Alicia A. Olive, Esquire
Kathrine Haggard Hudgins, Esquire

II. SUMMARY OF TESTIMONY PRESENTED

Applicant testified that his case was on the docket for a jury trial on the date that he pleaded guilty, August 26, 2008. Applicant testified that Counsel met with him only once before his scheduled trial. Applicant testified he could not have been guilty of the charges because he was in

Newport, Florida at the time the crimes were alleged to have been committed. Applicant testified that

he had sixteen affidavits from individuals who would attest that he was out of the state at the time, as

well as photographs of him in Florida. He testified that he had alibi witnesses that were planning to

testify at his trial and that he and Counsel discussed these witnesses. Applicant testified that his

father was one of his alibi witnesses. Applicant testified his father was not present to testify at the

PCR hearing but that he had expected him to testify. Applicant testified that he was being pressured

with a life sentence and that Counsel abandoned him. Applicant testified his father and stepmother

were on their way to the courthouse the morning that the trial was scheduled to begin and that he

asked Counsel to request a one hour continuance but Counsel refused to do so. Applicant alleged that

these individuals were going to testify that he was in Florida at the time the crimes were committed.

Nancy Griffin, Applicant's mother, testified that she was prepared to testify on the day of

trial. Griffin testified that she, Applicant, and Counsel spoke in the conference room in the rear of the

courtroom on the day Applicant's trial was scheduled to begin. She testified that the prosecuting

attorney was present during their conference.

Counsel testified he did not move for a continuance because a continuance was not necessary.

Counsel testified that another attorney, Joshua Schultz, Esquire, was initially appointed to represent

Applicant. Counsel testified that his first contact with Applicant was on June 4, 2008, which was

within days after Counsel became employed as a public defender. Counsel testified that James

See Appen A. 17
32

A. 3. 17

2016 MAY - 4 AM 9:04
M HOPE BLANCHETT
STANDARD

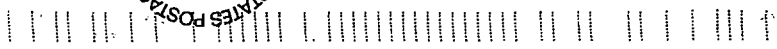
KEVIN W. MCDONALD # 254398
KERSHAW, CORE, DIST. MAGNOLIA A-2
4848 Goldmine Hwy
KERSHAW, S.C. 29067



SOUTH CAROLINA SUPREME COURT
ATTN: CLERK OF COURT
1231 GERVAIS STREET
COLUMBIA, S.C. 29201

LEGAL MAIL

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PITNEY BOWES





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NOV 29 2017

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COLUMBIA
SC 29204
NOV 29 2017

THE DEPARTMENT OF
ENERGY
THE
PORTS

U.S. DEPARTMENT OF ENERGY
PORTS

U.S. DEPARTMENT OF ENERGY
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