

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUL 28 2017

KEVIN WAYNE MCDANIELS..... Petitioner **SC SUPREME COURT**

VS.

STATE OF SOUTH CAROLINA..... Respondent.

EMERGENCY WRIT OF HABEAS CORPUS

MAY IT PLEASE THIS COURT, KEVIN W. MCDANIELS HEREBY FILES THIS "EMERGENCY WRIT OF HABEAS CORPUS" MOVING THIS COURT TO ISSUE AN ORDER FOR THE PETITIONER TO BE IMMEDIATELY RELEASED FROM CUSTODY BASED UPON "THERE EXISTS EVIDENCE OF MATERIAL FACTS, NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION AND SENTENCE IN THE INTEREST OF JUSTICE.

LAW ENFORCEMENT, FBI, U.S. MARSHALS HAVE PHYSICAL EVIDENCE OF KEVIN MCDANIELS IN FLORIDA ON JAN 13, 2006, NOT IN SPARTANBURG S.C. WHERE A BURGLARY WAS COMMITTED. MR. MCDANIELS HAS BEEN REDEESTING ALL COURT APPOINTED ATTORNEYS KATHERINE HUGGINS (ROBERT HALL / BRANT RUCKER TO CONTACT THE FBI-U.S. MARSHALS SO THEY CAN PRESENT PHYSICAL EVIDENCE OF KEVIN MCDANIELS IN FLORIDA AND THEY FAIL TO PURSUE PROVING MY GACNAL INNOCENCE. THE FBI HAS PROOF I WAS IN FLORIDA JAN 13, 2006, NOT SOUTH CAROLINA.

JURISDICTION

THIS COURT HAS JURISDICTION OVER THIS MATTER IN ITS ORIGINAL JURISDICTION.

STATEMENT

ON MARCH 11, 2006, PETITIONER WAS ARRESTED FOR "Public Disorderly Conduct" HE WAS QUESTIONED ABOUT A BURGLARY IN SPARTANBURG CO. [Indictment # 2009-GS-42-1743] PETITIONER MAINTAINED HIS INNOCENCE AND WAS CHARGED WITH THE BURGLARY. DEMANDED JURY TRIAL AND ON DAY OF TRIAL (AUG 26, 2008) WHILE IN TRIAL AWAITING FOR ALIBI WITNESSES TO APPEAR FROM FIA - THEY (ALIBI WITNESSES) MADE IT TO WOODRIF S.C. - THEIR VEHICLE BREAKS DOWN THEY NOTIFY PETITIONER'S MOTHER AT COURTHOUSE. PETITIONER ASK COUNSEL ROBERT HALL TO REQUEST ONE-HOUR CONTINUANCE HE REFUSED TO DO SO, PETITIONER ENTERS AN ALFORD PLEA MAINTAINING HIS INNOCENCE. PETITIONER FILES PCR ON JUNE 16, 2009 WHILE IN STATE CUSTODY (2009-CP-42-3350). FILED ANOTHER PCR APRIL 22, 2010 (2010-CP-42-3350) ON NOVEMBER 5, 2010. THE STATE FILED AN AMENDED RETURN AND MOTION TO DISMISS BECAUSE PETITIONER WAS INCARCERATED OUTSIDE OF THE STATE OF SOUTH CAROLINA (IN FEDERAL CUSTODY - STATE-SENTENCE CONCERN WITH FEDERAL). ON NOV. 5, 2010, JUDGE J. DEHAM COLE SIGNED AN ORDER OF DISMISSAL. ON FEB 18, 2014 PETITIONER FILED A THIRD PCR (2014-CP-42-506) ON JAN 11, 2016, AN EVIDENTIARY HEARING WAS HELD. PETITIONER IN FEDERAL CUSTODY IN NEW YORK ON TELEPHONE - WHILE COURT HELD IN SPARTANBURG (JUDGE R. FERRELL CATHAM JR.) THE PETITIONER WAS NOT GIVEN A PROPER EVIDENTIARY HEARING - HE WAS NOT PRESENT. DISREGARDING SUPREME COURT RULING CLAYTON V. STATE 301 S.E.2D 133, 134 (1981). ATTY BERNARD RUCKER DID NOT PRESENT EVIDENCE AT HEARING.

PETITIONER ASSERTS IN ALL OF HIS LITIGATION FILED SINCE MARCH 2006. HE HAS ARGUED HE WAS IN FLORIDA REQUESTED ALL COURT APPOINTED ATTORNEYS TO CONTACT LAW ENFORCEMENT-FBI-US MARSHALS. SO THEY CAN PRODUCE EVIDENCE-PROBS OF KEVIN MEDANIELS IN FLORIDA JAN 13, 2006. THEY REFUSE TO DO SO.

PETITIONER HEREBY NOTICES THE S.C. SUPREME COURT THAT LAW ENFORCEMENT-FBI-US MARSHALS HAVE PHYSICAL EVIDENCE OF PETITIONER IN FLA JAN 13, 2006. PETITIONER HAS ALSO NOTICED SPT'S PROSECUTOR BARRY RABETTE AND SHERIFF CHUCK WRIGHT OF THIS ONLY TO BE IGNORED. PETITIONER IS BEING MENTALLY TORTURED FROM BEING HELD AGAINST HIS WILL ESPECIALLY WHEN THE U.S. DEPT OF JUSTICE FBI-US MARSHALS HAVE PHYSICAL EVIDENCE OF KEVIN WAYNE MEDANIEL IN FLA ON JAN 13, 2006. PETITIONER HAS NOTICED ALL COURT APPOINTED ATTYS OF THIS TO INCLUDE "KATHERINE HUDGENS ONLY TO BE IGNORED. PETITIONER HEREBY FILES THIS 'EMERGENCY WRIT OF HABEAS CORPUS (Bring the body forth) MOVING THIS COURT TO IMMEDIATELY ACT ON THIS ORDER THAT PETITIONER AND THE FBI-US MARSHALS BE BROUGHT BEFORE THE COURT IMMEDIATELY SO THE FBI-US MARSHALS CAN PRESENT EVIDENCE AND TESTIMONY THAT KEVIN MEDANIELS WAS IN FLORIDA JAN 13, 2006 NOT IN THE STATE OF SOUTH CAROLINA. IT WOULD BE A COMPLETE "MISCARRIAGE OF JUSTICE" FOR THE COURT NOT TO ACT ON THIS "EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS" WHEN THE FBI-US MARSHALS HAVE PROOF OF PETITIONER IN FLORIDA ON JAN 13, 2006. AND COURT APPOINTED ATTORNEYS HAVE BEEN NOTICED OF THIS.

RELIEF REQUESTED

PETITIONER HEREBY MOVES THIS COURT TO GRANT THIS MOTION AND ORDER PETITIONER TO BE BROUGHT BEFORE THIS COURT FURTHERMORE ORDER THAT THE FBI-US MARSHALS PRESENT THE EVIDENCE OF KEVIN WAYNE MCDANIELS IN FLORIDA JAN 13, 2006 NOT SOUTH CAROLINA. WHEREBY ENTERING SUCH ORDER THAT PETITIONER BE IMMEDIATELY RELEASED FROM CUSTODY. BASED UPON THE FBI AND US MARSHALS NEVER PROVIDED PHYSICAL EVIDENCE OF KEVIN WAYNE MCDANIELS IN FLORIDA JAN 13, 2006.

* CERTIFICATE OF MAILING *

I, Kevin W. McDaniels do hereby declare Under Penalty of Perjury that I have mailed an EMERGENCY WRIT OF HABEAS CORPUS to the SC Supreme Court 1231 Governor St. Columbia, SC 29201 on this 25th day of July 2017 by placing said in an envelope with postage prepaid as agreed for delivery on July 25, 2017.

I declare Under Penalty of Perjury the above is true and correct. July 25, 2017

(S) Kevin W. McDaniels
Kevin McDaniels H254398
TY99A River Corr. Inst Unit 3
200 PRISON Rd.
ENOREE, SC 29335
(PRO-SE)

* THE FBI-US MARSHALS HAVE PHYSICAL EVIDENCE OF ME IN FLA ON JAN 13, 2006 I HAVE BEEN INCARCERATED SINCE MARCH 11, 2006 FOR A CRIME I COULD NOT HAVE COMMITTED. I HAVE BEEN MENTALLY TORTURED OVER 11 YRS WHEN THE FBI & US MARSHALS CAN PROVE I WAS IN FLA. PLEASE GRANT THIS MOTION.

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S.C. SUPREME COURT

ATTN: CLERK PLEASE ASSIGN CASE # AND RETURN DOCKET TEXT SHOWING FILED

KEVIN W. Mc DANIELS H254398

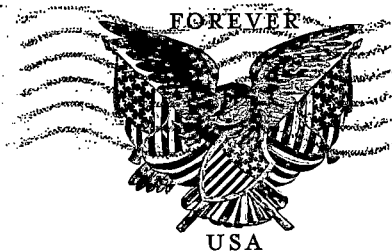
TYGER RIVER Corr. Inst. Unit 3-Rm 419

200 PRISON Rd.

ENOREE, S.C. 29335

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S.C. SUPREME COURT
CLERK OF COURT

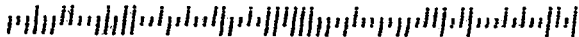
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NOT INSPECTED OR OPENED THE ENVELOPE.
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RESPONSIBILITY FOR ITS CONTENT.
TYGER RIVER CORRECTIONAL INSTITUTION,
C.O. DEPARTMENT OF CORRECTIONS.



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